

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

NOVEMBER 14, 2019

**THURSDAY
9:31 a.m.**

**COMMISSION
CHAMBERS**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Sarah L. Shullman, Chair – Absent
Bryan Kummerlen, Vice Chair
David Aronberg – Absent
Peter L. Cruise
Carey Haughwout
Michael S. Kridel
Rodney G. Romano

STAFF:

John A. Carey, County Inspector General

ADMINISTRATIVE STAFF:

Marisa Valentin, Deputy Clerk, Clerk & Comptroller's Office (clerking)
Yadzia Roa, Deputy Clerk, Clerk & Comptroller's Office (condensing)

III. INTRODUCTORY COMMENTS – None

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

IV.a. Meeting: May 16, 2019

MOTION to approve the May 16, 2019 minutes. Motion by Peter Cruise, seconded by Michael Kridel, and carried 5-0. David Aronberg and Sarah Shullman absent.

V. SIX-MONTH STATUS REPORT

V.a. Presentation by Inspector General Carey

General John Carey stated that:

- New Office of Inspector General (OIG) personnel included Anthony Bennett.
- Over 300 people attended the National Inspector General Conference that was held during September 2019.
- Topics included whistleblowers, measures of effectiveness and success for IG's, and unconscious bias.
- Complaints increased in the last 6 months, leading to 3 investigations.

Public Defender Carey Haughwout inquired what management inquiry in referrals meant.

Mr. Carey said that:

- Management inquiries had many levels and types of investigations.
- A complaint would first be brought to the County or a municipality and evidence would be gathered to determine corrective actions if needed.
- The OIG determined whether corrective action was sufficient, the case could be closed, or whether an investigation would be opened.
- Management referral was for management to handle, not the OIG.

- Management could choose to accept the OIG's recommendations.

Ms. Haughwout inquired that of the number of recommendations, what was the number accepted and what was the number suggested?

Mr. Carey replied that:

- The number on the report were the total recommendations in a 6-month period.
- An investigative report regarding the City of Pahokee's (Pahokee) manager found that its City Hall was shut down for more days than stated in Pahokee's ordinance and that inappropriate bonuses were given.
- Tips and trends were sent out to municipalities to provide awareness of State law in regards to bonuses.
- An investigation of a County employee found that the employee was working the same hours with the County and Goodwill and the case was referred to the State Attorney's Office
- An investigation regarding Maruti Fleet found that:
 - Maintenance reports were falsified.
 - To pass Palm Tran inspection, parts were transferred from one vehicle to another.
 - Used parts were used when the contract required new parts for repairs.
 - Safety equipment on Palm Tran buses was disabled.
- The investigation's results were referred to the Florida and United States Departments of Transportation and to the County for potential suspension or debarment.

Commissioner Rodney Romano inquired if there were any injuries due to misconduct.

Mr. Carey said that:

- Palm Tran reported no injuries.
- There was an investigation of a former City of Riviera Beach council member (Riviera), but there were no violations due to the way City policies and ordinances were written.
- OIG recommended updating the hiring process language and documenting required background checks.
- Audits were more detailed and required more time than evaluations.
- In the past 6 months, there were 2 evaluation reports with no recommendations due to the positive findings.
 - The Engineering and Public Works report regarding pathways and minor construction found that the County was compliant with the policy.
 - The Information Systems Services report on cabling and repair services found that the County was compliant, although contractual requirements, administrative technique, and a few improvement suggestions were made.
- The OIG's Contract Oversight Division issued 3 tips and trends.

Mr. Romano inquired if tips and trends provided by the OIG added value for municipalities and other stakeholders such as Riviera?

Mr. Carey replied that:

- Tips and trends added value and Riviera's charter promoted effectiveness and efficiency in government.
- An audit report was conducted on Riviera's purchasing cards and council members' out-of-state travel.
- The OIG found unauthorized expenditures and missing items, which resulted in Riviera developing an inventory policy and acquiring a small inventory software program.

- A Village of Golf audit required the process to comply with requirements.
- An audit of the Village of Palm Springs Water Utility Cross-Connection Program resulted in a re-inspection of equipment by a certified inspector.
- A Town of Lantana capital assets audit resulted in the review and revision of purchasing ordinance policies and procedures.
- A Town of Hypoluxo revenue audit resulted in an update of its internal control process.
- A City of West Palm Beach (WPB) travel policy audit resulted in the development and implementation of oversight processes.
- An audit of the WPB Manatee Program resulted in issuing 3 tips and trends.

OIG General Counsel Kalinthia Dillard said that:

- A county citizen filed a lawsuit involving a record request for a copy of a complaint.
 - The record request was during an ongoing investigation, which was considered exempt from the Florida Public Records Law.
 - The trial court ruled that the complaint could not be released until the investigation was completed.
 - The case was still pending before the Fourth District Court of Appeal.

(CLERK'S NOTE: Commissioner Cruise left the meeting.)

Mr. Carey said that:

- The OIG's objectives included increasing the integrated use of OIG resources and partnering with law enforcement.
- The fiscal year 2019 Annual report would soon be released.
- The OIG anticipated expanding contract oversight and evaluations.
- There would be some audits carried over from 2019.

- During a 9-year period, there were approximately 11,500 calls with a 95% acceptance rate, 19 actual arrests, and 161 cases that were referred to law enforcement or the Commission on Ethics.

V.b. Discussion

Ms. Haughwout asked why the Palm Tran investigation wasn't processed as a criminal investigation.

Mr. Carey said that in speaking with the State Attorney's Office, it was more about administrative issues and no criminal matters were found.

Ms. Haughwout suggested that reports reflect whether the OIG made referrals of potential criminal conduct. She asked if model policies were made available to government agencies.

Mr. Carey said that model policies were not posted, but suggestions were given to those that requested an example of a model policy.

Ms. Haughwout suggested that reporting should be made from the initial complaint to the findings and recommendations.

Mr. Carey said that reporting information was not included due to time constraints, but additional staff decreased the investigative process time.

Vice Chair Bryan Kummerlen inquired if follow ups were made after recommendations were accepted.

Mr. Carey said that follow ups were limited due to staff constraints, but after acceptance of a recommendation, evidence of completion would be sent to the OIG.

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V.c. Public Comment

V.c.1.

DISCUSSED: Misconduct

Bruce Tumin said that The Village of Wellington (Village) did not follow the County ordinance related to appropriations from the penny surtax. He said he had appeared at several Village meetings to express his concern that the Village was spending the penny surtax on school board property, which might have been overlooked.

Ms. Haughwout suggested that if the OIG did not address his complaint then he should forward the complaint to the Commission on Ethics.

VI. NEW BUSINESS – None

VII. ADJOURNMENT

At 10:51 a.m., the vice chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair