



Legislation Details (With Text)

File #: 18-0263 Version: 0 Name: Charter Amendment - Charter Commission Recommendations for Office of the Inspector General
Type: Mayor and City Council Res. Status: Withdrawn
File created: 6/11/2018 In control: City Council
On agenda: Final action: 6/25/2018
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Title: Charter Amendment - Charter Commission Recommendations for Office of the Inspector General For the purpose of repealing certain obsolete transition provisions; establishing an Office of the Inspector General headed by an Inspector General; providing for the establishment of an ad hoc board of the Office of the Inspector General to make recommendations regarding the appointment and removal of the Inspector General; allowing the Mayor and the City Council President to jointly appoint or remove the Inspector General after receiving recommendations from an ad hoc board of the Office of the Inspector General; establishing the powers, duties, and administration of the Office of the Inspector General; allowing the Inspector General to issue subpoenas; generally relating to the Office of the Inspector General; setting conditions for the initial Inspector General to assume office under the Charter; setting a special effective date; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors: City Council President (Administration)

Indexes: Charter Amendment, Commission, Office of the Inspector General, Recommendations

Code sections:

Attachments: 1. 18-0263~1st Reader, 2. Law 18-0263

Table with 5 columns: Date, Ver., Action By, Action, Result. Rows include dates from 6/11/2018 to 6/25/2018 and actions like 'Withdrawn', 'Refer to City Solicitor', 'Assigned', 'Introduced', 'Scheduled for a Public Hearing'.

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.

Introductory\*
City of Baltimore
Council Bill
(Charter Amendment)

Introduced by: The Council President
At the request of: The Administration (Mayor's Charter Review Commission)

## A Resolution Entitled

A Resolution of the Mayor and City Council concerning

### **Charter Amendment - Charter Commission Recommendations for Office of the Inspector General**

For the purpose of repealing certain obsolete transition provisions; establishing an Office of the Inspector General headed by an Inspector General; providing for the establishment of an ad hoc board of the Office of the Inspector General to make recommendations regarding the appointment and removal of the Inspector General; allowing the Mayor and the City Council President to jointly appoint or remove the Inspector General after receiving recommendations from an ad hoc board of the Office of the Inspector General; establishing the powers, duties, and administration of the Office of the Inspector General; allowing the Inspector General to issue subpoenas; generally relating to the Office of the Inspector General; setting conditions for the initial Inspector General to assume office under the Charter; setting a special effective date; and submitting this amendment to the qualified voters of the City for adoption or rejection.

By proposing to repeal

Article IX - Transition Provisions

Section(s) 1 to 8

Baltimore City Charter

(1996 Edition)

By proposing to add

Article IX - 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:

### **Baltimore City Charter**

#### **Article IX. [Transition Provisions] Office of the Inspector General**

##### **[§ 1. Terminology.]**

[The Charter in effect immediately prior to the general election of November 3, 1994, shall for the purposes of this Article IX be known as the old Charter. The Charter as amended at said general election shall be known as the new Charter.]

##### **[§ 2. Final effective date.]**

[The new Charter shall, except as hereinafter provided, become fully effective as to all its provisions on July 1, 1996. All municipal officials shall do such acts as may be necessary or convenient in preparation for the new Charter's becoming effective.]

##### **[§ 3. Advanced effective dates.]**

[By resolution, the Board of Estimates may make effective any provision or provisions of the new Charter as of any date from and after the thirtieth day after the election at which the new Charter is approved by the voters and prior to July 1, 1996, in which case, to the extent of any inconsistency or conflict between such provision or provisions of the new Charter and the old Charter, the provision or provisions of the new

Charter shall prevail.]

**[§ 4. Existing employees.]**

[(a) *Positions and salaries unaffected.*]

[Notwithstanding that the entry into effect of the new Charter will cause the transfer of certain powers and duties among municipal agencies, no position occupied by any employee in the Civil Service as of July 1, 1996, shall be abolished nor shall the salary of any such employee be affected by virtue of the entry into effect of the new Charter.]

[(b) *Civil Service status.*]

[The officers and employees of the City who, on July 1, 1996, are in positions that the new Charter removes from the Civil Service shall retain their Civil Service status until they retire or until and unless their positions are abolished or they are removed from them pursuant to law.]

**[§ 5. Records and funds.]**

[The books, records, property and funds of any municipal agency abolished or superseded by the new Charter are hereby transferred to and vested in the municipal agency to which the powers, duties and functions of the agency so abolished or superseded are transferred; and whenever part of the powers, duties and functions of any municipal agency are transferred by the new Charter to another municipal agency, then the books, records, property and funds relating to the powers, duties, and functions so transferred shall be transferred to and vested in the agency to which such transfer is made.]

**[§ 6. Ordinances, orders, regulations.]**

[All ordinances and all orders, rules and regulations heretofore made in accordance with law by any municipal agency, insofar as the same are not in conflict with the provisions of the new Charter, shall remain in full force and effect until revoked or modified by agencies of the City empowered by the new Charter or otherwise by law, to repeal or amend the same.]

[References in such ordinances, orders, rules and regulations to any municipal agency existing prior to the applicable effective date of the new Charter, shall be deemed to refer to the municipal agency to whom its powers and duties shall have been assigned by the new Charter.]

**[§ 7. Contracts and obligations.]**

[All contracts, leases and obligations to which the City is a party at the applicable effective date of the new Charter shall remain in full force and effect according to their terms, and shall be performed by or for that municipal agency which, by the new Charter or applicable ordinances, shall have jurisdiction over the subject matter of such contracts, leases or obligations.]

**[§ 8. New terms for boards and commissions.]**

[The first terms of office provided by the new Charter for members of boards and commissions that are coterminous with the Mayor's term of office shall begin on the last day of December, 1995, and the first four year terms of office provided by the new Charter for board and commission members that are staggered with the Mayor's term of office shall begin two years thereafter.]

**§ 1. Office of the Inspector General established.**

There is an Office of the Inspector General, the head of which is the Inspector General.

## § 2. Board of the Office of the Inspector General established.

### (a) *Ad hoc board.*

There is a board of the Office of the Inspector General, which from time to time shall be established pursuant to this section.

### (b) *Composition of board.*

- (1) The board shall be composed of 3 members. The Mayor, the President of the City Council, and the Comptroller shall each appoint 1 member to the board.
- (2) The board shall be appointed without regard to political affiliation, and is not subject to the requirements of Article IV, § 8. {"Minority party representation"} of this Charter.
- (3) No member of the board may be a City employee or an elected official other than a member of the judiciary.
- (4) The board shall elect a chair from among its members.

### (c) *Board assistance.*

The City Solicitor and the Department of Law shall provide administrative and support services to the board.

## § 3. Duties of board.

### (a) *Filling a vacancy.*

- (1) Whenever the Mayor and the President of the City Council find that the position of Inspector General is vacant, the board shall be appointed within 6 weeks of that finding.
- (2) The board shall be responsible for all activities by which candidates to fill the vacancy are solicited, investigated, interviewed, and recommended for appointment.
- (3) The board shall recommend no less than 2, and no more than 3, candidates for appointment to the Mayor and the President of the City Council.
- (4) Upon the appointment of the Inspector General, the board shall be deemed dissolved and its work completed.

### (b) *Removal of Inspector General.*

- (1) The board shall be appointed in accordance with § 2(b) {"Board of the Office of the Inspector General established: Composition of board"} of this Article when the Mayor, the President of the City Council, or the Comptroller allege the existence of grounds for removal as provided in § 4(e) {"Office of the Inspector General - Inspector General: Grounds for removal"} of this Article and call for the removal of the Inspector General.
- (2) The board shall be responsible for reviewing and investigating the alleged grounds for removal and forming an opinion, based on the record before the board, as to whether the alleged grounds for removal are sufficient to warrant a recommendation to remove the Inspector General.

- (3) After its review and investigation under paragraph (2) of this subsection is complete, the board shall recommend to the Mayor and the President of the City Council either the removal or retention of the Inspector General.
- (4) If the Inspector General is retained in office, the board that was appointed under this subsection shall be deemed dissolved and its work completed.
- (5) If the Inspector General is removed from office pursuant to § 4(d){“Office of the Inspector General - Inspector General: Appointment and removal”} of this article, the board appointed under this subsection (b) shall perform the tasks to fill a vacancy provided in subsection (a) of this section, and dissolve and terminate its work pursuant to those provisions.

#### **§ 4. Office of the Inspector General - Inspector General.**

(a) *Qualifications.*

The Inspector General shall have:

- (1) substantial experience and demonstrated ability in auditing, financial analysis, criminal justice, law, management analysis, public administration, investigations, or another appropriate field; and
- (2) acquired special training and certification as an Inspector General, or acquire the special training and certification within 6 months of appointment.

(b) *Term.*

The Inspector General shall serve a 6-year term, except in the case of removal from office as provided in this section.

(c) *Salary.*

The Inspector General shall be paid a salary as provided in the Ordinance of Estimates.

(d) *Appointment and removal.*

Upon receipt of a recommendation by an ad hoc board of the Office of the Inspector General pursuant to § 3 {“ Duties of board”} of this Article, an Inspector General may be appointed or removed from office by the affirmative vote of both the Mayor and the President of the City Council.

(e) *Grounds for removal.*

The Inspector General may be removed from office for:

- (1) misconduct in office;
- (2) persistent failure to perform the duties of office; or
- (3) conduct prejudicial to the proper administration of justice.

#### **§ 5. Office of the Inspector General - Powers and duties of office.**

(a) *Responsibilities of the office.*

The Office of the Inspector General is responsible for:

- (1) investigating complaints of fraud, financial waste, and abuse in City government; and
- (2) promoting efficiency, accountability, and integrity in City government.

(b) *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 or entity seeking certification to provide goods or services to the City; or
- (6) external recipient of City funds, benefits, or services.

(c) *Issuing subpoenas.*

- (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.

**§ 6. 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.*

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) *Funding.*

The Office of the Inspector General shall be funded annually in the Ordinance of Estimates.

(d) *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.

**Section 2. And be it further resolved,** that this Article shall be effective on January 1, 2019, except as is hereafter provided.

**Section 3. And be it further resolved,** that the Inspector General holding office at the time this Article becomes effective shall remain in office until: (1) January 1, 2023; (2) the Inspector General is removed from office pursuant to the provisions of this Article; or (3) the Inspector General voluntarily vacates the office, whichever event occurs the earliest.

**Section 4. And be it further resolved,** that the term of office provided in § 4(b) {"Office of the Inspector General - Inspector General: Term"} of this Article shall become effective upon the termination of employment of the Inspector General holding office at the effective date of this Article.

**Section 5. 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.