



John A. Carey
Inspector General

OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY



Inspector General
Accredited

“Enhancing Public Trust in Government”

Investigative Review

2015-0009

Riviera Beach City Council Vehicle Use

August 14, 2017

Insight – Oversight – Foresight



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RIVIERA BEACH CITY COUNCIL VEHICLE USE

SUMMARY

WHAT WE DID

On July 6, 2015, the Palm Beach County Office of Inspector General (OIG) received a complaint concerning the City of Riviera Beach (City) Council Members and Mayor (hereinafter collectively "Council Members"). The complainant expressed concern that the Council Members have access to City-owned vehicles for their use, but also receive a \$6,000 per year (this amount was increased to \$9,000 per year effective October 2015) car allowance and can claim mileage reimbursement from the City when using their personal vehicles for City business.

In addition, the complainant alleged that Mayor Thomas Masters and Council Member Terence Davis misuse the City-owned vehicle by signing it out to drive to City related meetings on Thursdays but then keep the vehicle for the entire weekend for personal use.

The OIG requested and reviewed information from the City concerning the use of City-owned vehicles by Council Members. Based upon the information that was provided, the OIG initiated an investigation, with the scope expanded to include a review of all Council Members' usage of City-owned vehicles from January 1, 2013 through December 31, 2016.

The OIG requested, subpoenaed, and reviewed information from the City including policies and procedures; budget documents; payroll documents; vehicle records; and, personnel files. We also conducted interviews of several current Council Members; former Council Members; their staff; and other City personnel.

WHAT WE FOUND

We found a lack of sufficient record-keeping by the City relating to the use of City-owned vehicles, which impeded the conduct of a full investigation into the allegations. The information provided showed that, on occasion, City-owned vehicles were signed out on a Thursday and kept over the weekend. However, we could not determine whether the vehicles were used for personal purposes or conclude that they were used in a manner that violated City policy. The information obtained and developed revealed ambiguous policies and various inconsistencies within the City's documents related to motor vehicle use and car allowance. As such, the OIG proceeded with an investigative review of the City's existing policies, procedures, and records concerning the use of City-owned vehicles by Council Members. Our investigative review revealed five issues of concern where improvements are needed.

Issue (1), that Riviera Beach elected officials are improperly using City-owned vehicles. **Issue (2)**, that ambiguous policies; insufficient record-keeping; and, a lack of training and understanding of policies and procedures have resulted in a deficient vehicle usage tracking system with minimal or no accountability. **Issue (3)**, that the City is not properly verifying whether Council Members possess the required motor vehicle insurance coverage on their personal vehicles when used for City business. **Issue (4)**, that the City is not adhering to the requirement in its motor vehicle policy that drivers of City-owned vehicles complete a defensive driving course. **Issue (5)**, that City-owned vehicles were kept over the weekend by Council Members instead of returning the vehicle to the City.

In regards to the allegations against Mayor Masters and Council Member Davis, we found that due to the five issues we addressed, any alleged misuse of City vehicles could be attributed to ambiguous and inconsistent policies and lack of training.

Records obtained from the City were insufficient to support the allegation that Council Members operated City-owned vehicles over the weekend for personal use.

However, records do indicate that Mayor Masters operated a City-owned vehicle two times in 2014 while his Florida Driver's License was suspended.

WHAT WE RECOMMEND

The OIG recommends the City:

1. Develop and implement a procedure to ensure that Council Members, and other

City personnel who receive a car allowance, do not use City-owned vehicles for travel within the County or within 50 miles of City Hall.

2. Create and implement a clear, specific, enforceable system for tracking vehicle use by Council Members and City employees.

3. Create a new policy, or revise the existing policy, delineating the process and procedure for City-owned vehicle use to ensure said usage is for a public purpose.

4. Implement a policy requiring all incoming Council Members to undergo an orientation process, which includes a review of existing policies, with emphasis on policies impacting the performance of their duties.

5. Review its process, policy, and procedures regarding distribution of both new and revised policies and make whatever adjustments it deems necessary to ensure accurate and effective dissemination of policies and procedures to all employees. This should include language requiring that all new and revised policies be distributed to Council Members.

6. Verify that Council Members and employees who receive a monthly car allowance purchase and maintain at least the minimum liability insurance required by the City's existing Motor Vehicle Policy.

7. Require and verify that persons who operate City-owned vehicles complete a defensive driving course, as stated in the City's Motor Vehicle Policy.

8. Require that if no official business is being conducted outside the county or

beyond 50 miles of City Hall over the weekends, City-owned vehicles should be returned to their designated parking locations.

9. Require all drivers of City-owned vehicles to provide an annual attestation/certification that their Florida Driver's License was not suspended or

revoked within the previous 12 months. This attestation/certification should include verbiage that if their Florida Driver's License becomes suspended or revoked at any time during the next 12 months, that they will notify the appropriate City official as required by City policy.

BACKGROUND

The City of Riviera Beach (City) utilizes a Mayor-Council-Manager form of government. The Mayor and a 5-member Council (hereinafter collectively “Council Members”) constitute the City’s elected officials, and the Council appoints a City Manager who manages the day-to-day functions of the City. The Mayor is a non-voting member of the City Council.



On July 6, 2015, the Palm Beach County Office of Inspector General (OIG) received a complaint concerning the City’s elected officials. The complainant expressed concern that the Council Members have access to a City-owned vehicle for their use, but also receive a \$6,000 per year (this amount was increased to \$9,000 per year effective October 2015) car allowance and can claim mileage reimbursement from the City when using their personal vehicles for City business. In addition, the complainant alleged that Mayor Thomas Masters and Council Member Terence Davis misuse the City-owned vehicle by signing it out to drive to City related meetings on Thursdays and then keep the vehicle for the entire weekend for personal use.

The OIG requested and reviewed information from the City concerning the use of the City-owned legislative vehicle by Council Members. Based upon the information that was provided, the OIG initiated an investigation, with the scope expanded to include a review of all Council Members’ usage of City-owned vehicles from January 1, 2013 through December 31, 2016.

