
**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601**

BOARD POLICY - SECTION NUMBER 01.30.00.01

**SUBJECT: Process for Referral and Response to
 Alleged Violations of the Board's
 Standards of Conduct applicable to all
 BOCC Appointees to Boards, Councils,
 Committees, or Authorities.**

EFFECTIVE DATE: November 6, 2013

SUPERSEDES: New

PURPOSE:

To adopt a procedure for the referral of and response to complaints, filed with the Board of County Commissioners (BOCC), the County Administrator, or the authority, board, committee, or council on which the subject Member serves, regarding alleged violations of the Board's Standards of Conduct. The Board's Standards of Conduct is applicable to all BOCC appointed members of and citizens seeking appointment, reappointment, or confirmation of nomination to any board, council, committee, or authority, including all county employees, agency/governing body representatives, and citizens appointed by individual commissioners.

POLICY:

The BOCC declares that the general guidelines enumerated herein be used in addressing alleged violations of the Board's Standards of Conduct, applicable to all BOCC appointed members of and citizens seeking appointment, reappointment, or confirmation of nomination to any board, council, committee, or authority, including all county employee, agency/governing body representatives, and citizens appointed by individual commissioners, by the adoption of BOCC Policy, Section Number 01.30.00.00, as pertaining to BOCC Appointments.

The BOCC hereby recognizes that persons holding a position of public trust are under constant observation and that maintaining the integrity and dignity of the public office is essential for continuing public confidence in county government.

In order to facilitate a timely resolution of issues, complaints should be reduced to writing using the attached form (Affidavit Alleging Standards of Conduct Violation/s). Most written communications to or from county officials regarding government business are public records available to the public. Therefore, information provided and developed during this process may be subject to public disclosure. This policy in no way

compels that any action be taken or impinges upon the right of the BOCC to remove any BOCC appointee at any time for any or no reason, unless prevented from doing so by some other legal authority.

PROCEDURES:

The following procedures shall be used to address complaints alleging violations of the Board's Standards of Conduct by BOCC appointed members serving on any authority, board, committee, or council. All BOCC appointees are obligated to adhere to the Board's Standards of Conduct. A violation of the Standards of Conduct may result in appropriate action, up to and including removal and replacement.

1. All complaints alleging violations of the Standards of Conduct shall be forwarded to the County Administrator's designee, who shall maintain all complaints and forward copies to the County Attorney's Office.
2. The County Attorney's Office shall review the complaint to determine whether the allegations present a sufficient basis to find a violation of the Standards of Conduct.
3. If the County Attorney's Office determines that the complaint on its face does not allege facts that would be a sufficient basis to find a violation of the Standards of Conduct, the complaint shall be dismissed without further investigation and a close out letter shall be issued by the County Attorney's Office to the alleged violator and the complainant.
4. If the County Attorney's Office determines that the complaint presents a sufficient basis to find a violation of the Standards of Conduct and the alleged violation is not addressed in paragraphs 6 and 7 below, the County Attorney's Office shall refer the complaint to a Hearing Officer. If it is determined that a violation occurred, the Hearing Officer shall issue a written warning, if it is the first time there has been a violation of the Standards of Conduct. The written warning shall advise the alleged violator that any future violation may result in a recommendation by a Hearing Officer, up to and including removal and replacement. A copy of the warning letter shall be provided to the complainant.
5. If the County Attorney's Office finds that the complaint alleges a subsequent violation of the Standards of Conduct, the County Attorney's Office shall refer the complaint to a Hearing Officer. The County Attorney's Office shall notify the alleged violator and the complainant of the referral.
6. If the County Attorney's Office determines that the complaint alleges a violation of Florida's Ethic's Code or Florida's Sunshine Law, the County

Attorney's Office shall provide a copy of the complaint to the alleged violator and determine if a referral for further investigation and enforcement by an appropriate authority is warranted. The alleged violator and the complainant shall be notified of the County Attorney's determination. The BOCC shall be notified of any action taken by the authority.

