



## OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY

Sheryl G. Steckler  
Inspector General

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February 7, 2013

Mayor Jeri Muoio  
City of West Palm Beach  
401 Clematis Street  
West Palm Beach, FL 33401

Re: Correspondence # 2012-04-0021

Dear Mayor Muoio,

The Office of Inspector General (OIG) received a complaint from our Citizen Initiative Program regarding the City of West Palm Beach's (the City) expenditure of taxpayer funds to purchase T-shirts, stickers, and transportation for individuals to attend a March 21, 2012 Florida Department of Transportation (FDOT) public hearing regarding the proposed extension of State Road 7 (SR7) from Persimmon Boulevard to Northlake Boulevard.

We bring to your attention an Attorney General Opinion (AGO) which was issued (1990) regarding a "valid public purpose." According to AGO 90-37, whose genesis was a previous incident in the City of West Palm Beach:

*It is axiomatic that municipal funds may be used only for a municipal purpose, and only when properly budgeted for such purpose...The determination of what constitutes a valid public purpose for the expenditure of public funds is a factual determination for the legislative and governing body involved, in this case the City Commission of the City of West Palm Beach. Such a determination must be made by the city commission and cannot be delegated...*

On January 16, 2007, the City Commission passed Resolution 38-07 where it "strongly expresses its opposition to any alignment of the State Road 7 extension which will run adjacent to the Water Catchment Area." This Resolution stated the City Commission's position on the matter at that time and did not make any "factual determination" or authorize expenditure of public funds to support its opposition.

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*"Enhancing Public Trust in Government"*

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The OIG's review disclosed that on various dates between March 2, 2012 and March 21, 2012, the City spent, through the City Attorney's office, a total of \$3,509.75 (\$904.00 for 200 T-shirts, \$105.75 for 500 2" labels [stickers], and \$2,500.00 for 4 charter buses) for individuals attending the aforementioned FDOT public hearing held at the South Florida Fairgrounds without any specific City Commission authorization.

Further, based on the OIG's interviews of several City employees, as well as reviews of related documents, it was disclosed that since the passage of City Resolution 38-07 (January 16, 2007), the City Commission has not taken any further legislative action regarding its opposition to the SR7 extension. Nor, more importantly, has it made any "factual determination" by officially determining that the expenditure of public funds to purchase T-shirts, stickers, and transportation served a valid public purpose, or by voting to expend public funds in this manner.

No response to this letter is required, as it only serves to notify you of the complaint and our subsequent review of the expenditures as they relate to the Attorney General's opinion that such decisions be made by "...the legislative and governing body involved..."

Sincerely,



Sheryl Steckler  
Inspector General

Cc: Commissioner Keith A. James  
Commissioner Shanon Materio  
Commissioner Kimberly Mitchell  
Commissioner Sylvia Moffet  
Commissioner Isaac Robinson Jr.