

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

Meeting Date: May 17, 2011

[] Consent [] Regular
[X] Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For: OFFICE OF INSPECTOR GENERAL

I. EXECUTIVE BRIEF

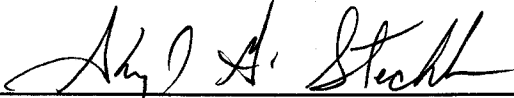
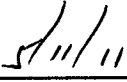
Motion and Title: Staff recommends motion to adopt: an ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing the Palm Beach County Office of Inspector General Ordinance, Ordinance 2009-049, as amended, and adopting a new Office of Inspector General, Palm Beach County, Florida Ordinance; providing for title and applicability; creating and establishing the Office of Inspector General, Palm Beach County, Florida; providing for functions, authority, and powers; providing for outreach; providing for minimum qualifications, selection and term of office; providing for contract; providing for physical facilities and staff; providing for procedure for finalization of reports and recommendations; providing for reporting; providing for financial support and budgeting; providing for funding base; providing for removal; providing for enforcement; providing for penalty; providing for savings clause; providing for retroactivity; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date.

Summary: The Board of County Commissioners adopted the Palm Beach County Office of Inspector General Ordinance as part of a series of ethics reforms begun in December 2009. Since then, the Board proposed charter amendments requiring in part the adoption of a countywide ordinance extending the Inspector General's authority to the municipalities in Palm Beach County. The charter amendments, which were approved by the voters in November 2010, also called for the establishment of a drafting committee to propose recommended changes to the Inspector General Ordinance for countywide application. This ordinance is the product of the committee's work. A brief description of substantive changes to this ordinance is included as Attachment 3. Countywide (LB)

Background and Policy Issues: The Office of Inspector General will provide independent oversight of County and municipal operations. Under this ordinance, the Inspector General will be authorized to conduct audits of, require production of documents from, and receive full and unrestricted access to the records of all County and municipal offices. Other local governmental agencies will be able to employ the services of and be subject to the Inspector General by contract. The ordinance also provides an equitable methodology for the County and municipalities to share the costs of funding Inspector General operations.

Attachments:

1. Ordinance
2. Computer generated strike-through/underline version for comparison purposes
3. Brief description of substantive changes

Recommended by:  
Sheryl G. Steckler, Inspector General Date

Approved by: _____ N/A _____
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures					
Operating Costs	1,524,662	3,500,000			
External Revenues	-577,898	-1,550,000			
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	946,764	1,950,000			
# ADDITIONAL FTE	16				
POSITIONS (Cumulative)	34	34			

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:

This ordinance establishes a formula for the allocation of cost between the County and municipalities. Based on this formula, the County will be responsible for approximately 60% of the Inspector General costs. Of this amount, 80% will be funded by the General Fund, with the remaining amount to be funded by Fire Rescue, Library, and non-ad valorem supported departments.

III. REVIEW COMMENTS

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

[Signature] 5/12/11
OFMB
5/11/11

[Signature] 5/12/11
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.

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ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING THE PALM BEACH COUNTY OFFICE OF INSPECTOR GENERAL ORDINANCE, ORDINANCE 2009-049, AS AMENDED, AND ADOPTING A NEW COUNTYWIDE OFFICE OF INSPECTOR GENERAL, PALM BEACH COUNTY, FLORIDA ORDINANCE; PROVIDING FOR TITLE AND APPLICABILITY; CREATING AND ESTABLISHING THE OFFICE OF INSPECTOR GENERAL, PALM BEACH COUNTY, FLORIDA; PROVIDING FOR FUNCTIONS, AUTHORITY, AND POWERS; PROVIDING FOR OUTREACH; PROVIDING FOR MINIMUM QUALIFICATIONS, SELECTION AND TERM OF OFFICE; PROVIDING FOR CONTRACT; PROVIDING FOR PHYSICAL FACILITIES AND STAFF; PROVIDING FOR PROCEDURE FOR FINALIZATION OF REPORTS AND RECOMMENDATIONS; PROVIDING FOR REPORTING; PROVIDING FOR FINANCIAL SUPPORT AND BUDGETING; PROVIDING FOR FUNDING BASE; PROVIDING FOR REMOVAL; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR RETROACTIVITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, based on a referendum on November 2, 2010, concerning proposed amendments to the Palm Beach County Charter, a majority of voters in the County and in every municipality in Palm Beach County elected to require the Board of County Commissioners to adopt an ordinance to establish a countywide office of inspector general to provide independent oversight of publicly funded transactions, projects and other local government 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 and municipal officials and employees, agencies and instrumentalities, contractors, and other parties doing business with the County and municipalities, undermines public confidence in local government and prevents these governments from operating honestly, efficiently and effectively; and

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

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WHEREAS, the Board of County Commissioners hereby determines that the Ordinance set forth herein advances the purposes and intent of the Palm Beach County Charter amendments approved by the electorate on November 2, 2010; and

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, hereby adopts 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:

SECTION 1. THE PALM BEACH COUNTY OFFICE OF INSPECTOR GENERAL

The Palm Beach County Office of Inspector General Ordinance, Ordinance 2009-049, as amended, is hereby repealed, and the new countywide Office of Inspector General, Palm Beach County, Florida Ordinance is hereby adopted as set forth in Exhibit 1, which is attached hereto and made a part hereof.