7. If the County Attorney's Office determines that the complaint alleges discrimination or harassment, including, but not limited to, any act of violence, verbal or physical threats, intimidation or abusive language, misuse of alcohol, controlled substances, or illegal drugs, including participating while under the influence, the County Attorney's Office shall refer the complaint to a Hearing Officer. The County Attorney's Office shall notify the alleged violator and the complainant of the referral.
8. The County Attorney's Office shall obtain the Hearing Officer. The Hearing Officer must be a member in good standing with the Florida Bar and not an employee of the County Attorney's Office or of Hillsborough County. In addition, the Hearing Officer cannot currently hold or in the past three years have held any employment or contractual relationship whatsoever, to include providing legal representation, with Hillsborough County. The Hearing Officer may be compensated.
9. The Hearing Officer shall make a written report, based on available evidence, which can include, but may not be limited to, written statements and relevant documents submitted by the parties or oral presentations made by the parties. The written report shall include findings as to whether a violation of the Standards of Conduct actually occurred and specific recommendations for appropriate action to protect the integrity of the Standards of Conduct. Recommendations for appropriate action, if any, may include, but is not limited to, removal and replacement of the alleged violator. The Hearing Officer may elect to have a hearing. Hearings before the Hearing Officer will be open to the public. No public comments shall be taken at such hearings.
10. All written reports of the Hearing Officer shall be provided to the County Attorney's Office. If the report does not indicate that a violation occurred, the matter shall be considered closed and a copy of the written report and a close out letter shall be issued by the County Attorney's Office to the alleged violator and the complainant.
11. If the report indicates that a violation occurred, a copy of the final written report shall be provided to the authority responsible for appointing the alleged violator (i.e. the BOCC, an individual Commissioner, the County Administrator, or any other third party making appointments, except for other local governments). The appointing authority shall consider the appropriate action to be taken, if any, up to and including removal and replacement,

particularly with regards to violations addressed in paragraph 7. The BOCC shall be notified of any actions taken by the appointing authority.

12. In the event the appointing authority fail to take appropriate action within ninety (90) days of the date of the Hearing Officer's final written report, the BOCC may consider taking whatever action it may deem appropriate, up to and including removal and replacement.
13. County employees appointed by the BOCC to serve on a board, council, committee, or authority and who are found to have violated this policy may also be disciplined by Human Resources under County Administrator applicable policies.
14. It is a violation of this policy for the county staff assisting the authority, board, committee or council, or for BOCC appointed Members, to knowingly make false accusations or to give information known to be false or misrepresented. In regards to county staff, disciplinary action may be taken by Human Resources, up to and including termination. In regards to BOCC appointed members, disciplinary action may be taken by the BOCC, up to and including removal and replacement.
15. Retaliation is against this policy and is against the law and will not be condoned. Retaliation is an adverse action taken against a county staff or BOCC appointed member because that individual has in good faith made a complaint or assisted the organization in the investigation of a complaint concerning a possible violation of the Board's Standards of Conduct. Adverse action may include, but is not limited to, demotion, discipline, firing or such acts as spreading rumors and/or encouraging hostility from others against the individual who filed a complaint. Retaliation must be reported.

Approved by: Board of County Commissioners
Approval Date: November 6, 2013

**AFFIDAVIT ALLEGING
STANDARDS OF CONDUCT VIOLATION/S**

The Hillsborough County Board of County Commissioners (BOCC) welcomes your comments concerning members of boards, councils, committees, or authorities serving on bodies created by the BOCC or all such others to which the BOCC makes appointment, including all county employees, agency/governing body representatives, and citizens appointed by individual commissioners. The BOCC considers the resolution of complaints to be one of our most important responsibilities.

This affidavit was created in support of the BOCC's commitment to provide quality customer service and to establish an effective line of communication with you, our county residents and customers.

The BOCC expects that any report of alleged misconduct made pursuant to this process will be based upon a good faith belief and facts, and without the intent to falsely accuse or to give information known to be false and misrepresented. It is a violation of BOCC policy for county employees or BOCC appointed members to knowingly make false accusations or to give information known to be false or misrepresented.

Please return this form to the County Administrator's designee responsible for accepting complaints alleging violations of the Standards of Conduct.

Name: _____

Mailing Address: _____

City, State, Zip: _____

Telephone No. (Day) _____ **Cell:** _____ **Email Address:** _____

I, _____, the undersigned, being first duly sworn, do hereby state under oath and under penalty of perjury that the following facts are true and correct to the best of my knowledge:

Complaint: (Attach separate sheets, if necessary)

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____ by _____, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC

Printed Name

My commission expires: