

**OFFICIAL MEETING MINUTES
OF THE
PALM BEACH COUNTY INSPECTOR GENERAL COMMITTEE
PALM BEACH COUNTY, FLORIDA**

FEBRUARY 7, 2013

**THURSDAY
9:55 A.M.**

**COMMISSION
CHAMBERS**

- I. CALL TO ORDER**
- III. INTRODUCTORY COMMENTS – Page 2**
- II. ROLL CALL**

MEMBERS:

Manuel Farach, Esq., Chair
Robin N. Fiore, Ph.D., Vice Chair
David Aronberg, Esq., State Attorney
Patricia L. Archer
Daniel T. Galo, Esq. – Absent
Ronald E. Harbison, CPA
Carey Haughwout, Esq., Public Defender

STAFF:

Joe Doucette, Chief of Administration, Office of Inspector General
Brad Merriman, Assistant County Administrator
Sheryl G. Steckler, Palm Beach County Inspector General

ADMINISTRATIVE STAFF:

Barbara Strickland, Deputy Clerk, Clerk & Comptroller's Office

III. INTRODUCTORY COMMENTS

Commissioner Manuel Farach announced that the meeting's delayed start was due to local traffic issues. He said that comment cards were available for those who wished to speak, and he requested that electronic devices be turned off or muted.

IV. APPROVAL OF INSPECTOR GENERAL (IG) COMMITTEE MEETING MINUTES

IV.a. Semiannual Meeting: August 1, 2012

Commissioner Patricia Archer stated that she required additional time to review the minutes.

IV.b. Workshop: November 1, 2012

Commissioner Farach confirmed that the November 1, 2012, Workshop minutes were received by Inspector General (IG) Committee (IGC) members concurrently with the August 1, 2012, Semiannual Meeting minutes.

MOTION to table approval of the August 1, 2012, and the November 1, 2012, minutes until the next regular meeting. Motion by Patricia Archer, seconded by Robin Fiore, and carried 6-0. Daniel Galo absent.

V. ANNUAL AND SIX-MONTH STATUS REPORT AND NEW WEB SITE

V.a. Presentation by Inspector General Sheryl Steckler

During a presentation, General Sheryl Steckler said the following:

- Annual report highlights from October 1, 2011, through September 30, 2012, overlapped with six-month data from the period July 1, 2012, through December 31, 2012.

V.a. – CONTINUED

- The annual report was posted on the IG's new Web site, and it was also sent to the League of Cities and to County library branches for distribution. The document listed 35 issued reports and 119 corrective-actions recommendations, of which 92 percent were either implemented or in process.
- Since the municipalities, the Children's Services Council, and the Health Care District joined the IG's scope of review, correspondences to the Office of Inspector General (OIG) had nearly doubled. Approximately \$4.3 million in costs was questioned by the OIG.
- The Commission for Florida Law Enforcement Accreditation, Inc., granted IG accreditation status on February 23, 2012. The Federal Bureau of Investigation and the Florida Department of Law Enforcement granted the OIG criminal justice agency status on August 28, 2012. New access to specialized databases would assist investigations and provide investigator training opportunities.
- Audits of purchasing cards and fuel cards in the Village of Wellington and the City of Pahokee revealed some lack of internal controls and the need for public-purpose education within municipalities. Regular application of State purchasing code rules was recommended to create transparency for routine expenses.

Commissioner Fiore stated that violations of code applications signaled the need for policy changes and/or educational seminars on public purpose. General Steckler said that she would consider expanding educational opportunities for municipalities' staff.

General Steckler continued by saying that:

- Intake included 828 telephone calls to the office and hotline, and 148 correspondences consisting of 136 allegations of wrongdoing.
- The first criminal investigation coordinated with the OIG and law enforcement resulted in a criminal conviction of a County employee.

