



City of Margate

5790 Margate Boulevard
Margate, FL 33063
954-972-6454
www.margatefl.com

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

Thursday, May 9, 2024

4:00 PM

Commission Chambers and Zoom.us
Webinar ID: 829 4665 0225

<https://us02web.zoom.us/j/82946650225>

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) DISCUSSION AND POSSIBLE ACTION

A. [ID 2024-161](#) DISCUSSION AND POSSIBLE ACTION - EMPLOYEE COMPLAINT

MAYOR TOMMY RUZZANO explained that the City Commission received a complaint against staff members including those that they could hire, fire and reprimand, hence the reason for calling this Special City Commission Meeting.

CITY ATTORNEY, DAVID N. TOLCES, advised that he was not going to read anything as it was a matter for the City Commission to discuss or they could direct Human Resources (HR) Director, Meyer, to take the appropriate action.

A motion was made by Commissioner Simone, seconded by Commissioner Caggiano, for the Human Resources Director, Meyer, to hire an independent third party to conduct an investigation into the employee complaint and recommended the office of RC Law Group Investigator, Ria Chattergoon, to conduct the investigation.

MAYOR RUZZANO referenced the 13 page report and could not understand why it was not available to the public but upon reading the same, he believed the only investigation

that needed to be made were the concerns contained within the report and not against the City Manager and the City Attorney who were included in the same. He said that they also received a separate letter from RC Law Group Investigator, Ria Chattergoon, who mentioned that there were problems.

COMMISSIONER ANTONIO V. ARSERIO agreed that the complaint should be made public and it was really one City employee against another City employee. He said that as it affected the Police Department, he could not understand why the Interim Chief of Police (CoP) could not look into the complaint between the two employees and if it was determined otherwise, then they should look into it further. He indicated that the report was trivial.

Discussion ensued.

VICE MAYOR ARLENE R. SCHWARTZ stated that if they were going to investigate some complaints, they should investigate all equally and that the City Commission should not make the decision if they deemed that it was less of importance. She was advised by HR Director, Meyer, that the Law Officers' Bill of Rights stipulates that the complaint was not allowed to be made public. She would investigate every complaint and that she would vote for an investigation.

Discussion ensued on why the complaint was not made public, whether the complaint should be investigated and comparing this to how the previous complaint was handled.

MAYOR RUZZANO indicated that it was not up to the City Commission to investigate the Police Department. He would prefer City Manager Curtis to work with HR. He asked if there would be a cap of money for the investigation. He highly recommended that HR Director Meyer and one of the City Commissioners should be involved.

Discussion ensued including a question and answer session with HR Director Meyer.

HR DIRECTOR, LAURIE MEYER, introduced herself. She said that they could ask for a quote but was informed that the last investigation was approximately \$9,000 with an hourly rate of \$350. She advised that the cost would also depend upon:

- The scope of the investigation;
- The number of individuals that needed to be interviewed;
- If there were any kind of coordination between the investigator and Internal Affairs; and
- If there were policy violations that would need to be investigated on that side.

MAYOR RUZZANO questioned the City Commission if they were okay with that amount.

Discussion ensued.

COMMISSIONER ANTHONY N. CAGGIANO said that if they could go between \$12,000 - \$15,000 and if it exceeded that amount, the City Commission could return to discuss this further.

HR DIRECTOR MEYER said that there were matters that would appear to necessitate some investigation occurring on the Internal Affairs' Police Department. She read the City's Code in Section 30-2B which stipulates that the complaint and its contents should be kept confidential. She also explained that it had always been the City's past practice to keep that information confidential until such time before an individual was interviewed.

MAYOR RUZZANO questioned whether the investigation was going to be held to just the people in this report.

Discussion ensued.

COMMISSIONER ARSERIO referenced a previous investigator's report findings which led to further information.

HR DIRECTOR MEYER advised that in general, most of their investigations were conducted internally but given the nature of this complaint and the individuals involved, in this particular instance, she believed that it would be in their best interests to use a third party. She said that this had certainly been a unique situation for all of them.

COMMISSIONER ARSERIO explained that based on the findings and the process of the investigation, he would like to appoint a third party attorney that the City Commission could consult with. He was concerned for HR Director Meyer and said that she would not be able to consult with City Attorney Tolces if the City Commission agree to conduct this investigation.

CITY ATTORNEY TOLCES advised that they could assist the HR Director in identifying individuals who could sit with the City Commission when the report was completed.

Discussion ensued.

VICE MAYOR SCHWARTZ questioned if the Police Department still had the services of Greg Rossman.

HR DIRECTOR MEYER was unsure about Greg Rossman as it was before her time.

Discussion ensued.

CITY ATTORNEY TOLCES said that they would provide some assistance to HR Director to find somebody to assist the City Commission.

