

Appeals court rules Palm Beach County cities don't have to help fund government watchdog

By **Skylar Swisher**
Sun Sentinel

December 21, 2016, 3:21 PM

Palm Beach County's cities are not required to help pay for a government watchdog agency approved by voters, a state appellate court has ruled.

The Office of Inspector General was created in 2010 by a voter referendum to root out waste, fraud and abuse following a wave of arrests of elected officials in a federal corruption sting.

But over the past five years, Palm Beach County government and some of its cities have been locked in a legal fight over how the office should be funded.

In a ruling released Wednesday, the 4th District Court of Appeal reversed a trial court opinion that the county had the authority to charge cities.

Palm Beach County is exploring all of its options, including whether to ask the Florida Supreme Court to review the case, County Attorney Denise Nieman said.

Because of the funding battle, the watchdog organization is operating at roughly half staff with 23 employees, Inspector General John Carey said.

That means some investigations must be shelved, and not all contracts are being audited, he said. Despite being understaffed, the agency, which has a roughly \$3 million budget, will continue to fulfill its mandate to investigate suspected wrongdoing and waste in city and county governments to the best of its ability, Carey said.

"This is what we owe the citizens of Palm Beach County," he said. "We are going to do our job regardless of how many people we have or who financially supports us or not."

Thirteen cities, including Boca Raton and West Palm Beach, participated in the lawsuit challenging the county's demand that they collect from their coffers to help pay for the office.

Their attorney, **Jane Kreuzler-Walsh**, argued in court that putting cities on the hook for part of the office's budget would create a precedent that could "wreak havoc" on and "irreparably harm" city governments in Florida.

West Palm Beach Mayor Jeri Muoio said cities should be able to determine how their money is spent, and residents shouldn't have to pay twice for the service.

"They are already paying through county taxes for this service," she said. "It would be a double charge."

An attorney representing Palm Beach County argued in court that it was the voters themselves who authorized the cities to help fund the program. More than 70 percent of voters supported the referendum to create the government watchdog agency, including a majority of voters in each of the cities.

Palm Beach County's 39 cities have mixed opinions on how the agency should be funded, said Richard Radcliffe, director of the Palm Beach County League of Cities. His organization did not take a stance on the lawsuit.

"This isn't a question of whether the Office of Inspector General and Commission on Ethics should exist," he said. "It's just a question of how it should be funded."

Staff writer Samuel Howard contributed to this report.

sswisher@sunsentinel.com, 561-243-6634 or @SkylerSwisher