



## OFFICE OF INSPECTOR GENERAL

### **Inspector General Selection and Retention Committee Meeting Minutes January 6, 2022, 3:00 PM**

*Note: Below is a summary of the meeting as required by Florida's Sunshine Law; See AGO-82-47.  
For more detailed information, please refer to the audio file on the Office of Inspector General's  
website, <http://www.coj.net/departments/inspector-general/inspector-general-committee>*

**Location:** City Hall, St. James Building, 117 West Duval Street, Lynwood Roberts Room

**Call to Order:** Chair L. E. Hutton called the meeting to order at 3:00 PM.

**Pledge of Allegiance:** Chair L. E. Hutton opened with the Pledge of Allegiance.

#### ***Roll Call - Committee Members Present:***

- Ellen Schmitt, Chair, Ethics Commission
- Honorable Charlie Cofer, Public Defender for the Fourth Judicial Circuit
- Brian Hughes, Chief Administrative Officer (CAO), designee for Honorable Lenny Curry, Mayor
- Honorable Mark Mahon, Chief Judge
- Honorable Samuel Newby, City Council President
- L.E. Hutton, Chief Assistant State Attorney, designee for the Honorable Melissa Nelson, State Attorney for the Fourth Judicial Circuit, and Chair of the Inspector General Selection and Retention Committee
- Daniel Henry, Chair, TRUE Commission

A quorum was met with all seven members present.

#### ***Office of Inspector General (OIG) Staff Present:***

- Sheryl D. Goodman, Interim Inspector General, OIG
- Christina Gatto, Senior Program Coordinator, OIG

#### ***Office of General Counsel (OGC) Staff Present:***

- Jason Teal, General Counsel, OGC
- Sean Granat, Deputy General Counsel, OGC
- Mary Staffopoulos, Attorney III, OGC
- Ariel Cook, Attorney II, OGC

**I. Old Business**

**A. Approval of December 17, 2021 Meeting Minutes**

Chair L.E. Hutton asked the Inspector General Selection and Retention Committee (Committee) if there were any questions or corrections to the December 17, 2021 meeting minutes.

Public Defender Cofer moved to approve the December 17, 2021 meeting minutes as circulated. Chief Administrative Officer (CAO) Hughes seconded the motion. **Motion passed unanimously.**

**II. New Business**

**A. IG Green shall be given an opportunity to be heard on the charges initiated by the Committee for neglect of duty, abuse of power, discrimination, and ethical misconduct (waived by IG Green’s resignation and correspondence)**

Chair L.E. Hutton made note that neither Inspector General (IG) Lisa Green nor her counsel was present for the meeting. Ms. Cook confirmed the aforementioned.

**B. Comment by OGC**

General Counsel (GC) Teal began by stating that the Committee received IG Green’s resignation letter, dated January 3, 2022, as well as a letter that her attorney wrote on her behalf on January 4, 2022. GC Teal explained that OGC takes the position that based on IG Green’s resignation letter, IG Green has waived her right and she will not be participating in this process.

GC Teal stated that OGC recommends that the Inspector General Selection and Retention Committee should take formal action to accept or reject IG Green’s resignation. This would close out this matter, negating any further proceedings. OGC requested that the Committee open the floor to motion whether or not to accept the resignation letter.

**C. Committee discussion and decision of whether or not to accept IG Green’s resignation**

CAO Hughes moved that the Committee accepts IG Green’s resignation, **City Council President (CP) Newby seconded the motion.** Chair Hutton asked for discussion.

In a response from a question by Mr. Henry, GC Teal stated that IG Green was paid the first two weeks of administration leave and is not entitled to any further compensation from the City, pursuant to the City’s administrative policy.

**D. If the Committee votes to remove IG Green, the next steps in the process will be discussed**

CP Newby wanted to confirm that the City Council hearing was no longer needed in the process now that IG Green has resigned. GC Teal stated that since she resigned nothing further is required.

Ms. Schmitt requested confirmation if firing IG Green was the alternative to accepting her resignation. GC Teal confirmed that the alternative is firing IG Green and if the Committee felt strongly that they wanted the hearing and determination, then they could reject the resignation.

- Currently, IG Green's employment status is listed as "resigned" as opposed to having gone through the process and being removed.
- GC Teal added that OGC recommends that the Committee accepts the resignation due to the fact that there are whistle-blowers and their confidentiality and testimonies need to be taken into account.

Ms. Schmitt inquired to Diane Moser, Director of Employee Services (ES), if this also would be her recommendation. Ms. Moser confirmed that accepting IG Green's resignation is also her recommendation. Chair Hutton asked for further questions. There were none. Chair Hutton asked for public comment.

