

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

AUGUST 26, 2013

**MONDAY
1:09 P.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
Daniel Galo, Esq.
Carey Haughwout, Esq., Public Defender

STAFF:

Gina A. Levesque, Commission on Ethics Intake Manager
Brad Merriman, Assistant County Administrator
Sheryl G. Steckler, Palm Beach County Inspector General

ADMINISTRATIVE STAFF:

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

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

IV.a. Discussion

Vice Chair Fiore said that the renewal criteria process should not be a yes or no vote whether to retain General Sheryl Steckler but more of an evaluation with noted progress and goals.

Committee Member Patricia Archer said that the evaluation process should involve some subjective criteria and constructive critique.

Committee Member Daniel Galo said that:

- He had combined the August 15, 2013, renewal criteria suggested by Palm Beach County Ethics Initiative (PBCEI) representative, David Baker, Esq., and County Administrator Robert Weisman.
- The criteria would be compliance with the Inspector General's (IG) ordinance and the professional standards, public perception of the IG's performance, and the quality of work performed.
- Reviewing possible alternatives should be included in the criteria standards.

Chair Farach said he agreed that Mr. Baker and Mr. Weisman's proposals were similar. He said that he would allow public comment now and at the end of the discussion.

(CLERK'S NOTE: See pages 4-5 for continuation of this item.)

IV.b. Public Comment

IV.b.1.

DISCUSSED: Public Input and the Renewal Criteria Process.

Iris Scheibl remarked that most of General Steckler's investigations were driven by citizen input. She said that when taking public input, the Inspector General Committee (IGC) should consider the obstacles that some municipal leaders had placed between their employees and General Steckler. She suggested that a process be implemented to allow responses to public comments. She added that she supported the PBCEI's proposed criteria, and that renewing General Steckler's contract should involve a yes or no vote.

IV.b.2.

DISCUSSED: Objective and Subjective Renewal Criteria.

Fred Scheibl said that he supported the PBCEI's proposal regarding objective criteria, Committee Member Archer's suggestion to include subjective criteria, and General Steckler's contract renewal.

IV.b.3.

DISCUSSED: Inspector General Oversight.

Palm Beach County Commissioner Jess Santamaria said that regardless of who held the IG position, the same attempts to disrupt oversight would be made.

Public Defender Carey Haughwout requested that the IGC members be provided a copy of Mr. Weisman's follow-up e-mail to the August 15, 2013, IGC meeting.

Chair Farach said that a brief recess would be taken to copy the referenced e-mail.

(CLERK'S NOTE: See pages 5-6 for continuation of this item.)

RECESS

At 1:29 p.m., the chair declared a brief recess.

RECONVENE

At 1:36 p.m., the meeting reconvened with Committee Members Archer, Aronberg, Farach, Fiore, Galo, and Haughwout present.

IV.a. – CONTINUED

David Baker, PBCEI representative, said that:

- If the IG's criteria required substantial subjectivity, applicants would be few, and they would not be the best qualified.
- The IGC should take public comments only from individuals who identified themselves by using legitimate Gmail addresses, who were knowledgeable about the IG, and who had previously raised questions to the IG and had received unsatisfactory answers.
- General Steckler was hired on the basis of a contract, an ordinance, the initial interview, and carefully solicited public comments.
- A major rehiring consideration was someone who had performed according to his or her job description.

Vice Chair Fiore expressed concern about IG evaluations that contained likeability-type questions.

Committee Member Archer said that she did not support term limiting the IG's position or contract. She stated that the municipalities' lawsuit dealt with appropriate funding of General Steckler's office and not with her oversight. She added that the IGC was charged with making decisions involving the IG, and it was not inappropriate to ask for certain subjective information.

At the request of Chair Farach, Mr. Baker said that any comments that he made were his and the PBCEI's.

Mr. Baker continued by saying that:

- The IGC members should contact General Steckler when questions or concerns arose; however, confidential information regarding pending, ongoing investigations could not be provided.

IV.a. – CONTINUED

- His earlier statement about only taking public comment from individuals who identified themselves by using legitimate Gmail addresses was a hypothetical.
- The quality of someone's work should be objectively considered and measured.

Vice Chair Fiore said that another quality measurement was to review responses from governmental entities and municipalities that had received reviews.

Public Defender Haughwout said that reviewing the responses should include specific questions such as whether the review was timely completed.

Vice Chair Fiore remarked that the IG's accreditation would have addressed the appropriate review timeframes.

Mr. Baker stated that another quality measurement was reviewing whether any audit or investigation recommendations were adopted or enacted.

(CLERK'S NOTE: See pages 6-13 for continuation of this item.)

IV.b. – CONTINUED

IV.b.4.

DISCUSSED: General Steckler's Oversight, Public Comment, and Quality Measurement.

Iris Scheibl said that municipalities, including those not involved in the funding issue, had made comments regarding General Steckler's oversight. She suggested that the IGC should consider only specific public comment that included the person's name, address, and phone number. She said she agreed with the measure of quality that considered whether audit or investigation recommendations were adopted or enacted.