The OIG requested, subpoenaed, and reviewed additional information from the City including policies and procedures; budget documents; payroll documents; vehicle records; and, personnel files. We conducted interviews of several current Council Members; former Council Members; their staff; and, other City personnel. We found a lack of sufficient record-keeping by the City relating to the use of City-owned vehicles, which impeded the conduct of a full investigation into the allegations. The information provided showed that, on occasion, City-owned vehicles were signed out on a Thursday and kept over the weekend. However, we could not determine whether the vehicles were used for personal purposes or conclude that they were used in a manner that violated City policy. The information obtained and developed revealed ambiguous policies and various inconsistencies within the City’s documents related to motor vehicle use and car allowance. As such, the OIG proceeded with an investigative review of the City’s existing policies, procedures, and records concerning the use of City-owned vehicles by Council Members.

ISSUES REVIEWED AND FINDINGS**Issue (1):**

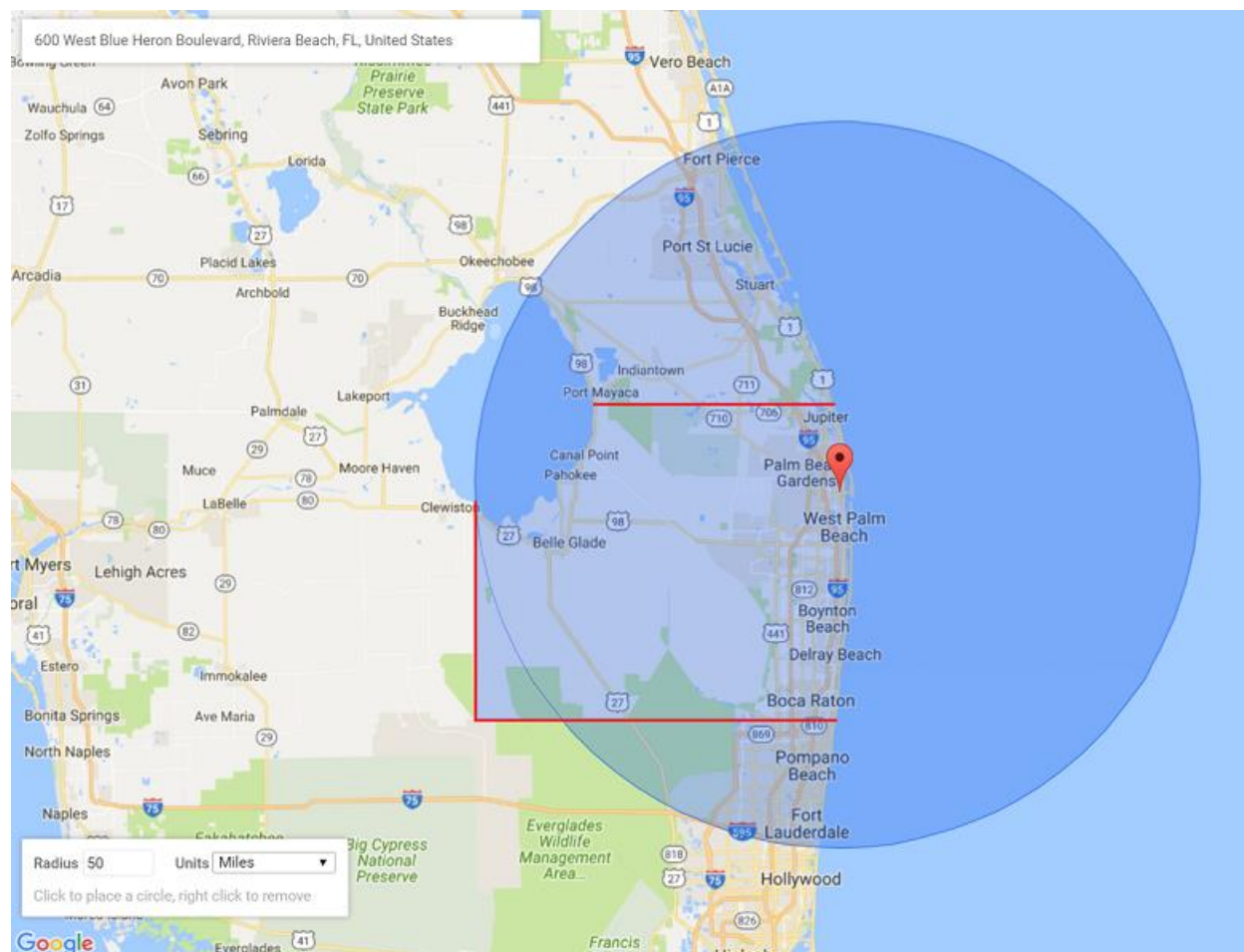
Some Riviera Beach elected officials used the City Legislative vehicle or City-owned vehicles to travel within the county or less than 50 miles from City Hall despite receiving a \$750 car stipend per month.

Governing Directives:

City of Riviera Beach Policy Number FN-14-001 REV (Motor Vehicle Policy dated 10/7/2015).

Finding:

The OIG reviewed the City's policy and procedure documents pertaining to motor vehicle use, as well as documents provided by the City pertaining to a car allowance for Council Members. A memorandum from City Clerk Claudene Anthony to then Interim City Manager Danny Jones reflects that the City's elected officials began receiving a car allowance in the 2005-2006 fiscal year, after it was approved in that year's City budget. The City provided the OIG with Personnel Action Request documents for the Council Members at that time, which show the amount of the allowance was \$500 per month (which equates to \$6,000 per year). The allowance was increased by 50% after approval by the Council in the budget of fiscal year 2015-2016, beginning in October 2015. A review of the City's payroll records for the Council Members shows that beginning in October 2015, each Council Member received a car allowance of \$346.16 every pay period. Over the course of a one-year timeframe, this amounts to a total of \$9,000.16 (there are 26 2-week pay periods each calendar year). Nine thousand dollars per year is effectively a \$750 per month allowance.



The above image represents an approximation of both a 50-mile radius circle from Riviera Beach City Hall and Palm Beach County borders. Locations within the blue shaded area would be covered by the City's Motor Vehicle Policy (FN-14-001 REV), effective October 7, 2015.

