

Introduced by: Councilmember Dorsey, *Barnett, Schleiter, Henry, Sneed, Clark*
Prepared by: Department of Legislative Reference Date: March 7, 2018

Referred to: **JUDICIARY AND LEGISLATIVE INVESTIGATIONS** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL *18 - 0199*

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Office of the Inspector General

FOR the purpose of creating an independent Office of the Inspector General headed by an Inspector General; establishing the process for appointing and terminating the Inspector General; establishing the powers and duties of the Office of the Inspector General; appointing the Inspector General to serve as the Executive Director of the Board of Ethics; granting the Inspector General the authority to cancel or suspend certain contracts with the concurrence of the City Solicitor; setting a minimum guaranteed funding level for the Office of the Inspector General; setting a minimum guaranteed compensation level for the Inspector General; granting the Inspector General the power to issue subpoenas; requiring the Office of the Inspector General to issue an annual public report; requiring City employees and officials to forward certain types of complaints to the Office of the Inspector General; requiring the Office of the Inspector General to keep the identities of complainants confidential to the extent allowed by law; establishing procedures to transition the existing Office of the Inspector General in the Law Department into the newly created independent Office of the Inspector General; generally relating to the Office of the Inspector General; and submitting this amendment to the qualified voters of the City for adoption or rejection.

By proposing to add
Article VII - Executive Departments
Section(s) 135 to 142, to be under the new subtitle,
"Office of the Inspector General"
Baltimore City Charter
(1996 Edition)

[Handwritten signatures: Ryan Dorsey, Bill [unclear], Mary Pat [unclear]]

NO.

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

| | |
|-------|---|
| _____ | Baltimore City Public School System |
| _____ | Baltimore Development Corporation |
| _____ | City Solicitor |
| _____ | Comptroller's Office |
| _____ | Department of Audits |
| _____ | Department of Finance |
| _____ | Department of General Services |
| _____ | Department of Housing and Community Development |
| _____ | Department of Human Resources |
| _____ | Department of Planning |
| _____ | Other: <i>Office of the Inspector General</i> |
| _____ | Other: _____ |
| _____ | Other: _____ |
| _____ | Department of Public Works |
| _____ | Department of Real Estate |
| _____ | Department of Recreation and Parks |
| _____ | Department of Transportation |
| _____ | Fire Department |
| _____ | Health Department |
| _____ | Mayor's Office of Employment Development |
| _____ | Mayor's Office of Human Services |
| _____ | Mayor's Office of Information Technology |
| _____ | Office of the Mayor |
| _____ | Police Department |
| _____ | Other: _____ |
| _____ | Other: _____ |
| _____ | Board of Estimates |
| _____ | Board of Ethics |
| _____ | Board of Municipal and Zoning Appeals |
| _____ | Comm. for Historical and Architectural Preservation |
| _____ | Commission on Sustainability |
| _____ | Employees' Retirement System |
| _____ | Other: _____ |
| _____ | Other: _____ |
| _____ | Other: _____ |
| _____ | Environmental Control Board |
| _____ | Fire & Police Employees' Retirement System |
| _____ | Labor Commissioner |
| _____ | Parking Authority Board |
| _____ | Planning Commission |
| _____ | Wage Commission |
| _____ | Other: _____ |
| _____ | Other: _____ |
| _____ | Other: _____ |

Boards and Commissions

CITY OF BALTIMORE
RESOLUTION **18.08**
Council Bill 18-0199
(Charter Amendment)

Introduced by: Councilmembers Dorsey, Burnett, Schleifer, Henry, Sneed, Clarke, Scott
Introduced and read first time: March 12, 2018
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 25, 2018

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Charter Amendment – Office of the Inspector General

FOR the purpose of creating an independent Office of the Inspector General headed by an Inspector General; establishing the process for appointing and terminating the Inspector General; establishing the powers and duties of the Office of the Inspector General; ~~appointing the Inspector General to serve as the Executive Director of the Board of Ethics; granting the Inspector General the authority to cancel or suspend certain contracts with the concurrence of the City Solicitor; setting a minimum guaranteed funding level for the Office of the Inspector General;~~ setting a minimum guaranteed compensation level for the Inspector General; granting the Inspector General the power to issue subpoenas; requiring the Office of the Inspector General to issue an annual public report; ~~requiring City employees and officials to forward certain types of complaints to the Office of the Inspector General; requiring the Office of the Inspector General to keep the identities of complainants confidential to the extent allowed by law; providing for certain administrative procedures;~~ establishing procedures to transition the existing Office of the Inspector General in the Law Department into the newly created independent Office of the Inspector General; generally relating to the Office of the Inspector General; and submitting this amendment to the qualified voters of the City for adoption or rejection.

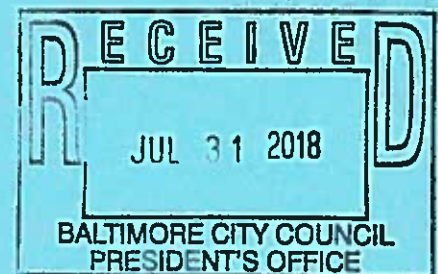
BY proposing to add

Article VII - Executive Departments
Section(s) 135 to 142, to be under the new subtitle,
"Office of the Inspector General"
Baltimore City Charter
(1996 Edition)

BY proposing to add

Article X - Office of the Inspector General
Section(s) 1 to 6
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City Charter is proposed to be amended to read as follows:



EXPLANATION: Underlining indicates matter added by amendment.
~~Strike-out~~ indicates matter stricken by amendment.

Council Bill 18-0199

Baltimore City Charter

~~Article VII. Executive Departments~~

~~OFFICE OF THE INSPECTOR GENERAL~~

ARTICLE X. OFFICE OF THE INSPECTOR GENERAL

§ 1 ~~135~~. OFFICE OF THE INSPECTOR GENERAL: OFFICE ESTABLISHED.

THERE IS AN OFFICE OF THE INSPECTOR GENERAL, THE HEAD OF WHICH IS THE INSPECTOR GENERAL.

§ 2 ~~136~~. OFFICE OF THE INSPECTOR GENERAL: INSPECTOR GENERAL.

(A) *APPOINTMENT.*

(1) THE INSPECTOR GENERAL IS APPOINTED BY AN ADVISORY BOARD ~~COMPRISING THE FOLLOWING OR THEIR RESPECTIVE DESIGNEES;~~ TO BE COMPRISED OF 5 OR 7 MEMBERS AS PROVIDED IN THIS SUBSECTION (A).

(2) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING:

(I) THE MAYOR, OR THE MAYOR'S DESIGNEE;

(II) THE CITY SOLICITOR, WHO SERVES AS THE CHAIR OF THE ADVISORY BOARD AND MAY ASSIGN STAFF TO THE ADVISORY BOARD FROM THE LAW DEPARTMENT;

(III) THE COMPTROLLER, OR THE COMPTROLLER'S DESIGNEE;

(IV) THE CITY COUNCIL PRESIDENT; OR THE PRESIDENT'S DESIGNEE; AND

(V) THE STATE'S ATTORNEY FOR BALTIMORE CITY;

~~(VI) A MEMBER OF THE BALTIMORE CITY HOUSE OR SENATE DELEGATION TO THE MARYLAND GENERAL ASSEMBLY, SELECTED BY THE BALTIMORE CITY HOUSE AND SENATE DELEGATIONS TO THE MARYLAND GENERAL ASSEMBLY;~~

~~(VII) THE DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW;~~

~~(VIII) THE DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW; AND~~

(V) (IX) A MEMBER OF THE CITY COUNCIL SELECTED BY MAJORITY VOTE OF THE COUNCIL APPOINTED BY THE CITY COUNCIL PRESIDENT.

(3) THE MAYOR AND CITY COUNCIL PRESIDENT MAY APPOINT 2 ADDITIONAL MEMBERS TO THE ADVISORY BOARD FROM THE LIST PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION IF:

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1 (I) THE MAYOR AND THE CITY COUNCIL PRESIDENT JOINTLY AGREE TO AN
2 APPOINTMENT; AND

3 (II) THE MEMBERS APPOINTED AGREE TO SERVE ON THE ADVISORY BOARD.

4 (4) THE 2 ADDITIONAL MEMBERS THAT MAY BE SELECTED TO SERVE ON THE ADVISORY
5 BOARD PURSUANT TO PARAGRAPH (3) OF THIS SUBSECTION MAY ONLY BE AS FOLLOWS:

6 (I) THE DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW; AND

7 (II) THE DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW.

8 (5) (2) A QUORUM OF THE ADVISORY BOARD CONSISTS OF 5 4 MEMBERS.

9 (6) (3) AN AFFIRMATIVE VOTE OF AT LEAST 5 4 MEMBERS SHALL BE NECESSARY TO
10 APPOINT AN INSPECTOR GENERAL.

11 (B) *QUALIFICATIONS.*

12 (1) THE INSPECTOR GENERAL SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL
13 AFFILIATION AND MUST HAVE SUBSTANTIAL EXPERIENCE IN ACCOUNTING AUDITING,
14 FINANCIAL ANALYSIS, CRIMINAL JUSTICE LAW, MANAGEMENT ANALYSIS, PUBLIC
15 ADMINISTRATION, OR INVESTIGATIONS, OR ANOTHER APPROPRIATE FIELD.

16 (2) THE INSPECTOR GENERAL SHALL HOLD AT THE TIME OF APPOINTMENT, OR BE
17 REQUIRED TO OBTAIN WITHIN 7 MONTHS AFTER APPOINTMENT, CERTIFICATION AS A
18 CERTIFIED INSPECTOR GENERAL.

19 (C) *TERM.*

20 THE INSPECTOR GENERAL SHALL SERVE A TERM OF 6 YEARS COMMENCING FROM THE
21 DATE OF APPOINTMENT.

22 (D) *REMOVAL.*

23 ~~BEFORE THE EXPIRATION OF A 6 YEAR TERM, THE INSPECTOR GENERAL MAY ONLY BE~~
24 ~~REMOVED WITH AN AFFIRMATIVE VOTE OF AT LEAST 5 MEMBERS OF THE ADVISORY~~
25 ~~BOARD, AFTER A FINDING THAT THE INSPECTOR GENERAL HAS:~~

26 ~~(1) FAILED TO PERFORM THE DUTIES OUTLINED IN §137 OF THIS ARTICLE;~~

27 ~~(2) BEEN CONVICTED OF A CRIMINAL ACT, OTHER THAN A NUISANCE CRIME ELIGIBLE~~
28 ~~FOR EXPUNGEMENT UNDER MARYLAND CRIMINAL PROCEDURE ARTICLE~~
29 ~~§10-105(A)(9);~~

30 ~~(3) IN THE ADVISORY BOARD'S SOLE DETERMINATION, COMMITTED MISCONDUCT OR~~
31 ~~MALFEASANCE IN OFFICE THAT UNDERMINES THE CREDIBILITY OF THE INSPECTOR~~
32 ~~GENERAL AND HINDERS THEIR ABILITY TO PERFORM THEIR DUTIES; OR~~

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1 ~~(4) IN THE ADVISORY BOARD'S SOLE DETERMINATION, DEMONSTRATED A PATTERN OF~~
2 ~~INCOMPETENCE AND LACK OF FITNESS FOR THE POSITION.~~

3 THE INSPECTOR GENERAL MAY BE REMOVED FROM OFFICE BY AN AFFIRMATIVE VOTE OF
4 AT LEAST 4 MEMBERS OF THE ADVISORY BOARD FOR:

5 (1) MISCONDUCT IN OFFICE;

6 (2) PERSISTENT FAILURE TO PERFORM THE DUTIES OF OFFICE; OR

7 (3) CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION OF JUSTICE.

8 (E) REPORTS CONCERNING A VACANCY OR INCAPACITY.

9 WHENEVER THE OFFICE OF THE INSPECTOR GENERAL REMAINS VACANT FOR 180 DAYS, OR
10 WHENEVER THE INSPECTOR GENERAL IS INCAPACITATED OR OTHERWISE UNABLE TO
11 PERFORM THE DUTIES OF THE OFFICE FOR 180 DAYS, THE CHAIR OF THE ADVISORY BOARD
12 SHALL ISSUE A REPORT TO THE CITY COUNCIL ON THE 180TH DAY, AND EVERY 2 MONTHS
13 THEREAFTER UNTIL THE VACANCY IS FILLED OR THE INSPECTOR GENERAL REPORTS TO
14 WORK, DESCRIBING THE STATUS OF THE EFFORTS TO FILL THE VACANCY OR THE STATUS OF
15 THE ABSENT INSPECTOR GENERAL.

16 (F) (E) PERFORMANCE REVIEW.

17 THE ADVISORY BOARD SHALL MEET AT LEAST ONCE ANNUALLY TO REVIEW THE
18 PERFORMANCE OF THE INSPECTOR GENERAL.

19 ~~(F) ACTING INSPECTOR GENERAL:~~

20 ~~(1) WHENEVER A VACANCY OCCURS FOR THE INSPECTOR GENERAL, OR WHENEVER~~
21 ~~THE INSPECTOR GENERAL IS INCAPACITATED OR OTHERWISE UNAVAILABLE FOR~~
22 ~~DUTY FOR ANY CAUSE, THE HIGHEST RANKING EMPLOYEE OF THE OFFICE OF THE~~
23 ~~INSPECTOR GENERAL SHALL BE THE ACTING INSPECTOR GENERAL UNTIL THE~~
24 ~~VACANCY IS FILLED OR THE INSPECTOR GENERAL IS AGAIN AVAILABLE FOR DUTY.~~

25 ~~(2) THE CHAIR OF THE ADVISORY BOARD SHALL:~~

26 ~~(i) ISSUE A PROGRESS REPORT TO THE CITY COUNCIL DESCRIBING THE STATUS~~
27 ~~OF THE EFFORTS TO FILL THE VACANCY, OR THE INSPECTOR GENERAL'S~~
28 ~~INCAPACITY OR UNAVAILABILITY, 180 DAYS FROM THE DATE ANY~~
29 ~~VACANCY OCCURS, OR THE DATE THAT THE INSPECTOR GENERAL IS~~
30 ~~INCAPACITATED OR OTHERWISE UNAVAILABLE FOR DUTY FOR ANY CAUSE;~~
31 ~~AND~~

32 ~~(ii) ISSUE AN ADDITIONAL PROGRESS REPORT EVERY 60 DAYS THEREAFTER~~
33 ~~UNTIL THE VACANCY IS FILLED OR THE INSPECTOR GENERAL RETURNS TO~~
34 ~~DUTY.~~

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1 § ~~3~~ 137. OFFICE OF THE INSPECTOR GENERAL: POWERS AND DUTIES OF OFFICE.

2 (A) HEAD OF OFFICE.

3 THE INSPECTOR GENERAL SHALL SUPERVISE AND DIRECT THE OFFICE OF THE INSPECTOR
4 GENERAL.

5 (B) RESPONSIBILITIES OF THE OFFICE.

6 THE OFFICE OF THE INSPECTOR GENERAL IS RESPONSIBLE FOR:

7 ~~(1) PROMOTING EFFICIENCY, ACCOUNTABILITY, AND INTEGRITY IN CITY~~
8 ~~GOVERNMENT;~~

9 ~~(1)~~ (2) INVESTIGATING COMPLAINTS OF FRAUD, FINANCIAL WASTE, AND ABUSE IN
10 CITY GOVERNMENT; AND

11 ~~(2)~~ (3) PROMOTING ETHICAL, FISCAL, AND LEGAL ACCOUNTABILITY EFFICIENCY,
12 ACCOUNTABILITY, AND INTEGRITY IN CITY GOVERNMENT.

13 (C) JURISDICTION OF OFFICE.

14 THE OFFICE OF THE INSPECTOR GENERAL MAY INVESTIGATE ALLEGATIONS THAT INVOLVE
15 CITY GOVERNMENT AND POTENTIAL VIOLATIONS OF LAWS OR REGULATIONS BY ANY:

16 (1) CITY ELECTED OFFICIAL;

17 (2) CITY EMPLOYEE;

18 (3) MEMBER OF A BOARD OR COMMISSION ESTABLISHED OR GOVERNED BY THE CITY
19 CHARTER, CITY CODE, OR AN EXECUTIVE ORDER ISSUED BY THE MAYOR;

20 (4) CITY CONTRACTOR OR PERSON NEGOTIATING A CONTRACT WITH THE CITY;

21 (5) PERSON SEEKING CERTIFICATION TO PROVIDE GOODS OR SERVICES TO THE CITY; OR

22 (6) EXTERNAL RECIPIENT OF CITY FUNDS, BENEFITS, OR SERVICES.

23 (D) ~~INSPECTIONS, INVESTIGATIONS, AND EVALUATIONS~~ ISSUING SUBPOENAS.

