

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

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

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Navarro, Friedson, and Katz

### AN ACT to:

- (1) modify requirements regarding the removal of the Inspector General;
- (2) modify requirements regarding the projected budget of the Inspector General;
- (3) modify the powers and duties of the Inspector General;
- (4) modify access to information by the Inspector General; and
- (5) generally amend laws regarding the Inspector General and Office of the Inspector General.

By amending

Montgomery County Code  
Chapter 2, Administration  
Section 2-151

*The County Council for Montgomery County, Maryland approves the following Act:*

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

**Sec. 1. Section 2-151 is amended as follows:**

**2-151. Inspector General.**

\* \* \*

(e) *Removal.* The Council may remove the Inspector General by resolution adopted by the affirmative vote of [six] 7 Councilmembers for neglect of duty, malfeasance, conviction of a felony, or other good cause. Before the Council adopts a resolution of removal, the Council or its designee must hold a public hearing if the Inspector General requests a hearing within 10 days after receiving notice of proposed removal from the Council.

(f) *Budget.* By [4] 6 months after the Inspector General is appointed, the Inspector General must submit to the Executive and Council a projected budget for the Office of the Inspector General for the entire 4-year term. In the resolution approving the operating budget for the next fiscal year, the Council must also recommend a projected budget for the Office of the Inspector General for the 3 following fiscal years. The Council must specify in any later budget resolution how the Office budget for that fiscal year differs from the projected budget the Council previously recommended.

\* \* \*

(h) *Powers and Duties.*

(1) The Inspector General must attempt to identify actions which would enhance the productivity, effectiveness, or efficiency of programs and operations of County government and independent County agencies. In developing recommendations, the Inspector General may:

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

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

\* \* \*

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

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

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

55 (k) *Reports.*

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

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

76 (l) *Access to information.*

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

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

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

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

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

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

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

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

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

\* \* \*

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

- (1) the County Board of Education and the County school system;
- (2) [The Maryland-National Capital Park and Planning Commission;
- (3) the Washington Suburban Sanitary Commission;]

[(4)] (2) Montgomery College;

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

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

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

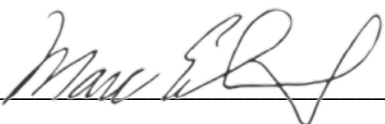
133 County Council appropriates or approves funding, sets tax rates,  
134 makes levies, or approves programs or budgets.

135 \* \* \*


*Approved:*

  
\_\_\_\_\_  
Gabriel Albornoz, President, County Council  
11/17/2022  
Date

*Approved:*

  
\_\_\_\_\_  
Marc Elrich, County Executive  
11/28/2022  
Date

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Judy Rupp, Clerk of the Council  
11/28/2022  
Date