

2:00 TIME
CERTAIN

Agenda Item #: 5A-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 21, 2009

☐ Consent ☒ Regular
☐ Public Hearing

Department:

Submitted By: County Administration

Submitted For: County Administration

I. EXECUTIVE BRIEF

Motion and Title: Staff requests Board direction: regarding the County response to the Investigation of Palm Beach County Governance and Public Corruption Issues by the Palm Beach County Grand Jury.

Summary: The Spring, 2009 Palm Beach County Grand Jury under the direction of State Attorney Michael McAuliffe investigated "the erosion of public trust in the institutions of governance whether caused by actual or perceived corruption...." Their findings cover five broad areas. Staff has prepared a review of the findings and is providing recommendations for Board consideration to address the issues raised. Staff will also provide a response to the Clerk's Debt Issuance Process Review.
Countywide (DN)

Background and Policy Issues: N/A

Attachments:

1. Staff Review of Jury Findings
2. Response to Clerk's Review

Recommended by: _____

Department Director

Date

Approved By: _____

County Administration

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures					
Operating Costs	<u>-0-</u>	<u>\$500,000</u>	<u>\$1M</u>	<u>\$1M</u>	<u>\$1M</u>
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT		<u>\$500,000</u>	<u>\$1M</u>	<u>\$1M</u>	<u>\$1M</u>
No. ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included In Current Budget? Yes _____ No X
Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Based on Board's Direction, budget will be adjusted accordingly

[Signature] 7/12/09
OFMB
(UD) 7/17/09

[Signature] 7/17/09
Contract Dev. and Control

B. Legal Sufficiency:

[Signature] 7/17/09
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 9/03

ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

County Administrator's Response to Grand Jury Report re: "Investigation of Palm Beach County Governance and Public Corruption Issues"

Grand Jury Recommendation	Staff Response & Recommendation	Action Required	Target Date for Completion	Responsible Department(s)
BOND UNDERWRITING				
The County adopt a preference for competitive sales of bonds but retain the flexibility to adopt negotiated sales when recommended by the Office of Financial Management(OFMB), the Financial Advisor and the Debt Oversight Committee. P.9	We concur. The <i>Debt Management Policy</i> now requires all new money and refunding debt obligations to be sold by competitive bid unless the County Financing Committee and the Financial Advisor recommend a negotiated sale to the County Administrator. Such recommendation shall be brought to the Board for approval. If approved by the Board, an RFP process to select the bond underwriter shall be conducted by the County Financing Committee. The Committee shall select the underwriter and make that recommendation through the County Administrator to the County Commission. A policy has been prepared: The <i>Competitive Selection of Bond Underwriters Policy for Negotiated Sales</i> . The Commission appointed bond underwriter rotation system will be no longer be utilized.	BCC approval	Policy has been finalized.	Office of Financial Management & Budget
Establish an independent Debt Oversight Committee (DOC) consisting of between five and seven citizens (with minority representation) selected through a request for qualifications (RFQ) to: (1) review, revise and approve a written policy submitted by county staff to govern all debt management practices; and (2) review all bond underwriting proposals received and make recommendations for bond underwriting companies, bond counsel, disclosure counsel, and financial advisor. P.8/¶3, P.9/¶1	We do not fully concur with the recommendation for an oversight committee comprised of independent citizens for the following reasons: (1) Individuals possessing the qualifications for the committee would likely have strong ties to the local bond/investment banking community creating a potential for conflict of interest or appearance thereof; (2) The GFOA Recommended Practices for <i>Selecting and Managing the Method of Sale of State and Local Government Bonds</i> and for <i>Selecting Underwriters for Negotiated Bond Sales</i> do not suggest or recommend an oversight committee. The GFOA recommends that "unless the issuer has sufficient in-house expertise and access to market information, it should hire an outside financial advisor," which is our current practice. The GFOA further recommends that this financial advisor should not be able to resign in order to underwrite a proposed sale of bonds. In preparing our RFP for financial advisor last year, firms that do bond underwriting were prohibited from responding, just to avoid a potential conflict of interest. In its recommended practice <i>Selecting Bond Counsel</i> , the GFOA recommends an RFP process where "individuals in the organization with experience in public finance and/or responsible for debt management activities should be involved in the RFP development and response review." Instead of a committee consisting entirely of outside citizens or no committee at all, staff presents an alternative as outlined in the <i>Debt Management Policy</i> . It calls for a County Financing Committee to review and make recommendations to the County Administrator regarding issuance and management of debt. This Committee will consist of the County OFMB Director, a current municipal Finance Officer with extensive experience in debt issuance, the Finance Director of the Solid Waste Authority, a representative of the Clerk & Comptroller's Office, and a representative from the Department involved with the debt issuance, if applicable. The County Debt Manager, the County Attorney, and the Financial Advisor will serve in an advisory capacity to the Committee as needed. This committee will also serve as the selection committee for financial advisor and underwriter RFPs and will participate in the development of all debt-related RFPs.	BCC direction	Staff's recommendation is included in Debt Management Policy which has been finalized.	Office of Financial Management & Budget
Adopt an RFP process for all outside professionals including Financial Advisor, Bond Counsel, Disclosure Counsel..... P.9/¶3	We concur. The <i>Debt Management Policy</i> has been revised to include a section entitled "Selection of Outside Professionals" which calls for all outside professionals involved with the debt process, including Financial Advisor, to be selected through an RFP process. Bond counsel and disclosure counsel are procured by the County Attorney's Office. OFMB has drafted a PPM that calls for an RFP process for both of these professional services and will work closely with the County Attorney's Office on implementation.	BCC approval. OFMB has drafted a PPM.	Policies have been finalized.	Office of Financial Management & Budget

County Administrator's Response to Grand Jury Report re: "Investigation of Palm Beach County Governance and Public Corruption Issues"