According to the City Motor Vehicle Policy effective October 7, 2015, "Elected officials and others who have car allowances do not need to report mileage if the entire amount of the car allowance is taxed. However, the car allowance contemplates and is designed to cover mileage, proper insurance, and maintenance on vehicles for in-county driving and travel within 50 miles of City Hall."

The OIG reviewed the City's vehicle usage records for vehicles used by Council Members from January 1, 2013-December 31, 2016. The OIG identified instances prior to October 2015 and going back to January 1, 2013, where the Legislative vehicle was driven in-county or within 50 miles of City Hall by an elected official while they were also receiving a car allowance¹. In the period from October 7, 2015-December 31, 2016 (the period covered by the revised policy), the OIG also found that City-owned vehicles were being

¹ We acknowledge that the language concerning the distance parameters for use of the Legislative vehicle versus the personal vehicle and car allowance were not added to the City's policy until the October 2015 revision. However, it is worth noting that Council Members continued to use City-owned vehicles to travel in-county and within 50 miles of City Hall even after the City updated its policy to address this very issue.

used by the Council Members to travel either in-county, within a 50-mile radius of Riviera Beach City Hall, or both.

Using a City-owned vehicle for such purposes, despite receiving a car allowance, is inconsistent with the purpose and intent of the October 2015 policy. According to the City policy, these are the types of trips that the car allowance was designed to cover, and therefore the Council Members should have used their personal vehicles for them.

To resolve this issue, the OIG recommends the City develop and implement a system to ensure that Council Members, and other City personnel who receive a car allowance, are not using City-owned vehicles for activities for which they receive the allowance.

Issue (2):

Ambiguous policies; insufficient record-keeping; and, a lack of training and understanding of policies and procedures have resulted in a deficient vehicle usage tracking system with minimal or no accountability.

Governing Directives:

City of Riviera Beach Policy Number FN-14-001 (Motor Vehicle Policy dated 5/12/2014); City of Riviera Beach Policy Number FN-14-001 REV (Motor Vehicle Policy dated 10/7/2015); City of Riviera Beach Policy Number HR 99-01 (Use Of City-Owned Or Leased Vehicles, Equipment And Tools); City of Riviera Beach Policy Number CM-13-001 (Procedures on Submitting New and Revised Policies and Procedures).

Finding:

We found that of the 249 City Vehicle Usage Records that were provided by the City to account for the use of the Legislative vehicle between January 1, 2013-December 31, 2016, almost 30% contained at least one deficiency, with many containing multiple deficiencies. We consider these deficiencies to be substantive in nature as the absence of this required information, or presence of inaccurate information, renders the record ineffective for its intended purpose. Further, the OIG found that there were discrepancies amongst the Council Members and their staff members as to the intent of the policies and procedures themselves or a lack of knowledge that the policies and procedures even existed.

Car Allowance

As noted above, the City's Motor Vehicle Policy after October 2015 specifically states the purpose and intent of the car allowance. Prior to that time, however, the purpose and intent of the allowance is not specified in the writing of any documents provided to the OIG. We sought from the City enabling legislation and other documentation pertaining to the creation, purpose, and regulation of the car allowance for Council Members. In addition to the motor vehicle policies, the City provided to the OIG a memorandum from Ms. Anthony to the City Manager summarizing the history of the allowance, as well as budgetary documents from FY 2005-2006; Personnel Action Requests; and, City Council meeting minutes. Ms. Anthony stated there is no approved resolution or adopted ordinance pertaining to the matter. No further information was provided reflecting the

purpose or intent of the car allowance for the Council Members, and it is not explained or specified in any of the provided documents.

Since the car allowance was intended to cover travel in-county or within 50 miles of City Hall, when Council Members used a City-owned vehicle within this 50-mile radius, this practice wasted taxpayer's dollars.

Records, Record-Keeping, and Vehicle Use Tracking System

The OIG interviewed current and former Council Members and their staff members during the course of our review. Those individuals explained that the Legislative Department (i.e. the Council Members and their staff) had a City-owned car assigned to it as a pool vehicle (the Legislative vehicle). Our review also revealed that during the relevant time period (January 1, 2013-December 31, 2016), the Council Members had access to and used two City-owned vehicles assigned to the Riviera Beach Utility District as well as vehicles maintained by the City Public Works Department. Further, Mr. Jones stated that Council Members had used the City-owned vehicle assigned to him on occasion as well.

The OIG requested from the City all policies and procedures pertaining to motor vehicle use (including the use of City-owned vehicles, personal vehicles, and rental vehicles) by both elected and non-elected City officials and employees, as well as complete usage records and mileage logs for all City-owned vehicles used by Council Members from January 2013-December 2016. In conducting our review, we looked at the records provided by the City that were used to track the use of the City-owned vehicles used by the Council Members and their staff.

These records included 249 forms entitled City Vehicle Usage Record, which were used to record the use of the Legislative vehicle; a 2-page document labeled "UD Vehicle Log", which appears to be the record for the Utility District vehicles; and, 3 pages of a document labeled "Public Works" with the heading "Keys Signed Out," which appears to be a sign-out log for Public Works Department vehicles. As a result of our review, we found that the records are incomplete and insufficient for tracking because the information requested on the forms were not always filled in. Incomplete and insufficient items included: mileage; dates of usage; as well as, whether such use served a public purpose. With regard to the aspect of public use, neither the Public Works nor the Utility District logs even request this information.

