

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

**AUGUST 15, 2013**

**THURSDAY  
9:30 A.M.**

**COMMISSION  
CHAMBERS**

**I. CALL TO ORDER**

**II. ROLL CALL**

MEMBERS:

Manuel Farach, Esq., Chair  
Robin N. Fiore, Ph.D., Vice Chair  
Patricia L. Archer  
David Aronberg, Esq., State Attorney – Arrived later  
Daniel Galo, Esq.  
Carey Haughwout, Esq., Public Defender – Absent

STAFF:

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

ADMINISTRATIVE STAFF:

Julie Burns, Deputy Clerk, Clerk & Comptroller's Office

Chair Manuel Farach said that a quorum appeared to be present. He said that State Attorney David Aronberg and Public Defender Carey Haughwout were absent, and that questions were previously raised whether, by ordinance, they should be present. General Sheryl Steckler said she agreed with Chair Farach that a quorum was determined by the number of committee members present, and not by their classification.

### **III. INTRODUCTORY COMMENTS**

Chair Farach said that anyone wishing to speak should fill out a comment card and submit it to him or to Vice Chair Robin Fiore. He added that electronic devices should be silenced or turned off.

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

#### **IV.a. Semi-Annual Meeting: August 1, 2012**

Committee Member Patricia Archer said that she had reviewed the minutes; however, she was not present at the meeting.

**MOTION to approve the August 1, 2012, minutes. Motion by Robin Fiore, seconded by Daniel Galo, and carried 4-0. David Aronberg and Carey Haughwout absent.**

#### **IV.b. Workshop: November 1, 2012**

**MOTION to approve the November 1, 2012, minutes. Motion by Daniel Galo, seconded by Patricia Archer, and carried 4-0. David Aronberg and Carey Haughwout absent.**

#### **IV.c. Semi-Annual Meeting: February 7, 2013**

**MOTION to approve the February 7, 2012, minutes. Motion by Patricia Archer, seconded by Robin Fiore, and carried 4-0. David Aronberg and Carey Haughwout absent.**

### **V. SIX-MONTH REPORT**

#### **V.a. Presentation by Inspector General Steckler**

(CLERK'S NOTE: At Vice Chair Fiore's request, General Steckler introduced her staff.)

General Steckler began by provided a brief history of when and how the Office of Inspector General (OIG) was created, and she added that:

- Business partners and stakeholders had provided feedback regarding the OIG's Web site.

## V.a. – CONTINUED

- The Web site's investigation database was completely operational, and the contract oversight database was almost completed. The data/case management system would be totally automated once the audit portion and some general "cleanup" work were completed.
- Reaccreditation was every three years and would take place in 2015.
- The OIG had received Criminal Justice Agency status on August 28, 2012. This would provide access to additional databases and to free training from the Federal Bureau of Investigation and the Florida Department of Law Enforcement.
- One challenge in understanding the OIG's role was explaining the OIG's and the Commission on Ethics' (COE) differences.
- Incoming correspondences had increased when the OIG assumed jurisdiction of the municipalities. No trend or pattern currently existed except during a majority changeover of a municipality's council.
  - Correspondences received from jurisdictional entities included the Children's Services Council (CSC), the Solid Waste Authority (SWA), and at the time of the correspondences chart, the Palm Beach County Health Care District (Health Care District).
  - Nonjurisdictional entities included the Clerk & Comptroller's Office and the State Attorney's Office (SAO).
- The six-month report covered January 1, 2013, to June 30, 2013.
- There were 798 calls to the OIG and to its hotline. Each call lasted approximately 1.6 minutes.
- Complaints equaled 88 percent of correspondences received, which meant that people understood the OIG's function.
  - One self-imposed OIG standard was that correspondences received were required to be entered within two days.

## V.a. – CONTINUED

- It was sometimes difficult to complete a five-day disposition of correspondence due to lack of sufficient information.
- Employee misconduct and contract improprieties consistently led the chart of top eight allegations received.
- Of the top 11 municipalities, most incoming complaints came from the cities of Pahokee, West Palm Beach, Delray Beach, and Riviera Beach. The Department of Economic Sustainability and Parks and Recreation were the top two of seven County departments.
- Five investigative reports were issued. Three were administrative investigations, and two were management reviews.
- Seven correspondences were referred to the SAO.
- There was \$1,833,629 in questioned/identified costs and \$6,734 in recovered costs. Implementation of the recommended corrective actions would result in avoidable costs of \$496,858.
- Six contract oversight reports were issued. Three reports involved contract oversight notifications, and three involved contract oversight observations.
  - Prevention was an integral part of contract oversight.
  - Staff had attended 90 contract oversight meetings, and 89 contracts were currently being monitored.

(CLERK'S NOTE: State Attorney Aronberg joined the meeting.)

- Four audit reports were issued.
  - A countywide risk analysis was performed on purchase cards. The cities of Palm Beach Gardens and Boca Raton issued the most cards. Due to the numerous cards, the cities were considered to be a higher risk; however, they had excellent policies and best practices in place.

## V.a. – CONTINUED

- Staff had concurred with the audit findings and determinations of the Health Care District.
- Resources had been shifted to audit the City of South Bay's (City) cash disbursements. Numerous City issues existed, and the SAO had recently pressed additional charges against the former City manager.
- Notification letters to management were instituted to reduce the workload of report writing and editing.
- Corrective actions remained strong with 76 percent of all recommendations implemented and 17 percent still pending.
- The OIG had requested \$3.4 million for fiscal year (FY) 2014's budget.
  - The County continued to fund the municipalities' share of the OIG's budget. Staff would work with the County to provide a stable funding base.
  - The 23 staff members equaled 57 percent of the allocated 40 full-time staff equivalents.
  - With the OIG's jurisdictional removal of the Health Care District, the combined total budget of government entities under the OIG would be \$7.1 billion.
  - Approximately five staff members were dedicated to handling the SWA and the CSC.

Chair Farach said that the Inspector General Committee (IGC) members had not received an analysis or a breakdown of the OIG's staffing needs. He added that Miami-Dade County functioned solely under a clerk, and that the comptroller's duties had been taken over by its inspector general (IG).

## V.a. – CONTINUED

### BOARD DIRECTION:

Chair Farach requested that General Steckler bring back information regarding the OIG's proper funding.

Vice Chair Fiore said that she supported the request. She added that a list of pending cases and the number of audits to be performed would be useful.

General Steckler stated that:

- When the OIG began, the staffing methodology was half a staff member per municipality.
- Audit staffing was calculated at how many hours were available per person. Depending on a project's complexity, someone's available hours per year determined how many projects could be performed.
- The seven active investigations on the pending list could not be disclosed under State statute 119.07.

Chair Farach commented that the COE held "in-the-shade" taped meetings where discussion and probable cause hearings took place. He said that after an investigation's completion, information was released to the public.

General Steckler said she wanted to ensure that someone's reputation was not tainted by providing information to the public early in the process. She said that she would ask general counsel to evaluate whether closed-door sessions were permitted.

General Steckler continued:

- On August 13, 2013, the Board of County Commissioners (BCC) verbally agreed to fund \$1.5 million of the budget shortfall. Approximately \$687,000 would allow retention of the current staffing.
- The OIG's general counsel had numerous duties and responsibilities, which now included the lawsuit involving the municipalities.

## V.a. – CONTINUED

- The quarterly business stakeholders' meeting group would be expanded to include individuals who appointed the IGC members. The meetings explained the OIG's role and effectively communicated its message, accomplishments, and outcomes to the communities.
- Bimonthly meetings between city managers and herself were initiated to discuss how the OIG could assist the cities.
- Every other month the OIG met with staff from one city manager's office to discuss various topics such as the contract oversight unit, audits, and investigations. Discussions involving case studies of released reports would begin soon.
- The citizens' initiative training and an internship program were continuing.
- Palm Beach State College was organizing an audit course to possibly begin by January 2014.
- A cases and projects list of suggested corrective actions and recommendations was recently added to the Web site.
- The Strategic Plan's yearly update revealed that the OIG's goals essentially remained consistent.
- Some of the upcoming plans and objectives included maintaining a stable funding base, and continuing to reach out and offer training to government employees.
  - Outreach efforts focused on creating a forum for bridging communication gaps between County department directors and the OIG.
  - Discussions with the business stakeholders' group evolved into creating an OIG newsletter for the business community.

## V. – CONTINUED

### V.b. Discussion

Committee Member Fiore suggested that the Web site contain references to skillfully prepared guides and resources, such as contract negotiation.

General Steckler stated that:

- When Web site visitors clicked the word, links, under the “be informed” drop-down button, they were referred to links that provided previously reviewed best practices.
- Clicking the button under “common issues found” could direct visitors to some issued reports that contained best practices.
- For easier access, a “good guidance” button containing the information could be placed above the Web site’s dashboard.

Committee Member Archer said that she supported the OIG’s additional outreach and training. She added that a background history of accomplishments and past issues would assist in future projections.

Committee Member Daniel Galo said that he was uncertain whether the IGC should focus on the OIG’s desire for a funding process that insured its independence. He said that resolving the funding issue would come from the municipalities’ constituents who voted for a funding method. He added that cost-benefit analyses should be performed and presented at future IGC meetings.

