

Approved on May 23, 2016

**Inspector General Selection & Retention Committee
Meeting Minutes May 16, 2016
1:00 p.m.**

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

Called to Order: Committee Chair Boyer called the meeting to order at 1:00 p.m. and proceeded with roll call. The following committee members were present:

Committee members present:

Sam Shiver, designee for Public Defender Matt Shirk

Marc Hassan, Chair of the TRUE Commission

Thomas Paul, Vice-Chair of the Ethics Commission, designee for Joe Jacquot

Lori Boyer, Chair of the Inspector General Selection and Retention Committee, designee for Council President Greg Anderson, and Jacksonville City Council Vice-President

Kerri Stewart, Office of the Mayor, designee for Mayor Lenny Curry

Angela Corey, State Attorney

Honorable Judge Elizabeth Senterfitt, Vice-Chair of the Inspector General Selection and Retention Committee, and designee for Chief Judge Mark Mahon

I. Approval of the April 18, 2016 Minutes

Approval was unanimous with no corrections.

II. IG Performance Evaluation Template

CM Boyer referred to the agenda and the performance evaluation template previously distributed, and asked Ms. Sheryl Steckler, Inspector General Advisor, and Ms. Kelli O’Leary, Director of Employee Services, to discuss them.

Ms. Sheryl Steckler reviewed the proposed Inspector General City of Jacksonville Performance Evaluation template and discussed the four core competencies. Ms. Steckler stated the goal is that these are measurable versus opinionated, so the Office of Inspector General (OIG) can show the committee in writing what has been accomplished. Typically in many of the Inspector General offices, the Inspector General (IG) fills this out stating the performance for each item, and then the committee determines whether they have met this criteria. The onus is on the Inspector General to prove to the committee that they have met these criteria. Ms. Steckler offered to be more specific on the Core Competencies, and discussed one add-on item. For Core Competency 2, Measure 6, the six-month briefing should include, at a minimum, a summary of all questioned, identified and avoidable costs, and recoveries.

CM Boyer asked whether all committee members had an opportunity to speak with Ms. Steckler one-on-one or engage with Ms. Steckler or Ms. O’Leary if they wanted to prior to today’s committee meeting, and asked whether the template provided by Ms. Steckler was an issue for anyone. She asked for verification that any comments from committee members were

incorporated. Ms. Steckler indicated yes they did with the exception of the one amended comment that was not on the original.

CM Boyer asked whether there were any questions or concerns regarding the template originally distributed, regarding either the weighted percentages or the items that fall within the criteria. Mr. Paul apologized that while conceptually it made sense to him and he doubts that he would have any edits, he had not seen the template before and had no opportunity to review it.

Ms. Steckler advised that she had spoken with Mr. Joe Jacquot previously. Ms. Steckler began with the Achieving Results section of the evaluation template. She discussed impacts, and that return on investment is not only measured in dollars, but also in changed behavior as well as whether recommendations for improvement are implemented. She spoke of the importance of reporting, of accreditation and peer reviews, and the amount of planning involved. Ms. Steckler spoke to the importance of monitoring and tracking recommendations, indicating this is standard practice in the Inspector General community and evidenced in the annual report. Every corrective action will be in there, as well as and the add-on six-month report. She reminded the committee to keep in mind the Inspector General has to show they have done the job the committee wants. She emphasized documenting in a timely manner, as well as the importance of documenting delays and how the accreditation process ensures the OIG meets those needs.

CM Boyer stated the committee already approved the performance evaluation template, so there is no need to review, and asked that they address the one additional change.

Ms. Steckler directed the committee to the second core competency, Business Acumen, Measure 6. It was asked that language be added on the six-month briefing to ensure costs and recoveries are addressed.

CM Boyer asked whether there were questions on the suggested amendment. Motion was made to incorporate, seconded, no discussion, all were in favor and it was approved. Prior to taking action to adopt the template, she asked whether IG Cline had comments or suggestions regarding it.

IG Cline stated it was discussed and it is a very good performance appraisal model.

CM Boyer asked whether there were public comments. Carla Miller (audience) indicated she had a small revision on Page 1, Core Competency (1), Measures 3, where it evaluates the IG on receiving accreditation within two years and every three years thereafter. She indicated per the City Charter Section 1.206, that accreditation is subject to practicality and available funding the OIG office should apply for and pursue the accreditations, and so it is budget dependent. And so, we would be evaluating maybe that particular year, there were not sufficient funds to go for the accreditation because there is a price tag to that, and if they don't get that funding then he is going to be evaluated on that, so I thought maybe to clarify for that it would be "pending budget restrictions", so that we allow for that, and like maybe five years from now the IG is not standing in front saying "I well I did not meet that because I did not get the money because it was cut out of my budget."

CM Boyer to Carla Miller: Your thought would be to be consistent with the Charter that this could be inserted at the beginning of Subsection 3?

Ms. Miller: Either at the beginning or the end to ensure that the OIG receives accreditation, 'pending budget restrictions if any'.

CM Boyer asked for questions or discussion.

Ms. Steckler expressed a concern, and explained that the initial accreditation is \$900. Once the decision is made to get accredited, you then cannot then decide not to be re-accredited. It would be an embarrassment to the City if they suddenly could not afford to be re-accredited so the decision needs to be made up front whether to spend \$900 to be accredited. You really need to be very careful here about the performance evaluation. Either the IG needs to know to get accredited, or do not get accredited at all. Once you gone, like a police department, once you have gone down that road you cannot decide not to do this anymore.

CM Boyer: So then the placement of the phrase is appropriate if it is at the very beginning; that 'pending budget' ensures they receive accreditation, as opposed to the renewal of the accreditation.

Ms. Steckler: Correct.

Ms. Miller: Just a follow-up; if it costs \$900 to apply for the accreditation but in order to get the accreditation you have to have a lot of people in place. And so that is a budget concern that could run into hundreds of thousands of dollars. So, I am thinking if we have a little flexibility in there, it's consistent with the charter.

CM Boyer: So, if we inserted that language at the very front of that entire Section 3, so that 'pending budget restrictions' if any, ensures that the OIG receives accreditation...' that would seem to take care of the fact that if we didn't provide adequate budget for them to get the accreditation in the first place, we're not holding the individual accountable for the failure to get it, because it would be a budgetary decision.

Ms. Miller: Correct.

Ms. Stewart moved to add this language 'pending budget restrictions' to the front of core competency one, measurement three, achieving results. Motion was seconded. Discussion was invited.

Ms. Steckler offered that separating them would be cleaner because if you put it just in the front, the sentence carries to reaccreditation. If you put 'pending budget restrictions' for the initial, but break it from your reaccreditation—once that decision is made, then the reaccreditation must continue. For you all it would be more comfortable to make sure you split that in that you're strictly talking about accreditation and not reaccreditation in one sentence.

CM Boyer: To the group: Would you consider it a friendly amendment to just add the phrase ‘pending budget restrictions, if any’ for initial accreditation? At the beginning, is that okay? (Several “yes”) So I have a motion and a second on that as we had modified it, any further discussion? All in favor please indicate (all). All opposed (none).

III. Appointment of Interim Inspector General

CM Boyer referenced Directive 2015-001 and specifically vacancy under 602.305 of Ordinance; that, in the event of vacancy in the position of Inspector General the committee shall appoint an interim until such time as an Inspector General is selected and assumes office. Qualifications and recommendations for an Inspector General according to ordinance were reviewed. CM Boyer asked Ms. O’Leary what options the committee has at this point, being faced with a vacancy and having to look at interim appointment as well as the hiring process for a new Inspector General.

Ms. O’Leary stated it is appropriate to accept the resignation of IG Cline. Judge Senterfitt moved to accept IG Cline’s resignation, and Ms. Stewart seconded the motion. CM Boyer invited discussion. Ms. Corey stated they accept the resignation with great thanks to IG Cline for what he has done for the City of Jacksonville. All in favor; none opposed.

Ms. O’Leary discussed the method of selecting interim IG during the vacancy for the committee’s consideration being either:

1. A formal process of applications, interviews, etc.
2. The committee brings forth recommendations of interim candidates.
3. Delegate naming an interim to the committee chair.

CM Boyer asked whether members have ideas.

Judge Senterfitt suggested discussing the interim IG position now. Ms. Corey agreed stating they have Carla Miller, Sheryl Steckler, and a team in place currently. She suggests not pulling from within the IG team for the interim IG, as they need to keep doing the work they are doing. She suggests pulling from outside of the Inspector General’s current office staff for the interim IG. Ms. Corey believes this would enable a less formal approach and allow focus on the formal process of hiring a new Inspector General. She hopes the new IG is in place in the next few months.