24 ~~THE OFFICE OF THE INSPECTOR GENERAL MAY CONDUCT INDEPENDENT REVIEWS OF~~
25 ~~GOVERNMENT OPERATIONS, INCLUDING INSPECTIONS, INVESTIGATIONS, AND~~
26 ~~EVALUATIONS OF:~~

27 ~~(1) ANY ACTIVITIES, RECORDS, OR INDIVIDUALS INVOLVED WITH CITY CONTRACTS~~
28 ~~AND PROCUREMENTS; OR~~

29 ~~(2) ANY OTHER OFFICIAL ACT OR FUNCTION OF ANY GOVERNMENTAL ENTITY UNDER~~
30 ~~THE JURISDICTION OF THE OFFICE.~~

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1 (1) TO PERFORM THE DUTIES OF OFFICE, THE INSPECTOR GENERAL MAY ISSUE A
2 SUBPOENA TO REQUIRE:

3 (I) ANY PERSON TO APPEAR UNDER OATH AS A WITNESS; OR

4 (II) THE PRODUCTION OF ANY INFORMATION, DOCUMENT, REPORT, RECORD,
5 ACCOUNT, OR OTHER MATERIAL.

6 (2) THE INSPECTOR GENERAL MAY ENFORCE ANY SUBPOENA ISSUED PURSUANT TO
7 THIS SUBSECTION IN ANY COURT OF COMPETENT JURISDICTION.

8 (E) *ANNUAL REPORT.*

9 (1) THE OFFICE OF THE INSPECTOR GENERAL SHALL PREPARE AND PUBLISH AN ANNUAL
10 REPORT OF THE OFFICE'S ACTIVITIES.

11 (2) THE ANNUAL REPORT MAY INCLUDE RECOMMENDATIONS REGARDING PROGRAM
12 WEAKNESS, CONTRACTING IRREGULARITIES, OR OTHER INSTITUTIONAL PROBLEMS
13 DISCOVERED BY THE OFFICE.

14 (3) THE ANNUAL REPORT SHALL BE:

15 (i) SUBMITTED TO ALL OF THE MEMBERS OF THE OFFICE OF THE INSPECTOR
16 GENERAL'S ADVISORY BOARD; AND

17 (ii) AFTER ANY REDACTIONS REQUIRED BY LAW, POSTED ON THE OFFICE OF THE
18 INSPECTOR GENERAL'S WEBSITE.

19 ~~(F) PUBLIC REPORTS OF INVESTIGATIONS.~~

20 ~~THE INSPECTOR GENERAL MAY PUBLISH FOR PUBLIC VIEWING A REPORT OF ANY~~
21 ~~INVESTIGATION, INSPECTION, OR EVALUATION, EXCEPT THAT ANY SENSITIVE OR~~
22 ~~CONFIDENTIAL INFORMATION MUST BE REDACTED AS REQUIRED BY LAW.~~

23 ~~(G) ETHICS BOARD.~~

24 ~~THE INSPECTOR GENERAL SHALL SERVE AS THE EXECUTIVE DIRECTOR OF THE BOARD OF~~
25 ~~ETHICS ESTABLISHED UNDER § 106(A) OF THIS ARTICLE AND MODIFIED UNDER § 110 OF~~
26 ~~THIS ARTICLE, AND SHALL USE THE OFFICE OF THE INSPECTOR GENERAL'S STAFF AND~~
27 ~~RESOURCES TO SUPPORT THE BOARD OF ETHICS AND FULFILL THE EXECUTIVE DIRECTOR'S~~
28 ~~RESPONSIBILITIES.~~

29 ~~(H) REFERRALS AND JOINT INVESTIGATIONS.~~

30 ~~IF, IN THE COURSE OF ANY INSPECTION, INVESTIGATION, OR EVALUATION CONDUCTED BY~~
31 ~~THE OFFICE, THE INSPECTOR GENERAL DETERMINES THAT THERE IS REASON TO BELIEVE~~
32 ~~THAT A CRIMINAL ACT OCCURRED, THE INSPECTOR GENERAL MAY:~~

33 ~~(1) REFER THE MATTER TO THE APPROPRIATE PROSECUTORIAL AUTHORITY;~~

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1 ~~(2) OPEN A JOINT INVESTIGATION WITH THE APPROPRIATE PROSECUTORIAL~~
2 ~~AUTHORITY; OR~~

3 ~~(3) NOTIFY THE CITY SOLICITOR AND TAKE FURTHER ACTION IN CONCURRENCE WITH~~
4 ~~THE CITY SOLICITOR.~~

5 ~~(I) AUTHORITY TO CANCEL OR SUSPEND CONTRACTS:~~

6 ~~THE INSPECTOR GENERAL MAY, WITH THE CONCURRENCE OF THE CITY SOLICITOR,~~
7 ~~CANCEL OR SUSPEND A CONTRACT ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS~~
8 ~~SECTION IF THE INSPECTOR GENERAL FINDS THAT:~~

9 ~~(1) THE CONTRACT IS NOT BEING PERFORMED; OR~~

10 ~~(2) A CONTRACTOR ON THE CONTRACT HAS PROVIDED FALSE STATEMENTS TO A CITY~~
11 ~~OFFICIAL.~~

12 ~~(J) PUBLIC AWARENESS:~~

13 ~~(1) THE INSPECTOR GENERAL SHALL TAKE APPROPRIATE STEPS TO BUILD PUBLIC~~
14 ~~AWARENESS OF THE OFFICE OF THE INSPECTOR GENERAL AND OF ALL PROCEDURES~~
15 ~~ESTABLISHED BY THE INSPECTOR GENERAL FOR RECEIVING COMPLAINTS.~~

16 ~~(2) THE INSPECTOR GENERAL SHALL PROVIDE INFORMATION TO CITY EMPLOYEES ABOUT~~
17 ~~THE IDENTIFICATION AND PREVENTION OF FRAUD, WASTE, AND ABUSE OF OFFICE IN~~
18 ~~CITY GOVERNMENT.~~

19 ~~(K) POLICY RECOMMENDATIONS:~~

20 ~~THE INSPECTOR GENERAL MAY, ON ANY MATTER OF POLICY OR PRACTICE, MAKE~~
21 ~~RECOMMENDATIONS TO THE MAYOR OR TO THE HEAD OF ANY CITY DEPARTMENT OR~~
22 ~~AGENCY, IF THE INSPECTOR GENERAL BELIEVES THAT THE IMPLEMENTATION OF THE~~
23 ~~RECOMMENDATION WOULD ASSIST IN THE PROMOTION OF EFFICIENCY, ACCOUNTABILITY,~~
24 ~~AND INTEGRITY IN CITY GOVERNMENT.~~

25 ~~(L) POLICIES AND PROCEDURES:~~

26 ~~THE INSPECTOR GENERAL SHALL ESTABLISH POLICIES AND PROCEDURES THAT GUIDE THE~~
27 ~~FUNCTIONS AND PROCESSES CONDUCTED BY THE OFFICE OF THE INSPECTOR GENERAL.~~

28 **§ 4 138. OFFICE OF THE INSPECTOR GENERAL: FUNDING BUDGET.**

29 ~~(A) IN GENERAL:~~

30 ~~THE BOARD OF ESTIMATES SHALL ANNUALLY INCLUDE IN THE ORDINANCE OF ESTIMATES~~
31 ~~SUBMITTED TO THE CITY COUNCIL AN AMOUNT SUFFICIENT TO FUND THE OFFICE OF THE~~
32 ~~INSPECTOR GENERAL AT NOT LESS THAN 10 TIMES THE SALARY OF THE MAYOR.~~

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1 (B) INSPECTOR GENERAL'S SALARY INCLUDED.

2 (1) THE INSPECTOR GENERAL'S COMPENSATION SHALL BE AT LEAST EQUAL TO 80% OF
3 THE MAYOR'S COMPENSATION.

4 (2) THE INSPECTOR GENERAL'S COMPENSATION MAY BE INCLUDED IN THE FUNDING
5 PROVIDED UNDER SUBSECTION (A) OF THIS SECTION AND NEED NOT BE APPROPRIATED
6 IN ADDITION TO THAT FUNDING IN THE ORDINANCE OF ESTIMATES.

7 (A) PROPOSED BUDGET.

8 THE INSPECTOR GENERAL SHALL FORMULATE AND PREPARE ANNUALLY, OR AS
9 FREQUENTLY AS REQUIRED BY LAW, A PROPOSED BUDGET TO FUND THE OPERATIONS OF
10 THE OFFICE AND SHALL TRANSMIT THE PROPOSED BUDGET TO THE ADVISORY BOARD FOR
11 ITS REVIEW.

12 (B) REVIEW OF PROPOSED BUDGET.

13 (1) THE ADVISORY BOARD SHALL MEET TO REVIEW THE PROPOSED BUDGET SUBMITTED BY
14 THE INSPECTOR GENERAL FOR THE PURPOSE OF ASSESSING AND DETERMINING
15 WHETHER, IN THE JUDGEMENT OF THE ADVISORY BOARD, THE PROPOSED BUDGET
16 PROVIDES SUFFICIENT FUNDING TO MEET THE DUTIES OF THE OFFICE.

17 (2) THE ADVISORY BOARD SHALL, BY AN AFFIRMATIVE VOTE OF AT LEAST 4 OF ITS
18 MEMBERS, EITHER:

19 (i) APPROVE THE PROPOSED BUDGET AS SUBMITTED; OR

20 (ii) REVISE THE PROPOSED BUDGET IF THE ADVISORY BOARD DISAGREES WITH THE
21 SUBSTANCE OF ANY ITEM CONTAINED IN THE PROPOSED BUDGET, INCLUDING
22 ESTIMATES OF NEED AND AMOUNTS OF REQUESTED FUNDING.

23 (C) SUBMISSION.

24 (1) THE BUDGET APPROVED BY THE ADVISORY BOARD PURSUANT TO SUBSECTION (B) OF
25 THIS SECTION SHALL BE THE OFFICE BUDGET THE ADVISORY BOARD RECOMMENDS TO
26 THE BOARD OF ESTIMATES.

27 (2) THE ADVISORY BOARD, ON BEHALF OF THE OFFICE OF THE INSPECTOR GENERAL,
28 SHALL SUBMIT THE RECOMMENDED BUDGET TO THE BOARD OF ESTIMATES IN A
29 TIMELY MANNER IN ORDER FOR THE RECOMMENDED BUDGET TO BE CONSIDERED FOR
30 INCLUSION IN THE ORDINANCE OF ESTIMATES.

31 (D) FUNDING.

32 THE OFFICE OF THE INSPECTOR GENERAL SHALL BE FUNDED ANNUALLY IN THE
33 ORDINANCE OF ESTIMATES.

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1 ~~§ 139. OFFICE OF THE INSPECTOR GENERAL: ACCESS TO PERSONS AND RECORDS; SUBPOENA~~
2 ~~POWER.~~

3 ~~(A) ACCESS TO PERSONS.~~

4 ~~THE INSPECTOR GENERAL SHALL HAVE ACCESS TO ANY HEAD OF ANY CITY ENTITY UNDER~~
5 ~~THE JURISDICTION OF THE OFFICE OF THE INSPECTOR GENERAL WHEN NECESSARY FOR~~
6 ~~ANY PURPOSE PERTAINING TO THE INSPECTOR GENERAL'S POWERS AND DUTIES.~~

7 ~~(B) ACCESS TO RECORDS.~~

8 ~~AS ALLOWED BY LAW, THE INSPECTOR GENERAL SHALL HAVE ACCESS TO ALL RECORDS OF~~
9 ~~ANY CITY ENTITY UNDER ITS JURISDICTION. OFFICERS AND EMPLOYEES OF CITY ENTITIES~~
10 ~~SHALL PROMPTLY PROVIDE TO THE INSPECTOR GENERAL ANY INFORMATION, DOCUMENT,~~
11 ~~REPORT, RECORD, ACCOUNT, OR OTHER MATERIAL REQUESTED BY THE INSPECTOR~~
12 ~~GENERAL, AND THE INSPECTOR GENERAL IS NOT REQUIRED TO OBTAIN A SUBPOENA FOR~~
13 ~~ANY RECORDS REQUEST MADE TO ANY CITY ENTITY.~~

14 ~~(C) SUBPOENA POWER.~~

15 ~~(1) AS PART OF AN INVESTIGATION INTO ANY MATTER UNDER THE JURISDICTION OF THE~~
16 ~~OFFICE OF THE INSPECTOR GENERAL, THE INSPECTOR GENERAL MAY ISSUE A~~
17 ~~SUBPOENA INDEPENDENT OF ANY FURTHER APPROVAL FROM THE MAYOR AND CITY~~
18 ~~COUNCIL OF BALTIMORE, REQUIRING ANY PERSON TO GIVE TESTIMONY, OR PRODUCE~~
19 ~~ANY DOCUMENT, REPORT, RECORD, ACCOUNT, OR OTHER MATERIAL.~~

20 ~~(2) A SUBPOENA ISSUED UNDER THIS SUBSECTION MAY BE JUDICIALLY ENFORCED BY THE~~
21 ~~CITY SOLICITOR IN ANY COURT OF COMPETENT JURISDICTION.~~

22 ~~§ 140. OFFICE OF THE INSPECTOR GENERAL: DUTIES OF EMPLOYEES AND OFFICERS UNDER~~
23 ~~JURISDICTION OF THE OFFICE.~~

24 ~~ANY OFFICER OR EMPLOYEE UNDER THE JURISDICTION OF THE OFFICE OF THE INSPECTOR~~
25 ~~GENERAL WHO RECEIVES A COMPLAINT OF FRAUD, WASTE, OR ABUSE SHALL IMMEDIATELY~~
26 ~~REFER THE COMPLAINT TO THE OFFICE OF THE INSPECTOR GENERAL.~~

27 ~~§ 141. OFFICE OF THE INSPECTOR GENERAL: CONFIDENTIALITY.~~

28 ~~THE OFFICE OF THE INSPECTOR GENERAL MAY NOT DISCLOSE TO ANY PERSON OUTSIDE OF THE~~
29 ~~OFFICE THE IDENTITY OF ANY COMPLAINANT WITHOUT THE CONSENT OF THE COMPLAINANT,~~
30 ~~EXCEPT WHEN DISCLOSURE IS REQUIRED BY LAW.~~

31 § 5. OFFICE OF THE INSPECTOR GENERAL: ADMINISTRATION AND OPERATION.

32 (A) STAFF.

33 THE INSPECTOR GENERAL MAY APPOINT SUCH OTHER EMPLOYEES TO ASSIST IN THE
34 CONDUCT OF THE OFFICE AS MAY BE PROVIDED IN THE ORDINANCE OF ESTIMATES.

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1 (B) DEPUTY INSPECTOR GENERAL.

2 (1) THE INSPECTOR GENERAL SHALL APPOINT A DEPUTY INSPECTOR GENERAL WHO
3 SHALL SERVE AS THE ACTING INSPECTOR GENERAL IF THE INSPECTOR GENERAL IS
4 ABSENT OR UNAVAILABLE FOR DUTY.

5 (C) ADMINISTRATIVE AND OPERATIONAL PROCEDURES.

6 THE ADMINISTRATIVE AND OPERATIONAL PROCEDURES OF THE OFFICE MAY BE
7 ESTABLISHED BY LAW OR BY RULE OR REGULATION ADOPTED BY THE INSPECTOR
8 GENERAL.

9 **§ 6 142. OFFICE OF THE INSPECTOR GENERAL: TRANSITION PROCEDURE.**

10 (A) INCUMBENT INSPECTOR GENERAL.

11 THE INDIVIDUAL HOLDING THE POSITION OF INSPECTOR GENERAL OF THE CITY OF
12 BALTIMORE IN THE LAW DEPARTMENT ON NOVEMBER 6, 2018 WILL ASSUME THE
13 POSITION OF INSPECTOR GENERAL CREATED BY ~~§ 135~~ OF THIS ARTICLE ON THE DATE THAT
14 ~~§ 135~~ THIS ARTICLE GOES INTO EFFECT.

15 (B) INITIAL TERM.

16 THE 6 YEAR TERM OF THE INSPECTOR GENERAL ~~ASSUMING~~ WHO ASSUMES OFFICE UNDER
17 ~~SUBSECTION (A) OF THIS SECTION~~ THE PROVISIONS OF THIS ARTICLE RUNS FROM THE DATE
18 OF HER OR HIS APPOINTMENT TO THE POSITION OF ~~INSPECTOR GENERAL OF THE CITY OF~~
19 ~~BALTIMORE IN THE LAW DEPARTMENT~~ EFFECTIVE DATE OF THIS ARTICLE.

20 ~~(C) FUNDING.~~

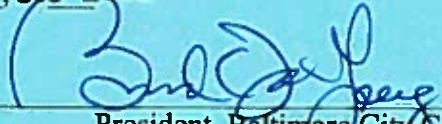
21 ~~(1) THE FUNDING REQUIREMENTS OF § 138 OF THIS ARTICLE WILL APPLY TO THE~~
22 ~~ORDINANCE OF ESTIMATES ADOPTED AFTER NOVEMBER 6, 2018 AND EACH~~
23 ~~SUBSEQUENT ORDINANCE OF ESTIMATES.~~

24 ~~(2) IN THE PERIOD BETWEEN THE EFFECTIVE DATE OF § 135 OF THIS ARTICLE AND THE~~
25 ~~ADOPTION OF A NEW ORDINANCE OF ESTIMATES, THE OFFICE OF THE INSPECTOR~~
26 ~~GENERAL CREATED BY § 135 MAY OPERATE USING THE FUNDS PREVIOUSLY~~
27 ~~APPROPRIATED FOR THE OFFICE OF THE INSPECTOR GENERAL IN THE LAW~~
28 ~~DEPARTMENT.~~

29 SECTION 2. AND BE IT FURTHER RESOLVED, That this proposed amendment to the City
30 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
31 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
32 City Solicitor.

Council Bill 18-0199

Certified as duly passed this _____ day of JUL, 09 2018



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of JUL, 09 2018



Chief Clerk

Approved this 30 day of July 2018



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 16th Day of July 2018



Chief Solicitor



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CITY OF BALTIMORE
RESOLUTION _____
Council Bill 18-0199
(Charter Amendment)

Introduced by: Councilmembers Dorsey, Burnett, Schleifer, Henry, Sneed, Clarke, Scott
Introduced and read first time: March 12, 2018
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 25, 2018

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Charter Amendment – Office of the Inspector General

1
2 **FOR** the purpose of creating an independent Office of the Inspector General headed by an
3 Inspector General; establishing the process for appointing and terminating the Inspector
4 General; establishing the powers and duties of the Office of the Inspector General; ~~appointing~~
5 ~~the Inspector General to serve as the Executive Director of the Board of Ethics; granting the~~
6 ~~Inspector General the authority to cancel or suspend certain contracts with the concurrence of~~
7 ~~the City Solicitor; setting a minimum guaranteed funding level for the Office of the Inspector~~
8 ~~General; setting a minimum guaranteed compensation level for the Inspector General;~~
9 ~~granting the Inspector General the power to issue subpoenas; requiring the Office of the~~
10 ~~Inspector General to issue an annual public report; requiring City employees and officials to~~
11 ~~forward certain types of complaints to the Office of the Inspector General; requiring the~~
12 ~~Office of the Inspector General to keep the identities of complainants confidential to the~~
13 ~~extent allowed by law; providing for certain administrative procedures; establishing~~
14 ~~procedures to transition the existing Office of the Inspector General in the Law Department~~
15 ~~into the newly created independent Office of the Inspector General; generally relating to the~~
16 ~~Office of the Inspector General; and submitting this amendment to the qualified voters of the~~
17 ~~City for adoption or rejection.~~

18 **BY proposing to add**

19 ~~Article VII - Executive Departments~~
20 ~~Section(s) 135 to 142, to be under the new subtitle;~~
21 ~~"Office of the Inspector General"~~
22 ~~Baltimore City Charter~~
23 ~~(1996 Edition)~~

24 **BY proposing to add**

25 Article X - Office of the Inspector General
26 Section(s) 1 to 6
27 Baltimore City Charter
28 (1996 Edition)

29 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
30 City Charter is proposed to be amended to read as follows:

EXPLANATION: Underlining indicates matter added by amendment.
Strike-out indicates matter stricken by amendment.

Council Bill 18-0199

Baltimore City Charter

~~Article VII. Executive Departments~~

~~OFFICE OF THE INSPECTOR GENERAL~~

ARTICLE X. OFFICE OF THE INSPECTOR GENERAL

§ 1 ~~135~~. OFFICE OF THE INSPECTOR GENERAL: OFFICE ESTABLISHED.

THERE IS AN OFFICE OF THE INSPECTOR GENERAL, THE HEAD OF WHICH IS THE INSPECTOR GENERAL.

§ 2 ~~136~~. OFFICE OF THE INSPECTOR GENERAL: INSPECTOR GENERAL.

(A) *APPOINTMENT.*

(1) THE INSPECTOR GENERAL IS APPOINTED BY AN ADVISORY BOARD ~~COMPRISING THE FOLLOWING OR THEIR RESPECTIVE DESIGNEES:~~ TO BE COMPRISED OF 5 OR 7 MEMBERS AS PROVIDED IN THIS SUBSECTION (A).

(2) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING:

(I) THE MAYOR, OR THE MAYOR'S DESIGNEE;

(II) THE CITY SOLICITOR, WHO SERVES AS THE CHAIR OF THE ADVISORY BOARD AND MAY ASSIGN STAFF TO THE ADVISORY BOARD FROM THE LAW DEPARTMENT;

(III) THE COMPTROLLER, OR THE COMPTROLLER'S DESIGNEE;

(IV) THE CITY COUNCIL PRESIDENT; OR THE PRESIDENT'S DESIGNEE; AND

(V) THE STATE'S ATTORNEY FOR BALTIMORE CITY;

~~(VI) A MEMBER OF THE BALTIMORE CITY HOUSE OR SENATE DELEGATION TO THE MARYLAND GENERAL ASSEMBLY, SELECTED BY THE BALTIMORE CITY HOUSE AND SENATE DELEGATIONS TO THE MARYLAND GENERAL ASSEMBLY;~~

~~(VII) THE DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW;~~

~~(VIII) THE DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW; AND~~

(V) (IX) A MEMBER OF THE CITY COUNCIL SELECTED BY MAJORITY VOTE OF THE COUNCIL APPOINTED BY THE CITY COUNCIL PRESIDENT.

(3) THE MAYOR AND CITY COUNCIL PRESIDENT MAY APPOINT 2 ADDITIONAL MEMBERS TO THE ADVISORY BOARD FROM THE LIST PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION IF:

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1 (I) THE MAYOR AND THE CITY COUNCIL PRESIDENT JOINTLY AGREE TO AN
2 APPOINTMENT; AND

3 (II) THE MEMBERS APPOINTED AGREE TO SERVE ON THE ADVISORY BOARD.

4 (4) THE 2 ADDITIONAL MEMBERS THAT MAY BE SELECTED TO SERVE ON THE ADVISORY
5 BOARD PURSUANT TO PARAGRAPH (3) OF THIS SUBSECTION MAY ONLY BE AS FOLLOWS:

6 (I) THE DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW; AND

7 (II) THE DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW.

8 (5) (2) A QUORUM OF THE ADVISORY BOARD CONSISTS OF 5 4 MEMBERS.

9 (6) (3) AN AFFIRMATIVE VOTE OF AT LEAST 5 4 MEMBERS SHALL BE NECESSARY TO
10 APPOINT AN INSPECTOR GENERAL.

11 (B) *QUALIFICATIONS.*

12 (1) THE INSPECTOR GENERAL SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL
13 AFFILIATION AND MUST HAVE SUBSTANTIAL EXPERIENCE IN ACCOUNTING AUDITING,
14 FINANCIAL ANALYSIS, CRIMINAL JUSTICE LAW, MANAGEMENT ANALYSIS, PUBLIC
15 ADMINISTRATION, OR INVESTIGATIONS, OR ANOTHER APPROPRIATE FIELD.

16 (2) THE INSPECTOR GENERAL SHALL HOLD AT THE TIME OF APPOINTMENT, OR BE
17 REQUIRED TO OBTAIN WITHIN 7 MONTHS AFTER APPOINTMENT, CERTIFICATION AS A
18 CERTIFIED INSPECTOR GENERAL.

19 (C) *TERM.*

20 THE INSPECTOR GENERAL SHALL SERVE A TERM OF 6 YEARS COMMENCING FROM THE
21 DATE OF APPOINTMENT.

22 (D) *REMOVAL.*

23 ~~BEFORE THE EXPIRATION OF A 6 YEAR TERM, THE INSPECTOR GENERAL MAY ONLY BE~~
24 ~~REMOVED WITH AN AFFIRMATIVE VOTE OF AT LEAST 5 MEMBERS OF THE ADVISORY~~
25 ~~BOARD, AFTER A FINDING THAT THE INSPECTOR GENERAL HAS:~~

26 ~~(1) FAILED TO PERFORM THE DUTIES OUTLINED IN §137 OF THIS ARTICLE;~~

27 ~~(2) BEEN CONVICTED OF A CRIMINAL ACT, OTHER THAN A NUISANCE CRIME ELIGIBLE~~
28 ~~FOR EXPUNGEMENT UNDER MARYLAND CRIMINAL PROCEDURE ARTICLE~~
29 ~~§10-105(A)(9);~~

30 ~~(3) IN THE ADVISORY BOARD'S SOLE DETERMINATION, COMMITTED MISCONDUCT OR~~
31 ~~MALFEASANCE IN OFFICE THAT UNDERMINES THE CREDIBILITY OF THE INSPECTOR~~
32 ~~GENERAL AND HINDERS THEIR ABILITY TO PERFORM THEIR DUTIES; OR~~

Council Bill 18-0199

1 ~~(4) IN THE ADVISORY BOARD'S SOLE DETERMINATION, DEMONSTRATED A PATTERN OF~~
2 ~~INCOMPETENCE AND LACK OF FITNESS FOR THE POSITION.~~

3 THE INSPECTOR GENERAL MAY BE REMOVED FROM OFFICE BY AN AFFIRMATIVE VOTE OF
4 AT LEAST 4 MEMBERS OF THE ADVISORY BOARD FOR:

5 (1) MISCONDUCT IN OFFICE;

6 (2) PERSISTENT FAILURE TO PERFORM THE DUTIES OF OFFICE; OR

7 (3) CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION OF JUSTICE.

8 (E) REPORTS CONCERNING A VACANCY OR INCAPACITY.

9 WHENEVER THE OFFICE OF THE INSPECTOR GENERAL REMAINS VACANT FOR 180 DAYS, OR
10 WHENEVER THE INSPECTOR GENERAL IS INCAPACITATED OR OTHERWISE UNABLE TO
11 PERFORM THE DUTIES OF THE OFFICE FOR 180 DAYS, THE CHAIR OF THE ADVISORY BOARD
12 SHALL ISSUE A REPORT TO THE CITY COUNCIL ON THE 180TH DAY, AND EVERY 2 MONTHS
13 THEREAFTER UNTIL THE VACANCY IS FILLED OR THE INSPECTOR GENERAL REPORTS TO
14 WORK, DESCRIBING THE STATUS OF THE EFFORTS TO FILL THE VACANCY OR THE STATUS OF
15 THE ABSENT INSPECTOR GENERAL.

16 (F) (E) PERFORMANCE REVIEW.

17 THE ADVISORY BOARD SHALL MEET AT LEAST ONCE ANNUALLY TO REVIEW THE
18 PERFORMANCE OF THE INSPECTOR GENERAL.

19 (F) ~~ACTING INSPECTOR GENERAL:~~

20 ~~(1) WHENEVER A VACANCY OCCURS FOR THE INSPECTOR GENERAL, OR WHENEVER~~
21 ~~THE INSPECTOR GENERAL IS INCAPACITATED OR OTHERWISE UNAVAILABLE FOR~~
22 ~~DUTY FOR ANY CAUSE, THE HIGHEST RANKING EMPLOYEE OF THE OFFICE OF THE~~
23 ~~INSPECTOR GENERAL SHALL BE THE ACTING INSPECTOR GENERAL UNTIL THE~~
24 ~~VACANCY IS FILLED OR THE INSPECTOR GENERAL IS AGAIN AVAILABLE FOR DUTY.~~

25 ~~(2) THE CHAIR OF THE ADVISORY BOARD SHALL:~~

26 ~~(i) ISSUE A PROGRESS REPORT TO THE CITY COUNCIL DESCRIBING THE STATUS~~
27 ~~OF THE EFFORTS TO FILL THE VACANCY, OR THE INSPECTOR GENERAL'S~~
28 ~~INCAPACITY OR UNAVAILABILITY, 180 DAYS FROM THE DATE ANY~~
29 ~~VACANCY OCCURS, OR THE DATE THAT THE INSPECTOR GENERAL IS~~
30 ~~INCAPACITATED OR OTHERWISE UNAVAILABLE FOR DUTY FOR ANY CAUSE;~~
31 ~~AND~~

32 ~~(ii) ISSUE AN ADDITIONAL PROGRESS REPORT EVERY 60 DAYS THEREAFTER~~
33 ~~UNTIL THE VACANCY IS FILLED OR THE INSPECTOR GENERAL RETURNS TO~~
34 ~~DUTY.~~

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1 § 3 137. OFFICE OF THE INSPECTOR GENERAL: POWERS AND DUTIES OF OFFICE.

2 (A) HEAD OF OFFICE.

3 THE INSPECTOR GENERAL SHALL SUPERVISE AND DIRECT THE OFFICE OF THE INSPECTOR
4 GENERAL.

5 (B) RESPONSIBILITIES OF THE OFFICE.

6 THE OFFICE OF THE INSPECTOR GENERAL IS RESPONSIBLE FOR:

7 ~~(1) PROMOTING EFFICIENCY, ACCOUNTABILITY, AND INTEGRITY IN CITY~~
8 ~~GOVERNMENT;~~

9 (1) (2) INVESTIGATING COMPLAINTS OF FRAUD, FINANGIAL WASTE, AND ABUSE IN
10 CITY GOVERNMENT; AND

11 (2) (3) PROMOTING ETHICAL, FISCAL, AND LEGAL ACCOUNTABILITY EFFICIENCY,
12 ACCOUNTABILITY, AND INTEGRITY IN CITY GOVERNMENT.

13 (C) JURISDICTION OF OFFICE.

14 THE OFFICE OF THE INSPECTOR GENERAL MAY INVESTIGATE ALLEGATIONS THAT INVOLVE
15 CITY GOVERNMENT AND POTENTIAL VIOLATIONS OF LAWS OR REGULATIONS BY ANY:

16 (1) CITY ELECTED OFFICIAL;

17 (2) CITY EMPLOYEE;

18 (3) MEMBER OF A BOARD OR COMMISSION ESTABLISHED OR GOVERNED BY THE CITY
19 CHARTER, CITY CODE, OR AN EXECUTIVE ORDER ISSUED BY THE MAYOR;

20 (4) CITY CONTRACTOR OR PERSON NEGOTIATING A CONTRACT WITH THE CITY;

21 (5) PERSON SEEKING CERTIFICATION TO PROVIDE GOODS OR SERVICES TO THE CITY; OR

22 (6) EXTERNAL RECIPIENT OF CITY FUNDS, BENEFITS, OR SERVICES.

23 (D) ~~INSPECTIONS, INVESTIGATIONS, AND EVALUATIONS~~ ISSUING SUBPOENAS.

24 ~~THE OFFICE OF THE INSPECTOR GENERAL MAY CONDUCT INDEPENDENT REVIEWS OF~~
25 ~~GOVERNMENT OPERATIONS, INCLUDING INSPECTIONS, INVESTIGATIONS, AND~~
26 ~~EVALUATIONS OF:~~

27 ~~(1) ANY ACTIVITIES, RECORDS, OR INDIVIDUALS INVOLVED WITH CITY CONTRACTS~~
28 ~~AND PROCUREMENTS; OR~~

29 ~~(2) ANY OTHER OFFICIAL ACT OR FUNCTION OF ANY GOVERNMENTAL ENTITY UNDER~~
30 ~~THE JURISDICTION OF THE OFFICE.~~

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1 (1) TO PERFORM THE DUTIES OF OFFICE, THE INSPECTOR GENERAL MAY ISSUE A
2 SUBPOENA TO REQUIRE:

3 (I) ANY PERSON TO APPEAR UNDER OATH AS A WITNESS; OR

4 (II) THE PRODUCTION OF ANY INFORMATION, DOCUMENT, REPORT, RECORD,
5 ACCOUNT, OR OTHER MATERIAL.

6 (2) THE INSPECTOR GENERAL MAY ENFORCE ANY SUBPOENA ISSUED PURSUANT TO
7 THIS SUBSECTION IN ANY COURT OF COMPETENT JURISDICTION.

8 (E) *ANNUAL REPORT.*

9 (1) THE OFFICE OF THE INSPECTOR GENERAL SHALL PREPARE AND PUBLISH AN ANNUAL
10 REPORT OF THE OFFICE'S ACTIVITIES.

11 (2) THE ANNUAL REPORT MAY INCLUDE RECOMMENDATIONS REGARDING PROGRAM
12 WEAKNESS, CONTRACTING IRREGULARITIES, OR OTHER INSTITUTIONAL PROBLEMS
13 DISCOVERED BY THE OFFICE.

14 (3) THE ANNUAL REPORT SHALL BE:

15 (1) SUBMITTED TO ALL OF THE MEMBERS OF THE ~~OFFICE OF THE INSPECTOR~~
16 ~~GENERAL'S~~ ADVISORY BOARD; AND

17 (II) AFTER ANY REDACTIONS REQUIRED BY LAW, POSTED ON THE OFFICE OF THE
18 INSPECTOR GENERAL'S WEBSITE.

19 ~~(F) PUBLIC REPORTS OF INVESTIGATIONS:~~

20 ~~THE INSPECTOR GENERAL MAY PUBLISH FOR PUBLIC VIEWING A REPORT OF ANY~~
21 ~~INVESTIGATION, INSPECTION, OR EVALUATION, EXCEPT THAT ANY SENSITIVE OR~~
22 ~~CONFIDENTIAL INFORMATION MUST BE REDACTED AS REQUIRED BY LAW.~~

23 ~~(G) ETHICS BOARD:~~

24 ~~THE INSPECTOR GENERAL SHALL SERVE AS THE EXECUTIVE DIRECTOR OF THE BOARD OF~~
25 ~~ETHICS ESTABLISHED UNDER § 106(A) OF THIS ARTICLE AND MODIFIED UNDER § 110 OF~~
26 ~~THIS ARTICLE, AND SHALL USE THE OFFICE OF THE INSPECTOR GENERAL'S STAFF AND~~
27 ~~RESOURCES TO SUPPORT THE BOARD OF ETHICS AND FULFILL THE EXECUTIVE DIRECTOR'S~~
28 ~~RESPONSIBILITIES.~~

29 ~~(H) REFERRALS AND JOINT INVESTIGATIONS:~~

30 ~~IF, IN THE COURSE OF ANY INSPECTION, INVESTIGATION, OR EVALUATION CONDUCTED BY~~
31 ~~THE OFFICE, THE INSPECTOR GENERAL DETERMINES THAT THERE IS REASON TO BELIEVE~~
32 ~~THAT A CRIMINAL ACT OCCURRED, THE INSPECTOR GENERAL MAY:~~

33 (1) REFER THE MATTER TO THE APPROPRIATE PROSECUTORIAL AUTHORITY;

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1 ~~(2) OPEN A JOINT INVESTIGATION WITH THE APPROPRIATE PROSECUTORIAL~~
2 ~~AUTHORITY; OR~~

3 ~~(3) NOTIFY THE CITY SOLICITOR AND TAKE FURTHER ACTION IN CONCURRENCE WITH~~
4 ~~THE CITY SOLICITOR.~~

5 ~~(I) AUTHORITY TO CANCEL OR SUSPEND CONTRACTS:~~

6 ~~THE INSPECTOR GENERAL MAY, WITH THE CONCURRENCE OF THE CITY SOLICITOR,~~
7 ~~CANCEL OR SUSPEND A CONTRACT ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS~~
8 ~~SECTION IF THE INSPECTOR GENERAL FINDS THAT:~~

9 ~~(1) THE CONTRACT IS NOT BEING PERFORMED; OR~~

10 ~~(2) A CONTRACTOR ON THE CONTRACT HAS PROVIDED FALSE STATEMENTS TO A CITY~~
11 ~~OFFICIAL.~~

12 ~~(J) PUBLIC AWARENESS:~~

13 ~~(1) THE INSPECTOR GENERAL SHALL TAKE APPROPRIATE STEPS TO BUILD PUBLIC~~
14 ~~AWARENESS OF THE OFFICE OF THE INSPECTOR GENERAL AND OF ALL PROCEDURES~~
15 ~~ESTABLISHED BY THE INSPECTOR GENERAL FOR RECEIVING COMPLAINTS.~~

16 ~~(2) THE INSPECTOR GENERAL SHALL PROVIDE INFORMATION TO CITY EMPLOYEES ABOUT~~
17 ~~THE IDENTIFICATION AND PREVENTION OF FRAUD, WASTE, AND ABUSE OF OFFICE IN~~
18 ~~CITY GOVERNMENT.~~

19 ~~(K) POLICY RECOMMENDATIONS:~~

20 ~~THE INSPECTOR GENERAL MAY, ON ANY MATTER OF POLICY OR PRACTICE, MAKE~~
21 ~~RECOMMENDATIONS TO THE MAYOR OR TO THE HEAD OF ANY CITY DEPARTMENT OR~~
22 ~~AGENCY, IF THE INSPECTOR GENERAL BELIEVES THAT THE IMPLEMENTATION OF THE~~
23 ~~RECOMMENDATION WOULD ASSIST IN THE PROMOTION OF EFFICIENCY, ACCOUNTABILITY,~~
24 ~~AND INTEGRITY IN CITY GOVERNMENT.~~

25 ~~(L) POLICIES AND PROCEDURES:~~

26 ~~THE INSPECTOR GENERAL SHALL ESTABLISH POLICIES AND PROCEDURES THAT GUIDE THE~~
27 ~~FUNCTIONS AND PROCESSES CONDUCTED BY THE OFFICE OF THE INSPECTOR GENERAL.~~

28 **§ 4 138. OFFICE OF THE INSPECTOR GENERAL: FUNDING BUDGET.**

29 ~~(A) IN GENERAL:~~

30 ~~THE BOARD OF ESTIMATES SHALL ANNUALLY INCLUDE IN THE ORDINANCE OF ESTIMATES~~
31 ~~SUBMITTED TO THE CITY COUNCIL AN AMOUNT SUFFICIENT TO FUND THE OFFICE OF THE~~
32 ~~INSPECTOR GENERAL AT NOT LESS THAN 10 TIMES THE SALARY OF THE MAYOR.~~

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1 (B) INSPECTOR GENERAL'S SALARY INCLUDED:

2 (1) THE INSPECTOR GENERAL'S COMPENSATION SHALL BE AT LEAST EQUAL TO 80% OF
3 THE MAYOR'S COMPENSATION.

4 (2) THE INSPECTOR GENERAL'S COMPENSATION MAY BE INCLUDED IN THE FUNDING
5 PROVIDED UNDER SUBSECTION (A) OF THIS SECTION AND NEED NOT BE APPROPRIATED
6 IN ADDITION TO THAT FUNDING IN THE ORDINANCE OF ESTIMATES.

7 (A) PROPOSED BUDGET.

8 THE INSPECTOR GENERAL SHALL FORMULATE AND PREPARE ANNUALLY, OR AS
9 FREQUENTLY AS REQUIRED BY LAW, A PROPOSED BUDGET TO FUND THE OPERATIONS OF
10 THE OFFICE AND SHALL TRANSMIT THE PROPOSED BUDGET TO THE ADVISORY BOARD FOR
11 ITS REVIEW.

12 (B) REVIEW OF PROPOSED BUDGET.

13 (1) THE ADVISORY BOARD SHALL MEET TO REVIEW THE PROPOSED BUDGET SUBMITTED BY
14 THE INSPECTOR GENERAL FOR THE PURPOSE OF ASSESSING AND DETERMINING
15 WHETHER, IN THE JUDGEMENT OF THE ADVISORY BOARD, THE PROPOSED BUDGET
16 PROVIDES SUFFICIENT FUNDING TO MEET THE DUTIES OF THE OFFICE.

17 (2) THE ADVISORY BOARD SHALL, BY AN AFFIRMATIVE VOTE OF AT LEAST 4 OF ITS
18 MEMBERS, EITHER:

19 (i) APPROVE THE PROPOSED BUDGET AS SUBMITTED; OR

20 (ii) REVISE THE PROPOSED BUDGET IF THE ADVISORY BOARD DISAGREES WITH THE
21 SUBSTANCE OF ANY ITEM CONTAINED IN THE PROPOSED BUDGET, INCLUDING
22 ESTIMATES OF NEED AND AMOUNTS OF REQUESTED FUNDING.

23 (C) SUBMISSION.

24 (1) THE BUDGET APPROVED BY THE ADVISORY BOARD PURSUANT TO SUBSECTION (B) OF
25 THIS SECTION SHALL BE THE OFFICE BUDGET THE ADVISORY BOARD RECOMMENDS TO
26 THE BOARD OF ESTIMATES.

27 (2) THE ADVISORY BOARD, ON BEHALF OF THE OFFICE OF THE INSPECTOR GENERAL,
28 SHALL SUBMIT THE RECOMMENDED BUDGET TO THE BOARD OF ESTIMATES IN A
29 TIMELY MANNER IN ORDER FOR THE RECOMMENDED BUDGET TO BE CONSIDERED FOR
30 INCLUSION IN THE ORDINANCE OF ESTIMATES.

31 (D) FUNDING.

32 THE OFFICE OF THE INSPECTOR GENERAL SHALL BE FUNDED ANNUALLY IN THE
33 ORDINANCE OF ESTIMATES.

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1 ~~§ 139. OFFICE OF THE INSPECTOR GENERAL: ACCESS TO PERSONS AND RECORDS; SUBPOENA~~
2 ~~POWER.~~

3 ~~(A) ACCESS TO PERSONS.~~

4 ~~THE INSPECTOR GENERAL SHALL HAVE ACCESS TO ANY HEAD OF ANY CITY ENTITY UNDER~~
5 ~~THE JURISDICTION OF THE OFFICE OF THE INSPECTOR GENERAL WHEN NECESSARY FOR~~
6 ~~ANY PURPOSE PERTAINING TO THE INSPECTOR GENERAL'S POWERS AND DUTIES.~~

7 ~~(B) ACCESS TO RECORDS.~~

8 ~~AS ALLOWED BY LAW, THE INSPECTOR GENERAL SHALL HAVE ACCESS TO ALL RECORDS OF~~
9 ~~ANY CITY ENTITY UNDER ITS JURISDICTION. OFFICERS AND EMPLOYEES OF CITY ENTITIES~~
10 ~~SHALL PROMPTLY PROVIDE TO THE INSPECTOR GENERAL ANY INFORMATION, DOCUMENT,~~
11 ~~REPORT, RECORD, ACCOUNT, OR OTHER MATERIAL REQUESTED BY THE INSPECTOR~~
12 ~~GENERAL, AND THE INSPECTOR GENERAL IS NOT REQUIRED TO OBTAIN A SUBPOENA FOR~~
13 ~~ANY RECORDS REQUEST MADE TO ANY CITY ENTITY.~~

14 ~~(C) SUBPOENA POWER.~~

15 ~~(1) AS PART OF AN INVESTIGATION INTO ANY MATTER UNDER THE JURISDICTION OF THE~~
16 ~~OFFICE OF THE INSPECTOR GENERAL, THE INSPECTOR GENERAL MAY ISSUE A~~
17 ~~SUBPOENA INDEPENDENT OF ANY FURTHER APPROVAL FROM THE MAYOR AND CITY~~
18 ~~COUNCIL OF BALTIMORE, REQUIRING ANY PERSON TO GIVE TESTIMONY, OR PRODUCE~~
19 ~~ANY DOCUMENT, REPORT, RECORD, ACCOUNT, OR OTHER MATERIAL.~~

20 ~~(2) A SUBPOENA ISSUED UNDER THIS SUBSECTION MAY BE JUDICIALLY ENFORCED BY THE~~
21 ~~CITY SOLICITOR IN ANY COURT OF COMPETENT JURISDICTION.~~

22 ~~§ 140. OFFICE OF THE INSPECTOR GENERAL: DUTIES OF EMPLOYEES AND OFFICERS UNDER~~
23 ~~JURISDICTION OF THE OFFICE.~~

24 ~~ANY OFFICER OR EMPLOYEE UNDER THE JURISDICTION OF THE OFFICE OF THE INSPECTOR~~
25 ~~GENERAL WHO RECEIVES A COMPLAINT OF FRAUD, WASTE, OR ABUSE SHALL IMMEDIATELY~~
26 ~~REFER THE COMPLAINT TO THE OFFICE OF THE INSPECTOR GENERAL.~~

27 ~~§ 141. OFFICE OF THE INSPECTOR GENERAL: CONFIDENTIALITY.~~

28 ~~THE OFFICE OF THE INSPECTOR GENERAL MAY NOT DISCLOSE TO ANY PERSON OUTSIDE OF THE~~
29 ~~OFFICE THE IDENTITY OF ANY COMPLAINANT WITHOUT THE CONSENT OF THE COMPLAINANT,~~
30 ~~EXCEPT WHEN DISCLOSURE IS REQUIRED BY LAW.~~

31 § 5. OFFICE OF THE INSPECTOR GENERAL: ADMINISTRATION AND OPERATION.

32 (A) STAFF.

33 THE INSPECTOR GENERAL MAY APPOINT SUCH OTHER EMPLOYEES TO ASSIST IN THE
34 CONDUCT OF THE OFFICE AS MAY BE PROVIDED IN THE ORDINANCE OF ESTIMATES.

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1 (B) DEPUTY INSPECTOR GENERAL.

2 (1) THE INSPECTOR GENERAL SHALL APPOINT A DEPUTY INSPECTOR GENERAL WHO
3 SHALL SERVE AS THE ACTING INSPECTOR GENERAL IF THE INSPECTOR GENERAL IS
4 ABSENT OR UNAVAILABLE FOR DUTY.

5 (C) ADMINISTRATIVE AND OPERATIONAL PROCEDURES.

6 THE ADMINISTRATIVE AND OPERATIONAL PROCEDURES OF THE OFFICE MAY BE
7 ESTABLISHED BY LAW OR BY RULE OR REGULATION ADOPTED BY THE INSPECTOR
8 GENERAL.

9 **§ 6 142. OFFICE OF THE INSPECTOR GENERAL: TRANSITION PROCEDURE.**

10 (A) *INCUMBENT INSPECTOR GENERAL.*

11 THE INDIVIDUAL HOLDING THE POSITION OF INSPECTOR GENERAL OF THE CITY OF
12 BALTIMORE IN THE LAW DEPARTMENT ON NOVEMBER 6, 2018 WILL ASSUME THE
13 POSITION OF INSPECTOR GENERAL CREATED BY ~~§ 135~~ OF THIS ARTICLE ON THE DATE THAT
14 ~~§ 135~~ THIS ARTICLE GOES INTO EFFECT.

15 (B) *INITIAL TERM.*

16 THE 6 YEAR TERM OF THE INSPECTOR GENERAL ~~ASSUMING~~ WHO ASSUMES OFFICE UNDER
17 ~~SUBSECTION (A) OF THIS SECTION~~ THE PROVISIONS OF THIS ARTICLE RUNS FROM THE DATE
18 OF HER OR HIS APPOINTMENT TO THE POSITION OF ~~INSPECTOR GENERAL OF THE CITY OF~~
19 ~~BALTIMORE IN THE LAW DEPARTMENT~~ EFFECTIVE DATE OF THIS ARTICLE.

20 (C) *FUNDING.*

21 ~~(1) THE FUNDING REQUIREMENTS OF § 138 OF THIS ARTICLE WILL APPLY TO THE~~
22 ~~ORDINANCE OF ESTIMATES ADOPTED AFTER NOVEMBER 6, 2018 AND EACH~~
23 ~~SUBSEQUENT ORDINANCE OF ESTIMATES.~~

24 ~~(2) IN THE PERIOD BETWEEN THE EFFECTIVE DATE OF § 135 OF THIS ARTICLE AND THE~~
25 ~~ADOPTION OF A NEW ORDINANCE OF ESTIMATES, THE OFFICE OF THE INSPECTOR~~
26 ~~GENERAL CREATED BY § 135 MAY OPERATE USING THE FUNDS PREVIOUSLY~~
27 ~~APPROPRIATED FOR THE OFFICE OF THE INSPECTOR GENERAL IN THE LAW~~
28 ~~DEPARTMENT.~~

29 SECTION 2. AND BE IT FURTHER RESOLVED, That this proposed amendment to the City
30 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
31 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
32 City Solicitor.

Council Bill 18-0199

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City



AMENDMENTS TO COUNCIL BILL 18-0199
(1st Reader Copy)

FORMATTED BY DLR

TW 6.22.18

By: Judiciary and Legislative Investigations Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 1, strike from “appointing” in line 5, down through and including “General;”, in line 9; and, on that same page, strike from “requiring” in line 11, down through and including “law;”, in line 14 and substitute “providing for certain administrative procedures;”; and, on that same page, strike lines 18 through 23 in their entireties and substitute:

“By proposing to add
Article X - Office of the Inspector General
Section(s) 1 to 6
Baltimore City Charter
(1996 Edition)”.

ADOPTED

Amendment No. 2

On page 1, strike lines 27 and 28 in their entireties and substitute:

“ARTICLE X. OFFICE OF THE INSPECTOR GENERAL”.

Amendment No. 3

On page 2, in line 1, strike “135” and substitute “1”; and, on that same page, in line 4, strike “136” and substitute “2”; and, in line 6, strike “COMPRISING” down through and including “DESIGNEES:” in line 7 and substitute “TO BE COMPRISED OF 5 OR 7 MEMBERS AS PROVIDED IN THIS SUBSECTION (A).”

(2) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING :”; and,

in line 8, after “MAYOR”, insert “, OR THE MAYOR’S DESIGNEE”; and, in line 12, after “COMPTROLLER”, insert “, OR THE COMPTROLLER’S DESIGNEE”; and, line 13, after “PRESIDENT” strike the semicolon and substitute “, OR THE PRESIDENT’S DESIGNEE; AND”; and, strike lines 14 through 19 in their entireties; and, in line 20, strike “(IX)” and substitute

“(V)”; and, in lines 20 and 21, strike “SELECTED BY MAJORITY VOTE OF THE COUNCIL” and substitute “APPOINTED BY THE CITY COUNCIL PRESIDENT”.

Amendment No. 4

On page 2, after line 21, insert:

“(3) THE MAYOR AND CITY COUNCIL PRESIDENT MAY APPOINT 2 ADDITIONAL MEMBERS TO THE ADVISORY BOARD FROM THE LIST PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION IF:

(i) THE MAYOR AND THE CITY COUNCIL PRESIDENT JOINTLY AGREE TO AN APPOINTMENT; AND

(ii) THE MEMBERS APPOINTED AGREE TO SERVE ON THE ADVISORY BOARD .”.

Amendment No. 5

On page 2, before line 22, insert:

“(4) THE 2 ADDITIONAL MEMBERS THAT MAY BE SELECTED TO SERVE ON THE ADVISORY BOARD PURSUANT TO PARAGRAPH (3) OF THIS SUBSECTION MAY ONLY BE AS FOLLOWS :

(i) THE DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW; AND

(ii) THE DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW.”.

Amendment No. 6

On page 2, in line 22, strike “(2)” and substitute “(5)”; and, in that same line, strike “5” and substitute “4”; and, on that same page, in line 23, strike “(3)” and substitute “(6)”; and, in that same line, strike “5” and substitute “4”; and, on that same page, in line 27, after “HAVE”, insert “SUBSTANTIAL”; and, in that same line, strike “ACCOUNTING” and substitute “AUDITING”; and, in line 28, before “LAW” insert “CRIMINAL JUSTICE”; and, in that same line, strike “OR”; and, in that same line, after “INVESTIGATIONS”, insert “.OR ANOTHER APPROPRIATE FIELD”.

Amendment No. 7

On page 3, strike lines 5 through 16 in their entireties and substitute:

“THE INSPECTOR GENERAL MAY BE REMOVED FROM OFFICE BY AN AFFIRMATIVE VOTE OF AT LEAST 4 MEMBERS OF THE ADVISORY BOARD FOR ;

(1) MISCONDUCT IN OFFICE;

(2) PERSISTENT FAILURE TO PERFORM THE DUTIES OF OFFICE ; OR

(3) CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION OF JUSTICE .

(E) REPORTS CONCERNING A VACANCY OR INCAPACITY .

WHENEVER THE OFFICE OF THE INSPECTOR GENERAL REMAINS VACANT FOR 180 DAYS, OR WHENEVER THE INSPECTOR GENERAL IS INCAPACITATED OR OTHERWISE UNABLE TO PERFORM THE DUTIES OF THE OFFICE FOR 180 DAYS, THE CHAIR OF THE ADVISORY BOARD SHALL ISSUE A REPORT TO THE CITY COUNCIL ON THE 180TH DAY, AND EVERY 2 MONTHS THEREAFTER UNTIL THE VACANCY IS FILLED OR THE INSPECTOR GENERAL REPORTS TO WORK, DESCRIBING THE STATUS OF THE EFFORTS TO FILL THE VACANCY OR THE STATUS OF THE ABSENT INSPECTOR GENERAL .”.

Amendment No. 8

On page 3, in line 17, strike “(E)” and substitute “(F)” ; and on that same page, strike lines 20 through 35 in their entireties.

Amendment No. 9

On page 4, in line 1, strike “137” and substitute “3” ; and, on that same page, strike lines 7 and 8 in their entireties ; and, in line 9, strike “(2)” and substitute “(1)” ; and, in that same line, after “FRAUD,” , insert “FINANCIAL” ; and, in line 11, strike “(3)” and substitute “(2)” ; and, in that same line, strike “ETHICAL, FISCAL, AND LEGAL ACCOUNTABILITY” and substitute “EFFICIENCY, ACCOUNTABILITY, AND INTEGRITY IN CITY GOVERNMENT” ; and, in line 22, strike “INSPECTIONS, INVESTIGATIONS, AND EVALUATIONS” and substitute “ISSUING SUBPOENAS” ; and, strike lines 23 through 29 in their entireties and substitute:

“(1) TO PERFORM THE DUTIES OF OFFICE . THE INSPECTOR GENERAL MAY ISSUE A SUBPOENA TO REQUIRE :

(I) ANY PERSON TO APPEAR UNDER OATH AS A WITNESS ; OR

(II) THE PRODUCTION OF ANY INFORMATION , DOCUMENT , REPORT , RECORD , ACCOUNT , OR OTHER MATERIAL .

(2) THE INSPECTOR GENERAL MAY ENFORCE ANY SUBPOENA ISSUED PURSUANT TO THIS SUBSECTION IN ANY COURT OF COMPETENT JURISDICTION .”.

Amendment No. 10

On page 5, in lines 8 and 9, strike "OFFICE OF THE INSPECTOR GENERAL'S"; and, on that same page, strike lines 12 through 34 in their entireties; and, on page 6, strike lines 1 through 19 in their entireties.

Amendment No. 11

On page 6, in line 20, strike "138" and substitute "4"; and, in that same line, strike "FUNDING" and substitute "BUDGET"; and, on that same page, strike lines 21 through 30 in their entireties and substitute:

(A) PROPOSED BUDGET.

THE INSPECTOR GENERAL SHALL FORMULATE AND PREPARE ANNUALLY , OR AS FREQUENTLY AS REQUIRED BY LAW , A PROPOSED BUDGET TO FUND THE OPERATIONS OF THE OFFICE AND SHALL TRANSMIT THE PROPOSED BUDGET TO THE ADVISORY BOARD FOR ITS REVIEW.

(B) REVIEW OF PROPOSED BUDGET.

(1) THE ADVISORY BOARD SHALL MEET TO REVIEW THE PROPOSED BUDGET SUBMITTED BY THE INSPECTOR GENERAL FOR THE PURPOSE OF ASSESSING AND DETERMINING WHETHER , IN THE JUDGEMENT OF THE ADVISORY BOARD , THE PROPOSED BUDGET PROVIDES SUFFICIENT FUNDING TO MEET THE DUTIES OF THE OFFICE.

(2) THE ADVISORY BOARD SHALL , BY AN AFFIRMATIVE VOTE OF AT LEAST 4 OF ITS MEMBERS, EITHER:

(i) APPROVE THE PROPOSED BUDGET AS SUBMITTED ; OR

(ii) REVISE THE PROPOSED BUDGET IF THE ADVISORY BOARD DISAGREES WITH THE SUBSTANCE OF ANY ITEM CONTAINED IN THE PROPOSED BUDGET , INCLUDING ESTIMATES OF NEED AND AMOUNTS OF REQUESTED FUNDING .

(C) SUBMISSION.

(1) THE BUDGET APPROVED BY THE ADVISORY BOARD PURSUANT TO SUBSECTION (B) OF THIS SECTION SHALL BE THE OFFICE BUDGET THE ADVISORY BOARD RECOMMENDS TO THE BOARD OF ESTIMATES.

(2) THE ADVISORY BOARD, ON BEHALF OF THE OFFICE OF THE INSPECTOR GENERAL, SHALL SUBMIT THE RECOMMENDED BUDGET TO THE BOARD OF ESTIMATES IN A TIMELY MANNER IN ORDER FOR THE RECOMMENDED BUDGET TO BE CONSIDERED FOR INCLUSION IN THE ORDINANCE OF ESTIMATES.

(D) FUNDING.

THE OFFICE OF THE INSPECTOR GENERAL SHALL BE FUNDED ANNUALLY IN THE ORDINANCE OF ESTIMATES.”.

Amendment No. 12

On page 7, strike lines 1 through 30 in their entireties and substitute:

“§ 5. OFFICE OF THE INSPECTOR GENERAL: ADMINISTRATION AND OPERATION.

(A) STAFF.

THE INSPECTOR GENERAL MAY APPOINT SUCH OTHER EMPLOYEES TO ASSIST IN THE CONDUCT OF THE OFFICE AS MAY BE PROVIDED IN THE ORDINANCE OF ESTIMATES.

(B) DEPUTY INSPECTOR GENERAL.

(1) THE INSPECTOR GENERAL SHALL APPOINT A DEPUTY INSPECTOR GENERAL WHO SHALL SERVE AS THE ACTING INSPECTOR GENERAL IF THE INSPECTOR GENERAL IS ABSENT OR UNAVAILABLE FOR DUTY .

(C) ADMINISTRATIVE AND OPERATIONAL PROCEDURES .

THE ADMINISTRATIVE AND OPERATIONAL PROCEDURES OF THE OFFICE MAY BE ESTABLISHED BY LAW OR BY RULE OR REGULATION ADOPTED BY THE INSPECTOR GENERAL.”.

Amendment No. 13

On page 7, in line 31, strike “142” and substitute “6”; and, in line 35, strike “§ 135 OF”; and, on that same page, in lines 35 and 36, strike “THAT § 135” and substitute “THIS ARTICLE”; and, on page 8, in line 2, strike “ASSUMING” and substitute “WHO ASSUMES”; and, on that same page, in lines 2 and 3, strike “SUBSECTION (A) OF THIS SECTION” and substitute “THE PROVISIONS OF THIS ARTICLE”; and, on that same page, in lines 3 and 4, strike “DATE OF HER OR HIS APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL OF THE CITY OF BALTIMORE IN THE LAW DEPARTMENT” and substitute “EFFECTIVE DATE OF THIS ARTICLE”; and, strike lines 5 through 13 in their entireties.

BALTIMORE CITY COUNCIL
JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE
VOTING RECORD

BILL#: CC-18-0199

DATE: 6/19/18

TITLE: **Charter Amendment - Office of the Inspector General**

MOTION BY: Scott SECONDED BY: Clarke

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

| NAME | YEAS | NAYS | ABSENT | ABSTAIN |
|------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Costello, E., Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Clarke, M., Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bullock, J. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Pinkett, L. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Reisinger, E. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott, B. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stokes, R. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| * | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| TOTALS | <u>7</u> | <u>0</u> | <u>0</u> | <u>0</u> |

CHAIRPERSON: C. S. - [Signature]

COMMITTEE STAFF: Matthew L. Peters, Initials: [Signature]

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

June 15, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: Mayor and City Council Resolution 18-0199 – Charter Amendment –
Office of the Inspector General

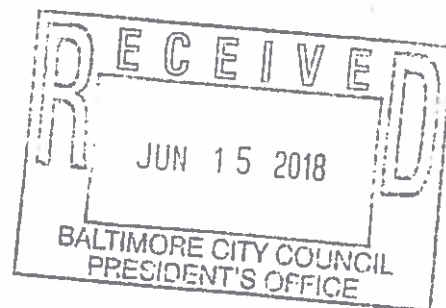
Dear President and City Council Members:

It is our understanding that this bill is being substantially amended from its First Reader Version. The Law Department will reserve comment until we review the amended version.

Very truly yours,

Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark



reserves comment



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Judiciary and Legislative Investigations

Tuesday, June 19, 2018

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0199

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member Eric T. Costello, Member Mary Pat Clarke, Member Leon F. Pinkett III, Member John T. Bullock, Member Edward Reisinger, Member Brandon M. Scott, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0199

Charter Amendment - Office of the Inspector General

For the purpose of creating an independent Office of the Inspector General headed by an Inspector General; establishing the process for appointing and terminating the Inspector General; establishing the powers and duties of the Office of the Inspector General; appointing the Inspector General to serve as the Executive Director of the Board of Ethics; granting the Inspector General the authority to cancel or suspend certain contracts with the concurrence of the City Solicitor; setting a minimum guaranteed funding level for the Office of the Inspector General; setting a minimum guaranteed compensation level for the Inspector General; granting the Inspector General the power to issue subpoenas; requiring the Office of the Inspector General to issue an annual public report; requiring City employees and officials to forward certain types of complaints to the Office of the Inspector General; requiring the Office of the Inspector General to keep the identities of complainants confidential to the extent allowed by law; establishing procedures to transition the existing Office of the Inspector General in the Law Department into the newly created independent Office of the Inspector General; generally relating to the Office of the Inspector General; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors: Ryan Dorsey, Kristerfer Burnett, Isaac "Yitzy" Schleifer, Bill Henry, Shannon Sneed, Mary Pat Clarke, Brandon M. Scott

A motion was made by Member Scott, seconded by Member Clarke, that this Mayor and City Council Res. be Recommended Favorably with Amendment. The motion carried by the following vote:

Yes: 7 - Member Costello, Member Clarke, Member Pinkett III, Member Bullock, Member Reisinger, Member Scott, and Member Stokes Sr.

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



HEARING NOTES

Mayor and City Council Resolution: 18-0199

Charter Amendment - Office of the Inspector General

Committee: Judiciary and Legislative Investigations

Chaired By: Councilmember Eric Costello

Hearing Date: June 19, 2018

Time: 5:05 PM to 5:35 PM

Location: Clarence "Du" Burns Chamber

Total Attendance: ~35

Committee Members in Attendance:

| | | | |
|---------------|-----------------|---------------|------------------|
| Eric Costello | Mary Pat Clarke | Brandon Scott | |
| Leon Pinkett | Robert Stokes | John Bullock | Edward Reisinger |

Bill Synopsis in the file? yes no n/a
Attendance sheet in the file? yes no n/a
Agency reports read? yes no n/a
Hearing televised or audio-digitally recorded? yes no n/a
Certification of advertising/posting notices in the file?..... yes no n/a
Evidence of notification to property owners? yes no n/a
Final vote taken at this hearing? yes no n/a
Motioned by: **Councilmember Scott**
Seconded by: **Councilmember Clarke**
Final Vote: **Favorable as Amended**

Major Speakers

(This is not an attendance record.)

- Isabel Mercedes Cumming, Office of Inspector General
- Victor Tervalá, Department of Law
- Robert Cenname, Department of Finance

Major Issues Discussed

1. Chairman Costello opened the proceedings and introduced the committee members in attendance.
2. Councilman Dorsey explained the proposed Charter Amendment, and described the reasons and timeline for its development.
3. Councilman Costello noted that the Board of Ethics did not submit a report, and that the amendments to be discussed would remove all provisions impacting the Board.
4. The Comptroller's Office indicated that it had no position on the Charter Amendment.
5. The Law Department indicated that it supported the Charter Amendment.
6. The Inspector General described the Office's work and recent accomplishments, and stated its support for the Charter Amendment.
7. The Finance Department discussed the Charter Amendment and indicated its support.
8. Councilman Costello asked the Inspector General what agencies it has existing Memoranda of Understanding (MOUs) with to fund inspector positions focused on those agencies. The Inspector General responded that the Office currently has MOUs with the Department of Transportation, Department of Public Works, Police Department, and Fire Department, and that those MOUs provide funding for both positions and vehicles.
9. Councilman Costello asked if the Inspector General's Office could utilize personnel from other agencies for its work. The Inspector General responded that the need for confidentiality made that difficult, but they do cooperate with agencies when possible.
10. Marceline White with the Baltimore Committee for Accountability and Transparency testified in support of the Charter Amendment and ensuring the Inspector General's independence.
11. The committee considered and adopted amendments to the proposed Charter Amendment.

Further Study

Was further study requested?

Yes No

If yes, describe. N/A

Committee Vote

E. Costello: Yea
M. Clarke: Yea
J. Bullock: Yea
L. Pinkett: Yea
E. Reisinger: Yea
B. Scott: Yea
R. Stokes: Yea

Matthew Peters

Matthew L. Peters, Committee Staff

Date: June 19, 2018

cc: Bill File
OCS Chrono File

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Judiciary and Legislative Investigations

Tuesday, June 19, 2018

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0199
CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0199

Charter Amendment - Office of the Inspector General

For the purpose of creating an independent Office of the Inspector General headed by an Inspector General; establishing the process for appointing and terminating the Inspector General; establishing the powers and duties of the Office of the Inspector General; appointing the Inspector General to serve as the Executive Director of the Board of Ethics; granting the Inspector General the authority to cancel or suspend certain contracts with the concurrence of the City Solicitor; setting a minimum guaranteed funding level for the Office of the Inspector General; setting a minimum guaranteed compensation level for the Inspector General; granting the Inspector General the power to issue subpoenas; requiring the Office of the Inspector General to issue an annual public report; requiring City employees and officials to forward certain types of complaints to the Office of the Inspector General; requiring the Office of the Inspector General to keep the identities of complainants confidential to the extent allowed by law; establishing procedures to transition the existing Office of the Inspector General in the Law Department into the newly created independent Office of the Inspector General; generally relating to the Office of the Inspector General; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors:

Ryan Dorsey, Kristerfer Burnett, Isaac "Yitzy" Schleifer, Bill Henry, Shannon Sneed, Mary Pat Clarke, Brandon M. Scott

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Judiciary and Legislative Investigations

Bill 18-0199

Charter Amendment - Office of the Inspector General

Sponsor: Councilmember Dorsey, et al

Introduced: March 12, 2018

Purpose:

For the purpose of creating an independent Office of the Inspector General headed by an Inspector General; establishing the process for appointing and terminating the Inspector General; establishing the powers and duties of the Office of the Inspector General; appointing the Inspector General to serve as the Executive Director of the Board of Ethics; granting the Inspector General the authority to cancel or suspend certain contracts with the concurrence of the City Solicitor; setting a minimum guaranteed funding level for the Office of the Inspector General; setting a minimum guaranteed compensation level for the Inspector General; granting the Inspector General the power to issue subpoenas; requiring the Office of the Inspector General to issue an annual public report; requiring City employees and officials to forward certain types of complaints to the Office of the Inspector General; requiring the Office of the Inspector General to keep the identities of complainants confidential to the extent allowed by law; establishing procedures to transition the existing Office of the Inspector General in the Law Department into the newly created independent Office of the Inspector General; generally relating to the Office of the Inspector General; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Effective: 30th day after adoption by the legal and qualified voters of Baltimore City

Hearing Date/Time/Location: June 19, 2018/5:00 p.m./Clarence "Du" Burns Chamber

AGENCY REPORTS

Department of Finance
City Solicitor
Board of Ethics
Office of the Comptroller
Office of Inspector General

ANALYSIS

Current Law

The current Baltimore City Office of Inspector General was established in 2005, within the City's Law Department, pursuant to an executive order.

Article VII of the City Charter establishes various executive departments of the City, provides the departments with specific powers and duties, and sets other requirements related to those departments.

Bill Summary and Background

Council Bill 18-0199 is a Mayor and City Council resolution proposing a Charter Amendment, to be voted upon by the City electorate, establishing an Office of the Inspector General through new sections in Article VII (Executive Departments). The Amendment would establish an Office of the Inspector General with certain powers and duties, create a board with the power to appoint, oversee, and under limited circumstances remove the Inspector General, and set other requirements related to the Office and the Inspector General.

The Amendment proposed by Bill 18-0199 is substantively similar to the Amendment proposed by Bill 18-0263 (Charter Amendment - Charter Commission Recommendations for Office of the Inspector General). However, there are significant differences in the composition and roles of the oversight/advisory boards that each Amendment would establish. Additionally, among other differences, Bill 18-0199 would make the Inspector General the Executive Director of the City's Ethics Board, provide minimums for the Office's funding and the Inspector General's salary through set formulas, and empower the Inspector General, with the City Solicitor's concurrence, to suspend City contracts when the contractor is not performing or has provided false statements to a City official.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Baltimore City Charter, Office of Inspector General, Bill 18-0263, Bill 18-0199.

Matthew Peters

Analysis by: Matthew L. Peters

Analysis Date: June 14, 2018

Direct Inquiries to: (410) 396-1268

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**CITY OF BALTIMORE
COUNCIL BILL 18-0199
(First Reader)
(Charter Amendment)**

Introduced by: Councilmembers Dorsey, Burnett, Schleifer, Henry, Sneed, Clarke, Scott
Introduced and read first time: March 12, 2018

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Office of the Inspector General,
Department of Finance, Office of the Comptroller, Board of Ethics

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Office of the Inspector General**

3 FOR the purpose of creating an independent Office of the Inspector General headed by an
4 Inspector General; establishing the process for appointing and terminating the Inspector
5 General; establishing the powers and duties of the Office of the Inspector General; appointing
6 the Inspector General to serve as the Executive Director of the Board of Ethics; granting the
7 Inspector General the authority to cancel or suspend certain contracts with the concurrence of
8 the City Solicitor; setting a minimum guaranteed funding level for the Office of the Inspector
9 General; setting a minimum guaranteed compensation level for the Inspector General;
10 granting the Inspector General the power to issue subpoenas; requiring the Office of the
11 Inspector General to issue an annual public report; requiring City employees and officials to
12 forward certain types of complaints to the Office of the Inspector General; requiring the
13 Office of the Inspector General to keep the identities of complainants confidential to the
14 extent allowed by law; establishing procedures to transition the existing Office of the
15 Inspector General in the Law Department into the newly created independent Office of the
16 Inspector General; generally relating to the Office of the Inspector General; and submitting
17 this amendment to the qualified voters of the City for adoption or rejection.

18 BY proposing to add

19 Article VII - Executive Departments
20 Section(s) 135 to 142, to be under the new subtitle,
21 "Office of the Inspector General"
22 Baltimore City Charter
23 (1996 Edition)

24 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
25 **City Charter is proposed to be amended to read as follows:**

26 **Baltimore City Charter**

27 **Article VII. Executive Departments**

28 ***OFFICE OF THE INSPECTOR GENERAL***

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 18-0199

1 **§ 135. OFFICE OF THE INSPECTOR GENERAL: OFFICE ESTABLISHED.**

2 THERE IS AN OFFICE OF THE INSPECTOR GENERAL, THE HEAD OF WHICH IS THE INSPECTOR
3 GENERAL.

4 **§ 136. OFFICE OF THE INSPECTOR GENERAL: INSPECTOR GENERAL.**

5 (A) *APPOINTMENT.*

6 (1) THE INSPECTOR GENERAL IS APPOINTED BY AN ADVISORY BOARD COMPRISING THE
7 FOLLOWING OR THEIR RESPECTIVE DESIGNEES:

8 (I) THE MAYOR;

9 (II) THE CITY SOLICITOR, WHO SERVES AS THE CHAIR OF THE ADVISORY BOARD
10 AND MAY ASSIGN STAFF TO THE ADVISORY BOARD FROM THE LAW
11 DEPARTMENT;

12 (III) THE COMPTROLLER;

13 (IV) THE CITY COUNCIL PRESIDENT;

14 (V) THE STATE'S ATTORNEY FOR BALTIMORE CITY;

15 (VI) A MEMBER OF THE BALTIMORE CITY HOUSE OR SENATE DELEGATION TO THE
16 MARYLAND GENERAL ASSEMBLY, SELECTED BY THE BALTIMORE CITY HOUSE
17 AND SENATE DELEGATIONS TO THE MARYLAND GENERAL ASSEMBLY;

18 (VII) THE DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW;

19 (VIII) THE DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW; AND

20 (IX) A MEMBER OF THE CITY COUNCIL SELECTED BY MAJORITY VOTE OF THE
21 COUNCIL.

22 (2) A QUORUM OF THE ADVISORY BOARD CONSISTS OF 5 MEMBERS.

23 (3) AN AFFIRMATIVE VOTE OF AT LEAST 5 MEMBERS SHALL BE NECESSARY TO APPOINT AN
24 INSPECTOR GENERAL.

25 (B) *QUALIFICATIONS.*

26 (1) THE INSPECTOR GENERAL SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL
27 AFFILIATION AND MUST HAVE EXPERIENCE IN ACCOUNTING, FINANCIAL ANALYSIS,
28 LAW, MANAGEMENT ANALYSIS, PUBLIC ADMINISTRATION, OR INVESTIGATIONS.

29 (2) THE INSPECTOR GENERAL SHALL HOLD AT THE TIME OF APPOINTMENT, OR BE
30 REQUIRED TO OBTAIN WITHIN 7 MONTHS AFTER APPOINTMENT, CERTIFICATION AS A
31 CERTIFIED INSPECTOR GENERAL.

Council Bill 18-0199

1 (C) *TERM.*

2 THE INSPECTOR GENERAL SHALL SERVE A TERM OF 6 YEARS COMMENCING FROM THE
3 DATE OF APPOINTMENT.

4 (D) *REMOVAL.*

5 BEFORE THE EXPIRATION OF A 6 YEAR TERM, THE INSPECTOR GENERAL MAY ONLY BE
6 REMOVED WITH AN AFFIRMATIVE VOTE OF AT LEAST 5 MEMBERS OF THE ADVISORY
7 BOARD, AFTER A FINDING THAT THE INSPECTOR GENERAL HAS:

- 8 (1) FAILED TO PERFORM THE DUTIES OUTLINED IN §137 OF THIS ARTICLE;
- 9 (2) BEEN CONVICTED OF A CRIMINAL ACT, OTHER THAN A NUISANCE CRIME ELIGIBLE
10 FOR EXPUNGEMENT UNDER MARYLAND CRIMINAL PROCEDURE ARTICLE
11 §10-105(A)(9);
- 12 (3) IN THE ADVISORY BOARD'S SOLE DETERMINATION, COMMITTED MISCONDUCT OR
13 MALFEASANCE IN OFFICE THAT UNDERMINES THE CREDIBILITY OF THE INSPECTOR
14 GENERAL AND HINDERS THEIR ABILITY TO PERFORM THEIR DUTIES; OR
- 15 (4) IN THE ADVISORY BOARD'S SOLE DETERMINATION, DEMONSTRATED A PATTERN OF
16 INCOMPETENCE AND LACK OF FITNESS FOR THE POSITION.

17 (E) *PERFORMANCE REVIEW.*

18 THE ADVISORY BOARD SHALL MEET AT LEAST ONCE ANNUALLY TO REVIEW THE
19 PERFORMANCE OF THE INSPECTOR GENERAL.

20 (F) *ACTING INSPECTOR GENERAL.*

21 (1) WHENEVER A VACANCY OCCURS FOR THE INSPECTOR GENERAL, OR WHENEVER
22 THE INSPECTOR GENERAL IS INCAPACITATED OR OTHERWISE UNAVAILABLE FOR
23 DUTY FOR ANY CAUSE, THE HIGHEST RANKING EMPLOYEE OF THE OFFICE OF THE
24 INSPECTOR GENERAL SHALL BE THE ACTING INSPECTOR GENERAL UNTIL THE
25 VACANCY IS FILLED OR THE INSPECTOR GENERAL IS AGAIN AVAILABLE FOR DUTY.

26 (2) THE CHAIR OF THE ADVISORY BOARD SHALL:

27 (I) ISSUE A PROGRESS REPORT TO THE CITY COUNCIL DESCRIBING THE STATUS
28 OF THE EFFORTS TO FILL THE VACANCY, OR THE INSPECTOR GENERAL'S
29 INCAPACITY OR UNAVAILABILITY, 180 DAYS FROM THE DATE ANY
30 VACANCY OCCURS, OR THE DATE THAT THE INSPECTOR GENERAL IS
31 INCAPACITATED OR OTHERWISE UNAVAILABLE FOR DUTY FOR ANY CAUSE;
32 AND

33 (II) ISSUE AN ADDITIONAL PROGRESS REPORT EVERY 60 DAYS THEREAFTER
34 UNTIL THE VACANCY IS FILLED OR THE INSPECTOR GENERAL RETURNS TO
35 DUTY.

Council Bill 18-0199

§ 137. OFFICE OF THE INSPECTOR GENERAL: POWERS AND DUTIES OF OFFICE.

(A) HEAD OF OFFICE.

THE INSPECTOR GENERAL SHALL SUPERVISE AND DIRECT THE OFFICE OF THE INSPECTOR GENERAL.

(B) RESPONSIBILITIES OF THE OFFICE.

THE OFFICE OF THE INSPECTOR GENERAL IS RESPONSIBLE FOR:

- (1) PROMOTING EFFICIENCY, ACCOUNTABILITY, AND INTEGRITY IN CITY GOVERNMENT;
- (2) INVESTIGATING COMPLAINTS OF FRAUD, WASTE, AND ABUSE IN CITY GOVERNMENT; AND
- (3) PROMOTING ETHICAL, FISCAL, AND LEGAL ACCOUNTABILITY.

(C) JURISDICTION OF OFFICE.

THE OFFICE OF THE INSPECTOR GENERAL MAY INVESTIGATE ALLEGATIONS THAT INVOLVE CITY GOVERNMENT AND POTENTIAL VIOLATIONS OF LAWS OR REGULATIONS BY ANY:

- (1) CITY ELECTED OFFICIAL;
- (2) CITY EMPLOYEE;
- (3) MEMBER OF A BOARD OR COMMISSION ESTABLISHED OR GOVERNED BY THE CITY CHARTER, CITY CODE, OR AN EXECUTIVE ORDER ISSUED BY THE MAYOR;
- (4) CITY CONTRACTOR OR PERSON NEGOTIATING A CONTRACT WITH THE CITY;
- (5) PERSON SEEKING CERTIFICATION TO PROVIDE GOODS OR SERVICES TO THE CITY; OR
- (6) EXTERNAL RECIPIENT OF CITY FUNDS, BENEFITS, OR SERVICES.

(D) INSPECTIONS, INVESTIGATIONS, AND EVALUATIONS.

THE OFFICE OF THE INSPECTOR GENERAL MAY CONDUCT INDEPENDENT REVIEWS OF GOVERNMENT OPERATIONS, INCLUDING INSPECTIONS, INVESTIGATIONS, AND EVALUATIONS OF:

- (1) ANY ACTIVITIES, RECORDS, OR INDIVIDUALS INVOLVED WITH CITY CONTRACTS AND PROCUREMENTS; OR
- (2) ANY OTHER OFFICIAL ACT OR FUNCTION OF ANY GOVERNMENTAL ENTITY UNDER THE JURISDICTION OF THE OFFICE.

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1 (E) *ANNUAL REPORT.*

2 (1) THE OFFICE OF THE INSPECTOR GENERAL SHALL PREPARE AND PUBLISH AN ANNUAL
3 REPORT OF THE OFFICE'S ACTIVITIES.

4 (2) THE ANNUAL REPORT MAY INCLUDE RECOMMENDATIONS REGARDING PROGRAM
5 WEAKNESS, CONTRACTING IRREGULARITIES, OR OTHER INSTITUTIONAL PROBLEMS
6 DISCOVERED BY THE OFFICE.

7 (3) THE ANNUAL REPORT SHALL BE:

8 (i) SUBMITTED TO ALL OF THE MEMBERS OF THE OFFICE OF THE INSPECTOR
9 GENERAL'S ADVISORY BOARD; AND

10 (ii) AFTER ANY REDACTIONS REQUIRED BY LAW, POSTED ON THE OFFICE OF THE
11 INSPECTOR GENERAL'S WEBSITE.

12 (F) *PUBLIC REPORTS OF INVESTIGATIONS.*

13 THE INSPECTOR GENERAL MAY PUBLISH FOR PUBLIC VIEWING A REPORT OF ANY
14 INVESTIGATION, INSPECTION, OR EVALUATION, EXCEPT THAT ANY SENSITIVE OR
15 CONFIDENTIAL INFORMATION MUST BE REDACTED AS REQUIRED BY LAW.

16 (G) *ETHICS BOARD.*

17 THE INSPECTOR GENERAL SHALL SERVE AS THE EXECUTIVE DIRECTOR OF THE BOARD OF
18 ETHICS ESTABLISHED UNDER § 106(A) OF THIS ARTICLE AND MODIFIED UNDER § 110 OF
19 THIS ARTICLE, AND SHALL USE THE OFFICE OF THE INSPECTOR GENERAL'S STAFF AND
20 RESOURCES TO SUPPORT THE BOARD OF ETHICS AND FULFILL THE EXECUTIVE DIRECTOR'S
21 RESPONSIBILITIES.

22 (H) *REFERRALS AND JOINT INVESTIGATIONS.*

23 IF, IN THE COURSE OF ANY INSPECTION, INVESTIGATION, OR EVALUATION CONDUCTED BY
24 THE OFFICE, THE INSPECTOR GENERAL DETERMINES THAT THERE IS REASON TO BELIEVE
25 THAT A CRIMINAL ACT OCCURRED, THE INSPECTOR GENERAL MAY:

26 (1) REFER THE MATTER TO THE APPROPRIATE PROSECUTORIAL AUTHORITY;

27 (2) OPEN A JOINT INVESTIGATION WITH THE APPROPRIATE PROSECUTORIAL
28 AUTHORITY; OR

29 (3) NOTIFY THE CITY SOLICITOR AND TAKE FURTHER ACTION IN CONCURRENCE WITH
30 THE CITY SOLICITOR.

31 (I) *AUTHORITY TO CANCEL OR SUSPEND CONTRACTS.*

32 THE INSPECTOR GENERAL MAY, WITH THE CONCURRENCE OF THE CITY SOLICITOR,
33 CANCEL OR SUSPEND A CONTRACT ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS
34 SECTION IF THE INSPECTOR GENERAL FINDS THAT:

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1 (1) THE CONTRACT IS NOT BEING PERFORMED; OR

2 (2) A CONTRACTOR ON THE CONTRACT HAS PROVIDED FALSE STATEMENTS TO A CITY
3 OFFICIAL.

4 (J) *PUBLIC AWARENESS.*

5 (1) THE INSPECTOR GENERAL SHALL TAKE APPROPRIATE STEPS TO BUILD PUBLIC
6 AWARENESS OF THE OFFICE OF THE INSPECTOR GENERAL AND OF ALL PROCEDURES
7 ESTABLISHED BY THE INSPECTOR GENERAL FOR RECEIVING COMPLAINTS.

8 (2) THE INSPECTOR GENERAL SHALL PROVIDE INFORMATION TO CITY EMPLOYEES ABOUT
9 THE IDENTIFICATION AND PREVENTION OF FRAUD, WASTE, AND ABUSE OF OFFICE IN
10 CITY GOVERNMENT.

11 (K) *POLICY RECOMMENDATIONS.*

12 THE INSPECTOR GENERAL MAY, ON ANY MATTER OF POLICY OR PRACTICE, MAKE
13 RECOMMENDATIONS TO THE MAYOR OR TO THE HEAD OF ANY CITY DEPARTMENT OR
14 AGENCY, IF THE INSPECTOR GENERAL BELIEVES THAT THE IMPLEMENTATION OF THE
15 RECOMMENDATION WOULD ASSIST IN THE PROMOTION OF EFFICIENCY, ACCOUNTABILITY,
16 AND INTEGRITY IN CITY GOVERNMENT.

17 (L) *POLICIES AND PROCEDURES.*

18 THE INSPECTOR GENERAL SHALL ESTABLISH POLICIES AND PROCEDURES THAT GUIDE THE
19 FUNCTIONS AND PROCESSES CONDUCTED BY THE OFFICE OF THE INSPECTOR GENERAL.

20 **§ 138. OFFICE OF THE INSPECTOR GENERAL: FUNDING.**

21 (A) *IN GENERAL.*

22 THE BOARD OF ESTIMATES SHALL ANNUALLY INCLUDE IN THE ORDINANCE OF ESTIMATES
23 SUBMITTED TO THE CITY COUNCIL AN AMOUNT SUFFICIENT TO FUND THE OFFICE OF THE
24 INSPECTOR GENERAL AT NOT LESS THAN 10 TIMES THE SALARY OF THE MAYOR.

25 (B) *INSPECTOR GENERAL'S SALARY INCLUDED.*

26 (1) THE INSPECTOR GENERAL'S COMPENSATION SHALL BE AT LEAST EQUAL TO 80% OF
27 THE MAYOR'S COMPENSATION.

28 (2) THE INSPECTOR GENERAL'S COMPENSATION MAY BE INCLUDED IN THE FUNDING
29 PROVIDED UNDER SUBSECTION(A) OF THIS SECTION AND NEED NOT BE APPROPRIATED
30 IN ADDITION TO THAT FUNDING IN THE ORDINANCE OF ESTIMATES.

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1 **§ 139. OFFICE OF THE INSPECTOR GENERAL: ACCESS TO PERSONS AND RECORDS; SUBPOENA**
2 **POWER.**

3 (A) *ACCESS TO PERSONS.*

4 THE INSPECTOR GENERAL SHALL HAVE ACCESS TO ANY HEAD OF ANY CITY ENTITY UNDER
5 THE JURISDICTION OF THE OFFICE OF THE INSPECTOR GENERAL WHEN NECESSARY FOR
6 ANY PURPOSE PERTAINING TO THE INSPECTOR GENERAL'S POWERS AND DUTIES.

7 (B) *ACCESS TO RECORDS.*

8 AS ALLOWED BY LAW, THE INSPECTOR GENERAL SHALL HAVE ACCESS TO ALL RECORDS OF
9 ANY CITY ENTITY UNDER ITS JURISDICTION. OFFICERS AND EMPLOYEES OF CITY ENTITIES
10 SHALL PROMPTLY PROVIDE TO THE INSPECTOR GENERAL ANY INFORMATION, DOCUMENT,
11 REPORT, RECORD, ACCOUNT, OR OTHER MATERIAL REQUESTED BY THE INSPECTOR
12 GENERAL, AND THE INSPECTOR GENERAL IS NOT REQUIRED TO OBTAIN A SUBPOENA FOR
13 ANY RECORDS REQUEST MADE TO ANY CITY ENTITY.

14 (C) *SUBPOENA POWER.*

15 (1) AS PART OF AN INVESTIGATION INTO ANY MATTER UNDER THE JURISDICTION OF THE
16 OFFICE OF THE INSPECTOR GENERAL, THE INSPECTOR GENERAL MAY ISSUE A
17 SUBPOENA INDEPENDENT OF ANY FURTHER APPROVAL FROM THE MAYOR AND CITY
18 COUNCIL OF BALTIMORE, REQUIRING ANY PERSON TO GIVE TESTIMONY, OR PRODUCE
19 ANY DOCUMENT, REPORT, RECORD, ACCOUNT, OR OTHER MATERIAL.

20 (2) A SUBPOENA ISSUED UNDER THIS SUBSECTION MAY BE JUDICIALLY ENFORCED BY THE
21 CITY SOLICITOR IN ANY COURT OF COMPETENT JURISDICTION.

22 **§ 140. OFFICE OF THE INSPECTOR GENERAL: DUTIES OF EMPLOYEES AND OFFICERS UNDER**
23 **JURISDICTION OF THE OFFICE.**

24 ANY OFFICER OR EMPLOYEE UNDER THE JURISDICTION OF THE OFFICE OF THE INSPECTOR
25 GENERAL WHO RECEIVES A COMPLAINT OF FRAUD, WASTE, OR ABUSE SHALL IMMEDIATELY
26 REFER THE COMPLAINT TO THE OFFICE OF THE INSPECTOR GENERAL.

27 **§ 141. OFFICE OF THE INSPECTOR GENERAL: CONFIDENTIALITY.**

28 THE OFFICE OF THE INSPECTOR GENERAL MAY NOT DISCLOSE TO ANY PERSON OUTSIDE OF THE
29 OFFICE THE IDENTITY OF ANY COMPLAINANT WITHOUT THE CONSENT OF THE COMPLAINANT,
30 EXCEPT WHEN DISCLOSURE IS REQUIRED BY LAW.

31 **§ 142. OFFICE OF THE INSPECTOR GENERAL: TRANSITION PROCEDURE.**

32 (A) *INCUMBENT INSPECTOR GENERAL.*

33 THE INDIVIDUAL HOLDING THE POSITION OF INSPECTOR GENERAL OF THE CITY OF
34 BALTIMORE IN THE LAW DEPARTMENT ON NOVEMBER 6, 2018 WILL ASSUME THE
35 POSITION OF INSPECTOR GENERAL CREATED BY § 135 OF THIS ARTICLE ON THE DATE THAT
36 § 135 GOES INTO EFFECT.

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1 (B) *INITIAL TERM* .

2 THE 6 YEAR TERM OF THE INSPECTOR GENERAL ASSUMING OFFICE UNDER SUBSECTION (A)
3 OF THIS SECTION RUNS FROM THE DATE OF HER OR HIS APPOINTMENT TO THE POSITION OF
4 INSPECTOR GENERAL OF THE CITY OF BALTIMORE IN THE LAW DEPARTMENT.

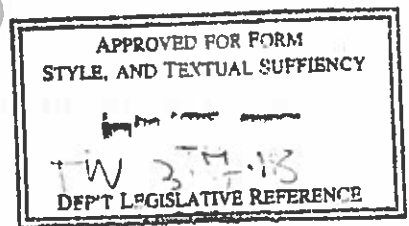
5 (C) *FUNDING*.

6 (1) THE FUNDING REQUIREMENTS OF § 138 OF THIS ARTICLE WILL APPLY TO THE
7 ORDINANCE OF ESTIMATES ADOPTED AFTER NOVEMBER 6, 2018 AND EACH
8 SUBSEQUENT ORDINANCE OF ESTIMATES.

9 (2) IN THE PERIOD BETWEEN THE EFFECTIVE DATE OF § 135 OF THIS ARTICLE AND THE
10 ADOPTION OF A NEW ORDINANCE OF ESTIMATES, THE OFFICE OF THE INSPECTOR
11 GENERAL CREATED BY § 135 MAY OPERATE USING THE FUNDS PREVIOUSLY
12 APPROPRIATED FOR THE OFFICE OF THE INSPECTOR GENERAL IN THE LAW
13 DEPARTMENT.

14 SECTION 2. AND BE IT FURTHER RESOLVED, That this proposed amendment to the City
15 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
16 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
17 City Solicitor.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____
(Charter Amendment)



Introduced by: Councilmember Dorsey

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Office of the Inspector General

FOR the purpose of creating an independent Office of the Inspector General headed by an Inspector General; establishing the process for appointing and terminating the Inspector General; establishing the powers and duties of the Office of the Inspector General; appointing the Inspector General to serve as the Executive Director of the Board of Ethics; granting the Inspector General the authority to cancel or suspend certain contracts with the concurrence of the City Solicitor; setting a minimum guaranteed funding level for the Office of the Inspector General; setting a minimum guaranteed compensation level for the Inspector General; granting the Inspector General the power to issue subpoenas; requiring the Office of the Inspector General to issue an annual public report; requiring City employees and officials to forward certain types of complaints to the Office of the Inspector General; requiring the Office of the Inspector General to keep the identities of complainants confidential to the extent allowed by law; establishing procedures to transition the existing Office of the Inspector General in the Law Department into the newly created independent Office of the Inspector General; generally relating to the Office of the Inspector General; and submitting this amendment to the qualified voters of the City for adoption or rejection.

By proposing to add

Article VII - Executive Departments
Section(s) 135 to 142, to be under the new subtitle,
“Office of the Inspector General”
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article VII. Executive Departments

OFFICE OF THE INSPECTOR GENERAL

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

§ 135. OFFICE OF THE INSPECTOR GENERAL: OFFICE ESTABLISHED.

THERE IS AN OFFICE OF THE INSPECTOR GENERAL, THE HEAD OF WHICH IS THE INSPECTOR GENERAL.

§ 136. OFFICE OF THE INSPECTOR GENERAL: INSPECTOR GENERAL.

(A) APPOINTMENT.

(1) THE INSPECTOR GENERAL IS APPOINTED BY AN ADVISORY BOARD COMPRISING THE FOLLOWING OR THEIR RESPECTIVE DESIGNEES :

(I) THE MAYOR;

(II) THE CITY SOLICITOR, WHO SERVES AS THE CHAIR OF THE ADVISORY BOARD AND MAY ASSIGN STAFF TO THE ADVISORY BOARD FROM THE LAW DEPARTMENT;

(III) THE COMPTROLLER;

(IV) THE CITY COUNCIL PRESIDENT;

(V) THE STATE'S ATTORNEY FOR BALTIMORE CITY;

(VI) A MEMBER OF THE BALTIMORE CITY HOUSE OR SENATE DELEGATION TO THE MARYLAND GENERAL ASSEMBLY, SELECTED BY THE BALTIMORE CITY HOUSE AND SENATE DELEGATIONS TO THE MARYLAND GENERAL ASSEMBLY;

(VII) THE DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW;

(VIII) THE DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW; AND

(IX) A MEMBER OF THE CITY COUNCIL SELECTED BY MAJORITY VOTE OF THE COUNCIL.

(2) A QUORUM OF THE ADVISORY BOARD CONSISTS OF 5 MEMBERS.

(3) AN AFFIRMATIVE VOTE OF AT LEAST 5 MEMBERS SHALL BE NECESSARY TO APPOINT AN INSPECTOR GENERAL.

(B) QUALIFICATIONS.

(1) THE INSPECTOR GENERAL SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND MUST HAVE EXPERIENCE IN ACCOUNTING , FINANCIAL ANALYSIS, LAW, MANAGEMENT ANALYSIS , PUBLIC ADMINISTRATION , OR INVESTIGATIONS .

(2) THE INSPECTOR GENERAL SHALL HOLD AT THE TIME OF APPOINTMENT , OR BE REQUIRED TO OBTAIN WITHIN 7 MONTHS AFTER APPOINTMENT , CERTIFICATION AS A CERTIFIED INSPECTOR GENERAL .

(C) TERM.

THE INSPECTOR GENERAL SHALL SERVE A TERM OF 6 YEARS COMMENCING FROM THE DATE OF APPOINTMENT .

(D) *REMOVAL.*

BEFORE THE EXPIRATION OF A 6 YEAR TERM, THE INSPECTOR GENERAL MAY ONLY BE REMOVED WITH AN AFFIRMATIVE VOTE OF AT LEAST 5 MEMBERS OF THE ADVISORY BOARD, AFTER A FINDING THAT THE INSPECTOR GENERAL HAS:

- (1) FAILED TO PERFORM THE DUTIES OUTLINED IN §137 OF THIS ARTICLE;
- (2) BEEN CONVICTED OF A CRIMINAL ACT , OTHER THAN A NUISANCE CRIME ELIGIBLE FOR EXPUNGEMENT UNDER MARYLAND CRIMINAL PROCEDURE ARTICLE §10-105(A)(9);
- (3) IN THE ADVISORY BOARD 'S SOLE DETERMINATION , COMMITTED MISCONDUCT OR MALFEASANCE IN OFFICE THAT UNDERMINES THE CREDIBILITY OF THE INSPECTOR GENERAL AND HINDERS THEIR ABILITY TO PERFORM THEIR DUTIES ; OR
- (4) IN THE ADVISORY BOARD 'S SOLE DETERMINATION , DEMONSTRATED A PATTERN OF INCOMPETENCE AND LACK OF FITNESS FOR THE POSITION .

(E) *PERFORMANCE REVIEW.*

THE ADVISORY BOARD SHALL MEET AT LEAST ONCE ANNUALLY TO REVIEW THE PERFORMANCE OF THE INSPECTOR GENERAL.

(F) *ACTING INSPECTOR GENERAL.*

- (1) WHENEVER A VACANCY OCCURS FOR THE INSPECTOR GENERAL, OR WHENEVER THE INSPECTOR GENERAL IS INCAPACITATED OR OTHERWISE UNAVAILABLE FOR DUTY FOR ANY CAUSE, THE HIGHEST RANKING EMPLOYEE OF THE OFFICE OF THE INSPECTOR GENERAL SHALL BE THE ACTING INSPECTOR GENERAL UNTIL THE VACANCY IS FILLED OR THE INSPECTOR GENERAL IS AGAIN AVAILABLE FOR DUTY .
- (2) THE CHAIR OF THE ADVISORY BOARD SHALL :
 - (I) ISSUE A PROGRESS REPORT TO THE CITY COUNCIL DESCRIBING THE STATUS OF THE EFFORTS TO FILL THE VACANCY , OR THE INSPECTOR GENERAL 'S INCAPACITY OR UNAVAILABILITY , 180 DAYS FROM THE DATE ANY VACANCY OCCURS, OR THE DATE THAT THE INSPECTOR GENERAL IS INCAPACITATED OR OTHERWISE UNAVAILABLE FOR DUTY FOR ANY CAUSE ; AND
 - (II) ISSUE AN ADDITIONAL PROGRESS REPORT EVERY 60 DAYS THEREAFTER UNTIL THE VACANCY IS FILLED OR THE INSPECTOR GENERAL RETURNS TO DUTY.

§ 137. OFFICE OF THE INSPECTOR GENERAL: POWERS AND DUTIES OF OFFICE.

(A) *HEAD OF OFFICE.*

THE INSPECTOR GENERAL SHALL SUPERVISE AND DIRECT THE OFFICE OF THE INSPECTOR GENERAL.

(B) *RESPONSIBILITIES OF THE OFFICE.*

THE OFFICE OF THE INSPECTOR GENERAL IS RESPONSIBLE FOR:

- (1) PROMOTING EFFICIENCY, ACCOUNTABILITY, AND INTEGRITY IN CITY GOVERNMENT;
- (2) INVESTIGATING COMPLAINTS OF FRAUD, WASTE, AND ABUSE IN CITY GOVERNMENT; AND
- (3) PROMOTING ETHICAL, FISCAL, AND LEGAL ACCOUNTABILITY.

(C) *JURISDICTION OF OFFICE.*

THE OFFICE OF THE INSPECTOR GENERAL MAY INVESTIGATE ALLEGATIONS THAT INVOLVE CITY GOVERNMENT AND POTENTIAL VIOLATIONS OF LAWS OR REGULATIONS BY ANY :

- (1) CITY ELECTED OFFICIAL;
- (2) CITY EMPLOYEE;
- (3) MEMBER OF A BOARD OR COMMISSION ESTABLISHED OR GOVERNED BY THE CITY CHARTER, CITY CODE, OR AN EXECUTIVE ORDER ISSUED BY THE MAYOR;
- (4) CITY CONTRACTOR OR PERSON NEGOTIATING A CONTRACT WITH THE CITY;
- (5) PERSON SEEKING CERTIFICATION TO PROVIDE GOODS OR SERVICES TO THE CITY; OR
- (6) EXTERNAL RECIPIENT OF CITY FUNDS, BENEFITS, OR SERVICES.

(D) *INSPECTIONS, INVESTIGATIONS, AND EVALUATIONS.*

THE OFFICE OF THE INSPECTOR GENERAL MAY CONDUCT INDEPENDENT REVIEWS OF GOVERNMENT OPERATIONS, INCLUDING INSPECTIONS, INVESTIGATIONS, AND EVALUATIONS OF:

- (1) ANY ACTIVITIES, RECORDS, OR INDIVIDUALS INVOLVED WITH CITY CONTRACTS AND PROCUREMENTS; OR
- (2) ANY OTHER OFFICIAL ACT OR FUNCTION OF ANY GOVERNMENTAL ENTITY UNDER THE JURISDICTION OF THE OFFICE.

(E) *ANNUAL REPORT.*

- (1) THE OFFICE OF THE INSPECTOR GENERAL SHALL PREPARE AND PUBLISH AN ANNUAL REPORT OF THE OFFICE'S ACTIVITIES.
- (2) THE ANNUAL REPORT MAY INCLUDE RECOMMENDATIONS REGARDING PROGRAM WEAKNESS, CONTRACTING IRREGULARITIES, OR OTHER INSTITUTIONAL PROBLEMS DISCOVERED BY THE OFFICE.

(3) THE ANNUL REPORT SHALL BE :

- (i) SUBMITTED TO ALL OF THE MEMBERS OF THE OFFICE OF THE INSPECTOR GENERAL'S ADVISORY BOARD; AND
- (ii) AFTER ANY REDACTIONS REQUIRED BY LAW , POSTED ON THE OFFICE OF THE INSPECTOR GENERAL'S WEBSITE.

(F) *PUBLIC REPORTS OF INVESTIGATIONS.*

THE INSPECTOR GENERAL MAY PUBLISH FOR PUBLIC VIEWING A REPORT OF ANY INVESTIGATION, INSPECTION, OR EVALUATION, EXCEPT THAT ANY SENSITIVE OR CONFIDENTIAL INFORMATION MUST BE REDACTED AS REQUIRED BY LAW .

(G) *ETHICS BOARD.*

THE INSPECTOR GENERAL SHALL SERVE AS THE EXECUTIVE DIRECTOR OF THE BOARD OF ETHICS ESTABLISHED UNDER § 106(A) OF THIS ARTICLE AND MODIFIED UNDER § 110 OF THIS ARTICLE, AND SHALL USE THE OFFICE OF THE INSPECTOR GENERAL'S STAFF AND RESOURCES TO SUPPORT THE BOARD OF ETHICS AND FULFILL THE EXECUTIVE DIRECTOR'S RESPONSIBILITIES.

(H) *REFERRALS AND JOINT INVESTIGATIONS.*

IF, IN THE COURSE OF ANY INSPECTION , INVESTIGATION, OR EVALUATION CONDUCTED BY THE OFFICE, THE INSPECTOR GENERAL DETERMINES THAT THERE IS REASON TO BELIEVE THAT A CRIMINAL ACT OCCURRED , THE INSPECTOR GENERAL MAY:

- (1) REFER THE MATTER TO THE APPROPRIATE PROSECUTORIAL AUTHORITY ;
- (2) OPEN A JOINT INVESTIGATION WITH THE APPROPRIATE PROSECUTORIAL AUTHORITY; OR
- (3) NOTIFY THE CITY SOLICITOR AND TAKE FURTHER ACTION IN CONCURRENCE WITH THE CITY SOLICITOR.

(I) *AUTHORITY TO CANCEL OR SUSPEND CONTRACTS.*

THE INSPECTOR GENERAL MAY, WITH THE CONCURRENCE OF THE CITY SOLICITOR, CANCEL OR SUSPEND A CONTRACT ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS SECTION IF THE INSPECTOR GENERAL FINDS THAT:

- (1) THE CONTRACT IS NOT BEING PERFORMED ; OR
- (2) A CONTRACTOR ON THE CONTRACT HAS PROVIDED FALSE STATEMENTS TO A CITY OFFICIAL.

(J) *PUBLIC AWARENESS.*

- (1) THE INSPECTOR GENERAL SHALL TAKE APPROPRIATE STEPS TO BUILD PUBLIC AWARENESS OF THE OFFICE OF THE INSPECTOR GENERAL AND OF ALL PROCEDURES ESTABLISHED BY THE INSPECTOR GENERAL FOR RECEIVING COMPLAINTS .

(2) THE INSPECTOR GENERAL SHALL PROVIDE INFORMATION TO CITY EMPLOYEES ABOUT THE IDENTIFICATION AND PREVENTION OF FRAUD , WASTE, AND ABUSE OF OFFICE IN CITY GOVERNMENT .

(K) *POLICY RECOMMENDATIONS.*

THE INSPECTOR GENERAL MAY, ON ANY MATTER OF POLICY OR PRACTICE , MAKE RECOMMENDATIONS TO THE MAYOR OR TO THE HEAD OF ANY CITY DEPARTMENT OR AGENCY, IF THE INSPECTOR GENERAL BELIEVES THAT THE IMPLEMENTATION OF THE RECOMMENDATION WOULD ASSIST IN THE PROMOTION OF EFFICIENCY , ACCOUNTABILITY , AND INTEGRITY IN CITY GOVERNMENT .

(L) *POLICIES AND PROCEDURES.*

THE INSPECTOR GENERAL SHALL ESTABLISH POLICIES AND PROCEDURES THAT GUIDE THE FUNCTIONS AND PROCESSES CONDUCTED BY THE OFFICE OF THE INSPECTOR GENERAL.

§ 138. OFFICE OF THE INSPECTOR GENERAL: FUNDING.

(A) *IN GENERAL.*

THE BOARD OF ESTIMATES SHALL ANNUALLY INCLUDE IN THE ORDINANCE OF ESTIMATES SUBMITTED TO THE CITY COUNCIL AN AMOUNT SUFFICIENT TO FUND THE OFFICE OF THE INSPECTOR GENERAL AT NOT LESS THAN 10 TIMES THE SALARY OF THE MAYOR.

(B) *INSPECTOR GENERAL'S SALARY INCLUDED.*

(1) THE INSPECTOR GENERAL'S COMPENSATION SHALL BE AT LEAST EQUAL TO 80% OF THE MAYOR'S COMPENSATION .

(2) THE INSPECTOR GENERAL'S COMPENSATION MAY BE INCLUDED IN THE FUNDING PROVIDED UNDER SUBSECTION (A) OF THIS SECTION AND NEED NOT BE APPROPRIATED IN ADDITION TO THAT FUNDING IN THE ORDINANCE OF ESTIMATES .

§ 139. OFFICE OF THE INSPECTOR GENERAL: ACCESS TO PERSONS AND RECORDS ; SUBPOENA POWER.

(A) *ACCESS TO PERSONS.*

THE INSPECTOR GENERAL SHALL HAVE ACCESS TO ANY HEAD OF ANY CITY ENTITY UNDER THE JURISDICTION OF THE OFFICE OF THE INSPECTOR GENERAL WHEN NECESSARY FOR ANY PURPOSE PERTAINING TO THE INSPECTOR GENERAL'S POWERS AND DUTIES .

(B) *ACCESS TO RECORDS.*

AS ALLOWED BY LAW, THE INSPECTOR GENERAL SHALL HAVE ACCESS TO ALL RECORDS OF ANY CITY ENTITY UNDER ITS JURISDICTION . OFFICERS AND EMPLOYEES OF CITY ENTITIES SHALL PROMPTLY PROVIDE TO THE INSPECTOR GENERAL ANY INFORMATION , DOCUMENT , REPORT, RECORD, ACCOUNT, OR OTHER MATERIAL REQUESTED BY THE INSPECTOR GENERAL, AND THE INSPECTOR GENERAL IS NOT REQUIRED TO OBTAIN A SUBPOENA FOR ANY RECORDS REQUEST MADE TO ANY CITY ENTITY .

(C) *SUBPOENA POWER.*

- (1) AS PART OF AN INVESTIGATION INTO ANY MATTER UNDER THE JURISDICTION OF THE OFFICE OF THE INSPECTOR GENERAL, THE INSPECTOR GENERAL MAY ISSUE A SUBPOENA INDEPENDENT OF ANY FURTHER APPROVAL FROM THE MAYOR AND CITY COUNCIL OF BALTIMORE, REQUIRING ANY PERSON TO GIVE TESTIMONY , OR PRODUCE ANY DOCUMENT, REPORT, RECORD, ACCOUNT, OR OTHER MATERIAL .
- (2) A SUBPOENA ISSUED UNDER THIS SUBSECTION MAY BE JUDICIALLY ENFORCED BY THE CITY SOLICITOR IN ANY COURT OF COMPETENT JURISDICTION .

§ 140. OFFICE OF THE INSPECTOR GENERAL: DUTIES OF EMPLOYEES AND OFFICERS UNDER JURISDICTION OF THE OFFICE.

ANY OFFICER OR EMPLOYEE UNDER THE JURISDICTION OF THE OFFICE OF THE INSPECTOR GENERAL WHO RECEIVES A COMPLAINT OF FRAUD , WASTE, OR ABUSE SHALL IMMEDIATELY REFER THE COMPLAINT TO THE OFFICE OF THE INSPECTOR GENERAL.

§ 141. OFFICE OF THE INSPECTOR GENERAL: CONFIDENTIALITY.

THE OFFICE OF THE INSPECTOR GENERAL MAY NOT DISCLOSE TO ANY PERSON OUTSIDE OF THE OFFICE THE IDENTITY OF ANY COMPLAINANT WITHOUT THE CONSENT OF THE COMPLAINANT , EXCEPT WHEN DISCLOSURE IS REQUIRED BY LAW .

§ 142. OFFICE OF THE INSPECTOR GENERAL: TRANSITION PROCEDURE.

(A) *INCUMBENT INSPECTOR GENERAL.*

THE INDIVIDUAL HOLDING THE POSITION OF INSPECTOR GENERAL OF THE CITY OF BALTIMORE IN THE LAW DEPARTMENT ON NOVEMBER 6, 2018 WILL ASSUME THE POSITION OF INSPECTOR GENERAL CREATED BY § 135 OF THIS ARTICLE ON THE DATE THAT § 135 GOES INTO EFFECT .

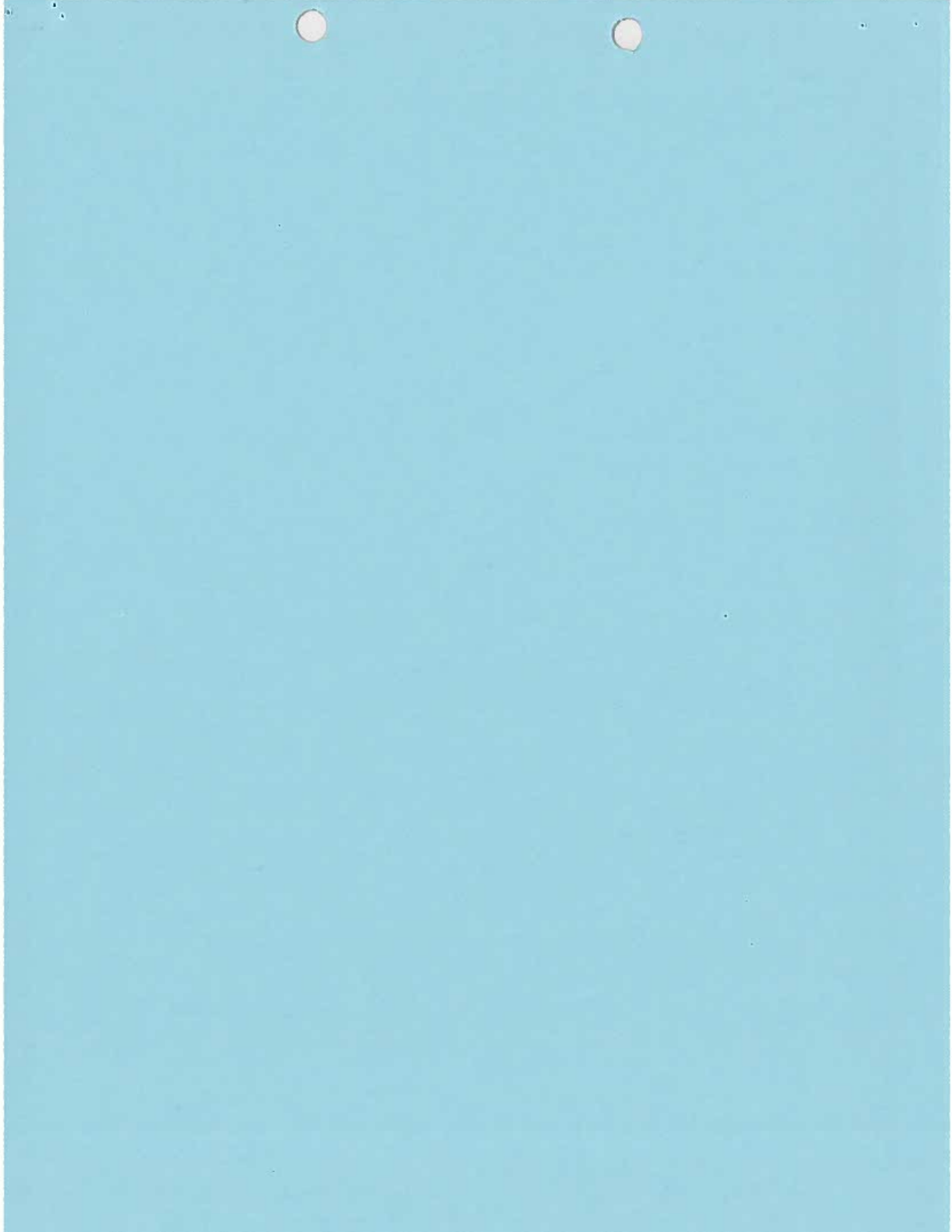
(B) *INITIAL TERM .*

THE 6 YEAR TERM OF THE INSPECTOR GENERAL ASSUMING OFFICE UNDER SUBSECTION (A) OF THIS SECTION RUNS FROM THE DATE OF HER OR HIS APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL OF THE CITY OF BALTIMORE IN THE LAW DEPARTMENT .

(C) *FUNDING.*

- (1) THE FUNDING REQUIREMENTS OF § 138 OF THIS ARTICLE WILL APPLY TO THE ORDINANCE OF ESTIMATES ADOPTED AFTER NOVEMBER 6, 2018 AND EACH SUBSEQUENT ORDINANCE OF ESTIMATES .
- (2) IN THE PERIOD BETWEEN THE EFFECTIVE DATE OF § 135 OF THIS ARTICLE AND THE ADOPTION OF A NEW ORDINANCE OF ESTIMATES, THE OFFICE OF THE INSPECTOR GENERAL CREATED BY § 135 MAY OPERATE USING THE FUNDS PREVIOUSLY APPROPRIATED FOR THE OFFICE OF THE INSPECTOR GENERAL IN THE LAW DEPARTMENT .

SECTION 2. AND BE IT FURTHER RESOLVED, That this proposed amendment to the City Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection, in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor.



ACTION BY THE CITY COUNCIL.

MAR 12 2018

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON June 19, 2018 _____ 20 _____

COMMITTEE REPORT AS OF June 25, 2018 _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

E-S-ans
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUN 25 2018
20 _____

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ JUL 09 2018

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]
President

[Signature]
Chief Clerk