SECTION 2. SAVINGS CLAUSE.

All investigations, audits, reviews, reports and all other activities performed by the Office of Inspector General pursuant to its functions, authority and powers, initiated or completed pursuant to Ordinance 2009-049, as amended, shall remain in full force and effect. The term of office of the Inspector General selected pursuant to Ordinance 2009-049 shall remain as originally established.

SECTION 3. RETROACTIVITY.

Section 2-429(3) of the Office of Inspector General, Palm Beach County, Florida Ordinance is expressly declared retroactive to April 1, 2011.

SECTION 4. REPEAL OF LAWS IN CONFLICT.

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

1 **SECTION 5. SEVERABILITY.**

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

5 **SECTION 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

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

9 **SECTION 7. CAPTIONS.**

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

12 **SECTION 8. EFFECTIVE DATE.**

13 The provisions of this Ordinance shall become effective June 1, 2011.

14 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach
15 County, Florida, on this the ____ day of _____, 2011.

16
17 **SHARON R. BOCK**
18 **CLERK & COMPTROLLER**

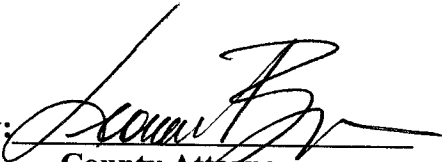
PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

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22 By: _____
23 **Deputy Clerk**

22 By: _____
23 **Karen T. Marcus, Chair**

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27 **(SEAL)**

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31 **APPROVED AS TO FORM**
32 **AND LEGAL SUFFICIENCY**

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35
36 By: 
37 **County Attorney**

38
39 **EFFECTIVE DATE:** Filed with the Department of State on the ____ day of
40 _____, 20____.

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3 **ARTICLE XII. INSPECTOR GENERAL**
4

5 **Sec.2-421. Title and Applicability.**
6

7 (1) This article shall be titled the "Office of Inspector General, Palm Beach County,
8 Florida Ordinance."

9 (2) The Office of Inspector General, Palm Beach County, Florida Ordinance shall apply
10 to the following:

11 a. The board of county commissioners (hereinafter "the board") and all county
12 departments;

13 b. The thirty eight (38) municipalities that approved the charter
14 amendment in the countywide referendum held November 2, 2010;

15 c. Any other public entity that elects to be bound by this article by entering
16 into a memorandum of understanding or other agreement in accordance with section 2-
17 423(9); and

18 d. Any municipality formed after January 1, 2011, except to the extent that an ordinance
19 adopted by that municipality at any time conflicts with this ordinance.

20
21 **Sec. 2-422. Office created and established.**

22 There is hereby established the office of inspector general which is created in order to
23 promote economy, efficiency, and effectiveness in the administration of and to prevent and
24 detect fraud and abuse in programs and operations administered or financed by the county or
25 municipal agencies. The inspector general shall initiate, conduct, supervise and coordinate
26 investigations designed to detect, deter, prevent and eradicate fraud, waste, mismanagement,
27 misconduct, and other abuses by elected and appointed county and municipal officials and
28 employees, county and municipal agencies and instrumentalities, contractors, their
29 subcontractors and lower tier subcontractors, and other parties doing business with the county or
30 a municipality and/or receiving county or municipal funds. The inspector general shall head the
31 office of inspector general. The organization and administration of the office of inspector general
32 shall be independent to assure that no interference or influence external to the office of inspector
33 general adversely affects the independence and objectivity of the inspector general.
34

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

36 (1) The inspector general shall have the authority to: (a) make investigations of county or
37 municipal matters and publish the results of such investigations; (b) review and audit past,
38 present and proposed county or municipal programs, accounts, records, contracts, change orders
39 and transactions; and (c) prepare reports and recommendations to the board, or the subject
40 municipality, or participating entities subject to section 2-421 (2) based on such audits or
41 investigations. All elected and appointed county and municipal officials and employees, county

42 and municipal agencies and instrumentalities, contractors, their subcontractors and lower tier
43 subcontractors, and other parties doing business with the county or a municipality and/or
44 receiving county or municipal funds shall fully cooperate with the inspector general in the
45 exercise of the inspector general's functions, authority and powers. Such cooperation shall
46 include, but not be limited to providing statements, documents, records and other information,
47 during the course of an investigation, audit or review. The inspector general may obtain sworn
48 statements, in accordance with Florida Statutes, of all persons identified in this subsection as
49 well as other witnesses relevant to an investigation, audit or review. Such audits shall be
50 conducted in accordance with the current International Standards for the Professional Practice of
51 Internal Auditing as published by the Institute of Internal Auditors, Inc., or where appropriate, in
52 accordance with generally accepted governmental auditing standards. Such investigations will
53 comply with the General Principles and Standards for Offices of Inspector General as published
54 and revised by the Association of Inspectors General. The office of inspector general shall
55 develop and adhere to written policies in accordance with the accreditation standards set forth by
56 the Commission on Florida Law Enforcement Accreditation, Inc.

57 (2) The inspector general shall have the power to conduct audits of, require production of
58 documents from, and receive full and unrestricted access to the records of the board, each
59 municipality, county administrator, city administrator, city manager or other municipal
60 executive, all elected and appointed county and municipal officials and employees, county and
61 municipal departments, divisions, agencies and instrumentalities, contractors, their
62 subcontractors and lower tier subcontractors, and other persons and entities doing business with
63 the county or a municipality and/or receiving county or municipal funds regarding any such
64 contracts or transactions with the county or a municipality. Except as otherwise limited in this
65 subsection (2), the inspector general's jurisdiction includes but shall not be limited to all projects,
66 programs, contracts or transactions that are funded in whole or in part by the county or any
67 municipality. The inspector general may contract with outside entities deemed necessary to
68 perform the functions of that office. Any such contract is subject to final approval by the board,
69 but such approval shall not be unreasonably withheld. The inspector general may conduct
70 investigations and audits, issue reports, and make recommendations regarding collective
71 bargaining agreements. The inspector general shall conduct investigations and audits in
72 accordance with applicable laws, rules, regulations, policies and past practices. The inspector
73 general shall not interfere with collective bargaining negotiations.

74 (3) As provided in subsection (1), the inspector general can: require all county and municipal
75 officials and employees, contractors, their subcontractors and lower tier subcontractors, and other
76 persons and entities doing business with the county or a municipality and/or receiving county or
77 municipal funds to provide statements; administer oaths; and, require the production of
78 documents, records and other information. In the case of a refusal by an official, employee or
79 other person to obey a request by the inspector general for documents or for an interview, the
80 inspector general shall have the power to subpoena witnesses, administer oaths, and require the
81 production of documents. Seventy-two (72) hours prior to serving a subpoena, the inspector
82 general shall provide written notice to the state attorney and the U.S. Attorney for the Southern
83 District of Florida. The inspector general shall not interfere with any ongoing criminal
84 investigation or prosecution of the state attorney or the U.S. Attorney for the Southern District of
85 Florida. When the state attorney or the U.S. Attorney for the Southern District of Florida has
86 explicitly notified the inspector general in writing that the inspector general's investigation is
87 interfering with an ongoing criminal investigation or prosecution, the inspector general shall

88 suspend service of subpoena, examination of witnesses, or other investigative activities as set
89 forth in the notice. In the case of a refusal to obey a subpoena served to any person, the inspector
90 general may make application to any circuit court of this state which shall have jurisdiction to
91 order the witness to appear before the inspector general and to produce evidence if so ordered, or
92 to give testimony relevant to the matter in question.

93 (4) Where the inspector general suspects a possible violation of any state, federal, or local law,
94 he or she shall notify the appropriate law enforcement agencies. The county administrator and
95 each municipal manager, or administrator, or mayor where the mayor serves as chief executive
96 officer, shall promptly notify the inspector general of possible mismanagement of a contract
97 (misuse or loss exceeding \$5,000 in public funds), fraud, theft, bribery, or other violation of law
98 which appears to fall within the jurisdiction of the inspector general, and may notify the
99 inspector general of any other conduct which may fall within the inspector general's jurisdiction.
100 The county administrator and each municipal manager, or administrator, or mayor where the
101 mayor serves as chief executive officer, shall coordinate with the inspector general to develop
102 reporting procedures for notification to the inspector general.

103 (5)The inspector general shall have the power without limitation to audit, investigate, monitor,
104 inspect and review the operations, activities, performance, and procurement processes including,
105 but not limited to, bid specifications, bid submittals, activities of the contractor, their
106 subcontractors and lower tier subcontractors, its officers, agents and employees, lobbyists,
107 county and municipal staff and officials, in order to ensure compliance with contract
108 specifications and detect corruption and fraud.

109 (6)The inspector general shall have the power to receive, review and investigate any complaints
110 regarding any municipal or county-funded projects, programs, contracts or transactions. The
111 inspector general shall establish a "hotline" to receive complaints, from either anonymous or
112 identified persons.

