

**City of Coral Gables City Commission Meeting
Agenda Item C-2
November 14, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada
Commissioner Michael Mena**

City Staff

**City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
Assistant City Manager, Frank Fernandez
City Attorney, Craig E. Leen
Deputy City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Police Chief, Ed Hudak**

Public Speaker(s)

Agenda Item C-2 [0:00:00 p.m.]

Discussion and action re investigation of Chief Ed Hudak and other related matters concerning anonymous social media posts.

Mayor Valdes-Fauli: Next item on the agenda, I will take up Item C-2, discussion and action re investigation of Chief Ed Hudak and other related matters concerning anonymous social media posts. And I don't know if you're aware, but last night on Channel 10, there was an article -- no. This is not a public hearing, so I will not take any members of the audience to speak. This is not

City Commission Meeting
November 14, 2017

Agenda Item C-2 - Discussion and action re investigation of Chief Ed Hudak and other related matters concerning anonymous social media posts.

a public hearing. Channel 10, fourteen -- and I quote -- fourteen Coral Gables police officers say City is ignoring sexual harassment claims. City receives anonymous letter claiming sexual misconduct against Chief Ed Hudak. I talked about this with the City Attorney some time ago, in August, I think, or September, when this was being -- when I found out that as a result of a party -- (INAUDIBLE) pool party that Chief Hudak attended at somebody's home and a complaint had been made about improper conduct on his part and allegations of sexual harassment. And, it turns out that those allegations were made by anonymous social media. And I said, Madam City Manager, is this necessary? And she said, yes, it was necessary. It turns out that the report states -- Channel 10 states, in this case, bad blood between the City Administration and the police chief, 14 female officers speaking out through their attorney and union president claiming that they are victims of sexual harassment and nobody's doing anything about it. Sexual harassment by the city in that we did not pursue until very, very, very recently, and it may have been when I complained and put this on the agenda, I'm not sure, the anonymous nature of the allegations. I think -- there was a letter by the union counsel, dated August 8, complaining about the (INAUDIBLE) fictitious Instagram account to impersonate one of the officers who attended the party alleging that the Chief of Police visually raped the attendees. Again, this was a fictitious Instagram account. And, the officers feel that they're being used as political pawns, that they're being victimized by the person who's using their faces and bodies without their consent in the Instagram account. This is a letter dated August 8. There is another letter dated July -- at the end of July -- no, I'm sorry, August 25, alleging the same thing, an anonymous author post as one of the female officers. And then there's another letter dated October 31 that the union is asking that you, Madam City -- that me - that you put an end to the exploitation of the City's female officers and instruct the City Manager to order an impartial and fair investigation into the serious complaints. The investigation on Chief Hudak was completed. And the investigator, who we paid \$140 an hour, said that the -- although the investigation hasn't been completed, the preliminary assessment of the statements provided by those who have been interviewed, the officers in question, appear to indicate that certain inferences in the letter are not supported by the statements of the witnesses interviewed at this point in the investigation. So, that the officers who were there -- the female officers who were

there denied that anything happened in spite of the, again, anonymous Instagram allegations. So, we used Instagram allegations to initiate an investigation into the police chief, but not investigating the social media postings, which were lies made by individuals who -- pretending to be one of them and containing false allegations. I find this very, very troubling, and I find it very troubling that the chief was investigated because of false -- at that time, anonymous allegations, and yet, the anonymous allegations were not investigated themselves. And to me, this proves what Channel 10 says and that there is bad blood between the City Administration and the Police Chief. And I want to make it very, very clear in my mind that our most important function in the City of Coral Gables is the safety of our residents. And Chief Hudak was made chief by the City Manager with the consent, support and the unanimous -- I think -- support of the residents and citizens of Coral Gables. I remember his Investiture Ceremony, which had thousands of people there, which he had to pay for himself. The City didn't pay for it, and I think that's wrong. I think that our Chief of Police deserves respect and deserves to run the police department. This is my feeling. I'm not going to make any motion or anything, but this is wrong. Not to investigate anonymous allegations, initiate an investigation into our Police Chief, again, because of the scurrilous allegations, and then afterwards, then we decide to investigate the scurrilous allegations. That is wrong, Madam City Manager. And I'd like your response to this.

City Manager Swanson-Rivenbark: Thank you, Mr. Mayor, for allowing me to respond. I know that you were interested in putting this on the agenda. And, while I had recommended that it was not, it is your prerogative, as you set the agenda, and I respect that authority.

Mayor Valdes-Fauli: Thank you.

