

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2024 Legislative Session

Legislative Day No. 12

Bill No. 61 -2024

Introduced by:
Deb Jung, Christiana Rigby, Liz Walsh, and David Yungmann

SHORT TITLE: Inspector General – Establishment

AN ACT establishing the Office of the Inspector General; specifying the selection, term, qualifications, and responsibilities of the Inspector General; providing for the referral of certain matters; specifying the funding and powers of the Office of the Inspector General; requiring certain reports; establishing the Inspector General Citizen Board; specifying the composition, term, and responsibilities of the Inspector General Citizen Board; amending the whistleblower protection statute; and generally relating to the Office of the Inspector General.

Introduced and read first time _____, 2024. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2024.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2024 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2024 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved by the County Executive _____, 2024

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard County
2 Code is amended as follows:

3 *By amending:*

4 *Title 1 – Human Resources*

5 *Subtitle 3. – Pay Plan*

6 *Sec. 1.306. Executive exempt.*

7 *Subtitle 7. – Disclosure Protection*

8 *Sec. 1.700. Whistleblower protection.*

9
10 *By adding:*

11 *Title 22. General Provisions.*

12 *Subtitle 12. Office of the Inspector General*

13 *Sec. 22.1200. Establishment.*

14 *Sec. 22.1201. Purpose.*

15 *Sec. 22.1202. Appointment.*

16 *Sec. 22.1203. Powers, Duties, and Responsibilities.*

17 *Sec. 22.1204. Referral of Matters.*

18 *Sec. 22.1205. Reports and Letters*

19 *Sec. 22.1206. Budget.*

20 *Sec. 22.1207. Administration and Operation.*

21 *Sec. 22.1208. Retaliation Prohibited.*

22 *Subtitle 13. Inspector General Citizen Board*

23 *Sec. 22.1300. The Inspector General Citizen Board.*

24
25 **HOWARD COUNTY CODE**

26 **Title 1. Human Resources**

27 **Subtitle 3. – Pay Plan**

28 **Sec. 1.306. Executive exempt.**

29 (a) *Positions Defined.*

30 (1) The positions listed in this section shall be in the Executive exempt service. An Executive
31 exempt employee serves at the pleasure of the appointing authority. Appointing
32 authorities for Executive exempt positions are established as provided in this section.

1 (2) (i) An Executive exempt employee receives fringe benefits as provided by the Personnel
2 Officer.

3 (ii) The starting salary for an Executive exempt employee shall be set by the appointing
4 authority and may not exceed the maximum base hourly rate of pay for the position.

5 (iii) An exempt employee is paid an annual salary based on the hourly rates established in
6 the pay plan. An Executive exempt employee shall perform the duties assigned and shall
7 work the hours necessary to perform those duties.

8 (3) An Executive exempt employee, EXCLUDING THE INSPECTOR GENERAL AND DEPUTY
9 INSPECTOR GENERAL, is eligible for an employee performance award.

10 (4) The County Executive shall determine the level of education and experience necessary to
11 meet the minimum qualifications for Executive exempt positions for which the County
12 Executive is the appointing authority.

13 (b) *Appointing Authorities.* Appointing authorities for Executive exempt employees are as provided
14 in this subsection:

15 (1) *County Executive.* The County Executive is the appointing authority for the:

16 Executive Assistant I, serving the Office of the County Executive;

17 Executive Assistant II, serving the Office of the County Executive;

18 Administrative Assistant, serving the Office of the County Executive;

19 Administrative Analyst II, serving the Office of the County Executive;

20 Chief Administrative Officer;

21 Chief of Staff;

22 Deputy Chief of Staff;

23 Director of Community Resources and Services;

24 Director of Corrections;

25 Director of Finance;

26 Chief of Fire and Rescue Services;

27 Director of Housing and Community Development;

28 Director of Inspections, Licenses and Permits;

29 Director of Planning and Zoning;

30 Chief of Police;

31 Director of Public Works;

32 Director of Recreation and Parks; and

- 1 Director of Technology and Communication Services.
- 2 (2) *County Executive and County Council.* The County Executive, with the concurrence of
3 the County Council is the appointing authority for: Technical Services Supervisor,
4 serving as the Cable Administrator; and County Solicitor.
- 5 (3) *Chief Administrative Officer.* The Chief Administrative Officer, with the approval of the
6 County Executive, is the appointing authority for the following positions:
7 Administrative Assistant, serving the Office of the Chief Administrative Officer;
8 Administrative Analyst II, serving the Office of the Chief Administrative Officer;
9 Administrator of the Office of Community Sustainability;
10 Administrator of the Office of Transportation;
11 Executive Assistant I, serving the Office of the Chief Administrative Officer;
12 Executive Assistant II, serving the Office of the Chief Administrative Officer;
13 Budget Administrator;
14 Deputy Chief Administrative Officer;
15 Human Services Manager II, serving as the Workforce Development Administrator;
16 Human Resources Administrator;
17 Human Services Manager II, serving as the Administrator of the Office of Human Rights
18 and Equity;
19 Labor relations coordinator; and
20 Public Information Administrator.
- 21 (4) *Chief of Police.* The Chief of Police, with the approval of the County Executive, is the
22 appointing authority for the:
23 Police Major;
24 Assistant Administrator;
25 Police Information Specialist; and
26 Police Services Support Supervisor III, serving as the Animal Control Administrator.
- 27 (5) *Fire and Rescue Services.* The Fire Chief (also sometimes referred to in County law as
28 the Director of Fire and Rescue Services or the Chief, Fire and Rescue Services), with the
29 approval of the County Executive, is the appointing authority for the: Deputy Chief;1 the
30 Medical Director, the Administrator of the Office of Emergency Management, and the
31 Assistant Administrator.

- 1 (6) *Community Resources and Services.* The Director of Community Resources and Services,
 2 with the approval of the County Executive, is the appointing authority for the:
 3 Human Services Manager II, serving as the Deputy Director of Community Resources
 4 and Services;
 5 Human Services Manager II, serving as the Administrator on Aging and Independence;
 6 Human Services Manager I, serving as the Administrator of the Office of Children and
 7 Families;
 8 Human Services Manager I, serving as the Administrator of the Office of Community
 9 Partnerships; and
 10 Human Services Manager I, serving as the Consumer Protection Administrator.
- 11 (7) *Public Works.* The Director of Public Works, with the approval of the County Executive,
 12 is the appointing authority for the:
 13 Deputy Director of Public Works;
 14 Engineering Manager II, serving as the Chief, Bureau of Engineering;
 15 Engineering Manager II, serving as the Chief, Bureau of Environmental Services;
 16 Engineering Manager II, serving as the Chief, Bureau of Highways;
 17 Engineering Manager II, serving as the Chief, Bureau of Facilities; and
 18 Engineering Manager II, serving as the Chief, Bureau of Utilities.
- 19 (8) *County Solicitor.* The County Solicitor, with the approval of the County Executive is the
 20 appointing authority for the:
 21 Deputy Attorney, serving as the Deputy County Solicitor;
 22 Principal Attorney, serving as a Senior Assistant County Solicitor I;
 23 Senior Attorney, serving as a Senior Assistant County Solicitor II;
 24 Attorney, serving as an Assistant County Solicitor II;
 25 Entry Level Attorney, serving as an Assistant County Solicitor I; and
 26 Administrative Assistant, serving as Secretary to the County Solicitor.
- 27 (9) *Planning and Zoning.* The Director of Planning and Zoning, with the approval of the
 28 County Executive, is the appointing authority for the Deputy Director of Planning and
 29 Zoning.
- 30 (10) *Finance.* The Director of Finance, with the approval of the County Executive, is the
 31 appointing authority for the Deputy Director of Finance.

- 1 (11) *Technology and Communication Services.* The Director of Technology and
2 Communication Services, with the approval of the County Executive, is the appointing
3 authority for the Deputy Director, Technology and Communication Services.
- 4 (12) *County Council.* The County Council is the appointing authority for the:
5 Administrator to the County Council; [and]
6 County Auditor[.]; AND
7 INSPECTOR GENERAL.
- 8 (13) *Housing and Community Development.* The Director of Housing and Community
9 Development, with the approval of the County Executive, is the appointing authority for
10 the Human Services Manager II, serving as the Deputy Director of Housing and
11 Community Development.
- 12 (14) *County Council Member.* The County Council Member is the appointing authority for the
13 Special Assistant and District Aide serving that Member.
- 14 (15) *Administrator to the County Council.* The Administrator to the County Council, with the
15 approval of the County Council, is the appointing authority for the:
16 Deputy Administrator to the County Council;
17 Executive Assistant I, serving as the Assistant to the Administrator to the County
18 Council; and
19 Public Information Administrator, serving as the Public Information Officer to the
20 County Council.
- 21 (16) *County Auditor.* The County Auditor, with the approval of the County Council, is the
22 appointing authority for Deputy County Auditor.
- 23 (17) *Corrections.* The Director of Corrections, with the approval of the County Executive, is
24 the appointing authority for the:
25 Deputy Director of Corrections; and
26 Custody and Security Chief.
- 27 (18) *THE INSPECTOR GENERAL.* THE INSPECTOR GENERAL IS THE APPOINTING AUTHORITY FOR
28 THE DEPUTY INSPECTOR GENERAL.
- 29 (c) *Pay Grades.* Class Codes and pay grades for Executive exempt positions are established or
30 amended by legislative action of the County Council on the pay plan. The pay plan adopted or
31 amended as an attachment to the Council bill on which the legislative action is taken, and is not
32 reprinted in this Code, but is maintained by the Office of Human Resources.

1 **Subtitle 7. – Disclosure Protection**

2

3 **Sec. 1.700. - Whistleblower protection.**

4 (a) *Authority to Report.* Unless the disclosure is specifically prohibited by law, an employee
5 of Howard County, acting in good faith and on reasonable belief, may disclose to the
6 County Auditor OR TO THE INSPECTOR GENERAL:

- 7 (1) A violation of a law, rule, or regulation by a County officer, employee, or
8 contractor while conducting County business or using County property;
- 9 (2) A [[gross]] waste of County funds;
- 10 (3) [[A gross]] AN abuse of authority by a County official or employee; or
- 11 (4) A specific and substantial danger to public health or safety due to an act or
12 omission of a County official, employee, or contractor.

13 (b) *Prohibited Acts.*

14 (1) A supervisor, appointing authority, or head of an office or department may not
15 threaten or in fact take or refuse to take any personnel action as a reprisal against
16 an employee to restrain, influence, or prevent an employee from making a
17 disclosure under subsection (a) of this section.

18 (2) (i) For purposes of this paragraph, "retaliate" means to take an adverse
19 employment action against an employee [[of the County]] including, but
20 not limited to, threats of retaliation, discharge, discrimination in
21 compensation, or discrimination in conditions of employment.

22 (ii) A supervisor, appointing authority, or head of an office or department may
23 not retaliate against an employee because the employee makes a disclosure
24 under subsection (a) of this section.

25 (c) *Complaints.*

26 (1) An employee who seeks relief for a violation of subsection (b) of this section may
27 file a complaint with the Human Resources Administrator or, if the subject of the
28 complaint is the Administrator, the Chief Administrative Officer.

1 (2) The Human Resources Administrator or the Chief Administrative Officer shall
2 investigate the complaint and the Chief Administrative Officer shall report the
3 findings to the Howard County Council, the County Auditor, THE INSPECTOR
4 GENERAL, and the County Executive.

5 (d) *Confidentiality.* To the extent allowed by law, the identity of a person who makes a
6 disclosure under this section shall be kept confidential.

