

The special meeting of the Lake Wales City Commission was held on December 9, 2010 at 1:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor L. Jack Van Sickle.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Jonathan Thornhill; John Paul Rogers; Michael S. Carter; Mayor L. Jack Van Sickle.

COMMISSIONERS ABSENT: None.

CITY REPRESENTATIVES PRESENT: Judith H. Delmar, City Manager; Albert C. Galloway, Jr., City Attorney; Clara VanBlargan, City Clerk; Jacque Hawkins, Deputy City Clerk.

Agenda Item 1. Roll Call

All five City Commissioners were present.

Agenda Item 2. City Commissioner's Communication with the Media

Mayor Van Sickle said a Special Meeting was called because transactions had been made to the City's City Bank accounts by unknown people. All that had been given to the public was this information plus the fact that there was an active investigation going on. Each Commissioner had been briefed by City Manager Judith H. Delmar, individually due to the Sunshine Law, and in confidence requesting them to keep it quiet so it would not hamper the investigation.

The Mayor said he assumed the newspapers would carry only that information reflecting what had been given by the Police Chief at Tuesday night's City Commission meeting, but the numbers that Chief Gillis had refused to give out in his press release ended up in the Wednesday morning paper. The Lake Wales Newspaper stated in the article that the information had been given by two Commissioners, which were named. He said that giving out information that was given to Commissioners in strict confidence was uncalled for and because of that, City staff may not want to give Commissioners any other information.

The Mayor said the Commission was a body and therefore no individual Commissioner has the right to speak for the Commission at any time. Commissioners should not interfere with City staff procedures, should not get involved with what they do on a day-to-day basis, and should not even go behind them to see if they are doing their jobs. If a Lake Wales' Citizen comes to a Commissioner with a problem, the Commissioner should not handle it but turn it over to staff for them to handle because staff does the procedures and execution and not the Commission.

Mayor Van Sickle asked Commissioner Rogers how it happened that he told the newspapers that the City lost about \$600,000. Commissioner Rogers said a reporter asked him if he knew about the theft and if it was \$600,000. He told the reporter that knew about the theft but was not sure about the amount, though the word on the street was that it was between \$600,000 and \$800,000. He knew that Chief Gillis had given a press release by that time so he did not think he violated any confidences or released anything that would deter the investigation in any way. He said he always owns up to wrongs and he apologized to the Commission if he had. He said it has been his policy when being questioned by the press to face the problem and tell the truth. He said at times he has refused to comment but he saw no need for that because it was general knowledge on the street by that time. He said he reported his conversation to the Police Department and to the City Manager right after the interview. He said he was not computer literate himself but he had a file full of reports where similar things happened in other cities and to other organizations so the problem is not that uncommon.

Mayor Van Sickle asked Commissioner Carter if the newspaper was correct in saying he gave the information. Commissioner Carter said the reporter had asked him if the money stolen was within a certain range and he said he thought it was. Commissioner Carter asked City Attorney Chuck Galloway if he had done anything illegal or unethical and Mr. Galloway said not to his knowledge. Commissioner Carter said citizens have a right to know when over half a million dollars is taken from the City because it is after-all their money and he would not be a part of hiding or covering something like that up. Later on the public could be told how it happened and what was being done so it would not happen again. He said catching the thief is a job for the Police Department.

Mayor Van Sickle said he had no intention of hiding the information, but giving out confidential information could have impacted the apprehension of guilty individuals. He said it may not be legally unethical to release confidential information, but in his opinion it was unethical. Commissioner Carter said he did not betray a confidence because he did not give out the number, but that type of information being given out in a newspaper might have encouraged citizens to come forward with information that they may not have thought was important until they read about it in the newspaper. Mayor Van Sickle said it would have been in the paper when the Police Department wanted it in the paper. Commissioner Carter suggested that they agree to disagree on that topic.

Chief Gillis said that the City tries to be transparent and that is why he made the statement Tuesday night at the City Commission meeting. He said it was a significant investigation because it was stolen taxpayer funds and includes investigating officers and the State Attorney's Office. He urged the Commission to yield any questions relating to criminal investigations to the Police Department. He said the matter of the amount of money that had been taken would not in itself impede the investigation but that the amount was a moving target as they still do not know the amount, and that information given to a newspaper needed to be accurate. He said their duty is not only to apprehend the offenders but protect the innocent who, though proven to be not guilty, may be deemed so after making the newspapers. It was a terrible situation for the entire City and they needed to work together and do the right things. He said the City had a great staff and he had every confidence that staff will do everything to recover the funds, identify the individual or individuals, and take steps to make sure it will not happen again.

Ms. Delmar said the Commissioners were informed about what they thought to be an extensive problem at that time without going into details. They were informed by law enforcement that they were not to discuss it because they were working on subpoenas and there was sensitive surveillance going on. She said the amount of money was not the object of greatest concern because they were in the process of trying to recover lost funds, and were trying to keep general panic off the streets.

COMMISSION INPUT

Commissioner Thornhill said that in his occupation he has to investigate things like why a fire started so he knows that the more information given out the easier it is for someone to come up with an answer to gain coverage if they know the direction of the investigation. He said he had been told to keep it confidential and he did that to the best of his ability. He agreed that the public has a right to know, but you can tell them what happened without giving them too much of the details. He said that many times a suspect will make that one mistake that is important to the investigation. He agreed that they needed to work together as a Commission, that they are elected officials and not the everyday workers of the City, and that the Commissioners are not supposed to do staff's job just as staff is not supposed to do the Commission's.

Commissioner Howell said she had not known what she should say because of the ongoing investigation. But she wanted to know how the newspaper knew to ask the Commissioners for a statement before the press release informing them of the event. It wasn't the Commissioners who went to the newspaper but the newspaper who went to the Commission, so someone else from the City or the bank must have told the newspaper. It may have started out as gossip, someone who told someone else etc. but it wasn't the Commissioners who breached it first. It could have been a customer who heard someone at the bank

telling someone on their cell phone. She said she wasn't saying that Commissioners are perfect but in this case her concern was with the person who told the newspaper.

Mayor Van Sickle said he too had been called and asked to verify things but he simply told her that there was an ongoing investigation so he could not answer any questions and he knew they understood that. That is how it should have been handled. There are times that Commissioners should not validate what the newspaper thinks it knows. He said that if he was a City employee he would question whether or not he should give any Commissioner information in confidentiality again. He said the newspaper should understand that the Commission does not try to keep public information back but there are certain times that things have to be kept confidential. They should let the Police Department do their jobs so hopefully they can catch the person or persons responsible.

Chief Gillis said that after talking with the City Manager on Tuesday, the Police Department felt that they should be transparent and disclose a limited amount of information because there was already talk in the community. He said it was way too early in the investigation to give out all the information and it was important that only accurate information be told. He said there were no suspects at this point but they were looking internally to those who had access to the information in both the Finance Department and the bank, and externally to individuals not even in the City of Lake Wales. It was a sophisticated investigation because the City was the victim of identity theft and it may be that, given the magnitude of the case, the LWPD eventually lets another agency take the lead.


Mayor Van Sickle asked who would be the point person at the Police Department for information and the Chief said it would be Sergeant Mark Stroup who is leading the investigation and will know what can and can't be released. He said that he trusts and hopes the Lake Wales News will not put out information that they know will jeopardize the case because of journalistic ethics. He said at this point there is not much to release because they are still gathering documentation.

Commissioner Carter asked the City Manager if the City has identity theft insurance to cover the loss and Ms. Delmar said it had insurance to cover it.

There being no further business the meeting was adjourned.



Mayor/Commissioner



City Clerk