CM Boyer stated her thought was to have a new IG by the new fiscal year if not sooner, and invited suggestions (none.) CM Boyer stated she wondered if there were recent retirees or individuals who might be available or may have an interest. She stated she reviewed a list of retired judges, and reached out to several of them and discussed various scenarios. She then looked at candidates who were not senior judges. She has at least one candidate willing on a substantial part-time basis to oversee together with Ms. Steckler’s services, or Ms. Steckler and Ms. Miller’s assistance. She feels there are several issues to consider: 1. Keep the office functioning. 2. We are still in the phase of addressing Memorandums of Understanding (MOUs) we enter into with Independent Authorities which requires certain skills. 3. We are going through the City budget process, so it would be helpful to have additional help from someone who has an understanding of the City budget process. CM Boyer had not yet come up

with the perfect candidate with all of that, but for now suggested a package utilizing Sheryl Steckler's services, integrated with Carla Miller, if she is willing, for the IG budget and discussion of MOUs.

Ms. Corey asked for clarification for the part-time interim IG work week suggesting 28 hours per week and discussing someone to do this part-time without incurring benefits.

Mr. Hassan asked whether IG Cline has a part-time person he could rely on for this.

IG Cline responded part-time would be challenging, and the committee is better off using someone in the office who knows the Office of Inspector General (OIG) workload and what the OIG is currently doing. He recommended Lisa Green, Director of Investigations, to be the interim. IG Cline discussed Ms. Green having this knowledge as well as supervisory skills, and performance measures in place, and feels this would give the most continuity.

Ms. Corey stated she prefers Ms. Green focus on day-to-day operations of what she does so well in her current capacity, and was concerned with awkwardness of having someone in house promoted as interim, and then having a new hire come in.

CM Anderson (audience) stated while anyone within the Department who wants to apply should, serving as an interim and then applying for the position makes things difficult and awkward. Relative to the motion being considered, he suggests stating something to the effect of 'Not more than 30 hours' as a step between the current IG and the future IG.

Ms. Miller stated it's workable for her and Ms. Steckler to provide support. She had talked with Ms. Steckler about working up to 10 hours per week for one person added to the 20 and 30 part-time hours for the other so this would be 50. She feels this would actually come in under the budget in place for the Inspector General position and avoids benefits. She stated she and Ms. Steckler gave birth to this idea two years ago, and does not want to see forces come into play which disrupt the people or work currently in place under IG Cline; especially during the budget process. She's willing to help someone in the interim for a team approach prior to the new Inspector General being hired.

CM Boyer asked Ms. Sidman (audience) whether this falls under the IG consulting.

Ms. Sidman: How do you envision this; as a budget transfer to the Ethics Department?

Ms. Miller stated there are cross-purposes between her office and the IG's office, and there are ways to transfer dollars from the IG budget to Ms. Miller's budget. She suggested \$3,000 or \$4,000 be transferred to the Ethics Office budget to give her some more hours until October 1st.

CM Boyer asked all to contemplate the proper process to budget for this.

Ms. Steckler discussed the budgeted part-time hours under the Inspector General's Office and that what may be helpful is having Ms. Miller address the budget portion, and for Ms. Steckler to

work with the Office of Inspector General to prioritize and organize from an operational perspective.

CM Boyer asked to discuss how to proceed with determining who will fill this up-to-30-hour role.

Mr. Hassan asked whether there are pending deadlines and timelines that may affect the method used to determine who the interim person(s) are.

CM Boyer suggested naming an interim by the effective date of IG Cline's resignation, and asked for other solutions: We could come up with a third person. Would Sheryl assist with the operational side as a consultant on an hourly basis and Carla assist with the administrative side? The point of the title of IG means they can receive the information of an investigation and specific things by title of IG. Perhaps name Sheryl to that position and she gets that title. Perhaps present candidate names to Ms. O'Leary and have her make a recommendation? I can tell you that I have reached out to a number of people. I don't know how you want to do this....Shall we give candidate names to Ms. O'Leary of people we've spoken to regarding this for her to review and let her make a recommendation back to the committee if we're going to come up with a third person?

Judge Senterfitt stated this is an excellent idea; to gather names as a group: Ms. Steckler can help with the office, but the budget season is approaching and with touchy issues such as the MOUs, Ms. Miller can assist with that, but we need someone who can deal with the budget and the Council. I like the idea of us gathering resumes and meeting with us one more time for a short meeting and pick an interim.

CM Boyer stated she thinks Ms. Miller's skills lend themselves to the MOUs and the budget process and that it wouldn't hurt to have another person with expertise in that, but she sees this third person as more of the public face of the office in the sense of maintaining the stature of the office in the community, being able to speak about what the office does and how they serve the community, and when you need them to get funds in the budget as opposed to internal budget prep, they have more of that....

Mr. Paul agreed and added two points. He stated the internal-facing role is one of a leader to maintain what Mr. Cline has built up, so the recent hires have a sense of stability; that is very important so as not to slip backwards. Also if they were to use Ms. Steckler's time in the permanent search, they are spreading her very thin, and he recommends they pick and choose how much of Ms. Steckler's time is used. If she can help support someone internally while she also helps the committee in the permanent search, that may be a much better option than having her serve both as the IG interim and also help with the permanent search.

CM Boyer stated she saw a lot of nodding heads. To restate and modify the motion: My understanding is that we gather information on each individually and make recommendations to Ms. O'Leary of any individuals who we think meet the qualifications and might be able and willing to serve in a capacity of up to 30 hours as interim. We don't anticipate this will go beyond October 1. During that time we'll use Ms. Steckler under existing budget authority to

serve as Inspector General consultant to assist with the operational management during the interim period and that, as needed, we can also elicit the services of Ms. Miller to work on the preparation of the IG Office budget process and the negotiation of the MOUs with the Independent Authorities. CM Boyer asked whether she accurately summed up Ms. Corey's motion. (Yes.) Ms. Stewart seconded the motion. CM Boyer invited comments.

Mr. Hassan asked what the budget salary is.

CM Boyer: The salary range as published is \$120k-\$160k for the Inspector General position. I assume if it's up to 30 hours, you basically take 75% and make that your range, not to exceed. The lower end, as this is an interim position and they are getting assistance from others in that role.

Mr. Hassan asked whether as they vet this (position) with people they are also having this salary discussion.

CM Boyer asked Ms. O'Leary what the correct salary calculation is. Ms. O'Leary discussed the translation in terms of determining the lower-end annual salary and dividing by 2080 hours for an hourly rate, and indicating the number of part-time hours. She discussed the part-time hours remaining, and need to transfer in more hours.

CM Boyer asked for any other comments (none.) All were in favor. The motion passed without opposition. CM Boyer asked to work toward a meeting next Monday, May 23. Ms. Miller stated she will be in London, but Ms. Oberdorfer can speak on her behalf. CM Boyer asked that ideally the meeting be the same time and place.

IV. Hiring Process

Ms. Steckler discussed the timeline in the packet for moving forward, and offered to take the top of the list and screen down to the top 10 candidates. The committee then would meet to discuss what the next step is. The goal is to follow the timeline to have an IG here by the end of August or first part of September depending on their schedule.

CM Boyer discussed working toward the end of September rather than August if needed.

a. Approval of Job Advertisement

Ms. O'Leary referred to the advertisement on page 2, and suggested incorporating a change to the second bullet under Preferred Experience which currently reads 'certified public accountant, internal auditor or government attorney...expertise in investigating and auditing fraud, mismanagement and government waste.' She would like the sentence to read, 'expertise in cases involving fraud, mismanagement and government waste' and they will be striking 'investigating and auditing'. Part of the eligibility criteria centers around the open requirements driven by the Ordinance, so focus on those and add in supplemental information. Next they will provide the list to Ms. Steckler in order to narrow the list down to the committee for selection.

CM Boyer asked for questions, and referred to Preferred Experience, asking if it is taken directly from the Ordinance and whether they track together. Ms. O'Leary responded that the Open

Requirements contain the Ordinance language while Preferred qualifications are above and beyond; not mandated.

CM Boyer discussed leadership skills, and that she wants to be sure when culling the list they are looking for these evaluation criteria. She asked whether Ms. O’Leary is comfortable that she has them matched. Ms. O’Leary stated they looked at 602.303 and every stipulation within the Ordinance and mirrored it, to ensure they captured everything under the Examples of Work so the role will be according to the Ordinance.

CM Anderson (audience) asked: Under note it states we do not want internal applicants. Is that the intent of the committee? If it is preferred, I understand; excluding is a different conversation.

Ms. O’Leary responded the Ordinance says they cannot hire within; except for within the Office of Inspector General.

Ms. Boyer asked whether by virtue of charter amendment, this provision is excluding anybody who has worked for the Independent Authorities or any of the other offices within the City.

Ms. Miller stated that was a concern of the Council Auditor’s Office. They did not want people moving over to the IG’s Office, so they wanted a blanket 2-year prohibition to avoid hiring someone who is currently a City employee. So that was in the original IG Code legislation; not in the Charter. ‘Anybody currently employed by the City of Jacksonville cannot be considered to move into the IG position.’

Ms. Boyer asked whether prior to this expansion to the scope of the Independent Authorities we had a prohibition against hiring anybody who worked under the Authority, but at that time the Independent Authorities weren’t under their authority. She asked: Now does the language in the Ordinance Code expand to prohibit hiring anybody working at any Independent Authority because they got expanded by virtue of the referendum after the fact? We need to know for purposes of the ad whether or not they are excluded. And also that anyone employed by the State of Florida but works at the City I do not think would be excluded. If you are a judge, employee of the Public Attorney’s Office, the State Attorney’s Office, you are an employee of the State—and you are not subject to the authority of the Inspector General—so you are not excluded; correct? We need to know what this does or doesn’t say.

Ms. Corey asked whether in theory they could hire a retired judge as an interim.

Ms. Boyer stated based on this you could hire a judge as a permanent Inspector General. The question she had was whether a City auditor or employee of the Independent Authority would now be excluded when they would not have been previously. Judge Senterfitt stated that taken in plain language they are. Ms. Sidman stated the Code could be changed. Ms. Boyer stated this is where they need to be careful not to exclude too many people with qualifications from the candidate pool.

CM Anderson agreed and suggested the committee clarify the intention; if it is separation of duties, this needs to be clarified.

Ms. Miller stated she is happy to work with Ms. Sidman to sort this out and put it into a format that works for the committee. Regarding the Knowledge, Skills and Abilities section, it states ‘thorough knowledge’ of certain things; we’re asking them for a thorough knowledge of audit, contract, and investigations. She wonders how many potential applicants would have all three, and asks the committee to consider wording this with flexibility such as ability to ‘get’ or ‘acquire’ some of those skill sets rather than discouraging those who are highly qualified to give highly qualified people a chance.

Ms. Steckler stated the full basis of how they screen is on the Open Requirements and not the Supplemental. Be careful in order to recruit the right person. This is a new office; if the net is too wide, individuals from the Inspector General community may not apply. Criteria to screen are not based on the Knowledge, Skills, and Abilities Section.

CM Boyer suggested either moving forward with the advertisement as, discussing further, or handling it next week and considering amendments to the language in the interim.

Judge Senterfitt asks Ms. Miller if she would feel better but the net is still small enough if they remove ‘thorough’ and ‘considerable’ knowledge to ensure they look for people who have the typical background in IG work avoid making the candidate pool too small.

Ms. Miller discussed the term ‘thorough’, and suggested it be removed.

Ms. Corey stated that as a long-time prosecutor, she focuses on homicide; she doesn’t consider herself qualified. But white-collar crime career investigators would be qualified, except the phrasing as it stands now may preclude them from being considered qualified so within a certain career I believe you’ll need to distinguish details regarding their background to establish that they are qualified.

CM Boyer asked whether the committee agrees to defer action on approving the advertisement until next week, and in the meantime Ms. Steckler, Ms. Miller and Ms. O’Leary can review and modify the language for consideration. (Yes)

b. Timeline

Addressed above.

c. Travel Reimbursement for Selected Applicants

Ms. O’Leary discussed the policy for the original IG hire; and she has checked with the Budget Office stating there are dollars for travel reimbursement available. Last time candidates averaged expenses of \$430.

Ms. Boyer asked whether there is a motion to authorize up to \$500 per-person for candidate interviews. Motion was made, seconded, no discussion, approved, and carried.

V. New Business

Ms. Sidman stated she is happy to forward the IG qualifications in 602.304. She doesn't see where it says you cannot hire anyone inside, and believes there was something added that gave that prohibition to draw this for consideration. As you look at qualifications, you may want to look at the Code to see what you want to add or strike in the actual qualifications. Ms. Sidman will email entire Part 3 noting that the first section of 602.304 has that piece.

Ms. Boyer asked Ms. Sidman to research the 'cannot hire City employee' topic, in order to determine where it comes from and whether this is or is not applicable. She wants to hear next week, philosophically what is the down side of hiring someone who's worked for the City; is there a problem with this. If not, they can work with concerns of not hiring people away from COJ to the OIG as a policy discussion rather than an Inspector General reason not to do it.

Mr. Hassan asked whether they need someone in place by May 27th. Ms. Boyer stated they need to find someone and extend an offer to them next week. They are not precluded from consideration as an interim by being absent for a few days. If they are holding the position so they can receive an email or directive, that is all right.

VI. Comments from the Public

CM Boyer asked for further comments. (None.)

VII. Adjournment of IG Selection & Retention Meeting

Meeting was adjourned at 2:18pm.

Note: Above is an overview of the meeting. Please refer to the audio file for complete details.