Agenda Item 11 September 15, 2009 Introduction

#### MEMORANDUM

 TO:
 County Council

 FROM:
 Michael Faden, Senior Legislative Attorney

 SUBJECT:
 Introduction: Bill 33-09, Inspector General - Attorney

Bill 33-09, Inspector General - Attorney, sponsored by Councilmember Ervin, Council President Andrews, and Councilmembers Navarro, Floreen, and Knapp, is scheduled to be introduced on September 15, 2009. A public hearing is tentatively scheduled for October 6 at 1:30 p.m.

Bill 33-09 would authorize the Inspector General to employ or retain an independent attorney, with Council approval, without the approval of the County Attorney.

This packet contains Bill 33-09 Legislative Request Report Circle 1 4

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Bill No 33-09	
Concerning: Inspector General - Attorr	ney
Revised: 8-10-09 Draft No.	1
Introduced: September 15, 2009	
Expires: March 15, 2011	
Enacted:	
Executive:	
Effective:	
Sunset Date: None	
Ch, Laws of Mont. Co	

# COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Ervin, Council President Andrews and Councilmembers Navarro, Floreen and Knapp

## AN ACT to:

- (1) authorize the Inspector General to employ or retain an independent attorney; and
- (2) generally amend the County law regarding the Inspector General.

#### By amending

Montgomery County Code Chapter 2, Administration Section 2-151, Inspector General

Boldface	Heading or defined term.
Underlining	Added to existing law by original bill.
[Single boldface brackets]	Deleted from existing law by original bill.
Double underlining	Added by amendment.
[[Double boldface brackets]]	Deleted from existing law or the bill by amendment.
[[Double boldface brackets]] * * *	Deleted from existing law or the bill by amendment. Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1	Sec.	Section 2-151 is amended as follows:
2	2-151.	Inspector General.
3		* * *
4	(g)	Staff; Legal Counsel.
5		(1) The Inspector General may, subject to appropriation and all
6		applicable merit system laws and regulations, appoint as term
7		employees the staff of the Office of the Inspector General. The
8		term of each employee should end when the next Inspector
9		General takes office unless the Inspector General specifies a
10		shorter term when appointing the employee. The Inspector
11		General may also, subject to appropriation, retain project staff or
12		other consultants by contract. The Inspector General may, with
13		the agreement of the head of any other government department or
14		agency, temporarily detail an employee of that department or
15		agency to the Office of the Inspector General.
16		(2) The County Attorney must provide legal services to the Inspector
17		General, and may employ special legal counsel for the Inspector
18		General under Section 213 of the Charter. [If the Inspector
19		General asks the County Attorney in writing to employ a special
20		legal counsel and the County Attorney does not do so within 30
21		days after receiving the Inspector General's request, the County
22		Attorney must inform the County Council why a special counsel
23		was not employed.]
24		(3) The Inspector General may employ and be represented by a
25		special legal counsel who is not subject to the authority of the
26		County Attorney, or may obtain legal services from persons

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27	<u>0</u>	outsid	e the Office of the County Attorney, without the approval
28	<u>0</u>	of the	County Attorney if:
29	(	<u>(A)</u>	the Inspector General finds that obtaining independent
30			legal services is necessary to effectively perform his or her
31			duties; and
32	(	<u>B)</u>	the County Council approves the Inspector General's
33			decision to obtain independent legal services and
34			appropriates sufficient funds to cover the cost of the legal
35			services.
36			* * *
37	Approved:		
38			
	Philip M. Andrews, Pres	sident,	County Council Date
39	Approved:		
40			
	Isiah Leggett, County E:	xecuti	ve Date
41	This is a correct copy of	f Coun	cil action.
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Linda M. Lauer, Clerk of the Council

Date

### LEGISLATIVE REQUEST REPORT

Bill 33-09

Inspector General - Attorney

DESCRIPTION:	Authorizes the Inspector General to employ or retain an independent attorney.
PROBLEM:	In some circumstances, because of institutional differences or otherwise, the Inspector General may find that obtaining independent legal services is necessary to effectively perform his or her duties.
GOALS AND OBJECTIVES:	Continue to improve the efficiency and effectiveness of the Office of the Inspector General.
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COORDINATION:	Office of Inspector General, County Attorney, County Council
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	Minimal
EVALUATION:	To be researched
EXPERIENCE ELSEWHERE:	To be researched
SOURCE OF INFORMATION:	Michael Faden, Senior Legislative Attorney, 240-777-7905
APPLICATION WITHIN	
MUNICIPALITIES:	Applies only to County Inspector General.
PENALTIES:	Not applicable

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