Grand Jury Recommendation	Staff Response & Recommendation	Action Required	Target Date for Completion	Responsible Department(s)
Adopt the GFOA best practice to encourage the use of Disadvantaged Business Enterprises (DBE) as part of a policy to include minority firms. P.9/¶4	The County maintains an Office of Small Business Assistance which monitors conditions affecting small businesses in Palm Beach County, creating an environment that encourages their growth and development. It is the policy of the Board of County Commissioners (BCC) that small business enterprises (SBEs) shall have the maximum practical opportunity to participate in the competitive process of supplying goods and services to the County. To that end, the BCC established, in the County Code, requirements for the SBE program. Preference is given to certified SBEs in the evaluation and ranking process pursuant to the Code. The County no longer has a minority business program because such was not legally justified.	Requirements for the program will be included in each solicitation for professional services.	Policy in place.	Office of Financial Management & Budget
The role of the BCC be limited to acceptance or rejection of bond underwriting recommendations of county staff, financial advisor and the DOC. This policy should apply to appointments of outside professionals and individual bond underwriting companies alike. P.9/¶5	We generally concur. Our new policies call for all of these actions/recommendations to be presented to the County Commission as suggested by the Grand Jury. This is identical to how other types of services are procured. Once presented, the Board has discretion to debate, question and provide alternative direction to staff within the framework of procurement regulations.	BCC approval	Policy has been finalized.	Office of Financial Management & Budget/ County Attorney

County Administrator's Response to Grand Jury Report re: "Investigation of Palm Beach County Governance and Public Corruption Issues"

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LAND TRANSACTIONS				
<p>Pursue eminent domain/condemnation proceedings more often. P.15/¶3</p>	<p>Do not concur. Such proceedings have been utilized successfully when the merits warrant this significant action. Such proceedings are frequently entered into as part of right-of-way acquisition, but are almost always settled before trial. It is usually far more cost-effective and timely to attempt to secure the property through other means. The condemning authority is responsible for the payment of reasonable costs and expenses of the landowners. Typical experts for the owners are appraisers, land planner, engineer (often two engineers for different engineering aspects, e.g., drainage/traffic), but there could be additional experts, such as a CPA, marketing or biology experts, depending on the case. Once an appraiser is hired by the owner, they basically have a free hand to offer their opinions of value and/or theories of value no matter how farfetched. Once we get to suit, the disparity between the county's appraised value and the owner's appraised value is often great and judges tend to let all "opinions" into evidence. By this time we have a much greater dollar value exposure by virtue of the additional compensation, costs and fees. An example is business damages, which are not part of land appraisals. Further, if a condemning authority challenges the dollar amount of the owner's expert's services, it is considered a "supplemental" proceeding. The condemning authority pays the costs, including additional or supplemental attorneys fees (on an hourly basis) to contest the reasonable dollar value of the expert fees and costs. Additionally, the County pays its experts to testify at a contested hearing on the subject. Expert fees can be quite high and in some instances, depending on the dollar value of the case, can be between 20-40% of the compensation paid to the property owners even when there is a settlement (and not even a trial). This is especially true in the numerous smaller right-of-way takes. This whole dynamic requires us to be selective about what cases are tried.</p> <p>An example of successful acquisitions without exposing the County to great risk is the Conservation Lands Acquisition Program, which involved more than 1500 transactions. These acquisitions were covered by specific rules and processes spelled out in ordinances and BCC-approved contracts and a citizen committee process—all of which ensured a defensible acquisition effort. Acquisition below appraised value was the norm, because we didn't need the land, only wanted it. We could and did walk away from any acquisition for which the land owner did not cooperate.</p>	<p>Continue evaluation case-by-case, working with the Land Valuation Committee when appropriate.</p>	<p>Policy in place.</p>	<p>County Attorney/ Facilities Development & Operations/ Engineering/ Environmental Resources Management</p>
<p>Contract with an independent appraisal entity to receive and review appraisal work done for the county and report its findings, including any disagreements it may have on an appraisal. P.15/¶4</p>	<p>Do not concur. The County already obtains two independent appraisals of most acquisitions. Appraisals are essentially opinions of value. One can get as many different opinions as appraisals; thus, a review appraisal would not add anything. The Land Valuation Committee is probably a more functional mechanism for addressing valuation issues, although on complex issues we could consult with the Property Appraiser's Office. If the Property Appraiser's Office has a representative on the LVC, that would cover this.</p>	<p>None</p>	<p>N/A</p>	<p>Facilities Development & Operations/ Engineering</p>

County Administrator's Response to Grand Jury Report re: "Investigation of Palm Beach County Governance and Public Corruption Issues"

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Disclose land disposition conflicts of interest prior to closing. P.16/¶4	We concur. Any disclosure of conflicts should take place at the time the acquisition/disposition is approved by the Board. In the case of a commissioner's voting conflict, state ethics laws require such a conflict of interest to be declared before the Board votes on an item. The Grand Jury may be suggesting that such voting conflict disclosures be made earlier, but in many cases, the Commissioners may not be aware that a deal is being negotiated which will result in a conflict. In the case of a prohibited conflict, the disclosure should be made as soon as known by the commissioner, obviously. In the case of a buyer's conflict, there is no statutorily required disclosure like the disclosure requirement imposed by Florida Statutes 286.23, on a seller/lessor when we acquire, lease property as a tenant, or condemn. However, PREM (County Property and Real Estate Management Division) has been requiring such disclosures from buyers as well and including them in the agenda package presented to the Board for approval of the transaction. The disclosures required by 286.23 F.S. related to acquisitions and leases where the County is a tenant are likewise included in agenda items presented to the Board.	None	N/A	County Attorney/ Facilities Development & Operations/ Engineering
Re-institute and formalize a Land Valuation Committee (LVC) to review appraisals, assessments, asking and offering prices and the feasibility of condemnation proceedings for all sales, acquisitions and trades. The LVC should include representatives from the Engineering Department, Facilities and Management Department, Office of Management and Budget and the County Attorney's Office, as well as a representative from the PBC Property Appraiser's Office (or, at a minimum, to notify and consult with the Property Appraiser whenever there is a questionable appraisal or contemplated condemnation). P.18/¶1	<p>We concur in part. The Land Valuation Committee will be reinstated.</p> <p>Regarding condemnation and the Property Appraiser, an appraisal value assigned by the Property Appraiser's Office does not matter if we decide to go forward with condemnation, since the PAO valuation is not admissible in a condemnation proceeding. Nor would the PAO opinion matter on a questionable appraisal where highest and best use is an issue because the PAO definition of "highest and best use" is statutory (193.011(2) F.S.), with an entirely different standard used for eminent domain as defined by case law.</p> <p>We propose to exempt the Department of Airports, as FAA-required process is very stringent and subject to Federal audit by Federal Office of Inspector General. FAA auditors have complimented DOA's procedures. We will likely propose to exempt land transactions covered by the Conservation Lands Protection Ordinance and minor transactions below some predetermined value. .</p>	Establish LVC by Resolution after input by all affected departments.	By end of year.	County Attorney/ Facilities Development & Operations/ Engineering/ Office of Financial Management & Budget/ Environmental Resource Management
Do not utilize "extraordinary assumptions" in the county property appraisals process. P.18/¶2	We concur in part. It is our opinion that it is not the use of "extraordinary assumptions" that is problematic, but the lack of disclosure when such assumptions are used. We recommend that the LVC review all "extraordinary" assumptions utilized in an appraisal, and that a detailed report on the LVC's review and recommendations be included in the agenda item with a reference to the key point included in the summary. Extraordinary assumptions are typically not used in eminent domain/right-of-way acquisitions.	None	N/A	Facilities Development & Operations/ Engineering
Any proposed negotiated acquisition that exceeds 25% of assessed value be evaluated by the LVC and a detailed report submitted with specific reasons for the acquisition and accompanying reasons why eminent domain (condemnation) is not recommended. P.18/¶3	Concur in part. Some formula/threshold level for review is advisable, and recommend this issue be discussed in a meeting amongst the Departments and the Property Appraiser's Office to determine at what level of deviation between assessed and appraised value (may differ by use or ownership of property) requires further review. If that deviation exceeds that threshold, the appraisal should be sent to the Property Appraiser's Office for review and comment. We support a review of the condemnation options by the LVC and including LVC recommendations in the agenda item summary.	Further staff review as LVC details are established.	2010	Facilities Development & Operations/ Engineering

