

**CITY OF PORT ST. LUCIE  
CITY COUNCIL SPECIAL MEETING MINUTES  
MARCH 9, 2012**

A Special Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on March 9, 2012, at 9:30 a.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**1. MEETING CALLED TO ORDER**

**2. ROLL CALL**

Council Members

Present:

Mayor JoAnn M. Faiella  
Vice Mayor Linda Bartz  
Councilwoman Michelle Lee Berger  
Councilman Jack Kelly  
Councilwoman Shannon M. Martin

Others Present:

Jerry A. Bentrrott, City Manager  
Gregory J. Oravec, Assistant City Manager/  
CRA Director  
Roger G. Orr, City Attorney  
Major Scott Bartal, Police Department  
Stefanie Beskovoyne, Assistant City Attorney  
Pam E. Booker, Senior Assistant City  
Attorney  
Natalie Cabrera, PHR, Human Resources  
Milton Collins, Assistant City Attorney  
Edward Cunningham, Communications Director  
Marcia Dedert, Finance Director/Treasurer  
Joel Dramis, Building Official  
Azlina Goldstein Siegel, Assistant City  
Attorney  
Carol Heintz, Assistant City Clerk  
Renee Major, Risk Management Director  
Jesus A. Merejo, Utility Systems Director  
Jack Reisinger, Engineering Department  
Major Gary Robinson, Police Department  
Pat Selmer, Assistant Community Services  
Director  
Cheryl Shanaberger, OMB Deputy Director  
Susan Williams, Human Resources Director  
April C. Stoncius, Deputy City Clerk

**3. PLEDGE OF ALLEGIANCE**

Mayor Faiella led the assembly in the Pledge of Allegiance.

**4. DISCUSSION ON ACCOUNTABILITY**

Mayor Faiella said, "I want to thank Councilwoman Berger for requesting a Special City Council meeting in reference to issues that transpired in the last two weeks. I am not happy with the way that staff handled certain situations. We wanted to bring it out into the light to let the public know what transpired, and what actions we took." Councilwoman Berger stated, "We have had some time to review the information, and after a line of questioning with the City Manager and the City Attorney, I felt as though I had gotten most of my questions answered. There was a lot of information in the newspaper, but as we know, we can't have discussions through the newspaper or with each other when it comes down to voting on issues. We need to have some discussion regarding disciplinary action for our direct reports, and discuss our new expectations or reset our old expectations with our direct reports. In a respectful manner, I think it is appropriate for us to have that conversation today." Mayor Faiella asked, "Mr. Bentrott, can you introduce Major Bartal?" The City Manager replied, "There are several questions surrounding the details of what happened, and both of those incidents are under investigation by Internal Affairs investigations at this time. I would ask Major Scott Bartal to address those issues at this time. Because of the investigations under the Police Officers' Bill of Rights and the confidentially agreements that various people have who are a part of those investigations, it cannot be discussed at this point, but Major Bartal will explain the situation."

Major Bartal said, "Chief Reuther is out of town, and could not return on time to be here this morning. I will be representing Chief Reuther's command staff, and will answer any questions that you may have regarding the two incidents that occurred during the early morning hours of February 18, 2012. I trust that whatever information that I am able to provide you today will be helpful in achieving the eventual goal that you have set. However, I would first like to inform you that Chief Reuther, upon learning some additional information after the initial facts were learned, ordered two separate Internal Affairs investigations into the events of February 18, 2012. Both investigations are ongoing, and I have been assured that they are close to completion. Because the investigations are still open, my ability to provide you with the answers you may

be seeking is very limited. I am prohibited by the Police Officers' Bill of Rights from knowing about the contents of the investigation until it is completed. Once they are completed, the investigation will be open to each of you, the media, and the public. However, there may be some questions that I may be able to answer that I hope you will find helpful." (Clerk's Note: A copy of the Police Officers' Bill of Rights was provided.)

Councilwoman Berger said, "I had no intention of asking any police officers any questions today. I had a series of questions that I presented to Mr. Orr, Mr. Bentrrott, and in Mr. Bentrrott's absence, Mr. Oravec, and have not received some of the answers back. I'm under the understanding it is because some of this is being done through IA, but some of the questions are very simple and don't require a full Internal Affairs Investigation to give a Council member an answer or an understanding that there is action being taken. When I spoke with Mr. Bentrrott on Monday, we talked about what this meeting could look like. I made sure he and Mr. Orr fully understood that today's meeting could be just a discussion, or it could lead up to and include termination of either one of them, or both of them, or more people. That is a serious comment to make, and in making it, my hope was I could then expedite obtaining some answers, but I still could not get them. I appreciate the Police Officers' Bill of Rights and I understand what it means, but I'm looking for leadership, which is the bottom line. I have received no indication that there is a lot of leadership going on in just about any area. This week I was encouraged by the Legal Department and the people in the department who took a leadership role, and stood up and said we are not happy with the way that this is going. Internally, I expect leaders at every level."

Councilwoman Martin stated, "I too, have been very unhappy through the course of the last two weeks with the lack of leadership on behalf of Mr. Orr and Mr. Bentrrott. I think that what happened on the part of Mr. Orr is that, unfortunately, in this matter personal feelings got in the way of his professional judgment. The process was handled very poorly, which ended up making the situation worse. Unfortunately, that is the reason that we are here today. Immediate action should have been taken with regard to any and all discipline. From the beginning, I asked Mr. Orr what he was going to do about the situation, knowing full well that there were clear rules and regulations that were violated, which were Group II and Group III offenses. The initial response I received from him was, 'I don't have anything to write her up for.' That confirmed that we had a

leadership problem, and I believe that personal feelings got in the way. Then there was an incident with a resident and Mr. Orr where there was a lot of unprofessionalism. I know it was because of the gravity of the situation, but we have a duty and a responsibility to make sure that we act as professional as we can, even though some things bother us. It is our role and our job, and we have to deal with it, because that is what we owe the public. I have been very unhappy with the leadership, and I have also spoken to Mr. Bentrrott about how he feels about the matter. I understand that the Internal Affairs Investigation will end very quickly, as it had to be addressed right away. We needed to know, as a Council, what the next steps were going to be. With regard to the leadership and suggestions that I thought that I would hear from Mr. Bentrrott, I didn't hear anything. There were no suggestions made to Mr. Orr about what he should do regarding Ms. Taylor. I was really disappointed about that, because we shouldn't be here today. We rely on our staff, the people that are under our direct control, to make sure that staff matters are handled appropriately. That did not happen, and that is the reason that we are here. It pains me to be here, but I can't sit by and not hold people accountable. I won't do it, as it is not right for anybody in the City, including the employees."