7 (e) *Penalties.* Violation of subsection (b) of this section is grounds for dismissal under the
8 personnel rules of Howard County.
9

10 **Title 22. General Provisions**

11 **SUBTITLE 12. OFFICE OF THE INSPECTOR GENERAL**

12
13 **SEC. 22.1200. ESTABLISHMENT.**

14 THERE IS AN OFFICE OF THE INSPECTOR GENERAL, OF WHICH THE HEAD IS THE INSPECTOR
15 GENERAL.
16

17 **SEC. 22.1201. PURPOSE.**

18 THE OFFICE OF THE INSPECTOR GENERAL IS AN INDEPENDENT OFFICE AND SHALL CONDUCT THEIR
19 WORK WITHOUT INTERFERENCE FROM THE COUNTY EXECUTIVE, THE COUNTY COUNCIL, OR THE
20 INSPECTOR GENERAL CITIZEN BOARD. THE PURPOSE OF THE OFFICE OF THE INSPECTOR GENERAL
21 IS TO PROVIDE INCREASED ACCOUNTABILITY AND OVERSIGHT IN THE OPERATIONS OF ANY
22 DEPARTMENT, OFFICE, OR ENTITY RECEIVING FUNDS FROM THE COUNTY GOVERNMENT BY:

23 (A) INVESTIGATING FRAUD, WASTE, AND ABUSE; AND

24 (B) IDENTIFYING WAYS TO PROMOTE EFFICIENCY, ACCOUNTABILITY, COMPLIANCE, AND
25 INTEGRITY.
26

27 **SEC. 22.1202. APPOINTMENT.**

28 (A) *APPOINTMENT.*

1 (1) THE INSPECTOR GENERAL IS APPOINTED BY COUNCIL RESOLUTION ADOPTED BY A
2 MAJORITY VOTE OF THE COUNTY COUNCIL FROM AMONG THREE QUALIFIED
3 CANDIDATES SUBMITTED BY THE INSPECTOR GENERAL CITIZEN BOARD.

4 (2) AS REQUIRED BY SECTION 22.1300(F), THE INSPECTOR GENERAL CITIZEN BOARD
5 SHALL CONDUCT AN OPEN SEARCH TO IDENTIFY QUALIFIED CANDIDATES.

6 (3) THE COUNCIL MAY REQUEST THAT THE BOARD SUBMIT ANOTHER LIST OF THREE
7 QUALIFIED CANDIDATES IF THE COUNCIL SO CHOOSES.

8 (B) *QUALIFICATIONS.*

9 (1) THE INSPECTOR GENERAL SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL
10 AFFILIATION AND SHALL HAVE SUBSTANTIAL EXPERIENCE IN AUDITING, FINANCIAL
11 ANALYSIS, GOVERNMENT OPERATIONS, INDEPENDENT GOVERNMENT OVERSIGHT,
12 ETHICS, CRIMINAL JUSTICE LAW, MANAGEMENT ANALYSIS, PUBLIC
13 ADMINISTRATION, INVESTIGATIONS, OR ANOTHER APPROPRIATE FIELD.

14 (2) NO FORMER OR CURRENT COUNTY EXECUTIVES, DIRECTORS OF COUNTY
15 DEPARTMENTS, OFFICES, OR AGENCIES MAY BE APPOINTED INSPECTOR GENERAL
16 WITHIN FIVE YEARS OF THAT INDIVIDUAL'S PERIOD OF SERVICE.

17 (3) THE INSPECTOR GENERAL SHALL HOLD AT THE TIME OF APPOINTMENT, OR SHALL
18 OBTAIN WITHIN ONE YEAR OF THE APPOINTMENT, CERTIFICATION AS A CERTIFIED
19 INSPECTOR GENERAL. CERTIFICATION SHALL BE MAINTAINED FOR THE DURATION
20 OF THE INSPECTOR GENERAL'S TENURE.

21 (C) *TERM.* NOTWITHSTANDING SECTION 1.306(A), THE INSPECTOR GENERAL SHALL SERVE A
22 TERM OF SIX YEARS COMMENCING FROM THE DATE OF APPOINTMENT. SUBSEQUENT
23 REAPPOINTMENTS SHALL BE SIX YEARS AS SPECIFIED IN THE COUNCIL RESOLUTION
24 REAPPOINTING THE INSPECTOR GENERAL.

25 (D) *REMOVAL.*

26 (1) NOTWITHSTANDING SECTION 1.306(A) AND PARAGRAPH (C), THE INSPECTOR
27 GENERAL CITIZEN BOARD MAY RECOMMEND TO THE COUNTY COUNCIL THAT THE
28 INSPECTOR GENERAL BE REMOVED FROM OFFICE BY AN AFFIRMATIVE VOTE OF
29 TWO-THIRDS OF THE CURRENT MEMBERS OF THE BOARD ONLY FOR CAUSE:

30 (i) MISCONDUCT IN OFFICE;

- (II) PERSISTENT FAILURE TO PERFORM THE DUTIES OF OFFICE;
- (III) CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION OF JUSTICE;
- (IV) MALFEASANCE;
- (V) CONVICTION OF A FELONY; OR
- (VI) NEGLIGENCE OF DUTY.

(2) THE INSPECTOR GENERAL CITIZEN BOARD SHALL PROVIDE THE INSPECTOR GENERAL AND THE COUNTY COUNCIL A WRITTEN STATEMENT OF THE REASONS FOR THE RECOMMENDED REMOVAL.

(3) THE INSPECTOR GENERAL MAY REQUEST A PUBLIC HEARING BEFORE THE COUNTY COUNCIL ON THE REMOVAL WITHIN 10 DAYS. THE COUNCIL SHALL GRANT THE REQUESTED HEARING WITHIN 10 DAYS.

(4) THE COUNTY COUNCIL MAY REMOVE THE INSPECTOR GENERAL ONLY AFTER RECEIVING SUCH RECOMMENDATION FROM THE INSPECTOR GENERAL CITIZEN BOARD. THE COUNCIL MAY REMOVE THE INSPECTOR GENERAL BY AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS OF THE COUNTY COUNCIL.

SEC. 22.1203. POWERS, DUTIES, AND RESPONSIBILITIES.

(A) *HEAD OF OFFICE.* THE INSPECTOR GENERAL SHALL SUPERVISE AND DIRECT THE OFFICE OF THE INSPECTOR GENERAL.

(B) *POWERS.* THE INSPECTOR GENERAL HAS THE FOLLOWING POWERS TO ACCOMPLISH THE INTENT OF THIS SUBTITLE:

(1) THE RIGHT TO OBTAIN FULL AND UNRESTRICTED ACCESS TO ALL RECORDS AND FILES MAINTAINED BY ALL OFFICIALS, AGENTS AND EMPLOYEES OF THE COUNTY AND ALL OFFICES, DEPARTMENTS, INSTITUTIONS, BOARDS, COMMISSIONS, COURTS AND CORPORATIONS AND OTHER AGENCIES THEREOF, SHALL AT ALL TIMES BE OPEN TO THE INSPECTION OF THE INSPECTOR GENERAL WHERE NECESSARY FOR THE CONDUCT OF THE INSPECTOR GENERAL;

(2) THE AUTHORITY TO ADMINISTER OATHS OR AFFIRMATIONS AND TAKE TESTIMONY RELEVANT TO ANY INQUIRY OR INVESTIGATION UNDERTAKEN PURSUANT TO THIS SUBTITLE;

1 (3) THE RIGHT OF ACCESS TO THE HEAD OF ANY PUBLIC ENTITY OR EXTERNAL ENTITY
2 RECEIVING COUNTY FUNDS OR BENEFITS WHEN NECESSARY FOR PURPOSES RELATED
3 TO THE WORK OF THE INSPECTOR GENERAL; AND

4 (4) SUBJECT TO PARAGRAPH (D) OF THIS SECTION, THE POWER TO REQUIRE COUNTY
5 EMPLOYEES TO COOPERATE WITH THE INSPECTOR GENERAL'S INVESTIGATIONS.

6 (C) *DUTIES AND RESPONSIBILITIES.* THE OFFICE OF THE INSPECTOR GENERAL SHALL:

7 (1) EVALUATE, INVESTIGATE, INSPECT, AND MONITOR THE ACTIVITIES AND RECORDS OF
8 THE COUNTY GOVERNMENT, EXTERNAL ENTITIES, AND INDIVIDUALS RECEIVING
9 COUNTY FUNDS FOR, BUT NOT LIMITED TO, CONTRACTS, PROCUREMENTS, GRANTS,
10 AGREEMENTS, AND OTHER FINANCIAL OR PROGRAMMATIC ARRANGEMENTS
11 UNDERTAKEN BY OR ON BEHALF OF THE COUNTY GOVERNMENT; OR ANY OTHER
12 FUNCTION, ACTIVITY, POLICY, PROCEDURE, PROCESS, OR OPERATION CONDUCTED
13 BY COUNTY GOVERNMENT, EXTERNAL ENTITIES, OR INDIVIDUALS RECEIVING
14 COUNTY FUNDS OR BENEFITS;

15 (2) CONDUCT INVESTIGATIONS;

16 (3) PROVIDE INFORMATION AND EVIDENCE THAT RELATES TO CRIMINAL ACTS TO
17 APPROPRIATE LAW ENFORCEMENT, ADMINISTRATIVE, AND PROSECUTORIAL
18 AGENCIES;

19 (4) RECEIVE AND INVESTIGATE COMPLAINTS FROM ANY SOURCE OR UPON ITS OWN
20 INITIATIVE CONCERNING ALLEGED FRAUD, WASTE, AND ABUSE;

21 (5) CONDUCT JOINT INVESTIGATIONS WITH COUNTY AUDITOR;

22 (6) INITIATE REVIEW OF, AND MAKE RECOMMENDATIONS TO THE COUNTY EXECUTIVE
23 AND COUNTY COUNCIL TO PROMOTE, EFFICIENCY, ACCOUNTABILITY, COMPLIANCE,
24 AND INTEGRITY IN COUNTY GOVERNMENT;

25 (7) ESTABLISH WRITTEN POLICIES AND PROCEDURES TO GUIDE FUNCTIONS AND
26 PROCESSES CONDUCTED BY THE OFFICE;

27 (8) MEET WITH THE INSPECTOR GENERAL CITIZEN BOARD AT LEAST TWICE A YEAR TO
28 REVIEW COMPLETED INVESTIGATIONS AND ADVISORY LETTERS, THE ANNUAL
29 BUDGET REQUEST, AND OTHER RELEVANT, NON-OPERATIONAL MATTERS;

30 (9) MEET WITH THE COUNTY COUNCIL ANNUALLY; AND

1 (10) DO ALL THINGS NECESSARY TO CARRY OUT THE FUNCTIONS IN THIS SUBTITLE.

2 (D) *DISCIPLINE PROVISIONS.* COUNTY EMPLOYEES FAILING OR REFUSING TO COOPERATE WITH
3 THE INSPECTOR GENERAL SHALL BE SUBJECT TO THE DISCIPLINE PROVISIONS OF THE
4 PERSONNEL LAW OR PROVISIONS OF ANY APPLICABLE COLLECTIVE BARGAINING
5 AGREEMENT. EACH OF THE FOLLOWING ACTS IS A CLASS A VIOLATION:

6 (1) WITHHOLDING OR REFUSING TO RESPOND TO A REQUEST FOR DOCUMENTS OR
7 INFORMATION UNDER THIS SECTION;

8 (2) GIVING FALSE OR MISLEADING INFORMATION IN CONNECTION WITH ANY REPORT,
9 STUDY, OR INVESTIGATION UNDER THIS SECTION; OR

10 (3) RETALIATING OR THREATENING TO RETALIATE AGAINST ANY PERSON FOR FILING A
11 COMPLAINT WITH THE INSPECTOR GENERAL, FURNISHING INFORMATION, OR
12 COOPERATING IN ANY INVESTIGATION, INSPECTION, OR REVIEW UNDER THIS
13 SECTION.

14 (E) *SUBPOENAS.* THE INSPECTOR GENERAL MAY ISSUE A SUBPOENA TO REQUIRE:

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

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

18 (3) SUBPOENAS ISSUED BY THE INSPECTOR GENERAL MAY BE JUDICIALLY ENFORCED.
19

20 **SEC. 22.1204. REFERRAL OF MATTERS.**

21 THE OFFICE OF THE INSPECTOR GENERAL SHALL REFER MATTERS, AS APPROPRIATE, FOR FURTHER
22 CIVIL, CRIMINAL, AND ADMINISTRATIVE ACTION TO APPROPRIATE LAW ENFORCEMENT,
23 ADMINISTRATIVE, AND PROSECUTORIAL AGENCIES.
24

25 **SEC. 22.1205. REPORTS AND LETTERS.**

26 (A) *ANNUAL REPORT.*

27 (1) THE INSPECTOR GENERAL SHALL ISSUE AN ANNUAL REPORT BY THE END OF EACH
28 CALENDAR YEAR THAT SEPARATELY LISTS INVESTIGATION REPORTS, ADVISORY
29 LETTERS, AND OTHER INVESTIGATIVE OR ASSISTANCE EFFORTS COMPLETED DURING
30 THAT CALENDAR YEAR. THE ANNUAL REPORT SHALL BE SUBMITTED

1 SIMULTANEOUSLY WITH THE INSPECTOR GENERAL CITIZEN BOARD'S ANNUAL
2 REPORT.

3 (2) THE REPORT SHALL LIST THE ACCOMPLISHMENTS, INCLUDING ANY MONETARY
4 SAVINGS, ATTRIBUTABLE TO THE WORK OF THE OFFICE OF THE INSPECTOR
5 GENERAL.

6 (3) THE INSPECTOR GENERAL SHALL PROVIDE THE REPORT TO THE INSPECTOR
7 GENERAL CITIZEN BOARD, THE COUNTY EXECUTIVE AND, IN ACCORDANCE WITH
8 SECTION 22.1000 OF THE CODE, THE COUNTY COUNCIL.

9 (B) *INVESTIGATION REPORTS.*

10 (1) THE INSPECTOR GENERAL SHALL ISSUE PUBLIC REPORTS OF ITS FINDINGS AND
11 RECOMMENDATIONS OF ITS INVESTIGATIONS. BEFORE ISSUING SUCH REPORTS, THE
12 INSPECTOR GENERAL SHALL GIVE THE COUNTY DEPARTMENT, OFFICE, OR
13 EXTERNAL ENTITY THAT IS THE SUBJECT OF THE REPORT 15 DAYS TO REVIEW AND
14 RESPOND TO THE REPORT. THE INSPECTOR GENERAL SHALL INCLUDE ANY SUCH
15 RESPONSE IN ITS FINAL REPORT.

16 (2) THE INSPECTOR GENERAL SHALL PROVIDE FINAL AND COMPLETED INVESTIGATION
17 REPORTS TO THE INSPECTOR GENERAL CITIZEN BOARD, THE COUNTY EXECUTIVE,
18 IN ACCORDANCE WITH SECTION 22.1000 OF THE CODE, THE COUNTY COUNCIL, AND
19 TO THE PUBLIC.

20 (C) *ADVISORY LETTERS.* THE INSPECTOR GENERAL MAY ISSUE ADVISORY LETTERS UPON ITS
21 OWN INITIATIVE OR IN RESPONSE TO A REQUEST RECEIVED FROM A COUNTY DEPARTMENT,
22 OFFICE, OR EXTERNAL ENTITY SUBJECT TO THE JURISDICTION OF THE INSPECTOR GENERAL.
23 THE INSPECTOR GENERAL SHALL PUBLISH ALL ADVISORY LETTERS IN THE SAME MANNER
24 AS INVESTIGATION REPORTS. REQUESTORS OF AN ADVISORY LETTER SHALL BE PROVIDED
25 WITH AN OPPORTUNITY TO RESPOND TO THE LETTER BEFORE PUBLISHING THE LETTER.

26 (D) *PUBLISHING REPORTS.*

27 (1) ANNUAL REPORTS, INVESTIGATION REPORTS, AND ADVISORY LETTERS OF THE
28 OFFICE OF THE INSPECTOR GENERAL SHALL BE PUBLIC RECORDS SUBJECT TO
29 DISCLOSURE UNDER THE MARYLAND PUBLIC INFORMATION ACT.

1 (2) ANNUAL REPORTS, INVESTIGATION REPORTS OR SUMMATIONS OF INVESTIGATION
2 REPORTS AS APPROPRIATE, AND ADVISORY LETTERS SHALL BE POSTED ON THE
3 COUNTY GOVERNMENT WEBSITE FOR THE OFFICE OF THE INSPECTOR GENERAL.

4 (3) THE REPORTS REQUIRED BY THIS SECTION SHALL COMPLY WITH THE REQUIREMENTS
5 OF ALL APPLICABLE FEDERAL, STATE, AND COUNTY LAWS AND SHALL BE IN
6 ACCORDANCE WITH THE POLICIES AND PROCEDURES ADOPTED UNDER SECTION.
7 22.1203 OF THIS SUBTITLE.

8 (E) *CONFIDENTIALITY OF INFORMATION.* NAMES AND IDENTITIES OF INDIVIDUALS MAKING
9 COMPLAINTS AND INFORMATION PROTECTED BY WHISTLEBLOWER PROTECTION OR OTHER
10 LEGISLATION WILL NOT BE DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE INDIVIDUAL
11 UNLESS REQUIRED BY LAW OR JUDICIAL PROCESS.

12
13 **SEC. 22.1206. BUDGET.**

14 (A) *INSPECTOR GENERAL TO PREPARE PROPOSED BUDGET.* THE INSPECTOR GENERAL SHALL
15 FORMULATE AND PREPARE ANNUALLY A PROPOSED BUDGET TO FUND THE OPERATIONS OF
16 THE OFFICE AND SHALL TRANSMIT THE PROPOSED BUDGET TO THE INSPECTOR GENERAL
17 CITIZEN BOARD FOR ITS REVIEW.

18 (B) *INSPECTOR GENERAL CITIZEN BOARD TO REVIEW PROPOSED BUDGET.* THE INSPECTOR
19 GENERAL CITIZEN BOARD SHALL MEET TO REVIEW THE PROPOSED BUDGET SUBMITTED BY
20 THE INSPECTOR GENERAL TO ASSESS AND DETERMINE WHETHER THE PROPOSED BUDGET
21 PROVIDES SUFFICIENT FUNDING TO MEET THE DUTIES OF THE OFFICE.

22 (C) *SUBMISSION.*

23 (1) THE INSPECTOR GENERAL SHALL SUBMIT THE OFFICE'S PROPOSED BUDGET TO THE
24 COUNTY EXECUTIVE AS A SEPARATE BUDGET ENTITY IN THE ANNUAL BUDGET AND
25 APPROPRIATION ORDINANCE.

26 (2) ANY DECREASE IN REQUESTED APPROPRIATIONS FROM THE PRIOR FISCAL YEAR
27 SHALL BE ACCOMPANIED BY A WRITTEN JUSTIFICATION FOR THE REQUESTED
28 DECREASE.

29

1 **SEC. 22.1207. ADMINISTRATION AND OPERATION.**

- 2 (A) *STAFF.* THE INSPECTOR GENERAL MAY APPOINT SUCH OTHER EMPLOYEES TO ASSIST IN THE
3 CONDUCT OF THE OFFICE AS MAY BE PROVIDED IN THE ADOPTED BUDGET.
- 4 (B) *DEPUTY INSPECTOR GENERAL.* THE INSPECTOR GENERAL SHALL APPOINT A DEPUTY
5 INSPECTOR GENERAL, WHO SHALL SERVE AS THE ACTING INSPECTOR GENERAL IF THE
6 INSPECTOR GENERAL IS ABSENT OR UNAVAILABLE FOR DUTY.
- 7 (C) *ADMINISTRATIVE PROCEDURES.* THE INSPECTOR GENERAL SHALL ESTABLISH
8 ADMINISTRATIVE PROCEDURES TO GOVERN THE OPERATIONS OF THE OFFICE.
- 9 (D) *PROFESSIONAL STANDARDS.* INVESTIGATIONS, INSPECTIONS, AND REVIEWS CONDUCTED BY
10 THE INSPECTOR GENERAL SHALL CONFORM TO PROFESSIONAL STANDARDS PROMULGATED
11 BY A PROFESSIONAL ASSOCIATION.
- 12 (E) *LEGAL COUNSEL; OTHER ADVISORS.* THE COUNTY SOLICITOR SHALL PROVIDE LEGAL
13 ASSISTANCE TO THE OFFICE OF THE INSPECTOR GENERAL. THE OFFICE OF THE INSPECTOR
14 GENERAL MAY EMPLOY SUCH LEGAL, FINANCIAL, OR OTHER TECHNICAL ADVISORS AS IT
15 MAY FROM TIME TO TIME DEEM NECESSARY FOR THE PERFORMANCE OF ANY OF ITS
16 FUNCTIONS.
- 17 (F) *PEER REVIEW.* COMPLETED INVESTIGATIONS, INSPECTIONS, AND REVIEWS SHALL BE
18 SUBJECT TO PEER REVIEWS BY AN APPROPRIATE PROFESSIONAL, NON-PARTISAN, OBJECTIVE
19 GROUP EVERY THREE TO FIVE YEARS. THE REPORT PRODUCED FROM THIS REVIEW SHALL BE
20 PROVIDED TO THE INSPECTOR GENERAL CITIZEN BOARD, COUNTY EXECUTIVE, AND
21 COUNTY COUNCIL. THE REVIEW SHALL BE POSTED ON THE COUNTY GOVERNMENT WEBSITE
22 FOR THE OFFICE OF THE INSPECTOR GENERAL. THE REVIEWING ENTITY SHALL BE INVITED
23 TO A MEETING WITH THE COUNTY COUNCIL UPON COMPLETION OF THE REPORT.

24
25 **SEC. 22.1208. RETALIATION PROHIBITED.**

- 26 (A) UNLESS THE DISCLOSURE IS SPECIFICALLY PROHIBITED BY LAW, AN ENTITY WHO RECEIVES
27 FUNDS FROM THE COUNTY GOVERNMENT MAY NOT RETALIATE AGAINST ANY PERSON FOR
28 DISCLOSING TO THE INSPECTOR GENERAL:

- 1 (1) A VIOLATION OF A LAW, RULE, OR REGULATION BY A COUNTY OFFICER, EMPLOYEE,
2 OR CONTRACTOR WHILE CONDUCTING COUNTY BUSINESS OR USING COUNTY
3 PROPERTY;
- 4 (2) A WASTE OF COUNTY FUNDS;
- 5 (3) AN ABUSE OF AUTHORITY BY A COUNTY OFFICIAL OR EMPLOYEE; OR
- 6 (4) A SPECIFIC AND SUBSTANTIAL DANGER TO PUBLIC HEALTH OR SAFETY DUE TO AN
7 ACT OR OMISSION OF A COUNTY OFFICIAL, EMPLOYEE, OR CONTRACTOR.
- 8 (B) A VIOLATION OF THIS SECTION IS A CLASS A CIVIL VIOLATION UNDER TITLE 24 OF THE
9 COUNTY CODE.

10

11 **SUBTITLE 13. INSPECTOR GENERAL CITIZEN BOARD**

12

13 **SEC. 22.1300. THE INSPECTOR GENERAL CITIZEN BOARD.**

- 14 (A) *INDEPENDENCE.* THE INSPECTOR GENERAL CITIZEN BOARD IS A NONPOLITICAL ENTITY.
15 THE BODY AND EACH OF ITS MEMBERS SHALL CONDUCT THEIR WORK INDEPENDENT OF ANY
16 EXTERNAL INFLUENCE.
- 17 (B) *MEMBERSHIP, APPOINTMENT, AND QUALIFICATIONS.*
- 18 (1) *MEMBERSHIP AND APPOINTMENT.* THE INSPECTOR GENERAL CITIZEN BOARD SHALL
19 BE COMPRISED OF SEVEN MEMBERS APPOINTED BY THE COUNTY COUNCIL BY
20 COUNCIL RESOLUTION FROM A SELECTION OF NAMES PUT FORTH BY EACH
21 COUNCILMEMBER AND THE COUNTY EXECUTIVE.
- 22 (2) *QUALIFICATIONS.* MEMBERS OF THE BOARD SHALL HAVE EXPERIENCE SUCH AS:
- 23 (i) INSPECTORS GENERAL, AUDITORS, INVESTIGATORS, OR SIMILAR
24 GOVERNMENT ACCOUNTABILITY OFFICERS;
- 25 (ii) MEMBERS OF PROFESSIONAL ASSOCIATIONS OF INSPECTORS GENERAL,
26 CERTIFIED FRAUD EXAMINERS, OR CERTIFIED PUBLIC ACCOUNTANTS;
- 27 (iii) FORMER JUDGES OR PROSECUTORS; OR
- 28 (iv) OTHER SIMILAR INVESTIGATIVE OR RELATED EXPERIENCE IN THE WORK OF
29 AN INSPECTOR GENERAL.
- 30 (3) *INELIGIBILITY.*

- 1 (I) AN INDIVIDUAL IS NOT ELIGIBLE TO SERVE AS A MEMBER OF THE INSPECTOR
2 GENERAL CITIZEN BOARD IF THE INDIVIDUAL HAS EVER BEEN CONVICTED
3 OF A FELONY OR A MISDEMEANOR WITH A STATUTORY PENALTY OF MORE
4 THAN TWO YEARS; OR
- 5 (II) IS OR HAS BEEN IN THE LAST FOUR YEARS:
- 6 (A) AN EMPLOYEE, BOARD OR COMMISSION MEMBER, ELECTED
7 OFFICER, CANDIDATE FOR A PUBLIC OFFICE OR POLITICAL CENTRAL
8 COMMITTEE, OR OTHER INDIVIDUAL WHO IS SUBJECT TO THE
9 JURISDICTION OF THE INSPECTOR GENERAL
- 10 (B) A COUNTY CONTRACTOR OR PERSON NEGOTIATING A CONTRACT
11 WITH THE COUNTY;
- 12 (C) A VENDOR WHO PROVIDES OR IS SEEKING CERTIFICATION FOR
13 GOODS AND SERVICES TO THE COUNTY
- 14 (D) AN EXTERNAL RECIPIENT OR BOARD MEMBER OF AN EXTERNAL
15 RECIPIENT OF COUNTY FUNDS, BENEFITS, OR SERVICES;
- 16 (E) A PUBLICLY ELECTED OR APPOINTED OFFICER'S SPOUSE, PARENT,
17 CHILD, OR SIBLING;
- 18 (F) AN OFFICER, STAFF MEMBER OR EMPLOYEE OF ANY FEDERAL, STATE
19 OR LOCAL POLITICAL PARTY ORGANIZATION; OR
- 20 (G) A LOBBYIST UNDER THE MARYLAND OR COUNTY PUBLIC ETHICS
21 LAW.
- 22 (C) *TERM.* INSPECTOR GENERAL CITIZEN BOARD MEMBERS SHALL SERVE A FIVE-YEAR TERM.
23 NO MEMBER SHALL SERVE MORE THAN TWO CONSECUTIVE TERMS.
- 24 (D) *REMOVAL.* A MEMBER OF THE INSPECTOR GENERAL CITIZEN BOARD MAY BE REMOVED FOR
25 CAUSE, INCLUDING OPERATIONAL INTERFERENCE OR NOT ATTENDING MEETINGS, BY A VOTE
26 OF THE MAJORITY OF THE COUNTY COUNCIL. THE MEMBER SHALL FIRST BE PRESENTED
27 WITH A WRITTEN STATEMENT OF THE REASONS FOR THE REMOVAL AND SHALL HAVE THE
28 OPPORTUNITY FOR A PUBLIC HEARING BEFORE THE COUNTY COUNCIL IF REQUESTED
29 WITHIN TEN DAYS OF RECEIVING THE STATEMENT OF REASONS FOR REMOVAL.

- 1 (E) *VACANCIES.* A VACANCY SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL
2 APPOINTMENT AND FOR THE UNEXPIRED TERM.
- 3 (F) *DUTIES AND RESPONSIBILITIES.*
- 4 (1) WHEN THERE IS A VACANCY IN THE POSITION OF INSPECTOR GENERAL, THE CITIZEN
5 BOARD SHALL TIMELY SUBMIT TO THE COUNTY COUNCIL A LIST OF THREE
6 QUALIFIED CANDIDATES FOR COUNCIL REVIEW. IN DEVELOPING THE LIST OF
7 QUALIFIED CANDIDATES, THE CITIZEN BOARD SHALL CONDUCT AN OPEN SEARCH
8 PROCESS, INCLUDING THE USE OF PROFESSIONAL SEARCH FIRMS TO SOLICIT
9 CANDIDATES. THE CITIZEN BOARD SHALL INTERVIEW AND NOMINATE QUALIFIED
10 CANDIDATES. CANDIDATES SELECTED FOR COUNCIL REVIEW SHALL BE SELECTED
11 BY MAJORITY VOTE OF THE CITIZEN BOARD.
- 12 (2) IF NECESSARY, THE CITIZEN BOARD MAY RECOMMEND TO THE COUNTY COUNCIL
13 THE REMOVAL OF THE INSPECTOR GENERAL USING THE PROCEDURES SET FORTH IN
14 SECTION 22.1202.
- 15 (3) THE CITIZEN BOARD SHALL REVIEW THE BUDGET OF THE OFFICE OF THE INSPECTOR
16 GENERAL AS REQUIRED BY SECTION 12.1206.
- 17 (4) THE CITIZEN BOARD SHALL ADVISE THE COUNTY COUNCIL ON THE BOARD’S
18 REVIEW OF INVESTIGATIONS AND OTHER WORK COMPLETED BY THE OFFICE OF THE
19 INSPECTOR GENERAL, AND THE BOARD’S ONGOING MINISTERIAL FUNCTION OF
20 THAT OFFICE.
- 21 (G) *MEETINGS.*
- 22 (1) THE INSPECTOR GENERAL CITIZEN BOARD SHALL MEET:
- 23 (i) AT LEAST TWICE A YEAR WITH THE INSPECTOR GENERAL TO REVIEW
24 COMPLETED INVESTIGATIONS AND ADVISORY LETTERS, ANNUAL BUDGET
25 REQUEST, AND OTHER RELEVANT NON-OPERATIONAL MATTERS.
- 26 (ii) ANNUALLY WITH THE COUNTY COUNCIL, IF THE COUNCIL REQUESTS A
27 MEETING, TO PROVIDE THE COUNCIL WITH AN OVERVIEW OF THE ACTIVITIES
28 OF THE BOARD AND THE COMPLETED WORK AND MINISTERIAL FUNCTIONS
29 OF THE OFFICE OF THE INSPECTOR GENERAL.

1 (2) *OPEN MEETINGS.* MEETINGS OF THE INSPECTOR GENERAL CITIZEN BOARD SHALL BE
2 PUBLIC MEETINGS AND OPEN TO THE PUBLIC AT ALL TIMES, EXCEPT UNDER
3 CIRCUMSTANCES IN WHICH A CLOSED MEETING IS PERMITTED BY LAW. AGENDAS
4 SHALL BE MADE AVAILABLE AT LEAST THREE DAYS PRIOR TO THE MEETING IN AN
5 ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC. MINUTES OF OPEN
6 MEETINGS SHALL BE MADE AVAILABLE AS SOON AS PRACTICABLE IN AT LEAST ONE
7 ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC.

8 (3) *PROHIBITION FOR MEETING ON CERTAIN DAYS.* THE INSPECTOR GENERAL CITIZEN
9 BOARD SHALL NOT HOLD MEETINGS WHICH INCLUDE AN OPPORTUNITY FOR PUBLIC
10 TESTIMONY ON ANY DAY ON WHICH ROSH HASHANAH, YOM KIPPUR, EID UL FITR
11 OR EID UL ADHA IS OBSERVED.

12 (H) *STAFF, OFFICERS, QUORUM, AND RULES OF PROCEDURE.*

13 (1) *STAFF.*

14 (i) THE COUNTY COUNCIL SHALL PROVIDE THE INSPECTOR GENERAL CITIZEN
15 BOARD NECESSARY STAFF FOR THE PROPER PERFORMANCE OF ITS DUTIES
16 AND RESPONSIBILITIES AND AS PROVIDED IN THE HOWARD COUNTY
17 BUDGET.

18 (ii) OFFICE OF HUMAN RESOURCES SHALL PROVIDE ASSISTANCE TO THE
19 CITIZEN BOARD TO ADVERTISE A VACANCY IN THE POSITION OF THE
20 INSPECTOR GENERAL; AND

21 (iii) THE COUNTY EXECUTIVE SHALL PROVIDE ANY OTHER COUNTY RESOURCES
22 OR ASSISTANCE NECESSARY FOR THE INSPECTOR GENERAL CITIZEN BOARD
23 TO COMPLETE ITS MINISTERIAL RESPONSIBILITIES OF THE OFFICE.

24 (2) *OFFICERS.* THE INSPECTOR GENERAL CITIZEN BOARD SHALL ELECT A
25 CHAIRPERSON ANNUALLY FROM AMONG ITS MEMBERS.

26 (3) *QUORUM.* A QUORUM OF THE INSPECTOR GENERAL CITIZEN BOARD SHALL BE A
27 MAJORITY OF THE CURRENT MEMBERS.

28 (4) *RULES OF PROCEDURE.* THE INSPECTOR GENERAL CITIZEN BOARD SHALL ADOPT
29 RULES OF PROCEDURE NECESSARY TO CARRY OUT ITS DUTIES AND
30 RESPONSIBILITIES.

1 (I) *ANNUAL REPORT.*

2 (1) THE INSPECTOR GENERAL CITIZEN BOARD SHALL ISSUE A REPORT BY THE END OF
3 EACH CALENDAR YEAR SUMMARIZING THE BOARD’S WORK FOR THAT CALENDAR
4 YEAR. THE ANNUAL REPORT SHALL BE SUBMITTED SIMULTANEOUSLY WITH THE
5 INSPECTOR GENERAL’S ANNUAL REPORT.

6 (2) THE ANNUAL REPORT SHALL BE PROVIDED TO THE INSPECTOR GENERAL AND, IN
7 ACCORDANCE WITH SECTION 22.1000 OF THE CODE, THE COUNTY COUNCIL.
8 ADDITIONALLY, THE ANNUAL REPORT SHALL BE POSTED ON THE COUNTY
9 GOVERNMENT WEBSITE FOR THE OFFICE OF THE INSPECTOR GENERAL.

10 (J) *NONINTERFERENCE WITH THE INSPECTOR GENERAL.* THE PURPOSE OF THE INSPECTOR
11 GENERAL CITIZEN BOARD IS LIMITED TO THE RESPONSIBILITIES DESCRIBED IN THIS
12 SUBTITLE AND IN SUBTITLE 12 OF THIS TITLE. NEITHER THE INSPECTOR GENERAL CITIZEN
13 BOARD NOR ANY OF ITS INDIVIDUAL MEMBERS SHALL TAKE ANY ACTION TO INTERFERE
14 WITH THE ONGOING OPERATIONAL AUTHORITY OR INDEPENDENCE OF THE INSPECTOR
15 GENERAL.

16
17 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that,*
18 *to establish the staggered terms of members, of the initial appointees to the Inspector General*
19 *Citizen Board required by this Act, two appointees shall have a term of three years, two*
20 *appointees shall have a term of four years, and three appointees shall have a term of five years,*
21 *as provided in the Resolutions that appoint the members.*

22
23 *Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland,*
24 *that this Act shall become effective 61 days after its enactment.*