

CHARTER BOARD COUNCIL WORK GROUP DRAFT

Inspector General section created as a separate article based on discussion at JANUARY 11, 2024 Charter Board Meeting

NEW ARTICLE
Inspector General

(a) Goals. The goals of the Inspector General are to:

- (1) review the effectiveness and efficiency of programs and operations of County government and independent County agencies;
- (2) prevent and detect fraud, waste, and abuse in government activities; and
- (3) propose ways to increase the legal, fiscal, and ethical accountability of County government departments and County-funded agencies.

(b) Appointment. The County Council must appoint an Inspector General for a term of 4 years, as provided in subsection (c). Unless the Council reappoints the incumbent, the Council must select the Inspector General from a list of at least 3 qualified persons submitted by an Inspector General nominating panel, consisting of ~~no less than 3 and no more than~~ 5 County residents designated by the Council by resolution. If the Council does not select one of the persons submitted by the nominating panel, the panel must submit another list of at least 3 other qualified persons. The members of the nominating panel must not be employed by the County or any independent County agency during their service on the panel.

(c) Term. The term of each Inspector General begins on July 1 of the third year after an Executive and Council are elected, and ends on June 30 of the third year after the next Executive and Council are elected. An Inspector General must not serve more than two full 4-year terms, not including any time served as Inspector General to complete an unexpired term. The Council must appoint an Inspector General to complete a term if the Inspector General resigns, dies, or is removed from office. If the term of the Inspector General expires or the position is otherwise vacant, the senior professional staff member, if any, in the Office of the Inspector General serves as acting Inspector General until an Inspector General is appointed.

(d) Qualifications. The Inspector General must be professionally qualified, by experience or education, in auditing, government operations, or financial management, and must be selected solely on the basis of professional ability and personal integrity, without regard to political affiliation.

(e) Removal. The Council may remove the Inspector General by resolution adopted by the affirmative vote of 5 Councilmembers for neglect of duty, malfeasance, conviction of a felony, or other good cause. Before the Council adopts a resolution of removal, the Council or its designee must hold a public hearing if the Inspector General requests a hearing within 10 days after receiving notice of proposed removal from the Council.

(f) Budget. By 6 months after the Inspector General is appointed, the Inspector General must submit to the Executive and Council a projected budget for the Office of the Inspector General for the entire 4-year term. In the resolution approving the operating budget for the next fiscal year, the Council must also recommend a projected budget for the Office of the Inspector General for the 3 following fiscal years. The Council must specify in any later budget resolution how the Office budget for that fiscal year differs from the projected budget the Council previously recommended.

Council responsibility. The Council must ensure that the operating budget for the Office of the Inspector General is sufficient to provide the services required by this Section. A Public Hearing and written notice are~~is~~ required to communicate any attempts to decrease the operating budget of this office

(g) Staff; Legal Counsel.

(1) The Inspector General may, subject to appropriation and all applicable merit system laws and regulations, appoint as a term merit employee one or more deputies and each of the other staff of the Office of the Inspector General as a merit employee. The term of each deputy should end when the next Inspector General takes office unless the Inspector General specifies a shorter term when appointing the term merit employee. The Inspector General may also, subject to appropriation, retain project staff or other consultants by contract. The Inspector General may, with the agreement of the head of any other government department or agency, temporarily detail an employee of that department or agency to the Office of the Inspector General.

(2) The County Attorney must provide legal services to the Inspector General, and may employ special legal counsel for the Inspector General under Section 213 of the Charter.

(3) The Inspector General may employ and be represented by a special legal counsel who is not subject to the authority of the County Attorney, or may obtain legal services from persons outside the Office of the County Attorney, without the approval of the County Attorney if:

(A) the Inspector General finds that obtaining independent legal services is necessary to effectively perform his or her duties;

(B) the County Attorney has had a reasonable opportunity to comment on the qualifications of the person or firm that the Inspector General has selected to provide those services; and

(C) the County Council approves the Inspector General's decision to obtain independent legal services and appropriates sufficient funds to cover the cost of the legal services.

(h) Powers and Duties.

(1) The Inspector General must attempt to identify actions which would enhance the productivity, effectiveness, or efficiency of programs and operations of County government and independent County agencies. In developing recommendations, the Inspector General may:

(A) conduct investigations, budgetary analyses, and financial, management, compliance, or performance audits and similar reviews; and

(B) seek assistance from any other government agency or private party or undertake any project jointly with any other governmental agency or private body.

(2) The Inspector General must:

(A) conduct a systematic risk-based rotating group by group review of the County's internal accounting and contracting processes and controls used by each department and principal office in the Executive Branch; and

(B) conduct audits of high risk County contracts and agreements.

(3) The Inspector General may review or audit any County contract or agreement if the Inspector General determines that review or audit is in the public interest. The required duties described in paragraph (2) must not be construed to limit the powers and duties of the Inspector General established in paragraph (1).

In each project of the Office, the Inspector General should uphold the objective of complying with applicable generally accepted government auditing standards.

(i) Work plan. The Inspector General must direct the activities of the Office of the Inspector General, subject to a work plan for the Inspector General's 4-year term which the Inspector General must adopt within 6 months after being appointed. The Inspector General may amend the plan during a term. The Inspector General must consider recommendations and may seek suggestions for the work plan from the Executive, the County Council, the head of each independent County agency, employees of County government and independent County agencies, employee organizations, and individual residents. The work plan must include the systematic review and audits required in subsection (h). The Inspector General must release the work plan to the public but may treat any item or suggestion for an item as confidential when advance public or agency knowledge of that item or suggestion would frustrate or substantially impede the work of the Office.

~~(j) Coordination. The Inspector General should consult with the Director of the Office of Legislative Oversight to assure that the work of the Inspector General complements but does not duplicate the work assigned by the Council to the Office of Legislative Oversight, as well as audits and other evaluations conducted by other departments and agencies.~~ The Inspector General may review any audit or program evaluation performed by or on behalf of any County department or agency, and may seek comments from the same or any other department or agency.

(k) Reports.

(1) The Inspector General must submit by October 1 each year an annual report to the Council and the Executive on the activities of the Office and its major findings and recommendations during the previous fiscal year.

(2) When the Inspector General completes a work plan item, the Inspector General must submit a written report on that item to the County Council, the Executive and the director of each affected department or agency. The report must describe the purpose of the project, the research methods used, and the Inspector General's findings and recommendations. Each affected department or agency must be given a reasonable opportunity to respond to the Inspector General's final draft of each report. After giving the Executive and the Council a reasonable opportunity to review the report, the Inspector General must release the report to the public, subject to the state public information act. The public report must include the agency's response. The Inspector General may keep any report prepared under this paragraph, and any information received in connection with that report, confidential until the report is released to the public.

(l) Access to information.

(1) The Inspector General is legally entitled to, and each department or office in County government and each independent County agency, including each officer, employee, and contractor of the department, office, and agency, must promptly give to the Inspector General, any document or other information concerning its operations, budget, or programs that the Inspector General requests. The Inspector General must comply with any restrictions on public disclosure of the document or information that are required by federal or state law.

(2) To perform the duties of the office, the Inspector General may issue a subpoena to require:

(A) any person to appear under oath as a witness; or

(B) the production of any information, document, report, record, account, or other material.

(3) The Inspector General may enforce any subpoena issued under this Section in any court with jurisdiction.

(4) Each employee or contractor of a County department or agency should report any fraud, waste, or abuse, to the Office of the Inspector General. After receiving a report or other information from any person, the Inspector General must not disclose that person's identity without the person's consent unless that disclosure is necessary to complete an audit or investigation.

(5) An employee of the County government or any instrumentality of the County, an employee of any contractor or subcontractor with the County or any instrumentality of the County, and any individual who makes a complaint to the Inspector General must not be retaliated against or penalized, or threatened with retaliation or penalty, for providing information to, cooperating with, or in any way assisting the Inspector General in connection with any activity of that Office under this Section.

(m) Compliance. Each of the following acts is a Class A violation:

(1) withholding or refusing to respond to a valid request for documents or information under this Section; if requested documentation is not provided within 30 days a subpoena can be issued.

(2) giving false or misleading information in connection with any audit, study, or investigation under this Section;

(3) retaliating or threatening to retaliate against any person for filing a complaint with the Inspector General, furnishing information, or cooperating in any audit, study, or investigation under this Section.

budgets.