

RESOLUTION 2023-44

A RESOLUTION OF THE CITY OF TARPON SPRINGS, FLORIDA, ADOPTING A FORMAL POLICY GOVERNING THE INTERNAL AUDITOR'S HANDLING OF PERSONNEL MATTERS; PROVIDING FOR SEVERABILITY OF ACTIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 14 of the City of Tarpon Springs' Charter (hereinafter "City Charter") provides for an Internal Auditor for the City and prescribes the duties and responsibilities of the City's Internal Auditor; and

WHEREAS, Section 16 of the City Charter provides for a City Manager and prescribes the duties, responsibilities, and authority of the City Manager; and

WHEREAS, the City has a duly adopted Personnel Manual that prescribes the duties, responsibilities, and procedures for the investigation of alleged personnel disciplinary matters in accordance with the City Charter and general law governing public employers; and

WHEREAS, the City Manager serves as the Chief Personnel Officer for the City of Tarpon Springs, and answers directly to the Board of City Commissioners; and

WHEREAS, the City Charter does not give the City's Internal Auditor any authority over personnel disciplinary matters or investigations; and

WHEREAS, the authority to investigate and make determinations regarding alleged conduct that could result in employee discipline resides with the City Manager and Human Resources Department; and

WHEREAS, there is no delegation of authority regarding employee disciplinary proceedings to the City's Internal Auditor, which would violate the City Charter; and

WHEREAS, with this enactment, the City's Board of Commissioners confirms its commitment to the laws of the City of Tarpon Springs as contained in the City Charter and adopted Personnel Manual as being in the best interests of the City;

NOW THEREFORE BE IT ENACTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above stated recitals are true and correct and are hereby adopted and incorporated fully by reference.

Section 2. Policy Adoption. The following policy is hereby adopted by the Board of Commissioners of the City of Tarpon Springs, Florida:

Internal Auditor – Procedure for Personnel Matters

The City's Internal Auditor is responsible for conducting audits of the City's departments for compliance with the City's policies and procedures and all applicable federal, state, and local laws.

When in the course of performing his duties the Internal Auditor identifies potential concerns related to personnel matters or potential employee misconduct, the City's Internal Auditor shall submit (1) a written notification of any suspected improper or illegal action by a personnel employee to the City Manager and (2) a copy of any such notification to the City's Human Resources Director. The City Manager will then direct the Human Resources Director, Department Head, or another appropriate designee to investigate the potential misconduct. Any violation of the City's Personnel Manual and Rules and Regulations will be subject to appropriate action in compliance with City policy and procedures.

The City's Internal Auditor's role in personnel investigations and disciplinary matters is limited to conducting audits and submitting a written notification of any suspected improper or illegal action as described above. Accordingly, after submitting a notification, the City's Internal Auditor shall not further investigate the respective employee(s) and/or otherwise issue any findings or conclusions regarding personnel matters.

Section 3. Severability. If any provision of this Resolution, or the legality of any decision ratified by this Resolution, is ever found to be invalid or unenforceable as a matter of law by a court of competent jurisdiction, the offending provision shall be stricken and the remainder shall continue in full force and effect.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption, in the manner provided by law.