City Manager Swanson-Rivenbark: I'm passing out a statement that I am submitting for the public record, and I'd like to review it now for all of you. In August, we advised the City Commission, each individually, and the City Attorney that my office -- I personally received an anonymous letter with photo and video and we said we would conduct an inquiry, which might

lead to an administrative investigation. After further review, we consulted with the International Association of Chiefs of Police for a recommendation of an independent, qualified investigator outside the state of Florida, who was then retained to conduct the investigation. There were two aspects of this review. One centered around the allegations in the anonymous letter, and the second, at the encouragement of the union, was to find out who posted the photo on social media and whether or not the City's social media policy was violated. The outside consultant concludes his interviews later this month and then will submit his findings. The social media investigation is being done by Internal Affairs, so our information department -- technology department can provide unfettered access to our City server. We anticipate the social media aspect of the investigation to be concluded early December. I offer the following points for your respectful consideration. Number one, this investigation is not criminal. It's administrative. Number two, evaluating an anonymous letter when at least some facts appear credible is consistent with City policy and Miami-Dade County policy, including the Miami-Dade Commission on Ethics. It is consistent with CALEA's recommended policies. As you'll remember, CALEA is the Commission on Accreditation of Law Enforcement Agencies, which has awarded the City of Coral Gables a gold standard accreditation. And, it is consistent with the International Association of Chiefs of Police recommended best practices. Recent actions nationally have gained heightened attention to and scrutiny for these matters. My approach to this is also consistent with the City's new value statement, the G of Gables stands for governing with integrity. And, it is consistent with the City's new honor code that you approved two months ago by ordinance. Additionally, the manner in which this investigation is being conducted is consistent with the (INAUDIBLE) Code of Ethics that governs my professional and personal actions as a credentialed city manager. It is inappropriate for me to speak about the ongoing investigation. But, please know that no conclusions have been made and no follow-up actions have been taken and will not be taken until the investigation is fully concluded. I would ask that you postpone any discussion on this matter until the review is completed, so no one can later accuse the City Commission of interfering with an ongoing investigation, assuming a laissez-faire attitude on potential issues in the workplace or attempting to sweep something or

nothing under the rug. That's my statement that I'm going to submit into the record, and I appreciate the indulgence of the Commission in allowing me to read it.

Mayor Valdes-Fauli: Thank you very much, Madam City Manager, but your statement brings out some of the problems that I'm having here and some of the problems that Channel 10 pointed out that this is bad blood between the Administration and the Chief of Police. You talk about ethics. This has nothing at all to do about ethics. This is an anonymous complaint which was acted on -- not against the anonymous complaint. They're not investigating it at that time, but against the Chief. I'd like to call the Chief, see if he has anything to say on the matter, because I'm not going to -- we're not going to finish this discussion at this point. This is a serious item between the Administration and the person and the Chief of Police, and I'm very troubled by it.

Commissioner Lago: Mayor, if I may. Just -- I just want to briefly, before the Chief speaks. I agree with it -- I agree with the Mayor 110 percent. When we start giving credence to anonymous Instagram statements or allegations, to me is when I think we compromise ourselves as leaders. If anybody wants to make an allegation towards myself or towards anyone on this Commission or towards an employee here, I expect them to put their name on it. Put their name on it or, in my opinion, it doesn't carry any weight. Every day when I stand up here and I represent this city, which we're honored to represent this city, I know it -- I know that it carries a lot of burden and it carries a lot of weight and I will be scrutinized for the decisions that I make every single day. So, I'm very careful what I do here. What I see here is a situation where efforts are being made to tarnish an individual who sometimes I may agree with and sometimes I may not agree with. But at the end of the day, it's a situation where I think that we're not handling it appropriately, and I think that we need to be very, very careful, especially when we start giving so much power to anonymous allegations. I don't think it paints the City in a very good light.

Vice Mayor Keon: I...

Mayor Valdes-Fauli: Chief would you like to say...

Vice Mayor Keon: Go ahead. Then I would like to speak to it also. Thank you.

Mayor Valdes-Fauli: Yeah, of course, of course. Let him say his statement, and then we'll discuss it among ourselves.

Police Chief Hudak: Thank you for listening to me. Transparency is not always easy on one's family, but it's the right thing to do and I believe in it. I stand by my actions. What I'm going to read to you is what I supplied to the Director of Public Safety on August 18, in response to an email asking me questions about what happened. In response to the anonymous letter received by the City Manager, let me be perfectly clear. I was invited to the event that was hosted by an officer of the department. As the Coral Gables Police Chief, my job is my life. Many days I wear this uniform from very early in the morning to very late hours at night. I visit officers and their families in the hospital, at family funerals, I often get invited to informal gatherings. I go to retirement parties, celebrations, birthdays, showers. I have often -- I try to attend every one that I can. As their leader, I care deeply for each and every one of them, their families and their extended families. My presence at these events is out of genuine affection and support for them. There was never inappropriate behavior involved. I have been invited to union parties and other social gatherings that were comprised of all male, as well as ones that had a mix of male and female officers and their families. If, in fact, the anonymous letter writer was in attendance at this party, he or she saw something that I never did. At no time while I was at the residence -- for approximately 20 or 30 minutes -- not two hours, as purported by the anonymous letter writer -- did I ever see any type of sex toy. I see this as a form of malicious harassment that is an ongoing issue from anonymous letter writers towards the department and to me, which usually we do not respond to. I believe that this letter writer, as others, has an ulterior motive that other - - that isn't stated in the letter. The City of Coral Gables does have best practices in place on how to report behavior that may be offensive to the employee and specific rules and protections from retaliation in the form -- if a complaint is made. The Chief of Police, me, I am not above any of

these rules or regulations. Therefore, the need for anonymity is moot. Since the party, many of the officers that were in attendance have become subjects of malicious, offensive and anonymous social media posts, which are truly offensive to me and to the department. These officers, although very upset with what has been happening to them since the party, thanked me for going to the party and surprising them. Several of them have said it was important for them that their Chief of Police took time out of their day to recognize them as officers, which was the only underlying reason for me to accept the invitation. On the day of the party, I concluded the meeting at City Hall. After retrieving my assigned vehicle, I traveled to the residence in Homestead. During this trip, I had several conversations with the husband of the officer hosting the gathering, including a conversation with the State Attorney's Office on other matters and telling them where I was going. The conversation centered around -- with the husband centered around directions for the surprise. When I arrived, the husband of the host of the party orchestrated the surprise, which is captured on video, and the City Manager has provided to me. From that point, as seen in the video, I walked inside the sliding glass door from where I sat inside with the other men and child that was in attendance. Shortly thereafter, one of the party attendees came in and asked me if I would take a picture with the group. I asked if anybody would be offended or upset if I did this before I agreed to do it. I walked back outside, walked around the edge of the pool, took the picture that has been posted and -- by the husband of the person, who was hosting the party, went back inside and then subsequently left. During the 20- or 30-minute visit, I did not see the actions by the officers that were described in the anonymous letter. I did observe that there was beer and wine at the bar located just inside the residence, but no more or no less than I have seen in many other occasions at many other parties. I did not see the conduct by any of the officers that would bring discredit to the department or the City of Coral Gables that would lead me to believe that this party was "out of control," as stated in the anonymous letter. Quite the contrary. There was a group of employees who had a social gathering -- one which I embrace as the chief of this department, not just for these officers, but for all of the other ones that I know of and have attended those parties. I did not cross the line, in my opinion. It didn't make a difference if I was wearing my uniform or not. I was still their chief and the boss. If I did see something inappropriate, as the chief, I would have made sure it

would stop. That is my charge. In my view, this was a group of my officers having a gathering during their off-duty hours for whatever reason they chose. If it was a party at the beach, they would have been dressed the same way. Whether I was wearing my uniform or not doesn't matter in my opinion. To those in attendance, I would still have been their chief, and I would act accordingly, as I have done historically at other parties, both in uniform and out. At this party, all of the invited people were female officers, not a bunch of girls gone wild, as the anonymous letter says. That I find offensive when referring to the brave women that patrol our city. This memorandum Your Honor -- or Mayor, is actually (INAUDIBLE) and should be part of the case file. I know I was offered counsel. I have not retained any counsel. I have not been interviewed yet in the process. What I read into the record is exactly what...

Mayor Valdes-Fauli: Thank you.

Police Chief Hudak: I supplied.

Mayor Valdes-Fauli: Yeah. Let's make that also a part of the record. The Commission wishes to speak. Vice Mayor, you first.

Vice Mayor Keon: I do wish to speak. You know, Mayor Valdes-Fauli, why you chose to do this is certainly your prerogative. Had it not been on the agenda, I doubt that Channel 10 would have picked it up and it would have been shown on Channel 10. So, I think, you know, we are responsible for whatever has happened with that regard. I think it -- I think for you and your family that was -- I would find that very embarrassing myself and I think it would be very difficult on your wife and your daughters to look at that or whatever. But you know, this was an active investigation, and yes, we do accept anonymous claims of -- or reports or whatever. And, when there's particular -- there's pictures and things that go on with it -- you know, this was an administrative issue. It was an active investigation. They hired someone outside to be supposedly neutral. I don't think that we have the right to involve ourselves or interfere with active investigations. I don't. And, I think that the Chief deserves to have this thing played