### V.c. Public Comment

#### V.c.1.

**DISCUSSED:** City of Riviera Beach Tiki Bar (Tiki Bar).

Fane Lozman said that he was dissatisfied with the OIG and how it had handled alleged corruption involving the Tiki Bar. He requested that the IGC direct General Steckler to perform another investigation that included interviewing witnesses that had been brought forward, and incorporating the State’s auditor general’s findings.

## **V.c. – CONTINUED**

### **V.c.2.**

**DISCUSSED:** The Office of Inspector General's Independence and Staff Funding.

Iris Scheibl said that the OIG's staff funding was self-limited based on a maximum .25 percent of contract oversight. She added that references to a staff of 100 could possibly cause alarm.

Chair Farach explained that his comments were directed to the IGC being informed if a need existed to staff 100 employees.

Charlot Taylor stated that the most important aspect of the OIG was its independence, and that disclosure of open cases was inappropriate. She said that she supported General Steckler, and that funding 40 employees with a \$3.7 million budget was not unreasonable.

## **VI. CONTINUED DISCUSSION REGARDING RENEWAL CRITERIA FOR INSPECTOR GENERAL (IG) CONTRACT**

General Steckler said that Public Defender Haughwout had sent an e-mail message regarding item VI. and the Palm Beach County Ethics Initiative's (PBCEI) proposal.

Chair Farach stated that the PBCEI had sent an e-mail message to the IGC members regarding its proposed criteria for review of the IG contract. He said that the e-mail message would be added into the public record.

David Baker, Esq., PBCEI representative, said that he would encourage the IGC members to meet with General Steckler and discuss their concerns

## **RECESS**

**At 10:29 a.m., the chair declared a recess for Mr. Baker's email message and attachments to be copied and distributed.**

## RECONVENE

**At 10:47 a.m., the meeting reconvened with Chair Farach, Vice Chair Fiore, State Attorney Aronberg, and Committee Members Archer and Galo.**

### VI. – CONTINUED

Mr. Baker said that:

- One difficulty for General Steckler was accountability for the OIG's preventive actions.
- The PBCEI was requesting consideration of an IG evaluation tool that utilized the IG ordinance. A second request was that General Steckler be evaluated based on her contract, her interview, and the commitments that she made when hired.
- Factors for consideration were General Steckler's establishment of a new OIG with inherent issues such as funding.
- When evaluating General Steckler or another IG, an assumption should be made that his or her contract would be renewed.

#### VI.a. Discussion

Mr. Baker stated that the public may not always take a favorable view of the IG. He added that holding the IG position meant taking considerable public criticism.

Committee Member Archer remarked that Mr. Baker's comments were well based, and that the IGC members would probably implement the PBCEI's proposal.

Mr. Baker said that:

- The initial IG interview process was very thorough and yielded numerous high-level finalists; however, utilizing the same process for General Steckler may be unnecessary.
- A fair evaluation would determine whether General Steckler carried out her obligated duties and her commitments. If so, she should be rehired.

## VI.a. – CONTINUED

- Any IGC concerns should probably be addressed now before the evaluation process began.

Vice Chair Fiore said that no applicant being considered for the position would accept it knowing that the criteria for evaluation involved searching for a better replacement. She said that the evaluation's purpose was to help someone improve. She added that General Steckler's evaluation should not only confirm her renewal but provide a platform for improvement and more dialog.

Mr. Baker said the PBCEI members believed that their proposed tool would result in General Steckler's contract renewal, and that it could be used for any IG evaluation.

Chair Farach said that:

- The IGC was imbued with the public trust to oversee and not manage the OIG.
- Once every four years, the IGC decided whether to retain the present IG or to seek a replacement.
- The OIG should be independent and not subject to public pressure or votes.
- The IG should be appointed for not more than one term. He was uncertain whether appointed IGC members should be appointing an IG since that process removed the public's will by two levels.

Mr. Baker said that:

- Presumptions should not be made that an out-of-state candidate would accept the IG position for only four years.
- The IG was not insulated from criticism or public feedback, and he would expect public opinion regarding the IG's contract renewal.
- He generally supported term limits; however, the IG's contract renewal process should not be subject to any political process.

## VI.a. – CONTINUED

Vice Chair Fiore said that the IG's position was similar to a County administrator and not a policymaker. She said she disagreed with the analogy that the IG's contract renewal should be subject to direct public vote.

Chair Farach said that he questioned why the IG's contract renewal was not opened to competition since the practice existed every day in the business world.

Mr. Baker stated that open competition should be used only if the IG's performance was inadequate. He said that utilizing a well-conceived cost benefit analysis was appropriate; however, some OIG benefits were intangible and difficult to analyze.

