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ARTICLE XII. - INSPECTOR GENERAL ¹²⁷¹

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Sec. 2-421. - Title and applicability.

- (1) This article shall be titled the "Office of Inspector General, Palm Beach County, Florida Ordinance."
- (2) The Office of Inspector General, Palm Beach County, Florida Ordinance shall apply to the following:
 - (a) The board of county commissioners (hereinafter "the board") and all county departments;
 - (b) The thirty-eight (38) municipalities that approved the charter amendment in the countywide referendum held November 2, 2010;
 - (c) Any other public entity that elects to be bound by this article by entering into a memorandum of understanding or other agreement in accordance with section 2-423 (9); and
 - (d) Any municipality formed after January 1, 2011, except to the extent that an ordinance adopted by that municipality at any time conflicts with this article.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-422. - Office created and established.

There is hereby established the office of inspector general which is created in order to promote economy, efficiency, and effectiveness in the administration of and, as its priority, to prevent and detect fraud and abuse in programs and operations administered or financed by the county or municipal agencies. The inspector general shall initiate, conduct, supervise and

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coordinate investigations designed to detect, deter, prevent and eradicate fraud, waste, mismanagement, misconduct, and other abuses by elected and appointed county and municipal officials and employees, county and municipal agencies and instrumentalities, contractors, their subcontractors and lower tier subcontractors, and other parties doing business with the county or a municipality and/or receiving county or municipal funds. The inspector general shall head the office of inspector general. The organization and administration of the office of inspector general shall be independent to assure that no interference or influence external to the office of inspector general adversely affects the independence and objectivity of the inspector general.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-423. - Functions, authority and powers.

- (1) The inspector general shall have the authority to: (a) make investigations of county or municipal matters and publish the results of such investigations; (b) review and audit past, present and proposed county or municipal programs, accounts, records, contracts, change orders and transactions; and (c) prepare reports and recommendations to the board, or the subject municipality, or participating entities subject to section 2-421(2) based on such audits or investigations. All elected and appointed county and municipal officials and employees, county and municipal agencies and instrumentalities, contractors, their subcontractors and lower tier subcontractors, and other parties doing business with the county or a municipality and/or receiving county or municipal funds shall fully cooperate with the inspector general in the exercise of the inspector general's functions, authority and powers. Such cooperation shall include, but not be limited to providing statements, documents, records and other information, during the course of an investigation, audit or review. The inspector general may obtain sworn statements, in accordance with Florida Statutes, of all persons identified in this subsection as well as other witnesses relevant to an investigation, audit or review. Such audits shall be conducted in accordance with the current International Standards for the Professional Practice of Internal Auditing as published by the Institute of Internal Auditors, Inc., or where appropriate, in accordance with generally accepted governmental auditing standards. Such investigations will comply with the General Principles and Standards for Offices of Inspector General as published and revised by the Association of Inspectors General. The office of inspector general shall develop and adhere to written policies in accordance with the accreditation standards set forth by the Commission on Florida Law Enforcement Accreditation, Inc.
- (2) The inspector general shall have the power to conduct audits of, require production of documents from, and receive full and unrestricted access to the records of the board, each municipality, county administrator, city administrator, city manager or other municipal executive, all elected and appointed county and municipal officials and employees, county and municipal departments, divisions, agencies and instrumentalities, contractors, their subcontractors and lower tier subcontractors, and other persons and entities doing business with the county or a municipality and/or receiving county or municipal funds regarding any such contracts or transactions with the county or a municipality. Except as otherwise limited in this subsection (2), the inspector general's jurisdiction includes but shall not be limited to all projects, programs, contracts or transactions that are funded in whole or in part by the county or any municipality. The inspector general may contract with outside entities deemed necessary to perform the functions of that office. Any such contract is subject to final approval by the board, but such approval shall not be unreasonably withheld. The inspector general may conduct investigations and audits, issue reports, and make recommendations regarding collective bargaining agreements. The inspector general shall conduct

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investigations and audits in accordance with applicable laws, rules, regulations, policies and past practices. The inspector general shall not interfere with collective bargaining negotiations.