through to its end, so that his name is clear. I think you have the obligation to allow this investigation to finish, so that if there is the opportunity to see who is posting these issues, I think that we should do that, just like we -- the post that went up on Facebook or whatever that we tried to determine who had posted it and we never were able to, someone, you know, alleging crime in Coral Gables when actually the incidents took place, you know, far from whatever and it was, you know, intended to be a reflection on the -- what was going on in Coral Gables. You know, this stuff seems to be going back and forth. And I -- you know, I supposed because of the heightened attention that is being given today to matters of people in power using their power responsibly, it is really important that we not discontinue this, that you go forward with it. The fact -- do I feel strongly about it because it's women? Yes, I do. I feel very strongly about it because it's women. And we have known and we have seen over and over and over again the incidences of women not coming forward, attempting to complain anonymously, you know, living with whatever. You know what? I think that we have an obligation to respect that. We know that happens. We have seen it over and over and over again. And finally, finally when there are enough women that come forward and they look into allegations, some are proven to have no merit, but many, many are proven to have great merit. And, I think that we have an obligation to our employees to do this. I think we have the sincere obligation to the Chief to clear his name. I think we have an obligation to our Administration to be able to conduct investigations that are appropriate or are lawful and let them go to their natural conclusion without our interfering in them. I don't think it is good for our city to do this. And I think, you know, if there are rifts in this -- I mean, I don't know if there is a rift between the City and the Police Department. I think that there is -- you know, there is obviously some discussion within the police department, but you know, I think that is something for the Manager and the leadership in the police department to sit down to discuss and end right now. This has been going on for a long time and it's not -- I mean, just because Channel 10 says that there's a rift in the City and the Police Department, you know, as far as I'm concerned, unless they want to come out and tell us their sources, that's hearsay too. So, you know -- and they need to work it out. But, I really don't think -- I don't think this should be here. I don't think it should have been on the agenda. I don't think that it was appropriate for Channel 10 to provide that picture publicly.

I think it looks bad if you don't know anything else. I'm very sorry -- I have great sympathy for your wife and your daughters to see you put in that light. I have great sympathy for you. I know that you love your daughters and your wife dearly. I know you care about your employees. So, I would like it to continue and let it come to its natural end. If they can determine who posted it, I think you can just have the discussion with that, but...

Mayor Valdes-Fauli: Thank you.

Vice Mayor Keon: I think for his benefit and for the benefit of the City, we should just -- we should leave this alone.

Mayor Valdes-Fauli: I don't -- I -- Commissioner Lago, you're next. But, I disagree with you. And frankly, Madam Vice Mayor, I think it shows lack of respect on the women that are coming forth in the Weinstein and in the Judge Moore and in all of these cases to compare them to this matter. Those are very, very serious allegations where the women themselves come and complain and allege what hap -- or give their story as to what happened, and this is an anonymous complaint. If somebody complained anonymously about one of us, sexual harassment or moral turpitude or stealing, would that have credibility if it's an anonymous complaint?

Vice Mayor Keon: But, what started as...

Mayor Valdes-Fauli: And my answer -- wait, wait. And my answer is no, it would not have credibility, and yet, the Administration gave this as much credibility as if somebody had come forth alleging these things. I put it on the agenda because I'm very troubled by our response to anonymous allegations. And as to the Facebook post, yes we do -- we investigated that and we sued. But here, we did not investigate this at first; we investigated him because of an anonymous allegation and not the anonymous complaint.

Commissioner Lago: And if I may. I know that...

Vice Mayor Keon: It's my understanding that it is.

Mayor Valdes-Fauli: I very much disagree with you.

Commissioner Lago: I know that Commissioner Mena and Commissioner Quesada want to speak, but I just wanted to...

Mayor Valdes-Fauli: No, but I'd like to hear -- we're all going to speak.

Commissioner Lago: Give one point to -- give an additional point...

Mayor Valdes-Fauli: It's your turn.

Commissioner Lago: To my comments. First off, when you talk about -- Vice Mayor when you talk about the issue of Channel 10, Channel 10 has been contacting me for probably three or four weeks now -- and the gentleman is in the room here -- to give a statement on the record. I will not give a statement on the record. Even up until the last moment when I ran into him leaving City Hall, I said I will not give a statement on the record, because I'm being very careful about the issue here, okay. And, I had several conversations with our City Attorney in regards to this matter. So, I wanted to treat this as delicately as possible. And, I agree with what the Mayor's saying right now. Let's now compare what's going on in regards to sexual harassment and some of the rape charges that have occurred, you know, recently to an anonymous phone call, anonymous email or anonymous Instagram post. I think by doing that, we're disrespecting those women that have come forward in the large cases. You know, and I have to be very clear, as the father of two young women, you know, I take this very, very seriously, very, very seriously. You know, but...

Vice Mayor Keon: Those cases came forward because of anonymous...

Commissioner Lago: Yeah, but...

Vice Mayor Keon: Anonymous...

Commissioner Lago: Madam Vice...

Vice Mayor Keon: Discussions with...

Commissioner Lago: Madam Vice Mayor, I didn't interrupt you.

Vice Mayor Keon: New York Times reporters, so...

Mayor Valdes-Fauli: Let him finish, please.

Commissioner Lago: I didn't interrupt you.

Vice Mayor Keon: So, I think that that is appropriate.

Mayor Valdes-Fauli: You'll get your chance.

Commissioner Lago: I didn't...

City Attorney Leen: Wait. We have to keep a record of this.

Commissioner Lago: I didn't interrupt you. Just give me one second, Madam Vice Mayor.

Vice Mayor Keon: I will.

Commissioner Lago: I mean, I just -- I would appreciate that, with all due respect. The bigger issue here that I'm having is that we have entered into an investigation against the Chief, but we only started discussing and reviewing the female officers via an investigation until we received this October 31 letter from the City Attorney -- excuse me, from Phillips Richard & Rind. So, to me, I want to find out why did we wait so long to go into that phase of the investigation since this has been going on for such a long time already.