According to the current and former Legislative Department personnel we interviewed, the City Vehicle Usage Records were used to record and account for the use of the Legislative vehicle, and were to be completed when the vehicle was used. The form states that "All areas shall be completed," and requires information such as the name of the driver; the reason for use; the destination; the estimated date and time of return; the date and time the vehicle was taken; the date and time the vehicle was returned; and, the beginning and ending mileage of the vehicle. Our review found the forms were not always filled out completely. For example, missing information included:

- The reason for use and/or intended destination was blank, vague or not specific enough to show the public purpose
- The estimated date of return and/or time of return was left blank
- The starting mileage and/or ending mileage was blank, incomplete, or inaccurate
- The listed date and/or time the vehicle was taken or returned was blank or incomplete

The Public Works, "Keys Signed Out," log provided by the City to the OIG only covered the period from December 4, 2015-January 27, 2016. The log requires the following information: date received; vehicle number; received by; issued by; date returned; and, received by (on return). As an example of an incomplete log, Council Member Davis logged out a City-owned vehicle on December 4, 2015 and returned it the same date. However, the log shows no destination, public purpose, or mileage driven. The same lack of specificity is demonstrated when the vehicle was received by any other Legislative Department personnel, listed by name, or the "Mayor's Ofc."

Interviews of City Personnel

OIG interview of Brynt Johnson, City Public Works Department Director

Mr. Johnson said that the Public Works Department maintains all of the City's vehicles to include records of all the mileage and fuel fill-ups. He also said there is a pool of vehicles that employees can sign out. Mr. Johnson stated that the Department had just started using the "Keys Signed Out" log around late 2015, so what was provided to the OIG constitutes all the records the City has.

On the other hand, the Utility District vehicle log has no headings requesting any particular information at all. Rather, it appears to be a list of dates the vehicles were used with the name of the person who used them. In some, but not all, cases additional information is noted which appears to reflect the intended use or destination of the vehicle. No beginning or ending mileage is listed.

Public Works
(Vehicle/Fleet Maintenance)

KEYS SIGNED OUT

DATE RECEIVED	VEHICLE NUMBER	RECEIVED BY	ISSUED BY FLEET SVCS	DATE RETURNED	RECEIVED BY FLEET PERSONNEL
12/4/15	1550	[Signature]	[Signature]		
12-4-15	VM-1534	R. Green	(Atn)	12-4-15	(Atn)
12/4/15	1550	Councilman T. Davis	PJ	12/4/15	PJ
12/7/15	VM1510	[Signature]	(Atn)	12-8-15	(Atn)
12-7-15	VM-1550	[Signature]	(Atn)	12/4/15	[Signature]
12-8-15	VM-1510	Steve Strato	(Atn)	12-8-15	(Atn)
12-9-15	VM1510	Tommy Phillips	PJ	Returned - unknown date	
12-10-15	VM-1550	R. Little	(Atn)	12-10-15	(Atn)
12-10-15	VM-1550	R. Little	(Atn)	12-11-15	(Atn)
12-14-15	VM-1549	R. Little	(Atn)	12-14-15	(Atn)
12-15-15	VM-1549	R. Little	(Atn)	12-15-15	(Atn)
12-16-15	VM-1549	R. Little	(Atn)	12-15-15	(Atn)
12-17-15	VM-1550	R. Little	(Atn)	12-17-15	(Atn)
12/17/15	U772	Jan G.	PJ	12-17-15	(Atn)
12-18-15	VM-1549	R. Little	(Atn)	12-18-15	(Atn)
12-21-15	VM-1549	R. Little	(Atn)	12-24-15	(Atn)
12/21/15	VM1550	R. Hymnall	PJ	12-23-15	(Atn)
12/30/15	VM-1550	R. Little	(Atn)	12-31-15	PJ
1/4/16	VM-504	[Signature]	(Atn)	1-4-16	(Atn)
1/4/16	VM-1549	R. Little	(Atn)	4-9-16	(Atn)

OIG interview of Troy Perry, City Utility District Director (Acting)

Mr. Perry is the Assistant to the City Manager, who during the course of our review was the Acting Utility District Director. He stated he is not sure where the information on the Utility District vehicle log provided to the OIG was taken from. He explained that if someone was going on a trip, usually a travel request would be submitted, which would contain the information on the document. He further stated that the vehicle keys are kept at the front desk at the Utility District, and when someone needs to use a vehicle they go there to check it out. Mr. Perry also said that he was told by his staff that the previous executive director and previous executive secretary used to keep some type of log or calendar pertaining to the vehicles. However, his department has not been able to locate it. Mr. Perry said that his department had looked for additional documentation that was responsive to the OIG's request and had found none.

In response to a request from the OIG for complete information, Mr. Jones stated, in a letter dated January 11, 2017, that there are no other records kept to track the use of the Utility District vehicles and the Public Works vehicle for the period covered by the investigative review.

OIG interview of Danny Jones, Interim City Manager

Mr. Jones stated that he has provided everything that is kept concerning the use of the Utility District and the Public Works vehicles (by Council Members between January, 2013-December, 2016). He stated that he did not maintain a log of the use of his assigned City-owned vehicle. Therefore, no records were reviewed concerning the use of the Interim City Manager's City-owned vehicle by the Council Members because no such records exist.

As previously noted, the heads of the Utility District and the Public Works Department were interviewed and both stated all relevant records from their departments have been provided. Our investigative review reveals these records do not capture all needed information to effectively and accurately track vehicle use.

As noted above, all policies and procedures pertaining to use of City-owned vehicles by City Council Members were requested. However, none was received delineating the process for signing out the Legislative vehicle. Further, our interviews of the Legislative Department personnel reveal an inconsistent understanding of the process amongst the persons interviewed for signing out the Legislative vehicle, as will be explained below.

OIG interview of Ruth Jones, former City Manager

Ms. Jones was the City Manager from June 2009 until September 2016. She explained there was a City-owned vehicle assigned to the Legislative Department that could be used by the elected officials and their staff to conduct business. The keys to the vehicle were initially kept in the Legislative office, but were later moved to the City Manager's office. At that point, she said, it was the responsibility of the person who worked at the front desk to facilitate the use of the Legislative vehicle.

Ms. Jones believes the keys were moved from the Legislative office to the City Manager's office as a result of more than one person wanting to use the vehicle at the same time and the availability of the vehicle. Therefore, the City Manager's office would know who had the car, and how long they had it. She believes that occurred approximately four years ago.

Ms. Jones said the purpose of the vehicle assigned to the Legislative Department was for the officials and their staff to have a vehicle "to go wherever they felt they needed to go." The Legislative staff was not being paid for mileage to use their own personal vehicles, so if they needed to go to a meeting during the day, they would use the City-owned vehicle to do so. She said the elected officials received a car allowance, which was for the purpose of paying for the maintenance on their personal vehicles that were being used for City business.

