

INSPECTOR GENERAL AMENDMENT PRESENTATION

Dale Miller

Charter Review Commission, Wednesday, May 16, 2018

Honorable Judge Adrine and Members of the Charter Review Commission:

The amendment that I am proposing would add a new Article XV to the Cuyahoga County Charter on the Agency of Inspector General, as presented in Appendix 1. This language has a long history, stretching back at least six years. It was discussed prior to the first Charter Review Commission. A version was proposed by the first Charter Review Commission. There was further discussion on Council after the first Charter Review Commission. The current version builds on this prior work and includes input from Inspector General Mark Griffin, the League of Women Voters, and Executive Armond Budish and his administration.

There is currently no language in the County Charter on this subject. Cuyahoga County's Agency of Inspector General was created by ordinance. The proposed charter amendment would provide a foundation under the County Code language, which is generally consistent with the proposed amendment but would require some updating if the Charter Amendment is approved as proposed. The County Code language is provided as Appendix 2.

There are three main reasons for including language on Inspector General in the County Charter. The first is to give the Agency greater permanence and stability than could be achieved simply by ordinance. Commitment to high ethical standards remains high and has been reinforced by the current investigation, but it is possible that over time, memory of the scandal that ended the prior government could fade, and a future Council could decide that the Inspector General is no longer needed.

Second, having the Inspector General as a Charter agency raises its stature and makes a statement about our commitment to the highest ethical standards.

Third, an Inspector General provision with the right language helps ensure that the Inspector General has the authority and powers to do its work effectively.

There is clear precedent for including language on Inspector General in a local government charter. In an on-line survey, I was able to identify 13 counties and cities that have Inspector Generals. Five of these counties and cities had provisions on Inspector General in their charters, four did not, and in the other four cases, I was unable to access the source document. Four of the five localities having Inspector General charter provisions included substantial detail on the agency's powers, duties, and operations; the remaining one had only a few sentences in the charter and left the details to ordinance. The charter provisions from the five localities are shown in Appendix 3.

Having discussed the general rationale for including language on the Agency of Inspector General in the County Charter, I will focus the remainder of my presentation on the specific provisions.

Subsection 1: Powers and Duties. The Inspector General shall serve as the County's chief ethics officer and shall direct the Agency of Inspector General. The County Executive and the County Council shall appropriate funding for the Agency's operations, fairly allocated through the regular budget process based on available resources. The Council may, by ordinance further delineate the powers and duties of the Agency of Inspector General, consistent with this Article XV.

Subsection 1 establishes the Agency of Inspector General and the Inspector General, provides for fair funding allocation through the budget process, and enables the County Council to further delineate the Agency's powers and duties, consistent with the amendment. The fair allocation provision is designed to prevent a future Council from starving the Agency of Inspector General out of existence or hampering its operations through the budget process without going so far as to create a dedicated funding source, which I do not believe can be permanently aligned with the amount of resources needed. I did not find any other local government that had a charter provision creating a dedicated funding source for its Inspector General. Broward County, Florida authorized but did not mandate imposition of a fee of 0.25% of the cost of every contract to fund the Agency and also authorized Council to supplement the fee with additional general funds as needed.

Subsection 2: Jurisdiction. To the maximum extent permitted under the Constitution of the State of Ohio and this Charter, the authority of the Agency of Inspector General to investigate possible ethical violations in the conduct of County business shall extend to any employee, official, or appointee of the County and any person or entity doing business with the County.

The exact boundaries of County government under home rule charters are still being worked out. This jurisdiction section is designed to give the Inspector General the broadest possible range permitted by law and constitution.

Subsection 3: Qualification. The Inspector General shall have at least five years' experience as an inspector general, certified public accountant, auditor, licensed attorney, law enforcement officer, or other investigative officer involving supervisory or managerial experience.

This section differs from the ordinance, which requires ten years of experience. We originally tracked the ordinance but received input that the requirement for ten years might unreasonably restrict the applicant pool and a more flexible provision would be better.

Subsection 4: Appointment and Term. The Inspector General shall be appointed by the County Executive, subject to confirmation by Council, for a term of four years. The term of the incumbent Inspector General shall expire on December 31, 2020. Each subsequent Inspector General shall be appointed or reappointed for a term commencing on January 1,

2021, and every four years thereafter. Reappointments shall be subject to Council confirmation.

This section also differs slightly from the ordinance, which creates a 5-year term. The 5-year term would rotate over time as to when it ends in relationship to the County Executive's term. We felt that it would be better for the Inspector General's term to end in the middle of the County Executive's term on a consistent basis.

Subsection 5: Removal. The Inspector General may be removed from office only for cause by resolution receiving the affirmative vote of at least eight members of the Council. The Council shall not vote on the question of the removal of the Inspector General until the Council has provided the Inspector General the opportunity to be heard and to present his or her case for retention in office.

The removal provision is designed to prevent removal for political reasons by requiring that removal only be for cause and be approved by eight members of Council. The concept for requiring the opportunity for the Inspector General to be heard prior to vote on removal came from the League of Women Voters. The exact language mirrors the current Charter provision on the Internal Auditor.

Subsection 6: Vacancy. In the event of a vacancy prior to the expiration of the Inspector General's term, the County Executive shall appoint a successor to complete the unexpired term, subject to confirmation by Council. In the event a vacancy occurs less than two years prior to the expiration of the Inspector General's four-year term, the County Executive may appoint an Inspector General to complete the unexpired term and serve a subsequent four-year term, subject to confirmation by Council.

The vacancy process mirrors the regular appointment process. When a vacancy occurs in the last half of a term, the Executive is given the option to appoint for the remaining term plus an additional full term, subject to Council confirmation. We felt that it would be difficult to obtain a quality candidate for a position in which less than two years is assured.

Subsection 7: Access to County Information. The Inspector General shall have the right to obtain full and unrestricted access to all records, reports, plans, projections, matters, contracts, memoranda, correspondence, and any other materials, including electronic data, of Cuyahoga County, relevant to any inquiry or investigation undertaken pursuant to this Article XV, except as may be legally limited, such as through attorney-client privilege or provisions of the Health Insurance Portability and Accountability Act (HIPAA).

This section was recommended by Inspector General Mark Griffin to help insure access to information relevant to investigations by the Inspector General. Note that the two legal exceptions provided are exemplary, rather than exclusive, recognizing that there may be other legal limits on access to information.

Subsection 8. Subpoena Power. The Inspector General shall have authority to subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents, including electronic data as is deemed to be relevant to any inquiry or investigation undertaken pursuant to this Article XV.

While there has been some discussion as to whether the Inspector General should be given subpoena power, there is ample precedent for its inclusion. Three of the four localities which have detailed Inspector General language in their charters expressly provide for subpoena power. In Cuyahoga County government, County Council, the Internal Auditor, and the Consumer Affairs Department all have subpoena power, granted by charter or by ordinance. I believe this provision is necessary to the strong and effective operation of the Agency of Inspector General.

County Executive Armond Budish very recently reviewed the draft language and made two recommendations. The first was that funding for the Inspector General be done by the Executive and Council through the regular budget process. This suggestion was incorporated into the draft that you have. He also suggested that investigations by the Inspector General including any subpoenas be exempt from being public records until the investigation is completed and the report is filed. Noting that exemption from public record is a complex and frequently litigated area of law and that we strongly desire not to have charter language overturned, I recommended that we deal with this aspect by Ordinance.

The first Charter Review Commission proposed an amendment on Inspector General which included many provisions similar to those presented here plus considerable additional detail. That proposed amendment is shown as Appendix 4. The first CRC's amendment failed to make the ballot because some Council members believed that we needed more time to see how the Agency of Inspector General operated before putting language in the County Charter. Others felt that the proposed amendment was too detailed for a charter provision. On this latter point, I agree. Provisions from the first CRC's amendment such as those on deputy inspector general; contracting with other agencies; confidential files; furniture, equipment, and software; and limitations on the Inspector General can be dealt with by ordinance. I also don't support their first CRC's amendment provision which requires Council do devise a fixed funding source. This may or may not prove workable, and I don't believe it should be a charter requirement.

The updated version proposed here contains the essential framework for a strong and effective Agency of Inspector General without getting into details that may be left to ordinance. Cuyahoga County's Inspector General has now operated successfully for seven years, and I believe Council is ready to propose an Inspector General Charter amendment to the voters. This specific language is the result of much collaboration, and I believe that it would be approved for the ballot if recommended by your Commission. I respectfully present it for your consideration.

Respectfully submitted,
Dale Miller,
Cuyahoga County Councilperson, District 2

APPENDIX 1: Proposed Inspector General Amendment

ARTICLE XV—AGENCY OF INSPECTOR GENERAL

SECTION 15.01 AGENCY OF INSPECTOR GENERAL.

- (1) **Powers and Duties.** The Inspector General shall serve as the County’s chief ethics officer and shall direct the Agency of Inspector General. The County Executive and the County Council shall appropriate funding for the Agency’s operations, fairly allocated through the regular budget process based on available resources. The Council may, by ordinance, further delineate the powers and duties of the Agency of Inspector General, consistent with this Article XV.
- (2) **Jurisdiction.** To the maximum extent permitted under the Constitution of the State of Ohio and this Charter, the authority of the Agency of Inspector General to investigate possible ethical violations in the conduct of County business shall extend to any employee, official, or appointee of the County and any person or entity doing business with the County.
- (3) **Qualifications.** The Inspector General shall have at least five years’ experience as an inspector general, certified public accountant, auditor, licensed attorney, law enforcement officer, or other investigative officer involving supervisory or managerial experience.
- (4) **Appointment and Term.** The Inspector General shall be appointed by the County Executive, subject to confirmation by Council, for a term of four years. The term of the incumbent Inspector General shall expire on December 31, 2020. Each subsequent Inspector General shall be appointed or reappointed for a term commencing on January 1, 2021, and every four years thereafter. Reappointments shall be subject to Council confirmation.
- (5) **Removal.** The Inspector General may be removed from office only for cause by resolution receiving the affirmative vote of at least eight members of the Council. The Council shall not vote on the question of the removal of the Inspector General until the Council has provided the Inspector General the opportunity to be heard and to present his or her case for retention in office.
- (6) **Vacancy.** In the event of a vacancy prior to the expiration of the Inspector General’s term, the County Executive shall appoint a successor to complete the unexpired term, subject to confirmation by Council. In the event a vacancy occurs less than two years prior to the expiration of the Inspector General’s four-year term, the County Executive may appoint an Inspector General to complete the unexpired term and serve a subsequent four-year term, subject to confirmation by Council.
- (7) **Access to County Information.** The Inspector General shall have the right to obtain full and unrestricted access to all records, reports, plans, projections,

matters, contracts, memoranda, correspondence, and any other materials, including electronic data, of Cuyahoga County, relevant to any inquiry or investigation undertaken pursuant to this Article XV, except as may be legally limited, such as through attorney-client privilege or provisions of the Health Insurance Portability and Accountability Act (HIPAA).

(8) Subpoena Power. The Inspector General shall have authority to subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents, including electronic data as is deemed to be relevant to any inquiry or investigation undertaken pursuant to this Article XV.

Acknowledgment: Former Councilman Dave Greenspan, Mike King, Inspector General Mark Griffin, Executive Armond Budish's administration, and the League of Women Voters contributed significantly to the development of this proposed language.

APPENDIX 2: Cuyahoga County Code Provisions on Inspector General

Section 204.01 Agency of the Inspector General

A. **Definitions** As used in Section 204.01 of the Cuyahoga County Code:

“Agency” shall refer to the Agency of the Cuyahoga County Inspector General established herein.

“Cause” for purposes of removal for cause shall have the same meaning as legitimate cause under Ohio’s civil service law.

“Employee” / “Employees” shall mean County employees who operate within the County government established by the Cuyahoga County Charter.

“Public Official” / “Public Officials” shall mean the public officials of the Cuyahoga County government established by the Cuyahoga County Charter.

“County Contracts” shall mean all contracts to which the County is a party, excluding collective bargaining contracts and contracts with any other governmental entity.

B. **The Cuyahoga County Inspector General Agency.**

Establishment. There is hereby established the Agency of Inspector General to be known as the “Cuyahoga County Inspector General.”

Direction of Agency. The Inspector General shall direct the Agency and shall employ assistants and employees as shall be reasonably necessary to assist the Inspector General in carrying out the duties of the Agency in accordance with the budget parameters set forth in this Chapter. In employing the assistants and other employees, the Inspector General shall comply with the hiring rules, regulations and processes of the Human Resource Department of Cuyahoga County.

Investigative Powers and Duties. The Inspector General is hereby appointed to conduct examinations under Section 2.05 of the County Charter and shall, therefore, have all such rights and duties to investigate fraud, corruption, waste, abuse, misfeasance, malfeasance, and nonfeasance without interference or pressure from any other Public Official or Employee. The Inspector General shall also perform all of the following:

- a. The Inspector General shall serve as the County’s chief ethics officer and is charged with the responsibility of investigating and enforcing Title 4 of the County Code in accordance with the terms of said Title. In so doing, the Inspector General shall cooperate with the County’s Personnel Review Commission. The Inspector General shall not interfere with the authority of the Personnel Review Commission to ensure “compliance with ethics resolutions or ordinances as passed by the Council” under Section 9.02(3) of the County Charter.
- b. The Inspector General shall establish a “hotline” and web site to receive complaints from either anonymous or identified persons, and s/he shall investigate all complaints, tips, and any other filings and submittals received by the Agency regardless of the format or forum through which such information or documents are received. Without regard to how such documents are received by the Agency, all documents prepared or received by the Agency, including, without limitation, all complaints, tips, and any other filings and submittals received by it shall be considered part of the Inspector General’s investigative files.
- c. The Inspector General shall have the powers and rights to investigate all county contracts subject to the limitations set forth in Section 204.01(B)(4) of this Chapter.

d. If an investigation reveals reasonable grounds to believe that a violation of any state, federal, or local law, rule, regulation, or policy has taken place, the Inspector General shall notify the appropriate civil, criminal, or administrative agencies in charge with enforcement of said violation. If an investigation reveals reasonable grounds to believe that a violation of a rule, regulation, or policy governing a County employee has taken place, the Inspector General shall notify the employee's appointing authority and the applicable Department of Human Resources.

e. The Inspector General shall cooperate with other governmental agencies to recover such costs from other entities involved in willful misconduct in regard to County funds and return said funds to the County's General Fund.

f. The Inspector General shall prepare and publish on its website semiannual reports (the first of which will cover the period January 1st – June 30th and will be due in July and the second of which will cover the period July 1st – December 31st and will be due in February) concerning the work and activities of the Agency pertaining to closed investigations, including statistical information regarding the disposition of closed investigations, audits, and other reviews. The reports shall include the total number of complaints received during each reporting period, the number that required active investigation, the number that resulted in prosecution or other disciplinary actions, and the number of investigations closed, along with the cost incurred over and above that of the cost of the salaries of the Agency.

Limitations on the Inspector General's Investigative Powers and Duties.

a. **No Interference with Ongoing Investigations.** The Inspector General shall not interfere with any ongoing criminal, administrative, or civil investigation or prosecution in the performance of his/her duties. If necessary, the Inspector General shall suspend all investigative activities to ensure that the Agency's actions do not interfere with any such investigations.

b. **Protection of Constitutional and Civil Rights.** The Inspector General shall manage the Agency and conduct all investigations in accordance with law and in a manner that protects the constitutional and civil rights of any person who is the subject of an investigation as well as the constitutional and civil rights of any potential witnesses. The Inspector General shall adopt policies and procedures to ensure that such protections are in place in conducting any investigations or performing any other function.

c. **Effect on Contracts.** The enactment of this Code shall not be interpreted to interfere with or change the terms of any contracts with the County in place at the time of its enactment. All contracts and contract amendments entered into on or after the effective date of this Chapter, however, shall be subject to the requirements of this Chapter. In addition to the County's powers to enforce this Code under its home rule powers, this Chapter, including all obligations by contractors, shall be considered a material term of all contracts or contract amendments entered with the County on or after the effective date of this Chapter, and all contractors shall comply with its requirements as a material term of their contracts with the County. All Inspector General inspections or investigations of a contractor shall specifically relate to a contract with the County.

d. **Relationship with Inspector General.** The Inspector General shall cooperate with the Department of Internal Auditing to avoid duplication of effort and to share information, so long as such sharing does not compromise an ongoing investigation. At the request of the Inspector General and with the approval of the Internal Auditor, the Department of Internal Auditing may provide services to the Inspector General for a specific investigation. The Inspector General shall not interfere with the authority of the Internal Audit Department to conduct audits pursuant to the Charter, any applicable ordinances, and any rules established by the Internal Audit Committee.

Inspector General's Budget.

a. **Initial Budget.** Through the remainder of the year 2011, the Inspector General's budget shall be \$375,000.00.

b. **Subsequent Annual Budget.** With the benefit of having experienced the needs and expenses of the Agency for the year 2011, the Inspector General shall submit a proposed budget for the year 2012 in accordance with the time parameters of Council's regular budgetary practices.

c. **Requests for Additional Funding.** Nothing contained herein shall be construed to prohibit the Inspector General from transmitting to the Council supplemental budget requests, which shall be reviewed and considered in the normal budgetary process.

Agency's Facilities, Furniture, Equipment and Software. The County shall exercise good faith efforts to provide the Agency with appropriately located office space and sufficient physical facilities, including office furniture, equipment, and software, commensurate with other County departments of similar size and needs.

C. **Selection, Term, Qualifications, and Removal of Inspector General.**

Incumbent Inspector General. Without regard to the appointment requirements of Section 204.01(C)(2) herein, and subject to the removal provisions of Section 204.01(D) herein, the incumbent Inspector General, Nailah Byrd, shall have the right to continue to serve as the County's first Inspector General without confirmation of Council until June 30, 2016.

Appointment of Inspector General. The Inspector General shall be appointed by the County Executive for a term of five years subject to confirmation by Council. In the case of a vacancy in the position of Inspector General, the Executive shall appoint a successor Inspector General, subject to the confirmation of Council, to the term of the Inspector General. The Executive may appoint, with the approval of the President of Council, an Interim Inspector General for a period not to exceed 90 days.

Term of Office of Inspector General. The term of the Inspector General shall be for five years.

Qualifications of Inspector General. In appointing and confirming the Inspector General, the Executive and the Council shall exercise good faith efforts to seek highly qualified candidates who have demonstrated the ability to work with local, state, and federal law enforcement agencies and who have audit-related skills and professional certifications in relevant fields. The selected Inspector General shall have the following minimum qualifications:

a. A juris doctorate degree from an accredited institution of higher learning; and,

b. At least ten years' experience in any one or a combination of the following fields:

i. as a federal, state, or local law enforcement agent/official;

ii. as a licensed attorney;

iii. as an inspector general, certified public accountant, or internal auditor; or

iv. as a person with escalating supervisory and managerial experience in an investigative public agency similar to an inspector general's agency.

D. **Removal.** The Inspector General may only be removed from office for cause. Either the Executive or Council may initiate the process to remove the Inspector General by resolution before Council. To effectuate such removal, the resolution must receive the affirmative vote of at least eight members of Council.

E. **Abolition of the Office.** The Agency of the Inspector General shall only be abolished upon the affirmative vote of at least eight members of Council and executed by the Executive.

F. **No Classified Positions.** Nothing in this Chapter, including the removal procedures, is intended to make the position of Inspector General or any of its employees a classified employee of the County.

(Clerk's Note: Article IX of The Cuyahoga County Charter was amended by the electors on November 5, 2013 to change the name of the Human Resource Commission to the Personnel Review Commission)

(Ordinance Nos. [O2012-0008](#), Enacted 6/26/2012, Effective 6/27/2012; [O2011-0019](#), Enacted 6/14/2011, Effective 6/16/2011)

APPENDIX 3: INSPECTOR GENERAL PROVISIONS FROM COUNTY AND CITY CHARTERS

BROWARD COUNTY, FL COUNTY CHARTER

ARTICLE X - BROWARD COUNTY OFFICE OF INSPECTOR GENERAL Section 10.01 BROWARD COUNTY OFFICE OF INSPECTOR GENERAL

A. Created and Established. (1) The Broward County Office of Inspector General (the "Office") is created to investigate misconduct and gross mismanagement. (2) For purposes of this Charter provision, misconduct is defined as any violation of the state or federal constitution, any state or federal statute or code, any county or municipal ordinance or code; or conduct involving fraud, corruption, or abuse. (3) For purposes of this Charter provision, gross mismanagement is defined as the material waste or significant mismanagement of public resources. (4) The Office shall be headed by an Inspector General. The organization and administration of the Office shall be independent to assure that no interference or influence external to the Office affects the objectivity of the Office. (5) Consistent with its approved budget, the Inspector General shall have the power to employ personnel as deemed necessary for the efficient and effective administration of the Office.

B. Functions, Authority, and Powers. (1) The authority of the Inspector General shall extend only over the following: (a) All elected and appointed officials ("Officials") and employees ("Employees") of the Charter Government of Broward County ("County") and of all municipalities, including any city, town, or village duly incorporated under the laws of the state within Broward County ("Municipalities"); and (b) All entities and persons (other than employees of the County or any Municipality) that provide goods or services to the County or any Municipality under contract for compensation ("Providers"), but solely with respect to the provision of such goods or services. (2) The Inspector General shall commence an investigation if good cause exists that any Official, Employee, or Provider has engaged in misconduct or gross mismanagement. (3) The Inspector General may find good cause on his or her own initiative or based on a signed, verified complaint (as described below) stating allegations that, if true, would constitute misconduct or gross mismanagement. (4) In addition to meeting the requirements of paragraph (3) above, a complaint may only serve as a basis for a good cause finding if it is signed by an identified person who verifies the contents of the complaint by including the following statement: "Under penalties of perjury, I declare that I have read the foregoing complaint and that based on my personal knowledge the facts stated in it are true." The Inspector General shall develop a complaint form consistent with the requirements of this paragraph. (5) Any complaint received by the Office that is made against a candidate for elected office, and received within sixty (60) days of the date of the election, shall be held in abeyance until the election is determined, or, if the complaint is made within sixty (60) days of a primary election, until the general election is determined if the individual against whom the complaint was filed remains a candidate in the general election. (6) In connection with an investigation, the Inspector General shall have the power to subpoena witnesses, administer oaths, and require (through subpoena or otherwise) the production of documents and records. (7) As part of any investigation, the Inspector General may audit any program, contract, or the operations of any division, department, or office of the County and Municipalities. The Inspector General may also audit the operations or performance of any Provider relating to the Provider's

contract for compensation with the County or any Municipality. (8) The auditing referenced in paragraph (7) above shall be performed with the cooperation of the County Auditor. When conducting audits, the Inspector General shall have free and unrestricted access to Employees, Officials, records, and reports, and to the records and employees of Providers with respect to any Provider's contract for compensation with the County or any Municipality. The Inspector General may require Officials, Employees, and Providers to provide oral and written reports and to produce documents, files, and other records. (9) All Officials, Employees, and Providers shall fully cooperate with investigations conducted by the Inspector General. (10) As part of an investigation, the Inspector General shall interview all persons implicated by a complaint, and all persons implicated during the Inspector General's investigation.

Charter of Broward County, Florida 24 (Revised November 8, 2016) (11) As part of an investigation, the Inspector General (or his or her designee) may attend all duly-noticed local government meetings relating to the procurement of goods or services, and may pose questions and raise concerns consistent with the functions, authority, and powers of the Inspector General. (12) To the full extent provided under applicable law, including under Subsection 112.3188(2), Florida Statutes, as amended, the Inspector General's records related to active investigations shall be confidential and exempt from disclosure. (13) In any case in which the Inspector General determines that a person has filed a complaint with a malicious intent to injure an Official's, Employee's, or Provider's reputation with baseless, spurious, or false accusations, or with a reckless disregard for the truth of the allegations, the complainant shall be liable for all costs incurred by the Inspector General in the investigation of the complaint. Upon such a determination, the Inspector General shall issue a demand letter for reimbursement of such costs, which shall be sent to the complainant by certified mail and presumed received three (3) days after mailing. If the complainant objects in writing to the demand for reimbursement of costs within thirty (30) days of receipt of the demand, the matter shall be referred by the Inspector General to a Hearing Officer (as provided below) for adjudication, including a determination of whether the criteria for the imposition of such costs have been met. If there is no timely objection, the Inspector General's determination shall be deemed to be final, conclusive, and binding. Once final, the determination for reimbursement of costs may be enforced by the Inspector General by filing an appropriate action in a court of competent jurisdiction. (14) An Official or Employee who prevails in full in any administrative hearing in connection with a complaint filed with the Office of Inspector General shall be entitled to reimbursement of all reasonable attorney's fees and costs incurred in the defense against such complaint to the full extent the Official or Employee would be entitled to reimbursement in connection with a complaint filed under the Florida Code of Ethics for Public Officers and Employees.

C. Referral and Prosecution of Misconduct. (1) After completing his or her investigation and determining that there is probable cause to believe misconduct has occurred, the Inspector General shall notify the appropriate civil, criminal, or administrative agencies charged with enforcement related to the alleged misconduct. If no civil, criminal, or administrative agency has jurisdiction over the alleged misconduct, the matter shall be referred to a Hearing Officer (as provided below) for quasi-judicial enforcement proceedings. (a) The Inspector General shall refer findings of alleged criminal offenses to the Office of the State Attorney and/or the Office

of the United States Attorney. (b) The Inspector General shall refer findings of alleged civil offenses involving a violation of Chapter 112, Part III, Florida Statutes, to the Florida Commission on Ethics. (c) The Inspector General shall refer findings of alleged violations of The Florida Election Code, Chapters 97 through 106, Florida Statutes, to the Florida Elections Commission (except as to alleged violations that may be criminal in nature, which shall be referred to the Office of the State Attorney). (d) The Inspector General shall refer other alleged offenses to the appropriate civil, criminal, or administrative agency that would have jurisdiction over the matter. (2) Any civil infraction not covered by paragraphs (a) through (d) above shall be stated in a complaint brought in the name of the Inspector General. The Inspector General may retain legal counsel not employed by the County to represent the Inspector General in prosecuting a complaint. The Inspector General shall serve the complaint on the Official, Employee, or Provider accused of misconduct in any manner deemed proper service under the Florida Rules of Civil Procedure. Concurrently with such service, the Inspector General shall refer the complaint to a Hearing Officer randomly chosen from the panel of Hearing Officers selected by the Selection-Oversight Committee (as described below). The accused person or entity shall file a response to the complaint within thirty (30) days after service. (3) Except to any extent inconsistent with any provision of this section, the Florida Rules of Civil Procedure and Florida Evidence Code, as amended, shall apply to all matters referred to a Hearing Officer under paragraph (2) above. (4) In addition to all other authority granted in this Section, the Hearing Officer shall have the authority to: (a) Issue scheduling orders, case-management orders, and briefing schedules; (b) Issue notices of hearings; (c) Hold hearings on any procedural or substantive matters related to the complaint; (d) Administer oaths and affirmations; (e) Issue subpoenas authorized by law, including those requiring the attendance of witnesses and the production of documents and other items which may be used as evidence;

Charter of Broward County, Florida 25 (Revised November 8, 2016) (f) Rule upon motions presented and offers of proof and receive relevant evidence; (g) Issue appropriate orders to effectuate discovery; (h) Regulate the course of the hearing; (i) Dispose of procedural requests or similar matters; and (j) Enter any order, consistent with his or her authority, to carry out the purposes of this Charter provision. (5) Within thirty (30) days after completion of the hearing process, the Hearing Officer shall issue a final order determining whether the Inspector General has proved the allegations of the complaint by a preponderance of the evidence. The final order shall contain detailed findings of fact and conclusions of law. If the Hearing Officer determines that misconduct has occurred, the final order shall specify the sanction(s) imposed, if any. The Hearing Officer may impose any of the following sanctions: (a) Fines. 1. An Official, Employee, or Provider determined to have committed misconduct shall be assessed a monetary fine of between two hundred and fifty dollars (\$250.00) and five thousand dollars (\$5,000.00) per violation. 2. In determining the amount of the fine, the Hearing Officer shall consider: a) The gravity of the violation; b) Whether it was intentional; and c) Whether it is a repeat offense. 3. The Hearing Officer may determine that no fine shall be imposed upon making an affirmative, express finding that the violation was unintentional and de minimis. 4. In addition to a fine, the Hearing Officer may order the Official, Employee, or Provider to pay restitution or to disgorge any sums wrongfully received (directly or indirectly) by that person or entity (or any related person or entity). (b) Public Reprimand/Censure. An Official or Employee who is found to have

violated any provision of this Code may be subject to public reprimand or censure. (6) All orders issued by the Hearing Officer, when final, are subject to judicial review as provided by applicable law.

D. Reports and Recommendations. (1) The Inspector General shall issue reports, including recommendations, in the following circumstances: (a) At the conclusion of an investigation involving allegations of gross mismanagement; and (b) At the conclusion of an investigation involving allegations of misconduct, if the Inspector General determines that a report will assist the County or any Municipality in preventing similar future misconduct. However, no report shall be issued if the Inspector General, in conjunction with the State Attorney or United States Attorney, determines that the issuance of such report may jeopardize a pending criminal investigation. (2) The Inspector General shall issue all reports as follows: (a) Upon conclusion of an investigation described in paragraph (1) above, the Inspector General shall issue a preliminary report containing findings and recommendations to the County or Municipality and to the Officials, Employees, or Providers implicated in the report. The recipients of the preliminary report shall have thirty (30) days to respond to the preliminary report's findings and recommendations. The time to respond to a preliminary report may be extended by the Inspector General. (b) Within thirty (30) days after the response deadline, the Inspector General shall issue a final report containing findings and recommendations to the County or Municipality and to the Officials, Employees, and Providers implicated in the report. All responses to the Inspector General's preliminary report shall be considered in preparing the final report, and shall be appended to the final report. (3) The Inspector General may follow up on any recommendations he or she makes to determine whether such recommendations have been implemented. (4) The Inspector General shall establish policies and procedures to monitor the costs of investigations undertaken.

E. Minimum Qualifications, Selection, and Term of Office. (1) Minimum qualifications. The Inspector General shall be a person who: (a) Has at least ten (10) years of experience in any one or a combination of the following fields: (i) as a federal, state, or local law enforcement officer or official; (ii) as a federal or state court judge;

Charter of Broward County, Florida 26 (Revised November 8, 2016) (iii) as a federal, state, or local government attorney with expertise in investigating fraud, mismanagement, and corruption; (iv) as an inspector general, certified public accountant, or internal auditor; (v) as a person with progressive supervisory experience in an investigative public agency similar to an inspector general's office; (vi) as a person who has managed and completed complex investigations involving allegations of fraud, theft, deception, or conspiracy; or (vii) as a person who has demonstrated an ability to work with local, state, and federal law enforcement agencies and the judiciary. (b) Has, at a minimum, a four-year degree from an accredited institution of higher learning. (c) Has experience in the management of a private or public entity. (d) Has not been employed by the County or any Municipality during the two (2) year period immediately prior to selection. (e) Has not been found guilty of or entered a plea of nolo contendere to any felony, or any misdemeanor involving a breach of public trust. (2) Selection. (a) Responsibility for selecting the Inspector General shall be vested solely with the Inspector General Selection-Oversight Committee ("Selection-Oversight Committee"). (b) The Selection-Oversight Committee shall be comprised of the following five (5) individuals, none of whom

shall be an elected official: (i) One person appointed by the Broward League of Cities; (ii) One person appointed by the State Attorney for the Seventeenth Judicial Circuit ex officio, or by his or her designee if the State Attorney is unable or unwilling to appoint; (iii) One person appointed by the Public Defender for the Seventeenth Judicial Circuit ex officio, or by his or her designee if the Public Defender is unable or unwilling to appoint; (iv) The United States Attorney for the Southern District of Florida, or his or her designee if the United States Attorney is unwilling or unable to serve; and (v) One person selected by affirmative vote of at least three (3) members of the Selection-Oversight Committee referenced above. (c) The appointments to the Selection-Oversight Committee under (b)(i), (ii), and (iii) above, and the United States Attorney's agreement to serve or his or her designation under (b)(iv), shall be made within sixty (60) days of the effective date of this Charter provision. (d) The selection under (b)(v) shall be made within fifteen (15) days thereafter. (e) If, for any reason, a timely appointment, agreement to serve, or designation under (b)(i), (ii), (iii), or (iv) does not occur, the members of the Selection-Oversight Committee shall fill the vacant position by affirmative vote of at least three (3) members. (f) Any appointee or designee may be removed and replaced at any time by the appointing or designating authority. (g) Except as referenced in (e) above, any vacancy on the Selection-Oversight Committee shall be filled by the appointing or designating authority within thirty (30) days. (h) The members of the Selection-Oversight Committee shall elect a chairperson who shall preside over the actions of the Committee. The Selection-Oversight Committee shall establish its own rules of procedure. (i) The Human Resources Division of Broward County shall provide staffing to the Selection-Oversight Committee for the purpose of filling the position of Inspector General. (j) Within thirty (30) days after the effective date of this Charter provision, the Human Resources Division of Broward County shall solicit qualified candidates for the position of Inspector General. Within one hundred and twenty (120) days after the effective date of this Charter provision, the Selection-Oversight Committee shall select an Inspector General. (k) In addition to its other responsibilities, the Selection-Oversight Committee shall select qualified Hearing Officers to preside over hearings in connection with those matters referred to Hearing Officers as provided above. (l) In selecting the Inspector General and qualified Hearing Officers, the Selection-Oversight Committee shall take into consideration the rich diversity of the County's residents. (3) Term. The Inspector General shall be appointed for a term of four (4) years, commencing from the time the Inspector General and the County enter into a contract. The Selection-Oversight Committee shall convene at least six (6) months prior to the end of the four-year contract term to determine whether to renew the contract of the Inspector General or to solicit new candidates.

Charter of Broward County, Florida 27 (Revised November 8, 2016) (4) Contract. Once the Selection-Oversight Committee selects an Inspector General, the Committee shall notify the Broward County Administrator and County Attorney. The Director of the Broward County Human Resources Division, with the assistance of the Office of the County Attorney, shall promptly negotiate a contract of employment with the Inspector General substantially consistent with the terms included in contracts of other contractual employees of Broward County. (5) Removal. The Inspector General may be removed based on specified charges of the following: neglect of duty, abuse of power or authority, discrimination, or ethical misconduct. Removal shall be considered at a duly-noticed public hearing of the Selection-Oversight

Committee. The Inspector General shall be provided sufficient advance notice of the reasons for the possible removal, and shall be given an opportunity to be heard on the charges. (6) Vacancy. In the event of a vacancy in the position of Inspector General, the Chairperson of the Selection-Oversight Committee shall appoint an interim Inspector General until such time as a successor Inspector General is selected and assumes office. The Interim Inspector General shall meet all qualifications provided herein for the Inspector General.

F. Annual Report. (1) The Inspector General shall annually publish a written report to the County and the Municipalities detailing the activities of the Office of Inspector General. The annual report of the Inspector General shall, promptly after it is completed, be posted on a website established by the Inspector General, and shall be presented to the Selection-Oversight Committee. (2) The Selection-Oversight Committee shall convene within sixty (60) days of its receipt of the annual report to consider the report and the performance of the Inspector General. Other meetings of the Committee may be set upon the request of any member of the Committee or at the request of the Inspector General.

G. Financial Support and Budgeting. (1) The Inspector General's budget is subject to approval of the County Commission. (2) Within sixty (60) days of selection, the Inspector General shall submit a proposed budget to the County Commission covering the remainder of the County's fiscal year in which the Inspector General is selected. In each subsequent County fiscal year, the Inspector General shall submit a proposed budget to the County Commission in accordance with the County's regular budget process. (3) Each proposed budget shall include a reasonable estimate of operating and capital expenditures of the Office of Inspector General, funds to enable Hearing Officers to be retained, and funds to enable the Inspector General to retain outside counsel to represent the Inspector General in connection with complaints referred to a Hearing Officer. (4) The County Commission shall provide sufficient funds for the Inspector General to carry out his or her duties in an efficient manner. (5) In order to fund the Office of Inspector General, the County may impose a fee of one quarter of one percent (0.25%) on the total value of each County contract entered into after the effective date of this Charter amendment. (6) In the event funds raised from such contract fees in any County fiscal year are insufficient to fund the Office of Inspector General, the County Commission may supplement such funding from the County's general revenue fund. H. Conflict. Any County or Municipal ordinance or resolution that creates or has created an Office of Inspector General, or an officer, employees, or agents that function substantially the same as the Office of Inspector General as provided herein, shall be deemed inconsistent with and preempted by this Charter provision.

JEFFERSON PARISH, LA COUNTY CHARTER

Section 4.09. - Inspector General.

(A) There shall be an office of inspector general which shall provide a full-time program of investigation, audit, inspections and performance review of parish government operations to assist in improving operations and deterring and identifying, fraud, waste, abuse, and illegal acts and to provide increased accountability of parish government, its departments, agencies, special districts and entities receiving funds through the parish, in order to preserve public trust.

(B) The office of inspector general shall be headed by an Inspector General who shall be appointed by the ethics and compliance commission in accordance with procedures established by ordinance. The Inspector General shall be qualified by special training and experience in the administration and managing of programs for prevention; examination, investigation, audit, detection, elimination and prosecution of fraud, corruption, waste, mismanagement, or misconduct in the operation of government or organizations and such other qualifications as may be established by ordinance. The Council by ordinance may also provide a term of office and other responsibilities and duties of the office. The Inspector General may only be removed for cause and after a public hearing by the ethics and compliance commission.

(C) The office of inspector general and the ethics and compliance commission may retain special counsel notwithstanding the provisions of Section 4.04 of this Charter.

(D) (1) In order to assure the independent operation of the office of inspector general, the office, in conjunction with the ethics and compliance commission, shall receive the proceeds of any special tax levied and approved by the electorate which is dedicated to providing, maintaining, administering and operating an office of inspector general and an ethics and compliance commission. (2) At the end of each fiscal year, any unused funds Any funds remaining at the end of the fiscal year shall be carried over to future fiscal years. Carryover funds exceeding an amount equal to the proceeds of the most recent annual special tax dedicated to the office of inspector general and the ethics and compliance commission shall be forwarded to the parish general fund. (3) The office of inspector general may be abolished by ordinance of 2/3 vote of the Council if the voters fail to approve the levying of a special tax, the renewal of the levying of a special tax, or other revenue source for the operation of the office of inspector general and the ethics and compliance commission. 26

(E) An investigation within the purview of the Inspector General shall take preference and priority over any investigation of the same person or activity conducted by the Parish. Should the Inspector General determine that an investigation being conducted by the Parish is interfering with an investigation being conducted by the Office of the Inspector General, and the investigating party does not voluntarily agree to suspend such investigation, the Inspector General may issue a Cease and Desist Order directing that the interfering investigation stop and not proceed until such time as the investigation conducted by the Office of the Inspector General is completed.

NEW ORLEANS CITY CHARTER

Section 9-401. - Office of Inspector General.

(1)

The Council shall by ordinance create an Office of Inspector General (OIG) and otherwise provide with respect thereto.

(2)

The OIG shall provide for a full-time program of investigation, audit, inspections, and performance review to provide increased accountability and oversight of entities of city government or entities receiving funds through the city, and to assist in improving agency operations and deterring and identifying, fraud, waste, abuse, and illegal acts. The OIG is specifically authorized to conduct audits of City entities.

(3)

The OIG may retain special counsel notwithstanding the provisions of [Section 4-403](#) of this Charter.

DETROIT CITY CHARTER

CHAPTER 3. OFFICE OF INSPECTOR GENERAL

Sec. 7.5-301. Establishment. An independent Office of Inspector General is hereby created. The Inspector General shall head the office. The purpose of the Office of Inspector General is to ensure honesty and integrity in City government by rooting out waste, abuse, fraud, and corruption.

Sec. 7.5-302. Appointment, Removal, Term of Office and Vacancy. The Inspector General shall be appointed by the majority of City Council members serving. The Inspector General may be removed for cause by a two-thirds (2/3) vote of City Council members serving and shall be appointed for a term of six (6) years. If a vacancy occurs in the Office of Inspector General, the City Council shall, within sixty (60) days, fill the office for a full term.

Sec. 7.5-303. Minimum Qualifications. The Inspector General shall be a person who: 1. Has a bachelor's degree from an accredited institution of higher learning. 2. Has at least ten (10) years of experience in any one, or combination of, the following fields: a. As a federal, state or local law enforcement officer; b. As a federal, state or local government attorney, including a public defender; c. As a federal or state court judge; d. Progressive supervisory experience in an investigative public agency similar to an inspector general's office; e. Has managed and completed complex investigations involving allegations of fraud, theft, deception and conspiracy; and f. Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary.

Sec. 7.5-304. Limitations; Prohibited Activities. During his or her term, the Inspector General may not engage in an occupation for profit, except for teaching, or hold any other government office outside the duties of the Inspector General. Subject to applicable law, the Inspector General shall not solicit votes or raise monetary or in-kind contributions for any candidate for an elective office. Any person who has held the position of Inspector General is not eligible for re-appointment. Subject to applicable law, the Inspector General may not hold any elective city office until two (2) years after leaving the position.

Sec. 7.5-305. Jurisdiction. The powers and duties of the Inspector General shall extend to the conduct of any Public Servant and City agency, program or official act, contractors and subcontractors providing goods and services to the 84 | P a g e City, business entities seeking contracts or certification of eligibility for city contracts and persons seeking certification of eligibility for participation in any city program.

Sec. 7.5-306. Powers and Duties. The Inspector General shall: 1. Investigate any Public Servant, city agency, program or official act, contractor and subcontractor providing goods and services to the City, business entity seeking contracts or certification of eligibility for City contracts and person seeking certification of eligibility for participation in any city program, either in response to a complaint or on the Inspector General's own initiative in order to detect and prevent waste, abuse, fraud and corruption. 2. Issue quarterly reports to the City Council and Mayor concerning results of investigations and audits undertaken by the Office of Inspector General.

All reports shall be a public record and additionally published electronically on the World Wide Web or another format as to provide remote or on-line access to the reports. Have access to the financial and other records of all city agencies at any time.

Sec. 7.5-307. Subpoena Powers. 1. The Inspector General may subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, enter and inspect premises within the control of any city agency during regular business hours. 2. The Inspector General may enforce a subpoena or order for production of evidence. The Inspector General shall apply to the appropriate court to impose any penalty prescribed for failure to obey a subpoena or order.

Sec. 7.5-308. Duty to Report Illegal Acts. If the Inspector General has probable cause to believe that any Public Servant or any person doing or seeking to do business with the City has committed or is committing an illegal act, then he or she shall promptly refer the matter to the appropriate prosecuting authorities.

Sec. 7.5-309. Employees. The Office of Inspector General shall include an Inspector General and such deputies, assistants and other employees as deemed necessary by the Inspector General. The Office of Inspector General staff shall include, at a minimum, attorneys, investigators and auditors who are certified public accountants. The Inspector General may hire, promote, discipline and remove employees of the office, assign duties to the employees and supervise the performance of those duties. The staff of the office may include persons who are both subject to, and exempt from, Article 6, Chapter 4 of this Charter.

Sec. 7.5-310. Cooperation in Investigations; Obstruction. It shall be the duty of every Public Servant, contractor and subcontractor and licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the Inspector 85 | P a g e General in any investigation pursuant to this Article. Any Public Servant who willfully and without justification or excuse obstructs an investigation of the Inspector General by withholding documents or testimony is subject to forfeiture of office, discipline, debarment or any other applicable penalty. This requirement and associated penalty shall be incorporated into all contracts and subcontracts to the extent necessary to make them effective against such entities or persons.

Sec. 7.5-311. Consultation Required. 1. No report or recommendation that criticizes an official act shall be announced until every agency or person affected is allowed a reasonable opportunity to be heard at a hearing with the aid of counsel. In accordance with section 2-111 of this Charter, the Inspector General will promulgate procedural rules for hearings. 2. After the hearing, if the Inspector General believes it necessary to make a formal report, a copy of any statement made by an agency or person affected shall accompany the report.

Sec. 7.5-312. Conflict of Interest; Special Counsel. Where there exists a conflict of interest between the Inspector General and another branch of City government, the Inspector General has the authority to retain an attorney licensed to practice law in Michigan who shall represent the Inspector General in legal proceedings. Such attorney shall not represent the City as a municipal corporation in any legal proceeding.

Sec. 7.5-313. Confidentiality. Subject to any applicable state law, all investigative files of the Office of Inspector General shall be confidential and shall not be divulged to any person or agency, except to the United States Attorney, the Michigan Attorney General or Wayne County Prosecutor's Office, or as otherwise provided in this Charter.

Sec. 7.5-314. Immunity. The Inspector General and the staff shall be, to the full extent permitted by law, immune from any suit based on any report or communication within the scope of official duties.

Sec. 7.5-315. Retaliation Prohibited; Penalty. No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the Inspector General in the performance of his or her duties. Any person who violates this provision shall be subject to a fine of not less than \$300 and not more than \$500 for each violation and any other penalties under applicable law.

Sec. 7.5-316. Funding. The City shall annually appropriate funds sufficient to enable the Office of Inspector General to perform its duties. Funding shall be in accordance with section 8-214 (Proportional Funding for Oversight Agencies.)

YONKERS, NEW YORK CITY CHARTER

ARTICLE VII. Department of Inspector General

C7-1. Department Created; Inspector General

- A. The Department of Inspector General in and for the City of Yonkers in hereby created. The head of the Department shall be the Inspector General, a position with power and authority to appoint and remove officers and employees therein, who shall be appointed by the Mayor subject to the advice and consent of the City Council. Until December 31, 2003, the Inspector General shall be appointed for a term of four years commencing on January 1 of the year following a regular mayoral election and ending on December 31 of the year of a regular mayoral election. Commencing on January 1, 2004, the Inspector General shall be appointed for a term of five years. Any appointment made by the Mayor and confirmed by the City Council pursuant to this section to fill a vacancy during the term, and the first appointment made following the enactment of this section shall only be for the unexpired portion of the term. The Inspector General so appointed shall have the training and qualifications necessary to perform the duties of the office, with a minimum of (a) either a license as a certified public accountant or a license to practice law, five years' professional auditing experience and a member in good standing in the profession with five years' professional experience or (b) a college degree with seven years' prior experience in public law enforcement or public or private investigation/inspector general work with administrative and management training or experience. The position of Inspector General shall be the equivalent of a Commissioner for all purposes of this Charter. Unless the removal of the Inspector General is agreed to by both the Mayor and two-thirds of the City Council, the Inspector General may be removed by the Mayor during his or her term only for misconduct, nonfeasance or malfeasance in office shown upon written charges after a hearing held by the Mayor with an opportunity to be heard.

C7-2. Powers and Duties.

- A. The Inspector General shall make any investigation directed by the Mayor or the Council.
- B. The Inspector General is authorized and empowered to make any investigation or review which in his or her opinion is necessary to uncover any wrongdoing in City government. For such purpose, the Inspector General may investigate the affairs, function, accounts, methods, and personnel of any agency.
- C. For any investigation made pursuant to this section, the Inspector General shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the requesting party, if any. In the event that the matter investigated involves or may involve allegations of criminal misconduct, the Inspector General, upon completion of the investigation, shall only forward a copy of his or her written report or statement of findings to the appropriate prosecuting attorney, or in the event the matter investigated involves or may involve a conflict of interest or unethical conduct, to the Board of Ethics, and may only disclose the report or findings at his or her discretion to any other party or city official as not to compromise the integrity of the investigation or review.
- D. The jurisdiction of the Inspector General shall extend to any agency, officer, or employee of the city, or any person or entity doing business with the city, or any person or entity who is paid or receives money from or through the city or any agency of the city.

- E. The Inspector General shall have the power to subpoena witnesses, administer oaths, take sworn testimony and compel production of books, papers, records and other evidence in furtherance of his/her duties and powers. Failure to obey such subpoena as ordered under this provision shall constitute a misdemeanor.
- F. The Inspector General shall establish, maintain, and monitor, with the cooperation and assistance of the heads of all of the agencies within Yonkers City government, adequate internal control procedures to ensure the maximum integrity of agency operations and to reduce vulnerability to fraud, abuse, and corruption. Such procedures shall include standards to maximize the likelihood that officers and employees will be appointed and hired who are of high professional integrity, to provide proper ongoing review of monetary commitments, expenditures and processes; and to deter and detect waste, fraud, abuse and misuse of city resources or assets.
- G. The Inspector General, in cooperation with the heads of departments and agencies, shall conduct and oversee internal audits of department and agency financial affairs and operations.

C7-3. Interference with investigation

- A. No person shall prevent, seek to prevent, interfere with, obstruct, or otherwise hinder any study or investigation being conducted pursuant to the charter. Any violation of this section shall constitute cause for suspension or removal from office or employment.

Full cooperation with the Inspector General shall be afforded by every officer or employee of the city or other persons.

APPENDIX 4: Inspector General Amendment Proposed by First Charter Review Commission

SECTION 14.01 AGENCY OF INSPECTOR GENERAL. The County's Agency of Inspector General shall serve as the County's chief ethics officer and shall have all powers and duties to investigate fraud, corruption, waste, abuse, misfeasance, malfeasance, and nonfeasance, including the power and duties to investigate all county contracts, without interruption from any other public official or employee. The Inspector General shall have the independent power to issue subpoenas and to conduct sworn examinations and depositions as necessary for the Agency to conduct its functions. The Inspector General shall appoint a Deputy Inspector General who shall serve at the pleasure of the Inspector General.

(1) Initial Term, Appointment, Term, and Removal of the Inspector General. (a) The initial term of the incumbent Inspector General shall continue until June 30, 2016, and the incumbent Inspector General shall have the right to continue to serve as the County's first Inspector General without any further action needed until June 30, 2016. Effective July 1, 2016, the Inspector General shall be appointed by the County Executive, subject to confirmation by County Council. The term of the Inspector General shall be five years commencing on July 1, 2016, with subsequent terms commencing every five years on the first day of July. (b) In the case of a vacancy in the position of Inspector General, the Executive shall appoint a successor Inspector General, subject to confirmation of Council, to fill the remaining term of the Inspector General. Notwithstanding any other provision in the Charter to the contrary, the Deputy Inspector General shall serve as the Acting Inspector General during any vacancy, and the Executive may not appoint an interim Inspector General. (c) The Inspector General may be removed from office for inefficiency, neglect of duty, or malfeasance in office after notice and public hearing before the Council, provided that at least two-thirds of the Council and the County Executive concur. Either the County Executive or the Council may initiate the process to remove the Inspector General.

(2) Contracting with other Entities. The County shall have the right to contract on behalf of the Agency of Inspector General to have the Agency of Inspector General provide similar services to any other governmental funded entities, county hospitals, agencies, authorities, municipalities, districts, or political subdivisions.

(3) Confidential Investigatory Files. Without regard to how such documents are received by the Agency, all documents prepared or received by the Agency of the Inspector General, including, but not limited to, all complaints, tips, hotline messages, and any other filings and submittals received by the Agency shall be considered part of the Inspector General confidential investigatory files. Such records shall be exempt from disclosure until the matter is concluded and the investigation is closed by the Inspector General and any other investigatory agencies with jurisdiction over the matter. In the event such records are publicly disclosed, the Inspector General shall take measures to protect the privacy of complainants and witnesses to the extent permitted by law.

(4) Agency of Inspector General's Budget, Facilities, Furniture, Equipment, and Software. (a) The County Council shall appropriate funds for the Agency of Inspector General sufficient for the Agency to exercise its powers and duties as established herein. The budget of the Agency of Inspector General shall be based on a fixed formula established by county ordinance in order to ensure that the Agency can function without political interference. If the County Council fails to appropriate the necessary funds for the Agency to carry out its functions as provided herein, the Agency shall have the right to institute legal action in court to compel the County to appropriate the necessary funds for its operations. (b) The County shall provide the Agency of Inspector General with appropriately located office space and sufficient physical facilities, including office furniture, equipment, and software commensurate with other County departments of similar size and needs.

(5) Limitations on the Agency of Inspector General. (a) The Inspector General shall not interfere with any ongoing criminal, administrative, civil, or such other investigation or prosecution in the performance of his/her duties. (b) The Inspector General shall manage the Agency and conduct all investigations in a manner that protects the constitutional and civil rights of any person who is the subject of an investigation as well as the constitutional and civil rights of any potential witnesses.