County Administrator's Response to Grand Jury Report re: "Investigation of Palm Beach County Governance and Public Corruption Issues"

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<p>Do not consider or approve land use or zoning changes for properties which are subject to negotiation for county purchase unless State law requires such action or upon written advice of the County Attorney. P.18/¶4</p>	<p>Concur in part. There are legal limitations on what we can do in the regulatory (land use/zoning) process. The Board cannot refuse processing of an application or deny a rezoning simply because they want to buy the property. Regarding comprehensive plan amendments, which are legislative in nature and over which the BCC has great discretion, there is no problem with the proposal, as long as the policy is formalized. Regarding rezoning or other development order approvals by the BCC, which are quasi-judicial in nature and for which the criteria are spelled out by code or by law, there is a concern if all of the criteria contained in the code and law are met, that the fact that the County is discussing purchase of property is not grounds to delay zoning action by the BCC, unless the County puts something in the code authorizing that as grounds for delay. The ULDC contains a provision authorizing, but not mandating, a delay in consideration of a zoning application when there is a code enforcement proceeding regarding a property. At a minimum, the BCC should be made aware in the staff report if property that is the subject of a development application is also being considered for acquisition. The policy could stymie land acquisition if property owners who are aware of County interest in their property refuse to negotiate until granted development approvals.</p> <p>Similarly to how conflicts of interest are handled, the Departments can require the Seller to disclose whether the property is the subject of an active application at the time that negotiations commence (and provide an update to the County in the event that an application is submitted after negotiations have commenced. If the disclosure indicates that there is a pending approval, the item should be brought to the Board as an agenda item for direction as to whether the negotiations should take place. If the Board makes a finding that the negotiations should begin, implementation of the remainder of the reviews and disclosures discussed herein will provide the remainder of the controls and disclosures desired.</p>	<p>BCC direction</p>	<p>2010</p>	<p>County Attorney</p>
<p>Increase transparency in county land sales that involve an offer to trade properties by including a bid process and public review. The value of the sale property and offered trade property should be appraised and all cash bids for the property reviewed by the LVC. The LVC then compares the cash offers to the trade offer and makes a detailed written finding as to the best value to the taxpayer and makes a recommendation to the BCC. P.18/¶5</p>	<p>Do not concur. Current BCC direction is to obtain conceptual approval of a proposed exchange before a transaction is formalized. Currently, PREM obtains appraisals of both properties involved in an exchange. We recommend having the LVC review and recommend a proposed exchange and follow through written recommendations and disclosures. The added step of putting the property out to bid/RFP is wasteful. The reasons supporting doing an exchange (as opposed to a bid/RFP) will be reviewed by the BCC (and LVC) up front, and we will have appraisals of both properties to address the valuation question.</p>	<p>Require all departments with real estate responsibility to obtain appraisals of both properties involved.</p>	<p>Immediate</p>	<p>County Administration</p>
<p>Publish all land transaction appraisals on the PBC website along with the assessed value of the subject property no less than two weeks prior to being scheduled before the BCC for approval. P.18/¶6</p>	<p>Do not concur. The BCC agenda process requires a summary of the appraisals. Placing actual appraisals on the Web seems to be wasteful, as most persons will not read or be able to interpret them, and appraisals are only one part of documentation. Copies may be requested.</p> <p>There used to be a requirement that all BCC agenda items be complete and submitted to the BCC two weeks prior to the meeting. We recommend that this requirement be reestablished as the appraisals themselves may not directly disclose all elements of compensation for any particular transaction.</p>	<p>N/A</p>	<p>N/A</p>	<p>Facilities Development & Operations/ Engineering</p>

County Administrator's Response to Grand Jury Report re: "Investigation of Palm Beach County Governance and Public Corruption Issues"

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Amend the County Charter to require a supermajority of County Commissioners (5) to approve any land purchase based upon appraisals using hypothetical assumptions where the purchase price exceeds the assessed value of the property by more than 25%. P.18/¶7	We concur with supermajority requirements, but not through Charter. Supermajority vote used to be required in the PREM ordinance. We support the restoration of this requirement per the recommendation.	Amend PREM ordinance.	By end of year.	County Attorney/ Facilities Development & Operations
COMMISSIONER DISCRETIONARY FUNDS				
Formally terminate use of discretionary funds. P.21/¶1	Concur. New funding for the Gas Tax District Improvement Program and the Recreation Assistance Program ceased in FY 2008 and FY 2009, respectively. In the FY 2010 budget process, the remaining balances in all of these accounts have been targeted to be swept and utilized for balancing the overall budget. No new funds are included for either of these programs in the FY 2010 proposed budget. The BCC decided at the budget workshop on June 29 that any funds not allocated by July 8 will be returned to the general fund.	None	N/A	County Administration/ Office of Financial Management & Budget
Establish another mechanism to ensure that any future gas tax revenue or spending programs involving parks and recreation and road beautification be equitably distributed throughout the entire county. P.21/¶2	Do not concur. If funds become available in the future, should be need-based, not necessarily divided equally among districts.	None	N/A	County Administration/ Engineering/ Parks/ OFMB
Immediately freeze all remaining funds from all discretionary accounts and utilize same to fund an independent oversight entity and additional investigative resources. P.21/¶3	Concur in part. Remaining funds are being swept to balance budget. Funding an independent oversight entity and additional investigative resources would not be considered an appropriate expenditure of gas tax revenue pursuant to State law, though exchange of funds could accomplish suggested result. In any event, it is proposed to fund any FY2010 funding requirement out of contingency when specific need is identified.	None	N/A	County Administration/ Office of Financial Management & Budget

County Administrator's Response to Grand Jury Report re: "Investigation of Palm Beach County Governance and Public Corruption Issues"

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ETHICS LAWS				
<p>Expand the lobbyist registration and "cone of silence" ordinance to include other ethics issues including a conflict of interest, nepotism, gifts, and areas not covered under Chapter 112, part III, Florida Statutes, and to make any violation of same punishable as a second degree misdemeanor. The ordinance should include a revolving door prohibition on lobbying within two years after leaving public service and a prohibition on acceptance of travel expenses from county vendors.</p> <p>P.28/¶3, 4</p>	<p>Concur in part. The Palm Beach County Lobbyist Registration ordinance should be amended to require more detailed information on the lobbyist, principal, and nature of the representation. Currently, the regulations only require a lobbyist to update the registration annually and when a new principal is added. The law should require separate registration for each principal represented along with a statement signed by the principal confirming the representation, and prompt notice of termination of the relationship, also signed by lobbyist and principal.</p> <p>PBC already has a "Post-Employment Ethics Ordinance" (Sec. 2-141, et seq., of the County Code).</p> <p>A new local "ethics" ordinance can be prepared to provide local regulation of subject areas which either adopt Chapter 112 standards by reference, or which enhance or provide for new regulations in these subject areas. There is some merit to duplicating current State regulations/guidance to as great an extent as possible to avoid conflicts of standards and interpretations.</p>	<p>Draft ordinances and amend existing ordinances to cover areas cited by Grand Jury. Discuss with League of Cities and multi-jurisdictional issues forum regarding countywide application through Charter or interlocal agreements.</p> <p>Prepare charter amendment to provide for countywide applicability.</p>	<p>League of Cities and multi-jurisdictional issues forum; no later than 11/2009. Present to BCC for consideration no later than 12/2009.</p> <p>Draft charter amendment no later than 6/2010 for referendum 11/2010.</p>	<p>County Attorney/ County Administration</p>

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<p>Establish a PBC Ethics Commission to hear ethics complaints and issue findings including referral to the Office of the State Attorney to review the appropriateness of pursuing criminal charges. P.28/¶5</p>	<p>Establishing an independent countywide ethics authority serving all government agencies in PBC is possible but very difficult to accomplish and funding would be needed. Such an office should be independent of any single government entity, and funded by all government agencies in PBC, including all municipalities, the School District, and Independent Districts located entirely within the County. Such an office could provide training and advice on existing ethics regulations, enforce ethics regulations, or both. Laws already in place to address misuse of public office include the Federal Honest Services law, the state's bribery statutes, and state civil enforcement through the Commission on Ethics. PBC can adopt local ordinances to address similar misuse of office, but great care must be taken to avoid adding more complexity to what is already a complex regulatory field. Local ordinances can be prosecuted as second degree misdemeanors, which can be a harsh penalty unless the law in question is very clear. Legislative bodies at all governmental levels have attempted to establish clear rules for ethical conduct with mixed results. Establishing an independent ethics office to serve countywide, and adopting and enforcing county ethics ordinances countywide, can be accomplished, but not without considerable challenge. The PBC Charter can be amended to include an office of countywide authority such as this. Charter amendments must be approved by referendum and would apply only in those cities where a majority of city voters approved it. In other words, an independent ethics office and the ordinances it would enforce could apply countywide, but only in those cities whose voters approved the measure. It is theoretically possible for the amendment to apply countywide regardless of the vote in each city, but that would require an additional amendment to the Charter which would undo a provision PBC voters approved only last year. In addition, if the countywide ethics office were created by Charter amendment, the amendment could not compel local governments to fund it. This undertaking could also be accomplished through interlocal agreements among the government agencies in PBC. This would require the complete agreement between the County, the School District, 38 municipalities, and countless special districts. The prospect of achieving and maintaining agreement among all of these entities is theoretically possible, but very difficult in practice. The only way to ensure complete countywide authority and lasting economic viability would be to create the independent office, a method to fund it, and countywide laws through Special Act of the Legislature. Staff has obtained examples from other jurisdictions. The CAO has established an ethics law team to draft any required ordinances and charter amendments pending final direction by the BCC.</p>	<p>Draft ordinance creating Ethics Commission. Discuss applicability beyond PBC government as above.</p> <p>Prepare charter amendment to provide for countywide applicability and to ensure the Ethics Commission operates independently of any single government agency.</p>	<p>Discuss with League of Cities and multi-jurisdictional issues forum no later than 11/2009. Present to BCC no later than 12/2009.</p> <p>Draft charter amendment no later than 6/2010 for referendum 11/2010.</p>	<p>County Attorney/ County Administration</p>
<p>Establish a confidential ethics hotline to be administered by an independent entity once established. P.28/¶6</p>	<p>No comment.</p>	<p>Establish through Ethics Commission, if Ethics Commission is established.</p>	<p>2010</p>	<p>County Administration</p>

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That the County Attorney's Office in partnership with the Ethics Commission and the State Attorney's Office establish a robust ethics training protocol for commissioners, county staff and volunteer citizen committee members including initial ethics training and mandatory periodic follow-up sessions. P.28/¶7	We concur. With frequency depending upon responsibility, every county employee should have ethics training. It is suggested that the Board of County Commissioners should undergo ethics training in an educational setting that allows group interaction. In addition, the County should require all citizen representatives on County Boards to undergo ethics training. Curriculum for the training should be developed through coordination with County Administration, County Attorney, State Attorney, US Attorney, FAU, the State of Florida Ethics Office and an Ethics Commission if established.	CAO & HR to develop additional training curriculum & to establish mandatory training requirements. Staff will contact FAU to explore development of appropriate training curriculum.	2010 to complete training programs	County Attorney/ County Administration (HR)
That the County Attorney's Office in partnership with the Ethics Commission and the State Attorney's Office require ethics training for county vendors, citizens groups, trade associations, non-profit corporations who receive county funds and any other organization within PBC upon request. P.29/¶1	We concur; however, as the ultimate goal is independence, it is more appropriate that the Ethics Commission and State Attorney's Office conduct such training. The Ethics Commission, with support from the State Attorney's Office, should provide training programs to the extent this Commission administers and enforces new and existing ethics regulations. It is imperative that all those who do business with the county understand ethics standards of public officials and reporting requirements. Each vendor, registered lobbyist, recipient of county funds and anyone who publicly comes before the Board of County Commissioners should be furnished a handout detailing ethical codes and responsibilities. Explore opportunities to partner with attorneys in the public and private sector (e.g., prosecutors, past and present).	To be determined by Ethics Commission and State Attorney's Office. Incorporate training requirements in Ethics Commission ordinance.	2010 12/2009	County Attorney/ County Administration (HR)
That the County Attorney's Office in partnership with the Ethics Commission and the State Attorney's Office offer "fraud awareness" training to all county employees including a whistleblower workshop. P.29/¶2	We do not concur about conducting a separate program in these areas. Perhaps this should be part of ethics training. The Ethics Commission, along with the State Attorney's Office, should provide this training program. In addition to maintaining a completely independent system, fraud awareness training is beyond the expertise of the County Attorney's Office, which primarily deals in civil matters, not criminal. Surely, such expertise can be developed in-house; however, if resources are already in place, they should be utilized for the most efficient, cost-effective program. The County is concerned about false whistle blowing claims.	To be determined by Ethics Commission and State Attorney's Office.	2010	County Attorney/ County Administration (HR)

County Administrator's Response to Grand Jury Report re: "Investigation of Palm Beach County Governance and Public Corruption Issues"

Grand Jury Recommendation	Staff Response & Recommendation	Action Required	Target Date for Completion	Responsible Department(s)
<p>That the Florida Legislature review and clarify the Sunshine Law to more clearly define what constitutes a covered "board or commission" and that a citizen advisory task force with no decision-making power or quasi-judicial duties be exempted from the law's application. This is a preliminary recommendation. This issue warrants and justifies a significant commitment of analysis and review. P.29/¶3</p>	<p>We concur that the State Attorney may draft recommendations to the Legislature regarding changes to the Sunshine Law. When this language is offered, the County Commission could support this initiative and work with the Florida Association of Counties and Florida League of Cities to garner support. The law has been interpreted to cover advisory boards, staff committees, informal work groups, and even the subcommittees of these groups, when any of these gatherings could be considered a step in the decision-making process. While the principle sounds simple enough, arriving at a workable understanding of decision-making, especially when applied to virtually any gathering of appointees, volunteers or staff members, has not been easy. There is a need to address the endless variety of group dynamics generated by the countless advisory boards, committees, and subcommittees that engage daily in service to various government agencies. The law has been interpreted to prohibit any two members from discussing matters that may foreseeably come before their board. Many advisory board members are logically assigned to a board or committee because of their involvement or expertise in a particular field. As such, informal discussions outside of formal committee meetings to discuss professional matters are inevitable. And some of these discussions may overlap with business of the committee. In other words, people who are asked to volunteer their time and expertise to assist government risk penalty because of the uncertain status of the Sunshine Law's application to the committee, and face additional risk by informally discussing professional matters with fellow committee members outside of a formal committee meeting. The Sunshine Law could be amended to limit this risk while keeping in place the assurances that <i>real</i> government decision-making is conducted in public. It is worth exploring the following changes: 1) Continue to require all boards comprised of elected and appointed members to meet in public as currently required by statute; 2) Specify that the members of all boards with final decision-making authority cannot meet outside of a public meeting to discuss matters that may foreseeably come before their board (in other words, replace the judicial gloss with specific statutory language); and 3) Specify that individuals appointed to boards that are purely advisory in nature may communicate with other members of that board outside of a public meeting, provided that any data, reports, or other information resulting from such meetings be fully addressed and made a part of the record before the advisory board at its public meeting. The importance of this State's open government laws cannot be overstated and these recommendations should not be viewed as an attempt to limit them. Rather, amendments are needed because through judicial interpretation, the Sunshine Law has been stretched to the point that its outer reaches are no longer well defined.</p>	<p>None by County, other than BCC support of proposed legislation.</p>	<p>No later than 09/01/2009, before legislative committees convene.</p>	<p>Legislative Liaison (support)</p>
<p>Utilize an electronic simultaneous voting procedure to avoid any appearance of influence among the commissioners. P.29/¶4</p>	<p>Board needs to decide if it wishes to do so.</p>	<p>Install appropriate equipment.</p>	<p>11/2009</p>	<p>County Administration</p>
ANTI-CORRUPTION CRIMINAL LAWS				
<p>That the Florida Legislature adopt the anti-corruption statute "Theft or Deprivation of Honest Services" as proposed and introduced during the 2009 Legislative Session (Exhibit 16 of Grand Jury Presentment). P.35/¶5</p>	<p>Based on a lack of legislative support for broadly worded honest services legislation, the Palm Beach County State Attorney's Office could draft specific language that would identify prohibited actions and conduct by elected officials and prescribe minimum and maximum penalties for each offense. When this language is offered, the County Commission could support this initiative and work with the Florida Association of Counties and Florida League of Cities to garner support.</p>	<p>State Attorney should have recommendations in place for legislative committee meetings.</p>	<p>No later than 09/01/2009, before legislative committees convene.</p>	<p>N/A</p>

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That the Florida Legislature adopt a sentencing or crime enhancement mechanism for a crime committed by a public servant in his/her official capacity ("under color of law"). This enhancement can take the form of either an increase in the degree and level of the felony or a specific increase in the number of guideline points on the Florida Criminal Punishment Code Sentencing Guideline Score Sheet. P.36/¶1	No comments.	State Attorney should have recommendations in place for legislative committee meetings.	N/A	N/A
Adopt a comprehensive Ethics Ordinance providing that violations shall be punishable by a \$500 fine and up to 60 days in the Palm Beach County Jail, and that same be enforced and prosecuted by the State Attorney's Office. P.36/¶2	See previous response under "Ethics Laws" Section.	Draft ordinances and amend existing ordinances to cover areas cited by Grand Jury. Discuss with League of Cities and multi-jurisdictional issues forum regarding countywide application through Charter or interlocal agreements. Prepare charter amendment to provide for countywide applicability.	League of Cities and multi-jurisdictional issues forum; no later than 11/2009. Present to BCC for consideration no later than 12/2009. Draft charter amendment no later than 6/2010 for referendum 11/2010.	County Attorney/ County Administration
That the State Legislature amend Chapter 112, part III of the Florida Statutes to include a criminal sanction for knowing violations of state ethics laws. P.36/¶3	No comments.	State Attorney should have recommendations in place for legislative committee meetings.	N/A	Legislative Liaison