Ms. Jones said there was no policy, written or otherwise, that addressed when the Council Members should use a City-owned vehicle versus when they should use their personal vehicles. Ms. Jones said that was "left to their discretion."

Ms. Jones stated the elected officials also sometimes requested the use of other City-owned vehicles if they were travelling beyond a 50-mile radius from the City. Ms. Jones was aware that the officials used the City-owned vehicles assigned to the Deputy City Manager and the Utility District. In order to use the City-owned vehicles that were not assigned to the Legislative Department, the elected official would either call or write to Ms. Jones and ask if there were vehicles available for the time they needed one, and Ms. Jones would contact other departments; or, the elected official would contact another department head directly to inquire as to whether they had a City-owned vehicle available.

There was no stipulation that the vehicle assigned to the Legislative office was only to be used for less than 50 miles, she said. However, the Legislative vehicle was an older car, and while the Council Members could take it more than 50 miles if they wanted to do so, it was understood that they could request a different City-owned vehicle if they did not want to use the Legislative vehicle. They were also allowed to request the use of a different City-owned vehicle even if the trip was for less than 50 miles if the Legislative vehicle was already being used.

Ms. Jones further said that when the Legislative vehicle was being signed out from the City Manager's office, the person who was driving the vehicle recorded the mileage on the vehicle use form. The staff of the City Manager's office did not check the odometer on the vehicle. They did, however, check the condition of the vehicle. It was permitted, Ms. Jones said, for the Legislative Aide or Assistant to sign out the vehicle on behalf of the Council Member for whom they worked. In such instances, the Assistant would put the name of the person who was actually driving the vehicle on the vehicle usage form.

The OIG informed Ms. Jones that the May 2014 City motor vehicle policy was revised in October 2015 to include a requirement that stated that the car allowance received by the elected officials contemplates and was designed to cover the mileage, insurance, and

maintenance on the (personal) vehicles for in-county driving and travel within 50 miles of City Hall. That requirement, Ms. Jones said, was added to the policy as a result of a recommendation from a prior review by the Inspector General's Office. Ms. Jones said that would not be considered a major change to the policy. However, she said, the Council Members always received a copy of her response to the recommendations of the Inspector General's Office. In the case of this specific policy revision, she said the Council Members would have been made aware of the revision as a result of Ms. Jones' response to the recommendations, wherein she would have told them "here's the wording we're adding to this policy." Ms. Jones added that when a policy was updated, it replaced the old policy on the City's website.

Pertaining to City policies being put into place, Ms. Jones said some were done by the City Manager's office and some had to be approved by the City Council. Ms. Jones explained that policies that were routine administrative policies could be approved by the City Manager without going before the Council. However, the City Manager could also exercise discretion. She explained that even if a policy was a routine administrative policy, that in and of itself did not prohibit the City Manager from taking it before the Council for review and approval.

Ms. Jones said that when new policies or policy updates that did not require Council approval were implemented by the City Manager's office, there were different ways that the policy would be circulated to City personnel. Most frequently, all department heads were electronically sent a copy of the new or revised policy. Sometimes the policy was sent out electronically to all users, including elected officials. If it was sent to department heads, most of the time the Council Members would have been copied on it as well. Ms. Jones explained that if the policy revision was only an update, such as a change in terminology, and the change(s) made were not substantive, then that may not have been circulated to the Council Members. However, revisions that included substantive changes such as adding or subtracting a rule or requirement would have been given to them.

Although Ms. Jones indicated that the policy change in 2015 did not require the approval of the City Council, she believed she notified them of the changes to the vehicle use policy.

Ms. Jones explained that when a new Council Member began their service, whether or not they were given any type of orientation depended on that Council Member. Ms. Jones would compile a training/introduction for the new Council Member, if that Member so desired. But it was up to the Council Member whether they received the orientation or not. Some chose to do it, she said, and some chose not to do it. She said there was no type of on-boarding packet containing the City's existing policies and procedures given to new Council Members, because all of those documents were available on the City's website, and the Council Members were made aware of that fact by the City Manager's office.

OIG Comment: Ms. Jones' statements illustrated the lack of communication and clarity of the City Motor Vehicle Policy at many levels.

We interviewed the City Mayor, six current and former City Council members, and seven current and former City Legislative Aides/City Legislative Assistants/City Chief of Staff. Following are some excerpts, inconsistent with City Policy, of what their understanding is on the use of the Legislative vehicle and the purpose of the car allowance:

Mayor and City Council members

- understanding of the car allowance received by the Council Members is that it is for gas, insurance, and dry cleaning (Council Member Lynne Hubbard)
- acceptable uses of the City-owned vehicle versus a Council person using her own personal vehicle for which they receive a car allowance would be if someone is accompanying them; if they are carrying things; or, if their own car is not roadworthy to travel as far as needed (Ms. Hubbard)
- used the City-owned vehicle within the County on occasion when they considered the travel to be “above and beyond” the “normal” use of their personal vehicle, or when carrying materials (Mayor Masters)
- it was “pretty much understood” that if you were moving or picking up things, it was permissible to use the City-owned vehicle (Mayor Masters)
- they could use a City-owned vehicle if they were traveling within the County but had someone who was not a City employee in the car with them (Mayor Masters)
- if an elected official has a need to use the Legislative vehicle for City business, then they can do so- there were no rules or regulations about where the car could and could not be taken (Ms. Hubbard)

Legislative Aides/City Legislative Assistants/City Chief of Staff

- was told that if a Council Member had an event to attend and did not want to use their own car, they could use the Legislative vehicle (Ms. Hubbard’s former Legislative Assistant Aziza Isles)
- does not recall whether they were ever formally told what the purpose of the Legislative vehicle was, but the way it was used, was if any of the Council staff needed to do any kind of City business, they could use the vehicle whether it be in town or out of town (former Legislative Aide Marian Dozier, who worked individually for Mayor Masters and Council Members Billie Brooks (former), Shelby Lowe (former), and Dawn Pardo)
- some of the Council Members used the Legislative vehicle if their personal car was not available to do things such as go to meetings and events inside the City (Ms. Dozier)

