



BOARD OF COUNTY COMMISSIONERS POLICY

Alachua County, Florida

Resolution Number:

Effective:

Review Date:

Last Revised Date:

This Board Policy supersedes and replaces any previous versions.

ADMINISTRATING OFFICIAL COMPLAINT POLICY

Purpose: To ensure that complaints from Board members and Board employees against an Administrating Official, or a deputy or assistant to an Administrating Official, are handled in a consistent manner and conducted in an impartial and unbiased way.

Policy: Complaints from Board members and Board employees, alleging misconduct by an Administrating Official, or a deputy or assistant to an Administrating Official, shall be handled in accordance with this Policy.

Procedure:

Complaints against County Manager, or Deputy or Assistant County Manager:

1. When a Board member or a Board employee alleges misconduct by the County Manager, the complaint shall be immediately directed to the County Attorney as an independent officer for preliminary review.
2. The County Attorney shall review the complaint and the County Attorney, or designee, shall conduct a preliminary investigation to determine if there is probable cause to warrant conducting a full administrative investigation.
3. If the County Attorney determines that there is no probable cause, the County Attorney shall present such determination to the Board members along with a copy of the complaint.
4. If the County Attorney determines that there is probable cause and the allegations also implicate the County Attorney or the County Attorney's Office, the County Attorney shall refer the complaint to an outside investigator who shall report directly to the Chair of the Board.
5. If the County Attorney determines that there is probable cause and the allegations do not implicate the County Attorney or the County Attorney's Office, the County Attorney shall proceed with one of the following options, at his or her election.
 - a. The County Attorney, or designee, may conduct an administrative investigation of the complaint; or
 - b. The County Attorney may refer the complaint to an outside investigator of the County Attorney's choice, reporting directly to the County Attorney, if the County Attorney finds one of the following.
 - i. The investigation of the complaint is outside of the knowledge or skills of the County Attorney's Office.

- ii. The investigation of the complaint creates either an actual or perceived conflict of interest with the County Attorney's Office.
 - iii. The County Attorney is unable to complete the investigation in a timely manner due to work load and staffing concerns.
- 6. All administrative investigations shall be concluded within a reasonable time based upon the extent and severity of the allegations, but when possible should be completed within 45 calendar days of the determination of probable cause.
- 7. Following the conclusion of an administrative investigation involving allegations against the County Manager, the County Attorney will distribute a report to the County Manager and the Board members with the findings and recommendations, including recommendations for amendments to Board policies, and all necessary documentation. The report shall not include recommendations on discipline. The Board retains the authority to make the final decisions on such recommendations.
- 8. If an administrative investigation incurs costs, those costs shall not exceed \$50,000 without prior approval of the Board and shall be paid from Special Expense or Reserves.
- 9. **Deputy County Managers or Assistant County Managers.** Complaints against the Deputy County Manager or an Assistant County Manager will be handled in the same way as complaints against the County Manager, outlined above, except that, instead of paragraph 7, the following applies.

Following the conclusion of an administrative investigation involving allegations against the Deputy County Manager or an Assistant County Manager, the County Attorney will distribute a report to the County Manager and the Board members with the findings and recommendations, including recommendations for amendments to Board policies or administrative procedures, and all necessary documentation. The report shall not include recommendations on discipline. The Board retains the authority to make the final decisions on recommendations regarding Board policies. In accordance with the County Charter, which assigns and vests all executive responsibilities and powers with the County Manager, the County Manager shall make decisions regarding recommendations on administrative procedures and all final decisions regarding personnel.

Complaints against County Attorney, or Deputy or Assistant County Attorney:

- 1. When a Board member or a Board employee alleges misconduct by the County Attorney, the complaint shall be immediately directed to the County Manager as an independent officer for a preliminary review.
- 2. The County Manager shall review the complaint and the County Manager, or designee, shall conduct a preliminary investigation to determine if there is probable cause to warrant conducting a full administrative investigation.
- 3. If the County Manager determines that there is no probable cause, the County Manager shall present such determination to the Board members along with a copy of the complaint.
- 4. If the County Manager determines that there is probable cause and the allegations also implicate the County Manager or any employee whom the County Manager directly

supervises, the County Manager shall refer the complaint to an outside investigator who shall report directly to the Chair of the Board.

5. If the County Manager determines that there is probable cause and the allegations do not implicate the County Manager or any employee whom the County Manager directly supervises, the County Manager shall proceed with one of the following, at his or her election.
 - a. The County Manager, or designee, may conduct an administrative investigation of the complaint, or
 - b. The County Manager may refer the complaint to an outside investigator of the County Manager's choice, reporting directly to the County Manager, if the County Manager finds one of the following:
 - i. The investigation of the complaint is outside of the knowledge or skills of the County Manager's personnel.
 - ii. The investigation of the complaint creates either an actual or perceived conflict of interest with the County Manager's Office.
 - iii. The County Manager is unable to complete the investigation in a timely manner due to work load and staffing concerns.
6. All administrative investigations shall be concluded within a reasonable time based upon the extent and severity of the allegations, but when possible should be completed within 45 calendar days of the determination of probable cause.
7. Following the conclusion of an administrative investigation involving allegations against the County Attorney, the County Manager will distribute a report to the County Attorney and the Board members with findings and recommendations, including recommendations for amendments to Board policies, and all necessary documentation. The report shall not include recommendations on discipline. The Board retains the authority to make the final decisions on such recommendations.
8. If an administrative investigation incurs costs, those costs shall not exceed \$50,000 without prior approval of the Board and shall be paid from Special Expense or Reserves.
9. **Deputy County Attorney or Assistant County Attorneys.** Complaints against the Deputy County Attorney or an Assistant County Attorney will be handled in the same way as complaints against the County Attorney, outlined above, except that, instead of paragraph 7, the following applies.

Following the conclusion of an administrative investigation involving allegations against the Deputy County Attorney or an Assistant County Attorney, the County Manager will distribute a report to the County Attorney and the Board members with findings and recommendations, including recommendations for amendments to Board policies, and all necessary documentation. The report shall not include recommendations on discipline. The Board shall make the final decisions on recommendations regarding Board policies. The County Attorney shall make all final decisions regarding personnel.

AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
RESOLUTION xx-xxx, DATED xx/xx/xxxx