

Agenda Item #5A-1

TIME CERTAIN 10:00 a.m.

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: December 1, 2009

☐ Consent ☒ Regular
☐ Public Hearing

Department

Submitted By: COUNTY ATTORNEY

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on December 15, 2009, at 9:30 a.m.: An Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing for title; creating and establishing the Palm Beach County Office of Inspector General; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date.

Summary: In response to the Presentment of the Palm Beach County Grand Jury regarding Investigation of Palm Beach County Governance and Public Corruption Issues, the Board of County Commissioners directed the County Attorney's Office to draft ordinances creating a local Code of Ethics, and establishing an Office of Inspector General and Commission on Ethics. This Ordinance establishes the Palm Beach County Office of Inspector General. Countywide (LB)

Background and Policy Issues: The Office of Inspector General will provide independent oversight of County operations. Under this Ordinance, the Inspector General will be authorized to conduct audits of, require reports from, and receive full and unrestricted access to the records of all County offices. Other local governmental agencies will be able to employ the services of and be subject to the Inspector General by contract. To ensure independence, the Inspector General will be selected by the Commission on Ethics and one representative each from the State Attorney and Public Defender. Removal requires a supermajority vote at two public hearings of the Board of County Commissioners and is subject to an independent investigation and recommendation by the Commission on Ethics.

Attachments:

- ## 1. Ordinance

Recommended by: _____
County Attorney Date

Approved by: _____ **N/A**

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures					
Operating Costs	320,000	402,500*	402,500*	402,500*	402,500*
External Revenues		<402,500>	<402,500>	<402,500>	<402,500> **
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	320,000	- 0 -	- 0 -	- 0 -	- 0 -
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes _____ No X

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

*Fiscal impact for 2011-2014 is an estimate, with the actual impact to be determined by the Inspector General's budget request.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

** Beginning in FY 2011, revenue will be comprised of contract fee revenue (0.25%) and participation of other governmental entities.

Jim Dool 11-20-09
OFMB

Jim J. [Signature] 11/23/09
Contract Development and Control

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR TITLE; CREATING AND ESTABLISHING THE PALM BEACH COUNTY OFFICE OF INSPECTOR GENERAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 21, 2009, the Palm Beach County Grand Jury issued a final presentment in the investigation of Palm Beach County governance and public corruption issues; and

WHEREAS, the Grand Jury recommended that the Board of County Commissioners of Palm Beach County enact an ordinance establishing an independent Office of Inspector General with the ability to obtain any and all records from Palm Beach County governmental entities, vendors doing business with the County, and entities funded in whole or in part by County tax dollars; and

WHEREAS, the Board of County Commissioners agrees with the Grand Jury's recommendation that an independent Palm Beach County Office of Inspector General should now be created and established by ordinance to provide independent oversight of County operations; and

WHEREAS, the Board of County Commissioners is committed to the highest standards of integrity, honesty, efficiency and accountability; and

WHEREAS, misconduct involving abuse, corruption, fraud, and mismanagement by elected and appointed County officials and employees, County agencies and instrumentalities, contractors, and other parties doing business with the County and/or receiving County funds, undermines public confidence in County government and prevents the County from operating honestly, efficiently and effectively; and

WHEREAS, it is critically important that County elected and appointed officials and employees discharge their duties and responsibilities in a lawful and ethical manner and be held accountable for their misconduct, inefficiency and ineffectiveness; and

WHEREAS, imposing the duty on all elected and appointed County officials and employees to cooperate with and report misconduct to the Inspector General will broaden and strengthen the Inspector General's ability to detect, investigate, eliminate, and deter misconduct by County officials and employees, vendors and County-funded entities and promote integrity, honesty and efficiency in County government; and

1 **WHEREAS**, this Ordinance will send an unmistakable message to the public about the
2 County's commitment to rooting out and eliminating abuse, corruption, mismanagement and fraud.

3

4 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
5 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

6

7 **SECTION 1. TITLE.**

8 This Ordinance shall be titled the "Palm Beach County Office of Inspector General
9 Ordinance."

10 **SECTION 2. PALM BEACH COUNTY OFFICE OF INSPECTOR GENERAL CREATED**
11 **AND ESTABLISHED.**

12 **A. Created and established.** There is hereby established the Palm Beach County Office of
13 Inspector General which is created in order to detect misconduct involving abuse, corruption, fraud,
14 waste, inefficiencies, and mismanagement by elected and appointed County officials and employees,
15 County agencies and instrumentalities, contractors, and other parties doing business with the County
16 and/or receiving County funds. The Inspector General shall head the Office of Inspector General.
17 The organization and administration of the Office of Inspector General shall be independent to
18 assure that no interference or influence external to the Office of Inspector General adversely affects
19 the independence and objectivity of the Inspector General.

20 **B. Functions, Authority and Powers.**

- 21 (1) The Inspector General shall have the authority to: (a) make investigations of County
22 matters and publish the results of such investigations; (b) review and audit past, present
23 and proposed County programs, accounts, records, contracts, change orders and
24 transactions; and (c) prepare reports and recommendations to the Board based on such
25 investigations. All elected and appointed County officials and employees, County
26 agencies and instrumentalities, contractors and other parties doing business with the
27 County and/or receiving County funds shall fully cooperate with the Inspector General.
- 28 (2) The Inspector General shall have the power to conduct audits of, require reports from,
29 and receive full and unrestricted access to the records of the Board, County
30 Administrator, all elected and appointed County officials and employees, County
31 departments, divisions, agencies and instrumentalities, contractors and other persons and

1 entities doing business with the County and/or receiving County funds regarding any
2 such contracts or transactions with the County. The Inspector General's jurisdiction
3 includes but shall not be limited to all projects, programs, contracts or transactions that
4 are funded in whole or in part by the County. The Inspector General may contract with
5 outside entities deemed necessary to perform the functions of that office.

6 (3) In the case of a refusal to obey a request by the Inspector General for documents or for
7 an interview, the Inspector General shall have the power to subpoena witnesses,
8 administer oaths, and require the production of records. Seventy-two hours prior to
9 serving a subpoena, the Inspector General shall provide written notice to the State
10 Attorney and the U.S. Attorney for the Southern District of Florida. The Inspector
11 General shall not interfere with any ongoing criminal investigation or prosecution of the
12 State Attorney or the U.S. Attorney for the Southern District of Florida. When the State
13 Attorney or the U.S. Attorney for the Southern District of Florida has explicitly notified
14 the Inspector General in writing that the Inspector General's investigation is interfering
15 with an ongoing criminal investigation or prosecution, the Inspector General shall
16 suspend service of subpoena, examination of witnesses, or other investigative activities
17 as set forth in the notice. In the case of a refusal to obey a subpoena served to any
18 person, the Inspector General may make application to any circuit court of this State
19 which shall have jurisdiction to order the witness to appear before the Inspector General
20 and to produce evidence if so ordered, or to give testimony touching on the matter in
21 question.

22 (4) The costs of reviews, audits, inspections and investigations by the Inspector General
23 shall be defrayed in part by imposition of a fee which shall be equal to one quarter of
24 one percent (0.25%) of the contract price (hereinafter "IG contract fee"). The IG
25 contract fee shall not apply to the following contracts:

26 a. Contracts for legal services;
27 b. Revenue-generating contracts;
28 c. Auditing contracts;
29 d. Contracts under one thousand dollars (\$1,000);
30 e. Federal, state and local government-funded grants; and
31 f. Interlocal agreements.

1 Notwithstanding the foregoing, the Board may authorize the inclusion of the IG contract
2 fee in any contract. Nothing contained in this subsection shall in any way limit the
3 powers of the Inspector General provided for in this Ordinance to perform audits,
4 inspections, reviews and investigations on all County contracts including, but not
5 limited to, those contracts specifically exempted from the IG contract fee.

6 (5) Where the Inspector General suspects a possible violation of any state, federal or local
7 law, or rule, regulation or policy, he or she shall notify the appropriate civil, criminal or
8 administrative agencies, including the Palm Beach County Commission on Ethics. In
9 the case of a possible violation of a rule, regulation or policy governing a County
10 employee, the Inspector General shall also notify the County Administrator and the head
11 of the Department for which the employee works. After referring the matter to the
12 appropriate entity for fact-finding, the Inspector General may assist the entity in
13 conducting the investigation.

14 (6) The Inspector General shall have the power without limitation to audit, investigate,
15 monitor, inspect and review the operations, activities, performance, and procurement
16 processes including, but not limited to, establishment of bid specifications, bid
17 submittals, activities of the contractor, its officers, agents and employees, lobbyists,
18 County staff, and officials, in order to ensure compliance with contract specifications
19 and detect corruption and fraud.

20 (7) The Inspector General shall have the power to receive, review and investigate any
21 complaints regarding County-funded projects, programs, contracts or transactions. The
22 Inspector General shall establish a "hotline" to receive complaints, from either
23 anonymous or identified persons.

24 (8) The Inspector General may exercise any of the powers contained this Ordinance upon
25 his or her own initiative.

26 (9) The Inspector General shall be notified in writing prior to any meeting of a selection
27 committee where any matter relating to the procurement of goods or services by the
28 County is to be discussed. The notice required by this subsection shall be given to the
29 Inspector General as soon as possible after a meeting has been scheduled, but in no
30 event later than one business day prior to the scheduled meeting. The Inspector General
31 may, at his or her discretion, attend all duly noticed County meetings relating to the

- 1 procurement of goods or services as provided herein, and may pose questions and raise
2 concerns consistent with the functions, authority and powers of the Inspector General.
- 3 (10) It is anticipated that municipalities, special districts, and other public officials and
4 entities will recognize and desire to benefit from the services of the Palm Beach County
5 Office of Inspector General. The Inspector General may negotiate agreements or
6 memoranda of understanding with other public entities which would authorize the
7 Inspector General to exercise any and all authority, functions and powers set forth in this
8 Ordinance for the benefit of such public entity. The memorandum of understanding or
9 agreement shall include a provision for fees to be paid to the Inspector General from the
10 public entity in exchange for such benefits. Such fee shall be based on a rate established
11 by the Inspector General and shall include, but not be limited to, the IG contract fee.
12 Any such agreement or memorandum of understanding is subject to final approval of the
13 Board, but such approval shall not be unreasonably withheld.
- 14 (11) The Inspector General's records related to active investigations are confidential and
15 exempt from disclosure, as provided by section 112.3188(2), Florida Statutes.
- 16 (12) The Inspector General is considered "an appropriate local official" of the County for
17 purposes of whistleblower protection provided by section 112.3188(1), Florida Statutes.
- 18 (13) The Inspector General may recommend remedial actions and may provide prevention
19 and training services to County officials, employees, and any other persons covered by
20 this Ordinance. The Inspector General may follow up to determine whether
21 recommended remedial actions have been taken.
- 22 (14) The Inspector General shall establish policies and procedures and monitor the costs of
23 investigations undertaken. The Inspector General shall cooperate with other
24 governmental agencies to recover such costs from other entities involved in willful
25 misconduct in regard to County funds.
- 26 (15) The authority of the Inspector General shall not include matters relating to bargaining
27 unit employees' terms and conditions of employment, including wages.

28 **C. Minimum Qualifications, Selection and Term of Office.**

- 29 (1) Minimum qualifications. The Inspector General shall be a person who:
- 30 a. Has at least ten (10) years of experience in any one or a combination of the following
31 fields:

- 1 (i) as a federal, state or local law enforcement officer/official;
- 2 (ii) as a federal or state court judge;
- 3 (iii) as a federal, state or local government attorney with expertise in investigating
- 4 fraud, mismanagement and corruption;
- 5 (iv) as an inspector general, certified public accountant, or internal auditor;
- 6 (v) as a person with progressive supervisory and managerial experience in an
- 7 investigative public agency similar to an inspector general's office;
- 8 b. Has managed and completed complex investigations involving allegations of fraud,
- 9 theft, deception or conspiracy;
- 10 c. Has demonstrated the ability to work with local, state and federal law enforcement
- 11 agencies and the judiciary;
- 12 d. Has a four-year degree from an accredited institution of higher learning;
- 13 e. Highly qualified candidates will also have audit-related skills and/or hold one or
- 14 more of the following professional certifications at the time of selection: certified
- 15 inspector general (CIG), certified inspector general investigator (CIGI), certified
- 16 inspector general auditor (CIGA), certified public accountant (CPA), certified internal
- 17 auditor (CIA), or certified fraud examiner (CFE).
- 18 (2) Selection. No official or employee of any governmental entity subject to the authority
- 19 of the Office of Inspector General shall participate in the selection of the Inspector
- 20 General. Responsibility for selecting the Inspector General shall be vested solely with
- 21 the Inspector General Selection Committee ("Selection Committee"). The Selection
- 22 Committee shall be comprised of the Commission on Ethics as established in Palm
- 23 Beach County Ordinance 2009-XXX, the State Attorney for the Fifteenth Judicial
- 24 Circuit or his or her designee, and the Public Defender for the Fifteenth Judicial Circuit
- 25 or his or her designee. The chairperson of the Selection Committee shall be chairperson
- 26 of the Commission on Ethics. After thoroughly reviewing qualifications, background
- 27 information, and personal and professional referrals, the Selection Committee shall
- 28 notify the County Attorney of its selection. The County Attorney shall promptly notify
- 29 the Board that a selection has been made. The County Attorney shall assist the
- 30 Commission on Ethics to negotiate the terms of an employment contract with the
- 31 selected Inspector General as set forth in Section 2.D.

1 a. Initial Selection. Within thirty (30) days of the effective date of this Ordinance, the
2 Human Resources Department will solicit qualified candidates. Within one hundred
3 twenty (120) days of the effective date of this Ordinance, the Selection Committee shall
4 select the Inspector General.

5 (3) Staffing of Selection Committee. The Human Resources Department shall provide staff
6 to the Selection Committee and as necessary will advertise the acceptance of resumes
7 for the position of Inspector General. All resumes received by the Human Resources
8 Department will be forwarded to the Selection Committee for consideration. The
9 Human Resources Department shall contract with an appropriate entity to ensure that
10 background checks are conducted on the candidates selected for interview by the
11 Selection Committee. The results of the background checks shall be provided to the
12 Selection Committee prior to the interview of candidates. Following the initial selection
13 of the Inspector General, the Selection Committee, for future selection processes as
14 described in subsection C.(2) above, may continue to employ the services of the Human
15 Resources Department or may utilize its own staff to solicit candidates for Inspector
16 General. All advertisements for the acceptance of resumes for Inspector General shall
17 include a salary range commensurate with public officials of like experience and
18 expertise.

19 (4) Term. The Inspector General shall serve for a term of four (4) years. At least six (6)
20 months prior to the end of each contract term, the Selection Committee will determine
21 whether or not to renew the contract for an additional term of four (4) years, and shall
22 promptly notify the Inspector General of its decision. In the event the Selection
23 Committee elects not to renew the contract, the Selection Committee shall promptly
24 convene as necessary to solicit candidates for and to select a new Inspector General in
25 the same manner as described in subsection C.(2) above. The incumbent Inspector
26 General may submit his or her name as a candidate to be considered for selection. The
27 incumbent Inspector General shall serve until a successor is selected and assumes office.

28 (5) Vacancy. In case of a vacancy in the position of Inspector General, the chairperson of
29 the Selection Committee may appoint a member of the Inspector General's Office as
30 interim Inspector General within ten (10) days of the vacancy occurring, until such time
31 as a successor Inspector General is selected and assumes office. A successor Inspector

1 General shall be selected in the same manner as described in subsection C.(2) above,
2 except for the following specific time constraints: (a) solicitation for qualified
3 candidates for selection must be published within twenty (20) days of the date the
4 vacancy occurs; and (b) the Selection Committee must convene and select an Inspector
5 General within ninety (90) days of the date the vacancy occurs.

6 **D. Contract.** The Commission on Ethics with the assistance of the County Attorney shall
7 negotiate a contract of employment with the Inspector General substantially consistent with the
8 terms included in contracts of other contractual employees of Palm Beach County. The Inspector
9 General shall be paid at a rate commensurate with public officials of like experience and expertise.
10 Before any contract shall become effective, the contract must be approved by a majority of the Board
11 present at a regularly scheduled Board meeting. The contract will cover the entire four-year term
12 subject to the removal provisions in subsection 2.I. of this Ordinance. The contract will include a
13 provision requiring the Selection Committee to provide notice of its decision to renew or not to
14 renew the contract at least six (6) months prior to the termination of the contract. The contract shall
15 provide that the Inspector General may not represent a political party or be on any executive
16 committee thereof, or seek public office during his or her term of service or for four (4) years
17 thereafter. That limitation does not include seeking selection as Inspector General for a subsequent
18 term. The contract shall further provide that the Inspector General may not be a Lobbyist, as defined
19 in Palm Beach County Code, Section 2-352, for two years after term of service.

20 **E. Physical Facilities and Staff.**

21 (1) The County shall provide the Office of Inspector General with appropriately located
22 office space and sufficient physical facilities together with necessary office supplies,
23 equipment and furnishings to enable the Inspector General to perform his or her
24 functions.

25 (2) The Inspector General shall have the power to appoint, employ, and remove such
26 assistants, employees and personnel, and establish personnel procedures as deemed
27 necessary for the efficient and effective administration of the activities of the Office of
28 Inspector General.

29 **F. Procedure for Finalization of Reports and Recommendations Which Make Findings**
30 **as to the Person or Entity Being Reviewed or Inspected.** The Inspector General shall publish and
31 deliver finalized reports and recommendations to the Board and to the Palm Beach County

1 Commission on Ethics. Notwithstanding any other provision of this Ordinance, whenever the
2 Inspector General determines that it is appropriate to publish and deliver a report or recommendation
3 which contains findings as to the person or entity being reported on or who is the subject of the
4 recommendation, the Inspector General shall provide the affected person or entity a copy of the
5 report or recommendation. Such person or entity shall have fifteen (15) working days to submit a
6 written explanation or rebuttal of the findings before the report or recommendation is finalized.
7 Such timely submitted written explanation or rebuttal shall be attached to the finalized report or
8 recommendation. The requirements of this subsection shall not apply when the Inspector General, in
9 conjunction with the State Attorney or U.S. Attorney, determines that supplying the affected person
10 or entity with such report will jeopardize a pending criminal investigation.

11 **G. Reporting.** The Inspector General shall annually prepare and publish a written report
12 concerning the work and activities of the Office of Inspector General including, but not limited to,
13 statistical information regarding the disposition of closed investigations, audits and other reviews.
14 The annual report of the Inspector General shall be posted promptly on Palm Beach County's public
15 website.

16 **H. Financial Support and Budgeting.** Pursuant to its annual budget process, the County
17 shall provide sufficient financial support for the Inspector General's Office to fulfill its duties as set
18 forth in this Ordinance. In order to ensure adequate funding for the prompt establishment of the
19 Inspector General, the Board of County Commissioners hereby approves an amount equal to three
20 hundred twenty thousand dollars (\$320,000) to fund all Inspector General operations for the
21 remainder of the 2009-2010 fiscal year. The Inspector General shall timely deliver to the Board of
22 County Commissioners a budget request including a reasonable estimate of operating and capital
23 expenditures, and shall include revenues, including, but not limited to, projected IG contract fee
24 revenues to be collected from the County and any other participating local governments and public
25 agencies. The Inspector General's budget request shall not be implemented until approved by the
26 Board of County Commissioners. The Inspector General shall establish a fiscal year which coincides
27 with that of Palm Beach County. Nothing contained herein shall be construed to prohibit the
28 Inspector General from transmitting to the County Commission supplemental budget requests which,
29 if approved by the Commission, shall constitute amendments to the county budget.

30 **I. Removal.** The Inspector General may be removed only for cause based upon specified
31 charges of the following: neglect of duty, abuse of power or authority, discrimination, or ethical

1 misconduct, upon the affirmative vote of five (5) members of the Board to hold a public hearing on
2 those charges. The Board shall transmit a copy of the charges to the Inspector General at least sixty
3 (60) days prior to a public hearing thereon. At the same time as this transmittal, the Board shall also
4 transmit a copy of the charges to the Commission on Ethics with a request that the Commission on
5 Ethics perform an independent investigation and provide a recommendation to the Board based on
6 the results. The Inspector General shall have an opportunity to be heard in person or by counsel at
7 the public hearing prior to a vote being taken on his or her removal. The Board shall also review any
8 recommendation delivered by the Commission on Ethics prior to a vote being taken on his or her
9 removal, provided such recommendation is received by the Board at least ten (10) days prior to the
10 public hearing. The Inspector General may only be removed upon the affirmative vote of five (5)
11 members of the Board. A record of the proceedings, together with the charges and findings thereon,
12 shall be filed with the Clerk to the Board. The Inspector General shall be removed without a public
13 hearing in the event the Inspector General is convicted of or enters a guilty plea or *nolo contendere*
14 plea to a state or federal felony.

15 **J. Participation of Other Governmental Entities.** As indicated in subsection 2.B.(10) of
16 this Ordinance, the Inspector General may enter into agreements or memoranda of understanding
17 with municipalities, special districts, or other public offices or entities authorizing the Inspector
18 General to exercise all authority, functions and powers set forth in this Ordinance for the benefit of
19 such public entity, and including a provision for fees to be paid to the Inspector General from the
20 public entity in exchange for such benefit. All fees paid under any such agreement shall be used
21 solely to fund the operations of the Inspector General's Office. In any fiscal year in which an
22 Inspector General is subjected to the removal procedure pursuant to subsection I., any single
23 municipality, special district, and other public office or entity that has provided funding for at least
24 twenty-five percent (25%) of the total annual budget of the Office of Inspector General in the
25 immediately preceding fiscal year (hereinafter referred to as "Funding Entity"), shall be authorized
26 to participate in such removal. The removal for cause process may be initiated by super majority
27 vote of any Funding Entity or the Board. Removal for cause must be ultimately approved by super
28 majority vote of any Funding Entity and the Board pursuant to the public hearing procedures set
29 forth in subsection I. For the purposes of this subsection, the term "fiscal year" shall coincide with
30 the fiscal year of Palm Beach County.

1 **SECTION 3. REPEAL OF LAWS IN CONFLICT.**

2 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
3 repealed to the extent of such conflict.

4 **SECTION 4. SEVERABILITY.**

5 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
6 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such
7 holding shall not affect the remainder of this Ordinance.

8 **SECTION 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

9 The provisions of this Ordinance shall become and be made a part of the Palm Beach County
10 Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the
11 word "ordinance" may be changed to "section," "article," or other appropriate word.

12 **SECTION 6. ENFORCEMENT.**

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

15 **SECTION 7. PENALTY.**

16 Any person who:

17 A. retaliates against, punishes, threatens, harasses, or penalizes, or attempts to retaliate
18 against, punish, threaten, harass, or penalize any person for assisting, communicating or cooperating
19 with the Inspector General, or

20 B. who interferes, obstructs, impedes or attempts to interfere, obstruct or impede in any
21 investigation conducted by the Inspector General

22 shall be guilty of a violation of this Ordinance and punished, pursuant to section 125.69,
23 Florida Statutes, in the same manner as a second degree misdemeanor. Any potential violation of
24 this section shall be referred to the State Attorney for possible investigation and prosecution.

25 **SECTION 8. CAPTIONS.**

26 The captions, section headings, and section designations used in this Ordinance are for
27 convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

28 **SECTION 9. EFFECTIVE DATE.**

29 The provisions of this Ordinance shall become effective January 1, 2010.

30