V.a. – CONTINUED

- The City of Riviera Beach had added a criterion that was not written into an original request for proposal. It resulted in a job award to a company that did not submit the lowest bid.
- A review of the County's financially assisted agencies' monitoring program showed that current contract monitoring policies were not in place. Updates were in progress.
- The Open Sky audit provided answers to several entities concerning safety issues, and guidance toward appropriate next steps.
- The majority of intake reports came from citizens. Traditionally, employees provided the bulk of reports as due diligence. The reporting statistics may change when employees accessed the IG's Web site and become more familiar with reporting procedures.
- The IG and the Commission on Ethics' (COE) executive director retained the authority to be granted whistleblower status under Florida Ordinance 2-423.11. It outlined the authority and the responsibilities for both individuals. The IG's general counsel would forward the ordinance's provisions to the IG's oversight committee members for their review.
- County Administrator Robert Weisman's revised reporting policy made clear that employees were permitted to visit the IG's office to discuss complaints. Municipalities retained the responsibility for reviewing the reporting policy and issuing their particular versions to their employees.
- The OIG would file its responses to municipalities' briefs today in the lawsuit between municipalities and the County. The County's request for oral argument at the Fourth District Court of Appeal was set for March 19, 2013.

V.a. – CONTINUED

- Until the Clerk and Comptroller released funds to pay OIG expenses, managing the workload with the existing numbers of staff was difficult. To date, \$536,000 was spent in the first quarter of October to December 2012. The Children’s Services Council, the Health Care District, and the Solid Waste Authority paid their expenses separately from other entities. Each entity’s staff hours were regularly monitored.
- Staff shortages meant that some casework was assigned pending status while emergency cases demanded triage. Current staffing levels included 24 staff and 40 staff allocations, with work evenly split among auditors, investigators, and contract staff.
- A strengths, weaknesses, opportunities and threats (SWOT) analysis identified the Web site, transparency, staff’s qualifications, and report qualities, as the OIG’s strengths. Areas of weakness included maintenance of staff and budget. Opportunities were represented by a potential government audit certification or college curriculum, and citizen training for those who wished to get involved in their government. Threats consisted of lawsuits.
- Some current activities were:
 - a college student’s unpaid internship training for contracts, office administration, audit and investigative units;
 - a highschool shadowing program;
 - an employee training video running on the IG’s Web site that citizens could view; and,
 - maintenance of the IG’s Web site.
- Business stakeholders assisted with the content of the IG’s Web site and dashboard topics. Regular updates made to several topics plus local links provided current information for public consumption.

V. – CONTINUED

V.b. Discussion

Commissioner Ronald Harbison commented that he was proud of the OIG and its completed work. Commissioner Fiore congratulated General Steckler for IG outreach involving citizens, the business community, and college personnel.

V.c. Public Comment

Commissioner Jess Santamaria stated that:

- The COE members deserved a thank-you from county residents.
- The initial draft establishing the OIG involved the Board of County Commissioners (BCC) in the hiring, firing, and funding of that office. Final ordinance language was written so that the COE and the OIG were set up to be totally independent of the BCC.
- Elected officials must remain completely uninvolved with COE and OIG affairs. The public's vote for their 100 percent independence should be honored.
- Governing irregularities existed that should be corrected to change the County's course. Obstacles of influential forces were presented from many sources. Opposition to the OIG in the form of lawsuits distracted the OIG's focus and weakened its defenses. A fully funded office would strengthen the IG's position.
- The final obstacle to OIG effectiveness was the one percent vendor fee that was shifted to the taxpayers. The vendors should pay the miniscule .25 percent charge.

Commissioner Harbison said that he completely agreed with Commissioner Santamaria. He said he particularly believed that accountability would result from vigilant citizens who insisted on ethical behavior in all circumstances.

VI. CONTINUED DISCUSSION REGARDING IG CONTRACT

VI.a. Discussion

Assistant County Administrator Brad Merriman stated that at the previous IGC meeting, the County Human Resources (HR) and Public Affairs staffs were tasked with developing a public input survey for IGC review. He said that HR Recruitment and Selection Manager Leilani Yan and Web Design Coordinator Heather Shirm had worked together on a slide presentation.

After Ms. Shirm distributed print copies of the slide presentation for members' review, she said that:

- Ms. Yan's data had been loaded into a tool called Survey Monkey. The goal was to gather feedback from the public regarding whether they had experienced any contact with the OIG, and any results.
- Overall satisfaction ratings ranged from One to Excellent or Does Not Apply on topics covering effectiveness, program services, the OIG's demonstrated ability to use and account for public funds, and opinions concerning leadership.
- Questions could be added, deleted, or arranged according to the IGC's aims. The Survey Monkey could be built on demand both quickly and inexpensively.

Commissioner Fiore pointed out that the questions' phrasing was crucial to gathering the desired responses. Mr. Merriman said that nothing could prevent multiple responses from one person with several e-mail accounts.

Commissioner Harbison commented that groups of persons opposed to any sort of oversight could flood a Web site survey and render it meaningless to interpretation. Commissioner Carey Haughwout said that judges conducted surveys in courts, and that the majority of responses received were positive.

Commissioner Farach queried IGC members about whether the proposed survey should be used as one of many evaluation tools, and whether the questions used should be more appropriate or refined or revised in ways to gain public comments.

VI.a. – CONTINUED

Commissioner Archer said that it was just as important to provide a method for the public to comment as it was to review what the public said.

Commissioner Fiore said that:

- Public comment collected by Internet means was as valuable as public comment made in person at IG meetings.
- The public might be asked what sorts of things the IGC should be interested in when evaluating the IG.
- The IGC would like to hear of any personal experiences the public cared to relate. A method of analyzing those personal experiences would have to be developed, and may be more complicated than the Survey Monkey program allowed.

Commissioner Harbison commented that conducting and interpreting surveys was a graduate school discipline that used scientific research rules. He said that while public comment was welcome, the IGC should be cautious and judicious regarding how the collected results were used.

Commissioner Haughwout said that she preferred asking for open comments in the easiest fashion possible, because public perceptions would prove valuable to both the IG and the IGC. She said that shared experiences could be their own or those of others.

VI.b. Public Comment

VI.b.1.

DISCUSSED: Marketing Surveys

Marty Rogol stated that marketing surveys were central to business decisions. He said that the survey under discussion clearly was not the scientific variety and should not be relied on for specific evaluative purposes. He said that a simple means provided to people to express views was preferable.

Commissioner Farach said that the IGC invited Mr. Rogol to participate voluntarily toward the survey wording. Mr. Rogol agreed to do so.

VI.b. – CONTINUED

VI.b.2.

DISCUSSED: IG Evaluation.

Iris Scheibl asked whether the IGC had sought public comment on its performance. She said that Mr. Merriman had done an outstanding job of informing the public and gathering their opinions during the IG ordinance meetings. She recommended that the IG be evaluated on the hiring contract's terms and the IG's working relationships with the IGC's executive director and the Public Integrity Unit.

VI.b.3.

DISCUSSED: Internet Survey.

VI.b.3.a.

Dennis Lipp's comments opposing the Internet survey were read by Iris Scheibl.

VI.b.3.b.

Fred Scheibl said that Internet survey conclusions could be used by IG opponents for political influence. He said he thought that the survey should not be done.

Commissioner Fiore said that her professional ethics field used surveys in research, and that personnel evaluations were never done with surveys. She said that many ways existed to evaluate the IG.

MOTION to withhold conducting public surveys for purposes of evaluating the inspector general. Motion by Robin Fiore.

(CLERK'S NOTE: The motion was seconded later in the discussion.)

Commissioner Fiore clarified that comments to the IG could be made by anyone at any time from the IG's Web site, and that those were free of any particular inquiry. She said that comments could be analyzed by the IGC or another group, and that letters written as responses to investigations could be analyzed as well.

VI.b. – CONTINUED

MOTION seconded by Ronald Harbison.

Commissioner Dave Aronberg stated that:

- A survey should not be used to evaluate the IG's performance.
- Any survey conducted on the Internet should be viewed with the understanding that results were not considered scientific.

Commissioner Archer said that while it was important to provide the avenue for public comment and to know what the public comment was, it should not be used as a criteria for making a judgment on the review of the OIG.