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

115 (8)The inspector general shall be notified in writing prior to any duly noticed public meeting of a
116 procurement selection committee where any matter relating to the procurement of goods or
117 services by the county or any municipality is to be discussed. The notice required by this
118 subsection shall be given to the inspector general as soon as possible after a meeting has been
119 scheduled. The inspector general may, at his or her discretion, attend all duly noticed county or
120 municipal meetings relating to the procurement of goods or services as provided herein, and may
121 pose questions and raise concerns consistent with the functions, authority and powers of the
122 inspector general. The failure by the county or municipality to give written notice required by
123 this section does not constitute grounds for a protest regarding such procurement and shall not be
124 the cause for the stay of any procurement, and shall not be the basis to overturn the award of a
125 contract.

126 (9) It is anticipated that special districts and other public officials and entities will recognize and
127 desire to benefit from the services of the county office of inspector general. The inspector
128 general may negotiate agreements or memoranda of understanding with other public entities
129 which would authorize the inspector general to provide independent oversight of any or all of the
130 public entity's transactions, projects and operations, and to exercise any and all authority,
131 functions and powers set forth in this article for the benefit of such public entity. The
132 memorandum of understanding or agreement shall include a provision for fees to be paid to the
133 inspector general from the public entity in exchange for such benefits. Such fees shall be based

134 on a rate established by the inspector general to cover the cost of such benefits and shall include,
135 but not be limited to, one quarter of one percent of the contracts as described in section 2-429(2)
136 (hereafter the "funding base") subject to inspector general review under the agreement. The
137 funding base shall be subject to adjustment as set forth in section 2-429.1. Any such agreement
138 or memorandum of understanding is subject to final approval of the board, but such approval
139 shall not be unreasonably withheld. For the purposes of the removal procedure set forth in
140 section 2-430, a "funding entity" shall mean a public entity that has entered into an agreement or
141 memorandum of understanding to receive services of the inspector general, and has provided
142 funding in exchange for such services equal to at least twenty-five (25) percent of the total
143 annual budget of the inspector general for the county's fiscal year immediately preceding the
144 fiscal year in which the removal procedure takes place.

145 (10) The inspector general's records related to active audits, investigations and reviews are
146 confidential and exempt from disclosure, as provided by §112.3188(2) and Chapter 119, Florida
147 Statutes.

148 (11) The inspector general is considered "an appropriate local official" of the county and of any
149 municipality for purposes of whistleblower protection provided by §112.3188(1), Florida
150 Statutes.

151 (12) The inspector general may recommend remedial actions and may provide prevention and
152 training services to county and municipal officials, employees, and any other persons covered by
153 this article. The inspector general may follow up to determine whether recommended remedial
154 actions have been taken.

155 (13) The inspector general shall establish policies and procedures and monitor the costs of
156 investigations undertaken. The inspector general shall cooperate with other governmental
157 agencies to recover such costs from other entities involved in willful misconduct in regard to
158 county or municipal funds.

159 (14) Nothing herein shall abridge employees' constitutional right to collective bargaining.
160

161 **Sec. 2-423.1. Outreach.**

162 The inspector general will coordinate with the county administrator and municipal
163 manager or administrator to develop public awareness strategies to inform government officials
164 and employees, as well as the general public, of the authority and responsibilities of the office of
165 the inspector general. Such strategies shall include but not be limited to inclusion in the
166 government's web page with a link to the office of inspector general website, publication of
167 notices in the government's newsletters, and posting information about the office of inspector
168 general in government employee break rooms and other common meeting areas. The inspector
169 general shall provide on its website examples that illustrate fraud, waste, mismanagement,
170 misconduct and abuse.

171
172 **Sec. 2-424. Minimum qualifications, selection and term of office.**

173 (1) *Minimum qualifications.* The inspector general shall be a person who:

174 a. Has at least ten (10) years of experience in any one (1) or a combination of the following
175 fields:

176 1. As a federal, state or local law enforcement officer/official;

177 2. As a federal or state court judge;

178 3. As a federal, state or local government attorney with expertise in investigating fraud,
179 mismanagement and corruption;

180 4. As an inspector general, certified public accountant, or internal auditor;
181 5. As a person with progressive supervisory and managerial experience in an investigative
182 public agency similar to an inspector general's office;
183 b. Has managed and completed complex investigations involving allegations of fraud, theft,
184 deception or conspiracy;
185 c. Has demonstrated the ability to work with local, state and federal law enforcement agencies
186 and the judiciary;
187 d. Has a four-year degree from an accredited institution of higher learning;
188 e. Has not been employed by the county, any municipality or any other governmental entity
189 subject to the authority of the inspector general office during the two-year period immediately
190 prior to selection, unless such employment has been with the Office of Inspector General, Palm
191 Beach County, Florida.
192 f. Highly qualified candidates will also have audit-related skills and/or hold one (1) or more of
193 the following professional certifications at the time of selection: certified inspector general
194 (CIG), certified inspector general investigator (CIGI), certified inspector general auditor (CIGA),
195 certified public accountant (CPA), certified internal auditor (CIA), or certified fraud examiner
196 (CFE).

197 (2) *Selection.* No official or employee of any governmental entity subject to the authority of the
198 office of inspector general shall participate on the inspector general committee. Responsibility
199 for selecting the inspector general shall be vested solely with the inspector general committee.
200 The inspector general committee shall be comprised of the commission on ethics as established
201 in section 2-254 et seq. of this Code, the state attorney for the Fifteenth Judicial Circuit or his or
202 her designee, and the public defender for the Fifteenth Judicial Circuit or his or her designee. The
203 chairperson of the inspector general committee shall be chairperson of the commission on ethics.
204 After thoroughly reviewing qualifications, background information, and personal and
205 professional referrals, the inspector general committee shall notify the county attorney of its
206 selection. The county attorney shall promptly notify the board that a selection has been made.

207 (3) *Staffing of inspector general committee.* The county human resources department shall
208 provide staff to the inspector general committee and as necessary will advertise the acceptance of
209 resumes for the position of inspector general. All resumes received by the human resources
210 department will be forwarded to the inspector general committee for consideration. The human
211 resources department shall contract with an appropriate entity to ensure that background checks
212 are conducted on the candidates selected for interview by the inspector general committee. The
213 results of the background checks shall be provided to the inspector general committee prior to
214 the interview of candidates. Following the initial selection of the inspector general, the inspector
215 general committee, for future selection processes as described in subsection (2) above, may
216 continue to employ the services of the human resources department or may utilize its own staff to
217 solicit candidates for inspector general. All advertisements for the acceptance of resumes for
218 inspector general shall include a salary range commensurate with public officials of like
219 experience and expertise.

220 (4) *Term.* The inspector general shall serve for a term of four (4) years. At least six (6) months
221 prior to the end of each contract term, the inspector general committee will determine whether or
222 not to renew the contract for an additional term of four (4) years, and shall promptly notify the
223 inspector general of its decision. In the event the inspector general committee elects not to renew
224 the contract, the inspector general committee shall promptly convene as necessary to solicit
225 candidates for and to select a new inspector general in the same manner as described in

226 subsection (2) above. The incumbent inspector general may submit his or her name as a
227 candidate to be considered for selection. The incumbent inspector general shall serve until a
228 successor is selected and assumes office.

229 (5) *Vacancy*. In case of a vacancy in the position of inspector general, the inspector general
230 committee may appoint a member of the inspector general's office as interim inspector general
231 within ten (10) days of the vacancy occurring, until such time as a successor inspector general is
232 selected and assumes office. A successor inspector general shall be selected in the same manner
233 as described in subsection (2) above, except for the following specific time constraints: (a)
234 solicitation for qualified candidates for selection should be published within twenty (20) days,
235 but no later than forty (40) days of the date the vacancy occurs; and (b) the inspector general
236 committee must in good faith endeavor to convene and select an inspector general within ninety
237 (90) days of the date the vacancy occurs.

238
239 **Sec. 2-425. Contract.**

240 A designee from the commission on ethics, with the assistance of the county's human
241 resources department and the county attorney's office, shall negotiate a contract of employment
242 with the inspector general substantially consistent with the terms included in contracts of other
243 contractual employees of the county. For the purposes of contract negotiations, such designation
244 by the commission on ethics shall not be deemed a delegation of the commission on ethics'
245 decision making authority. The inspector general shall be paid at a rate commensurate with
246 public officials of like experience and expertise. Before any contract shall become effective, the
247 contract must be approved by a majority of the board present at a regularly scheduled board
248 meeting. The contract will cover the entire four-year term subject to the removal provisions in
249 section 2-430. The contract will include a provision requiring the inspector general committee to
250 provide notice of its decision to renew or not to renew the contract at least six (6) months prior to
251 the termination of the contract. The contract shall provide that the inspector general may not
252 represent a political party or be on any executive committee thereof, or seek public office during
253 his or her term of service, and shall not seek public office or employment with any public entity
254 subject to the jurisdiction of the inspector general for four (4) years thereafter. That limitation
255 does not include seeking selection as inspector general for a subsequent term. The contract shall
256 further provide that the inspector general may not be a lobbyist, as defined in section 2-352 of
257 this Code, for two (2) years after term of service.

258
259 **Sec. 2-426. Physical facilities and staff.**

260 (1) The county shall provide the office of inspector general with appropriately located office
261 space and sufficient physical facilities together with necessary office equipment and furnishings
262 to enable the inspector general to perform his or her functions.

263 (2) The inspector general shall have the power to appoint, employ, and remove such assistants,
264 employees and personnel, and establish personnel procedures as deemed necessary for the
265 efficient and effective administration of the activities of the office of inspector general.

