



# City of Margate

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## Meeting Minutes Special City Commission Meeting

*Mayor Tommy Ruzzano*

*Vice Mayor Arlene R. Schwartz*

*Commissioners:*

*Antonio V. Arserio, Anthony N. Caggiano, Joanne Simone*

*City Manager Cale Curtis*

*City Attorney Weiss Serota Helfman Cole & Bierman*

*City Clerk Jennifer M. Johnson*

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Monday, March 25, 2024

10:00 AM

Commission Chambers and Zoom.us

Webinar ID: 816 1673 6758

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<https://us02web.zoom.us/j/81616736758>

### CALL TO ORDER

### ROLL CALL

**Present:** 5 - Commissioner Anthony N. Caggiano, Commissioner Joanne Simone, Commissioner Antonio V. Arserio, Vice Mayor Arlene R. Schwartz and Mayor Tommy Ruzzano

### MOMENT OF SILENCE - INVOCATION

### PLEDGE OF ALLEGIANCE

### 1) RESOLUTION(S)

- A. [ID 2024-098](#) RESOLUTION - APPROVING THE SEPARATION AGREEMENT BETWEEN JOSEPH GALASKA AND THE CITY OF MARGATE, FLORIDA; PROVIDING FOR RETIREMENT AND BENEFITS; PROVIDING FOR AN EFFECTIVE DATE.

**A motion was made by Commissioner Caggiano, seconded by Commissioner Arserio, that this Resolution, should be discussed.**

COMMISSIONER ANTONIO V. ARSERIO questioned City Attorney Tolces whether part of this separation agreement included a release of liability which was similar to a few that had recently been completed.

CITY ATTORNEY DAVID N. TOLCES confirmed yes.

**The motion carried by the following vote:**

**Yes:** 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Arserio, Vice Mayor Schwartz and Mayor Ruzzano

MAYOR TOMMY RUZZANO questioned City Manager Curtis if they had to choose a new Chief of Police (CoP).

CITY MANAGER CALE CURTIS confirmed that it would be appropriate for the City Commission to select an Interim CoP.

**A motion was made by Commissioner Caggiano, seconded by Commissioner Simone, to insert the name, Major Michael Palmer.**

VICE MAYOR ARLENE R. SCHWARTZ questioned whether this was the appropriate time to discuss the powers of CoP. She questioned City Attorney Tolces what meaningful change a person could make based on a union contract.

CITY ATTORNEY TOLCES advised that he was sure that someone could make a meaningful change notwithstanding the existence of union contracts. He also stated that it would depend on what type of change would be made.

VICE MAYOR SCHWARTZ referenced reading words containing "negotiated departure" and was unsure if something of that nature was in the contract as she would like to think that the person they give this position to and who may get that job permanently had the opportunity to do what was mentioned about a clean house if it was necessary. She believed that the person taking the job now would feel that he had the opportunity to make the change.

COMMISSIONER ANTHONY N. CAGGIANO concurred with Vice Mayor Schwartz's comments.

CITY ATTORNEY TOLCES advised that the questions would be best put towards the person who the City Commission appoint as Interim CoP.

COMMISSIONER ARSERIO believed that they were going to review some of the incidents based on the last City Commission meeting as they still approved to continue with the investigation. He advised that based upon the outcome of the review, there were still some policies that they could work with the new CoP to change or outside the union contracts which may prevent some of these perceptions of certain behaviors in the future.

CITY MANAGER CURTIS listed the duties that Interim CoP would be expected to carry out which were identical to a regular CoP. He explained that he would expect the Interim CoP to carry out those tasks in consultation with himself and certainly keep the City Commission all apprised.

MAYOR RUZZANO referenced the succession plan and the Majors and questioned whether they could only be chosen from within.

CITY MANAGER CURTIS explained that the Majors were selected from the Captains and Lieutenants which was a unique situation. He said that Captains and Lieutenants were covered by union agreement and that the Majors were appointed by the CoP from

Lieutenants and Captains. He advised that if they were removed from the Major position, they would fall back to their previously held position which would be made with his approval.

Discussion ensued on the Majors, Captains and Lieutenants.

CITY MANAGER CURTIS explained that the Major positions were created and brought before City Commission containing that language and said that if his memory served him correctly, it would have been something that was suggested or recommended by the Police Department. He would have to research but he believed if the City Commission wanted the Majors to not go back to Captains and Lieutenants, they would have to amend those positions within the Resolutions which would have to be negotiated with the union.

MAYOR RUZZANO questioned the City Commission if that was something that they wanted to look into as he wanted to discuss this with the Interim CoP.

