



Mayor's Office

Keith A. James
Mayor

December 3, 2019

Governor Ron DeSantis
Executive Office of the Governor
PL-05 South Monroe Street
Tallahassee, FL 32399

Dear Governor DeSantis:

I recently learned that State Rep. Matt Willhite (District 86) is requesting an investigation by your office into the City of West Palm Beach. As the strong Mayor and Chief Executive Officer (CEO) of the City of West Palm Beach, I am writing to offer my assistance to you and ensure that you have all the information necessary before making your decision.

In his letter to you, Rep. Willhite failed to accurately recite the facts surrounding recent events in our City, relying solely, in his words, upon local media reports. Rep. Willhite made no effort to ascertain the true and complete facts by contacting my office or any other representatives of my administration, which information would have been provided had he requested it or contacted the City regarding his concerns. More significantly, Rep. Willhite did not even have the courtesy of providing me with a copy of his letter to you (we had to obtain a copy through a media website). I feel compelled to provide you with information that would have been provided to Rep. Willhite had he asked.

On October 4th, I requested the resignation of the former City Administrator ("CA") after an employee presented a graphic text photo and implicated the former CA and a City contractor during the employee's termination meeting that same day. The former CA served the City as CA for six years, of which only six months were during my administration. After the departure of the former CA, through her attorney, the former employee alleged sexual harassment and a sexual assault on City property by the former CA. Under the threat of litigation which could be brought under Title VII and whistleblower laws, among other potential claims, the claimant requested pre-suit mediation. The City has a history of aggressively managing claims made against the City in the pre-suit stage. Specifically, particularly when requested by a claimant, pre-suit mediation is used by the City (and is a tool for government entities) as a means of learning more about potential claims and exploring the possibility of an early, favorable settlement. In the last six years alone, the City has participated in at least nine pre-suit mediation conferences (including formal and informal mediations), of which, six settled above the \$30,000 limit requiring commission approval. Like other strong Mayors/CEOs before me who have authorized staff to engage in pre-suit mediation, I accepted the City Attorney's recommendation and exercised my authority to do so in this instance.

Consequently, four representatives of my administration participated in a six-hour, pre-suit mediation conference. Those representatives included Interim City Administrator Faye Johnson who has over 30 years of government administrative experience, City Attorney Kimberly Rothenburg who has been a member of the Florida Bar for 15 years, Senior Assistant City Attorney Zoë Panarites who has been a member of the Florida Bar for 14 years (practicing labor and employment law for over 25 years), and Chief Human Resources Officer Jose Luis Rodriguez, who is also a member of the Florida Bar and has 20 years of combined human resources and legal experience. During the mediation, the City's representatives were presented with a trove of evidence (including graphic, sexually charged text messages from the former CA and photos) which compellingly suggested the former CA demonstrated egregiously poor judgment and potentially violated City policy and/or equal employment opportunity laws over a span of several years. The City's mediation team negotiated a \$180,000 conditional settlement which City administration presented to the commission. It is important to note that all of the mediation team members who actually saw the proffered evidence agreed with and recommended the negotiated conditional settlement to commissioners individually and to me. Rep. Willhite's representation that the proposed conditional settlement "was based solely upon a phone conversation from the employee's attorney to the City Attorney" is, therefore, baseless. The settlement was the result of numerous pre-mediation phone calls among counsel, informal internal investigation, and ultimately the aforementioned mediation attended by the highly educated, well-trained professional members of my staff.

City administration and I all agreed that this was, all things considered, a desirable outcome and in the City's best interest. If a plaintiff were to prevail on Title VII claims, that person could be awarded up to \$300,000 alone in compensatory damages, plus attorneys' fees and costs, as well as other relief. Moreover, because there no cap on "whistleblower" damages, the potential exists for an uncapped award. Finally, the City would be expending its own resources and taxpayer dollars to defend any such litigation. I believed, and still believe, that the proposed conditional settlement made good business sense and was in the best interests of our taxpayers—nothing more.

Throughout the process, my staff kept City Commissioners informed of the claims, promptly notified them of the resignation of the former CA, the City's intent to enter into pre-suit mediation, as well as the outcome of the mediation. Detailed information was shared with commissioners, while respecting the confidentiality requirements of the mediation process as to non-parties in interest. Nevertheless, the proposed conditional settlement was unanimously rejected by commissioners despite the strong recommendation of myself, the City Attorney, and the Interim City Administrator.

In response to the sexual assault allegation, the City reached out to the Florida Department of Law Enforcement (FDLE) and the Office of the State Attorney in Palm Beach County for a determination on a criminal investigation. After initially being told by an FDLE representative that a criminal investigation could not be opened without a victim first contacting the agency, the City made a formal request for an investigation to FDLE via email. I understand the FDLE may be able to assist the City with an independent investigation. Any assistance that your office can provide in facilitating an investigation by FDLE would be greatly appreciated. We also reached out to the Palm Beach County Inspector General's Office.

