



Committee: Directly to Council
Committee Review: N/A
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #InspectorGeneral

AGENDA ITEM #6A
October 11, 2022
Introduction

SUBJECT

Bill 27-22, Administration – Inspector General – Powers and Duties

Lead Sponsors: Councilmembers Navarro, Friedson, and Katz

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Introduction

DESCRIPTION/ISSUE

Bill 27-22 would:

- (1) modify requirements regarding the removal of the Inspector General;
- (2) modify requirements regarding the projected budget of the Inspector General;
- (3) modify the powers and duties of the Inspector General;
- (4) modify access to information by the Inspector General; and
- (5) generally amend laws regarding the Inspector General and Office of the Inspector General.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report
Bill 27-22

Pages 1-2
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MEMORANDUM

October 6, 2022

TO: County Council

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Bill 27-22, Administration – Inspector General – Powers and Duties

PURPOSE: Introduction – no Council votes required

Bill 27-22, Administration – Inspector General – Powers and Duties, sponsored by Lead Sponsors Councilmembers Navarro, Friedson, and Katz, is scheduled for introduction on October 11, 2022. A Public Hearing is tentatively scheduled for November 1, 2022 at 1:30PM.

The bill has been requested by the Inspector General. It would:

- (1) modify requirements regarding the removal of the Inspector General;
- (2) modify requirements regarding the projected budget of the Inspector General;
- (3) modify the powers and duties of the Inspector General;
- (4) modify access to information by the Inspector General; and
- (5) generally amend laws regarding the Inspector General and Office of the Inspector General.

BILL SPECIFICS

The bill would make the following updates and clarifications, which have been requested by the Inspector General:

- 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 6 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 IG may issue a subpoena to eliminate any potential taint or influence over evidence and ensure no testimony could be categorized as compelled. See §2- 151(l)(1)
- 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 MNCPPC and WSSC since each now has its own Inspector General under state law.

This packet contains:
Bill 27-22

Circle #
1

Bill No. 27-22
Concerning: Administration – Inspector
General – Powers and Duties
Revised: 10/3/2022 Draft No. 1
Introduced: October 11, 2022
Expires: April 11, 2024
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Navarro, Friedson, and Katz

AN ACT to:

- (1) modify requirements regarding the removal of the Inspector General;
- (2) modify requirements regarding the projected budget of the Inspector General;
- (3) modify the powers and duties of the Inspector General;
- (4) modify access to information by the Inspector General; and
- (5) generally amend laws regarding the Inspector General and Office of the Inspector General.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-151

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

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

Sec. 1. Section 2-151 is amended as follows:

2-151. Inspector General.

* * *

(e) *Removal.* The Council may remove the Inspector General by resolution adopted by the affirmative vote of [six] 7 Councilmembers for neglect of duty, malfeasance, conviction of a felony, or other good cause. Before the Council adopts a resolution of removal, the Council or its designee must hold a public hearing if the Inspector General requests a hearing within 10 days after receiving notice of proposed removal from the Council.

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

* * *

(h) *Powers and Duties.*

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

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

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

33 * * *

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

49 (j) *Coordination.* The Inspector General should consult with the Director
 50 of the Office of Legislative Oversight to assure that the work of the
 51 Inspector General complements but does not duplicate the work
 52 assigned by the Council to the Office of Legislative Oversight, as well
 53 as audits and other evaluations conducted by other departments and

54 agencies. The Inspector General may review any audit or program
 55 evaluation performed by or on behalf of any County department or
 56 agency, and may seek comments from the same or any other department
 57 or agency.

58 (k) *Reports.*

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

63 (2) When the Inspector General completes a workplan item, the
 64 Inspector General must submit a written report on that item to the
 65 County Council, the Executive and the [chief operating officer]
 66 director of each affected department or agency. The report must
 67 describe the purpose of the project, the research methods used,
 68 and the Inspector General's findings and recommendations. Each
 69 affected department or agency must be given a reasonable
 70 opportunity to respond to the Inspector General's final draft of
 71 each report. After giving the Executive and the Council a
 72 reasonable opportunity to review the report, the Inspector General
 73 must release the report to the public, subject to the state public
 74 information act. The public report must include the agency's
 75 response. The Inspector General may keep any report prepared
 76 under this paragraph, and any information received in connection
 77 with that report, confidential until the report is released to the
 78 public.

79 (l) *Access to information.*

80 (1) The Inspector General is legally entitled to, and each department
 81 or office in County government and each independent County
 82 agency, including each officer, employee, and contractor of the
 83 department, office, and agency, must promptly give to the
 84 Inspector General, any document or other information concerning
 85 its operations, budget, or programs that the Inspector General
 86 requests. The Inspector General must comply with any
 87 restrictions on public disclosure of the document or information
 88 that are required by federal or state law. [The Inspector General
 89 must immediately notify the Chief Administrative Officer, the
 90 County Attorney, and the President of the Council if any
 91 department, office, or agency does not provide any document or
 92 information within a reasonable time after the Inspector General
 93 requests it. The Chief Administrative Officer (for departments
 94 and offices in the Executive branch of County government), the
 95 County Attorney (for independent County agencies), and the
 96 Council President (for offices in the legislative branch of County
 97 government) must then take appropriate action (including legal
 98 action if necessary) to require the department, office, or agency to
 99 provide the requested document or information.]

100 (2) [If the Inspector General does not receive all necessary
 101 information under paragraph (1), the] To perform the duties of
 102 the office, the Inspector General may issue a subpoena to require:
 103 (A) any person to appear under oath as a witness; or
 104 (B) [produce] the production of any information, document,
 105 report, record, account, or other material [in connection
 106 with an audit or investigation under this Section].

134 ~~[(6)]~~ (4) the County Revenue Authority; and
135 ~~[(7)]~~ (5) any other governmental agency (except a municipal
136 government or a state-created special taxing district) for which
137 the County Council appropriates or approves funding, sets tax
138 rates, makes levies, or approves programs or budgets.

139 * * *