



OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY

Sheryl G. Steckler
Inspector General

“Enhancing Public Trust in Government”

Investigative Report

2012-0003

April 4, 2012

*“Provide leadership in the promotion of accountability and
integrity of Government in Palm Beach County”*



OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY

REPORT OF INVESTIGATION CASE NUMBER: 2012-0003

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EXECUTIVE SUMMARY

On October 13, 2011, the Office of Inspector General (OIG) received information alleging that City of Riviera Beach (the City) Utility District Board¹ (the Board) member Cedrick Thomas persuaded other Board member(s) to vote in a particular manner, prior to and outside of a public forum, concerning a Board agenda item. According to the information received by the OIG, on September 21, 2011, the Board voted for a water disinfectant system, one of which was a liquid bleach² method; specifically, on-site generation.³

Based on this information, the OIG initiated an investigation on November 1, 2011.

The OIG investigation found the allegation that Mr. Thomas persuaded other Board member(s) to vote in a particular manner, prior to and outside of a public forum, concerning a Board agenda item is **not supported**. All three Board members (Billie Brooks, Judy Davis, and Dawn Pardo) who voted in favor of the liquid bleach method, along with Mr. Thomas, advised the OIG that their vote was based on their own research and not influenced by any other person(s). Ms. Brooks, Ms. Davis, and Ms. Pardo specifically stated, under oath, that Mr. Thomas made no attempts to sway their vote in any particular manner concerning this subject matter.

RECOMMENDED CORRECTIVE ACTIONS

Based on the **not supported** finding, no further action is necessary.

BACKGROUND

Historically (approximately 50 to 60 years), the City has utilized a chlorine gas method for the disinfection of its drinking water. In recent months, the Board has considered various options to modernize the disinfection method, one of which includes switching from their current chlorine gas method to a liquid bleach method. Consequently, if the liquid bleach method were to be chosen, a determination would have to be made by the Board regarding one of two options:

1. On-site generation

¹ It is noted that each of the City's Council members makeup the Utility District Board.

² AKA "sodium hypochlorite."

³ On-site generation involves the manufacturing of liquid bleach in one of two concentration levels at the same physical location where the disinfectant is applied.

2. Bulk delivery⁴

On September 21, 2011, the Board voted 4-1 directing the Utility District to initiate pilot testing to determine that, if the liquid bleach method were to be chosen, what formulas would be necessary to achieve the desired results.

MATTER INVESTIGATED AND FINDINGS

Matter Investigated:

City of Riviera Beach Utility District Board member Cedrick Thomas persuaded other Utility District Board member(s) to vote in a particular manner, prior to and outside of a public forum, concerning a Utility District Board agenda item. If supported, the allegation would constitute a violation of Section 9, Riviera Beach Code of Ordinances and a potential violation of § 286.011(1), F.S.

Finding:

The information obtained ***does not support*** the allegation.

Testimony of Riviera Beach Utility District Board Member Shelby Lowe

According to Mr. Lowe, soon after City Utility District Director Louis Aurigemma's employment (December 2010), Mr. Aurigemma was approached by Board member Cedrick Thomas who expressed his (Mr. Thomas') opinion that he (Mr. Thomas) favored on-site generation of liquid bleach. Mr. Lowe stated that Mr. Thomas' position was in direct opposition with the Utility District's commissioned study (September 2010) that recommended enhancing the current chlorine gas method.

According to Mr. Lowe, the Utility District study weighed all of the factors involved. Based on the results of that study, Mr. Aurigemma was prepared to recommend to the Board to maintain the current chlorine gas method with the addition of necessary safety enhancements, which would result in a cost to the Utility District of approximately \$3 million. Mr. Lowe stated that he was willing to spend the \$3 million to make the current chlorine gas method safer, but was unwilling to spend an additional \$2 - \$3 million (for a total of \$5 - \$6 million) to completely switch from the chlorine gas method to a liquid bleach method; especially when the Utility District study recommended enhancing the chlorine gas method.

Mr. Lowe explained that he was the lone dissenting vote during the September 21, 2011 Board meeting, while the four other members (Ms. Brooks, Ms. Davis, Ms. Pardo, and Mr. Thomas) were in favor of initiating pilot testing to consider utilizing a liquid bleach method. Mr. Lowe stated that Mr. Aurigemma had never been given the opportunity to give his presentation regarding the technical aspects of the various methodologies, along with the Utility District's recommendation, at this or any other Board meeting. Because of that, Mr. Lowe questioned as to how any of the other Board members were able to make an informed decision. Mr. Lowe stated that although Mr. Thomas approached Mr. Aurigemma about the subject matter, he was not aware if Mr. Thomas approached any of the Board members prior to their votes.

⁴ Bulk delivery involves the purchase, delivery, and storage of liquid bleach at the physical location where the disinfectant is applied.

Testimony of Riviera Beach Utility District Director Louis Aurigemma

Mr. Aurigemma stated that he has worked for the City since December 6, 2010 and previously worked for the City of Coral Springs in the same capacity. Mr. Aurigemma noted that during his tenure with Coral Springs, his department went through the same type of disinfection methodology change that the City is currently considering and that he is familiar with both methods. According to Mr. Aurigemma, the Utility District's study was completed prior to his employment; however, he agreed with the study's recommendations to maintain the current chlorine gas method with the addition of necessary safety enhancements. Mr. Aurigemma stated that maintaining the current system would cost the City approximately \$3 million, whereas the cost to the City to switch to one of the liquid bleach methods would be somewhere between \$5 million to \$6 million.

According to Mr. Aurigemma, on December 8, 2010, Mr. Thomas made an unannounced visit to his (Mr. Aurigemma's) office and one of the first comments from Mr. Thomas was "I am in favor of sodium hypochlorite." Mr. Aurigemma inquired as to Mr. Thomas' ability to make that type of statement, to which Mr. Thomas indicated that he had been studying this subject matter for a year and thought it was the best system for the Utility District. Mr. Aurigemma further indicated that he expressed to Mr. Thomas that prior to a decision of this nature being made, various water tests would need to be conducted. According to Mr. Aurigemma, Mr. Thomas stated that he was still in favor of on-site generation.

Mr. Aurigemma further related that he was never directed by Mr. Thomas to change his opinion, nor his PowerPoint presentation. Mr. Aurigemma stated that he did not have any firsthand knowledge concerning Mr. Thomas discussing this matter with other Board members outside of a public meeting. Mr. Aurigemma stated that to date, no finalized decision has been made as the Utility District is still conducting pilot tests related to the utilization of liquid bleach, prior to any competitive procurement.

Testimony of Riviera Beach Utility District Board Member Billie Brooks

Ms. Brooks stated that she voted in favor of initiating testing to consider utilizing a liquid bleach method based on information she obtained from a water treatment specialist (Michael Woods) working for the City of Atlanta (Georgia). Ms. Brooks stated that the City of Atlanta uses the liquid bleach method, which according to this employee, the chlorine gas method "might be a little bit less [money], but you need to worry about the safety of your employees." When asked if any other Board member directed her to vote a certain way, Ms. Brooks replied "no, no, no." Ms. Brooks added that during a Board meeting (August 17, 2011), Mr. Thomas stated that "when it comes to the quality of the water, he doesn't care about the cost, the citizens of Riviera Beach deserve the best."

Ms. Brooks stated that she understood Mr. Aurigemma was required to be fiscally responsible with Utility District matters; however, Ms. Brooks believed that Utility District bond money is still available to implement the change to liquid bleach without raising the rates.

Testimony of Riviera Beach Utility District Board Member Judy Davis

Ms. Davis stated that she only spoke with Mr. Aurigemma concerning budget and safety issues associated with the choice between the current method and the liquid bleach

method. According to Ms. Davis, the current method had been in place for a “long, long time” and that Mr. Aurigemma indicated that there had been “a couple leaks with the current system.” Ms. Davis stated that she was concerned about safety and that no one asked her to vote in a particular manner.

Testimony of Riviera Beach Utility District Board Member Dawn Pardo

Ms. Pardo stated that she voted to move forward with the liquid bleach method purely from a safety standpoint. Ms. Pardo explained that according to her own research (documentation provided with agenda items and news articles from around the country involving other municipalities), the transportation of raw materials for onsite generation of liquid bleach was much safer than the transportation of chlorine gas. Ms. Pardo added that there have already been two leaks at the Utility District, which causes a concern. Ms. Pardo stated that no final decisions have been made; however, if the cost is too great to make the switch, Ms. Pardo indicated that she would reconsider supporting the current method with the necessary safety enhancements.

Testimony of Riviera Beach Utility District Board Member Cedrick Thomas

Mr. Thomas stated that during Board meetings (unknown dates), he asked the other Board members to go to the County, the East Central Regional Water Reclamation Facility, as well as other municipalities to inquire about their water disinfection systems in order to educate themselves. Mr. Thomas believed that all of the Board members, except Mr. Lowe, followed his advice based on their votes. Mr. Thomas stated that he believed the liquid bleach system was much safer than the current chlorine gas method used by the City and that the City had enough money from a bond issuance to pay for the conversion. According to Mr. Thomas, while attending a League-of-Cities conference in Orlando, Florida (2008 or 2009), several manufacturers of water disinfection systems were present, including Neptune, Inc. and Carter|VerPlanck, and he took the opportunity to speak to these manufacturers about the various methods. When asked if he ever attempted to persuade other Board members outside of public meetings to vote a certain way concerning this matter, Mr. Thomas replied, “No.”

Mr. Thomas said the City has enough money from a bond issued several years ago to pay for the conversion without raising the utility rates.

ARTICLE XII, SECTION 2-427

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Riviera Beach Utility District Board Member Cedrick Thomas was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in this investigative report within ten (10) calendar days. On March 26, 2012, Mr. Thomas contacted the OIG via telephone and advised that he had nothing to add, but that he was going to speak to his attorney. To date, no further response has been received from Mr. Thomas.

This Investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.