Commissioner Fiore said that public comment was not needed for the evaluation. It was a separate question to get public comment through a Web site or another means for informing the IG or the IGC, but it should not be a part of the evaluation, she added. She suggested voting on two different motions.

Commissioner Haughwout stated that:

- The IGC should get public input, and just not use it for IG evaluation.
- It was important to gain some understanding of public conceptions about the IG because the position was established by the public for the public.
- Opportunities should be available for public input into the process the IGC would undertake when considering the IG's contract renewal.
- Internet means or personal appearances could collect input that was general in nature.

Commissioner Fiore said that personal appearances would not be anonymous, and people would have to accept responsibility for their comments. She said that names added a layer of credibility.

Commissioner Haughwout said that a survey allowing comment opportunities would be easier to accomplish.

VI.b. – CONTINUED

Commissioner Fiore said that people's names should be mandatory because results would have to be published, and people should take responsibility for their comments. When she expressed a desire to avoid making multi-part motions, Commissioner Farach agreed to hold separate votes.

Commissioner Fiore clarified that her first motion was for approval of a survey with no particular questions on the Internet connected to the IG's evaluation.

UPON CALL FOR A VOTE, the motion carried 5-1. David Aronberg opposed. Daniel Galo absent.

After a brief discussion among the commissioners, the chair called for a revote.

UPON CALL FOR A REVOTE, the motion tied 3-3. Patricia Archer, Robin Fiore, and Ronald Harbison, in support. David Aronberg, Carey Haughwout, and Manuel Farach opposed. Daniel Galo absent.

MOTION to allow public comment that was identifiable whether in person or in comment form on the Internet. Motion by Robin Fiore, and seconded by Ronald Harbison.

Commissioner Archer said that perception was connected to public-identified comments and public-unidentified comments. She said that all comment was important; and that she was opposed to putting parameters on perception.

Commissioner Fiore remarked that reputable publications did not publish anonymous letters, and that journalistic sources could remain anonymous only under extremely rare circumstances.

Mr. Merriman pointed out that a signature-needed requirement did not assure that signatures would be truthful.

MOTION WITHDRAWN.

MOTION to conduct an Internet survey with the provision that results would not be used as criteria for a performance evaluation of the inspector general. Motion by David Aronberg, and seconded by Patricia Archer.

VI.b. – CONTINUED

AMENDED MOTION to include an option but no requirement to disregard unsigned comments. The maker and seconder agreed.

Commissioner Farach repeated that the motion was to allow a survey with input from the IGC that could be either anonymous or not, depending on the choice of the person completing the survey.

UPON CALL FOR A VOTE, the motion carried 4-2. Robin Fiore and Ronald Harbison opposed. Daniel Galo absent.

Mr. Merriman recommended that Ms. Yan send e-mail messages to all IGC members with the current survey for comments and suggestions. He said that a more condensed version of the survey would be created, and that if he were directed to include the IGO, the IG could be invited to assist in developing questions.

Commissioner Farach said that Mr. Rogol had already agreed to work on the questions. He added that IGC members and Mr. Rogol would each respond to Ms. Yan's e-mail message. Mr. Merriman said that he would prepare a presentation for the next IGC meeting.

VII. NEW BUSINESS

VII.a. Scheduling of Six-Month Status Meetings

Commissioner Farach invited comment on the current scheduling of COE meetings on the same days as the IGC. Commissioner Archer stated that she preferred that schedule, and other members said that they concurred. General Steckler said that semiannual IGC meetings were held every February and August.

Commissioner Farach said that the next IGC meeting was scheduled for August 1, 2013, which would be the six-month status meeting.

VII.b. Discussion

Commissioner Archer stated that she would appreciate having the previous meeting's minutes prior to the next meeting.

VII.b. – CONTINUED

General Steckler commented that minutes were sent by e-mail. Commissioner Farach said that he received his e-mailed minutes yesterday. General Steckler said that her office would send prior minutes one week before the meeting.

VII.c. Public Comment – None

VIII. ADJOURNMENT

At 12:16 p.m., the chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair