



OFFICE OF INSPECTOR GENERAL

Inspector General Selection and Retention Committee Meeting Minutes November 22, 2021, 4:00 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, Mezzanine Exam Room 3

Call to Order: Chair L. E. Hutton called the meeting to order at 4:01 PM.

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

Roll Call - Committee Members Present:

- Ellen Schmitt, Chair, Ethics Commission
- Owen Schmidt, designee for Honorable Charlie Cofer, Public Defender for the Fourth Judicial Circuit
- Brian Hughes, Chief Administrative Officer (CAO), designee for Honorable Lenny Curry, Mayor
- Honorable Julie Taylor, designee for Honorable Mark Mahon, Chief Judge for the Fourth Judicial Circuit
- 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:

- Brandon King, Acting Director of Investigations, 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 November 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 November 17, 2021, meeting minutes. No corrections were noted.

Hughes motioned to approve the November 17, 2021 meeting minutes. Newby seconded the motion. **Motion Carried Unanimously.**

II. New Business

A. Additional Discussion Regarding Interim Inspector General Candidates

Chair L. E. Hutton called on the General Counsel's Office and Diane Moser, Director of Employee Services, to explain the reason for this meeting.

It was discussed that Goodman's desire is to only work in a part-time capacity between twenty and twenty-five hours per week and her salary request exceeded the \$147,000 salary request; her request is \$175 an hour which would be over \$364,000 annually. Moser stated that she informed Goodman that the Committee did not discuss a rate that high and they would have to reconvene to discuss that.

Hughes explained that the Mayor and City Council put forth a budget that they need to adhere to for the City. The hourly rate requested by Goodman, if put annually, exceeds the IG who is on leave. Rectifying this would require additional work by the Administration and the City Council.

Moser confirmed the aforementioned and explained that Goodman currently makes between \$250 and \$400 an hour and won't be able to accept anything that lower due to travel and hotel expenses she would need. Moser explained that they don't have a mechanism to pay for travel, which is why Goodman came to \$175 an hour as the bottom line. Goodman can work twenty-five hours per week, fifty hours a pay period, and potentially be the office three days per week and available remotely if needed.

Schmitt initiated discussion explaining that Goodman is not being hired as an employee to stay with the City but she is being hired as a subject matter expert for a designed period of time. She should not be discussed as what other employees are paid but should be considered a consultant. Teal said expert witnesses for OGC could be in the \$300 to \$400 range; those contracts are structured as to not exceed certain amounts but could be amended if needed.

Hughes stated that there is still the issue of full-time vs. part-time. Taylor and Newby expressed concern that Goodman would be working part-time when the office needs a full-time leader especially with the investigation going on.

Hutton suggested that the Committee should address the topics in two-fold: how they feel about part-time and when they are comfortable with idea, whether or not the idea of a greater salary number is something the Committee accepts.

Henry requested clarification that if they are looking at the Interim IG candidate as someone who could make set changes that are going to be there after the interim or if they are looking for someone to put things back in shape for a moment of time. King preferred that the Interim IG should be the closest to full-time worker as possible and to treat them as the Inspector General until told otherwise, depending on the commitments that they could give this Committee.

Hutton conference called Goodman.

Goodman stated that after speaking with Moser, her understanding is that you can do fifty hours in every two week pay period. Goodman also thought when she was first contacted that it would be a part-time situation. She stated that if she is selected that she can clear her calendar and be available for the forty hours a week during December and January. Goodman stated that her intentions are:

- Take a temperature gauge of the OIG office
- See what is going on with the staff
- Take a look at the workload
- Look at the accreditation

Goodman stated that her hourly rate request is \$175 an hour because she has to fly in every week, stay at hotels, and she has already cut her rate down.

Henry asked Goodman:

1. What should an Interim IG be looking for coming into an office that we are finding ourselves in at this moment? You are going to have to make administrative decisions and reevaluate personnel decisions and policies. Goodman's responses are as followed:
 - a. In the immediate is to get with OGC and find out where they are with the investigation with Green and to bring that to a conclusion to the Committee.
 - b. Understanding if some actions have been taken that retaliatory in nature. Intentions are to learn all of the facts and deal with all of the personnel issues.
 - c. Review the open investigations because it is not fair to the subject to keep delaying the cases; there needs to be resolutions.

- d. Concerns regarding the accreditation as the OIG office was accredited in October 2020, accreditation occurs every three years, and the next one is coming up in two years.

Hughes asked Goodman's availability as the Committee's expectations are to have someone there for forty hours a week for December and January, since Goodman has mentioned travel and hotels.

- Goodman stated that if the Committee desires forty hours a week then she can make that work, but she does not want to waste taxpayer dollars. Therefore, if she is able to assess the office, gets things back on track, and does not believe she needs to be there full-time that she will then address that with the Committee.

Hughes asked Goodman about her lawsuit with Palm Beach County (PBC).

- Goodman explained that when she took the job at PBC that there were very bad situations with corruption and many county and city commissioners were going down on federal indictment charges.
- The Grand Jury and the citizens demanded an Office of the Inspector General and she was selected. They were going to put thirty-eight cities on the referendum as to whether or not they were going to pay for the OIG.
- The lawsuit was regarding that thirteen of the thirty-eight cities did not want to pay. The city sued the county regarding the pay and they [PBC OIG] tried to enjoin because they were trying to protect the funding; they were unable to enjoin but became a witness for the county. The county prevailed on that case and Goodman stated she eventually left.
- Goodman added that since that was a time of corruption that they [PBC] did not want the oversight and in order to not have it they tried to cut the funding; the office is still standing eleven years later.