266
267 **Sec. 2-427. Procedure for finalization of reports and recommendations which make
268 findings as to the person or entity being reviewed or inspected.**

269 The inspector general shall publish and deliver finalized reports and recommendations to
270 the board or the appropriate municipality, and to the county commission on ethics.
271 Notwithstanding any other provision of this article, whenever the inspector general determines

272 that it is appropriate to publish and deliver a report or recommendation which contains findings
273 as to the person or entity being reported on or who is the subject of the recommendation, the
274 inspector general shall provide the affected person or entity a copy of the findings. Such person
275 or entity, who is the subject of a finding or recommendation resulting from an investigation or
276 review, shall have ten (10) calendar days to submit a written explanation or rebuttal of the
277 findings before the report or recommendation is finalized. In the case of an audit, such person or
278 entity shall have twenty (20) calendar days to submit a written explanation or rebuttal of the
279 audit findings or before the report or recommendation is finalized. The inspector general shall
280 grant reasonable extensions of time for providing a written explanation or rebuttal upon written
281 request. Such timely submitted written explanation or rebuttal shall be attached to the finalized
282 report or recommendation. The requirements of this subsection shall not apply in matters subject
283 to the State of Florida's Whistle-blower's Act, or when the inspector general, in conjunction with
284 the state attorney or U.S. Attorney, determines that supplying the affected person or entity with
285 such report will jeopardize a pending criminal investigation.
286

287 **Sec. 2-428. Reporting.**

288 (1) Not later than December 31 of each year, the Inspector General shall prepare and publish a
289 written annual report summarizing the activities of the office during the immediately preceding
290 fiscal year ended September 30. The report shall be furnished to the inspector general
291 committee, the county administrator and the Palm Beach County League of Cities, Inc., and
292 posted on the inspector general's website. The report shall include, but need not be limited to: a
293 description of significant abuses and deficiencies relating to the administration of programs and
294 operations disclosed by investigations, audits, reviews, or other activities during the reporting
295 period; a description of the recommendations for corrective action made by the inspector general
296 during the reporting period with respect to significant problems, abuses, or deficiencies
297 identified; identification of each significant recommendation described in previous annual
298 reports on which corrective action has not been completed; and a summary of each audit and
299 investigation completed during the reporting period.

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

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

304 (1) Pursuant to their annual budgeting processes, the county and each municipality shall
305 provide sufficient financial support for the inspector general's office to fulfill its duties as set
306 forth in this article. The county and municipalities shall fund the inspector general's office
307 proportionately, based on the actual expenses of each governmental entity as recorded in the
308 most recent audited year and reported in the Florida Department of Financial Services Local
309 Government Electronic Reporting system (LOGGER), pursuant to section 218.32, Florida Statutes,
310 as may be amended.

311 (2) The county and each municipality's proportionate share shall be based on each
312 entity's actual expenses as defined in the then current Uniform Accounting System Manual,
313 published by the State of Florida, Department of Financial Services, Bureau of Local
314 Government, and shall include the following Object Categories: 30 - Operating
315 Expenditures/Expenses; 60 - Capital Outlay; and 80 - Grants and Aids. Notwithstanding the
316 above, however, law enforcement, pension funds, electric utility services, fire control, and
317 intergovernmental transfer costs shall not be included in the proportionate share calculation.

318 Nothing contained herein shall in any way limit the powers of the inspector general provided for
319 in this Ordinance to perform audits, inspections, reviews and investigations on all county and
320 municipal contracts.

321 (3) The inspector general shall establish and maintain a fiscal year which coincides with
322 that of the county. Beginning May 1, 2011, and every May 1 thereafter, the inspector general
323 shall deliver to the board a budget request including a reasonable estimate of operating and
324 capital expenditures and shall also include, but not be limited to, anticipated revenues from
325 sources other than the county and municipalities, and funds estimated to be received but not
326 expended in the current fiscal year. No later than April 1 of every year, the inspector general
327 shall deliver a preliminary budget request to the Palm Beach County League of Cities, Inc., and
328 be available to discuss the budget request with the League of Cities membership prior to May 1
329 of every year. The board shall meet with a delegation selected by the Palm Beach County League
330 of Cities, Inc., to discuss the budget request for each fiscal year. The county shall endeavor to
331 place the matter on a board agenda prior to June 15 of each year, but in no event later than June
332 30. The parties attending this meeting shall acknowledge the provisions of section 2-429.1(1).

333 (4) No later than the fifth business day in July of each year, the Office of the Clerk and
334 Comptroller shall prepare an allocation schedule based on the most current LOGER system data.
335 The proportionate share to be paid by the county and each municipality shall be reduced
336 proportionately by the anticipated revenues from sources other than the county and
337 municipalities and the amount of funds estimated to be received but not expended by the
338 inspector general in the current fiscal year.

