

RESOLUTION NO. 25-06-46

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA ADOPTING ADMINISTRATIVE PROCEDURE #HR001 – COMPLAINTS AGAINST CHARTER OFFICERS AND ELECTED OFFICIALS; AUTHORIZING VILLAGE MANAGER TO IMPLEMENT THE PROCEDURE AS ADOPTED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Islamorada, Village of Islands (the "Village"), is a "Public Employer" as defined by Subsection 447.203(2), Florida Statutes; and

WHEREAS, according to the Village Charter (Section 5 and Section 7), the Village has five (5) elected officials and two (2) defined Charter Officers; and

WHEREAS, the Village Human Resources Director along with the Village Manager have recommended an Administrative Procedure to process complaints brought against Village Charter Officers and Elected Officials; and

WHEREAS, the Administrative Procedure is an extension of the adopted Personnel Policy Manual effective June 1, 2025; and

WHEREAS, the Village Council finds that adoption of proposed Administrative Procedure #HR001 – Complaints Against Charter Officers and Elected Officials is in the best interest of the Village.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and incorporated into this Resolution by this Reference.

Section 2. **Approving Administrative Procedure.** The Village Council hereby approves Administrative Procedure #HR001 – Complaints Against Charter Officers and Elected Officials, a copy

of which is attached hereto as Exhibit "A, together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Village Manager or designee and the Village Attorney are hereby authorized to take all actions necessary to implement the terms and conditions of the administrative procedure.

Section 4. Effective Date. This Resolution shall become effective on adoption.

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Motion to adopt by Steve Friedman, seconded by Anna Richards.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Sharon Mahoney Yes

Vice Mayor Don Horton Yes

Councilman Steve Friedman Yes

Councilwoman Deb Gillis Yes

Councilwoman Anna Richards Yes

PASSED AND ADOPTED THIS 10TH DAY OF JUNE, 2025.

Sharon Mahoney
SHARON MAHONEY, MAYOR

ATTEST:

MARNE MCGRATH
MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS:

John J. Quick
JOHN J. QUICK, VILLAGE ATTORNEY





ADMINISTRATIVE PROCEDURE #HR001
COMPLAINTS AGAINST CHARTER OFFICERS AND ELECTED OFFICIALS
EFFECTIVE DATE: 06/10/2025

I. PURPOSE AND APPLICATION

The purpose of this procedure is to establish guidelines for the filing, processing and prompt resolution of formal or informal complaints concerning the alleged actions or conduct of Charter Officers and the Elected Officials of Islamorada, Village of Islands (the "Village").

The Village takes all complaints regarding the conduct of its Charter Officers and Elected Officials seriously, and such complaints shall be addressed in a fair and timely manner. The intake process is described below.

Complaints will be processed in accordance with this policy as well as any and all applicable federal, state or local laws and regulations.

II. DEFINITIONS

- a.** Charter Officers: This shall refer to those positions created and defined within the Village, which positions include: Village Attorney, and Village Manager.
- b.** Elected Officials: This shall refer to any person elected or appointed to hold office on the Village Council.
- c.** Complainant: This shall refer to the individual making a complaint against a Charter Officer or Elected Official.
- d.** Subject: This shall refer to the individual against whom a complaint is being made (i.e., Charter Officer or Elected Official).

III. CONFIDENTIALITY AND PRIVACY INTERESTS

An essential duty of Village Charter Officers and its Elected Officials is to be accountable to the public they serve. While residents deserve to have access to some information about complaints and complaint trends, while a complaint investigation is pending, this must be balanced with the interests of the parties for the application of a safe, fair and impartial process with appropriate confidentiality. As such, in receiving, processing and resolving complaints, information will be kept confidential by those involved in the complaint process, as hereinafter provided and otherwise permitted under prevailing law, to protect the integrity of the investigation. To that end, complaints and information about the investigation must be kept confidential by all parties, witnesses, those who handle the complaint(s), and those who recommend discipline or remediation, to the fullest extent possible unless and until the



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disclosure of otherwise confidential information becomes appropriate provided by these guidelines or as required under prevailing law.

Complainants or witnesses who face reprisals as a result of being involved in the complaint process may file separate complaints of retaliation, which will be processed and resolved in the same manner as the original complaint.

IV. SUBMITTING A COMPLAINT

FOR COMPLAINTS AGAINST CHARTER OFFICERS:

A complaining party may submit a complaint to the Human Resources Director via email, regular mail or verbal communication. If the complaint is made verbally, the Human Resources Director must reduce the complaint to writing and obtain the signature of the Complainant attesting to the accuracy of the information contained in the written documentation prepared by the Human Resources Director and/or as amended by the Complainant. This is necessary to make sure that the facts underlying the complaint are investigated and that the Complainant stands by the factual allegations as the investigation proceeds. If the Complainant refuses to put the information in writing or sign a summary prepared by the Human Resources Director, after allowing the Complainant to add such additional commentary to the Human Resources Director's complaint summary as the Complainant believes to be necessary, then the Human Resources Director has no obligation to proceed with an investigation of the complaint and shall so notify the Complainant, in writing.

FOR COMPLAINTS AGAINST ELECTED OFFICIALS:

A complaining party may submit a complaint to the Human Resources Director or the Village Attorney via email, regular mail or verbal communication. If the complaint is made verbally, the recipient of the complaint (whether the Human Resources Director or Village Attorney), must reduce the complaint to writing and obtain the signature of the Complainant attesting to the accuracy of the information contained in the written documentation prepared by the Human Resources Director or Village Attorney and/or as amended by the Complainant. This is necessary to make sure that the facts underlying the complaint are investigated and that the Complainant stands by the factual allegations as the investigation proceeds. If the Complainant refuses to put the information in writing or sign a summary prepared by the Human Resources Director or Village Attorney, after allowing the Complainant to add such



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additional commentary to the Human Resources Director's or Village Attorney's complaint summary as the Complainant believes to be necessary, then the Human Resources Director or Village Attorney has no obligation to proceed with an investigation of the complaint and shall so notify the Complainant, in writing.

V. INTAKE REQUIREMENTS

The Village Attorney or Human Resources Director shall ensure that the following information is contained in the complaint:

- a.** Date the complaint is presented
- b.** Name or other identifiable information regarding the subject of the complaint
- c.** Complainant contact information
 - i.** Name
 - ii.** Address
 - iii.** Phone number
 - iv.** Email address
- d.** Nature of complaint, including providing as much detail as possible to assist in the resolution of the issue
- e.** Desired outcome/remedy sought

VI. RESOLUTION PROCESS

- a.** Initial Analysis of Complaint. Upon completion of Section V. above, the Village Manager, Village Attorney, or a third-party investigator who shall be unaffiliated with the Village Attorney or the Village Attorney's law firm in the event the complaint is made against the Village Attorney, shall analyze the complaint to determine if it (i) contains factual allegations that if presumed to be true, could constitute an actionable offense; or (ii) otherwise provides sufficient information and facts to warrant an internal investigation into the matters alleged.



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- i. If it is determined that an investigation is warranted, the remaining procedures below shall be followed.
 - ii. If it is determined that an investigation is not warranted, then the matter shall be closed and the Complainant notified of such closure.
 - iii. No person who is either the Complainant or a subject of the complaint shall be permitted to analyze the sufficiency of the complaint or otherwise participate in the process set forth in this subsection VI.a.
- b. Investigation of a complaint. If the Human Resources Director, Village Attorney or third-party investigator (as prescribed above) determines that the complaint warrants investigation, they shall refer the complaint for investigation by a qualified law firm or a Human Resources consultant unaffiliated with the Village Attorney or Village Attorney's law firm to conduct an investigation into the complaint.
- c. The identities of the Complainant and the Subject will remain confidential until Final Action on the complaint by the participating Village Council members.
- d. Timeline for investigation of the complaint. Every effort will be made to complete a prompt and thorough investigation within 45 days of the investigator's retention to conduct the investigation. The Complainant and Subject shall be afforded due process, including the right to be informed of the factual allegations, and the opportunity to present information and documentation in support of their respective positions. For any investigations that exceed 45 days, regular updates concerning the progress of the investigation will be given to the Complainant and Subject.
- e. Investigation report. After the investigation of a complaint concludes, the investigator will prepare a written report with findings of fact and conclusions of law relating to the complaint. The report will be provided to the Village Attorney or Human Resources Director (whoever initially received the complaint), who is then responsible for providing the report to the



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participating Village Council members for such action as the participating Village Council members deem appropriate.

- f. Confidentiality.** All proceedings and records relating to an investigation shall remain confidential as permitted under prevailing law.
- g. Consideration of the investigative report.** The investigative report will be placed on the agenda of the next available public meeting of the full Village Council for final action (“Final Action”). The report will be available for public inspection under the Florida Public Records Act after Final Action by the Village Council in an open public meeting imposing one or more of the sanctions as set forth in subsection VI.i. below
- h. Village Councilmember participation.** If a complaint is filed against a Village Council member, the named Council member must not participate in any Council discussion or vote related to the complaint. However, that named Council member may defend and respond to allegations in the complaint during the investigative process, and may otherwise fully participate in any investigation of the complaint.
- i. Final Action.** By the affirmative vote of participating Village Council members, the Village Council may conclude to impose whatever penalties it deems appropriate, based on the findings in the report. The Village Council by majority vote may vote to dismiss the complaint if, for instance, the report finds that the allegations are unsubstantiated. If the Village Council determines that the allegations are unsubstantiated it may dismiss the complaint. If the allegations are substantiated as it relates to a Charter Officer, the Village Council may by majority vote determine to terminate the individual or impose a lesser sanction (e.g., oral or written reprimand, or placement on a Performance Improvement Plan). As it relates to elected officials, if the allegations are substantiated, the Village Council by majority vote of the rest of the Council not named in the complaint, may impose any one (1) or more of the following penalties:

 - (1) Oral reprimand;
 - (2) Written reprimand;



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- (3) Public censure (via resolution read at a public meeting);
- (4) Referral to the Governor for action;
- (5) Referral to the Florida Commission on Ethics, Office of Inspector General, or any other agency deemed appropriate depending upon the nature of the violation;
- (6) Any other lawful penalty deemed to be reasonable and appropriate by the Village Council.

- j.** Both the Subject and Complainant will be notified as to the outcome of the complaint after the aforementioned Final Action by the Village Council.