Public citizen John Nooney stated that the public trust has been crushed and destroyed, as well as ethics. Mr. Nooney added that the Inspector General is top of the line stuff and this decision by the Committee has to follow with plea bargain and due process. Mr. Nooney also addressed CP Newby regarding public participation in Jacksonville legislation committees. Mr. Nooney thanked the Committee for permitting public participation at this meeting.

Chair Hutton stated that the motion remained on the floor to accept the resignation.  
**Motion passed unanimously.**

Chair Hutton deferred to Ms. Moser to discuss the job ad for the Inspector General position. Ms. Moser explained that Leah Hayes, Chief of Talent Management, is submitting three documents to the Committee.

- The first document presented to the Committee, requiring Committee approval, was procedures to establish the process for selection of the next Inspector General (IG).
- The second document presented contains the job description from when IG Green was IG. Ms. Moser stated that Interim IG Sheryl Goodman reviewed the document as well and made minor adjustments. Ms. Moser stated that she feels the job description now encompasses the job and requirements very well.

CAO Hughes requested confirmation from Interim IG Goodman that she has read and agrees with the job specification materials. Interim IG Goodman stated that she has reviewed the materials and that the major change that was added is the standards since they were not in the original job ad. Interim IG Goodman added that, per accreditation, it is very important to have the standards as well as some items from the code. Interim IG Goodman relayed that she is comfortable that the job description is very good.

CAO Hughes moved to approve the job description for the IG position. **Public Defender Cofer seconded the motion.** Chair Hutton asked for discussion. There was none. Chair Hutton asked for public comment; there was none. **Motion passed unanimously.**

CAO Hughes inquired regarding the anticipated timeframe for the job posting. Ms. Moser stated that their recommendation is to post the position and for it to be open for three weeks, which should be sufficient. Ms. Moser explained that Employee Services (ES) will work with Interim IG Goodman regarding where else to place the posting.

CAO Hughes moved that three weeks from Monday [January 10, 2022] would be the timeframe to advertise and seek out candidates. CAO Hughes clarified in the motion that the timeframe would be extended if they [ES] cannot find five eligible candidates. **Public Defender Cofer seconded the motion.** Chair Hutton asked for further discussion and public comment. There was none. **Motion passed unanimously.**

Ms. Moser requested that the Committee determine the salary range as it is currently approximately \$147,000 to \$240,000 annually. Ms. Moser recommended that the posting range is from \$150,000 to \$230,000. Ms. Moser stated that ES recommended that if there are ten or fewer applicants that they will provide the Committee with everything that the candidate provided, including the cover letter, resume, and application. If over ten candidates apply, ES recommended that they prepare a matrix for the Committee to review which will be extremely helpful for comparing candidates.

- The third document that was presented to the Committee by ES was a sample matrix from a different job position [with blacked out names], that displayed how information from each candidate can be provided. The break down includes the most qualified at the top, followed by qualified, and then lower qualified.

Public Defender Cofer moved that the Committee follow the recommendation of the IG salary posting to be \$150,000 to \$230,000 and that they [Committee] are provided with the matrix regardless of the number of applicants. Ms. Moser confirmed that ES can provide the matrix regardless. **Ms. Schmitt seconded the motion.**

Mr. Henry inquired if there is an evaluation to determine what salary to offer based on the candidates being selected. Ms. Moser explained that there is a difference between the recommended posting range and the actual job range. The Committee will be able to offer the top range if they feel they have selected the best candidate, upon review of education, work experience, etc. Mr. Henry asked if there is a metric that they would be able to use to determine salary. Ms. Moser stated that the Committee will be provided a

salary survey that contains information that they could look at which will bring more to the table for the determination.

Interim IG Goodman added that looking at the current salary of the applicant will be important to identify where they are at currently and what they are asking for. CAO Hughes stated that there is a budget process that needs to be followed, especially if they decide on a higher salary.

Chair Hutton asked for questions and public comment. There were none. **Motion passed unanimously.**

Ms. Moser stated that after official action is taken based off who the Committee decides to interview from the information provided to them, ES will conduct a full background check, consisting of record checks and social media checks, and have that information provided to the Committee before the actual interviews. Ms. Moser added that there would need to be a discussion regarding travel expense reimbursement; in 2017 they reimbursed up to a limit of \$500.

Ms. Moser explained that ES will coordinate the process by posting the job and communicating with the candidates regarding scheduling, interviewing, and developing the questions for the interviews.

Ms. Moser stated that after the interview process, ES recommends that the Committee select their number one candidate and a second candidate if the first one decides to withdraw from the process. Ms. Moser noted that Veteran's preference does apply to the IG position now, though it did not prior, which will give the applicant five extra points on the matrix scale. Lastly, Ms. Moser stated that all interviews will be publicly noticed through the OIG. Chair Hutton asked for questions. There were none.

### **III. Additional Business**

#### **A. Update of Directive 2015-0003**

Interim IG Goodman explained that she provided information to the Committee that was either changed or needs to be changed due to the most recent circumstances.

Directive 2015-0003 was updated to add language regarding a complaint made against the IG from a whistle-blower (WB). The OIG would not be able to handle that matter and the procedure is now to refer the complaint to the Office of Ethics, which, per code, can receive WB complaints.

CAO Hughes requested clarification from OGC if they have reviewed the directive. GC Teal confirmed that OGC reviewed the directive and stated that this is in direct response to having to go through this process [of having WB complaints against the IG]. GC Teal noted that this was a rare circumstance that the Director of Investigations (DOI) also was involved and unable to handle this matter. Interim IG Goodman stated that in the

directive it states that if the DOI is part of the investigation, has a conflict of interest, or has an independence issue, the process of going through Ethics will be followed.

CAO Hughes requested clarification from OGC to confirm that this directive change is not a response to how the Committee handled the recent circumstance. GC Teal confirmed that the directive change just codifies exactly the process that they all took for this IG matter, following the ordinances and state law.

CAO Hughes moved to approve the amended Directive 2015-0003. **Public Defender Cofer seconded the motion.** Chair Hutton asked for discussion. There was none. Chair Hutton asked for public comment.

Public comment was made by Mr. Nooney that the Committee should not relinquish their power; there needs to be checks and balances.

Chair Hutton asked for any further public comment. There was none. Chair Hutton motioned to vote. **Motion passed unanimously.**

## **B. Review of the performance evaluation template**

Interim IG Goodman explained that the most recently used performance evaluation for the Inspector General looks different than the one that was approved by the IG Committee in 2016. Interim IG Goodman stated that she has edited it and added measures [percentages] that will be helpful to the current Committee when evaluating the next IG. Some changes that were implemented and/or tweaked are as followed:

- Core competency
- Tracking of audits and reports (regarding timeliness and expectations)
- Business acumen and external relations
- Return impact and results reported (whether financial or procedural)
- Value of the office and coordination with law enforcement
- Leadership and internal relations
- Employee satisfaction surveys

Mr. Henry initiated conversation regarding employee satisfaction surveys and requested Interim IG Goodman to elaborate, utilizing her past experiences, of how this best can be implemented. Interim IG Goodman stated that the Committee can work with ES to discuss future surveys; however, 360 surveys as well as external surveys posted to the website she has used to gauge how they are handling matters. Ms. Moser stated that ES will work with the new IG in order to find various tools that can be utilized. Ms. Schmitt requested if the surveys can be attached to the IG evaluation and Ms. Moser confirmed this would be possible.

Interim IG Goodman stated that balance is important because there is the possibility of staff wanting to jab the IG if they are not happy. Interim IG Goodman elaborated that a good IG is going to push their staff and they may not like that; a survey could be used as

an axe to grind. Feedback is important but it needs to be measured if it is a performance issue with the employee and they want to use the survey against the IG. Further discussion occurred regarding the best methods to provide information to the Committee relating to OIG staff experiences. Ms. Moser stated that the important thing to look at amongst surveys are trends and ES can come up with a process to provide the Committee with an overview.

Chair Hutton asked if there were further questions and asked if the selected candidates will receive a copy of the IG performance evaluation template before the Committee makes their selection. Ms. Moser and Interim IG Goodman confirmed that the evaluation was sent as part of the process.

CAO Hughes moved for the adoption of the revised IG performance evaluation. **Ms. Schmitt seconded the motion.** Chair Hutton asked for discussion. There was none. Chair Hutton asked for public comment. There was no comment. **Motion passed unanimously.**

### **C. Six-month update to the Inspector General Selection and Retention Committee**

Interim IG Goodman explained that the update is going to encompass the past year from October 1, 2020 through September 30, 2021. [*PowerPoint presentation is posted to the OIG website*]

