**OFFICE OF INSPECTOR GENERAL**

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**Inspector General Selection and Retention Committee Meeting Minutes**
**November 15, 2017, 1:00PM**

*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

***1. Call to Order:*** Committee Chair Judge Elizabeth Senterfitt called the meeting to order at 1:04PM.

***2. Pledge of Allegiance:*** Judge Senterfitt opened with the Pledge of Allegiance.

***3. Roll Call - Committee Members Present:***

- Danny Ferreira, Chair, TRUE Commission
- Honorable Charlie Cofer, Public Defender for the Fourth Judicial Circuit
- Sam E. Mousa, Chief Administrative Officer (CAO), designee for Honorable Mayor Lenny Curry
- Honorable Judge Elizabeth Senterfitt, designee for Honorable Chief Judge Mark Mahon, and Chair of the Inspector General Selection and Retention Committee
- Honorable Anna Lopez Brosche, City Council President
- L. E. Hutton, designee for Honorable Melissa Nelson, State Attorney for the Fourth Judicial Circuit
- Ellen Schmitt, Ethics Commission

***Supporting Staff Present:***
James R. Hoffman, Inspector General (IG), Office of Inspector General (OIG)
Lisa A. Green, Deputy Inspector General (DIG), OIG

***4. Approval of the March 22, 2017, Minutes***

Judge Senterfitt asked the Inspector General Selection and Retention Committee (Committee) if there were any questions or corrections to the March 22, 2017 minutes. With none, the draft minutes were moved and unanimously approved.

***5. Budgetary Oversight Discussion***

Pursuant to a discussion from the March 22, 2017, meeting about the manner in which the IG may receive future salary adjustments and other budgetary issues associated with the OIG, Interim Inspector General Steve Rohan prepared a draft directive (Directive 2017-001) for the Committee's consideration. Directive 2017-001 requires the IG to submit the OIG's proposed fiscal year budget to the Committee each year, to allow for recommendations and comments from the Committee on the proposed fiscal year budget.

IG Hoffman made a few minor changes to the directive. The only substantive change was to move the dates for the budgetary Committee meetings from March to April each year. IG Hoffman noted there was an error that would need correction: Within procedure number two, "April 31" should be amended to "April 30." With this one revision noted, Directive 2017-001 was moved and unanimously approved.

***6. Updates on OIG Activities***

IG Hoffman presented the Fiscal Year (FY) 2017 Annual Report and discussed some highlights.

- The office received 103 complaints in FY 2017. This number represents the largest number of complaints received in one FY since the office was opened in 2014. The OIG closed 102 complaints in FY 2017, a 62% increase from the previous FY. The significant increase in closed complaints demonstrates the benefits of stable staffing.

- The office issued 12 reports: two Audit Reports, five Reports of Investigation, and five Contract Oversight Observations. In addition, the OIG issued 10 Management Inquiries, 27 Management Referrals, and one Corrective Action Memo.

- The OIG identified over $50,000 in monetary recoveries. This number represents monies actually capable of recoupment or tangible savings by the Administration. The IG reported that his goal is to accurately reflect the value the OIG brings and only report money actually recouped or saved, rather than avoidable or questioned costs. The IG did not report avoidable or questioned costs because he wants to reflect real money returned and not inflate the numbers, which could foster the idea there is more fraud within government than there actually is.

- OIG activities resulted in two arrests and two resignations. The office submitted 32 total recommendations for improving government.

- In FY 2017, the OIG issued its first Five-Year Strategic Plan, which is posted on the website and is Appendix 5 in the Annual Report.

- In FY 2017, for the first time, the OIG conducted oversight activities pursuant to a protocol established between the OIG and JEA management. It has reduced duplication. The protocol is a result of the $115,000 in contributions to the OIG from the Independent Authorities. The agreement for the contributions expires at the end of this FY, and the IG and DIG have meetings scheduled to continue the financial contributions beyond FY 2018. The OIG will also discuss establishing protocols with the other Independent Authorities during these meetings.

- The IG reported he began the budget process in June. The OIG had one enhancement request. The OIG requested to move the Executive Assistant position from part-time to full-time. This request was ultimately unsuccessful. As the office moves forward with accreditation, the full-time position will be instrumental in achieving accreditation goals. The OIG will continue to push for this enhancement in the next budget cycle. There was a 7% increase in the FY 2018 budget, mostly resulting from pension reform.

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- The OIG is still working on complaints from previous years because of staffing issues when the office was created. The office opened October 1, 2014, and began taking complaints the same day. The first investigator was not hired until February 2015 and the OIG already had 23 complaints. The second investigator was hired on September 30, 2015, and the OIG had 100 complaints. FY 2018 represents the first time the OIG enters a FY with stable staffing. This stable staffing will assist the OIG in closing these legacy complaints.

- The OIG worked on outreach towards the end of FY 2017. The OIG created posters to be displayed in break rooms and on bulletin boards. The poster was also displayed on the Tax Collector's electronic bulletin boards. The OIG created a brochure, which includes information about the OIG's duties and authority. The OIG created a web-based survey through Survey Monkey and is hoping to receive feedback to guide future outreach efforts. In addition, the IG spoke at the Ethics Commission and has plans to speak to the Citizen Planning Advisory Committees.

- The IG is required to be certified within two years, and IG Hoffman will meet this requirement.

- The OIG has started the accreditation process through the Commission for Florida Law Enforcement Accreditation, Inc., and the goal is to be accredited by the end of FY 2019.

Moving forward, the IG hopes to become more proactive within the Consolidated Government by helping with projects, policies, and issues. The OIG can provide an independent assessment and evaluate concerns from a perspective of strengthening internal controls. The goal is to be more proactive and less reactive in responding to fraud, waste, and abuse.

The IG plans to present the FY 2017 update to City Council in December 2017. The IG will present the proposed budget and a six month update to the Committee in April 2018. The IG will present the six-month update on FY 2018 to the Council in May 2018.

Council President Brosche asked if it is customary for the Audit Plan to be published and the IG stated that it is. Going forward, the OIG hopes to receive more feedback from leadership on areas within government where audits are most needed. CAO Mousa asked if the OIG coordinates with the Council Auditor's office, and the IG confirmed that the OIG does coordinate to ensure there is no duplication of efforts.

Judge Senterfitt asked how the Committee can help the office going forward. The IG stated he would like to hear from the Committee on their ideas for outreach. The IG will let the Committee know if they can provide any help with the Independent Authorities in the future. CAO Mousa indicated that the Administration can help with the process of securing the funding for the full-time Executive Assistant position.

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### *7. Additional Business*

The IG has concerns with the current whistle-blower provisions in the *Ordinance Code*. The IG is working with the Office of General Counsel (OGC) to determine if the provision can be modified to better align with the Florida Statutory whistle-blower provisions. In addition, the IG does not think his determination on whistle-blower status should be binding on the Civil Service Board. The IG's determination should be made for confidentiality and investigative reasons, but if an employee claims retaliatory action, he or she should be able to present their case to an independent panel (the Civil Service Board) regardless of the IG's determination. The IG should be removed from the retaliatory complaint process. The IG is working with OGC on these concerns.

The *Ordinance Code*, as currently drafted, states that the Chair is no longer the Chair after the IG is confirmed by City Council. Following discussion, the Committee decided the position of Chairperson should rotate between Committee members, with the understanding the position will roll to the next person in line if someone is unable to serve, and a Chairperson should serve for a term of two years. There will be no Vice-Chair. Public Defender Cofer noted the *Ordinance Code* is vague about the role of the Committee after the selection of the IG. All Committee members agreed the Committee should continue to exist to offer support and guidance to the OIG, but the role of the Committee and its responsibilities should be more clearly defined.

Judge Senterfitt asked IG Hoffman to draft a proposed revision to the *Ordinance Code* to update the language concerning the Chair and to clarify the role of the Committee after the "selection" process is complete. Council President Brosche stated she will advance the issue to the Council.

IG Hoffman stated he will review the Palm Beach County OIG *Ordinance Code* provisions to see how Palm Beach County has defined the role of their Selection and Retention Committee. Additionally, IG Hoffman will prepare draft provisions to be reviewed and voted on at the next Committee meeting.

### *8. Comments from the Public*

Judge Senterfitt asked if there were any public comments. No one came forward.

### *9. Adjournment*

With no further comments, Judge Senterfitt adjourned the meeting at 2:07PM

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