COMMISSIONER ARSERIO questioned if the City Commission wanted to make it consistent by setting a cap.

COMMISSIONER CAGGIANO had doubts whether the cap would be helpful and that it may have to be set at \$25,000 and then return if they required more money.

Discussion ensued.

CITY ATTORNEY TOLCES recommended letting the HR Director work to identify an appropriate legal Counsel and then she could bring back a retainer agreement for the City Commission to approve which would contain the terms and conditions.

Discussion ensued.

MAYOR RUZZANO said moving forward, they should look into their promotions process in that department. He said that upon listening to Vice Mayor Schwartz, she would address every letter of complaint about senior members of staff and that if it continued, he would go to Broward County Sheriff Office (BSO).

HR DIRECTOR MEYER explained that they conducted a Zoom meeting and that the Interim CoP had plans to put together a Committee to discuss the revamping of that process.

Discussion ensued.

An amendment was made by Mayor Ruzzano, seconded by Commissioner Arserio, that they should remove the City Manager and City Attorney from this investigation.

VICE MAYOR SCHWARTZ indicated that if they were going to hire an investigator, they should be given the opportunity to determine whether there was validity in that part of the complaint. She explained that she would not investigate every complaint but said that this one was unique.

Discussion ensued including whether this investigation should be conducted internally with HR.

The motion as amended failed by the following vote:

Yes: 2 - Commissioner Arserio and Mayor Ruzzano

No: 3 - Commissioner Caggiano, Commissioner Simone and Vice Mayor Schwartz

The original motion carried by the following vote:

Yes: 4 - Commissioner Caggiano, Commissioner Simone, Commissioner Arserio and Vice Mayor Schwartz

No: 1 - Mayor Ruzzano

COMMISSIONER ARSERIO referenced Mayor Ruzzano referring to BSO and said that while they were in this situation and that the City had not officially hired a CoP, he believed that it would be for the City Commission to do their due diligence to look at all options and they should, at least, obtain a quote from BSO for the Police. He said that other cities were saving money and that the City of Tamarac spends \$4,000,000 less per year on their Police Department in comparison to Margate where they would save \$2,000,000. He referenced the legacy and workers comp costs and highlighted the politics involved with the union negotiations. He did not know how they would fix all of the internal conflicts with a new CoP. He said that if the City brought in BSO, it gave the City savings, unlimited resources and there would also be better career opportunities for the Police Officers .

VICE MAYOR SCHWARTZ sat with four cities when they complained about BSO and said that it was not cheaper and that they did not refund the money they overpaid. She said that there were 14 cities that complained about the combination of the fire or the police and said that they never knew who would be working where and that they moved everybody around. She explained that she would never vote to get rid of Margate's Fire and Police Department.

Discussion ensued.

MAYOR RUZZANO indicated that he had no problem in receiving a quote from BSO. He explained that one of the advantages would be that they would not be having these meetings if they were with BSO.

Discussion ensued.

MAYOR RUZZANO questioned the City Commission if they would be interested in receiving a quote from BSO.

Commissioner Caggiano - No.
Commissioner Simone - Not at this time.

Discussion ensued.

HR DIRECTOR MEYER sought clarity on how this was supposed to work between the third party investigator, herself and a City Commissioner. She also questioned if the City Commission would appoint someone to be able to direct or be the point person on this matter and referenced the Sunshine law.

MAYOR RUZZANO would have no problem with a City Commissioner being a point person as it would not be a Sunshine violation.

HR DIRECTOR MEYER questioned whether the City Commissioner appointed would be present for all interviews.

Discussion ensued on whether there should be a City Commission representative.

COMMISSIONER ARSERIO believed that the powers should be invested in the third party attorney.

Discussion ensued whether an employee from another department should be part of the investigations.

MAYOR RUZZANO suggested Assistant City Manager, Vignola, be the point person.

ASSISTANT CITY MANAGER, LARRY VIGNOLA, confirmed that he would accept that position.

Discussion ensued.

COMMISSIONER ARSERIO had no problem with Assistant City Manager Vignola being the point person but questioned whether they were still appointing a third party attorney.

MAYOR RUZZANO confirmed yes to the third party attorney.

HR DIRECTOR MEYER thanked the City Commission for the clarification.

COMMISSIONER ARSERIO summed up by saying that the City Commission wanted the best for Margate and although they may raise their voices, it was not ill-intent towards anyone as they were just frustrated.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:45pm.

Respectfully submitted,

Transcribed by Salene E. Edwards

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.

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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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- A copy of the Agenda for this Meeting is posted on www.MargateFL.com and on the main bulletin board outside City Hall located at 5790 Margate Blvd, Margate, FL 33063.

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