COMMISSIONER CAGGIANO confirmed that he did not want to make any changes until he heard what Mayor Ruzzano's issues were and deem whether or not they were worthy of the change.

Discussion ensued.

COMMISSIONER JOANNE SIMONE believed that they should leave it up to the Interim CoP as it was for the department.

MAYOR RUZZANO believed that Interim CoP's Palma's hands were tied and that they could look at this to give him some flexibility with the Majors and possibly hire a Deputy CoP to groom them to become the next CoP. He said that he would speak to CoP Palma in-depth and would welcome any suggestions or recommendations to where they need to get 'quicker, better, smoother.' He recommended that Interim CoP Palma should have a team consisting of an assistant and three majors which would avoid a "no confidence vote." He alleged that when the Police staff undertook the vote of no confidence on the former CoP, the majority of them wanted to do it on the whole command staff.

COMMISSIONER CAGGIANO indicated that if Interim CoP Palma did the same thing with the change versus without the change, it would still look the same. He agreed with Mayor Ruzzano that there would still be cliques within the Police Department whatever happened and that the Interim CoP Palma needed to make whatever changes were necessary. He explained that one of the selling points for becoming a Major for the Captains or the Lieutenants was for the ability that if it did not work out, they could revert back to their previous position and that he would like the Interim CoP Palma to be given time to make that decision.

CITY MANAGER CURTIS responded to Commission Caggiano's comments and thought that when the Major positions were created, that was a concern of the candidates that they would then become at-will and referenced job or union protection.

COMMISSIONER ARSERIO said that it may not even be something that they did wrong and that a CoP may want to leave after a couple of years. He said to Mayor Ruzzano that he was open to it but he wanted to hear from Interim CoP Palma after a couple of weeks in this position of the changes he recommends but ultimately, he would prefer an external CoP. He wanted to ensure that the Interim CoP was set up for success and if

they were in receipt of the reports and if Interim CoP Palma made recommendations, he would certainly look at changing how the majors were brought in or removed. His only concern was that if the majors were at-will, they may not have anyone to take those positions but would keep an open mind. He explained his decision for his preference for selecting an external candidate which would avoid the perception of cliques or favoritism.

COMMISSIONER CAGGIANO concurred with Commissioner Arserio about his concerns.

COMMISSIONER SIMONE said 100% that they needed an external candidate for the CoP position.

MAYOR RUZZANO explained that if they did get a replacement, they would like to see the positions of the Majors include external candidates.

COMMISSIONER CAGGIANO questioned how this would be funded if they would have to hire new people.

Discussion ensued.

CITY MANAGER CURTIS said that Commissioner Caggiano was correct. He explained that Majors were filled by in-house personnel and if they were to look at bringing in external applicants, they would be adding positions as those Majors would revert back to their previously held jobs.

COMMISSIONER ARSERIO said that he would not oppose this if they had to come up with additional funds and said that sometimes, you have to pay to get quality. He believed that the City Commission should be part of the discussion if the CoP wanted to bring in external staff.

CITY MANAGER CURTIS referenced this conversation and said that it was something that he and Interim CoP Palma could discuss as there may be an opportunity if they have vacant Officer positions that they did not need to add all of the positions back unless they were dropping Lieutenants down and they could be part of that force. He asked that if it was the wish of the City Commission to see a quick organizational change in the interim by adding or reducing positions or if they wanted to wait until they get a permanent CoP in place to make those recommendations.

MAYOR RUZZANO recommended doing this now.

COMMISSIONER ARSERIO questioned whether they were suggesting that they set up the structure to allow a new CoP to bring some external Majors but to not execute it until they find a replacement.

VICE MAYOR SCHWARTZ indicated that she had already made it clear that there was no one within the Police Department that she would promote into that permanent position for obvious reasons. She referenced that when people became principals, they get out of their respective union and become annually contracted and in April, they would wait for the letter to say that they have been reappointed which she believed was a calculated risk of being promoted.

MAYOR RUZZANO questioned how the structure and financial aspect of the appointment of the CoP would work.

CITY MANAGER CURTIS explained that in terms of structure, Interim CoP Palma would

have all the duties, powers, roles and financially, when somebody was placed into an Intern capacity of a position higher from where they were at and taking on additional responsibilities, the City would normally provide 10% additional responsibilities which was added to their current base salary. He advised that former CoP Galaska made an annual salary of \$183,855 and Major Palma was earning a \$162,843 per annum which would bring it to \$179,127 as an Interim CoP.

Discussion ensued on whether Interim CoP Palma should be on the same salary as the former CoP Galaska.

CONSENSUS was given by the City Commission to pay Interim CoP Palma a salary of \$183,855.