- “It was just protocol that it was there for the convenience of the Mayor and Council” (former Council Member Bruce Guyton’s Legislative Assistant Sylvia Blue)

Analysis/Summary of City Personnel’s Understanding of the Car Allowance and/or Usage of a City-owned Vehicle

The interviews of City personnel demonstrate that the understanding of the City-owned vehicle use, policy, and sign-out process varied widely, as was the understanding of the car allowance. One notable example was that when we discussed specific deficiencies in the forms with the Council Members, blame was placed by some on the City Manager’s office personnel for poor mileage tracking on the City Vehicle Usage Records. Some Council Members stated it was the responsibility of the City Manager’s Office staff to check and note the vehicle mileage, not theirs. However, other Council Members and their staff stated it was they who were responsible and/or actually did the mileage recording. Because there is no written policy delineating what information must be recorded when using City-owned vehicles nor who must record and maintain such information, we cannot with certainty pinpoint who is responsible.

After reviewing the various vehicle logs and interviewing personnel, it was apparent that there have been times a Legislative Aide/Assistant/Chief of Staff checked out a City-owned vehicle for the purpose of driving their respective Council Member. Ms. Hubbard stated her assistants have signed out the City-owned vehicle and driven her around, and Ms. Isles, confirmed that she had done so locally. Since there was no written policy addressing this, it cannot be said that it was a policy violation. As such, we believe this needs to be clarified in the policy.

Ineffective Dissemination of Information

Several of the Council Members interviewed stated there was no written policy; they had not received a written policy; or, they were not aware a written policy existed concerning the City-owned vehicle use and car allowance. By contrast, several other Council Members stated the opposite. As demonstrated, there were also discrepancies in the Council Members’ statements as to the process for distributing new and revised policies and procedures.

With regard to incoming Council Members, Ms. Jones explained that an orientation for newly elected Council Members to receive information familiarizing them with City government is available. However, she said this orientation is voluntary rather than mandatory.

The OIG reviewed City Policy CM-13-001, Procedures on Submitting New and Revised Policies and Procedures, which is dated September 18, 2013. It delineates the process for the City to both put in place new policies and revise existing policies. Regarding new policies, it states the City Manager will review the policy and determine whether or not it needs to be reviewed or approved by the City Council. If the policy requires Council approval, the policy states that “Once policies are approved by the City Council...A copy

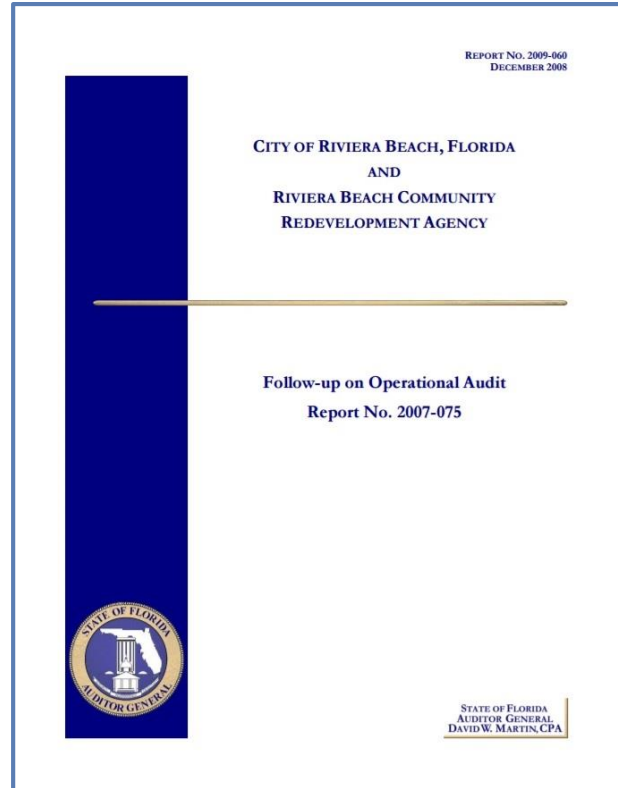
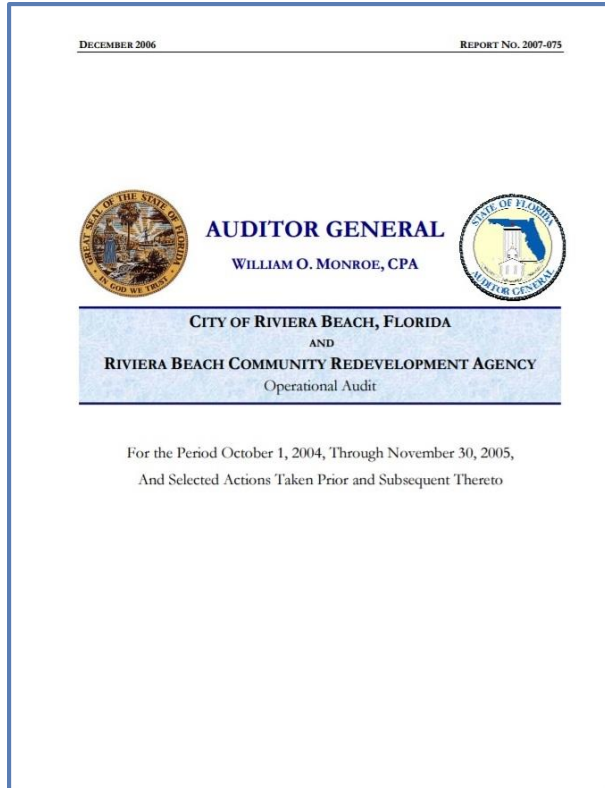
will be sent to the Mayor, City Council members, and all department heads; then put on the intranet for access by all Employees.” CM-13-001 further states that “If the City Manager deems the policy does not need the City Council approval, she will approve the policy, the date will be entered on the policy, and a copy will be sent to the Mayor, City Council members, and all department heads; then posted on the City’s website.”

With regard to revised policies, CM-13-001 states “...the City Manager will determine if the revisions are significant enough to be brought before the City Council; if revisions do not require the approval of the City Council they will be approved by the City Manager” and placed on the City’s website. It further states, “If there are significant changes to the Policies and the City Manager deems it necessary to be brought before the City Council; the department will be notified and the same procedures for the new policy will be followed.”

CM-13-001 lays out a process which would appear to ensure that when a new City policy is put in place, all sitting Council Members are made aware of it. Nevertheless, multiple City Council Members stated that they were not aware of the City’s new motor vehicle policy that was put in place in 2014. Regarding policies that are revised, CM-13-001 appears to leave less certainty that the Council Members would be aware of the change(s), as it does not require them to be directly notified if the change does not require their approval.

Previous Issues Regarding Vehicle Logs

In December 2006, the Auditor General for the State of Florida issued report number 2007-075 titled “City of Riviera Beach, Florida and Riviera Beach Community Redevelopment Agency Operational Audit.” In December 2008, the Auditor General issued a follow-up report, number 2009-060, titled “City of Riviera Beach, Florida and Riviera Beach Community Redevelopment Agency Follow-up on Operational Audit Report No. 2007-075.” The initial audit found a failure to maintain a vehicle log that would demonstrate the usage of a government provided vehicle served a public purpose. In that case, an employee was allowed to use a government provided vehicle for both personal and public purposes, thus a log was required to distinguish the two permissible uses. The follow-up found that a vehicle log was being maintained, but there were times when the public purpose was not evidenced, items were incomplete, and an ending odometer reading did not match the next entry’s beginning odometer reading. Mayor Masters, Council Members Hubbard and Pardo - all of whom are current Council Members - were also Council Members at the time of the 2008 report. The City-owned vehicles are supposed to be used for official business only; thus, the City should ensure that a log is maintained that monitors compliance with its policy.



Assessment

The OIG recommends that the City create and implement a specific, enforceable system for tracking vehicle use by City Council Members and City employees. As part of this system, the City should require that the driver of the vehicle must be the person whose name is on the sign-out sheet/log. In tandem with this, the City should create a new policy, or revise its current policy delineating the process and procedure for City-owned vehicle use. Vehicle logs should require sufficient information to document that the City-owned vehicle is being used for a public purpose.

We further recommend that the City implement a policy requiring all incoming City Council Members to undergo an orientation process, which includes a review of existing City policies. We also recommend that the City review its process, policies, and procedures regarding distribution of both new and revised policies and make whatever adjustments it deems necessary to ensure complete and effective dissemination of policies and procedures to all City employees, to include City Council Members.

Issue (3):

The City was not properly verifying whether City Council Members possess the required motor vehicle insurance coverage.

Governing Directives:

City of Riviera Beach Policy Number FN-14-001 (Motor Vehicle Policy dated 5/12/2014);
City of Riviera Beach Policy Number FN-14-001 REV (Motor Vehicle Policy dated 10/7/2015).

Finding:

The City's Motor Vehicle Policy dated May 12, 2014 and the revised Motor Vehicle Policy dated October 7, 2015 both state "An employee who receives a monthly motor car allowance will maintain liability coverage in an amount not less than \$100,000 per occurrence/\$300,000 annual aggregate."

The City's Risk Manager, Marie Sullin, stated Risk Management does not require City employees or elected officials who receive a car allowance to provide proof that they are maintaining the minimum motor vehicle insurance requirements outlined in the City's Motor Vehicle Policy. When asked if any other City department might be responsible for verifying that requirement is met, she said she does not know anything about the car allowance, but that possibly City Finance Director Randy Sherman might verify the motor vehicle insurance information.

Mr. Sherman stated the Finance Department does not keep any records of the personal motor vehicle insurance for drivers of City-owned vehicles, including the elected officials. He also stated the Finance Department does not verify whether the minimum motor vehicle insurance requirements as stated in the motor vehicle policy are met by the drivers, including the elected officials.

OIG issued a subpoena duces tecum to Mr. Jones requiring him to appear at the OIG office on March 16, 2017 to provide testimony and documents. It required production of "Any and all documentation reflecting and verifying the personal motor vehicle insurance coverage of current and former City elected officials who receive a motor vehicle allowance" to include proof of the amounts of coverage for the period from May 12, 2014 to the present time. Mr. Jones stated when he appeared that "no documentation was located concerning the insurance coverage." He further stated that based on the research of City staff, the City does not have any of that information.

Since it is not currently being done, the OIG recommends the City verify that employees who receive a monthly car allowance maintain at least the minimum motor vehicle liability insurance required by the City's existing motor vehicle policy.

Issue (4):

The City was not adhering to the requirement in its Motor Vehicle Policy that drivers of City-owned vehicles complete a defensive driving course.

Governing Directives:

City of Riviera Beach Policy Number FN-14-001 (Motor Vehicle Policy dated 5/12/2014); City of Riviera Beach Policy Number FN-14-001 REV (Motor Vehicle Policy dated 10/7/2015).

Finding:

The City's Motor Vehicle Policy dated May 12, 2014 and the revised Motor Vehicle Policy dated October 7, 2015 both state "Any person who operates a Vehicle shall be required to complete a defensive driving course and/or refresher courses as prescribed by the Risk Management Division."

Ms. Sullin stated that Risk Management does not require City employees who operate City-owned vehicles to take a defensive driving course except following a motor vehicle accident a City employee is involved in as the driver of a City-owned vehicle. In that instance, the City employee may be required to take a defensive driving course.

The OIG recommends that the City's Risk Management Division require and verify that City employees who operate City-owned vehicles complete a defensive driving course, as stated in the City's Motor Vehicle Policy.

Issue (5):

City-owned vehicles were kept over the weekend by Council Members instead of returning the vehicle to the City.

Governing Directives:

City of Riviera Beach Policy Number FN-14-001 (Motor Vehicle Policy dated 5/12/2014); City of Riviera Beach Policy Number FN-14-001 REV (Motor Vehicle Policy dated 10/7/2015).

