

City of Lauderdale

*City Commission Chambers at City Hall
5581 W. Oakland Park Blvd.
Lauderhill, FL, 33313
www.lauderhill-fl.gov*



Meeting Minutes - Draft

Thursday, December 14, 2023

3:00 PM

City Commission Chambers

Special City Commission Meeting

LAUDERHILL CITY COMMISSION

***Mayor Ken Thurston
Vice Mayor Lawrence Martin
Commissioner Melissa P. Dunn
Commissioner Denise D. Grant
Commissioner Sarai Martin***

***Desorae Giles-Smith, City Manager
Andrea M. Anderson, City Clerk
Angel Petti Rosenberg, City Attorney***

I CALL TO ORDER

Mayor Thurston called to order the Special City Commission Meeting at 3:02 PM.

II ROLL CALL

- Present:** 4 - Commissioner Melissa P. Dunn, Vice Mayor Lawrence Martin, Commissioner Sarai Martin, and Mayor Ken Thurston
- Absent:** 1 - Commissioner Denise D. Grant

ALSO PRESENT:

Desorae Giles-Smith, City Manager
Angel Petti Rosenberg, City Attorney
Constance Stanley, Police Chief
Nadia Chin, Deputy City Clerk

III THIS IS A LIMITED AGENDA MEETING. THE ONLY ITEM TO BE DISCUSSED WILL BE:

1 REPORT OF INVESTIGATIVE FINDINGS BY INDEPENDENT INVESTIGATOR REGARDING COMPLAINT FILED AGAINST COMMISSIONER DENISE D. GRANT.

City Attorney Rosenberg mentioned Attorney Allison Smith, the City of Lauderhill’s legal representative in all labor and employment matters; Ms. Smith’s law firm hired the independent investigator, Attorney Ria Chattergoon, on the City’s behalf. Ms. Chattergoon was present, and ready to present her findings.

Attorney/Independent Investigator Ria Chattergoon presented her findings of her investigation into the subject matter, a complaint filed against Commissioner Denise Grant by City employee Stephanie Crooks, as provided in the backup, highlighting the following:

- The complaint against Commissioner Grant included the following allegations: hostile work environment that included, but were not limited to, bombardments of calls, texts after working hours, yelling requests for declarations of loyalty, and/or retaliation
- Her investigation included speaking to about 16 City employees; one employee declined to be interviewed out of a fear of retaliation; other employees were fearful of retaliation, and for that reason they were not named in her report; the individuals named in the report were managers, and other employees at a higher employment hierarchical level, hence their being named
- The investigation took a couple of weeks due to scheduling with each interviewee
- For the record, the information gathered clearly showed that Commissioner Grant enjoyed her job of serving the Lauderhill community as a city commissioner
- Her findings did not reveal a hostile work environment as apparent; the reason for this was, under Florida and federal law, certain elements needed to be

present to evidence a hostile working environment; one required that the hostile work environment be based on a particular characteristic, such as race, age, religion, disability, etc., none of which were found to exist

- Her findings did reveal a level of unprofessionalism and bullying, along with significant issues that arose during her investigation that were confirmed via both timeline and third-party witnesses for the allegations made against Commissioner Grant
- There were some instances of retaliation found; her concern for the City was there could have been a potential whistleblower complaint
- A separate complaint was being conducted against Commissioner Grant; the timeline of when the retaliation/bullying began lined up with that separate investigation; in speaking to third-party witnesses, including City employees, the timeline was shown to line up with when Commissioner Grant discovered who those witnesses were for the separate investigation, and when her treatment of Ms. Crooks began to decline
- The concern for the City was, basically, based on the Florida Whistleblower Statute
- City Manager Giles-Smith, and City Clerk Andrea Anderson handled the situation appropriately, in that they moved Ms. Crooks to different City department, took no adverse actions against her, lessening any risk of a lawsuit being brought against the City of Lauderhill
- Based on her findings, she recommended certain actions be taken by the City for moving forward
- Training for all members of the Commission on such matters as hostile work environment, harassment, and what constituted retaliation under the Florida Whistleblower Statute; as the members of the City Commission were not required to undergo the same employment trainings City employees were required to do yearly, she recommended the Commission receive such training yearly
- Employees should receive treatment on harassment; specifically, how to report it.

Mayor Thurston thanked Ms. Chattergoon for her thorough investigation of the subject matter.

Vice Mayor L. Martin thanked Ms. Chattergoon for her diligence in conducting the investigation, and putting the report together. He asked if it was possible to provide the Commission with more information on the abovementioned separate investigation that was conducted.

Ms. Chattergoon replied that she preferred not to provide details on the separate investigation, as her knowledge of it was very limited.

Vice Mayor L. Martin asked if it were possible for her to say who was investigated, and why.

Ms. Chattergoon believed there was an investigation being conducted by the Florida Department of Law Enforcement (FDLE).

Vice Mayor L. Martin surmised, understanding that the present meeting was a public meeting, the information provided in Ms. Chattergoon's report would

eventually be available to the public, whether in hard copy and/or on the City's website. He noted Ms. Chattergoon referenced a couple of attachments she was provided to review as part of her investigation, asking if all that information, too, would be made public eventually.

Ms. Chattergoon explained she did not include any attachments she reviewed as part of her investigation in the final report she produced from her findings. The determination to make those attachments public was a decision that would be made by City Attorney Rosenberg.

City Attorney Rosenberg affirmed Ms. Chattergoon's report was a matter of public record, the results having already been provided to the members of the City Commission. She asked which specific documentation was Vice Mayor L. Martin referring to, so she could advise as to their being made public.

Vice Mayor L. Martin Ms. Chattergoon mentioned in her presentation a report from the Lauderhill Police Department that was pending submission to the City that had been held back, which she reviewed as part of her investigation.

Ms. Chattergoon sought clarification Vice Mayor L. Martin was referring to an incident at a community event.

City Attorney Rosenberg indicated that report from the police would become public record.

Ms. Chattergoon clarified that report was never sent, it was a draft of a letter, hence it's not being attached to her report.

City Attorney Rosenberg asked if it was a draft of a letter done by a public employee.

Ms. Chattergoon answered correct.

Vice Mayor L. Martin noticed mention was made of a number of items Ms. Chattergoon was given to review for her investigation to give support or clarification situations were mentioned in the allegations.

City Attorney Rosenberg stated Ms. Chattergoon's notes made during her investigation were not a matter of public record.

Vice Mayor L. Martin sought confirmation that any documents Ms. Chattergoon received from City officials or employees would become part of public record.

City Attorney Rosenberg affirmed they would, such as emails, etc.

Commissioner Dunn commended Ms. Chattergoon for the speed and thoroughness with which she conducted her investigation. She too was interested in learning more about the separate investigation, asking if the FDLE investigation was a criminal investigation.

City Attorney Rosenberg responded it was an open and active criminal

investigation, so none of the details could be discussed at present; Ms. Chattergoon was not provided with any details of that investigation.

Commissioner S. Martin, too, thanked Ms. Chattergoon for conducting a thorough investigation and offering City employees the opportunity to have their claims investigated.

Mayor Thurston sought clarification the FDLE was currently conducting an investigation, asking who was the target of their investigation.

Ms. Chattergoon knew Commissioner Grant was involved, but she had no knowledge of who or what the target of the investigation was, as she knew no details of the investigation other than it was an open investigation, which meant the details were not available to the public as yet. She specifically did not get into the details of the FDLE investigation, as she did not want that information to cloud her judgment for the subject investigation.

Mayor Thurston explained his reason for asking was due to comments in Ms. Chattergoon's report about Stephanie Crooks being asked, "Are you recording me? Are you wearing a wire?", as this indicated some concern.

City Attorney Rosenberg said the FDLE investigation was concerning Commissioner Grant, and without mentioning specific details, she could say that it dealt with code of ethics and public officials. That was the crux of the matter and the most she could say on that matter at present.

Vice Mayor L. Martin commented that the members of the City Commission were only provided Ms. Chattergoon's report in the last 24 hours, and the public had the opportunity to secure a copy of the report to read as they wished. He encouraged members of the public to read the report when it becomes available for public access. When the subject matter was previously discussed a few months prior, it was important for him to make sure the City Commission, and the City government as a whole, was as transparent to the Lauderhill public as was possible. He said, therefore, it was imperative for the report to be made available to the public as soon as possible, so they could read it, and make their own decision. In his opinion, someone on the City Commission was elected to serve by the will of the people and it should only be the will of the people that should prevail.

Mayor Thurston referred to Ms. Chattergoon's recommendations at the end of the report, one of which was for all members of the City Commission to go through training on the rule for elected officials working and interacting with City employees. He asked for her to restate her recommendations.

Ms. Chattergoon replied the reason for the training recommendation for the City Commission was because the elected officials were not, technically, City of Lauderhill employees, who were required to undergo such training. In her investigation, she felt the Commission's not receiving this training was part of the disconnect between the elected officials, and their interactions with City employees, hence her recommending to Ms. Smith the need to conduct an annual training session with the elected officials, which would be done by Ms.

Smith as the City's labor and employment attorney. The training would serve to educate members of the Commission on what constituted harassment, a hostile work environment under the law, as well as other Florida statutes they should be aware of; in the subject case, the Florida Whistleblower Act. She said, in the latter, if a member of the Commission retaliated against an employee for objecting to a law or regulation, or if an employee refused to act based on their good-faith belief that the action constituted a violation of a law, rule, or regulation, any action taken against that employee by the elected official could be considered retaliation. Ms. Chattergoon stressed these were regulations the members of the City Commission needed to be aware of moving forward, as they worked with City employees on a daily basis, and they might not see those actions that lawyers might look for to establish evidence of retaliation, etc.

Commissioner Dunn addressed all City employees, stating the subject report, by law, might not fall under the legal definition of a hostile work environment, but persons feeling themselves to be in such situations knew what it felt like when just the mere coming to work tied their stomach in knots. That is, when home, the employee turned off the ringers on their phones, ignored messages, etc. because they were uncomfortable in their work environment. She knew it was painful, so she wanted all City employees to know that the Commission found working under such conditions was unacceptable; everyone had a right to feel safe, appreciated, and to come to work every day, and know that they're valued; if the latter was not the case, it should only be based on the quality of their work. Commissioner Dunn apologized to any City employee who felt harassed, unappreciated, and/or bullied. Though some of Ms. Chattergoon's recommendations included training, she felt sure the Commission and the City's management staff would be exploring policies that could be put in place to reduced the likelihood of such allegations being brought by anyone in the City again.

Ms. Chattergoon gave kudos to the City employees, some of whom were very fearful to speak, but they did speak with her to tell their truth, sometimes with tears, and/or anger, but they were very forthcoming. She conducted such investigations in a number of other cities, so she had some experience in the investigative field, and she thought the City of Lauderhill had a very dedicated group of employees; they wanted to come to work, and do a good job, so she echoed the support for training for the Commission members, along with establishing some related policies, which she discussed with Ms. Smith. She thought moving forward in this way would rectify the situation.

Vice Mayor L. Martin wished to know the highest amount a city had to pay out in reference to a scenario similar to that of the subject one.

Ms. Chattergoon replied each case was based on its own facts and circumstances, so it would benefit no one for her to give such numbers. She saw the outcome of numerous cases, as she was also a trial lawyer who tried similar cases before a jury in both federal and state court; the amount ranged from zero dollars to seven-figure amounts.

Vice Mayor L. Martin wondered if the subject matter was a case Ms.

Chattergoon would have taken on if asked.

Ms. Chattergoon responded if the City Manager and the City Clerk had not taken the actions they did in moving Ms. Crooks into another position, the answer was, yes, she would have taken the case.

Vice Mayor L. Martin mentioned the City had a number of unions representing employees, and things could get very bad if employee members in those agencies felt justified in filing work environment complaints. He echoed Commissioner Dunn's apology to the City employees, and he supported doing what was necessary to move forward; since everyone, the Commission and all City employees had to interact with each other, it was important for everyone involved in City government receive the recommended state and federal regulation training; and if the City needed to put policies in place to mitigate a recurrence, this was the time to do it. He admitted to being surprised at some of the findings in the report, so this was something that had to be addressed, so the City could get back on track with conducting its regular business; there was too much good happening in Lauderhill, so any setbacks or tainted images should be avoided. Vice Mayor L. Martin said he appreciated the members of the public attending the meeting, both in the Chambers, and online, as they sought to take an interest of what was found in the investigation, and the City's approach to address any matters that needed to be addressed.

City Attorney Rosenberg reminded the Commission the discussion would be opened to the public, and Commissioner Grant's attorney was present to respond on her behalf. Ms. Smith would also advise the Commission as to the options for what needed to be done.

