

PALM BEACH COUNTY  
BOARD of COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 09/12/2017

[ X ] Consent [ ] Regular  
[ ] Public Hearing

Department:

Submitted By:

Internal Auditor's Office

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve:

Amendment No. 10 to the contract (R2004-1796) with Joseph Bergeron, Internal Auditor; extending said contract for four additional years ending on September 30, 2021, and revising the compensation package as recommended by the Audit Committee with no increase in total compensation.

**Summary:** At its August 9, 2017 meeting, the Internal Audit Committee unanimously approved recommending a four-year extension of the Internal Auditor's contract. The Committee recommended revising the Internal Auditor's compensation package to convert his County funded deferred compensation allowance into base salary. After the conversion of the deferred compensation allowance, the Internal Auditor's salary will be \$180,335.84. The Internal Auditor's total compensation will remain unchanged. The new contract expiration date is September 30, 2021. Countywide (PFK)

**Background and Policy Issues:**

The Audit Committee unanimously approved recommending an extension of the contract until September 30, 2021 and revising the compensation package to convert the deferred compensation allowance into base salary. A previous amendment to the Internal Auditor's contract provided for adjustment consistent with general county employees, and the provision of automatic pay increases in the event the BCC provides for an across-the-board increase for general employees in its annual budget process. This amendment also deletes language providing for automatic renewals for additional one-year periods as the automatic renewal provision is no longer relevant.

**Attachments:**

Amendment No. 10 to contract (R2004-1796)

Recommended by: Joseph F. Bergeron  
Internal Auditor

8.15.17  
Date

Recommended by: N/A  
County Administrator

\_\_\_\_\_  
Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

| Fiscal Years                   | 2018    | 2019 | 2020 | 2021 | 2022 |
|--------------------------------|---------|------|------|------|------|
|                                |         |      |      |      |      |
| <b>Capital Expenditures</b>    |         |      |      |      |      |
| <b>Operating Costs</b>         | 238,509 |      |      |      |      |
| <b>External Revenues</b>       |         |      |      |      |      |
| <b>Program Income (County)</b> |         |      |      |      |      |
| <b>In-Kind Match (County)</b>  |         |      |      |      |      |
| <b>NET FISCAL IMPACT</b>       | 238,509 |      |      |      |      |
| <b># ADDITIONAL FTE</b>        |         |      |      |      |      |
| <b>POSITIONS (Cumulative)</b>  |         |      |      |      |      |

Is Item Included In Current Budget? Yes X No  
Budget Account No.: Fund 0001 Agency 500 Org. 5000 Object various  
Program Number \_\_\_\_\_ Revenue Source

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

| Contract Element                           | Current           | Proposed          | Change          |
|--|-------------------|-------------------|-----------------|
| Salary                                     | 171,335.84        | 180,335.84        | 9,000.00        |
| 3% Across the Board increase 10/1/17       | 5,140.07          | 5,410.07          | 270.00          |
| <b>Total Salary</b>                        | <b>176,475.91</b> | <b>185,745.91</b> | <b>9,270.00</b> |
| Deferred compensation contribution         | 9,000.00          | 0                 | -9,000.00       |
| <b>Total Compensation</b>                  | <b>185,475.91</b> | <b>185,745.91</b> | <b>270.00</b>   |
| FICA at 6.2% of covered salary (\$127,200) | 7,886.40          | 7,886.40          | 0               |
| FICA Medicare at 1.45%                     | 2,689.40          | 2,693.31          | 3.91            |
| FRS Contribution at 22.71% of salary       | 40,077.67         | 42,182.89         | 2,105.22        |
| <b>Total Fiscal Impact</b>                 | <b>236,129.38</b> | <b>238,508.51</b> | <b>2,379.13</b> |

Department Fiscal Review:

### III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Administration Comments:

Future fiscal year impacts are dependent on any additional ATB increases.

*[Signature]* 8/16/17  
Budget/OFMB ET 8/15

Contract Administration 8/21/17

**B. Legal Sufficiency:**

Paul F. Jeff 8/22/17  
Assistant County Attorney

C. Other Department Review:

Department Director

**This summary is not to be used as a basis for payment.**



**Amendment No. 10 to Contract Between  
Palm Beach County  
And  
Joseph Bergeron, Internal Auditor**

This amendment No. 10 dated September 12, 2017 to the contract dated August 17, 2004 (R2004-1796 as amended by R2005-1030 (5/17/05), R2006-0801 (5/2/06), R2007-0818 (5/15/07), R2008-0809 (5/6/2008), R2009-0795 (5/5/09), R2010-0800 (5/18/10), R2011-0939 (6/21/11), R2012-0932 (6/26/12) and R2014-1627 (10/21/14) between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "County", and Joseph Bergeron, hereinafter referred to as "Internal Auditor", an individual residing at 13689 Exotica Lane, Wellington, Florida 33414.

**Witnesseth:**

**Whereas**, the parties hereto have previously entered into an employment contract dated August 17, 2004 (R2004-1796 as amended by R2005-1030 (5/17/05), R2006-0801 (5/2/06), R2007-0818 (5/15/07), R2008-0809 (5/6/2008), R2009-0795 (5/5/09), R2010-0800 (5/18/10), R2011-0939 (6/21/11), R2012-0932 (6/26/12) and R2014-1627 (10/21/14); and

~~**Whereas**, the contract will automatically renew under the same terms and conditions unless terminated by either party in accordance with Section 5 of the employment contract; and~~

**Whereas**, the parties hereto desire to amend the contract to reflect these changes.

**Now therefore**, in consideration of the mutual covenants hereinafter set forth and for other such good and valuable consideration, the receipt of which the parties hereto expressly acknowledge, the parties agree as follows:

1. Section 1 of the employment contract is amended to read:

The County shall employ Joseph Bergeron (hereinafter "Internal Auditor") as the Internal Auditor of Palm Beach County pursuant to the Charter of Palm Beach County for a period of ~~three (3)~~ four (4) years beginning October 1, ~~2014~~ 2017 and ending September 30, ~~2017~~ 2021. The County shall pay the Internal Auditor a salary of ~~\$161,499.80~~ \$180,335.84 per year plus any increase in salary in the same percentage as provided other County employees as determined by the Board of County Commissioners during its budget process, payable biweekly and a ~~continuing contribution on behalf of the Internal Auditor into the NACO Deferred Compensation Program in the amount of 50% of the maximum basic contribution allowed by law exclusive of any catch-up provisions allowed by law.~~ The Internal Auditor will be reimbursed for business use of his personal vehicle only for travel outside Palm Beach County. ~~This Agreement shall continue on the~~

~~same terms and conditions as herein provided for additional one year periods,  
unless terminated by either party in accordance with Section 5 of this Agreement.~~

2. All other terms and conditions of the employment contract shall remain in full force and effect.

This amendment shall be effective following execution hereof by the parties hereto.

**In witness whereof**, the parties hereto have set their hands and seal on the day set forth above.

Attest:

Sharon R. Bock, Clerk & Comptroller

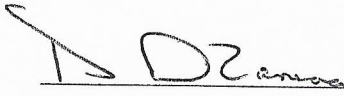
Palm Beach County, Florida  
By Its Board of County  
Commissioners

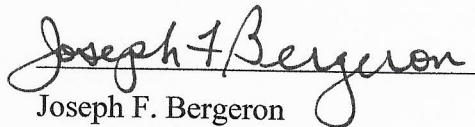
By: \_\_\_\_\_

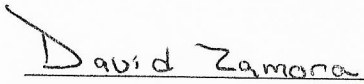
\_\_\_\_\_  
Paulette Burdick, Mayor

Witness for Internal Auditor

Internal Auditor

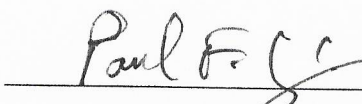
  
\_\_\_\_\_  
Witness signature

  
\_\_\_\_\_  
Joseph F. Bergeron

  
\_\_\_\_\_  
Witness printed name

Approved as to form and legal sufficiency

Approved as to terms and conditions

  
\_\_\_\_\_  
Assistant County Attorney

\_\_\_\_\_  
County Administrator