



City of North Port

Office of the City Attorney

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April 26, 2023

Via hand delivery

Commissioner Debbie McDowell
City of North Port
4970 City Hall Blvd.
North Port, Florida 34286

Re: Personnel complaint

Dear Commissioner McDowell:

I write in response to the personnel complaint you hand delivered to me on April 25, 2023 at approximately 3:30 p.m., regarding City Manager Jerome Fletcher. The complaint consists of a four-page letter outlining eight concerns and allegations, as well as 38 pages of supporting material. The allegations relate to performance-based concerns about how City Manager Fletcher handled specific situations and asserts that he overstepped the authority of his role as City Manager, failed to properly communicate and apprise the Commission of certain information, and acted contrary to the Commission's direction or official action.

On July 9, 2019, the City Commission adopted Resolution No. 2019-R-07, approving the *Human Resources Investigation Policy for Charter Positions*. The resolution's intent is to "establish a procedure for investigating allegations and complaints that a charter officer engaged in unlawful discrimination, harassment, or other violation of law or City policy, rule, or standard of conduct." The policy provides that its purpose is:

To present an overview of the importance, benefits, and key elements of conducting an impartial and prompt workplace investigation involving Charter Officers. Investigations can serve as a demonstration to City staff that their employer is committed to objective and fair treatment of employees.

After reviewing the resolution and policy, conferring with Human Resources, and consulting with the City's special employment counsel, it is my opinion that the policy does not apply to performance-based concerns such as those alleged. It is within the City Commission's purview as a body to: (i) determine how it will analyze, address, and respond to performance-based concerns of a charter officer; (ii) determine whether a charter officer violated their employment contract; (iii) and determine the parameters of a charter officer's authority as established in their job description and/or the City Charter.

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Consistent with its standard practice, Human Resources will notify the employee of this complaint and response. As no investigation is being instituted at this time, the confidentiality provision in Florida Statutes Section 119.071(2)(k) does not apply.

If you have any questions or would like to discuss this further, please call me.

Sincerely,

Amber L. Slayton

Amber L. Slayton
City Attorney

Digitally signed by Amber L. Slayton
Date: 2023.04.26 13:22:22 -04'00'

copy: Christine McDade, Human Resources Director