

N/A

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_


Reporting Category \_\_\_\_\_

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

C. Departmental Fiscal Review: \_\_\_\_\_

III. REVIEW COMMENTS

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

  
OFMB  
28  
9/14/10  
9/14/10

  
Contract Development and Control  
E. Jones 9/15/10

B. Legal Sufficiency:

  
Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
Department Director

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



ORDINANCE 2010-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE PALM BEACH COUNTY OFFICE OF INSPECTOR GENERAL ORDINANCE, PALM BEACH COUNTY CODE CHAPTER 2, ARTICLE XII (ORD. 2009-049) AS FOLLOWS: AMENDING SECTION 2-423 FUNCTIONS, AUTHORITY AND POWERS; AMENDING 2-425 CONTRACT; AMENDING 2-427 PROCEDURE FOR FINALIZATION OF REPORTS AND RECOMMENDATIONS; AMENDING 2-429 FINANCIAL SUPPORT AND BUDGETING; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, pursuant to its authority under Florida Constitution, Article VIII, Section 1(g), Section 125.01, Florida Statutes, the Palm Beach County Charter, adopted the Palm Beach County Office of Inspector General Ordinance; and

WHEREAS, the Board of County Commissioners and the Inspector General have reviewed said Ordinance and recommend the changes set forth in this amending ordinance; and

WHEREAS, the Board of County Commissioners hereby determines that the amendments set forth herein advance the purposes and intent of the Palm Beach County Office of Inspector General Ordinance; and

WHEREAS, the Board of County Commissioners has conducted a duly noticed public hearing to consider these amendments as required by law.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Palm Beach County, Florida, that:

**Part 1. Sec. 2-423. Functions, authority and powers, is hereby amended as follows:**

\* \* \*

(4) The costs of reviews, audits, inspections and investigations by the inspector general shall be ~~defrayed by imposition of a fee which shall be~~ funded at minimum in an amount equal to one quarter of one percent (0.25%) of ~~the contracts entered into by the County~~ price, as may be

adjusted as necessary (hereinafter ~~"IG contract fee"~~ "minimum funding percentage"). The ~~IG contract fee~~ minimum funding percentage shall not apply to the following contracts:

- a. Contracts for legal services;
- b. Auditing contracts;
- c. Contracts under one thousand dollars (\$1,000.00), ~~except for decentralized purchase orders as set forth in the county purchasing ordinance, section 2-51(f)(1)(l);~~
- d. Federal, state and local government-funded grants;
- e. Interlocal agreements;
- f. Revenue-generating contracts; and
- g. Purchases made pursuant to the State of Florida Department of Revenue approved Sales Tax Recovery Program.

Notwithstanding the foregoing, the board may ~~authorize the inclusion of the IG contract fee in~~ apply the minimum funding percentage to any contract to ensure the Inspector General receives sufficient funding to perform the functions and duties set forth in this ordinance. Nothing contained in this subsection 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 contracts including, but not limited to, those contracts specifically exempted from the minimum funding percentage ~~IG contract fee.~~

(5) Where the inspector general suspects a possible violation of any state, federal or local law, or rule, regulation or policy, he or she shall notify the appropriate civil, criminal or administrative agencies, ~~including the county commission on ethics.~~ In the case of a possible violation of a rule, regulation or policy governing a county employee, the inspector general shall also notify the county administrator and the head of the department for which the employee works. ~~After referring the matter to the appropriate entity for fact finding, the inspector general may assist the entity in conducting the investigation.~~

\* \* \*

(8) The inspector general may exercise any of the powers contained in this article upon his or her own initiative.

\* \* \*

(10) It is anticipated that municipalities, special districts, and other public officials and entities will recognize and desire to benefit from the services of the county office of inspector general.



68 The inspector general may negotiate agreements or memoranda of understanding with other  
69 public entities which would authorize the inspector general to exercise any and all authority,  
70 functions and powers set forth in this article for the benefit of such public entity. The  
71 memorandum of understanding or agreement shall include a provision for fees to be paid to the  
72 inspector general from the public entity in exchange for such benefits. Such fee shall be based  
73 on a rate established by the inspector general and shall include, but not be limited to, the  
74 minimum funding percentage ~~IG contract fee~~. Any such agreement or memorandum of  
75 understanding is subject to final approval of the board, but such approval shall not be  
76 unreasonably withheld. For the purposes of the removal procedure set forth in section 2-430, a  
77 "funding entity" shall mean a public entity that has entered into an agreement or memorandum of  
78 understanding to receive services of the inspector general, and has provided funding in exchange  
79 for such services equal to at least twenty-five (25) percent of the total annual budget of the  
80 inspector general for the county's fiscal year immediately preceding the fiscal year in which the  
81 removal procedure takes place.

82 \* \* \*

83 **Part 2. Sec. 2-425. Contract, is hereby amended as follows:**

84 The commission on ethics with the assistance of the county attorney shall negotiate a  
85 contract of employment with the inspector general substantially consistent with the terms  
86 included in contracts of other contractual employees of the county. The inspector general shall  
87 be paid at a rate commensurate with public officials of like experience and expertise. Before any  
88 contract shall become effective, the contract must be approved by a majority of the board present  
89 at a regularly scheduled board meeting. The contract will cover the entire four-year term subject  
90 to the removal provisions in section 2-430. The contract will include a provision requiring the  
91 selection committee to provide notice of its decision to renew or not to renew the contract at least  
92 six (6) months prior to the termination of the contract. The contract shall provide that the  
93 inspector general may not represent a political party or be on any executive committee thereof, or  
94 seek public office during his or her term of service, and shall not seek public office or  
95 employment with any public entity subject to the jurisdiction of the Inspector General ~~or for four~~  
96 (4) years thereafter. That limitation does not include seeking selection as inspector general for a  
97 subsequent term. The contract shall further provide that the inspector general may not be a  
98 lobbyist, as defined in section 2-352 of this Code, for two (2) years after term of service.

\* \* \*

**Part 3. Sec. 2-427. Procedure for finalization of reports and recommendations which make findings as to the person or entity being reviewed or inspected, is hereby amended as follows:**

The inspector general shall publish and deliver finalized reports and recommendations to the board 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 ~~report or recommendation~~. Such person or entity shall have fifteen (15) working days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized. 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's 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.

\* \* \*

**Part 4. Sec. 2-429. Financial support and budgeting, is hereby amended as follows:**

Pursuant to its annual budget process, the county shall provide sufficient financial support for the inspector general's office to fulfill its duties as set forth in this article. In order to ensure adequate funding for the prompt establishment of the inspector general pending implementation, the board of county commissioners hereby approves an amount equal to three hundred twenty thousand dollars (\$320,000) to fund all inspector general operations for the remainder of the 2009-2010 fiscal year. The inspector general shall timely deliver to the board of county commissioners a budget request including a reasonable estimate of operating and capital expenditures, and shall include revenues, including, but not limited to, projected minimum funding percentage ~~IG contract fee~~ revenues to be collected from the county and any other participating local governments and public agencies. The inspector general's budget request shall not be implemented until approved by the board of county commissioners. The inspector general shall establish a fiscal year which coincides with that of the county. Nothing



130 contained herein shall be construed to prohibit the inspector general from transmitting to the  
131 county commission supplemental budget requests which, if approved by the commission, shall  
132 constitute amendments to the county budget.

133 **Part 5. Repeal of Laws in Conflict.**

134 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby  
135 repealed to the extent of such conflict. The Palm Beach County Code of Ethics adopted by  
136 Resolution 94-693 as amended by Resolution 2003-0962, is hereby repealed in its entirety.

137 **Part 6. Severability.**

138 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
139 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect  
140 the remainder of this Ordinance.

141 **Part 7. Inclusion in the Code of Laws and Ordinances.**

142 The provisions of this Ordinance shall become and be made a part of the Code of Laws  
143 and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be  
144 renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to  
145 "section," "article," or other appropriate word.

146 **Part 8. Effective Date.**

147 The provisions of this Ordinance shall become effective October 1, 2010.

148 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach  
149 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2010.

150 SHARON R. BOCK  
151 CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

152  
153  
154 By: \_\_\_\_\_  
155 Deputy Clerk

By: \_\_\_\_\_  
Chairman

156  
157  
158 (SEAL)

159  
160  
161 APPROVED AS TO FORM AND  
162 LEGAL SUFFICIENCY

163  
164  
165 By:  \_\_\_\_\_  
166 County Attorney

167  
168 Filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 2010.