- The OIG received a total of 170 written correspondences that were handled:
  - ✓ Going forward, correspondences will not remain open under Investigations Unit Activity unless they are assigned a case number. Prior, these correspondences remained open for far too long under the investigative unit, but were not being handled as an investigation; instead as they were being handled as a preliminary review.
  - ✓ Correspondences were being assigned to Contract Oversight and this will also be stopped as that unit should not be handling complaints on the back end, but should be more preventative.
  - ✓ Major changes in the office:
    - All correspondences will be entered into the system within two days and have a disposition in under five days.
    - Administrative investigations will now be closed within 90 days; exceptions can be made if required.
- Expectations from an Inspector General and IG office:
  - ✓ OIG should be more of a preventative office (not just detection);
  - ✓ Quality Standards:
    - Independence
    - Planning

- Organizing
  - Staff Qualifications
  - Directing & Controlling
  - Coordination
  - Reporting
  - Confidentiality
  - Quality Assurance;
- ✓ Leadership is the biggest thing missing in the current IG office;
- ✓ Trust needs to be earned back;
- ✓ The office must work with a sense of urgency and in a timely fashion; and
- ✓ Accreditation officers assessing the office every three years to remain accredited.
- **OIG December 2021 Highlights:**
  - ✓ Conducted internal and external assessments regarding compliance status of IG Accreditation.
  - ✓ Set timelines expectations for staff regarding receipt of correspondences and Future administrative investigations.
  - ✓ Issued Mandatory OIG Annual Report, dated December 30, 2021.
  - ✓ Currently obtaining from the State (at no cost) an automated audit tracking system for work product.
  - ✓ Establishing appropriate internal controls (locked offices/case, restricted access in the Investigation's system and shared drives) to ensure accreditation standards are met.
  - ✓ Completed disposition on overdue correspondences (69) with notifications to complaints of decision, as appropriate/required.
- The OIG was granting whistle-blower (WB) protection to only current employees and current contracted employees. This has been changed to former employees and former contracted employees.
  - WB protection was also being given out too often and going forward will be conducted only for the most egregious complaints.
- Leadership is the biggest problem lacking in the IG office.
  - The office needs an IG General Counsel to be in the office full-time and work with investigators to ensure that the investigations are legally sufficient.
    - The IG General Counsel should be over Contract Oversight as well.
  - Director of Audit is needed for auditing standards purposes and for guidance.

CAO Hughes inquired if there are any further personnel changes to the current structure. Interim IG Goodman stated that there is currently one vacant position, and the office is in need of an auditor. Interim IG Goodman noted that the IG General Counsel and Director of Audit positions will be proposed in the budget process that will come to the Committee and then the Mayor's Office. CAO Hughes asked if all the employees were brought back from administrative leave; Interim IG Goodman confirmed that they were.



Mr. Henry requested clarification regarding how many new positions are needed; Interim IG Goodman stated that the office needs two new ones.

Mr. Henry initiated conversation regarding the hiring of a General Counsel. GC Teal stated that the charter provision requires that all legal representation for the Consolidated Government be done under OGC. GC Teal stated that JEA and the School Board have a legal officer that is a member of OGC and is assigned to each particular agency. GC Teal specified that these positions are under the legal budget of the Department that required the position.

Chief Judge Mahon inquired how crucial it would be to have an independent General Counsel. Interim IG Goodman stated that in light of what just has happened at this office it is crucial to have independent counsel, even if going through SAO, as the office does not need conflicts of interest. IG offices traditionally require independent counsel.

CAO Hughes stated that the issues that recently went on in the IG office did not have anything to do with conflicts of interest with OGC and the OIG; it had to do with a particular person and their leadership style. CAO Hughes added that everything was appropriate and collaborative to respond to the problem. CAO Hughes also noted that the charter establishes the role of the General Counsel in the Consolidated Government. CP Newby agreed that the situation with IG Green had nothing to do with the Consolidated Government.

Chief Judge Mahon stated that there could be a better model in place than there is now for counsel in the OIG. Interim IG Goodman added that there are concerns regarding cases as well, not just the issue with the former IG. Interim IG Goodman stated that the IG office needs a legal presence and support in the office on a full-time basis and she is open for future discussion as to how to make this work.

Chair Hutton asked for further questions. There were none. There was brief discussion between Chair Hutton, Ms. Moser, and Mr. Henry regarding the next meeting. Ms. Moser will present the IG candidates to the Committee for their review.

Chair Hutton asked for public comment.

#### **IV. Comments from the Public**

Public comments were made by Mr. Nooney regarding the greatness he has felt by being able to participate in this process. Mr. Nooney believes the public trust and participation needs to be restored. Mr. Nooney stated that public participation does not occur at the Jacksonville legislative committees.

CP Newby responded to this claim and indicated that public participation does occur at City committees; GC Teal confirmed and stated that time is specifically reserved for public comment.

**V. Adjournment**

Chair L. E. Hutton adjourned the meeting at 4:36 PM.