**A motion to amend was made by Commissioner Caggiano, seconded by Commissioner Simone, to appoint Major Michael Palma as Interim Chief of Police as the proposed salary of \$183,855. This carried as follows:**

**Yes:** 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Arserio, Vice Mayor Schwartz and Mayor Ruzzano

MAYOR RUZZANO clarified to Interim CoP Palma that he would be making the same salary as CoP Galaska and that the City Commission would try to help if he came up with tools that he believed would work.

COMMISSIONER CAGGIANO said that he did not want CoP Palma to be fearful of making changes that he feels were necessary and that the City Commission were supportive.

INTERIM CoP, MICHAEL PALMA, thanked the City Commission for their support and confidence in him. He reassured the City Commission by saying that they would get the best from him every single day and said that the status quo was completely unacceptable. He would communicate his proposed changes with City Manager Curtis as well as the City Commission. He did not want to rehash what was already said but heard the City Commission loud and clear and was aware that change had to happen.

COMMISSIONER SIMONE questioned if the City Commission needed to discuss looking for an external candidate.

COMMISSIONER ARSERIO indicated that there was a CONSENSUS for an external candidate. His preference would be to find a recruiter who specialized in hiring first responders/high ranked positions. He specifically did not want to use a previous recruiter the City had utilized and also did not want to pay an upfront fee of 90% before they actually produced.

COMMISSIONER SIMONE believed that the recruitment needed to be nationwide.

VICE MAYOR SCHWARTZ disagreed with Commissioner Simone's recommendation and explained that the recruitment needed to be state-wide. She questioned what part Human Resources (HR) would play.

COMMISSIONER ARSERIO concurred with Vice Mayor Schwartz as he said the policing

styles were different state-to-state. He said for the immediate, he would prefer state-wide but would not oppose looking broader if they had a bad pool. His preferred candidate would have a highly experienced background as a Sheriff or a current or former CoP.

CITY MANAGER CURTIS confirmed that HR would play a role but he would recommend using a recruiter for the CoP position to target specific areas which would cover marketing and screening of candidates. He imagined that either one or all of the City Commission would be involved in the interviewing process and explained the same. He advised that he could bring back at least three different recruiters for the City Commission to peruse their services and history. He said that the CoP's job description was already established which he would provide the City Commission with a copy and said that the recruiter would put together the marketing brochure based on the information from the City. He would also seek input from the City Commission as to the certain qualities and qualifications that they specifically sought which were above and beyond what the job description called for. He continued to discuss the process options and would provide a copy of the CoP job description to the City Commission.

Discussion ensued including the City Commission getting involved in the job description.

MAYOR RUZZANO continued to discuss the future and process of the CoP and made reference and spoke well of Al Lamberti who he alleged was interested in applying for the said position. He did not see a succession plan in the Police Department.

INTERIM CoP PALMA repeated that the Interim CoP was not status quo and that his job was to make it better or have an easy transition whoever that person may permanently be. He hoped to work with the CoP when they were appointed which he believed was a key component as he was part of that process to bring in that person.

MAYOR RUZZANO recommended that they make a budget amendment for an Assistant CoP when the CoP was appointed and said that Interim CoP Palma could revert back to that role and that they could determine their three Captains or Majors and who could be chosen internally or externally which he believed would establish a good team.

VICE MAYOR SCHWARTZ commented that it would probably take them up to the budget time for all of this to be put in place.

INTERIM CoP PALMA referenced policy change and recommended the return of the Civil Service board back into the mix.

Discussion ensued on the Civil Service board.

COMMISSIONER ARSERIO questioned whether the City needed to wait on a Recruiter for a few weeks for a review and sought input from Interim CoP Palma. He heard that there were some hidden gems out there and suggested that Al Lamberti could come in as the Deputy CoP for six months and then Interim CoP Palma would then take the Deputy CoP thereafter.

CITY MANAGER CURTIS said that during the interim, he could obtain proposals from recruiters.

JULIE JONES congratulated newly appointed Interim CoP Palma and said that he was a good guy. She suggested bringing in a few retired CoP to sit in on the interviews.

## ADJOURNMENT

There being no further business, the meeting adjourned at 10:41am.

Respectfully submitted,

Transcribed by Salene E. Edwards

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Jennifer M. Johnson, City Clerk

Date: \_\_\_\_\_

PLEASE NOTE:

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the transcript.

[Appendix A – Zoning – Section 3.3] Any representation made before any City Board, any Administrative Board, or the City Commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's office at (954) 972-6454 with their request at least two business days prior to the meeting date.

One or more members of the City of Margate advisory boards may be in attendance and may participate at the meeting.

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