Finding:

The City's Motor Vehicle Policy dated May 12, 2014 and the revised Motor Vehicle Policy dated October 7, 2015 do not specifically address instances of keeping City-owned vehicles overnight or over the weekend. Informal City policy and practices addressed this issue.

As stated previously in this report, a lack of sufficient record keeping prohibited conducting an investigation into the allegation that certain Council Members were keeping the City vehicle over the weekend for *personal* use. However, our review of the Vehicle Usage Logs that were provided, as well as our interviews with the Council Members, Legislative Assistants, and City Manager's office personnel revealed that the Legislative vehicle was in fact kept over the weekend instead of being returned to the City.

The OIG interviewed three current or former staff members of the City Manager's office who were responsible for maintaining the Vehicle Usage Logs and/or handling the sign-in and sign-out process of the Legislative vehicle. All three stated that there was a process in place for returning the Legislative vehicle when the City office was closed (i.e. after 5 PM and on weekends). Specifically, the driver was to lock the vehicle key in the car, under the mat, and City Manager's office staff would retrieve it the next business day with a spare key².

According to the City Manager's office personnel, the Council Members, and Legislative Assistants who used the vehicle were told to return the car in this manner. Interviews with the Council Members and Legislative Assistants confirmed that this was a known practice.

As there was a mechanism in place to return the vehicle to the City rather than keeping it over the weekend, we believe that procedure should have been followed. Therefore, the OIG recommends that the City require that if no official business is being conducted outside the county or beyond 50 miles of City Hall over the weekends, City-owned vehicles should be returned to their designated parking locations.

If any City-owned vehicles were signed out and kept by Council Members over the weekend, this would not violate formal City policy. Additionally, information obtained from the City did not support the allegation that City-owned vehicles were used for personal use over weekends.

ADDITIONAL INFORMATION

During this Review, we obtained documentation from the City that all Council Members had provided a photocopy of their current Florida Driver's License to the Human Resources Department as required by the Motor Vehicle Policy. However, each iteration of the City's Motor Vehicle Policy, going back to January 28, 1999, requires drivers of City-owned vehicles to be in possession of a valid Florida Driver's License when driving a City-owned vehicle.

Records obtained from the Clerk & Comptroller of Palm Beach County indicate that from February 14, 2014 to April 18, 2014, Mayor Masters' Florida Driver's License was suspended and City Vehicle Usage Logs show that he drove the Legislative vehicle two times (February 19, 2014 and April 4, 2014) during this suspension. As recently as July 7, 2017, Mayor Masters received a traffic citation for "driving while license suspended" - Mayor Masters was not driving a City-owned vehicle at the time. City Motor Vehicle Policy requires City employees to notify their Department Head if their Florida Driver's License is suspended or revoked. City Motor Vehicle Policies in effect since May 12, 2014 requires "[a]n employee who operates a Vehicle must notify the Human

² It is noted that the Directors for the Public Works Department and the Utility District advised the OIG that the City-owned vehicles assigned to their departments are to be returned to their designated parking lot or City Hall when the City-owned vehicle's use for City business was complete and the driver is to retain the keys until they are turned in the next time the department is open.

Resources Director and the Department Director no later than the end of the next business day when an issued license has been suspended, revoked or canceled.”

During his February 9, 2017 interview with the OIG, Mayor Masters was asked questions related to possessing a valid driver’s license while serving as an elected official for the City. When asked if his license had been suspended at all during that period he said, “you know I don’t think so. If it were it may have been for a day or something I didn’t know about it. No, I have a pretty good driving record.”

On July 13, 2017, Human Resources Director Bruce Davis advised the OIG that since he has been the Director (October 2015) he has not been notified of a Florida Driver’s License suspension of anyone who operates a City-owned vehicle. Specifically, Mr. Davis had not been notified by Mayor Masters that his Florida Driver’s License has been suspended as required by City Motor Vehicle Policy.

The mere fact that the City allows an individual to operate a City-owned vehicle places the City at financial risk. It is incumbent on the City to ensure that those individuals operating City-owned vehicles do so while possessing a valid Florida Driver’s License. Therefore, the OIG recommends the City require the drivers of City-owned vehicles certify that they are doing so with a valid Florida Driver’s License with a frequency the City determines will limit the City’s liability.

RECOMMENDED CORRECTIVE ACTIONS

Based on our findings, the OIG recommends the City:

1. Develop and implement a procedure to ensure that Council Members, and other City personnel who receive a car allowance, do not use City-owned vehicles for travel within the County or within 50 miles of City Hall.
2. Create and implement a clear, specific, enforceable system for tracking vehicle use by Council Members and City employees.
3. Create a new policy, or revise the existing policy, delineating the process and procedure for City-owned vehicle use to ensure said usage is for a public purpose.
4. Implement a policy requiring all incoming Council Members to undergo an orientation process, which includes a review of existing policies, with emphasis on policies impacting the performance of their duties.
5. Review its process, policy, and procedures regarding distribution of both new and revised policies and make whatever adjustments it deems necessary to ensure accurate and effective dissemination of policies and procedures to all employees. This should include language requiring that all new and revised policies be distributed to Council Members.

6. Verify that Council Members and employees who receive a monthly car allowance purchase and maintain at least the minimum liability insurance required by the City's existing Motor Vehicle Policy.
7. Require and verify that persons who operate City-owned vehicles complete a defensive driving course, as stated in the City's Motor Vehicle Policy.
8. Require that if no official business is being conducted outside the county or beyond 50 miles of City Hall over the weekends, City-owned vehicles should be returned to their designated parking locations.
9. Require all drivers of City-owned vehicles to provide an annual attestation/certification that their Florida Driver's License was not suspended or revoked within the previous 12 months. This attestation/certification should include verbiage that if their Florida Driver's License becomes suspended or revoked at any time during the next 12 months, that they will notify the appropriate City official as required by City policy.

RESPONSE FROM MANAGEMENT

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, on July 27, 2017, The City of Riviera Beach was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Investigative Review within ten calendar days. The City requested and received a 5-day extension to August 10, 2017. As of the release of this report, the OIG has received neither a response from the City nor a second request for additional time.

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