IV.b.5.

DISCUSSED: Push Back by the Municipalities.

Palm Beach County Commissioner Jess Santamaria said he had received numerous examples that the municipalities' "push back" to implement an Office of Inspector General (OIG) did not involve appropriate funding since the "push back" began after the County's Grand Jury report was issued and before General Steckler was hired.

IV.a. – CONTINUED

Chair Farach said that the IGC was not technically required to adopt IG renewal criteria but doing so would be helpful.

MOTION to approve establishing renewal criteria regarding the Inspector General's contract. Motion by Daniel Galo, seconded by Patricia Archer, and carried 6-0.

Committee Member Galo clarified that his motion was to determine what renewal criteria should be used before making any evaluations.

Vice Chair Fiore said that when adopting renewal criteria, the IGC should consider whether the criteria could be carried out. She suggested that once criteria were established, General Steckler could be asked to respond to how her office measured up to them.

Chair Farach stated that adopted criteria requiring data collection could not be discussed at an IGC meeting. He said that once the data was collected, it could be brought back to a meeting for discussion.

Vice Chair Fiore commented that in her corporate work experience, all evaluations contained a standard set of questions, and the person being evaluated was first required to perform a self-evaluation.

Committee Member Archer suggested that the County's Human Resources (HR) Department be contacted to create a format for determining the renewal criteria.

Vice Chair Fiore said that the proposed renewal criterion to review the IG's contract and deliverables would require input from the OIG or from the accreditation report.

IV.a. – CONTINUED

Assistant County Administrator Brad Merriman said that:

- The HR staff would follow any IGC directives.
- Any evaluation tool would be based on criteria, the IG's ordinance, performance factors, and the job description.
- The IGC could continue with an evaluation process that General Steckler and HR had begun several months ago.

Vice Chair Fiore suggested implementing some of the PBCEI's recommendations.

Committee Member Galo said that the criteria should first be defined and determined before implementing a format or process. He suggested that the IGC choose which of the PBCEI's recommended criteria to adopt.

MOTION to approve the recommended criterion of compliance with the Inspector General's ordinance. Motion by Daniel Galo, and seconded by Patricia Archer.

Chair Farach suggested that the IGC first broadly discuss the recommended criteria before refining it.

Committee Member Galo said that he would include adopting IG ordinance sections 2-425, 2-426, 2-427, 2-428, and 2-429 under the recommended compliance criteria.

SUBSTITUTE MOTION to approve Inspector General ordinance sections 2-425, 2-426, 2-427, 2-428, and 2-429 under the recommended criterion of compliance with the Inspector General's ordinance. Motion by Daniel Galo.

SUBSTITUTE MOTION DIED FOR LACK OF A SECOND.

State Attorney David Aronberg said that it was unnecessary to list compliance with specific portions of the ordinance since the IG was required to comply with all of its provisions.

IV.a. – CONTINUED

Committee Member Galo explained that his motion was to identify the ordinance sections most relevant to evaluating General Steckler's performance.

SECOND SUBSTITUTE MOTION to approve the recommended criterion of compliance with the Inspector General's ordinance. Motion by David Aronberg, and seconded by Robin Fiore.

Committee Member Archer suggested that the IGC members identify three or four important review criteria that HR staff could use in formulating suggested questions.

UPON CALL FOR A VOTE, the second substituted motion carried 6-0.

MOTION to approve the recommended criterion of conformance with the Inspector General's employment contract. Motion by Robin Fiore.

Vice Chair Fiore explained that a separate motion was made since General Steckler's previous commitment of having a paperless OIG and becoming accredited shortly after establishing the OIG was not part of the ordinance.

Public Defender Haughwout said she believed that the IG's employment contract tracked the ordinance's language.

Committee Member Archer suggested that the IGC review the IG's interview process to determine whether it referenced a paperless OIG or accreditation.

Vice Chair Fiore said that General Steckler was selected because she had accomplished objectives that no other candidate had mentioned.

MOTION WITHDRAWN.

Committee Member Galo said he believed that the ordinance referenced the employment contract; however, it could be adopted as a second criterion.

MOTION to approve the recommended criterion of compliance with the Inspector General's employment contract. Motion by Daniel Galo, seconded by Robin Fiore, and carried 6-0.

IV.a. – CONTINUED

Committee Member Archer said that interview commitments could be considered as a criterion for the review process. She added that failure to meet a commitment should not be considered since that requirement was not written into the IGC's review process.

Committee Member Archer clarified that the criteria discussed in the overall interview process should be included in the review process.

Vice Chair Fiore requested that the criteria of a paperless OIG and accreditation be included since they were specified in General Steckler's interview.

Committee Member Galo requested that compliance with specific professional standards be considered criteria, which would include the accreditation process.

MOTION to approve that the review format include a section that refers to the criteria that was discussed in the Inspector General's interview. Motion by Patricia Archer.

MOTION DIED FOR LACK OF A SECOND.

Committee Member Archer said that the standards of professionalism should be included as a section of the review format.

MOTION to approve that the review criteria include a section on professionalism in the performance of the Office of Inspector General's duties. Motion by Patricia Archer, and seconded by Daniel Galo.

Public Defender Haughwout suggested that the motion be reworded to state, "compliance with professional standards."

Committee Member Galo clarified that his intention was to second the motion that included the recommended statement: "The Principles and Standards for Offices of Inspectors General of the Association of Inspectors General."

IV.a. – CONTINUED

SUBSTITUTE MOTION to approve that the review process include a section that outlines the areas of professionalism for the Inspector General as contained in the Principles and Standards of the Association of Inspectors General. Motion by Patricia Archer.

MOTION DIED FOR LACK OF A SECOND.

State Attorney Aronberg suggested using the language listed in Mr. Weisman's second recommended criterion.

Public Defender Haughwout suggested adding the words, "compliance with," after the words, "criteria of."

SECOND SUBSTITUTE MOTION to approve the recommended criteria of compliance with the Principles and Standards for Offices of Inspectors General of the Association of Inspectors General. Motion by David Aronberg, seconded by Carey Haughwout, and carried 6-0.

Committee Member Galo said that General Steckler's appearance of competency and of promoting her office should be included in her performance review. He added that criteria should be considered whether she was promoting the principles that she was entrusted to implement.

Vice Chair Fiore noted that the OIG's entire mission statement and not Mr. Weisman's shortened version was considered a performance standard. She added that measurable objectives should be listed under the mission statement.

MOTION to approve that a self-evaluation aspect should be performed regarding the Office of Inspector General's mission statement. Motion by Robin Fiore.

Chair Farach asked that the motion be restated.

RESTATED MOTION to approve that one element of the renewal criteria should be a self-evaluation by the Office of Inspector General with respect to its self-created mission statement. Motion by Robin Fiore.

MOTION DIED FOR LACK OF A SECOND.

IV.a. – CONTINUED

Public Defender Haughwout suggested that the mission statement be reviewed.

Committee Member Archer commented that the criterion should be whether General Steckler conducted herself according to the entire mission statement.

General Steckler clarified that the public mission statement was, “Enhancing public trust in government.” She added that a discussion had possibly taken place at the February 7, 2013, meeting regarding proposed vision statements for individual areas of the OIG.

Committee Member Archer said that another criterion should be the manner in which the OIG carried out its duties.

Mr. Merriman said that:

- Staff could formulate criteria regarding the relationships between the OIG and the entities with which it interacted.
- Staff would extract elements of performance from each broad review criteria, such as compliance with the ordinance.
- A sliding scale format to evaluate performance may be more appropriate than a “yes or no” format.
 - The performance elements could include narratives.
 - Some level of training would be beneficial when using a sliding scale.

Vice Chair Fiore stated that the IGC was not empowered to conduct a full-scale performance evaluation but to establish criteria for determining whether General Steckler’s contract should be renewed.

Committee Member Archer said she believed that the IGC was making that determination while formulating some constructive performance critiques.

IV.a. – CONTINUED

Mr. Merriman said that:

- Formulating objective criteria and making objective decisions required subjective input.
 - The IGC would rely on General Steckler's reports, anecdotal information, and public input.
 - The IGC did not observe General Steckler day-to-day activities.

Committee Member Archer said that questionnaires requesting feedback could be disseminated to the general public and to the supervised entities prior to interviews.

Committee Member Galo stated that the three selected criteria encompassed the pertinent areas for discussion. He said that the next step should be how to evaluate the criteria and the weight that it should be given. He added that he supported requesting input from the public and the OIG.

Committee Member Archer suggested that the feedback should be written and include names and addresses.

Mr. Merriman said that:

- Human Resources staff would review the three criteria elements with the OIG and extract the performance criteria.
- Staff would forward its recommendations to the IGC before the next meeting.
- At the next meeting, staff and the IGC could evaluate the recommended criteria.

Vice Chair Fiore requested that staff review how other inspectors general were evaluated.

IV.a. – CONTINUED

General Steckler said that the lack of a direct rapport with the IGC made the renewal process more difficult; however, the IGC was headed in the right direction by starting with contract and ordinance criteria. She added that her staff would work with HR staff.

Chair Farach requested that the recommendations be completed within 30 days.

Discussion ensued, and Chair Farach said that the consensus was to hold a workshop on September 23, 2013, at 10:00 a.m.

Mr. Baker said that the IGC should be mindful about affecting the IG's ordinance and charter by establishing a set of criteria that would direct the IG on what to do and how to act.

IV.b. Pages 3 and 5-6.

V. ADJOURNMENT

MOTION to adjourn the meeting. Motion by David Aronberg, seconded by Carey Haughwout, and carried 6-0.

At 3:36 p.m., the chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair