

RESOLUTION 2018-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA PROVIDING FOR THE CENSURE OF COUNCIL MEMBER RICHARD BRYAN AND CONCLUDING THE PROCESS INITIATED UNDER THE PROVISIONS OF SECTION 2.04 OF THE *CITY CHARTER*; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 26, 2018 the City Council took action to, in part, implement the provisions of Section 2.04(c) of the *City Charter* which states as follows; and

WHEREAS, on July 10, 2018 the City Council determined the composition of the committee of inquiry referenced in Section 2.04(c) of the *City Charter* by adopting Resolution Number 2018-07 appointing former Circuit Judge Clayton D. Simmons of Clayton D. Simmons P.A. as the committee of inquiry relative to the matters set forth in that Resolution; and

WHEREAS, since July 10, 2018 former Circuit Judge Simmons commenced inquiry relative to the matters set forth in Resolution Number 2018-07; and

WHEREAS, the City Council has determined, after consultations with the attorney for Council Member Richard Bryan. Doug Daniels, Esquire, and the City Attorney that it would be appropriate to censure the conduct of Council Member Richard Bryan and terminate the inquiry being implemented by former Circuit Judge Simmons; and

WHEREAS, this Resolution is enacted pursuant to the home rule powers of the City of Daytona Beach Shores as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*, the *City Charter*, and other applicable controlling law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, as follows:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.

(a). The City of Daytona Beach Shores has complied with all requirements and procedures of

Florida law in processing this Resolution.

(b). The foregoing recitals (whereas clauses) are hereby ratified, affirmed and confirmed as being true and correct and are hereby made a part of this Resolution.

SECTION 2. CENSURE OF COUNCIL MEMBER RICHARD BRYAN; TERMINATION OF COMMITTEE.

(a). The City Council hereby censures Council Member Richard Bryan for the following:

(1). For appearing before the Volusia County Council on June 19, 2018 well knowing that such individual action was inappropriate after engaging in similar conduct in February, 2018.

(2). For interfering with the Chapter 164, *Florida Statutes*, conflict resolution process in his appearance before the Volusia County Council on June 19, 2018 well knowing that such individual action was inappropriate after engaging in similar conduct in February, 2018.

(3). For usurping the collective authority of the City Council which was involved in the Chapter 164, *Florida Statutes*, conflict resolution process by appearing before the Volusia County Council on June 19, 2018 well knowing that such individual action was inappropriate after engaging in similar conduct in February, 2018.

(4). For alleging, in emails of June 25, 2018, and publicly at the June 26, 2018 meeting of the City Council, that the City Attorney had falsely and untruthfully stated matters to the City Council relative to Council Member Bryan's presentation before the Volusia County Council on June 19, 2018.

(b). The inquiry of former Circuit Judge Simmons acting as the committee of inquiry under the provisions of Resolution Number 2018-07 is hereby terminated.

SECTION 3. SAVINGS.

The prior actions of the City Council of the City of Daytona Beach Shores in terms of the matters relating hereto, as well as any and all related matters, are hereby ratified and affirmed.

SECTION 4. CONFLICTS.

All resolutions or part of resolutions in conflict with this Resolution are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Resolution not otherwise to be invalid, unlawful, or unconstitutional.

SECTION 6. EFFECTIVE DATE.

This Resolution shall take effect immediately upon passage and adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

MAYOR, HARRY H. JENNINGS

Attest:

CITY MANAGER, MICHAEL T. BOOKER

CITY CLERK, CHERI SCHWAB

Approved as to form and legality:

CITY ATTORNEY, LONNIE GROOT

Adopted this 27th day of July, 2018.

Posted this 27th day of July, 2018.