339 (5) In the event the county or a municipality does not submit the most recent fiscal year
340 data in the LOGER system, the proportionate share for that municipality shall be based upon its
341 last LOGER system submittal, subject to an escalator for each year the submittal was not made.
342 The escalator shall be based on the Consumer Price Index for All Urban Consumers, U.S. City
343 Average, as set forth in section 193.155, Florida Statutes, as may be amended.

344 (6) The budget of the inspector general shall be subject to final approval of the board.
345 No later than September 30 of each year, the board shall set the inspector general budget for the
346 coming fiscal year and adjust the proportionate share of the county and each municipality
347 accordingly as described in this section.

348 (7) The Office of the Clerk and Comptroller shall invoice the county and each
349 municipality one-fourth of the proportionate share as adjusted on October 10, January 10, April
350 10 and July 10 of each year. Payment shall be submitted to the board and due no later than thirty
351 (30) days from the date of the invoice. Upon receipt, all funds shall be placed in the Office of
352 Inspector General, Palm Beach County, Florida Special Revenue Fund. In the event payment is
353 not timely received, the county or any municipality in compliance with this section may pursue
354 any available legal remedy.

355 (8) The county and each municipality's proportionate share for the period of June 1, 2011
356 through September 30, 2011 shall be as set forth in Exhibit A which is attached hereto and
357 incorporated herein by reference. The Office of the Clerk and Comptroller shall invoice the
358 County, upon adoption of this ordinance, \$946,764. This amount is based on the estimated
359 expenses through June 1, 2011 of \$483,333, plus the County's proportionate share as reflected
360 on Exhibit A. The Office of the Clerk and Comptroller shall invoice each municipality for their
361 proportionate share as set forth in subsection (7) beginning with the first invoice on October 10,
362 2011.

363

364 **Sec. 2-429.1 Funding Base**

365
366 (1) The funding base is a minimum level of funding, determined as a percentage of
367 contract activity of the governmental entities subject to the authority of the inspector general.
368 The purpose of establishing the funding base is to ensure the office is adequately funded. The
369 funding base is currently set at an amount equal to one quarter of one percent (0.25%) of the
370 contracts as described in section 2-429(2). Within ten (10) days following establishment of the
371 allocation schedule as described in 2-429(4), the county will determine whether the calculated
372 funding requirement meets the one quarter of one percent (0.25%) funding base. In the event the
373 calculated funding requirement is less than one quarter of one percent (0.25%), but the inspector
374 general's proposed budget is fully funded by the allocation schedule and revenues from sources
375 other than the county and municipalities, the inspector general shall request a reduction of the
376 funding base accordingly for that budget year. Nothing herein shall be construed to:

377 (a) Limit the calculated funding base to one quarter of one percent (0.25%), as may
378 be required to adequately fund the Office of the Inspector General;

379 (b) Limit the inspector general's authority to request a budget that results in a
380 calculated funding base that is less than one quarter of one percent (0.25%) at any time; or

381 (c) Prohibit the inspector general from transmitting to the county supplemental
382 budget requests.

383 No adjustment to the calculated funding base shall occur if such adjustment results in the
384 Office of the Inspector General not being adequately funded.

385 (2) On an annual basis the board of county commissioners may adjust the funding base
386 percentage upon a showing of need which shall be based upon, but need not be limited to, the
387 following criteria:

388 (a) additional expenses in a particular year necessitated by an extraordinarily large
389 investigation or audit;

390 (b) the amount of increases or decreases in budget requests by the inspector general in
391 prior years;

392 (c) the amount and frequency of supplemental budget requests made by the inspector
393 general in prior years;

394 (d) the amount and frequency of surpluses and/or shortfalls in the inspector general's
395 budget in prior years;

396 (e) the ability of the county and each municipality to bear an increase of the funding base
397 percentage in a particular year.

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

403
404 **Sec. 2-430. Removal.**

405 The inspector general may be removed only for cause based upon specified charges of the
406 following: neglect of duty, abuse of power or authority, discrimination, or ethical misconduct.
407 The removal process shall be initiated at a duly noticed public hearing of either the board, the
408 inspector general committee, or a funding entity as described in section 2-423(9). An affirmative
409 vote of five (5) members of the board, an affirmative vote of five (5) members of the inspector