Chief Hudak: So...

City Manager Swanson-Rivenbark: Excuse me one second.

Commissioner Lago: Because my understanding -- because I have spoken to the female officers. They told me no one has contacted me for months at a time and the City Manager had not contacted them or, you know, any investigation or legal team. So, it doesn't -- to me, that doesn't equate why we're just investigating the police chief.

City Manager Swanson-Rivenbark: Understand. And if I may, Mr. Mayor, and Commissioner Lago...

Commissioner Lago: I know what you're going to say, that our fine attorney who's there has contacted them. But, they were asking -- what they were asking is more in the question of why has there not been an outside agency similar to what has -- what is investigating our police chief contact the women officers.

City Manager Swanson-Rivenbark: Understand. And so, if I can either have the Director of Labor Relations or the Assistant City Manager for Public Safety to speak about the timeline, because that's one of the things that you've expressed concern about. Why is it when I received a letter on August 3, we did...

Mayor Valdes-Fauli: Well, before you do that, let's finish the Commission comment...

City Manager Swanson-Rivenbark: Okay.

Mayor Valdes-Fauli: And then they'll come up.

City Manager Swanson-Rivenbark: That's fine. I was just responding to a specific comment that Commissioner Lago had.

Mayor Valdes-Fauli: Commissioner Mena.

City Manager Swanson-Rivenbark: So, we'll come back to the timeline. Because, I think once you understand the timeline involved in retaining the independent consultant and the effect that Irma had, you'll understand the timeline associated with it.

Mayor Valdes-Fauli: Commissioner Mena.

Commissioner Mena: You know, these are tough issues to deal with. And you know, it's frankly a bit embarrassing, I think, the way this has played out. I understand the point the Vice Mayor is making, but I -- you know, I have to agree with Commissioner Lago that if we start every time there's an anonymous statement made on social media, conducting an investigation and hiring an outside investigator is really setting a scary and dangerous precedent for everything that we do. I mean -- and while I understand the point you're making -- I really do -- that sometimes, you know, certain anonymous allegations need to be taken more serious than others, you know, I find that our reaction to the two -- you know, you referenced the post a few months ago with respect to our police department and the NSAs and whatnot, and I find that reaction very different. In that situation, we immediately accepted the fact that the claim was false and we took legal action to uncover who posted it. And this one, it was sort of, in a way, the

opposite. We gave, I think, the allegations maybe more credence than they should have. I think maybe some conversations with the individuals that were there could have been had, because right now all of them -- every -- as far as I know, all of the women who were there are essentially denying what was said in the post and saying it's absolutely not true, and are actually taking the added step of saying that the manner in which this has been handled is itself harassment towards them. And so, you know, I think a lot of this could have been avoided by talking to them first and just understanding what happened before launching into an investigation. But my main concern is, again, if every time there's an anonymous claim made against somebody we're going to go to this extent, it's really a dangerous precedent to set and that's concerning to me.

Vice Mayor Keon: I think that...

Commissioner Mena: That gives a lot of power to -- listen, we...

Vice Mayor Keon: Yeah.

Commissioner Mena: We're all on social media. And let me tell you, people have no problem going on our social media and putting their name on very aggressive comments towards us when they feel strongly about something. I understand, obviously, in the case of harassment, it's a different thing and there's people out there who suffer through harassment and don't feel comfortable coming out. But, I just -- I can't get behind accepting that every time there's an anonymous post like this, we're going to go to this extent to investigate somebody and to assume that, you know, somebody like our Chief was somehow involved in these claims that really had nothing -- other than the fact that he was at the party. The only corroborated fact from that photo is that...

Mayor Valdes-Fauli: He was at the party.

Commissioner Mena: He was there. That's it. That's all we know. And to just take that and assume some sort of malfeasance on his part, you know, that's a tough precedent to set.

Mayor Valdes-Fauli: Thank you.

Commissioner Mena: I don't know about you. It makes me, you know...

Commissioner Lago: It makes me very uncomfortable.

Commissioner Mena: Yeah. You know, I stand up here and take pictures with people all the time. That's a dangerous precedent to set, and it makes me uncomfortable that that's the manner that we're going to start handling those things. And, it sends a message to people out there that, hey, if you want to put somebody in a situation that the Chief is in right now, just go on social media or snap a picture of them in some situation and misrepresent what happened and they're going to be the subject of an investigation. That's -- that concerns me.

Mayor Valdes-Fauli: Thank you, Commissioner. Commissioner Quesada.

