

ARTICLE X

Inspector General

X01. Goals

The goals of the Office of the Inspector General (“Office”) are to:

- (a) review the effectiveness and efficiency of programs and operations of County departments and other instrumentalities of County government;
- (b) prevent and detect fraud, waste, and abuse in government activities; and
- (c) propose ways to increase the legal, fiscal, and ethical accountability of County departments, instrumentalities of County government, and County-funded agencies.

X02. Appointment

The County Council shall appoint an Inspector General for a term of four (4) years, as provided in Section X03. Unless the Council reappoints the incumbent, the Council shall select the Inspector General from a list of at least three (3) qualified persons submitted by an Inspector General nominating panel. A nominating panel shall consist of five (5) County residents appointed by the Council by resolution. If the Council does not select one of the persons submitted by the nominating panel, the Council shall instruct the panel to submit another list of at least three (3) other qualified persons. The members of the nominating panel shall not be employed by any department, office, or other instrumentality of County government subject to the charge of the Office of the Inspector General during their appointment to the nominating panel.

X03. 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 shall not serve more than two (2) full terms of four (4) years each; any time served for a partial term shall not be included in such calculation. If the Inspector General resigns, dies, or is removed from office, the Council shall appoint an Inspector General to complete the unexpired portion of the recently-vacated term. If the term of the Inspector General expires or the position is otherwise vacant, the Deputy Inspector General, if any, shall serve as acting Inspector General until an Inspector General is appointed.

X04. Qualifications

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

X05. Removal

The Council may remove the Inspector General by resolution adopted by the affirmative vote of a supermajority of the Council 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 shall hold a public hearing if the Inspector General requests a hearing within ten (10) calendar days after receiving notice of proposed removal from the Council.

X06. Budget

- (a) The Inspector General shall, within six (6) months after their appointment to a full term, 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 shall also recommend a projected budget for the Office of the Inspector General for the following three (3) fiscal years. The Council shall specify in any later budget resolution how the approved Office budget for that fiscal year differs from the projected budget the Council previously recommended.

- (b) Council Responsibility

The Council shall ensure that the operating budget for the Office of the Inspector General is sufficient to provide the services required by this Article. A public hearing and adequate written notice are required to communicate any proposed decrease to the operating budget of this Office.

X07. Staff; Legal Counsel

- (a) The Inspector General may, subject to appropriation and all applicable merit system laws and regulations, appoint one or more deputies as an Appointed Position, employ other staff as merit employee(s), and retain project staff or other consultants. The Inspector General may, with the agreement of the head of any other government department or agency, temporarily assign an employee of that department or agency to the Office of the Inspector General.
- (b) The County Attorney shall provide legal services to the Inspector General, and may employ special legal counsel for the Inspector General pursuant to Section 213.
- (c) The Inspector General may retain independent legal services not subject to the authority of the County Attorney, without the approval of the County Attorney, if:
 - (i) the Inspector General finds that obtaining independent legal services is necessary to effectively perform their duties; and
 - (ii) 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.

X08. Powers and Duties

- (a) The Inspector General shall attempt to identify actions which would enhance the productivity, effectiveness, or efficiency of programs and operations of County departments and other instrumentalities of County government. In developing recommendations, the Inspector General may:
 - (i) conduct investigations, budgetary analyses, and financial, management, compliance, or performance audits and similar reviews; and
 - (ii) seek assistance from any other government agency or private party or undertake any project jointly with any other governmental agency or private body.
- (b) The Inspector General shall:
 - (i) conduct a rotating group-by-group review of the County's internal accounting and contracting processes and controls used by all County-funded agencies, departments, and instrumentalities, to include the Council; and
 - (ii) conduct audits of County contracts and agreements, as appropriate.
- (c) The Inspector General may review or audit any County contract or agreement if the Inspector General determines that such review or audit is in the public interest. The required duties described in subsection (b) herein shall not be construed to limit the powers and duties of the Inspector General established in subsection (a) herein.
- (d) The Inspector General shall comply with generally accepted government auditing standards.

X09. Work Plan

The Inspector General shall direct the activities of the Office of the Inspector General, subject to a work plan for the Inspector General's term which the Inspector General shall adopt within six (6) months after being appointed. An Inspector General fulfilling an unexpired portion of a recently vacated term may direct the activities of the Office pursuant to the work plan adopted by their immediate predecessor. The Inspector General may amend the plan during a term. The Inspector General shall consider recommendations and may seek suggestions for the work plan from the Executive, the County Council, each County-funded agency, employees of County government, independent County agencies, employee organizations, and individual members of the public. The work plan shall include the systematic review and audits required in Section X08. The Inspector General shall 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.

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.

X10. Reports

- (a) The Inspector General shall 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.
- (b) When the Inspector General completes a work plan item, the Inspector General shall submit a written report on that item to the County Council, the Executive, and the Director of each affected County department, other instrumentality of County government, or County-funded agency. The report must describe the purpose of the project, the research methods used, and the Inspector General's findings and recommendations. Each affected County department, instrumentality of County government, or County-funded agency shall be given a reasonable opportunity to respond to the Inspector General's report before release to the public. After giving the Executive and the Council a reasonable opportunity to review the report, the Inspector General shall release the report to the public, subject to the Maryland Public Information Act or other applicable laws.. The public report shall include the response of the affected County department, instrumentality of County government, or County-funded agency, if applicable and subject to applicable laws. The Inspector General shall keep any such report and any information received in connection with that report, confidential until the report is released to the public, subject to applicable laws.

X11. Access to information

- (a) The Inspector General shall be provided access to any document or other information related to the goals set forth in Section X01 contained herein, of each County department and other instrumentalities of the County government, subject to applicable laws. Such document or other information shall be promptly delivered to the Inspector General upon written request made by the Inspector General. The Inspector General shall comply with any restrictions on public disclosure as required by applicable law.
- (b) If a request made pursuant to subsection (a) herein is not complied with within thirty (30) calendar days, the Office of the Inspector General may issue a subpoena to require:
 - (i) any person to appear under oath as a witness; or
 - (ii) the production of any information, document, report, record, account, or other material.
- (c) The Office of the Inspector General may enforce any subpoena issued under this Section in any court with jurisdiction.

- (d) Each employee or contractor of a County department or other instrumentality of County government is encouraged to 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 shall not disclose that person's identity without the person's consent unless that disclosure is necessary to complete an audit or investigation.
- (e) Any individual who makes a complaint to the Inspector General shall 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 Article.
- (f) No individual shall give false or misleading information in connection with any audit, study, or investigation under this Article.

X12. Compliance

- (a) A violation of this Article is a civil infraction, the penalty for which shall be established by public local law.