



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # **105-2012**

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LETTER TO COMMISSION

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TO: Mayor Matti Herrera Bower and Members of the City Commission CITY CLERK'S OFFICE

FROM: Jorge M. Gonzalez, City Manager

DATE: April 24, 2012

SUBJECT: **Actions Initiated To Address Recent Employee Misconduct**

This Letter to the Commission (LTC) is intended to advise you of the City's actions to-date relating to the arrest of seven city employees on April 11, 2012.

I immediately communicated to all employees that as public servants, we are all expected to maintain the highest level of honesty, integrity and dedication. The actions of these individuals are a huge betrayal of not only the public's trust – but of our entire organization as well. This behavior is inexcusable and will not be tolerated. I have reminded all of our employees that I will pursue vigorously and to the fullest extent of the law any employee found to be engaged in any criminal activity.

As you know, I have, in the past, initiated investigations of criminal misconduct whenever any information has come to light. I have sought out assistance from the State Attorney's Office and the Miami Beach Police Department and even allocated investigative resources to ensure that criminal behavior is rooted out and removed from our organization. I assure you – as I have before – if there is corruption taking place, wherever it is, whoever it is, I will make sure we pursue it to the fullest. As it is our collective duty to protect the integrity of this organization, I have strongly urged all of our employees to be vigilant and forthcoming. Further, I have asked the City Attorney's Office to assist us in amending the City's personnel rules to include a "duty to report wrongdoing" requirement or face discipline up to and including termination.

You should know that all of the employees arrested on April 11, 2012 were immediately relieved of duty and placed on leave without pay. The City is proceeding with termination of each of these employees and, if they are convicted, I will vigorously pursue stripping them of any vested pension rights. In addition, I spoke with U.S. Attorney for the Southern District of Florida, Wifredo Ferrer to give our full support to his office and the FBI as the investigation continues. I and others from the City have met with representatives from the FBI on subsequent occasions to assist in their investigation.

Equally as important, I also immediately implemented actions to address the very serious issue of employee misconduct. My five-point approach includes:

I. **Partner with the FBI**

Abuse of the public trust by our employees simply will not be tolerated. As I have always done in the past, I will swiftly and aggressively pursue allegations of misconduct and corruption within our organization, and I will continue to work steadfastly with law enforcement to hold all employees accountable, terminate any employee found to be engaged in this type of activity, and do everything in our power to restore the public's trust.

- At the **May 9, 2012** City Commission meeting, I will ask the Mayor and Commission to approve a Memorandum of Understanding (MOU) between the City and the Federal Bureau of

Investigation (FBI) that will allow for the City to assign a police officer to their Public Corruption Task Force. This assignment facilitates the City's ability to access the full benefit of the Task Force's investigatory support to attack corruption now and in the future on Miami Beach.

- In addition to the assigned officer, other Police Department investigative personnel will also be deputized to have special training and clearance to work with this FBI Task Force.

II. Bring in an independent entity to investigate reports of employee wrongdoing

It is important that employees, residents and business owners alike report conduct that is not consistent with the integrity we expect of our public servants. My senior staff has already met with the employees in the Code Compliance Division and has made it very clear as to what our expectations are of this area, including our expectation that any wrongdoing be immediately reported. When doing so, those reporting must feel confident that their call and concerns will be properly investigated.

- On **May 9, 2012**, I plan to take to the City Commission a proposed agreement to contract with the Miami-Dade County Office of the Inspector General (IG) to provide investigatory support to the City. The Mayor and I met with Inspector General Christopher R. Mazzella on April 18 and he has agreed to have his office receive complaints and determine the appropriate action, whether by launching their own investigations into alleged wrongdoing, or by forwarding the information to the FBI, State Attorney, the Police Department's Internal Affairs Division, or the Miami-Dade Commission on Ethics, etc. I have asked the City Attorney's Office to work with my staff to finalize the agreement with the IG. The IG's hotline will be promoted by the City as the number to call with any report of misconduct. That number is **305.579.2593**.
- We will continue to provide the FBI hotline number (**305.944.9101**) as an alternative/additional means to report anonymous tips.

III. Provide enhanced ethics training in conjunction with the County's Commission on Ethics

While the City currently provides and requires ethics training for all City employees, additional, tailored ethics training focused on the issues and challenges faced by all of our regulatory employees in the Building, Code Compliance, Fire, Parking, Planning and Police Departments is necessary.

- On **May 9, 2012**, I will be taking to the City Commission a proposed agreement to contract with the Miami-Dade Commission on Ethics to provide this enhanced training. Once the agreement is approved, we will schedule the sessions as soon as possible and attendance will be mandatory for all employees in these areas.
- Subsequent to the initial session, it is my intent, and Ethics Commission Executive Director Joe Centorino has agreed, that these sessions will be conducted often and on a recurring basis throughout the year to ensure that the message is being clearly understood by those employees.

IV. Initiate an external "audit" of the Code Compliance Division and fire inspection process, as well as other regulatory departments and divisions, as we did with the Building Department (e.g. Watson-Rice Study)

As I reported earlier, I have ordered a full investigation into code and fire prevention cases beyond those targeted by this investigation.

- Our Internal Auditor is conducting an analysis of Code Cases, including using data analysis approaches recommended by Commissioner Weithorn, to determine other areas that may require administrative or investigative action. The Commissioner has offered to provide

assistance to staff throughout this review process.

- At the **May 9, 2012** City Commission meeting, I will ask the Mayor and Commission to authorize the City to enter into an agreement with an independent consultant who will review the existing policies and procedures in our code compliance, fire inspection operations and parking enforcement operations, among others. They will perform a similar scope of services as Watson Rice did with our Building Department, and provide recommendations for process improvements to help protect against future such incidents, ensure enhanced accountability, as well as, additional internal controls. We will also continue to work with law enforcement to determine if there are other issues that require immediate and future action.
- Senior staff is also working with the Fire Chief to similarly address issues with the City's nighttime fire inspection program to ensure the integrity of inspections for overcrowding, as well as address any other issues raised by these incidents.

V. Bring in a senior level police employee to the Code Compliance Division.

- I have already reassigned a senior level member from the Police Department to the Code Compliance Division. For the time being this Commander will, among other duties, provide day-to-day oversight, including identifying and making appropriate staff reassignments, while our Code Compliance Division Director is re-assigned to assist in supporting the various independent reviews that are being initiated, and the FBI investigation. This commander is an attorney, former police chief and currently a reserve police officer.
- We are already in the process of hiring additional Code Compliance Officers to ensure that the Division's workload is handled properly, especially as we prepare for the upcoming MEP.
- The commander has been tasked with reviewing job descriptions and minimum qualifications for Code staff. We anticipate the support of the Union as we make these necessary improvements, which are intended to restore the public's trust in our employees.

CONCLUSION

To enhance these efforts and assist me directly on all similar matters, we have reached out to former U.S. Attorney for the Southern District of Florida, Roberto (Bob) Martinez, to serve in an advisory capacity on matters related to protecting the integrity of our operations.

As law enforcement and internal investigations move forward, new allegations may emerge that are painful to hear, but imperative to air and fix. I will continue to keep each of you informed, including on these and other efforts that may be implemented. As always, if you need any additional information, or have any questions, please feel free to contact me.

JMG/HMF/RI/DM