Commissioner Quesada: So, just -- I've been jotting down a few different thoughts. I've gone back and forth on my thoughts on this quite a bit. You know, the anonymous complaint, it can't be a bright-line rule. Because if it's just pure anonymous complaints, I don't think you can make an apples to apples comparison, depending on what the complaint is. You know, I just scribbled over a little note to ask the City Manager that have we had a lot of similar types of anonymous complaints related to this type of activity in the past, and her response was, I don't think so. But obviously, I just asked her right now. So, I'd like to know that. But, I don't think all anonymous complaints can be treated the same. I don't think anyone up here, any of us, are experts in understanding what goes through someone's mind when they're put in that kind of situation. And again, I agree with the Mayor, Commissioner Lago, Commissioner Keon. This is different from the other situation that we see in the news. I think it's completely different. And you

know, I was the one who support -- I was the one that made the motion to make Chief Hudak, you know, the chief of police, and it was unanimous, Mr. Mayor. Your recollection was correct. But if -- look, the fact that we started an investigation -- I agree with Commissioner Keon -- I think it needs to be completed. I think to start something and then halfway through stop it, I think is problematic. You know, I am optimistic that nothing's going to come of this. But you know, Commissioner Mena, you were talking about the only facts that you know have been corroborated and we should have spoken to those people, I think, isn't that the point of an investigation, to -- you're just -- that is the process of asking people what occurred or how they felt in those kind of situations. By us gathering this information piecemeal, you don't -- you'll never get a full story, unless there's someone that goes out there to look into it. Maybe it's -- these kind of situations, maybe we need to set up some sort of protocol that says, you know, these steps need to be taken, so that we're all comfortable with it. But, if there is an anonymous complaint and if it is some -- you know, it's related to a similar type of circumstance that we have here, you know, from my uneducated understanding of what women go through or people go through in this kind of situation, a lot of times, they have trouble coming out and saying those kind of things. And I would hate for us to make, you know, a decision without having all the relevant facts. Now, I personally think, in this situation, from what I know -- actually, I don't even think I should put it out there what my opinion is because I don't know. I've got piecemeal information, and it's all, as Commissioner Mena said, it's all hearsay. It's -- nothing's corroborated, so I have no idea what really happened to him. Yes, I've heard rumors and I've had conversations with some people about it, but I don't know all the facts, unless you guys know more than I do. And so, I mean, I side with Commissioner Keon on this that, look, it started and it needs to be completed. But, we need to put some procedures in place for how to deal with certain types of anonymous, you know, complaints. Because, again, we don't want to have that situation that every anonymous complaint that is just a ridiculous allegation that gets investigated. No, I agree, but I don't think it's such a bright-line rule, anonymous or not.

Commissioner Mena: And I don't -- and just to be clear -- and I don't know how Commissioner Lago or the Mayor feel on this. I agree that I don't think we should now halt whatever's already

in place. I think it's -- I think it would be better for it to be concluded, as you said, to clear everybody. And from what we've heard so far, that's exactly what will happen is that Chief Hudak will be cleared, but we'll see. But, you know, that's -- so I have no issue with that. Let me make that clear. Again, the problem is -- I think you can speak to the people and say, hey, look, we got this post. You can go about speaking to those people without going out and hiring a private entity to do a full-fledged internal investigation into somebody. Again, I just think that's a very dangerous precedent to set.

Mayor Valdes-Fauli: Let me...

Commissioner Mena: I mean, all you're going to do is see more and more and more of this if that's...

Commissioner Lago: That's the way -- this is a perfect opportunity to intimidate somebody.

Commissioner Mena: Right.

Commissioner Lago: You basically...

Mayor Valdes-Fauli: Let me...

Commissioner Lago: You put out an anonymous -- let me give you an example. I'm going to give you a clear example. My homestead exemption, what occurred to me a week before I was elected in my first go-around. Someone floated an anonymous phone call to the property appraiser saying that I committed homestead exemption fraud, which I have not. I had to fight that and it cost me thousands of dollars to fight to clear my name. But, when you Google my name and if you go maybe to the second or third page, it still says front and center that there was an article that was run that I may have committed homestead exemption fraud. That is a serious allegation...

Mayor Valdes-Fauli: Of course it is.

Commissioner Lago: Against somebody. That is a serious allegation against somebody. So, I agree with you. I don't have a problem continuing moving forward. But, this investigation -- and we'll go over the timeline now -- seems very retaliatory, in my opinion.

Mayor Valdes-Fauli: I agree with you.

Commissioner Lago: And, I think we need to move forward. I don't want to hear any more bickering between certain factions in the Police Department and the City Manager's Office. I want this to move forward, because I think that this is a black eye on the City. And the police officers need to be empowered to do their job. And, I truthfully feel, no matter what anyone tells me today, the women who were having a good time with their co-workers were not doing anything wrong. There were children in the pool. They were having -- they were teambuilding. There were men in the house. There were family members in the house. There was a lot of parts in this allegation that, like you said, Commissioner Mena, don't add up or don't make any sense and go completely against the allegations that were made -- anonymous allegation. So, I don't have a problem moving forward with it, but we need to be very, very careful what we're doing here. Because today, it's Chief Hudak; tomorrow, it's one of you. And by the way, Chief Hudak is the one that's paying for this, not only in his reputation, but he's paying for it out of his pocket. So, let's be very careful what we do today. And, I don't have a problem with moving forward with Commissioner...