Councilman Kelly said, "I can't disagree with the things that have already been said. I spoke to Mr. Orr and Mr. Bentrrott, and I appreciated the calls I received from Mr. Oravec and Ms. Booker, who finally got me everything that I needed yesterday at 3:00 p.m. That is how long it took to get me the requested information. Councilwoman Berger sent an email last Saturday requesting information, which I immediately piggybacked on, but I didn't get the information until yesterday. Today is the first time that I've heard about an internal investigation." Mayor Faiella stated, "Hence, Councilman Kelly, the meeting we are having today." Councilman Kelly said, "I would have liked to have heard about it, as I've been here for 12 years, and this is the first time that I've seen the communication broken down this poorly. I want to remind everyone that Mr. Orr, Mr. Bentrrott, you, or me were not the ones that got stopped. We were not the ones that flashed some kind of badge, or tried to take off. It was an employee, and I want to remind everyone that is where it started. There was a communication breakdown, and there are concerns regarding accountability that have to be dealt with, but remember where it stemmed from. They didn't do this. They may not have handled it correctly, but when I spoke to Mr. Orr, he indicated that he had nothing to write Ms. Taylor up for because there wasn't a documented DUI. Six days later, he finds

out that there was a memo." Mayor Faiella asked, "Do you know why?" Councilman Kelly replied, "No. That is why I'm asking." Mayor Faiella pointed out, "I asked him to talk to the officer." Councilman Kelly stated, "He didn't know about it until he interviewed the officer. When he read the memo to me, it was a game changer for me also. There was absolutely a huge problem, and I'm not condoning what he did, as there is accountability. It was a breakdown in communication from the Police Department to him, and then from him to Mr. Bentrrott, who was out of town. I asked for the information at least on three occasions, and it wasn't taken care of, so there was a complete breakdown. Should Mr. Bentrrott have come back for this?" Mayor Faiella advised, "The situation started a week prior to Mr. Bentrrott leaving." Councilman Kelly said, "Mr. Bentrrott did respond and called me back."

Councilman Kelly continued, "Regarding the internal investigation, I don't know if we should have an outside investigation. We needed to have this meeting today to let everyone know that works for us that we are concerned. There was a total breakdown in communications, and it is something that we need to discuss further. Please keep in mind, Mr. Orr didn't get stopped, Mr. Bentrrott didn't get stopped, Chief Reuther didn't get stopped, Ms. Taylor did, and she made us look bad. We have 900 employees, and not everyone lives their personal lives the way that we would like them to." Mayor Faiella said, "With all due respect, I understand that, but from that incident other issues occurred that should have been taken care of and weren't. It looks like we were hiding things under the rug, and that is not the perception that we want out there." Councilman Kelly said, "People can't answer things if they don't have the information." Mayor Faiella stated, "The information was there, but there was neglect on getting it. That is how I feel." Councilwoman Martin said, "For me, this is two separate issues. Ms. Taylor's incident of getting stopped, which is a police matter, and we are dealing with it through Internal Affairs. The issue with accountability has to do with how the process worked, and how she was disciplined. Before we knew about the officer's memo to self, before Mr. Orr talked to the officer at the request of the Mayor, Ms. Taylor committed violations pursuant to the Rules and Regulations of the City. We knew it, it was there in black and white, and there was no grey area there for me. The response I received again was, 'I have nothing to write her up for.' If I can see it and everyone else can see it, there is no reason why Mr. Orr could not have seen it. That is the problem that I'm having, and that is also the problem that I have with Mr. Bentrrott. I know they spoke, and there was no

leadership to indicate there was a problem. Mr. Bentrrott is in charge of every single employee in the City. There is an unwritten rule that they are separate because of who they answer to, but the Charter says specifically that Mr. Bentrrott is in charge of every single employee in the City, including appointed administrators. It says it in the Charter. It is there in black and white."

Councilwoman Martin continued, "With regard to the Assistant City Attorneys, through the Charter we do have control over them as well, because we appoint them, but there has also been a breakdown over the years. The only person that the City has formally appointed as an Assistant City Attorney is Pam Booker. Somewhere along the line, we separated from what the Charter indicates for appointing people. Now we have Assistant City Attorneys that were never formally appointed. It is a violation of the Charter, and Mr. Orr and Mr. Bentrrott are the guardians of the Charter. I would like to know where that broke down. Also, when Ms. Taylor was hired, she disclosed an issue on her application. The standard process was done regarding calling her former employers to ask about her dates of employment. She mentioned the incident, but no one from this City took the next step after it was disclosed to check out the information. She had a misdemeanor trespassing charge on her application, but no one took the opportunity to look into it." Mayor Faiella pointed out, "When the question was asked if she was fired before, no one could give us an answer." Councilwoman Martin said, "That is another problem that we have in the process. My concern is that as we hire people, how are we making sure that we are completely and fully vetting employees of this City? What are we going to do in the future to make sure that this doesn't happen again? In a couple of months, we are going to be hiring a police chief. I don't want to find out three months after this person is hired from a resident that there are prior issues. It is completely inappropriate. The accountability issue is completely separate from Ms. Taylor getting stopped, and how it was handled by the Police Department."

Councilman Kelly said, "Councilwoman Martin, you are talking to me like there is a disagreement between us. I'm trying to offer you a bigger picture, because I'm the senior person here. Mr. Orr has been here for 25 years, and I have to go by his past record. This is just one instance. We don't live in a perfect world, so let's fix it. This is a problem, but we will fix any problem in the Charter or in the breakdown in communication, and that is what we are here for. Let's find out what happened." Councilwoman Martin clarified, "We have a great Legal

Department, and that is not the issue." Councilman Kelly remarked, "I'm giving you an overview of the experiences I've had." Councilwoman Martin said, "I don't need your overview, but thank you." Councilman Kelly stated, "I do not disagree with you. It is a huge concern and is important. I don't want to exacerbate everything into something. Let's fix it." Mayor Faiella explained, "You can't fix what happened. The facts are the facts."

Vice Mayor Bartz said, "I cannot totally disagree with the Council. The situation was bad, and there is no doubt about it. We can't fix it, but at some point, we have to come to a conclusion and move forward, and learn from it. There has been some breakdown in the process. It is very easy to say Mr. Orr should have known her background when she was hired. However, there is some discretion there, as her full background was not disclosed on her application. Seven years ago, I'm not sure that everyone was googling people. Typically, when you are given an application, a background check hasn't been done at that point. Many times you make your determination on what you are going to do with those people that you have interviewed. You count on the Human Resources Department to do an accurate background check. At that point, I believe that the process broke down. There was no communication to indicate the person that was interviewed had an issue. There needs to be a change in the process, and the communication. Our department heads work hard to interview and hire the right people, and coach and teach them. Having been in those positions, I can tell you that if you do it for any length of time, you will make mistakes. We can talk about leaders, but what we are forgetting is that leaders are human. We all make errors. I believe our department heads do the best job that they can, but I also believe that there are some processes that need changing. They are all going to make errors." Mayor Faiella pointed out, "Keep in mind, leaders also lead by example. We never said that they were perfect." Vice Mayor Bartz stated, "And by example, they make errors. There was a drop in communication, and I'm disappointed in a lot of things that happened. I think that we need to be looking at the whole picture in determining what we are going to do. We need to look at how this affects the entire City and the employees, and how we can move forward, because we can't fix what happened. We need to learn from it, and move forward."

