

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2020, Legislative Day No. 17

Bill No. 70-20

All Councilmembers

By the County Council, July 6, 2020

A BILL
ENTITLED

AN ACT concerning

Office of Ethics and Accountability

FOR the purpose of amending the name of the Office of Ethics and Accountability to the Office of the Inspector General; amending the title of the Executive Director to the Inspector General; providing for the construction and application of this Act; providing for the continuity of a certain office, the term of a certain official, the status of certain transactions and employees, and rights, appropriations, credits, assets, liabilities, and obligations; and generally relating the Office of the Inspector General.

BY repealing and re-enacting, with amendments
Sections 3-3-1004(d)(1) and 3-3-1005
Article 3 - Administration
Title 3 - Boards, Commissions, Committees, Panels, and Foundations
Baltimore County Code, 2015

Sections 13-14-101 through 13-14-112
Article 3 - Administration
Title 14 - Office of Ethics and Accountability
Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Sections 7-1-203(a)(1)(viii) and 7-1-401(a)(13)
Article 7 - Public Ethics and Open Government
Title 1 - Public Ethics
Baltimore County Code, 2015

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

ARTICLE 3 - ADMINISTRATION

Title 3 - Boards, Commissions, Committees, Panels, and Foundations

Subtitle 10 - Ethics Commission

§ 3-3-1004. Votes; Meetings; Reimbursement; Staff; Budget And Office.

(d) (1) The [Executive Director of the Office of Ethics and
Accountability]INSPECTOR GENERAL shall be the Executive Director of the Ethics
Commission and the Office shall provide legal and other staff support to the Commission.

§ 3-3-1005. Outside Legal Assistance.

At the request of the Ethics Commission, the county shall provide sufficient funds to the
Ethics Commission should the need arise for:

(1) Legal assistance which cannot be provided by the Office of Law or the Office
of [Ethics and Accountability]THE INSPECTOR GENERAL; or

(2) Investigative assistance which cannot be provided by the [Executive
Director]INSPECTOR GENERAL.

ARTICLE 3 - ADMINISTRATION

Title 14 - Office of [Ethics and Accountability]THE INSPECTOR GENERAL

§ 3-14-101. Established.

There is an Office of [Ethics and Accountability]THE INSPECTOR GENERAL.

§ 3-14-102. Purpose.

The purpose of the Office of [Ethics and Accountability]THE INSPECTOR GENERAL is to provide increased accountability and oversight in the operations of the county government by identifying:

(1) Fraud, abuse, and illegal acts in the county government; and

(2) Ways to promote efficiency, accountability and integrity in county government.

§ 3-14-103. [Executive Director]INSPECTOR GENERAL.

(a) (1) The Office shall be headed by an [Executive Director]INSPECTOR GENERAL, appointed by the County Executive and confirmed by the County Council.

(2) The County Executive shall conduct an open search process for the [Executive Director]INSPECTOR GENERAL to meet the qualifications required under subsection (c) of this section, and may use measures, such as regional or national recognized organizations or professional search firms, to review and select an [Executive Director]INSPECTOR GENERAL candidate for appointment.

(b) (1) (i) The initial term of office of the [Executive Director]INSPECTOR

1 GENERAL shall be five years.

2 (ii) Each subsequent term shall be four years.

3 (2) An [Executive Director]INSPECTOR GENERAL may not serve more than
4 two full terms, not including any time served as [Executive Director]INSPECTOR GENERAL to
5 complete an unexpired term, and shall be subject to appointment for a second term in accordance
6 with the provisions of subsection (a)(1) of this Section.

7 (c) The [Executive Director]INSPECTOR GENERAL shall be professionally qualified,
8 by experience or education, in auditing, law, ethics, compliance, government operations, or
9 financial management, and shall be selected solely on the basis of professional ability and
10 personal integrity, without regard to political affiliation.

11 (d) (1) The [Executive Director]INSPECTOR GENERAL may be removed by the
12 County Executive before the expiration of the term for which the [executive
13 director]INSPECTOR GENERAL was appointed only for cause, subject to the approval of the
14 County Council by a vote of a majority plus one of the members of the County Council.

15 (2) The cause of removal shall be stated in writing and a public hearing held on
16 the removal.

17
18 § 3-14-104. Responsibilities of [Executive Director]INSPECTOR GENERAL.

19 The [Executive Director]INSPECTOR GENERAL shall also serve as the Executive
20 Director of the Ethics Commission, and shall supervise the operations of the administrative staff
21 of the Office of [Ethics and Accountability]THE INSPECTOR GENERAL, including the hiring,
22 direction and discharge of all Office of [Ethics and Accountability]THE INSPECTOR
23 GENERAL staff members in accordance with the County personnel laws.

1
2 § 3-14-105. Office Funding.

3 (a) (1) The Office of [Ethics and Accountability]THE INSPECTOR GENERAL
4 shall be funded as a separate budget entity in the Annual Budget and Appropriation Ordinance.

5 (2) Any decrease in appropriations from the prior fiscal year, in either the
6 proposed or adopted budget, shall be accompanied by a written justification for the decrease.

7 (b) The Office may expend funds derived from private grants, the State or the
8 United States to carry out its functions and activities, and to cooperate with any agency of the
9 State or the United States in carrying out its functions and activities.

10
11 § 3-14-106. Responsibilities of Office.

12 The Office of [Ethics and Accountability]THE INSPECTOR GENERAL may:

13 (1) Evaluate, investigate and inspect the activities, records, and individuals with
14 contracts, procurements, grants, agreements, and other financial or programmatic arrangements
15 undertaken by or on behalf of the county government and any other function, activity, process, or
16 operation conducted by county government;

17 (2) Conduct criminal, civil, and administrative investigations;

18 (3) Provide information and evidence that relates to criminal acts to appropriate
19 law enforcement officials;

20 (4) Initiate such reviews of operations of the county government as deemed
21 appropriate;

22 (5) Receive and investigate complaints from any source or upon its own initiative
23 concerning alleged abuse, fraud, and service deficiencies including deficiencies in the operation

1 and maintenance of facilities;

2 (6) Conduct joint investigations and projects with the County Auditor [and
3 Investigations] and other oversight or law enforcement agencies;

4 (7) Issue public reports as set forth in § 3-14-111 of this title;

5 (8) Establish policies and procedures to guide functions and processes conducted
6 by the Office;

7 (9) Provide support to the County Ethics Commission established under Title 3,
8 Subtitle 10 of this article;

9 (10) Make recommendations to the County Executive and County Council which
10 would assist in the promotion of efficiency, accountability, and integrity in county government;
11 and

12 (11) Do all things necessary to carry out the functions set forth in this title.

13
14 § 3-14-107. Powers of Office.

15 (a) The Office of [Ethics and Accountability]THE INSPECTOR GENERAL is provided
16 the following powers to accomplish the intent of this title:

17 (1) The right to obtain full and unrestricted access to all records, information,
18 data, reports, plans, projections, matters, contracts, memoranda, correspondence, and any other
19 materials, including electronic data, of the county government;

20 (2) The authority to administer oaths or affirmations and take testimony relevant
21 to any inquiry or investigation undertaken pursuant to this title;

22 (3) The right of access to the head of any public entity, when necessary for
23 purposes related to the work of the Office; and

1 (4) Subject to subsection (b) of this section, the power to require County
2 employees to cooperate with the Office's investigations regarding fraud, waste, corruption,
3 illegal acts, and abuse.

4 (b) County employees failing or refusing to cooperate with the Office shall be subject to
5 the discipline provisions of the personnel law or provisions of any applicable collective
6 bargaining agreement.

7 (c) (1) The Office may issue a subpoena to compel compliance with a request issued
8 under subsection (a) of this section if the recipient of the request has not complied with the
9 request within 90 days after the request.

10 (2) Subpoenas issued by the Office may be judicially enforced.

11
12 § 3-14-108. Matters.

13 (a) The Office of [Ethics and Accountability]THE INSPECTOR GENERAL shall refer
14 matters, as appropriate, for further civil, criminal, and administrative action to appropriate
15 administrative and prosecutorial agencies.

16 (b) (1) When a matter is being referred to the Office of the State's Attorney for
17 possible criminal prosecution, the [Executive Director]INSPECTOR GENERAL shall provide
18 the affected individual or entity with a copy of the report or recommendations and such person or
19 entity shall have 10 working days to submit a written explanation or rebuttal of the findings
20 before the matter is referred, and such timely submitted written explanation or rebuttal shall be
21 attached to the report or recommendations provided to the State's Attorney.

22 (2) The requirements of this subsection do not apply when the [Executive
23 Director]INSPECTOR GENERAL, in conjunction with the State's Attorney, determines that

1 supplying the affected person or entity with such report will jeopardize a pending criminal
2 investigation.

3 (c) The [Executive Director]INSPECTOR GENERAL shall provide recommendations
4 for specific integrity programs which emphasize detection, prevention, and correction of
5 problems relating to fraud, corruption, and abuse within county government.

6
7 § 3-14-109. Taking Action.

8 Anyone who has the authority to take or direct others to take, recommend, or approve any
9 personnel action, may not, with respect to this authority, take or threaten to take any action
10 against another as reprisal for making a complaint or disclosing information to the Office of
11 [Ethics and Accountability]THE INSPECTOR GENERAL, unless the complaint was made or
12 the information was disclosed with the knowledge that it was false or with willful disregard for
13 its truth or falsity.

14
15 § 3-14-110. Investigation Reports.

16 (a) Investigation reports of the Office of [Ethics and Accountability]THE INSPECTOR
17 GENERAL shall be public records subject to disclosure under the Maryland Public Information
18 Act.

19 (b) (1) All records will be considered deliberative in process and not available for
20 outside review.

21 (2) Names and identities of individuals making complaints and information
22 protected by whistleblower protection or other legislation will not be disclosed without the
23 written consent of the individual unless required by law or judicial process.

1
2 § 3-14-111. Designation of Report; Issuance of Annual Report.

3 (a) (1) The [Executive Director]INSPECTOR GENERAL shall report the findings of
4 the Office's work to appropriate elected and appointed leadership, including the County
5 Executive and the County Council, and to the public.

6 (2) The [Executive Director]INSPECTOR GENERAL shall report investigative
7 matters to the appropriate administrative body for action in circumstances where such body
8 exists, and shall report criminal investigative matters to the appropriate law enforcement
9 agencies.

10 (b) (1) Within 60 days after the end of each fiscal year, the [Executive
11 Director]INSPECTOR GENERAL shall issue an annual report that separately lists reports and
12 other investigative or assistance efforts completed during the fiscal year.

13 (2) (i) The report shall list the accomplishments of the Office of [Ethics and
14 Accountability]THE INSPECTOR GENERAL, including any monetary savings attributable to
15 the work of the Office, and shall be provided to the County Executive and the Secretary to the
16 County Council.

17 (ii) Upon issuance, notice shall be given to the public of the issuance of
18 the report and the report shall be posted on the county government website.
19

20 § 3-14-112. Review and Results.

21 (a) Investigations, inspections and reviews shall be subject to quality assurance reviews
22 by an appropriate professional, non-partisan, objective group every three to five years.

23 (b) A copy of the written report resulting from this review shall be furnished to the

County Executive and the County Council, and shall be made available to the public.

ARTICLE 7 - PUBLIC ETHICS AND OPEN GOVERNMENT

Title 1 - Public Ethics

§ 7-1-203. Training.

(a) (1) The Commission shall provide a training course on the requirements of the county public ethics law for the following elected officials and public officials:

(viii) The [Executive Director]INSPECTOR GENERAL and staff of the Office of [Ethics and Accountability]THE INSPECTOR GENERAL;

§ 7-1-401. Filing of Financial Disclosure Statements Required - in General.

(a) The following public officials shall file the financial disclosure statements required under this subtitle:

(13) The [Executive Director]INSPECTOR GENERAL and staff of the Office of [Ethics and Accountability]THE INSPECTOR GENERAL;

SECTION 2. AND BE IT FURTHER ENACTED, that each reference to the Office of Ethics and Accountability or the Director of the Office of Ethics and Accountability in the Baltimore County Code, 2015, as amended, or any other paper or electronic document referring to the Office of Ethics and Accountability or the Director of the Office of Ethics and Accountability in existence prior to the effective date of this Act, shall be deemed to refer to the Office of the Inspector General or the Inspector General.

1 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, including any changes in
2 nomenclature, shall not effect or alter in any way any investigation previously concluded by the
3 Office of Ethics and Accountability prior to the effective date of this Act, or underway on the
4 effective date of this Act.

5
6 SECTION 4. AND BE IT FURTHER ENACTED, that the continuity of the Office of
7 Ethics and Accountability existing prior to the effective date of this Act is retained in the Office
8 of the Inspector General, including any regulations adopted, personnel decisions made, or
9 contracts executed on behalf of the Office, and also including the current term of the Director of
10 the Office of Ethics and Accountability as confirmed by the County Council on January 21, 2020
11 and known as on the effective date of this Act as the Inspector General. The personnel, records,
12 files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and
13 obligations of the Office of Ethics and Accountability are continued as the personnel, records,
14 files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of
15 the Office of the Inspector General under the laws enacted by this Act.

16
17 SECTION 5. AND BE IT FURTHER ENACTED, that this Act shall take effect 45
18 days after its enactment.