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That the State Legislature and/or the BCC provide funding for State Attorney Office's investigative/prosecutive resources specifically earmarked for anti-corruption investigations. P.36/¶4	We do not concur with County funding suggestion. It is the responsibility of the state to fund the state court system; however, the state should provide the discretion to local State Attorney's for assigning staff to anti-corruption units. State Attorneys can choose to prioritize their resources and make public corruption one their office's top priorities.	N/A	N/A	N/A
That the Sheriff's Office establish and the BCC allocate resources for a dedicated anti-corruption investigations unit. P.36/¶5	Do not concur. We think this is a prioritization of resource issue for the Sheriff and potentially conflicts with financial resources needed for Inspector General function.	N/A	N/A	State Attorney/ Palm Beach County Sheriff
That the Florida Legislature enact legislation to remove the automatic grant of "use immunity" pursuant to §914.04, F.S., when a witness testifies before a Grand Jury or the State Attorney pursuant to a subpoena. The change should not preclude the assertion of any available privilege. P.36/¶6	Not a County issue.	N/A	N/A	N/A

County Administrator's Response to Grand Jury Report re: "Investigation of Palm Beach County Governance and Public Corruption Issues"

Grand Jury Recommendation	Staff Response & Recommendation	Action Required	Target Date for Completion	Responsible Department(s)
INTERNAL AND EXTERNAL AUDIT MECHANISMS				
Establish an Office of Inspector General (OIG) or similar independent "watchdog" entity using the Miami-Dade model, with the ability to obtain any and all records from PBC governmental entities, vendors doing business with the county and entities funded in whole, or in part, by county tax dollars. P.50/¶1, 3	<p>We concur. Irrespective of eventual scope of responsibility, this would be a notable addition to local government and would require significant funding. While it could initially be set up by ordinance for County government, to establish structure and powers over multiple governments, a Charter amendment would be required. Administrative and operational details of the office would need to be codified in an ordinance. Implementation of such an entity to encompass the School Board, County Constitutional Offices, municipalities and other public agencies is possible but challenging if not voluntarily joined, except that County grant funding could be conditioned upon participation in at least some cases.</p> <p>County contracts currently require vendors/contractors, through an "access and audits" clause, to maintain records related to all charges, expenses, and costs incurred in estimating and performing work for three years after completion/termination of the contract. We also have access to this information at the place of business.</p> <p>Christopher Mazzella, Inspector General for Miami-Dade(MDIG), has been very generous in explaining the operation of his office to staff and Commissioner Koons. The MDIG was established by ordinance and is a part of County government, but it has been set up with considerable independence. On the other hand, as acknowledged by Mr. Mazzella, the IG must be accountable as well, and he is ultimately accountable to the Miami-Dade Board of County Commissioners.</p> <p>There are many structural differences between Miami-Dade and Palm Beach Counties. The most significant one being that they pay their own bills, not a Clerk with separate pre-payment audit powers. This seems to be the source of many issues that their office deals with. The systems of controls that we have established regarding purchasing, contracts and policy and procedure documents with Internal Auditor review seem to be something that is missing in Miami-Dade. We have limited County Commission participation in such procedures including "cone of silence" restrictions and we provide for independent hearing officers to hear vendor award disputes. Another significant functional difference is that our constitutional officers, such as the Clerk, Sheriff, Supervisor of Elections and Property Appraiser are County Departments there.</p>	<p><i>[See actions required for Ethics Commission.]</i> Establish dependent office by ordinance for immediate application to PBC government.</p> <p>Discuss expanded applicability to other government entities through interlocal agreements or charter amendment.</p> <p>Draft charter language.</p>	<p>Local ordinance no later than 12/2009.</p> <p>Initiate discussions no later than 11/2009.</p> <p>No later than 6/2010 for 11/2010 referendum.</p>	County Administration/ Internal Audit/ County Attorney
Establish an independent oversight board consisting of representatives from the State Attorney's Office, Public Defender's Office, Sheriff's Office, the President of the Police Chief's Association, the Chair of a newly established Ethics Commission and a private resident of PBC to nominate and oversee the Inspector General. P.50/¶2	<p>We concur in part. Since the MDIG model has been suggested, we recommend following that model in this regard. Selection of the IG should be accomplished by a combination of those suggested as well as we suggest the County Commission Chair and School Board Chair if the School Board is going to participate. The County Commission must approve the contract which in Miami-Dade has a 4 year term. To terminate employment or reject the hiring recommendation of the committee requires a super-majority of the Commission.</p> <p>The IG demonstrates his competence and activities by his reports to the public and County Commission. The IG does not receive direction from the Board and does not have his work determined by the Board, but he can make presentations to the Board and be questioned and requests made of his Office.</p>	Draft Ordinance.	Local ordinance no later than 12/2009.	County Administration/ Internal Audit/ County Attorney

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Grand Jury Recommendation	Staff Response & Recommendation	Action Required	Target Date for Completion	Responsible Department(s)
That to offset any direct taxpayer funding for the OIG, the BCC require an agreement with county revenue producing departments to reimburse investigative costs and on site resources provided to those departments, and that all vendor contracts include a built-in proprietary fee of ¼ of 1% to help fund this new entity. P.50/¶4	Do not concur. The IG will need to be funded by general fund taxes and other public revenues that are obtained from the public. The idea of charging vendors a fee on their County contracts is deceptive in implying that they will absorb that charge as part of their bids. It is also optimistic, at best, to suggest that substantial savings will be identified through the work of the IG to offset their budgetary requirements. As for the MDIG, the PBCIG will need to come to the County Commission for budget approval. As with historic government practice, the MDIG has seen a significant expansion of their staff and budget since their formation 10 years ago to a level of more than \$5 million at this time with a 5% increase sought for the coming year. More than half of this funding is from the general fund. We do agree that all non-general fund entities served should be responsible for appropriate payment.	Board approval of budget process.	Early 2010 for contingency allocation.	County Administration/ OFMB
That the BCC fund an OIG or other similar independent "watchdog" entity through discretionary fund account dollars and pursue funding sources in subsequent years to reduce the use of county tax dollars. P.50/¶5	Do not concur. See previous responses.	N/A	N/A	County Administration/ OFMB
Take immediate steps to establish and publicize a PBC Government hotline to report waste, fraud, mismanagement and abuse, to be administered by an independent entity once established. P.50/¶6	We concur. While we already have means that regularly provide such information, we will enhance that effort.	Staff coordination.	By end of year.	County Administration

