

RESOLUTION NO. 24R-01-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, APPROVING AND ADOPTING THE PUBLIC CENSURE OF COMMISSIONER DENISE D. GRANT; FINDING THAT COMMISSIONER DENISE D. GRANT`S BEHAVIOR WAS UNACCEPTABLE AND UNBECOMING OF A PUBLIC OFFICER; PROVIDING THAT ALL PERSONS, SPECIFICALLY INCLUDING CITY STAFF, SHOULD BE VALUED AND TREATED WITH PROFESSIONALISM, CIVILITY AND RESPECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Lauderhill ("City") is a municipal corporation located within Broward County, Florida, duly organized and existing under the laws of the State of Florida and is charged with providing exceptional public services to residents located within its corporate limits; and

WHEREAS, the Florida Statutes, Chapter 112, Part III, provides a Code of Ethics for all public officers and employees to follow and abide by; and

WHEREAS, while the City of Lauderhill currently has a code of conduct for candidates for public office contained in Section 8-10, it does not currently have a standard of conduct or code of ethics for public officers and is encouraged to adopt such a code specific to public officials with clearly designated penalty provisions; and

WHEREAS, the City of Lauderhill does not currently have an anti-bullying policy, but is encouraged to pass such a policy applicable to all employees as well as public officers; and

WHEREAS, the City of Lauderhill Charter Section 3.07(b) currently provides that city commissioners should not deal directly with city employees or staff, but should instead consult with city officers and employees solely through the city manager; and

WHEREAS, on October 8, 2023 a formal written complaint was filed by Commission Aide to the Mayor, Khya Cummings, voicing concern regarding the existence of a hostile environment that was being created and maintained by Commissioner Denise D. Grant ("Commissioner Grant") as it related to her Commission Aide, Stephanie A. Crooks; and

WHEREAS, in Ms. Cummings complaint, a copy of which is attached hereto as Exhibit "A" and incorporated herein, Ms. Cummings noted that she had personally witnessed some alleged offensive treatment by Commissioner Grant towards Ms. Crooks; and

WHEREAS, on October 9, 2023, Stephanie A. Crooks submitted her own written complaint (which included a transfer request), based on alleged harassment, verbal

abuse, and hostility by Commissioner Grant, a copy of which is attached hereto as Exhibit "B" and incorporated herein; and

WHEREAS, on October 16, 2023, a public meeting was held to advise the City Commission of the formal complaints received against Commissioner Grant and requesting direction thereon; and

WHEREAS, the majority of the City Commission voted to hire an independent consultant to thoroughly investigate the above-referenced complaints, and instructed the City's outside labor and employment counsel, Weiss Serota Helfman Cole and Bierman ("Weiss Serota") to retain such a consultant; and

WHEREAS, consistent with the Commission's directive, Weiss Serota independently engaged Ria Chattergoon, Esq., of RC Law Group, to conduct the independent investigation; and

WHEREAS, the results of the investigation determined that, while the complained of behavior did not meet the legal requirements to establish a claim of harassment or a hostile work as defined by federal or Florida law, there was evidence of unprofessional and inappropriate behavior and a potential risk for a claim of retaliation under the Florida Whistleblower Act with regard to both Ms. Crooks and City Clerk Andrea Anderson; and

WHEREAS, the investigative findings indicated that there is a pending Florida Department of Law Enforcement (FDLE) investigation regarding Commissioner Grant and there was "a clear timeline and/or chain of retaliatory events beginning around the time that the FDLE investigation commenced in April/May 2023 and after Ms. Crooks participated in the FDLE investigation;" and

WHEREAS, the investigative findings also indicated that "the facts as described and confirmed with a multitude of witnesses, including Commissioner Grant, establish that Commissioner Grant's alleged performance issues with Ms. Crooks began after the FDLE investigation and after Commissioner [Grant] suspected who the potential witnesses to that investigation were;" and

WHEREAS, the investigative findings further indicated that "the overwhelming responses from all employees interviewed indicate that they do not feel respected or valued when working with or for Commissioner Grant;" and

WHEREAS, on December 14, 2023, a public meeting was held at which Ms. Chattergoon, reported these investigative findings to the City Commission; and

WHEREAS, in response to the findings, the City Commission instructed city administration and legal counsel to: conduct training for all city commissioners; implement citywide policies prohibiting bullying behavior; create a code of conduct for public officials which contains express penalty provisions; and prepare a Resolution calling for the public censure of Commissioner Grant; and

WHEREAS, Commissioner Grant was provided with seven (7) days from the date of her receipt of Ms. Chattergoon`s investigative report to file a rebuttal to the findings contained therein and, as such, the directive that was issued by the City Commission with respect to actions to be taken by administration and legal counsel was contingent upon the receipt of a rebuttal from Commissioner Grant in order to determine if there was the need to change any of Ms. Chattergoon`s investigative findings; and

WHEREAS, the rebuttal period expired on December 20, 2023 and Commissioner Grant`s legal counsel confirmed that she did not intend to file a rebuttal, and no rebuttal was in fact submitted to the city; and

WHEREAS, given that no rebuttal was filed, Ms. Chattergoon did not change any of the findings in her report; however, Ms. Chattergoon did make a slight amendment to the report to correct a factual error that she was made aware of in order to clarify that it was City Manager Desorae Giles-Smith who had arranged the meeting between the Police Union and Commissioner Grant following the Unity in the Community event; and not the Police Chief who had arranged the meeting as originally stated; and

WHEREAS, on December 21, 2023, Ms. Alison Smith of Weiss Serota forwarded this final amended investigative report dated "December 5, 2023*" with a footnote explaining the amendment to the Human Resources Department as the final investigative report, a copy of which is attached hereto as Exhibit "C" and incorporated herein; and

WHEREAS, the City Commission finds that a public censure of Commissioner Grant for the behavior referenced in the investigative report is in the best interests of the citizens and residents of the City, and that the adoption of this Resolution demonstrates to the City and its professional staff that the conduct and behavior exhibited by Commissioner Grant is unacceptable and will not be tolerated;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, THAT:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated herein.

SECTION 2. That the final amended independent investigative report by Ms. Ria Chattergoon dated "December 5, 2023*", a copy of which is attached hereto as Exhibit "C" and incorporated herein, is hereby accepted as the final report as no rebuttal was filed or received.

SECTION 3. That the City Commission of the City of Lauderhill hereby formally publicly censures Commissioner D. Grant for behavior that was outlined in the investigative report, as such behavior is unacceptable and unbecoming of a public official and finds that she must maintain professionalism, order, decorum, civility, and respect when interacting with all persons, most especially with city staff.

SECTION 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 5. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

SECTION 6. This Resolution shall take effect immediately upon its passage and adoption.

DATED this _____ day of _____, 2024.

PASSED AND ADOPTED on first reading this _____ day of _____, 2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION _____
SECOND _____

M. DUNN _____
D. GRANT _____
L. MARTIN _____
S. MARTIN _____
K. THURSTON _____

Approved as to Form

Angel Petti Rosenberg
City Attorney