



Memorandum

Date: January 29, 2024

To: Honorable Mayor and Councilmembers

From: Barbie Hernandez
City Manager

Subject: **Response to Councilmember Memo: Removal of City Manager for Cause**

Introduction

This memorandum is written in response to the recent request for my termination as the City Manager of the City of Doral made by Councilwoman Cabral. This request was made on January 24, 2024, through a press conference at Downtown Doral Park, followed by a memorandum and resolution (Exhibit A) postdated with a date of February 14, 2024, to be heard during the February Council Meeting. Subsequently, this memorandum and resolution were requested for discussion at a special meeting scheduled for January 31, 2024, with the notice issued on Friday, January 26, 2024. While the shortened time between notice and meeting is not ideal for vetting and responding, I understand the seriousness of the matter and the importance of a transparent and fair evaluation of the allegations. As such, this response aims to provide a comprehensive overview of all the facts surrounding the allegations, ensuring that the Mayor and Council have the necessary information to make an informed decision.

Background

Upon thorough review of Councilwoman Cabral's memorandum and resolution pertaining to the recommendation for my termination, I wish to provide a comprehensive response to the allegations outlined therein. It is imperative to highlight that certain allegations lack the requisite documentation as mandated by the City Charter. Specifically, Section 3.03 - Removal of City Manager, City Attorney, or City Clerk, which states that:

"[t]he inclusion of an agenda item related to the removal of the Charter Officer shall include sufficient documentation to educate the Mayor and Councilmembers regarding the basis for the

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proposed action so that the members of the City Council may make a reasoned and informed decision regarding the potential removal of the City Manager."

The lack of documentation and information in this agenda item creates challenges for providing a detailed response, which raises concerns about the transparency and fairness of the recommendation. It's essential for all City Council members to have complete information as required by the City Charter in order to make an informed decision on this significant matter.

However, I will address the allegations that provided some information, albeit not clear or complete, enabling me to respond. The allegations and responses will be categorized into two sections: those in the item memorandum and those in the item resolution.

Allegations Described in the Item Memorandum:

Memo Allegation 1: "The City Manager has repeatedly failed to work collaboratively with the entire City Council and has intentionally breached her Employment Agreement by failing to perform the functions and duties imposed upon her by the Agreement, the Charter, City policies, and by law."

Response: Basis of allegation not provided. Unable to respond. However, having stated that, I strongly disagree with this allegation, as I have consistently maintained open communication and accessibility to collaborate with every member of the Council. This is evident through many examples in which I will provide four (4).

1. Agenda Briefings that have been provided and attended monthly by all Council members for both Regular Council Meetings and Zoning Meetings early on in my tenure.
2. Successfully delivered a fiscally responsible FY2024 Budget to meet all the needs of the community which were defined in our Strategic Planning Session. All members attended the session and approved the Strategic Plan.
3. I have made myself readily available in person and over the phone to all Council members, irrespective of the time or day, to discuss any matters of interest.
4. During my tenure as City Manager, I have consistently sought input from the City Attorney to ensure to ensure that all actions I have taken are in line with the Charter, City policies, and by law.

I can provide proof to all of the above if requested before the Council Meeting.

Lastly, I have ensured that City staff is available in accordance with the City Charter and Codes, eliminating restrictions that were previously in place under prior administrations.

Memo Allegation 2: "Over the course of the last couple of months, I have witnessed several questionable decisions by the City Manager that demonstrates a lack of judgment on her part and a clear conflict of interest."

Response: Basis of allegation not provided. Unable to respond.

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Memo Allegation 3: "The marriage between our City Manager and School Board Member Daniel Espino has proved to be problematic, and the City Manager has consistently disregarded her responsibilities and public duty to the city taxpayers."

Response: While not clearly communicated in the item's memorandum, it provided three allegations that referenced the School Board Member. These allegations are listed as follows:

Memo Allegation 3(a): "The Public Affairs department which is directly supervised by the City Manager has recorded, produced, and promoted several videos at no cost to the City Manager's husband, including holiday and "Back to School" videos, which have been posted to the City's social media platforms."

Response: Since 2017, the City of Doral has fostered intergovernmental collaboration with various local agencies, including the Miami-Dade County Public School Board Office for District 5, which represents Doral. The Public Affairs Department has worked with this entity in the past to produce videos, flyers, social media posts, as well as coordinate usage of City facilities. Please refer to attached "Exhibit B, Example of past video/messages via social media" with examples of past efforts with the Miami-Dade County Public School Board for District 5. Along with videos that can be shown during the special council meeting as required to provide substantive back up.

In an effort to clearly identify when this practice began, the staff provided the following information: In December 2022, as three new Doral elected officials assumed their positions, the departing City Manager issued a directive to collaborate with the recently elected Mayor and Councilmembers. This involved accommodating their requests, coordinating videos/messages, assisting with their onboarding, and overseeing the swearing-in ceremony. As part of this transition, we were tasked with assessing requests from Elected Officials concerning intergovernmental relationships. Based on the information provided by the Mayor and staff, staff proceeded in accordance with established historical practices. This included messages from the current District 5 School Board member, aligning with past practices and being transparently distributed.

Memo Allegation 3(b): "[T]he City's police department has been used to support the School Board members activities, including those that are campaign related and political in nature, including a backpack distribution that occurred at a private business on August 8, 2023."

Response: The referenced event was not a City sponsored event. The backpack giveaway mentioned, which occurred on August 8th, was an event in which the Doral Police Department (DPD) was requested to attend by a Doral business member. The event flyer (Exhibit C, Business Event Flyer) was shared with the DPD and members of DPD attended, as this is a common practice and within policy as it is not advertised as a political

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event, rather an event to benefit children prior to the start of the school year. DPD was not involved in the planning, sponsoring nor any other facet of this event; DPD personnel attended the event within City limits and assisted in the distribution of the backpacks to the children. These types of events occur frequently and DPD has historically been involved, especially in the spirit of community outreach and assisting kids in need.

Memo Allegation 3(c): *The City Manager promoted her husband's business by giving away alcoholic drinks from his brewery at a city comedy event on March 12, 2023.*

Response: This allegation was independently reviewed by City staff, and the following has been determined:

The Parks & Recreation Department frequently works with local businesses, inside and outside of Doral, to be sponsors and present at all City events. These sponsorships allow the City to provide services and goods at events which enhance the guest event experience at no cost to the City. In exchange for sponsorship, businesses receive various forms of recognition based on sponsorship level. Examples include on-site presence, inclusion on event flyer and social media recap posts, banners, etc.

In searching for a sponsor to provide alcoholic samples for the comedy event, since it was an adult event, the Parks & Recreation Department directly reached out to various businesses, including Beat Culture, and asked if they would be interested in participating in the event. Beat Culture agreed and provided beer sampling to approximately 150 attendees at no cost to the City. Others were unavailable/unable to sponsor the event when contacted. The business was required to be onsite at the event to provide the sampling, as City staff are not allowed to serve alcohol, as we do not have the proper licenses. The comedy event also had another sponsor onsite, The Charcuterie Mami, who provided a charcuterie table for attendees. Both sponsors were recognized in the post event recap on social media, which is consistent with sponsors at all other events.

Prior to this event and at events following, the Parks & Recreation Department has continued to work with local businesses as sponsors at City events. The Parks & Recreation Department has worked with D'Cata Wine for cultural events, United Martial Arts has provided wine and champagne bottles for raffles and events, and recently Tripping Animals Brewery has provided beer samples at Doral Art Walk, Mother's Day and Park & Tree Lighting.

Allegations Described in Councilwoman's Resolution:

The below was written referencing the letters identified in the resolution provided by the councilmember.

Resolution Allegation A: *"The City Manager intentionally breached her Agreement by failing to perform the functions and duties imposed upon her by the Agreement, the Charter, City policies, and by law."*

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Response: Basis of allegation not provided. Unable to respond in detail. The general allegation is strenuously denied.

Resolution Allegation B: “The City Manager unilaterally directed and allowed city funds, personnel, and equipment to be used for a non-municipal purpose but rather for the personal and political benefit of her husband.”

Response: While not clearly communicated in the resolution, the language in the resolution provided four allegations that referenced the School Board Member, some similar to that provided in the memorandum. These allegations are listed as follows:

Resolution Allegation C: “The City Manager has demonstrated a lack of integrity, and judgment by failing to inform the City Council and the public of her decision to use City resources to produce and promote a holiday and Back-to-School video messages for her husband and post it on various City managed social media platforms. The City Manager did this with knowledge that no other elected official outside of the City Council received this benefit.”

Response provided under “Allegations Described in Memorandum” section of this memo. [Memo Allegation 3\(a\)](#) page 3 of 7.

Resolution Allegation D: “The City Manager also took this action knowing she did not inform the City Council nor have its consent to expend City resources on her husband’s benefit.”

Response: Basis of allegation not provided. Unable to respond. detail. The general allegation is strenuously denied.

Notwithstanding the above, please refer to the attached Exhibit D, Letter of Understanding between the City of Doral and School Board for a satellite office at Doral Government Center, to be utilized by School Board Member. This item was presented by the Mayor during the May 10, 2023, Council Meeting and approved. The City has worked in good faith in furtherance of that approval.

Resotion Allegation E: “The City Manager’s improprieties also include the misallocation of City Resources. The City’s police department has been used to support the School Board members activities, including those that are campaign related and political in nature, including a backpack distribution that occurred at a private business on August 8, 2023.”

Response provided under “Allegations Described in Memorandum” section of this memo. [Memo Allegation 3\(b\)](#) page 3 of 7.

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Resolution Allegation F: *“The City Manager knew that Ocean, the City’s police horse, and Ginger, the City’s emotional support dog were routinely present as City sponsored events. The City Manager disregarded this past practice and goodwill generated by their presence at community events and directed that they both be deployed to the schools.”*

Response: The Doral Police Department (DPD) acquired Ocean (Police Horse) on August 3, 2021 prior to the appointment of Chief Lopez. Thereafter, DPD acquired Ginger (Therapy K9). Ocean has been assigned to Sgt. Javier De La Paz since the inception of the program. Sgt. De La Paz was assigned to the School Resource Officer (SRO) program on July 23, 2018, prior to my appointment as City Manager and Chief Lopez’ appointment as Chief, and continues to serve in that capacity today. Ginger is assigned to Ofc. Katherine Alvarez, who is also assigned to the SRO program. She was also assigned to the SRO program on February 14, 2022 by the previous Chief of Police and continues to serve in that capacity today. As you are aware, DPD acquired Ginger via a donation. After the Therapy K9 handler position was advertised to the entire Department, Ofc. Alvarez was the sole applicant that interviewed for the position and ultimately was selected as the handler after an interview process, which was held on May 2, 2023. Thus, Ginger was assigned to her and joined her at her assigned school, Downtown Doral Upper Charter School. Both Ocean and Ginger have participated in various City events as deemed appropriate by their respective handlers and chain of command.

At no point have I, nor any member of the police staff, provided or received instructions to restrict the participation of K9 Ginger or Police Horse Ocean in community or school events. The handlers of these animals play a vital role within the DPD, having been assigned to the SRO program before my appointment or as authorized by the previous Chief of Police, as previously mentioned. DPD made the independent determination to place the animals in a role that would foster greater relationships with and support of the children in our schools.

Resolution Allegation G: *“The City Manager also intentionally disregarded established personnel rules, policies and procedures regarding termination of employees, and subjected the City to potential legal liability.”*

Response: Basis of allegation not provided. Unable to respond. The general allegation is strenuously denied.

Resolution Allegation H: *“The City Manager also intentionally violated Section 4.02(b) of the Charter by impeding a councilmember’s appointment of a staff member”*

Response: Basis of allegation not provided. Unable to respond. However, during my tenure, Councilwoman Cabral has appointed 4 staff members in which I have approved for hire under the authorization of my duties establish in the City Charter.

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Resolution Allegation I: “The City Manager intentionally violated the following sections of the City’s Employee Policies & Procedures Manual (2019) Section 4 Standards of Conduct, which sets forth a not all-inclusive list of unacceptable workplace conduct and performance:

- 1) 4.1. *Failing to disclose a conflict of interest.*

Response: Basis of allegation not provided. Unable to respond. The general allegation is strenuously denied.

- 2) 4.2 (f) *Deliberate misuse of City property.*

Response: Basis of allegation not provided. Unable to respond in detail. The general allegation is strenuously denied.

- 3) 4.2(j) *Lack of good moral character and good judgement resulting in organizational impact.*

Response: Basis of allegation not provided. Unable to respond in detail. The general allegation is strenuously denied.

- 4) 4.2(ee) *Threatening, intimidating, or coercing employees.*

Response: Basis of allegation not provided. Unable to respond in detail. The general allegation is strenuously denied.

Resolution Allegation J: “The City Manager has been unable to carry out her duties fairly and consistently by failing to work collaboratively with all the councilmembers.”

Response: Basis of allegation not provided. Unable to respond. However, please see response provided under “Allegations Described in Memorandum” section of this memo. [Memo Allegation I Page 2 of 8](#)

Resolution Allegation K: “The City Manager has demonstrated a lack of courtesy, professionalism, integrity, cooperation, skill, and judgment necessary for the position, and the City Council has lost its trust and confidence in the City Manager’s ability to carry out her duties in a manner satisfactory to the City Council.”

Response: Basis of allegation not provided. Unable to respond in detail. The general allegation is strenuously denied.

Conclusion:

Based on the points mentioned above, I respectfully urge the Mayor and City Council to thoroughly consider the information provided and not approve my termination, as no justifiable

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cause has been presented. With a career spanning over 20 years in public service, my record stands as a testament to my dedication and integrity.

Furthermore, I emphasize that this proposal lacks the necessary supporting documentation to fully apprise the Mayor and Councilmembers about the rationale for my termination, as mandated by the City Charter.

In order to ensure complete transparency and accountability in addressing any potential conflicts of interest, I have formally solicited an independent opinion from the Miami Dade County Commission on Ethics.

I remain unwavering in my commitment to the advancement of the City of Doral, where I have faithfully served for over 15 years. I am confident that a thorough examination of the facts will unequivocally demonstrate my steadfast dedication to this City and its residents.

Enclosed:

Exhibit A: Email from Councilwoman Cabral request for Item on the Council Agenda for February 14th Meeting

Exhibit B: Example of Video/Messages

Exhibit C: Business Event Flyer from August 8th

Exhibit D: Letter of Understanding with Miami Dade County Public Schools

Exhibit E: Back up to Ocean and Ginger