Mayor Valdes-Fauli: No, but let me say something now.

Commissioner Lago: No problem.

Mayor Valdes-Fauli: I want to read from Assistant City Manager Frank Fernandez's November 10 -- four days ago -- memo to Robert Navarro and Raquel Elejabarrieta and -- regarding the investigation, Charles Skercus (phonetic) -- Major Charles Skercus, of transparency matters and (INAUDIBLE). It says that certain inferences in the letter are not supported by the statements of the witnesses interviewed in the investigation. And, then he continues in another paragraph to say I am ordering -- November 10 -- I am ordering that the Internal Affairs Section (IA) initiate an internal affairs investigation to identify if the City Police employee violated the City's social media policy, as well as any other City or department regulations. This is November 10. He's ordering that investigation November 10. I am troubled by that.

Vice Mayor Keon: So, then it will continue.

Mayor Valdes-Fauli: I am troubled by that.

Vice Mayor Keon: And you let it continue. And, the point here when you talk about a bright-line is -- there -- we -- I think we have an obligation when there is an accusation, even if it is anonymous, when it is made by someone that has authority over you or that you work for or has power over you. That is what so many of these issues are. Is it -- was it appropriate if it was a fellow officer or your contemporary? Maybe. The issue is it is someone that holds a tremendous amount of authority.

Mayor Valdes-Fauli: Respectfully, I think you're...

Vice Mayor Keon: That is the issue.

Mayor Valdes-Fauli: Misreading the situation.

Vice Mayor Keon: So, I would like to see...

Mayor Valdes-Fauli: Respectfully.

Vice Mayor Keon: This investigation move forward and I'd like it...

Mayor Valdes-Fauli: It has moved forward.

Vice Mayor Keon: Not to come...

Mayor Valdes-Fauli: And they concluded that there's no evidence.

Vice Mayor Keon: And it shouldn't come up again until it concludes.

City Attorney Leen: I just need to correct a couple points. I just want to put on the record the City has offered Chief Hudak, at his request, a counsel, to pay for counsel for him in this process.

Commissioner Lago: When did that request happen?

City Attorney Leen: I made the request two weeks ago, sir.

Commissioner Lago: Two weeks ago. This has been going on for how many months?

Mayor Valdes-Fauli: Let's...

City Attorney Leen: Yeah. Also -- well, he made the request.

Mayor Valdes-Fauli: Let's -- be very brief, please.

City Attorney Leen: That's when he made the request.

Mayor Valdes-Fauli: I think we've beaten this dead horse enough, please. Very, very brief. Give us the dates and that's it.

City Manager Swanson-Rivenbark: So -- and I appreciate the time, sir.

Mayor Valdes-Fauli: I'll call the union attorney if we're going to make this into...

City Manager Swanson-Rivenbark: I understand. Just as clarification to Commissioner Mena, we're not responding to a social media post. We're responding to the letter that was sent to my office via anonymous complaint. We do -- when there are indications that there is reason to review, we do review anonymous complaints, and here's an example of one that we did. So, it's not like we never do; we do.

Mayor Valdes-Fauli: Thank you.

City Manager Swanson-Rivenbark: On the issue of timeline, if -- because Commissioner Lago was concerned about when I received it, when we reached out to the outside group, what the processes were, why the 14 officers had not been interviewed earlier. I'm sure that either Director Elejabarrieta or Assistant City Manager Fernandez can answer that timeline.

Mayor Valdes-Fauli: Please be very brief.

Assistant City Manager Fernandez: Yes, sir. Mr. Mayor, Vice Mayor and members of the Commission, thank you very much. I'm bounded by professional standards and principles that are best practices and generally acceptable practices. This came as a letter as a complaint. It was not a social media posting that we looked into. We looked into a letter that was supported by a video and supported by a picture. I did have a conversation with Chief Hudak -- or an exchange of emails to try to clarify that point. I will tell you that I will stand by Chief Hudak -- and him and I have had this conversation -- a hundred percent, if he is right. And even if he is wrong, it's

a mistake of the heart. I'm still with him a hundred percent. He and I both agree that if he's wrong or I'm wrong, anybody's wrong, that we will hold ourselves and others accountable. What we seek here are the facts and just the facts to surface the truth. That's all it is. And, I looked across the country to find out, you know, what is acceptable. I looked at our policies and our IA policy says that we investigate anonymous complaints. I looked at the past history of the practices of the City and revealed that it's been investigated. We're not investigating an anonymous social media posting. I agree with the Commissioners. That is a slippery slope that we do not want to go under to social media. because that's something out there. In terms of the women with the sexual harassment that we spoke to the investigator today, that word "sexual harassment", to his knowledge, did not come up in interviews. Nonetheless, I submit to you that we have zero, zero tolerance to any type of sexual harassment. We take it very serious. As a matter of fact, last week, a complaint came up of sexual harassment and, in hours, that was being addressed by the Human Resources director, as well as the Internal Affairs investigation.