RESPONSES TO CLERK'S DEBT ISSUANCE REVIEW

Clerk's Findings & Recommendations	County Response
1. County lacks a comprehensive, transparent and formalized debt management framework	
<p>The BCC should:</p> <p>A. Create a debt ordinance that includes, but is not limited to, restrictions and limitations for debt capacity, debt affordability, reserves, structure, ratios and measurements, products, reporting, benchmarks, and repayment.</p>	<p>We do not agree that an ordinance is necessary to establish debt management policy and processes. Three PPMs have been drafted and updated to provide the necessary guidance and document proper procedures associated with the County's debt management processes. CW-F-074, <i>Debt Management Policy</i>, CW-F-078, <i>Competitive Selection of Bond Underwriters Policy for Negotiated Sales</i> and CW-F-079, <i>Selection of Bond Counsel and Disclosure Counsel Policy</i>, provide a comprehensive, transparent and formalized debt management framework.</p>
<p>B. Establish a Debt Oversight Committee (DOC) with five to seven citizens selected through an RFQ process.</p>	<p>Staff does not concur that the Debt Oversight Committee should be comprised of outside citizens. The <i>Debt Management Policy</i> calls for a County Financing Committee to review and make recommendations to the County Administrator regarding issuance and management of debt. This Committee will consist of the OFMB Director, a current municipal Finance Officer with extensive experience in debt issuance, the Finance Director of the Solid Waste Authority, a representative of the Clerk & Comptroller's Office and a representative from the Department involved with the debt issuance, if applicable. The County Debt Manager, the County Attorney, and the Financial Advisor will serve in an advisory capacity to the Committee as needed. This committee will also serve as the selection committee for financial advisor, bond and disclosure counsel and underwriter RFP's and will participate in the development of all debt-related RFP's.</p>
2. The County's strategy of relying solely on negotiated bond sales rather than considering competitive bond sales restricts its opportunities and increases costs.	
<p>The BCC should:</p> <p>A. Direct the DOC to review, revise and approve a written bond sale policy, prepared and submitted by County staff, that requires the use of competitive bids unless specifically justified and approved by the DOC. This policy should be incorporated into a comprehensive debt management policy.</p>	<p>We do not concur with the statement that our existing process increases costs. The Grand Jury found "that the Debt Issuance Process Review fails to show sufficient support for its assertion of such specific alleged costs to the County." However, the revised <i>Debt Management Policy</i>, states that all debt obligations will be sold by competitive bid unless the Financing Committee and the Financial Advisor recommend a negotiated sale. Such recommendation and justification for the recommendation will be brought to the Board for approval.</p>
3. The County's bond underwriter selection process for negotiated sales lacks accountability and transparency.	
<p>In those instances where using a negotiated sales method is justified, the BCC should:</p> <p>A. Institute a process in which a Request for Proposal (RFP) is used to select a pool of seven to nine underwriters who will compete within the pool for negotiated bond deals. This RFP process should be reissued every two to three years.</p>	<p>When a negotiated sale is approved by the Board, guidance for the competitive selection of bond underwriters is set forth in the <i>Competitive Selection of Bond Underwriters Policy for Negotiated Sales</i>. The Financing Committee will recommend an underwriting team from a pre-qualified pool to the County Administrator following an RFP selection process. A request for final approval, along with sufficient justification, will be submitted to the Board for action at a regularly scheduled meeting.</p>
<p>B. Institute an RFP process for each negotiated bond issue in which proposals are solicited from the established pool of underwriters. This process can be tailored to meet the County's various goals for inclusion of local and smaller underwriters and/or minority and women-owned firms.</p>	<p>See Response to 3A.</p>

ATTACHMENT #2

RESPONSES TO CLERK'S DEBT ISSUANCE REVIEW

Clerk's Findings & Recommendations	County Response
<p>C. Direct the Debt Oversight Committee (DOC) to review all proposals received and recommend the underwriting team for negotiated bond issues prior to ratification by the BCC.</p>	<p>The PPM requires all proposals to be received and reviewed by the County Financing Committee and the Financial Advisor, who will make a recommendation to the County Administrator. The County Administrator will place the recommendation on the agenda for Board action.</p>
<p>4. The process for selecting the County's financial advisor is flawed.</p>	
<p>The BCC should:</p> <p>A. Institute a competitive, open and transparent RFP process in which one or more financial advisors are selected at least every three to five years.</p>	<p>We do not agree that the process for selecting the financial advisor is flawed. The County currently follows the standard procurement process for financial advisor selection. This includes an RFP process and a contract not to exceed five years.</p>
<p>B. Advertise the Financial Advisor RFP (as well as any RFP for other services related to the issuance of bonds) in financial publications of large distribution, such as the Wall Street Journal and the Bond Buyer to provide widespread dissemination of the request.</p>	<p>Consideration will be given to advertising in financial publications of large distribution, such as the Wall Street Journal and the Bond Buyer in future requests for proposals.</p>
<p>C. Direct the Debt Oversight Committee (DOC) to review all proposals received and recommend the financial advisor for ratification by the BCC.</p>	<p>The <i>Debt Management Policy</i> has been revised to include a section titled "Selection of Outside Professionals" which calls for all outside professionals, including the financial advisor, involved with the debt process to be selected through an RFP process. The County Financing Committee will review the proposals submitted pursuant to an RFP for financial advisor and make a recommendation to the County Administrator. Final approval rests with the Board.</p>
<p>D. Incorporate into the County's Debt Management Policy a requirement that fees paid to financial advisors should be on an hourly or retainer basis, reflecting the nature of the services to the issuer and prohibit compensation based on bond size.</p>	<p>Staff does not concur with this recommendation. The current financial advisor contract calls for a monthly retainer (acceptable under GFOA recommended practice for <i>Selecting Financial Advisors</i>) plus a fee based on the size of the issue when a bond sale takes place. This "per bond" price has a maximum limit under the contract. Staff prefers the retainer to an hourly charge because it is more manageable and is likely less expensive.</p> <p>All the time spent by the financial advisor on a specific bond issue is incorporated into the "per bond" charge delineated in the contract. The amount of time the financial advisor spends on issues not related to a bond sale varies from month to month. Since there is no "charge" every time we pick up the phone to consult the financial advisor, we are free to take advantage of his expertise on a myriad of issues without worrying about how much it's going to cost. For example, the County's financial advisor spent a significant amount of time working with staff to review the Clerk's Debt Issuance Review and to assist in the preparation and revision of the County's debt management PPMs. There was no extra charge for all this time as it falls under his monthly retainer.</p>