Ms. Chattergoon commended City on Lauderhill's beautiful parks, as she had went to a few of them to interview City employees.

Kaysia Earley, attorney for Commissioner Grant, remarked that regarding the compliant against her client alleging harassment and a hostile work environment, Commissioner Grant was grateful that the City hired an independent, outside legal counsel to investigate the subject matter, so a fair and impartial investigation could be conducted. As residents heard, the thorough investigation conducted by Ms. Chattergoon, and, based on federal law and State statutes, the allegations of harassment and hostile work environment were not sustained. However, she thought it imperative to clear the record, noting she was a criminal defense attorney, having tried over 100 criminal cases to verdict, so she was very experienced in the criminal division. She clarified the only reason criminal allegations were being handled by the FDLE was due to a conflict, and when there was a conflict within the county, the case was removed to a higher authority, so there was no appearance of impropriety and to ensure a fair and impartial review was conducted of the allegations. The allegations were memorialized on a piece of paper and sent to the State Attorney to review the case to determine if there was sufficient probable cause to proceed. Ms. Earley stressed, at present, it was very important for Lauderhill residents to understand that everyone was innocent until proven guilty. When one was accused, specifically of criminal allegations, there was a taint that affected one's reputation once the information was made public,

even when the matter had yet to be investigated, and, despite an accused being innocent until proven guilty, residents hearing FDLE investigation made it sound serious rather than the matter just being moved to them due to a conflict at the local level. She noted, as the owner of her law firm, and being a female in a white, male-dominated profession, she, too, understand that oftentimes a woman's assertiveness and stance might be interpreted as aggression, and women were often criticized for that. Ms. Earley stated Commissioner Grant absolutely loved her job of serving the Lauderhill public as a city commissioner; since 2018, she served on the City Commission, receiving numerous recommendations, and she worked tirelessly on Lauderhill residents' behalf, and sometimes serving the residents of Lauderhill took dedication that went outside of normal work hours. She agreed with Ms. Chattergoon that the City Commission should receive the recommended training, as other City staff members did; training was always a good thing, even for those persons who had not made a mistake, or exercised poor judgment, as it was a team effort. Commissioner Grant welcomed any training recommended by the City's legal advisors for all members of the City Commission. She clarified Commissioner Grant did not attend the present meeting, as the date for the special commission meeting was never confirmed, so she was attending the meeting on Commissioner Grant's behalf.

Commissioner S. Martin thanked Ms. Earley for attending the meeting to speak on Commissioner Grant's behalf.

Attorney Allison Smith went on to explain the Commission's role, as to what should be done in response to the findings, as all members of the Commission had an opportunity to review Ms. Chattergoon's report on her findings. Possible actions included:

- Require training for the entire City Commission, which she would conduct, as she did with all City staff
- Require robust and immersive training specifically for Commissioner Grant to address the issues identified in the report
- Require a public censure or reprimand of Commissioner Grant in the form of a resolution; it would be a written document prepared by the City Attorney, explaining the rest of the Commission's position on Commissioner Grant's behavior, such as it not being representative of how the City Commission, as a body, wished to be viewed by the public
- The report could be referred to Governor DeSantis, asking him to make a decision on what he wished to do, if anything
- The Commission could choose to do a combination of any of the above
- The Commission could opt to take no action, since Ms. Crooks was transferred to another department, and Ms. Chattergoon felt comfortable that Ms. Crooks was happy with the position she now occupied; the City Manager and the City Clerk did the right thing in immediately transferring Ms. Crooks to another City department
- The final decision on how next to proceed was up to the City Commission based on their review of Ms. Chattergoon's report, and the Commission was the factfinder and decision maker in terms of the present part of the process.

Commissioner Dunn added another option she wished to Commission to

consider was requiring the City Manager and her staff to look at the City's policies regarding the treatment of employees, and ways to address such matters if they arose; thus, this was an opportunity for the City to strengthen existing policies, as well as add new ones. During the City retreat, words were used to define the values the City Commission and management staff thought Lauderhill should be built on, including respect and kindness, so the City's policies regarding the treatment of City employees should reflect those values more succinctly. She said, in this way, if a similar situation were to arise, not necessarily between an elected official and a city employee, but between city employees, while the alleged actions might not rise to the level of a federal or state regulation violation, they would be in violation of City policies, and there should be a clear consequence for such a violation. Commissioner Dunn remarked, regarding the present situation, doing nothing was not an option, as she believed a message should be sent to City staff that such behaviors had consequences and they would not be tolerated from anyone, not from members of the City Commission, management, or employees in any department. She asked her colleagues to consider including public censure as an action in addressing the subject matter.