Mayor Faiella inquired, "Mr. Orr, how did you determine Ms. Taylor's termination yesterday?" Mr. Orr responded, "Ms. Taylor's continued relationship with my office was tearing it apart. At that point, there was a breakdown of respect by other

staff members. I don't think that she could have been as effective as she needed to be in the position that she was in. Also, I have had continuing communications with members of the Council, and I think that going forward, I don't believe that she would have been as effective as she needed to be in representing the City before the City Council. That is what happened to change it from a five day suspension, which was dealing with a different issue, to what I viewed was in the best interest of the City. The best interest, at that point in my opinion, was to terminate her employment pursuant to her contract." Councilwoman Berger said, "Councilman Kelly has reminded us that it is bigger than just what happened with one individual. It is unfortunate that someone had a night out and made poor choices, and the people that are at this table were home sleeping. The decisions that an employee makes are a direct reflection of the leadership above them. The decisions that you all make are a direct reflection of us, the City Council. I want to congratulate and recognize that we have a great team. The Legal Department has great hires. You established what I would consider a high performing team, with the exception of one. I think it is important to say that today." The City Attorney said, "I'm very proud of the people I have, and I do have a great team. As the week went on, I saw the impact on my team regarding the situation, and that is why I changed my position going forward. It was precisely to protect the effectiveness of the Legal Department, as I thought it was compromised." Councilwoman Berger pointed out, "The other thing that could be compromised as well is your future hiring potential. As you start to have this kind of exposure because of one individual, it might limit the quality of candidates that come forward in the future. I applaud you for making the decision, but I think it was later than I would have liked it to be. For that, there needs to be some consequences for a delayed decision, but I'm glad that you made one."

Councilwoman Berger stated, "One of the other things that Mr. Orr and I spoke about was regarding the day of our Retreat, as there was an interaction with a member of the public. We didn't see it or witness it, but we received an email during the Retreat. I asked Mr. Orr to consider leaving the meeting, because I was concerned about the emotional weight that was occurring as a result of the interactions, both with the public that day and members of this Council individually. It was a high pressure day at the least, and my recommendation to Mr. Orr was to remove himself from the meeting and to allow Ms. Booker to sit in for him. In that conversation, Mr. Orr basically indicated he was gathering himself and wanted to stay. The rest

of that time, he was fine and operated appropriately and adequately during the Retreat. The emotional and human piece does rear its ugly head sometimes, and that day was another example of him being human. I would like to make sure that we put something into your file regarding that interaction. I'm talking about corrective action much like what I put into Mr. Cooper's file. It will address the issue of interaction with the public."

The City Attorney stated, "I have mentioned the big red button to all of you. If you allow it to get pushed, and start responding from your heart and not your head . . . I apologize, I let my red button get pushed." Councilwoman Berger said, "You have been the one over the years to teach me the fish story. I have gotten better, but I still remain human and can be very easily baited sometimes. Mr. Orr would tell me that I'm not a fish, do not allow yourself to be baited. There has been more than one occasion that I've written that on a 3x5 card, and put it on the dais as a result of what you had taught me. I think you forgot what you taught me that day." Mayor Faiella said, "Mr. Orr, you tell me that all of the time, so when I got the phone call that night, I didn't believe it. You always pointed out the better person doesn't let their button get pushed, and it was hard for me to believe it. I understand the emotions were high, because it was your employee that they were referring to, and you are a team, but I was very disappointed in that." Councilwoman Martin stated, "He taught me the same thing with the red button. He always advised me to watch it, and guided me. Because of what happened, your button was pushed, and it just adds to the rest of it."

Councilman Kelly said, "I agree with imposing consequences and putting something into Mr. Orr's file indicating not to let anyone push his red button anymore. I also want to remind everyone, when people look at the City Council, the buck stops here. We had a judge in Vero Beach that pled guilty to a DUI, and she is still sitting on the bench. I don't know if that is appropriate. Mr. Orr made the proper decision by removing her, but I agree with everything that Councilwoman Berger just said. I have learned a lot from Mr. Orr also, but he had his red button pushed. Everybody wants us to have good judgment, but in order to get it, you have to have experience. You get experience from making mistakes, and that is the way life is. When you get a complaint like this, it is like somebody kicked you in your gut, especially if it is not true. This is one of those times where Mr. Orr and Mr. Bentrutt got kicked in their guts, as well as all of us, but I agree with Councilwoman Berger regarding the

discipline. Remember, we are all going to make mistakes. Let's learn from what happened, as it was just one employee out of 900 employees." Mayor Faiella said, "I understand that, and I understand what transpired the night the officer stopped Ms. Taylor, but the problem that I'm having is when it comes to City employees and elected officials, they are on the spot all of the time. Ignoring an issue is not going to solve the problem. We are held to a higher standard when we work for the City or are an elected official, so I have a problem with not taking any corrective measurements when it happened, or gathering all of the facts that should have been gathered. It indicates to people that because she was an Assistant City Attorney, we are hiding it and are not going to deal with it." Councilman Kelly asked, "What did I just say that makes you think that I don't agree, because I agree?" Mayor Faiella replied, "When they talk about the officer making the stop and saying that he used his discretion . . . I worked for the Police Department for nine years, and it is not out of the norm. It is not out of the norm for the Sheriff's Department or anybody else, but it is just that we don't hear about it because they are a citizen. When one of us gets stopped, the newspaper knows about it right away."

Vice Mayor Bartz said, "Obviously, we need to set an example and I'm hoping that one of the things that will come from this meeting is that all of the City employees will understand that this is a part of life, and whatever they do is going to possibly be in the media. I would hope that it comes back to us that they are doing good things, but when you have an organization of this many people, we are going to have incidents. I felt that there was a lack of communication, because it was several days later before the Mayor urged the officer to get with Mr. Orr." Mayor Faiella pointed out, "I encouraged Mr. Orr to get with the officer." Vice Mayor Bartz stated, "Regardless, when you got that information, Mr. Orr had been looking at a totally different set of facts prior to that. We can all criticize up and down, but we were not in their shoes. We all make different decisions, and sometimes you can't share why you made those decisions. You just know it is a direction that you have to go in, and it is the same thing with Mr. Orr. I am a believer in second chances, and I had somebody who had worked for seven years without any prior incidents. I had not heard that she wasn't doing her job. I have to trust that Mr. Orr knows how his team works as well as their personalities and abilities, as he works with them every day. The Legal Department has a fine team, and you should be proud of them, because they are as good as it gets. I'm proud of them."

Councilwoman Martin stated, "I am also proud of them and many, many other employees and departments, as we do have an amazing staff, but that is not the issue. I rely on the City Attorney and the City Manager every single day to make sure that they're doing things right. The problem for me continues to be from the beginning, the accountability was not there. The leadership was not there, and it may have been one instance, because Mr. Orr is a great attorney and a great person, and I rely on his judgment, but this judgment was way off in my opinion. I can't just sit back and say it is okay. We have a serious issue here, and I can't just sit by and put a letter in a file. I don't know what discipline would be appropriate other than termination or resignation, because of the fact that it is a serious matter and the leadership was not there from day one. I keep coming back to the fact that from the beginning, nothing was going to be done because of his statement, 'I have nothing to write her up for' when there were clear violations of the City's Rules and Regulations. As the week went on, things escalated, as people in departments were getting upset and it became a detriment to the team. A leader who has been with the City for many years should have thought from the onset, what is this going to do to the City, and what is this going to do to my staff, but these were all after affects as it was getting down to the wire. That is another problem that I have. The team had to go to Mr. Orr to discuss this, and indicated that it was really affecting them. He did not have the ability to look at his team from the beginning and think what it would do to his team. The focus should have been on the person. I'm not saying that Ms. Taylor wasn't a good attorney or didn't do her job, because when I met with her she seemed very knowledgeable, and I relied on her opinions. I voted on items based on her opinions with regard to the things that she brought forward, but the focus was on the person instead of professionalism, and the function of the organization as a whole."

