

Clerks Note: Chapter number incorrectly filed as 34 and subsequently corrected to Chapter number 35.

Bill No. 27-22
Concerning: Administration – Inspector
General – Powers and Duties
Revised: 10/3/2022 Draft No. 1
Introduced: October 11, 2022
Enacted: November 15, 2022
Executive: November 28, 2022
Effective: February 27, 2023
Sunset Date: None
Ch. 35, Laws of Mont. Co. 2022

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:

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

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

32 * * *

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

47 (j) *Coordination.* The Inspector General should consult with the Director of
 48 the Office of Legislative Oversight to assure that the work of the
 49 Inspector General complements but does not duplicate the work assigned
 50 by the Council to the Office of Legislative Oversight, as well as audits
 51 and other evaluations conducted by other departments and agencies. The
 52 Inspector General may review any audit or program evaluation performed

53 by or on behalf of any County department or agency, and may seek
 54 comments from the same or any other department or agency.

55 (k) *Reports.*

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

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

76 (l) *Access to information.*

77 (1) The Inspector General is legally entitled to, and each department
 78 or office in County government and each independent County
 79 agency, including each officer, employee, and contractor of the

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

97 (2) [If the Inspector General does not receive all necessary information
 98 under paragraph (1), the] To perform the duties of the office, the
 99 Inspector General may issue a subpoena to require:

100 (A) any person to appear under oath as a witness; or

101 (B) [produce] the production of any information, document,
 102 report, record, account, or other material [in connection with
 103 an audit or investigation under this Section].

104 (3) The Inspector General may enforce any subpoena issued under this
 105 Section in any court with jurisdiction.

106 [(3) The Inspector General may administer an oath or affirmation or
 107 take an affidavit from any person as necessary to perform the
 108 Inspector General's duties.]

109 (4) Each employee or contractor of a County department or agency
 110 should report any fraud, waste, or abuse, to the Office of the
 111 Inspector General. After receiving a report or other information
 112 from any person, the Inspector General must not disclose that
 113 person's identity without the person's consent unless that disclosure
 114 is necessary to complete an audit or investigation.

115 (5) An employee of the County government or any instrumentality of
 116 the County, [and] an employee of any contractor or subcontractor
 117 with the County or any instrumentality of the County, and any
 118 individual who makes a complaint to the Inspector General must
 119 not be retaliated against or penalized, or threatened with retaliation
 120 or penalty, for providing information to, cooperating with, or in
 121 any way assisting the Inspector General in connection with any
 122 activity of that Office under this Section.

123 * * *

124 (n) *Definition.* As used in this Section, "independent County agency" means:

125 (1) the County Board of Education and the County school system;

126 (2) [The Maryland-National Capital Park and Planning Commission;

127 (3) the Washington Suburban Sanitary Commission;]

128 [(4)] (2) Montgomery College;

129 [(5)] (3) the Housing Opportunities Commission;

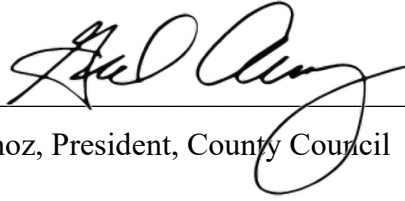
130 [(6)] (4) the County Revenue Authority; and

131 [(7)] (5) any other governmental agency (except a municipal
 132 government or a state-created special taxing district) for which the

133 County Council appropriates or approves funding, sets tax rates,
134 makes levies, or approves programs or budgets.

135 * * *

Approved:

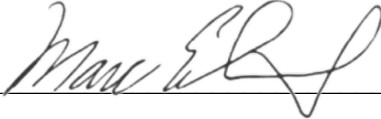


Gabriel Albornoz, President, County Council

11/17/2022

Date

Approved:



Marc Elrich, County Executive

11/28/2022

Date

This is a correct copy of Council action.



Judy Rupp, Clerk of the Council

11/28/2022

Date