- (3) As provided in subsection (1), the inspector general can: require all county and municipal officials and employees, contractors, their subcontractors and lower tier subcontractors, and other persons and entities doing business with the county or a municipality and/or receiving county or municipal funds to provide statements; administer oaths; and, require the production of documents, records and other information. In the case of a refusal by an official, employee or other person to obey a request by the inspector general for documents or for an interview, the inspector general shall have the power to subpoena witnesses, administer oaths, and require the production of documents. Seventy-two (72) hours prior to serving a subpoena, the inspector general shall provide written notice to the state attorney and the U.S. Attorney for the Southern District of Florida. The inspector general shall not interfere with any ongoing criminal investigation or prosecution of the state attorney or the U.S. Attorney for the Southern District of Florida. When the state attorney or the U.S. Attorney for the Southern District of Florida has explicitly notified the inspector general in writing that the inspector general's investigation is interfering with an ongoing criminal investigation or prosecution, the inspector general shall suspend service of subpoena, examination of witnesses, or other investigative activities as set forth in the notice. In the case of a refusal to obey a subpoena served to any person, the inspector general may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the inspector general and to produce evidence if so ordered, or to give testimony relevant to the matter in question.
- (4) Where the inspector general suspects a possible violation of any state, federal, or local law, he or she shall notify the appropriate law enforcement agencies. The county administrator and each municipal manager, or administrator, or mayor where the mayor serves as chief executive officer, shall promptly notify the inspector general of possible mismanagement of a contract (misuse or loss exceeding five thousand dollars (\$5,000.00) in public funds), fraud, theft, bribery, or other violation of law which appears to fall within the jurisdiction of the inspector general, and may notify the inspector general of any other conduct which may fall within the inspector general's jurisdiction. The county administrator and each municipal manager, or administrator, or mayor where the mayor serves as chief executive officer, shall coordinate with the inspector general to develop reporting procedures for notification to the inspector general.
- (5) The inspector general shall have the power without limitation to audit, investigate, monitor, inspect and review the operations, activities, performance, and procurement processes including, but not limited to, bid specifications, bid submittals, activities of the contractor, their subcontractors and lower tier subcontractors, its officers, agents and employees, lobbyists, county and municipal staff and officials, in order to ensure compliance with contract specifications and detect corruption and fraud.
- (6) The inspector general shall have the power to receive, review and investigate any complaints regarding any municipal or county-funded projects, programs, contracts or transactions. The inspector general shall establish a "hotline" to receive complaints, from either anonymous or identified persons.
- (7) The inspector general may exercise any of the powers contained in this article upon his or her own initiative.
- (8) The inspector general shall be notified in writing prior to any duly noticed public meeting of a procurement selection committee where any matter relating to the procurement of goods or services by the county or any municipality is to be discussed. The notice required by this

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subsection shall be given to the inspector general as soon as possible after a meeting has been scheduled. The inspector general may, at his or her discretion, attend all duly noticed county or municipal meetings relating to the procurement of goods or services as provided herein, and may pose questions and raise concerns consistent with the functions, authority and powers of the inspector general. The failure by the county or municipality to give written notice required by this section does not constitute grounds for a protest regarding such procurement and shall not be the cause for the stay of any procurement, and shall not be the basis to overturn the award of a contract.

- (9) It is anticipated that special districts and other public officials and entities will recognize and desire to benefit from the services of the county office of inspector general. The inspector general may negotiate agreements or memoranda of understanding with other public entities which would authorize the inspector general to provide independent oversight of any or all of the public entity's transactions, projects and operations, and to exercise any and all authority, functions and powers set forth in this article for the benefit of such public entity. The memorandum of understanding or agreement shall include a provision for fees to be paid to the inspector general from the public entity in exchange for such benefits. Such fees shall be based on a rate established by the inspector general to cover the cost of such benefits and shall include, but not be limited to, one quarter of one percent of the contracts as described in section 2-429(2) (hereafter the "funding base") subject to inspector general review under the agreement. The funding base shall be subject to adjustment as set forth in section 2-429.1. Any such agreement or memorandum of understanding is subject to final approval of the board, but such approval shall not be unreasonably withheld. For the purposes of the removal procedure set forth in section 2-430, a "funding entity" shall mean a public entity that has entered into an agreement or memorandum of understanding to receive services of the inspector general, and has provided funding in exchange for such services equal to at least twenty-five (25) percent of the total annual budget of the inspector general for the county's fiscal year immediately preceding the fiscal year in which the removal procedure takes place.
- (10) The inspector general's records related to active audits, investigations and reviews are confidential and exempt from disclosure, as provided by Florida Statutes, § 112.3188(2) and ch. 119.
- (11) The inspector general is considered "an appropriate local official" of the county and of any municipality for purposes of whistleblower protection provided by Florida Statutes, § 112.3188(1).
- (12) The inspector general may recommend remedial actions and may provide prevention and training services to county and municipal officials, employees, and any other persons covered by this article. The inspector general may follow up to determine whether recommended remedial actions have been taken.
- (13) The inspector general shall establish policies and procedures and monitor the costs of investigations undertaken. The inspector general shall cooperate with other governmental agencies to recover such costs from other entities involved in willful misconduct in regard to county or municipal funds.
- (14) Nothing herein shall abridge employees' constitutional right to collective bargaining.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-423.1. - Outreach.

The inspector general will coordinate with the county administrator and municipal manager or administrator to develop public awareness strategies to inform government officials and employees, as well as the general public, of the authority and responsibilities of the office of the inspector

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general. Such strategies shall include but not be limited to inclusion in the government's web page with a link to the office of inspector general website, publication of notices in the government's newsletters, and posting information about the office of inspector general in government employee break rooms and other common meeting areas. The inspector general shall provide on its website examples that illustrate fraud, waste, mismanagement, misconduct and abuse.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-424. - Minimum qualifications, selection and term of office.

- (1) *Minimum qualifications.* The inspector general shall be a person who:
- (a) Has at least ten (10) years of experience in any one (1) or a combination of the following fields:
 - 1. As a federal, state or local law enforcement officer/official;
 - 2. As a federal or state court judge;
 - 3. As a federal, state or local government attorney with expertise in investigating fraud, mismanagement and corruption;
 - 4. As an inspector general, certified public accountant, or internal auditor;
 - 5. As a person with progressive supervisory and managerial experience in an investigative public agency similar to an inspector general's office;
 - (b) Has managed and completed complex investigations involving allegations of fraud, theft, deception or conspiracy;
 - (c) Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary;
 - (d) Has a four-year degree from an accredited institution of higher learning;
 - (e) Has not been employed by the county, any municipality or any other governmental entity subject to the authority of the inspector general office during the two-year period immediately prior to selection, unless such employment has been with the Office of Inspector General, Palm Beach County, Florida.
 - (f) Highly qualified candidates will also have audit-related skills and/or hold one (1) or more of the following professional certifications at the time of selection: certified inspector general (CIG), certified inspector general investigator (CIGI), certified inspector general auditor (CIGA), certified public accountant (CPA), certified internal auditor (CIA), or certified fraud examiner (CFE).
- (2) *Selection.* No official or employee of any governmental entity subject to the authority of the office of inspector general shall participate on the inspector general committee. Responsibility for selecting the inspector general shall be vested solely with the inspector general committee. The inspector general committee shall be comprised of the commission on ethics as established in section 2-254 et seq. of this Code, the state attorney for the Fifteenth Judicial Circuit or his or her designee, and the public defender for the Fifteenth Judicial Circuit or his or her designee. The chairperson of the inspector general committee shall be chairperson of the commission on ethics. After thoroughly reviewing qualifications, background information, and personal and professional referrals, the inspector general committee shall notify the county attorney of its selection. The county attorney shall promptly notify the board that a selection has been made.
- (3) *Staffing of inspector general committee.* The county human resources department shall provide staff to the inspector general committee and as necessary will advertise the acceptance of resumes for the position of inspector general. All resumes received by the

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human resources department will be forwarded to the inspector general committee for consideration. The human resources department shall contract with an appropriate entity to ensure that background checks are conducted on the candidates selected for interview by the inspector general committee. The results of the background checks shall be provided to the inspector general committee prior to the interview of candidates. Following the initial selection of the inspector general, the inspector general committee, for future selection processes as described in subsection (2) above, may continue to employ the services of the human resources department or may utilize its own staff to solicit candidates for inspector general. All advertisements for the acceptance of resumes for inspector general shall include a salary range commensurate with public officials of like experience and expertise.

- (4) *Term.* The inspector general shall serve for a term of four (4) years. At least six (6) months prior to the end of each contract term, the inspector general committee will determine whether or not to renew the contract for an additional term of four (4) years, and shall promptly notify the inspector general of its decision. In the event the inspector general committee elects not to renew the contract, the inspector general committee shall promptly convene as necessary to solicit candidates for and to select a new inspector general in the same manner as described in subsection (2) above. The incumbent inspector general may submit his or her name as a candidate to be considered for selection. The incumbent inspector general shall serve until a successor is selected and assumes office.
- (5) *Vacancy.* In case of a vacancy in the position of inspector general, the inspector general committee may appoint a member of the inspector general's office as interim inspector general within ten (10) days of the vacancy occurring, until such time as a successor inspector general is selected and assumes office. A successor inspector general shall be selected in the same manner as described in subsection (2) above, except for the following specific time constraints: (a) solicitation for qualified candidates for selection should be published within twenty (20) days, but no later than forty (40) days of the date the vacancy occurs; and (b) the inspector general committee must in good faith endeavor to convene and select an inspector general within ninety (90) days of the date the vacancy occurs.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-425. - Contract.

A designee from the commission on ethics, with the assistance of the county's human resources department and the county attorney's office, shall negotiate a contract of employment with the inspector general substantially consistent with the terms included in contracts of other contractual employees of the county. For the purposes of contract negotiations, such designation by the commission on ethics shall not be deemed a delegation of the commission on ethics' decision making authority. The inspector general shall be paid at a rate commensurate with public officials of like experience and expertise. Before any contract shall become effective, the contract must be approved by a majority of the board present at a regularly scheduled board meeting. The contract will cover the entire four-year term subject to the removal provisions in section 2-430. The contract will include a provision requiring the inspector general committee to provide notice of its decision to renew or not to renew the contract at least six (6) months prior to the termination of the contract. The contract shall provide that the inspector general may not represent a political party or be on any executive committee thereof, or seek public office during his or her term of service, and shall not seek public office or employment with any public entity subject to the jurisdiction of the inspector general for four (4) years thereafter. That limitation does not include seeking selection as inspector general for a subsequent term. The contract shall further provide that the inspector

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general may not be a lobbyist, as defined in section 2-352 of this Code, for two (2) years after term of service.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-426. - Physical facilities and staff.

- (1) The county shall provide the office of inspector general with appropriately located office space and sufficient physical facilities together with necessary office equipment and furnishings to enable the inspector general to perform his or her functions.
- (2) The inspector general shall have the power to appoint, employ, and remove such assistants, employees and personnel, and establish personnel procedures as deemed necessary for the efficient and effective administration of the activities of the office of inspector general.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-427. - Procedure for finalization of reports and recommendations which make findings as to the person or entity being reviewed or inspected.

The inspector general shall publish and deliver finalized reports and recommendations to the board or the appropriate municipality, and to the county commission on ethics. Notwithstanding any other provision of this article, whenever the inspector general determines that it is appropriate to publish and deliver a report or recommendation which contains findings as to the person or entity being reported on or who is the subject of the recommendation, the inspector general shall provide the affected person or entity a copy of the findings. Such person or entity, who is the subject of a finding or recommendation resulting from an investigation or review, shall have ten (10) calendar days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized. In the case of an audit, such person or entity shall have twenty (20) calendar days to submit a written explanation or rebuttal of the audit findings or before the report or recommendation is finalized. The inspector general shall grant reasonable extensions of time for providing a written explanation or rebuttal upon written request. Such timely submitted written explanation or rebuttal shall be attached to the finalized report or recommendation. The requirements of this subsection shall not apply in matters subject to the State of Florida Whistle-blower's Act, or when the inspector general, in conjunction with the state attorney or U.S. Attorney, determines that supplying the affected person or entity with such report will jeopardize a pending criminal investigation.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-428. - Reporting.

- (1) Not later than December 31 of each year, the inspector general shall prepare and publish a written annual report summarizing the activities of the office during the immediately preceding fiscal year ended September 30. The report shall be furnished to the inspector general committee, the county administrator and the Palm Beach County League of Cities, Inc., and posted on the inspector general's website. The report shall include, but need not be limited to: a description of significant abuses and deficiencies relating to the administration of programs and operations disclosed by investigations, audits, reviews, or other activities during the reporting period; a description of the recommendations for corrective action made by the inspector general during the reporting period with respect to significant problems, abuses, or deficiencies identified; identification of each significant recommendation

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described in previous annual reports on which corrective action has not been completed; and a summary of each audit and investigation completed during the reporting period.

- (2) The inspector general committee will meet with the inspector general every six (6) months to review the previous six (6) months' activities and the inspector general's plans and objectives for the upcoming six (6) months.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-429. - Financial support and budgeting.

- (1) Pursuant to their annual budgeting processes, the county and each municipality shall provide sufficient financial support for the inspector general's office to fulfill its duties as set forth in this article. The county and municipalities shall fund the inspector general's office proportionately, based on the actual expenses of each governmental entity as recorded in the most recent audited year and reported in the Florida Department of Financial Services Local Government Electronic Reporting system (LOGER), pursuant to Florida Statutes, § 218.32, as may be amended.
- (2) The county and each municipality's proportionate share shall be based on each entity's actual expenses as defined in the then current Uniform Accounting System Manual, published by the State of Florida, Department of Financial Services, Bureau of Local Government, and shall include the following Object Categories: 30 - Operating Expenditures/Expenses; 60 - Capital Outlay; and 80 - Grants and Aids. Notwithstanding the above, however, law enforcement, pension funds, electric utility services, fire control, and intergovernmental transfer costs shall not be included in the proportionate share calculation. Nothing contained herein shall in any way limit the powers of the inspector general provided for in this article to perform audits, inspections, reviews and investigations on all county and municipal contracts.
- (3) The inspector general shall establish and maintain a fiscal year which coincides with that of the county. Beginning May 1, 2011, and every May 1 thereafter, the inspector general shall deliver to the board a budget request including a reasonable estimate of operating and capital expenditures and shall also include, but not be limited to, anticipated revenues from sources other than the county and municipalities, and funds estimated to be received but not expended in the current fiscal year. No later than April 1 of every year, the inspector general shall deliver a preliminary budget request to the Palm Beach County League of Cities, Inc., and be available to discuss the budget request with the League of Cities membership prior to May 1 of every year. The board shall meet with a delegation selected by the Palm Beach County League of Cities, Inc., to discuss the budget request for each fiscal year. The county shall endeavor to place the matter on a board agenda prior to June 15 of each year, but in no event later than June 30. The parties attending this meeting shall acknowledge the provisions of section 2-429.1(1).
- (4) No later than the fifth business day in July of each year, the office of the clerk and comptroller shall prepare an allocation schedule based on the most current LOGER system data. The proportionate share to be paid by the county and each municipality shall be reduced proportionately by the anticipated revenues from sources other than the county and municipalities and the amount of funds estimated to be received but not expended by the inspector general in the current fiscal year.
- (5) In the event the county or a municipality does not submit the most recent fiscal year data in the LOGER system, the proportionate share for that municipality shall be based upon its last LOGER system submittal, subject to an escalator for each year the submittal was not made.

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- The escalator shall be based on the Consumer Price Index for All Urban Consumers, U.S. City Average, as set forth in Florida Statutes, § 193.155, as may be amended.
- (6) The budget of the inspector general shall be subject to final approval of the board. No later than September 30 of each year, the board shall set the inspector general budget for the coming fiscal year and adjust the proportionate share of the county and each municipality accordingly as described in this section.
 - (7) The office of the clerk and comptroller shall invoice the county and each municipality one-fourth of the proportionate share as adjusted on October 10, January 10, April 10 and July 10 of each year. Payment shall be submitted to the board and due no later than thirty (30) days from the date of the invoice. Upon receipt, all funds shall be placed in the Office of Inspector General, Palm Beach County, Florida Special Revenue Fund. In the event payment is not timely received, the county or any municipality in compliance with this section may pursue any available legal remedy.
 - (8) The county and each municipality's proportionate share for the period of June 1, 2011 through September 30, 2011 shall be as set forth in Exhibit A which is attached to Ordinance 2011-009 and incorporated herein by reference.* The office of the clerk and comptroller shall invoice the county, upon adoption of this article, nine hundred forty-six thousand seven hundred sixty-four dollars (\$946,764.00). This amount is based on the estimated expenses through June 1, 2011 of four hundred eighty-three thousand three hundred thirty-three dollars (\$483,333.00), plus the county's proportionate share as reflected on Exhibit A. The office of the clerk and comptroller shall invoice each municipality for their proportionate share as set forth in subsection (7) beginning with the first invoice on October 10, 2011.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Editor's note—

Section 3 of Ord. No. 2011-009 specifies that section 2-429(3) is expressly declared retroactive to April 1, 2011.

* Exhibit A to Ordinance 2011-009 is on file in the office of the city clerk.

Sec. 2-429.1. - Funding base.

- (1) The funding base is a minimum level of funding, determined as a percentage of contract activity of the governmental entities subject to the authority of the inspector general. The purpose of establishing the funding base is to ensure the office is adequately funded. The funding base is currently set at an amount equal to one quarter of one (0.25) percent of the contracts as described in section 2-429(2). Within ten (10) days following establishment of the allocation schedule as described in section 2-429(4), the county will determine whether the calculated funding requirement meets the one quarter of one (0.25) percent funding base. In the event the calculated funding requirement is less than one quarter of one (0.25) percent, but the inspector general's proposed budget is fully funded by the allocation schedule and revenues from sources other than the county and municipalities, the inspector general shall request a reduction of the funding base accordingly for that budget year. Nothing herein shall be construed to:
 - (a) Limit the calculated funding base to one quarter of one (0.25) percent, as may be required to adequately fund the office of the inspector general;
 - (b) Limit the inspector general's authority to request a budget that results in a calculated funding base that is less than one quarter of one (0.25) percent at any time; or
 - (c) Prohibit the inspector general from transmitting to the county supplemental budget requests.

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No adjustment to the calculated funding base shall occur if such adjustment results in the office of the inspector general not being adequately funded.

- (2) On an annual basis the board of county commissioners may adjust the funding base percentage upon a showing of need which shall be based upon, but need not be limited to, the following criteria:
- (a) Additional expenses in a particular year necessitated by an extraordinarily large investigation or audit;
 - (b) The amount of increases or decreases in budget requests by the inspector general in prior years;
 - (c) The amount and frequency of supplemental budget requests made by the inspector general in prior years;
 - (d) the amount and frequency of surpluses and/or shortfalls in the inspector general's budget in prior years;
 - (e) The ability of the county and each municipality to bear an increase of the funding base percentage in a particular year.

The demonstration of need shall be subject to review and recommendation by the review committee as established in the Charter of Palm Beach County, section 8.3. The review committee's recommendation shall only be overruled by a supermajority vote of the board of county commissioners. In no event shall the funding base be reduced below one quarter of one (0.25) percent unless such reduction is made by the inspector general.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-430. - Removal.

The inspector general may be removed only for cause based upon specified charges of the following: neglect of duty, abuse of power or authority, discrimination, or ethical misconduct. The removal process shall be initiated at a duly noticed public hearing of either the board, the inspector general committee, or a funding entity as described in section 2-423(9). An affirmative vote of five (5) members of the board, an affirmative vote of five (5) members of the inspector general committee, or an affirmative supermajority vote of a funding entity shall be required to present the inspector general with the charges and to proceed to final public hearings. The board, inspector general committee, or the initiating funding entity, as appropriate, shall transmit a copy of the charges to the inspector general at least sixty (60) days prior to all final public hearings which shall be convened by the board, all funding entities, and the inspector general committee. The inspector general shall have an opportunity to be heard in person and by counsel at the final public hearings prior to the votes being taken on his or her removal. The inspector general may only be removed upon the affirmative vote of five (5) members of the board, five (5) members of the inspector general committee, and a supermajority of all funding entities. A record of the proceedings, together with the charges and findings thereon, shall be filed with the clerk to the board. The inspector general shall be removed without a public hearing in the event the inspector general is convicted of or enters a guilty plea or *nolo contendere* plea to a state or federal felony. Based upon specified charges of neglect of duty, abuse of power or authority, discrimination, or ethical misconduct, one (1) or more municipalities may file a petition for removal with the general counsel for the office of inspector general. A petition for removal must be duly authorized as a resolution outlining the specific charges and passed by a majority plus one (1) of the governing body. The petition for removal shall be transmitted to the inspector general committee with a copy to the general counsel of the inspector general. The inspector general committee shall decide whether to initiate the removal process or dismiss based on the petition. The inspector general committee may investigate

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the allegations contained in the petition before deciding whether to initiate the removal process. If the inspector general committee initiates the removal process, the municipality or municipalities making the petition for removal shall have the opportunity to be heard at the final public hearings prior to the votes being taken.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-431. - Enforcement.

This article is enforceable by all means provided by law, including seeking injunctive relief in the Fifteenth Judicial Circuit Court in and for Palm Beach County.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-432. - Penalty.

Any person who:

- (1) Retaliates against, punishes, threatens, harasses, or penalizes, or attempts to retaliate against, punish, threaten, harass, or penalize any person for assisting, communicating or cooperating with the inspector general; or
- (2) Who knowingly interferes, obstructs, impedes or attempts to interfere, obstruct or impede in any investigation conducted by the inspector general shall be guilty of a violation of this article and punished, pursuant to Florida Statutes, § 125.69, in the same manner as a second degree misdemeanor. Any potential violation of this section shall be referred to the state attorney for possible investigation and prosecution.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Secs. 2-433—2-440. - Reserved.

FOOTNOTE(S):

⁽²⁷⁾ *Editor's note— Ord. No. 2011-009, § 1(Exh. 1), adopted May 17, 2011, repealed art. XII and enacted a new article as set out herein. The former art. XII, §§ 2-421—2-432, pertained to similar subject matter and derived from Ord. No. 2009-049, §§ 1, 2(A)—(I), 6 and 7, adopted Dec. 15, 2009; and Ord. No. 2010-041, pts. 1—3, adopted Sept. 28, 2010. (Back)*

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