

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 27-22: ADMINISTRATION – INSPECTOR GENERAL – POWERS AND DUTIES

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 27-22 will have a minimal impact on racial equity and social justice (RESJ) in the County, as the proposed changes to the law governing the Inspector General do not appear to have any significant effects on County residents or employees by race and ethnicity.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 27-22

The Office of the Inspector General (OIG) is an independent office within the Legislative Branch of Montgomery County. The mission of the OIG is to:³

- Promote the effectiveness and efficiency of programs and operations of County government and independent County agencies;
- Prevent and detect fraud, waste, and abuse in government activities; and
- Propose ways to increase the legal, fiscal, and ethical accountability of County government and County-funded agencies.

The OIG is responsible for:⁴

- Conducting independent audits, reviews, and investigations;
- Receiving and investigating credible complaints;
- Reporting possible violations of the law to enforcement agencies;
- Notifying the County Council, County Executive, and leaders of County-funded agencies of serious problems in programs;
- Reviewing legislation and regulations to strengthen controls and increase accountability; and
- Submitting reports with recommendations to appropriate officials.

The OIG has oversight authority over County Government, the Housing Opportunities Commission of Montgomery County, Montgomery College, the Montgomery County Board of Education, and Montgomery County Public Schools.⁵

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The purpose of Bill 27-22 is to make updates and clarifications to County law governing the Inspector General, as requested by the current Inspector General. The Bill would:⁶

- Increase the number of Councilmembers needed to remove an Inspector General from 6 to 7 (because the Council is transitioning from a 9-member body to an 11-member body);
- Align the Inspector General's deadline for submitting an initial budget with the deadline to submit an initial work plan, making both due six months after the Inspector General's appointment;
- Explicitly include within the Inspector General's powers the ability to conduct "compliance" audits;
- Use inclusive language by replacing references to "citizens" with "residents";
- Insert more specific language regarding the Inspector General's access to audits done by or on behalf of the County;
- Clarify that all officers, employees, and contractors of each department or office must provide documentation or information upon request of the Inspector General;
- Streamline and clarify processes and powers regarding subpoenas;
- Remove procedure required before the Inspector General may issue a subpoena to eliminate any potential taint or influence over evidence and ensure no testimony could be categorized as compelled;
- Add protections for anyone, including residents, against retaliation for making a report to the Inspector General; and
- Remove from the scope of the law the Maryland-National Capital Park and Planning Commission (M-NCPPC) and Washington Suburban Sanitary Commission (WSSC) since each now has its own Inspector General under state law.

Bill 27-22 was introduced to the Council on October 11, 2022.

GOVERNMENT OVERSIGHT AND RACIAL EQUITY

In recent years, as governments have prioritized Diversity, Equity, Inclusion, and Accessibility (DEIA) initiatives,⁷ government oversight authorities, such as offices of inspectors general, have taken an active role in holding agencies accountable to DEIA practices and standards.

The Council of the Inspectors General on Integrity and Efficiency recently published a report listing DEIA-related work completed by offices of Inspectors General within federal agencies between fiscal years 2014 and 2021.⁸ The report listed 60 projects, ranging in topics from accessibility and equity in government programs, to business supplier diversity and recruitment, hiring, and staffing.

Government oversight authorities have also been looking internally to understand how they can further advance racial equity. For instance, the Internal Audit Office in Fairfax County and the Auditor's Office in the City of Portland – offices that oversee fraud, waste, and abuse investigations in their respective jurisdictions – have published current racial equity actions plans.^{9,10} Of note, per Executive Regulation 15-21, all County departments and offices, including the OIG, will need to have an equity action plan by 2025.¹¹

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The County OIG's strategic goals that specifically relate to RESJ and DEIA include:¹²

- Engage in work that provides opportunities to enhance racial equity and social justice in Montgomery County; and
- Support and cultivate a diverse, inclusive, and informed staff that are experts in the field.

In their fiscal year 2021 annual report, the OIG stated that it “actively seeks to advance diversity, equity, and inclusion (DEI) through every facet of its work, from [] internal communications and processes to [] published work products and recruitments.”¹³ The recently published fiscal year 2022 report highlights that two observations for improving Diversity, Equity, and Inclusion were presented during the fiscal year: one to Montgomery County Public Libraries; and another to the County Retirement Plan.¹⁴

ANTICIPATED RESJ IMPACTS

OLO anticipates that Bill 27-22 will have a minimal impact on RESJ in the County, as the proposed changes to the law governing the Inspector General do not appear to have any significant effects on County residents or employees by race and ethnicity.

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.¹⁵ OLO finds Bill 27-22 will have a minimal impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.raciaequitytools.org/glossary>

² Ibid

³ “Work Plan & Projected Budget: Fiscal Years 2022-2025,” Office of the Inspector General, Montgomery County, Maryland, October 29, 2021. <https://www.montgomerycountymd.gov/OIG/Resources/Files/PDF/IGActivity/FY2022/WorkPlan.pdf>

⁴ Ibid

⁵ Ibid

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⁶ Bill 27-22, Administration – Inspector General – Powers and Duties, Montgomery County Council, Introduced October 11, 2022. https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20221011/20221011_6A.pdf

⁷ For definitions of diversity, equity, and inclusion and how it relates to racial equity, visit “What is Racial Equity,” Race Forward: <https://www.raceforward.org/about/what-is-racial-equity-key-concepts>

⁸ “Compendium of Office of Inspector General Reports Related to Diversity, Equity, Inclusion, and Accessibility,” Oversight.gov, August 10, 2022. <https://www.oversight.gov/report/CIGIE/Compendium-of-OIG-Reports-Related-to-DEIA>

⁹ Internal Audit, Equity Impact Plans, One Fairfax, Fairfax County, Virginia, January 26, 2022. <https://www.fairfaxcounty.gov/topics/equity-impact-plans>

¹⁰ (1) Auditor’s Office, Bureau Racial Equity Plans, Office of Equity, City of Portland, Oregon, Accessed October 19, 2022. <https://www.portland.gov/officeofequity/racial-equity-plans>

¹¹ Montgomery County Executive Regulation 15-21: Racial Equity and Social Justice Action Plan, Office of the County Executive, Effective July 26, 2022. [https://www.montgomerycountymd.gov/exec/Resources/Files/15-21\(1\).pdf](https://www.montgomerycountymd.gov/exec/Resources/Files/15-21(1).pdf)

¹² Montgomery County Office of the Inspector General, Montgomery County, Maryland, Accessed October 19, 2022. <https://montgomerycountymd.gov/OIG/>

¹³ Fiscal Year 2021 Annual Report, Office of the Inspector General, Montgomery County, Maryland, September 1, 2021. <https://montgomerycountymd.gov/OIG/Resources/Files/PDF/FY21AnnualReport.pdf>

¹⁴ Fiscal Year 2022 Annual Report, Office of the Inspector General, Montgomery County, Maryland, September 1, 2022. <https://www.montgomerycountymd.gov/OIG/Resources/Files/PDF/FY22AnnualReport.pdf>

¹⁵ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council