RESPONSES TO CLERK'S DEBT ISSUANCE REVIEW

Clerk's Findings & Recommendations	County Response
<p>5. The County's bond counsel and disclosure counsel appointment and selection process lacks accountability and transparency.</p>	
<p>The BCC should:</p> <p>A. Institute a competitive, open and transparent RFP process in which a pool of five to seven bond counsel firms are appointed to serve on a rotating basis. This RFP process should be reissued every two to three years.</p>	<p>Bond counsel is procured by the County Attorney's office. OFMB is drafting a PPM that calls for an RFP process for bond and disclosure counsel and will work closely with the County Attorney's office on implementation.</p>
<p>B. Institute a competitive, open and transparent RFP process in which one to two disclosure counsel firms are appointed. If more than one firm is appointed, they should serve on a rotating basis, and should be prohibited from serving as bond counsel for the duration of their appointment. This RFP process should be reissued every two to three years.</p>	<p>Disclosure counsel is procured by the County Attorney's Office. OFMB is drafting a PPM that calls for an RFP process for bond and disclosure counsel and will work closely with the County Attorney's office on implementation.</p>
<p>C. Direct the Debt Oversight Committee (DOC) to review all proposals received and recommend the bond counsel and disclosure counsel for ratification by the BCC.</p>	<p>The draft PPM referenced in 5A and 5B above will call for County Financing Committee review of all RFP responses with a recommendation to the County Administrator who will take it to the Board for approval.</p>
<p>D. Adopt a process for the appointment and selection of bond counsel and disclosure counsel within a comprehensive debt management policy.</p>	<p>See responses for 5A and 5B.</p>
<p>6. Opportunities exist to combine multiple bond issues as a means of reducing issuance costs.</p>	
<p>The BCC should:</p> <p>A. Form a strategy to consolidate multiple, similar security bond issues. This strategy should be incorporated into a comprehensive debt management policy.</p>	<p>Staff consolidates bond issues when applicable. The most recent example is the November, 2008 bond issue which combined the Max Planck financing and the refunding of \$48 million in outstanding Sunshine State commercial paper.</p>
<p>7. The County sought added security for bond investors which unnecessarily increased taxpayers cost.</p>	
<p>The BCC should:</p> <p>A. Direct the DOC to review, revise and approve a written policy, prepared and submitted by County staff, that governs the process and criteria for the evaluation and use of added security. These criteria should include the evaluation of the cost-effectiveness of added security for each bond issue. Added security should only be purchased when it demonstrably adds value to the transaction.</p>	<p>Staff disagrees with this finding. For each bond issue, the County's Financial Advisor reviewed pricing scales with the bookrunning manager, both with and without bond insurance, and the most cost effective alternative was selected. In the case of the debt service reserve, the investors and rating agencies always expressed concern about issuing bonds without a reserve. The County chose to use debt service reserve sureties rather than cash-funding the reserve to conserve debt capacity and to reduce the risk of paying negative arbitrage on the investment of the debt service reserve cash. All debt-related issues will now be brought to the County Financing Committee for a recommendation to the BCC.</p>

RESPONSES TO CLERK'S DEBT ISSUANCE REVIEW

Clerk's Findings & Recommendations	County Response
B. Implement a competitive process for the purchase of any added security. Any added security should require approval of the DOC and should be justified in writing by the financial advisor.	In the past, the process of purchasing added security was competitive. In those cases the County's Financial Advisor obtained cost quotes on insurance and debt service reserve securities. In the future, the County Financing Committee will be involved in each step of the evaluation process.
C. Direct County staff and financial advisor, in consultation with Clerk treasury staff, to develop a strategy to permanently remove the DSRF requirement on all future bond issues. However, if a DSRF is required, an analysis should be conducted to determine the best way to meet the reserve requirement. This analysis should be documented and retained.	The determination of debt service reserve requirements on future bond issues would fall under the jurisdiction of the County Financing Committee, whose recommendation would be given to the County Administrator.
8. The County's bond financing process lacks accountability due to inadequate documentation.	
A. The BCC should require a Financial Advisor's Memorandum for each bond issued. This is a 10-to-15-page document outlining, at a minimum, the following: <ul style="list-style-type: none"> • Rationale for the financing • Selection of the financing team • Rating agency discussions • Analysis and selection of credit enhancement (if any) • Bond structuring • Bond pricing • Bond allocation 	The County's Financial Advisor will conduct a post-sale analysis and provide a document outlining all pertinent information which will be retained in the Debt Manager's bond file.
9. The County lacks the infrastructure to effectively support the oversight and management of its \$1.87 billion debt portfolio.	
<p>The BCC should:</p> <p>A. Direct County staff to research technology solutions for an integrated system to facilitate the oversight and management of the County's debt issuance and debt portfolio. The DOC should review all recommended solutions and should submit for ratification by the BCC.</p>	<p>There is nothing to support this finding. The County relies on its Financial Advisor to provide information on size and structure of bond issues, calculating debt service and to perform refunding analyses as the Clerk's report indicates. The Financial Advisor has access to real time market data and provides data and analysis to County staff when requested. As discussed in Finding 4D, this information is provided to the County by the Financial Advisor under the monthly retainer, so there is no additional cost for us to access this information whenever needed. No pressing need exists to perform these calculations in-house, especially since doing so would require money being spent on acquisition, maintenance and periodic upgrades of a computer program. This situation is similar to hiring bond counsel on an as-needed basis, rather than having a bond attorney on staff. At this time of layoffs and scaling back budgets, staff does not concur with bringing this additional workload in-house.</p> <p>The Debt Manager is currently working with the Finance Department to create a spreadsheet of all existing debt. This spreadsheet will be reconciled to the information maintained in the Clerk's Finance Department, thus providing a check and balance.</p>