Mayor Valdes-Fauli: Thank you.

Assistant City Manager Fernandez: Mr. Mayor, if I may.

Mayor Valdes-Fauli: Yeah, please, please.

Assistant City Manager Fernandez: The reason why that letter went out to Mr. Craig Leen is because he had exchanged an email with you. He had inquired with me what we were doing. I did verbally tell him what was going on. I just wanted to put it in writing. But, that previous Monday is when the external investigator completed his interviews. He had an exit briefing with me, very general, on Tuesday. The Director of Labor Relations and I met on Wednesday and Thursday, and we determined that some of those inferences in that letter were unsupported. And so, the union also came forward -- and you'll hear the timeline in a moment, but it came forward shortly after we received the anonymous complaint with concerns about postings on social media. We had discussions with them, because the Officers' Bill of Rights kick in and we need

to have an internal IA investigator be present, because they have legal rights if they're a accused party. We got into a discussion about that and it was kind of a conundrum. This, by the way, it's embarrassing. It's uncomfortable. We don't want to deal with it, but unfortunately, it came to our doorstep and we have to provide the guiding principles that we know and the guiding policies. And that's what we're governed by.

Commissioner Mena: What is the...

Mayor Valdes-Fauli: Thank you very much.

Commissioner Mena: Can I ask him a question?

Mayor Valdes-Fauli: Yeah, please, of course.

Commissioner Mena: In the language that the Mayor read a moment ago where you said you're ordering an investigation into whether social media policy was violated...

Assistant City Manager Fernandez: That's not Chief Hudak. And that email also says you are not investigating Chief Hudak. At the bottom, it says that.

Commissioner Mena: I understand.

Assistant City Manager Fernandez: To make sure we're perfectly clear. IA, by the way...

Commissioner Mena: Why was...

Assistant City Manager Fernandez: Doesn't investigate...

Commissioner Mena: Why -- my question is, why did that happen -- when did that order happen because...

Assistant City Manager Fernandez: That happened three days...

Commissioner Mena: The email makes it seem like it's in the present, but you were saying that on November 10. So, is that when you first ordered that we look into that?

Assistant City Manager Fernandez: No, no. That -- we had been communicating with the outside investigator to look into the possible violation of the social media policy, which is what the union brought to our attention. Did someone violate the City's social media policy? Understand that this is a party that took place 30-some odd miles outside of the City. It is not under their official capacity that they were at that party. Whatever happened at that party, we don't have standing for. We're not going to look into that unless something comes up that...

Commissioner Quesada: But, do you know the answer to his question?

Commissioner Mena: But what changed? Why are you now looking into it and not...

Assistant City Manager Fernandez: The...

Commissioner Mena: You weren't looking into it back then is what I'm trying to understand.

Assistant City Manager Fernandez: Why we're looking into it with the outside investigator, IA now kicks in as a result of a final interview with the witness officers that were at the party. Based on that inference that some of those statements made in that letter are unsupported, that engaged IA to look into the social media aspect of what the union is requesting. This has nothing to do with Chief Hudak. This all has to do with the FOP and the posting. I submit to you again, IA does not investigate Chief Hudak, does not investigate the City Commission or the

City Manager. Those are all rules that are in place. Those defer to the State Attorney when it comes up in terms of criminal aspect of it. Administratively, I've looked at the Attorney General's Office, the Department of Justice, IACP, the International Association of Chiefs of Police, and I compared Miami-Dade, City of Miami, Miami Beach, all have the same policy that we have here to investigate anonymous complaints. So, I followed those principles. Again, uncomfortable and we don't want to be up here. I'm sure Chief Hudak doesn't want to be up here. Unfortunately, we have to follow those principles. We seek the facts to reveal the truth. I believe that if Chief Hudak did nothing wrong, that his name should be cleared, because then these things surface years from now that it was covered up. And, I want to make sure that if he's right, I stand by him 100 percent.

Mayor Valdes-Fauli: Okay.

Assistant City Manager Fernandez: And if he's wrong, then we'll address it.

Mayor Valdes-Fauli: Thank you very much.

Assistant City Manager Fernandez: You're welcome.

Mayor Valdes-Fauli: Anything else? Let's go on in the agenda. Thank you very much.

Commissioner Lago: Thank you.

Mayor Valdes-Fauli: Consent agenda, Mr. City Clerk.

City Clerk Foeman: Before the vote adopting the consent agenda is taken, is there anyone who wishes additional...

Unidentified Speaker: Mayor.

City Clerk Foeman: Discussion of any item on the consent agenda?

Commissioner Lago: (INAUDIBLE) wants to speak.

(COMMENTS MADE OFF THE RECORD)

Mayor Valdes-Fauli: No. On this issue?

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Keon: The consent agenda?

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Keon: Oh.

Mayor Valdes-Fauli: No, no, no.