Mayor Faiella inquired, "Mr. Orr, when I asked you what you were going to do about Ms. Taylor, you said, 'I have nothing Mayor. I have nothing.' I said, 'You better think twice. You need to talk to Officer Lovechio,' and you said, 'Okay.' The next day when you spoke to Officer Lovechio, you said to me, 'He saved her butt. Things have changed.' Was that the comment that you made to me?" The City Attorney replied in the affirmative. Mayor Faiella said, "I still don't know why anyone didn't speak with him in the beginning." The City Attorney said, "When I became aware of the situation on Wednesday, there was collective bargaining going on and the sergeant who was the Acting Lieutenant on the scene that night was asked to see me. I

interviewed Major Robinson, I spoke to Major Bartal, and I spoke with Chief Reuther a number of times, and got the same information. I was going to suggest a reprimand, but I was basing that upon the information that I had. I spoke with the lieutenant that was there, and there were at least four officers who were on the scene, but there was no arrest. It was off-duty conduct for which there was no arrest, and that is all that I had to deal with. Do I terminate someone right then for that? The past practice in the City has not been to do that. You advised me the following Monday that you spoke with the officer who made the stop, who then advised me that he had additional information. I had not planned on interviewing him, because I thought that since I spoke with his lieutenant, the information would be accurate. When you said your information looked a little different based upon your conversation with him, I interviewed him. That interview was a game changer based upon that information, and it led to the memo that everyone has seen. Until you indicated that he had a memo to self, I had no way of knowing it existed. Based upon that, I escalated how I was going to deal with it by ordering a five-day suspension. I also factored in her on-duty performance, as this was all off-duty. I approached her with a Last Chance Agreement, which gave her a chance. She would be terminated if anything like this ever happened again. After that, there was a continual disruption in my operation, and the decision to terminate her was on a different level. The process that I went through was based upon the information that I had at the time I was making the decision. In hindsight, I should have talked to the officer who made the stop first, and maybe we would be in a different place today. I knew what the end result was, as there was no arrest. As far as I knew in speaking with the senior officers on scene, there was no paperwork. Still to this day, there is no official paperwork on that stop. There is no incident report or arrest affidavit. I ended up with a personal memo to file, which became a public record once it was read to me. A public record is a document that is used to formalize and communicate knowledge in the course of business. Had he not read it to me, had he not told anyone about it, it would not have been a public record in the legal sense under the Florida law. Once I knew about it, it became a public record, and a game changer. To this day, you will not find an incident report. If there is one, then I've been lied to."

Councilwoman Berger said, "Mr. Orr and I spoke about if I were able to hire or fire, I would have terminated Ms. Taylor and Chief Reuther last week. I also had discussions with Mr. Orr indicating that he wouldn't make it past Friday, because of the

information that was out there. When I started to really categorize my thoughts and write them down, I wrote, 'There has to be an expectation that the Police Department will be forthright.' I have a very difficult time coming to the table regarding terminating Mr. Orr for his inability to make a decision, when what I heard is that the information that he was provided by the command staff was not the proper information. In a chain of command situation, we would expect the truth from the commanding officers. The other thing that was disappointing was to read in the newspaper Chief Reuther indicated this is what they do all of the time. What the hell kind of culture is that? I'm grateful that I'm not an officer that has to make those kinds of decisions. As Mr. Bentrott said, he doesn't want to get in the way of making an officer think twice before making a decision because they are concerned with the political ramifications. This wasn't a life or death situation. Someone wasn't pulling a gun. There was an officer, a sergeant, a step up lieutenant, and a major that had four opportunities for checks and balances. Every one of those checks and balances failed; every one of them. We sit here today with a Chief of Police that I would have terminated based on his information that he provided to the press, and the fact that he is not holding anybody accountable. He is delaying a decision making process with the camouflage of an Internal Affairs Investigation. The officer sat in the City Attorney's Office and told his side of the story without representation." The City Attorney explained, "I told him that I was trying to find out what happened Saturday morning. I told him he was welcome to bring anyone he wanted with him. Frankly, I wish he had brought someone with him. He and I went through his recollection of what happened that early morning."

Councilwoman Berger stated, "The citizen issue needs to be documented and taken into account, but there is an accumulation of events that we could look at and say Mr. Orr, we need to really address this in a serious manner. He was balancing politically with having to deal with a Police Department that was not giving out all of the information, and having to deal with the Mayor who had a discussion with the officer directly, and trying to make sure he was making the right decision by an employee who may have needed some Employee Assistance help. The bottom line is that you made the decision to terminate that individual, so I'm glad that you did that, but it has gotten messier and stickier than anyone could imagine. We started this meeting off with the Police Officers' Bill of Rights, but then we hear that the officer spoke to the Mayor and the City Attorney without representation. Tell me again about the Bill of

Rights. Did he give up those rights at that point?" Major Bartal responded, "The information that was given prior to our knowledge of the existence of this document to anyone is not protected under the Officers' Bill of Rights. There was no Internal Affairs investigation going on at that time. This document that provided this information was unknown to anyone in the command staff until we heard from Mr. Orr's office of its existence." Mayor Faiella said, "Prior to me speaking to Officer Lovechio, the rumors were already out there. Since I was in City Hall, I was trying to protect Mr. Orr. The rumor were already out there with the road officers about what happened with Officer Lovechio." Councilwoman Berger stated, "I know you are much closer to them than I can ever be. We wanted to get as much information as possible." Mayor Faiella pointed out, "When Mr. Orr indicated he had nothing, and the sergeant was indicating it was a borderline DUI, the rumors were going to surface sooner or later."

Vice Mayor Bartz said, "I hear the command staff defending themselves, and I heard that there was a rumor out there for some time. At what point did the command staff become aware of the information?" Councilwoman Berger suggested, "Let's stop directing it to Major Bartal, as he is not the Chief, and let's turn it to Mr. Bentrott." The City Manager said, "To my knowledge, Major Bartal talked to the supervising officers who had been there, and they didn't indicate anything about a document. The first anyone knew that there was any documentation was when the officer spoke with Mr. Orr. As soon as that occurred, the Police Department initiated an Internal Affairs investigation. Since there had been no ticket and nothing had been produced, there was no event in essence to look into. As soon as they found out that there was something, they opened the Internal Affairs investigation. I issued a fairly lengthy list of questions, which I'm sure are a part of the IA investigation. Until it is completed, I don't get any of the information back either. I indicated in an email that all of you received last week that this was being looked at by Internal Affairs, and it is their top priority case. They have put everything else aside, and by next week it should be done. Once it is done, I will get with the Chief to review it, and look at the department's policies of how they stack up with the state statutes and with the employee standards. We will look at how officers are trained by the various academies throughout the state, and if there were breakdowns. There may be one or several issues that have come out of the Internal Affairs cases where numerous officers on that scene may be disciplined. We have to look at who was making the decision, as there were multiple officers on the scene. I

was not there at that time and place, Major Bartal was not there at that time and place, but we will take a look at it as soon as the Internal Affairs reports are out to examine what happened to see who did what, and who didn't do what. We will take it from there to see if there are any policy changes that need to be made, if there are any training issues that need to be addressed, or if there are supervisory issues that need to be addressed." Vice Mayor Bartz said, "I appreciate that, and what you just said is what I was looking for. Major Bartal, I was not coming down on you, I was just trying to figure out how the memo got to the command staff. Obviously, it went to Mr. Orr's office and at that point, you guys hadn't seen it yet."

Councilwoman Martin inquired, "Did Chief Reuther, Major Bartal, or Major Robinson ever speak to the officer who handled the call, as opposed to the acting lieutenant and the sergeant? If not, why not? I understand that you have a chain of command, but this isn't a department where there are 3,000 employees. There should have been no reason why command staff at your level did not speak to the officer. I would like to know why you wouldn't, given the gravity of the situation, and knowing it is important. Wouldn't you take the time out to actually speak to the officer?" Major Bartal responded, "I can only speak for myself. I did not speak to Officer Lovechio. The only officer that I spoke to with regards to the incident that evening was Acting Lieutenant Grohowski. It is imperative that as you command an organization like this, that you trust the people that are answering to you. You entrust them to do the right things, but from time to time they fail. I have failed. I received the answers from Acting Lieutenant Grohowski, and I relied on them. There was no reason to think that there was any unknown document that would have changed anything that Acting Lieutenant Grohowski told me. No, I did not talk to Officer Lovechio, nor did I think Officer Lovechio expected me to." Councilwoman Martin stated, "It goes back to the checks and balance system. This is directed at Chief Reuther and Mr. Bentrott, because although we trust and rely on our people, that next layer of making sure that it is in place is imperative. Those people needed to be involved, especially when there is a big issue like this. In this case, since there weren't very many parties involved, there is no reason why they weren't addressed. It is a conversation to have with Chief Reuther."

Councilman Kelly said, "I think we are in agreement that there was a breakdown in communication. I'm very disappointed that I didn't get my paperwork until 3:00 p.m. yesterday. I want to thank Ms. Booker for getting it for me. There were different

reasons stated regarding why I didn't get it, which has to be straightened out. We all agree that we didn't get the information in a timely manner. If the Mayor hadn't investigated this rumor, we may have never even known about what I would call a CYA Memo that Officer Lovechio prepared. He is a clever officer, and well respected. We also agree that Mr. Orr got his red button pushed. In 25 years Mr. Orr, how many reprimands have you received in your file?" The City Attorney replied, "None." Councilman Kelly stated, "A reprimand in his file is quite appropriate. We didn't issue Ms. Taylor a badge, did we?" Mayor Faiella pointed out, "That is how the rumor started, with the badge, and everything else trickled down." The City Attorney said, "I didn't know that she had it, but it is a piece of Lexan about the size of my phone that has small gold raised letters that say, 'Port St. Lucie Legal Advisor Badge.' It is not your classic full size badge." Councilman Kelly clarified, "But it wasn't issued by the City." The City Attorney replied in the negative, and said, "I didn't give it to her. It came through the Police Department." Mayor Faiella advised, "Chief Reuther told me it was issued by the Police Department's Purchasing Department." Councilwoman Martin explained, "From what I understand, it was given to her by her predecessor who was a prior City Attorney that handed it over to her after she left. I don't know why that happened, and why she was permitted to keep it. It doesn't make sense to me. She is not a law enforcement officer, and she shouldn't have a badge." Councilman Kelly remarked, "It is totally inappropriate." Councilwoman Berger said, "It is inappropriate, and it sounds like it was given to her and was issued by the City, but it does not sound like it is a real badge. There are abilities for people outside of the City to buy badges for just about anything, but this particular badge sounds like it was issued from the City. As a result, we should follow up and see what other kinds of materials have been paid for by taxpayers' dollars. It is an inappropriate use of tax dollars." Councilman Kelly suggested, "The policy needs to be looked at. When a Council person asks for something, the information needs to be provided in a timely manner, so those two things need to be looked at. As far as Ms. Taylor, she has been terminated. As far as Mr. Orr, that has to be determined, and something in his file would be appropriate. I wouldn't have a problem if Councilwoman Berger or the Mayor wrote it up, and we all looked at it. It was embarrassing two weeks ago at a City Council meeting when somebody came up to discuss this, and I had no information. Everyone said the City Council was silent, but I didn't have the accurate information. That was tough, so there are things that need to be resolved."

Councilwoman Martin said, "I started preparing a written reprimand over a week ago, as I realize that this has never happened with Mr. Orr, and although it was very unprofessional, he had no discipline issues in the past. As the events unfolded, I stopped preparing it, because I was looking at the situation as a whole, as opposed to just one incident. I'm beyond the written reprimand stage, because that action is part of the whole. Depending on what happens today, I may be going back to that." Councilwoman Berger stated, "In a prior incident, poor decisions were made within the Police Department that exposed it to negative publicity. There were a lot of bad behaviors that occurred, and the Chief of Police at that time made a decision to dismiss every one of the people involved. When he met with me, I remember he said, 'We cannot risk this kind of exposure to the public, because we answer to them. It is important to have the public's trust, and every decision that these officers will make in the future will be questioned as a result of what occurred. The entire Police Department will be in question if we don't act swiftly and accordingly.' That was without any background information. He came in as a leader, evaluated the situation, made a determination, made the call, and took credit for making that call. There was a lot of commotion internally about it, but the trust was restored. Here we are talking about the same thing, multiple incidents in one night under the same command staff. You were unwilling or unable to make a decision, Mr. Bentrutt, with the entire Police Department, because they do answer to you, and Mr. Orr with your Legal Department. When you guys are unable or unwilling to make a decision, it falls back on us as the City Council. As a leader, I won't be a Chief Reuther, and I will be a Chief Skinner. Meaning that I will evaluate the information, I will make a decision, and I will live with it, because it is in the best interest of the entire organization. I'm open to having corrective action put into your files, but I want to find out today how much it is going to cost from a severance point of view to terminate both of you. We need to find out how much it is going to cost, and how it would impact the City. We need to evaluate everything that we have been talking about today, and I'm going to evaluate what has happened from the City Manager's point of view in the last couple of weeks, which doesn't look like much of anything to be honest, Mr. Bentrutt. Mr. Orr's last two weeks, and the actions that have been taken, and his long term with the City will be evaluated as well. It may be both, it may be one, or it may be neither, but I'm asking for that information."

Councilwoman Martin said, "I'm going to agree 100% with Councilwoman Berger. I would like the exact same information,

because due to things not happening, they are the only two people that we can hold accountable. I want the same information, because we do have to make that decision." Mayor Faiella stated, "Mr. Bentrrott, you are a great man, but I just don't feel that I have a strong City Manager in place. I'm not looking for a micromanager, but I'm looking for someone to take the ball, and run with it. I have a problem with departments running all over you and feeding you information, and you are not holding them accountable. I'm not looking for termination for Jerry Bentrrott, but I would suggest a demotion to Assistant City Manager. He has done a good job as the second person in command, but unfortunately, in the past year that I've been here, the Assistant City Manager has taken the place of the City Manager. He has done a lot, and shown me that he could do it with leadership and loyalty to the Council. That is my recommendation." Councilwoman Martin said, "I agree with you, as I've had a lot of issues with accountability over the past year with Mr. Bentrrott. I've asked for several things several times over the course of the year, and I've had to continuously go to him as a follow up to ask for those things. There is a huge accountability message here. We have instances where Mr. Bentrrott relied too heavily on his staff, as opposed to holding him accountable, and making sure things are followed through."

Mayor Faiella stated, "I'm ready to make a decision today. I don't need information, if I have a consensus of the Council." Councilwoman Berger said, "I don't support demoting Mr. Bentrrott into a secondary role. Although I see what you are saying as far as giving him an option rather terminating him, I don't feel that it is healthy for the organization. It is not consistent with the thought of ripping the Band-Aid off, because it would be an ongoing, painful issue to deal with. I didn't know until we sat down today that Chief Reuther was away this whole week. Part of my decision is the inability of responsibility and accountability at every level. I'm disappointed that there has been no accountability and no conversations about people having to answer to the City Manager, whether it was a major, a lieutenant or anyone in command staff, especially the Chief of Police. That is disappointing, but I'd rather get the information to sever ties, than to ask him to step down to another position." Mayor Faiella said, "We are seeking a new Chief of Police. Do we want to put ourselves in a position to look for a new Assistant City Manager?" Councilwoman Berger stated, "One of the things that have always disappointed me with the Chief of Police position is that we keep hearing that people are not ready internally. We have people that have been here over 20 years." Mayor Faiella remarked, "There has been no

mentoring going on." Councilwoman Berger said, "You would expect when there is a leadership role, they would get their successors in place. We still have people that are putting in applications for the Chief of Police, but the date for submitting applications is closed. So the hard part of gathering the information is done, and the next part is the selection part. I don't think we need to go out to search if we make a decision regarding the City Manager and City Attorney, because we have very good succession plans in place for those two roles. It is not our choice on who falls into line behind them, but we do have people within our organization that would easily step up into those roles. Our purpose today is to discuss our two direct reports, and that is Mr. Orr and Mr. Bentrutt. They have done a lot of great things for the City, so I want to make sure that we do our due diligence. As the caretakers of the citizens and their taxpayer dollars, I want to find out how much it is going to cost, versus putting in place corrective actions and adhering to make sure that there are behavior changes. Are we trying to accomplish setting a tone that we are done with the culture of non-accountability? Is it worth the amount of money that we are going to have to spend to set that tone? Are we willing to set the tone, via documented action, and follow up with more meetings like this to have reviews? Nothing is off the table for me, but I would like to find out how much it is going to cost. I'd like to make that part of my decision that I weigh in on."

Vice Mayor Bartz said, "The request was made to get that information, and I thought we were going to have the chance to evaluate everything, and then make a decision, which is what I'm comfortable with. Suddenly, the game changed. I prefer to make my decisions with all of the information in front of me, and we have not gotten all of the information." Councilman Kelly stated, "I agree with Vice Mayor Bartz. Councilwoman Berger, you always amaze me when you put things on the table and then I listen to you, but I don't know where you are going with some of these things. Everything should be on the table." Councilwoman Berger stated, "I want to make it clear where I'm at. At this time last week, I would have absolutely terminated four people at least. As more information became available, it changed the way that I saw things. I tried to think about where the employees were in their mindset when they were making these decisions, and does it even matter when the overall organization is really what matters the most. If we were to make a decision today based on actions and inactions, I would terminate both the City Manager and the City Attorney. However, because I'm not the one that writes that personal check from the taxpayers' account, I want to find out specifically how much it will cost, which may

change my mind because we are in a budget crisis. If that means that I have to manage this process a little closer, but still get a similar result, then maybe I'll do that. I know Mr. Orr's contract ends July of 2013, so can I manage the process rather than pay out the amount of money that it would take to sever the ties. I think that he can learn from this and have a behavior change, because of the issue that we had at the Retreat. He had interaction with a citizen, and I asked him to leave. He didn't leave, and operated in an appropriate manner. I know that these are smart gentlemen, and they work from their hearts, as they are public servants. They are not here because of the dollars that they bring home, or because they are getting power and recognition. They are in front of us because their heart brings them to public service. There are a lot of things that I will balance before I change somebody's life, and before I will make the taxpayers pay for it."

Councilman Kelly said, "I am still confused where you are at." Councilwoman Berger pointed out, "The reason I asked to have this meeting is because I wanted to make sure that everyone had an opportunity to have a discussion." Councilman Kelly remarked, "Councilwoman Berger, you have had a lot of time on the microphone." Councilwoman Berger explained, "The whole point of this meeting was so that we could have information brought forward, and have discussions with each other. It is not always appropriate to make a decision based on what I have heard. I have notes on what everyone said, and I will also go back and watch this session again to make sure that I don't miss anything. I'm not going to change people's lives drastically, because it is not just these two, but it is their entire team and the network of the organization. I go through a series of methods to get there, and I think that is an appropriate due diligence on my part." Councilman Kelly clarified, "The Mayor just put on the table the demotion of Mr. Bentrutt." Mayor Faiella pointed out, "I'm not looking to fire Mr. Bentrutt." Councilman Kelly said, "You are looking to demote him. I agree with Vice Mayor Bartz, and some of the things that Councilwoman Berger said. We asked for the information, but are we going to demote or let him go based on how much we have to pay out to him? That is ridiculous. Once you do that, the man has lost all credibility. You might as well take away all of his power. We just indicated that we were going to keep him, because it costs too much money to let him go." Mayor Faiella advised, "I'm not saying that, as money has no factor over me. In order to change the culture, we have to change people. Don't you agree?" Councilman Kelly responded, "Yes, but I'm not going to do it in a kneejerk reaction. This is the first time we have discussed

this. I didn't get the information until yesterday. If anybody should be more than disappointed, it should be me. I've asked for it many times. I'm not going to act on a kneejerk reaction. I think we should meet again, and wait until the investigation is over. As far as Chief Reuther, he is leaving in May. It went from a reprimand to how much is it going to cost to fire them. Then there was talk of a demotion, and we are in tumultuous time with economics. Mr. Cooper left at a time when we were going into some economic situations, and Mr. Bentrott took on some tough budget times. He has been through an issue with another Police Chief, which we won't get into, but he has made decisions. I'm not happy with everything that he does, but he has a demeanor that compared with our other City Manager, is much better. I don't think we would be sitting here today if Don Cooper was here." Mayor Faiella remarked, "I keep hearing that over and over again." Councilman Kelly said, "His demeanor is professional, and he has taken us through some tough budget times. It would be hard for me to make that decision today. We need to know what the payouts are, which don't mean anything, because you are going to destroy his credibility. I will need more information."