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Additionally, we have engaged independent counsel to conduct additional training for our senior staff on workplace harassment. We have also reminded employees of the City's workplace harassment and violence prevention policies and engaged the EEOC to conduct training for them. Our employees' workplace safety and harassment-free environment are paramount. We have also asked employees to make available any information that may be helpful to FDLE or your office should this matter be further pursued; see attached copies.

In closing, should you decide to investigate the City of West Palm Beach, we will fully cooperate. However, it is my hope that you will agree that the facts that I have laid out above demonstrate that my administration and I are taking all necessary and appropriate steps to address this very serious matter.

Yours in service,



Keith A. James
Mayor

Attachments

Blanca Suarez

From: Keith James
Sent: Tuesday, November 26, 2019 12:52 PM
Cc: DoNotReply
Subject: City Employee Safety

Dear Employee:

Recently, you may have seen media reports or watched the November 28th City Commission meeting regarding the disturbing allegations involving the City's former City Administrator. Within the additional allegations, the former employee also alleged that several city employees allegedly received sexually charged text messages from the former City Administrator.

In light of the allegations, I am encouraging you— if you did indeed receive such a text message(s), have knowledge of such messages or relevant information regarding the alleged sexual assault -- to please provide the information to the Florida Department of Law Enforcement (FDLE) for possible investigation. In follow up to our initial contact, FDLE is on board to assist the City in this matter. The phone number to the FDLE field office in West Palm Beach is (561) 740-7010.

Per my prior email, we are committed to ensuring the safety, security and comfort of our employees and to ensuring we are providing a safe, productive, respectful workplace free of discrimination, harassment and violence. Again, any employee who believes that they have been a subject of, has first-hand knowledge of, or personally witnessed discrimination, harassment of any nature, or violence in the workplace are strongly encouraged to report such conduct and any such instances to any supervisor, director, the human resources department, City Administration or the Mayor.

As always, thank you for your commitment, hard work, and dedication to the City of West Palm Beach.

Yours in service,

Keith A. James
Mayor

Department Directors: Please share this message with your employees who do not have access to e-mail.

Blanca Suarez

From: Keith James
Sent: Tuesday, November 5, 2019 11:48 AM
Cc: DoNotReply
Subject: Former City Administrator Resignation

Dear Employees:

At last night's City Commission meeting, I spoke publicly for the first time about the recent resignation of former City Administrator Jeff Green. I wanted to share with you directly the information that I shared with the public last night.

On the morning of Friday, October 4, 2019, I was informed by Assistant City Administrator Faye Johnson of a disturbing and credible allegation against former City Administrator Green. A former employee revealed a graphic text photo and implicated the former City Administrator. Based upon discussion of the allegation with former Administrator Green, I immediately asked for and subsequently received his resignation, which was tendered on Wednesday, October 9th. To say that I was extremely disappointed and downright appalled by the alleged conduct surrounding this matter is an understatement.

As long as I am Mayor, any such alleged behavior by a City Administrator, city employee or anyone will not be tolerated in our workplace. We want to provide a safe and comfortable environment for our employees, and the protection of employees is of the utmost importance to Administration, Commission and to me.

Yours in Service,

Keith A. James
Mayor

Note: Directors, please share with employees who do not have access to email.

Blanca Suarez

From: Keith James
Sent: Wednesday, October 30, 2019 9:29 AM
Cc: DoNotReply
Subject: Important Message to All City Employees - Attachments included
Attachments: Policy 4-2 EEO Discrimination Report_Effective July 2018.pdf; Policy 4-2 Equal Employment Opportunity Policy.pdf; Violence Free Workplace Policy 4-18.pdf

Dear City Employees:

The City is committed to providing a safe, productive, respectful, violence-free, discrimination and harassment-free workplace. This serves as a reminder that in furtherance of its goals, the City takes seriously all of its established policies promoting an issue-free workplace. Our FY 19-20 mandatory workplace harassment and violence prevention refresher training is underway. The "kick-off" of the training was done in partnership with the Equal Employment Opportunity Commission (EEOC). In addition to the mandatory training, attached for your renewed review are the City's EEO Policy 4-2 and Violence Free Workplace Policy 4-18.

Any employee who believes that he or she has been a subject of, has first-hand knowledge of, or personally witnessed discrimination, harassment of any nature, or violence in the workplace is strongly encouraged to report such conduct to any supervisor, director, the human resources department, City Administration or the Mayor.

As always, thank you for your commitment, hard work and dedication to the City.

Yours in service,

Keith A. James
Mayor

Please Note: Managers and Supervisors, please print a copy of this message and distribute to all employees who do not have computer access. Thank you!