

# City of Fort Lauderdale

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## Meeting Minutes

Tuesday, March 15, 2022

1:15 PM

City Auditor

City Hall - City Commission Chambers  
100 North Andrews Avenue, Fort Lauderdale, FL 33301

## **CITY COMMISSION - SPECIAL MEETING**

*FORT LAUDERDALE CITY COMMISSION*

*DEAN J. TRANTALIS Mayor*

*HEATHER MORAITIS Vice Mayor - Commissioner - District I*

*STEVEN GLASSMAN Commissioner - District II*

*ROBERT L. McKINZIE Commissioner - District III*

*BEN SORENSEN Commissioner - District IV*

*CHRIS LAGERBLOOM, City Manager*

*DAVID R. SOLOMAN, City Clerk*

*JOHN HERBST, City Auditor*

*ALAIN E. BOILEAU, City Attorney*

## CALL TO ORDER

Mayor Trantalis called the meeting to order at 1:16 p.m.

## ROLL CALL

**Present** 5 - Commissioner Ben Sorensen, Vice Mayor Heather Moraitis, Commissioner Steven Glassman, Commissioner Robert L. McKinzie and Mayor Dean J. Trantalis

## QUORUM ESTABLISHED

**Also Present:** City Manager Chris Lagerbloom, City Clerk David R. Soloman, City Attorney Alain E. Boileau and City Auditor John Herbst

## MOTIONS

### 22-0310

Motion to Place City Auditor John Herbst on Administrative Leave, effective immediately, with Pay through the Effective Date of Termination from Employment on May 6, 2022, and Temporarily Appoint Megan Gaillard as Interim City Auditor Until April 5, 2022

City Manager Lagerbloom explained the reason for calling this Special Meeting was due to a consistent theme during Commission Member Agenda Meeting briefings related to the position of the City Auditor John Herbst.

Mayor Trantalis commented on his understanding that an aspect of this topic relates to a memorandum dated March 4, 2022 (Memorandum) regarding the audit of former Police Chief Larry Scirotto and concerns about City Auditor Herbst's participation in Bahia Mar and One Stop Shop discussions. He remarked on Commission Members' comments from the dais about concerns related to City Auditor Herbst continuing to participate in meetings. Further comment and discussion ensued on similar Charter Officer situations in the past.

In response to Mayor Trantalis' question, City Attorney Boileau explained his recollection of his predecessor's employment departure, which was involuntary. The previous City Attorney was immediately placed on administrative leave with full pay during a Commission Regular Meeting. Further comment and discussion ensued regarding Charter Officers' contract termination compensation.

In response to Vice Mayor Moraitis' questions, City Attorney Boileau explained his recollection of the Commission's decision regarding the

departure of the former City Manager. He said should the Commission move forward with placing City Auditor Herbst on administrative leave, City Auditor Herbst is entitled to sixty (60) days of full pay and benefits, and City Auditor Herbst would not be advising the Commission during those sixty (60) days.

In response to Vice Mayor Moraitis' question, City Auditor Herbst confirmed his tenure with the City would be sixteen (16) years in August 2022. She commented on Mr. Herbst's tenure, background knowledge, experience, and its value with *Bahia Mar* and *One Stop Shop* discussions. Vice Mayor Moraitis explained her viewpoint opposing City Auditor Herbst's termination and expounded on her concerns.

In response to Mayor Trantalis' question regarding the Charter and Charter Officers' participation duties, City Attorney Boileau explained the two (2) Charter Officers required to be at Commission Meetings are the City Manager and the City Attorney.

Commissioner McKinzie discussed his perspective regarding the need for this Special Meeting and the previous Commission discussion and vote on the termination of City Auditor Herbst.

In response to Commissioner McKinzie's question, City Auditor Herbst said his preference is to continue performing his professional duties until the end of his sixty (60) day notice and expounded on his viewpoint. Commissioner McKinzie confirmed that his position remains the same, that City Auditor Herbst remain with the City until the end of the sixty (60) day notice period.

Commissioner Glassman discussed his perspective regarding standard practice for termination. He noted that placing City Auditor Herbst on administrative leave does not indicate City Auditor Herbst's inability to perform his job.

Commissioner Glassman expounded on his viewpoint regarding concerns related to City Auditor Herbst's ability to be impartial, as discussed in the Memorandum.

Vice Mayor Moraitis confirmed her review of the Memorandum and clarified that the only topic on which City Auditor Herbst indicated he could not remain objective relates to the audit of former Police Chief Larry Sciroto resulting in this action by the Commission.

Vice Mayor Moraitis reiterated the importance of City Auditor Herbst's

input regarding Commission decisions on the *Bahia Mar* and *One Stop Shop* projects.

In response to Vice Mayor Moraitis' question, City Auditor Herbst confirmed his ability to be impartial on all other audits, including the *Bahia Mar* and *One Stop Shop* projects. He expounded on the requirements of the audit profession to be independent, and the audit of the Police Chief is the only subject where independence is an issue.

In response to Vice Mayor Moraitis' question regarding the timeline for City Auditor Herbst's departure, Mayor Trantalis said it is dependent upon the motion made by a Commission Member and subsequent Commission action and explained related details.

In response to Commissioner Glassman's question, Megan Gaillard, Assistant City Auditor III, explained the extent of her knowledge regarding the *Bahia Mar* and *One Stop Shop* projects and expounded on details.

In response to Commissioner McKinzie's question regarding Staff in the Office of the City Auditor being knowledgeable about the *Bahia Mar* and *One Stop Shop* projects, Mr. Herbst said no. The Audit Staff is primarily engaged in the internal audit functions, and no one else has the necessary background and experience with the various issues associated with those projects.

City Auditor Herbst clarified there is no Deputy Auditor position, and Ms. Gaillard is an Assistant Auditor III, and is an outstanding qualified candidate.

Commissioner McKinzie discussed concerns related to the process, recommended convening the *Charter Review Board*, and expounded on his viewpoint. Further comment and discussion ensued.

Commissioner Sorensen echoed Commissioner Glassman's comments about City Auditor Herbst's administrative leave and separation.

Mayor Trantalis recognized Tricia Halliday, 50 Nurmi Drive. Ms. Halliday concurred with Vice Mayor Moraitis' comments and remarked on concerns related to the process.

Mayor Trantalis recognized Paul Chettle, 200 S. Birch Road. Mr. Chettle discussed his viewpoint regarding the termination of City Auditor Herbst, the importance of being independent and objective, ensuring the City's integrity and credibility, and the need for the *Charter Review Board* to

convene and address concerns regarding the process.

In response to Commissioner Glassman's question regarding the impact of this action influencing the City's bond rating, City Manager Lagerbloom said he would consult the City's financial advisors. Further comment and discussion ensued.

In response to Mayor Trantalis' questions regarding City bond issuances, City Manager Lagerbloom confirmed the use of outside counsel, citing Albert del Castillo, Esq.

Mayor Trantalis recognized Anne Hilmer, 621 Idlewyld Drive. Ms. Hilmer concurred with Vice Mayor Moraitis and Commissioner McKinzie's comments. She remarked on her opposition to this Commission's actions and concerns regarding the process.

Mayor Trantalis recognized Mary Fertig, 511 Poinciana Drive. Mr. Fertig submitted a letter to City Clerk Soloman on behalf of *Lauderdale Tomorrow* regarding the Commission's February 15, 2022 action regarding City Auditor Herbst and commented on related details and concerns.

***A copy has been made part of the backup to this Agenda item.***

Mayor Trantalis recognized Marilyn Mammano, 1819 SE 17th Street. Ms. Mammano commented on her opposition to the Commission's action on this matter, and concurred with Commissioner McKinzie's concerns about the process.

Mayor Trantalis recognized Barbie Pearson, 2420 SE 17th Street. Ms. Pearson spoke in opposition to the Commission's action terminating City Auditor Herbst. She recommended the Commission rescind its decision and allow City Auditor Herbst to remain until his planned retirement.

Vice Mayor Moraitis expressed her support for City Auditor Herbst and willingness to write a letter of reference for his next position. She remarked on her support of City Auditor Herbst's internal audit of former Police Chief Larry Sciroto. Vice Mayor Moraitis expressed her disappointment with not having City Auditor Herbst's input during Commission discussions on the *Bahia Mar* and *One Stop Shop* projects.

Mayor Trantalis clarified the purpose of this Special Meeting is to determine whether City Auditor Herbst would participate in Commission

Meetings for the balance of the sixty (60) day termination period. He explained his viewpoint and confirmed he concurred with Commissioner Glassman and Commissioner Sorensen's position.

Mayor Trantalis commented on a prior Commission's decision that the City Auditor not participate in confidential meetings and explained related details. He expounded on his viewpoint regarding this matter and the termination of previous Charter Officers.

Commissioner Glassman said he recommended that going forward Audit Staff be involved and have knowledge of significant projects before the Commission.

In response to Commissioner Glassman's questions, City Attorney Boileau explained options regarding the Commission moving forward on this matter. City Manager Lagerbloom confirmed Finance Director Susan Grant has been engaged in projects before the Commission and has significant involvement with City finances.

Ms. Grant indicated she is aware of the projects, is prepared to participate in Commission discussions and answer questions regarding finances of City projects before the Commission. Further comment and discussion ensued on options going forward.

Commissioner Glassman made a motion to place City Auditor Herbst on administrative leave with full pay and benefits and consider placing Ms. Gaillard in the position of Interim City Auditor which was seconded by Commissioner Sorensen.

**APPROVED**

**Yea:** 3 - Commissioner Sorensen, Commissioner Glassman and Mayor Trantalis

**Nay:** 2 - Vice Mayor Moraitis and Commissioner McKinzie

**ADJOURNMENT**

Mayor Trantalis adjourned the meeting at 2:00 p.m.

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Dean J. Trantalis  
Mayor

ATTEST:

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David R. Soloman  
City Clerk