Mayor Faiella said, "I want to speed up the process, so I want the information within an appropriate time. I don't want to linger on for three months. If we are going to make a decision, I want it done quickly, because it is not fair to them or to us." Councilman Kelly commented, "I don't want to cripple the City, as it is a big City." Mayor Faiella pointed out, "Mr. Bentrott is a wonderful person, but is he strong enough for us?" Councilwoman Martin said, "Mr. Cooper and Mr. Bentrott are polar opposites. I don't think anyone can dispute that. I agree with Councilwoman Berger. I'd like to see what that dollar figure looks like, because is it important to know what impact it will have on our budget, and how it will affect the City. I also agree with Councilman Kelly; I'm not going to make my decision based solely on dollars. Unfortunately, sometimes there is a cost of doing business. This process cannot take more than a week. It has to be done expeditiously, and I don't want to hear that it will take days to get it done. As leaders, we have to make sure it gets handled appropriately and quickly. We are going to have a humongous healing process, whether there are terminations or resignations. There are a lot of morale problems, as people are very upset and don't know what is going to happen to them or the leadership of this City. Prolonging it is not good for us." Vice Mayor Bartz clarified, "Councilwoman Berger, you want this information on the dollars, but I never heard that it was your sole basis for making a decision. I

thought that your decision is whether it is going to be termination, or setting up a plan and coaching them to perform to the standards that we are expecting, which would allow them to remain on staff. There is a process of how we are going to go forward with this. Is that what I heard from you?" Councilwoman Berger replied in the affirmative and said, "It is a matter of making sure that we are presenting all of the information to the public as we make decisions, and I can do that in a half an hour. We could take a break to have staff get the information together." Mayor Faiella stated, "I'm ready to make a decision today, and money is not going to be a factor." Councilman Kelly inquired, "Are you saying that you want to get the information on the severance packages, and come back to make a decision today?" Mayor Faiella replied in the affirmative. Councilman Kelly said, "I don't support that at all. I just got this information yesterday."

Mayor Faiella stated, "Councilman Kelly, either you are on board or not. This is transparency and it is what the public wants, so this is what we are going to do." Councilman Kelly pointed out, "It is not about transparency. It is about giving me a chance to review the information." Mayor Faiella asked, "If you were in the same position, would you want to wait?" Councilman Kelly replied, "With all due respect, please do not talk over me." Mayor Faiella commented, "I'm just letting you know." Councilman Kelly said, "I just received the information at 3:00 p.m. yesterday. I have a physical problem and a CT scan at 1:00 p.m. If I have to cancel it, I will. This is a huge decision for me to make without looking at this for a couple days at least." Mayor Faiella remarked, "I don't think it is fair to linger on for a week." Councilwoman Martin said, "I'm going to agree with the Mayor. This is a volatile issue. I don't think prolonging it over the course of a week is going to help anybody. There is already turmoil, so are we going to be done with this? I can be done with it today. I have been asking questions since the whole issue started, so for me, I am ready to make my decision with the information forthcoming. I don't need to wait a week."

Vice Mayor Bartz said, "I thought there was going to be a process where we were going to look at the whole picture, and then make a decision. I did not expect that we were going to immediately do this. I would support getting the information, and having a chance to review it. I went through a review with Mr. Bentrutt, and I don't know whether the rest of the Council has. I think that we need to be cognizant of what we are looking at, and how it will affect everyone." Councilwoman Berger stated, "I would like to ask for a ten minute break, and I will

come back with a motion."

A recess was called at 11:15 a.m., and the meeting resumed at 11:45 a.m.

Mayor Faiella said, "Human Resources provided Jerry Bentrrott's payout, which would be \$121,909.65. Mr. Orr's would be \$126,624.77. To me, this does not weigh in, because any employee that is not performing or is not up to the standards, it doesn't matter what their pay is. It depends on what we want to do in order for corrective measurements." Major Bartal said, "I'm sure the officer that handled the incident that night would have rather gone into an armed gunman situation instead of being faced with the decision that he made that night, but he made a decision, and we support that decision. I sit before you in lieu of Chief Reuther being available. I have had the privilege to serve with the law enforcement profession for over 37 years. During those years, I've seen law enforcement professionals from many local, state, and federal agencies. The 300 people that work in our organization are well trained, highly skilled, fine mannered forces to be reckoned with. In my 26 years that I've served with the men and women of the Port St. Lucie Police Department, I have found a vast majority of them to be the epitome and top of the line, blue chip, and first class of what law enforcement officers can and should be. At this moment in time there may be some who might want to question my remarks, but hopefully in a few days, all of your questions will be answered."

Mayor Faiella inquired, "Mr. Orr, how are we going to handle the Assistant City Attorney issue, since we deviated from the Charter? Do we take all of their titles away?" The City Attorney responded, "My recommendation would be to process them through to the City Council, and have them ratified as Assistant City Attorneys. If you downgrade them to staff attorneys, you are going to displace their salaries in comparison to what we use as a guideline, which is the Florida League of Cities Salary Survey. They could be considered staff attorneys, but I think they are all better than that. I have no hesitation to present them to the City Council as Assistant City Attorneys, but it is up to the Council. I don't know where we got off of that track, but it is my fault, and I assume responsibility for it. We did it with Ms. Booker 14 years ago, and we will bring them in front of the Council with a resolution recognizing them as Assistant City Attorneys. There are also some contract issues that need to be cleared up at the same time. We are still sorting out some of the impacts of the unionization of some of the people who were

previously under contract."

Councilwoman Berger said, "I had an opportunity to speak with Mr. Bentrrott and Mr. Orr a few minutes ago, and one of the things that we discussed was that in the short period of time that Mr. Bentrrott has been the City Manager, he has probably terminated more people than our previous City Manager. I know that he was the one that did what was necessary, but this issue continued to be bubbling up as something that should raise concerns. I felt as though there was not any action that was being taken. The fact that we continue to hear the Council members indicate that they didn't get the information that they requested is a direct reflection of our direct reports. For that, and as we discussed, there were a series of Council people not saying positive reinforcing statements. I think it is in the best interest of the City to make this motion. I **move** to terminate Mr. Bentrrott's employment." Councilwoman Martin **seconded** the motion, and said, "I have had this feeling for a long time. I've mentioned things in the past to Mr. Bentrrott in the hopes that he would realize that if I was coming to him so many times with things that I needed a follow up without having to go him. He needed to be a leader and bring me the information. As far as the budget is concerned, he trimmed it down, he has consolidated departments to make sure that we are running a tight ship, and I cannot fault him for that. The leadership is where I have a problem, and not with anything else. In this organization, it is important to have a strong leader and, unfortunately, I do not feel that we have that. That is why I seconded the motion."

Vice Mayor Bartz said, "I've heard a lot of comparisons today between Mr. Bentrrott and Mr. Cooper. There was never a comparison. I thought when we brought Mr. Bentrrott in that we knew what his personality was. I think that we are losing sight of the fact that he has done a fine job. There are areas that he is lacking, but there were areas that Mr. Cooper was lacking as well. We are dealing with human beings, and a lot of it has to do with personality. I believe that we knew what we had. I'm sorry, Councilwoman Martin, that you haven't gotten the information that you were looking for, but anytime that I've gone to Mr. Bentrrott he has dropped everything, and gotten me what I needed. I have a different view than you do." Councilman Kelly stated, "The comparison that I made just came out. It was a gut thing and a big realization for me. This is a big City, and we need somebody real strong. Mr. Cooper led differently. Mr. Bentrrott is a good man, and his demeanor is better than Mr. Cooper's." Vice Mayor Bartz said, "I never expected Mr. Bentrrott

to be like Mr. Cooper." Councilwoman Martin said, "This isn't about Mr. Cooper. It is about my authority to deal with Mr. Bentrrott as a City Manager. I don't want anyone to mistake that I'm comparing two individuals, one of whom I did not have an opportunity to work with. My feelings are based on my experience over the last year, and nothing else." Mayor Faiella said, "It saddens me today, as I was hoping that we wouldn't lose Mr. Bentrrott, and we could demote him to the Assistant City Manager position. He has done a wonderful job and is a wonderful person, but for a year I have felt that he was not strong enough to lead the City. We are looking for someone who will react quickly, get us the information, and move forward." Councilwoman Berger stated, "I only made a comparison to the previous City Manager to point out what a great job Mr. Bentrrott has done with Human Resource issues. I'm pleased with the way that he has handled those issues. It is disturbing to me that we have someone who is willing to make those difficult decisions and shows a history of making the appropriate difficult decisions, but this time, no decision was made. Either my direct reports are unwilling or unable to make a decision, and that leaves the ball in my court to make a decision, and that is why I've made this motion. For the record, I did not initially support Mr. Bentrrott for the City Manager position based on the way I view putting the right people in the right positions. I think he is an amazing City Manager, but this particular incident has brought me to this motion."

The City Manager said, "In this instance, it was not that I cannot or will not make a decision, but I think it is inappropriate to make a decision until you receive all of the information. It does not do anyone any good to make a decision, and then have information come out a week later that contradicts your decision. I'm waiting for all of the facts to come out, and at that time, I will not have any hesitancy to make a decision. It would be inappropriate to make a decision, and take action until I know all of the facts. I've asked for them and as soon as they are available, I'm sure my successor will act on them." Councilwoman Berger stated, "I know we are looking to get the information from the Police Department from Internal Affairs, and I understand and respect that process, but we had made it very clear on Monday that this discussion could lead to this point, and yet we were not able to get the information or somebody was unwilling to provide the information. An enormous amount of time has gone by, and we did not receive it. I appreciate the Mayor's request to consider moving Mr. Bentrrott to a different role, but that is not a real option. He is the City Manager and we would have to terminate him or not terminate

him."

Councilwoman Martin said, "I agree. I think it will cause more turmoil. With regard to certain matters, Mr. Bentrutt is a great manager, but with regard to leadership, he falls short of what I expect and what I expect in the future in dealing with issues, and being the face of the City. It isn't just because of this incident. It has been over the course of time that I've felt this way."

The Assistant City Clerk restated the motion as follows: to terminate the employment of City Manager Bentrutt. The motion **passed** by roll call vote with Mayor Faiella, Councilman Kelly, Councilwoman Martin, and Councilwoman Berger voting in favor, and Vice Mayor Bartz voting against. Councilman Kelly said, "I would have liked more time, but it probably would have been my decision if we met next week after going over the information. Mr. Bentrutt, I'm sorry." Councilwoman Martin commented, "I'm sorry too."

Councilman Kelly **moved** to appoint Greg Oravec as the Acting City Manager. Councilwoman Martin **seconded** the motion. Councilman Kelly stated, "Mr. Oravec has been outstanding, as he has been in the office every night until 7:30 p.m. I agree with Councilwoman Martin, because many times I found myself contacting Mr. Oravec for information over the last year. He will do an excellent job as Acting City Manager." The Assistant City Clerk restated the motion as follows: to appoint Greg Oravec as the Acting City Manager. The motion **passed unanimously** by roll call vote. Mayor Faiella said, "Mr. Oravec, I hope you accept the position." Vice Mayor Bartz inquired, "This is a temporary position, correct?" Mayor Faiella replied in the affirmative and said, "We can discuss that later." Vice Mayor Bartz advised, "In the interest of stability and letting the people out there know that we have a plan, it shouldn't be discussed later." Mayor Faiella stated, "With all due respect Vice Mayor Bartz, I don't know what the plan is going to be. He will be acting right now." Vice Mayor Bartz said, "There has to be some discussion on how we are going to move forward." Mayor Faiella clarified, "We can set a date and come back to discuss it." Councilman Kelly commented, "I don't want to go five minutes without a City Manager."

Councilwoman Martin said, "Regarding accountability, I don't think it is fair that we don't hold Mr. Orr accountable as well. You may not all agree with me, but I can't separate the two. Mr. Orr did not handle things properly from the beginning. I **move** to

terminate Mr. Orr." The motion **died** for a lack of a second. Councilwoman Martin asked, "How are we going to hold Mr. Orr responsible for his actions? I'm sorry, but a note in his file is not good enough for me. It is not personal. It is completely professional and I hate being here doing it, but that is the way that I feel." Councilwoman Berger **moved** to have progressive performance management regarding Mr. Orr's employment right to the final corrective action for multiple offenses, one being the poor interaction with a citizen, and also the quickness of the decision, and making decisions based on information provided by the City Manager's department. Councilman Kelly **seconded** the motion, which **passed unanimously** by roll call vote.

Councilwoman Berger said, "My concern is that it was Mr. Bentrutt's department that either provided different information, not enough information, or not the correct information. Pick a truth. There are a couple of them apparently. Mr. Orr was making decisions based on the information provided from another department. Mr. Orr's contract ends July of 2013. We have a strong team that will be able to recover quickly. Part of being a strong team is struggling and recovering quickly together. This will definitely have an impact to your file, and I hope that there are behavioral changes that occur, as well as a better collaboration between you and the City Manager to make sure that we are not put in this position again. I'd be happy to be part of the process for writing up the corrective action with a Human Resources representative. We can bring it back at a future meeting." Councilwoman Martin stated, "Since my motion failed, I'm going to agree with you. I would like to see you do that, and if I can be part of that process, I will as well." Councilman Kelly clarified, "We will all look at it after we are done."

Mayor Faiella said, "It is very painful to make these decisions, as it wasn't easy. I'm hoping once we get a new Chief, the Police Department leadership will change. It is just too much of a domino effect. Every time we turn around, something is happening or being said." Councilwoman Martin stated, "I know that we don't have direct control over the Chief of Police, but one thing I want to make clear is that when we are speaking with the City Manager, we make sure as a Council, that we give input on what we would like to see happen over time. It is incumbent upon us to make sure that when the new police chief gets in place, that person has input from our perspective through the City Manager on what we would like things to look like. We need to make sure that they meet the goals that we have set, and are still worthy of continuing on as police chief. Also, this is

very painful for me, but it is the right decision." Councilman Kelly said, "I hope you accept the position, Mr. Oravec. You have a great staff. If you need any help, just ask for it, because you have a lot on your plate." Councilwoman Martin stated, "I know Mr. Oravec will have a lot on his plate, but I'm quite confident that he will be up to the task."

5. **ADJOURN**

There being no further business, the meeting adjourned at 12:20 p.m.

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Carol M. Heintz, Assistant City Clerk

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April C. Stoncius, Deputy City Clerk