



Legislation Details (With Text)

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Title:	Discussion on the Administrative Complaint Policy, Whistle-blower Ordinance and Recent Complaint				
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Attachments:	1. DRAFT Whistle-blower Ordinance ADA.pdf, 2. Administrative Official Complaint Policy Resolution (ADA).pdf, 3. DRAFT Administrative Official Complaint Policy (ADA) (1).pdf, 4. Kabat Letter / Daniels Response Letter.pdf				

Date	Ver.	Action By	Action	Result
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Agenda Item Name:

Discussion on the Administrative Complaint Policy, Whistle-blower Ordinance and Recent Complaint

Presenter:

Board of County Commissioners and County Attorney

Description:

N/A

Recommended Action:

Adopt Resolution 20-XX (Administrative Complaint Policy) and authorize advertisement of Whistle-blower Ordinance for consideration for adoption at a public hearing.

Discuss recent complaint.

Prior Board Motions:

N/A

Fiscal Consideration:

N/A

Background:

Currently, the County does not have a policy to handle complaints against the County Administrators (County Manager and County Attorney), and their deputies and assistants. A policy would help to ensure that complaints from Board members and employees against an Administrator Official, or a deputy or assistant to an Administrator Official, are handled in a consistent manner and conducted in an impartial and unbiased way. The policy clarifies the roles and responsibilities of the Administrator Officials during such complaints. The policy assigns these roles and allows for a

swifter response to complaints in accordance with the policy without the necessity for ad hoc procedures to be established.

In addition to considering an Adminstrating Official Complaint Policy, staff has prepared for consideration a Whistle-blower Ordinance.

Sections 112.3187-112.31895, Florida Statutes, entitled the “Whistle-blower’s Act,” (the “Act”) provides for protections to persons who disclose information regarding illegal or malfeasant conduct on the part of government employees, agent or contractors. The Act provides for the establishment, by local ordinance, of an administrative procedure to permit disclosure of complaints and protect those persons making disclosure from retaliation. The Act also provides that when a local government adopts a local ordinance establishing such administrative procedures, that the local government will have an opportunity to address complaints locally instead of proceeding directly to court.

It is in the County’s best interest to have the first opportunity to review and address allegations of illegal or malfeasant conduct by its employees, agents and contractors prior to the delay and expense of court proceedings. The County wants to redress grievances and ensure that County operations are always conducted with integrity and responsive to the needs of the citizens of the County.

The adoption of this Ordinance is also in the best interest of County employees as it allows an avenue to have such concerns addressed without the expense and time of litigation falling to the employee. The Ordinance empowers employees to disclose information of unlawful activity or malfeasance to the appropriate County employees with assurances the employee will not be retaliated against, or provides recourse for any such retaliation. The adoption of this Ordinance does not preclude any employee from seeking judicial intervention if they are still aggrieved after the County has investigated.

The proposed ordinance would amend Chapter 23 of the Code of Ordinances to establish Article III creating a procedure to handle whistle-blower complaints and legal protections for the complainant.