Hughes inquired if the PBC case affected the creation of the COJ IG office. Goodman stated that the greatest thing about the COJ OIG is that they are preventative, having accountability and oversight, which makes it incredible because it is not just reactive.

Hughes asked Goodman what her role would be regarding the complaints of the current IG, as the investigation is charged to OGC. Hughes inquired if Goodman intends to be part of the investigation or the administrative caretaker of the office.

- Goodman believes OGC needs to finish the work [investigation] and she hopes that Teal can present the findings to the Committee.
- She does not see her role in it other than coordinating and ensure they get the findings as soon as possible for the Committee to decide if they decide to keep Green or find someone else.
- Goodman stated that once her assessment is done and she feels comfortable someone in the office could take over in the interim.

Moser initiated conversation regarding the budget constraints if Goodman is kept on the payroll part-time after the first two months. Hughes recognized the budget limitations would occur within seven to nine weeks. Hughes requested if City Council President Newby could commit that he does not see any problems with this; Newby could not confirm this.

Hutton stated that the Committee has to decide whether or not they want to reconsider the offer that has been made previously and if so, where do they go from there.

- The forty hours a week can be met by Goodman at least for two months
- The rate of pay is significantly higher than the current salary range

Hutton stated that the Committee should address and decide whether they are comfortable with two months of full-time at this pay rate. Schmitt moved that they keep the offer open to Goodman at the rate she requested through the end of January. **Henry seconded the motion.**

Hutton asked if there was discussion.

Schmitt stated that they selected the best candidate with the most robust experience and feels comfortable they selected her and should have expected Goodman would want more of a salary than the lowest rate, due to her expertise as an IG as her role as a consultant.

Taylor expressed that she still has concern over this selection seems like a short-term fix and not sure for an office if this is the best course of action long term. Taylor confirmed that she supports Goodman and her resume but does have reservations that if the process takes longer than two months that will not be enough.

Hutton expressed two concerns:

1. Agreeing with Taylor's concerns, there can still be turmoil in the IG office two months down the road, and is not entirely sure that a smooth transition will be able to occur.
2. Goodman is probably worth every bit of \$175 an hour but he has concerns that they initially offered a rate of \$147,000 annually and now they are offering her a rate that equates to \$364,000 a year.
 - Spending public money is a concern as they know budgetary short falls will come up based on the projections.

Hutton asked for any public comment.

Carla Miller, retired Ethics Director, stated that she created the IG office and worked hard with Goodman to get the office up and running. Miller fears that due to the four complaints that there is a risk of the accreditation status for the OIG. Miller believes the best option for right now is Goodman as there is no one better in the country because she has written the accreditation for the IG National Committee and she can come in and assess the IG

office. Miller added that by taking the amount of money available, Green's salary, and dividing it up per month and adding in the benefits, that is computed to about \$118 an hour and the additional pay for her expenses. The integrity and the trust of the office needs to be protected and the accreditation.

Miller also recollected a conversation she had with Goodman regarding why she was putting an Inspector General Selection and Retention Committee. Miller explained that Goodman had told her that there will come a time where this office will be under attack and the office will need an independent group of people that will come and save the office; this is that time.

Schmitt stated that the motion is to:

- ✓ approve Goodman as the Interim IG
- ✓ at a rate of \$175 an hour which includes expenses
- ✓ for forty hours a week
- ✓ through the end of January
- ✓ [Hughes added] with the understanding that the Committee acknowledges that in doing so this goes beyond the budget capacity of the position currently and encourages both the Mayor's Administration and City Council to do what they must to ensure that this budgeting has the resources that it needs.

Hutton stated that he was ready to vote if everyone else understands the amendment motion. **Henry seconded the amended motion.**

Hutton requested for public comment regarding the amendment; there were no comments.

Hutton asked for individual voting. Motion was not unanimous as Chair L.E. Hutton was the only nay. **Motion carried.**

Hughes initiated further discussion regarding the motion and Goodman's phone call, requesting OGC and Employee Services expedite the process with the candidate so she can start as soon as possible on November 30th. Teal and Moser agreed.

Teal mentioned the additional two complaints and explained that the first step was evaluating the complaints to assess if they merit consideration by the Committee, and it was determined they do. It was not on the agenda for this meeting because the public would need advanced notice of the topic. OGC is still investigating the first two complaints and the second two go beyond the first two. Granat stated that they have done nine or ten interviews so far and they anticipate another five to ten if necessary. Therefore, another two to three weeks will be needed before they are ready to present their findings to the Committee.

Hutton inquired as to why it would be necessary to come back to the Committee before this was resolved. Teal explained that pursuant to IG policy when there is a complaint made against the IG herself, OGC has to evaluate it to assess if it falls under the four categories [neglect of duty, abuse of power or authority, discrimination, or ethical misconduct]. If OGC finds that it falls under the four categories then they must present them to the Committee to see if they find the complaints fall under the four categories.

Teal did not believe that the additional complaints would expand their investigation by too much. Teal stated that they would have to provide Green with the complaints in order to provide her an opportunity. He inquired if this is something the Committee needs to reconvene for or make it part of the next hearing that they would have.

Schmitt inquired if they are required to look at the complaint first to ensure if it arises to the four categories. Teal explained that the rules do state that the two new complaints need to be filed with the Committee. There was discussion if this rule could be waived and Hutton stated that under these circumstances they should follow the rules.

The Committee agreed to reconvene Tuesday, November 30, 2021 at 4:00 PM.

III. Comments from the Public

There were no public comments.

IV. Adjournment

Chair L. E. Hutton adjourned the meeting at 5:33 PM.