Vice Chair Fiore noted that General Steckler had significantly understated the avoidable costs that were referenced under investigations since they were calculated based on the length of her contract.

Mr. Baker said that:

- Assigning a dollar figure to some cost benefits may be impractical; however, pointing out why and where they occurred was possible.
- Even an objective criteria scoring system contained significant subjectivity in scoring whether someone accomplished his or her end result.
  - Some subjectivity also occurred in weighting the completion of one item versus another.
  - Evaluation of objective criteria should be whether someone did or did not perform well, and not whether the evaluator had subjective, emotional feelings about that person.
  - Objective criteria and defined public feedback provided someone the opportunity to respond to negative or positive comments.

Vice Chair Fiore said that in measuring objective criteria, the IGC members should consider whether General Steckler was effective, whether she was improving and moving the OIG toward its aspired ideal, and whether efforts were made to appropriately respond to citizens' complaints.

## VI. – CONTINUED

### VI.b. Public Comment

#### VI.b.1.

**DISCUSSED:** Government Oversight.

Palm Beach County Commissioner Jess Santamaria commented that early on he had noticed a persistent resistance to implementing an OIG; however, upcoming elections may indicate that most people supported its creation. He said he agreed that it was impossible to calculate a dollar amount for cost benefits. He added that erasing the stigma of corruption would occur only when everyone fully supported an OIG and a Commission on Ethics.

#### VI.b.2.

**DISCUSSED:** Inspector General Employment Renewal Criteria.

County Administrator Robert Weisman stated that his strength as county administrator was in ensuring that the County followed a sensible, honest process in a bureaucratic environment. He said that he somewhat agreed with the PBCEI's presumption of renewing IG Steckler's contract since someone who performed his or her job in a reasonable manner should expect to be retained. He said that he endorsed creating and supporting an OIG; however, the following four criteria should be considered:

1. The OIG's conduct should conform to the IG's ordinance.
2. Some of the OIG's conduct should conform to the principles and standards of the Association of Inspectors General.
3. The OIG's conduct should conform to the OIG's mission statement.
4. The OIG's work results, including the reports and subsequent conclusions, and public comments, should be accurately reflected.

Mr. Weisman said that he disagreed with the OIG seeking total independence, which was rare in government. He requested a future opportunity to expand on his four criteria.

## **VI. – CONTINUED**

### **VI.b.3.**

**DISCUSSED:** Investigation of Palm Beach Aggregates.

Gene H. Klusmeier said that on April 2, 2012, he had asked General Steckler to conduct a formal investigation of Palm Beach Aggregates (PBA) and other entities. He explained that PBA's purpose was to retain water until the City of West Palm Beach needed additional drinking water or for other uses. He stated that the rock pit leaked and contained excessive chlorine. He said General Steckler's response was that most of his submitted documents were informational and not of a criminal nature.

### **VI.b.4.**

**DISCUSSED:** Public Input and Inspector General Renewal Criteria.

Iris Scheibl said that actions observed by the public may or may not be illegal. She stated that officials may be following the letter of the law and not the intent of the law. She said that she understood the OIG's desire for public input; however, she opposed its online survey. She added that the PBCEI's goal was to provide a framework for objective renewal criteria.

### **VI.b.5.**

**DISCUSSED:** General Steckler's Work Product.

Fane Lozman suggested that one way to objectively evaluate General Steckler's completed work product was by contacting complainants and eliciting their feedback.

## **VII. NEW BUSINESS**

### **VII.a. Discussion**

Chair Farach said that discussion of the IG's renewal contract criteria would need to be continued at a later date. He stated that the consensus was to hold an August 26, 2013, workshop.

## **VII.a. – CONTINUED**

Vice Chair Fiore requested that Mr. Weisman be asked to attend the workshop and expound on his belief that it would have been inappropriate for him to come before the IGC with any IG concerns.

Committee Member Archer suggested that another issue for workshop discussion was annually conducting a more detailed IG review to allow for individuals' criticisms or compliments.

General Steckler said that she welcomed an opportunity to speak with Mr. Weisman; however, any issues could have been discussed with the IGC before the renewal of her four-year contract. She attempted to answer to comments made earlier; however, Chair Farach clarified that the IGC's policy was to accept only public comment and not public debate.

General Steckler said that inaccurate statements would leave the public with a different impression of her office.

Chair Farach responded that General Steckler could present her responses as an agenda item at the upcoming scheduled workshop.

**VII.b. Public Comment – None**

## **VIII. ADJOURNMENT**

**MOTION to adjourn the meeting. Motion by Daniel Galo, seconded by Patricia Archer, and carried 5-0. Carey Haughwout absent.**

**At 12:07 p.m., the chair declared the meeting adjourned.**

APPROVED:

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Chair/Vice Chair