Attorney Smith mentioned Ms. Chattergoon and she did discuss the matter, and they were going to suggest the Commission and staff place a policy review on the agenda for the upcoming City retreat on January 25, 2024, including a policy for antibullying, and establishing a code of conduct for elected officials, which the City did not currently have.

City Attorney Rosenberg added the City had a code of conduct that dealt with election candidates, but there was none that pertained to elected officials; and the code of ethics provided no penalties. Each of the possible actions alluded to above were addressed in state and federal statutes, but not at the city level; some cities had provisions that granted their commission the authority to suspend or remove an elected official for such violations.

City Manager Giles-Smith mentioned adding an antibullying policy.

Vice Mayor L. Martin concurred with Commissioner Dunn's three recommendations for training for the Commission, policy strengthening and additions, and public censure for Commissioner Grant. He asked the City's legal counsel to explain for the public's benefit that the City Commission's vote on the action(s) to be taken at the current meeting did not mean the process for addressing the subject matter was completed.

Attorney Smith affirmed the report on Ms. Chattergoon's investigation was completed; the normal process the City followed was to allow employees, and Ms. Earley on Commissioner Grant's behalf, to file a rebuttal to Ms. Chattergoon's report if they wished. Commissioner Grant had seven days, from the date she received the report of the findings and the recommendations, to file a rebuttal if she wished. She noted if a rebuttal was filed by any of the parties involved, the rebuttal would be presented to Ms. Chattergoon for her review and she would determine if anything was contained in the rebuttal that would substantially change her material findings detailed in her report; if the material findings were substantially affected by the rebuttal, Ms. Chattergoon

would provide a supplement to be added to her first report. If nothing was found in the rebuttal to affect the findings of her first report, Ms. Chattergoon would make a statement that her report should stand as is. She commented that whatever finding the Commission made and approved at the present meeting would be subject to a rebuttal being filed by any concerned party, and if none was received, then the City's legal staff would proceed with the Commission's recommendation. Regarding the censure portion, City Attorney Rosenberg would draft that resolution for consideration at a public meeting.

Vice Mayor L. Martin remarked, based on Ms. Chattergoon's investigation, including the persons she spoke with, there was a statement in the report that she found those persons credible, understanding that she found no evidence of bullying or a hostile work environment.

Ms. Chattergoon clarified that she found no hostile work environment or harassment according to the legal definition of those elements. Her report stated that she found some unprofessionalism and what some people might consider bullying.

Vice Mayor L. Martin noted the behaviors Ms. Chattergoon noted in her report were not onetime or isolated occurrences.

Ms. Chattergoon answered correct; the unprofessional behaviors she found and noted in her report were a series of incidents and events revealed by a number of witnesses.

Vice Mayor L. Martin wished it to be clear to the public that this was not a situation where a mere trivial occurrence was being unnecessarily elevated to a higher level of scrutiny by the City Commission; based on the information Ms. Chattergoon gathered from the witnesses she interviewed, the unprofessional behaviors had occurred more than once.

Ms. Chattergoon commented that the occurrences culminated with Ms. Crooks' complaint, but she found there were a series of events that occurred prior to her complaint. She added that Ms. Crooks was not aware that her complaint would be made public, resulting in her facing backlash from the Lauderhill community in filing her complaint, hence her recommendation of training, including for the employees, as they needed to understand that they had a reporting policy and procedure they should follow without fear of retaliation.

Commissioner S. Martin thanked Ms. Chattergoon for taking the time the previous day to answer all his questions, which he really appreciated. He sought confirmation that the complaint against Commissioner Grant was for harassment, which Ms. Chattergoon said were unfounded based on the legal definition, but incidents of unprofessionalism were found.

Ms. Chattergoon affirmed this to be the case.

Mayor Thurston opened the discussion to the public, stating each person's comments would be limited to one minute; any comments made should pertain to the facts or evidence related to the subject matter. Statements should not be

made merely regarding a person's character; neither cumulative statements solely as to character would not be permitted, nor would any statements of personal attacks be allowed. There would be no interrogation or any back and forth question and answer sessions with the public. All speakers should give their name and address before making their comments.

Commissioner S. Martin sought confirmation as to Commissioner Grant's having seven days to respond to Ms. Chattergoon's report, asking Ms. Earley if, at present, there were any plans by Commissioner Grant to give a rebuttal to that report. As this was the first time the City was engaging in such a matter, he had no wish to for the Commission to make recommendations on the public record, and if after Commissioner Grant issued a rebuttal statement, some elected officials might seek to change their recommendations made prior to that rebuttal. Thus, if a rebuttal was likely, he thought the Commission should wait before deciding on its recommendations to address the subject matter; he had no wish to taint the outcome.

Ms. Earley replied, though she would give Commissioner Grant the proper advice on actions that should be taken, the ultimate decision was that of Commissioner Grant, so she asked if the Commission would consider delaying their final recommendation to allow Commissioner Grant that seven-day window to determine if she wished to make a rebuttal or not. Her comments regarding tainting any recommendation was made due to the mention of the FDLE case, which she urged the Commission to keep both investigations separate in their decision-making process, as in the FDLE case, they were only allegations, not proven facts made against Commissioner Grant. Any recommendations made by the Commission should be based only on evidence provided by Ms. Chattergoon's report.

Vice Mayor L. Martin reiterated the Lauderhill public had yet read Ms. Chattergoon's report, on which the Commission's decision would now be based, and the report showed Commissioner Grant was permitted and did respond to each allegation made against her that was investigated, and her responses were included in the report. Thus, the Commission would not be making decisions without any feedback from Commissioner Grant in the course of the investigation conducted. However, the comments the public were about to give could not be based on information provided in the report, as it had yet to be made public; the entire report included Commissioner Grant's responses, the comments from courageous interviewees, and Ms. Chattergoon's recommendations.

Commissioner Dunn felt the City Attorney stated clearly what the process was should there be a rebuttal to Ms. Chattergoon's report. She thought, with a sense of urgency, it was critical for the City Commission, as Lauderhill's elected officials, to let all City employees know that even though the allegations were unfounded based on the technical, legal definition, no level of bullying would be tolerated. She felt very strongly that the Commission should go on the public record stating no employee should feel they were being bullied by anyone while working with the City of Lauderhill. It was morally and ethically important for her to go on the record to strongly state, even though the allegations were not proven according to the legal definitions, if the City already had policies in

place related to harassment, bullying, hostile work environment, etc., the subject situation would rise to the level of clear violations under City law. She had no issue with going on the record to state that such situations were unacceptable and wrong.

Alan Brown, 4460 NW 25th Place, Lauderhill, thanked the Commission for the much needed process but thought three things stood out as serious concerns: bullying; a tinge of retaliation; and the City Manager having to remove Ms. Crooks to another City department. These were serious concerns, and he was disappointed to learn the City had no policies in place to deal with situations in which such behaviors occurred, and now the City had to play catchup. He said, for a City employee to go through such experiences, feeling the need to file a complaint against a member of the City Commission bullying her, that resulted in even a tinge of retaliation, this was serious, along with any other employees who experienced this.

Madeline Noel, 4870 NW 20th Court, Lauderhill, thanked the City, specifically the City Manager and City Attorney, in taking the steps to immediately act in response to the situation when it arose. She thanked the Commission for approving the hiring of an independent investigator, thanking Ms. Chattergoon for doing a thorough investigation. She highly suggested the Commission adopt the training recommendations, as this would further affirm the trust of the Lauderhill community, knowing that all credible allegations would be investigated, and actions taken to address those findings. Every employee should have the right to bring forth complaints, including on any member of the Commission, so training was always vital in reducing the likelihood of issues occurring with regard to employees feeling bullied, and/or retaliated against in their work environment.

Willie Mae Cooper, 1541 NW 32nd Avenue, Lauderhill, and president of West Ken Lark Homeowners' Association (HOA), stated, in working with people prior to her retirement, she experienced working in a toxic environment, where employees were unappreciated and spoken down to, and she held Lauderhill's leaders to the highest standard. She respected the staff at the City of Lauderhill, having worked with many of them over time; when staff were hired to work for the City, a thorough job was done in vetting them, most of whom she worked with. They deserved to be respected and appreciated, and it was very important when they came to work to do their job that they did not feel intimidated by any member of the City Commission, or City management. When she dealt with people, she saw the best, and believed the best in each person; she was not here to judge, but she held the elected officials accountable.

Varion Harris, 4811 NW 19th Street, Lauderhill, commented that, by definition, bullying someone affected their state of mind psychologically, and that amounted to harassment in the workplace; this was part of his training. Thus, to say that there was nothing found, he was confused as to that finding, and it was possible further investigation was needed. Everyone coming to work should feel safe and not have to worry about being retaliated against by any one individual. He believed having to move an employee from a position in the subject situation constituted harassment.

Mayor Thurston received no further input from the public.

City Attorney Rosenberg recapped the following: based on the fact that this was an investigation dealing with a public official, a summary of the process was already provided by Ms. Smith. An independent investigation was conducted, the findings were placed in a report that was sent to members of the City Commission.

Ms. Chattergoon wished to clarify for the record to prevent any tainting of the evidence that she interviewed over 16 people, but not all stated Commissioner Grant bullied them.

Commissioner Dunn felt one person claiming bullying was one too much.

City Attorney Rosenberg resumed her recap: the next step was for the members of the Commission to give a recommendation, so City staff understood how to proceed. She clarified a rebuttal was not legally required; this was a City policy, and since there was no Human Resources (HR) process in place for elected officials, the process for City employees was being followed. Thus, for employees, if an allegation was made, the findings were reported to them; they were told what the recommendations would be; and they were told they had seven days to file a rebuttal; if they chose to file the rebuttal, the contents of the rebuttal would be reviewed to determine if they revealed any pertinent findings, if they provided more material evidence or facts that changed the finding; for employees, the City Manager, HR, and Ms. Smith met and worked with the employee to resolve the matter. If the rebuttal revealed facts that changed the findings, the determination would be made if they, ultimately, changed the recommendations, of which the employee would be notified. Ms. Rosenberg stated though she did not work in this area of the law, she understood the majority of the time, once interviews were conducted, the person against whom the investigation was made, Commissioner Grant in the subject instance, was given the opportunity to respond to each incident, allegation, etc. In light of this process, and Commissioner Grant's opportunity to still file a rebuttal within seven days, their may or may not be material findings that resulted in any change, or that would impact Ms. Chattergoon's findings, but if she did make any changes to her report, the Commission would be informed, and they would have an opportunity to make any changes to their recommendations. The City would not move forward until the time allowed for the rebuttal expired. Ms. Rosenberg pointed out, as stated by Ms. Earley, that any other investigation taking place was not a finding; it was completely separate and apart from the subject matter; regardless of any other allegations or criminal case being conducted, it did not impact the recommendations the Commission should make in the subject matter; the evidence on which those recommendations should be made was to be solely limited to HR complaint filed dealing with hostile work environment, and the findings as stated in Ms. Chattergoon's report. So as not to have return for numerous hearings, the City's legal staff requested that the Commission state their recommendations, again, none of which would be acted upon until all timeframes expired, all reports were filed, and everything needing follow up was completed, including if a rebuttal was filed, whether the added information changed any findings or

recommendations, and if the latter, the Commission would be notified of any changes Ms. Chattergoon made to her current report, then provided with the updated report. If no rebuttal was submitted, or no changes resulted after a rebuttal was submitted, there would be no need for another special meeting on the matter, and staff would proceed with the Commission's approved recommendations. She summarized the possible recommendations mentioned earlier: training specific to Commissioner Grant; public censure or reprimand worded as a resolution brought before the Commission to pass at a regular Commission meeting; forwarding the matter to the Governor for his decision, which the City had no idea of knowing how long that would take; training for all elected officials; or the Commission could do nothing further; the Commission could choose to do one or any combination the above recommendations. She remarked the Commission should take a vote to approve their choice of recommendation(s), on which staff would not act upon until all timeframes expired.

Vice Mayor L. Martin felt encouraged to acknowledge to City staff and the Lauderhill public the Commission's decision would, hopefully, end the process for the subject matter. He wished to confirm it was fair to say there was no intent to expand the investigation after the seven-day rebuttal period passed.

Ms. Chattergoon thought this a fair statement, stating she met with and interviewed Commissioner Grant, in which she had all the allegations, and facts gathered with her, and she asked Commissioner Grant about all these elements. She did not anticipate her report or her recommendations being changed, though if Ms. Earley filed a rebuttal on Commissioner Grant's behalf, and it pointed out something she missed, she would have to look at the possibility of changing her report and/or her recommendations.

Vice Mayor L. Martin sought clarification as to the recommendations for training, one specific to Commissioner Grant, and the other for the entire Commission.

City Attorney Rosenberg clarified Ms. Chattergoon's recommendation was for the entire City Commission to receive training.

Ms. Chattergoon added she recommended training for all City employees on reporting.

Vice Mayor L. Martin thought this was in line with Commissioner Dunn's added recommendations, adding, however, that at some level of City administration, including among members of the City Commission, common sense should dictate that speaking to City employees in certain ways was just unacceptable, and that they had a right to be treated with respect. He sought confirmation there were previous meetings with Commissioner Grant on such matters, so the occurrence of the subject situation was not an isolated incident, as some persons were trying to convey, as this concerned him.

City Attorney Rosenberg answered yes, there were discussions on prior occasions with Commission Grant about such behaviors.

Vice Mayor L. Martin supported the recommended actions advocated by Ms.

Chattergoon, and by Commissioner Dunn.

Commissioner S. Martin extended his warmest apologies to any City employee who had to endure any unacceptable treatment in their work environment, whether related to the subject matter, or in their interactions with any other person that were unreported. This included any such possible situation that involved any member of the Commission that they were unaware of; he offered a sincere apology. No City employee should have to work in a negative environment. The fact that this was the first time the City of Lauderhill was going through such a process served to illustrate that no one was above the law, but that everyone had rights, and if an employee was being wronged, they should have the opportunity to let someone know, regardless of their level of employment with the City. Commissioner S. Martin reiterated what he made clear since elected to the Commission, and that his door was always open to any employee or member of the Lauderhill public to feel free to share their concerns. He thanked Ms. Chattergoon and Ms. Rosenberg for their recommendations to the Commission, and he wished to make a motion to institute training for all members of the Commission, as well as extended training for any members in need, training on reporting for all City staff, for the City Manager to strengthen and/or implement new City policies so employees' complaints about their work environment that might not rise to the level of federal and state law could be investigated and addressed accordingly.

City Attorney Rosenberg noted Commissioner S. Martin's motion differed from that of Commissioner Dunn made earlier.

Mayor Thurston stated Commissioner S. Martin's motion died due to lack of a second.

Commissioner Dunn proposed a motion for three recommendations: 1) training for the Commission, and for the staff as outlined in the report; 2) strengthen existing policy, and create new policies to address bullying, harassment, and any other hostile work environment behaviors in the City in order to create a culture of respect and kindness; 3) public censure of Commissioner Grant, based on the findings stated in the report, and as stated by City Attorney Rosenberg of what that would entail, so there was, on the record, consequences for Commissioner Grant.

Mayor Thurston stated he was sorry the City had no policy in place to deal with such matters, though policies were sometimes established when a problem arose that had to be dealt with; the City of Lauderhill had never had such a problem before that necessitated putting in place policies to deal with such occurrences. He, too, opined that though there were no policies in place, there were certain things an elected official should know.

A motion was made by Commissioner M. Dunn, seconded by Vice Mayor L. Martin, to approve three main recommendations, as discussed: 1) Training for the Commission, and for the staff as outlined in the report; 2) policy changes and implementation to address bullying, harassment, and other hostile work environment behaviors; 3) public censure of Commissioner Grant. The motion carried by the following vote:

Yes: 3 - Commissioner M. Dunn, Vice Mayor L. Martin, and Mayor K. Thurston

No: 1 - Commissioner S. Martin

Abstain: 0

City Attorney Rosenberg reiterated staff would not proceed with implementing the Commission's recommendations until all timeframes noted above expired, and if there were any material changes due to a rebuttal being filed, the Commission members would be duly informed, so they could reconsider the approved recommendations if necessary.

Vice Mayor L. Martin sought confirmation that Ms. Chattergoon's report remained confidential until the seven-day rebuttal period expired.

City Attorney Rosenberg indicated Ms. Chattergoon's report was already a matter of public record, so it was available to any member of the public wishing to read it.

IV ADJOURNMENT - 4:05 PM