410 general committee, or an affirmative supermajority vote of a funding entity shall be required to
411 present the inspector general with the charges and to proceed to final public hearings. The board,
412 inspector general committee, or the initiating funding entity, as appropriate, shall transmit a copy
413 of the charges to the inspector general at least sixty (60) days prior to all final public hearings
414 which shall be convened by the board, all funding entities, and the inspector general committee.
415 The inspector general shall have an opportunity to be heard in person and by counsel at the final
416 public hearings prior to the votes being taken on his or her removal. The inspector general may
417 only be removed upon the affirmative vote of five (5) members of the board, five (5) members of
418 the inspector general committee, and a supermajority of all funding entities. A record of the
419 proceedings, together with the charges and findings thereon, shall be filed with the clerk to the
420 board. The inspector general shall be removed without a public hearing in the event the inspector
421 general is convicted of or enters a guilty plea or *nolo contendere* plea to a state or federal
422 felony. Based upon specified charges of neglect of duty, abuse of power or authority,
423 discrimination, or ethical misconduct, one or more municipalities may file a petition for removal
424 with the general counsel for the Office of Inspector General. A petition for removal must be
425 duly authorized as a resolution outlining the specific charges and passed by a majority plus one
426 of the governing body. The petition for removal shall be transmitted to the inspector general
427 committee with a copy to the general counsel of the inspector general. The inspector general
428 committee shall decide whether to initiate the removal process or dismiss based on the petition.
429 The inspector general committee may investigate the allegations contained in the petition before
430 deciding whether to initiate the removal process. If the inspector general committee initiates the
431 removal process, the municipality or municipalities making the petition for removal shall have
432 the opportunity to be heard at the final public hearings prior to the votes being taken.
433

434 **Sec. 2-431. Enforcement.**

435 This Ordinance is enforceable by all means provided by law, including seeking injunctive
436 relief in the Fifteenth Judicial Circuit Court in and for Palm Beach County.
437

438 **Sec. 2-432. Penalty.**

439 Any person who:

440 (1) retaliates against, punishes, threatens, harasses, or penalizes, or attempts to retaliate
441 against, punish, threaten, harass, or penalize any person for assisting, communicating or
442 cooperating with the Inspector General, or

443 (2) who knowingly interferes, obstructs, impedes or attempts to interfere, obstruct or
444 impede in any investigation conducted by the Inspector General

445 shall be guilty of a violation of this Ordinance and punished, pursuant to section 125.69, Florida
446 Statutes, in the same manner as a second degree misdemeanor. Any potential violation of this
447 section shall be referred to the State Attorney for possible investigation and prosecution.
448

Inspector General FY 2011 Cost Allocation Schedule
Estimated Costs from June 1 - September 30

	Total Expenses	CIP Adjustment		Adj. Expenses	Proportionate Share	
		FY 2008 - 4.08%	FY 2009 - .09%		%	Dollars
County	\$ 1,003,335,667			\$ 1,003,335,667	58.56%	\$ 463,431
Atlantis	\$ 1,544,714			\$ 1,544,714	0.09%	\$ 713
Belle Glade	\$ 10,601,832			\$ 10,601,832	0.62%	\$ 4,897
Boca Raton	\$ 87,791,127			\$ 87,791,127	5.12%	\$ 40,550
Boynton Beach ¹	\$ 60,838,185		\$ 54,754	\$ 60,892,939	3.55%	\$ 28,126
Briny Breezes	\$ 283,710			\$ 283,710	0.02%	\$ 131
Cloud Lake	\$ 81,826			\$ 81,826	0.00%	\$ 38
Delray Beach	\$ 84,562,787			\$ 84,562,787	4.94%	\$ 39,059
Glen Ridge	\$ 37,688			\$ 37,688	0.00%	\$ 17
Golf	\$ 1,577,634			\$ 1,577,634	0.09%	\$ 729
Greenacres	\$ 5,142,025			\$ 5,142,025	0.30%	\$ 2,375
Gulf Stream	\$ 1,419,650			\$ 1,419,650	0.08%	\$ 656
Haverhill	\$ 860,512			\$ 860,512	0.05%	\$ 397
Highland Beach	\$ 4,907,298			\$ 4,907,298	0.29%	\$ 2,267
Hypoluxo	\$ 967,976			\$ 967,976	0.06%	\$ 447
Juno Beach	\$ 1,119,758			\$ 1,119,758	0.07%	\$ 517
Jupiter	\$ 29,485,504			\$ 29,485,504	1.72%	\$ 13,619
Jupiter Inlet Colony ¹	\$ 377,579		\$ 340	\$ 377,919	0.02%	\$ 175
Lake Clarke Shores	\$ 2,438,410			\$ 2,438,410	0.14%	\$ 1,126
Lake Park	\$ 6,881,381			\$ 6,881,381	0.40%	\$ 3,178
Lake Worth	\$ 37,483,120			\$ 37,483,120	2.19%	\$ 17,313
Lantana	\$ 6,242,288			\$ 6,242,288	0.36%	\$ 2,883
Loxahatchee Groves	\$ 1,040,871			\$ 1,040,871	0.06%	\$ 481
Manalapan	\$ 2,117,926			\$ 2,117,926	0.12%	\$ 978
Mangonia Park ²	\$ 1,009,318	\$ 41,180	\$ 945	\$ 1,051,444	0.06%	\$ 486
North Palm Beach	\$ 8,925,936			\$ 8,925,936	0.52%	\$ 4,123
Ocean Ridge	\$ 1,837,819			\$ 1,837,819	0.11%	\$ 849
Pahokee ²	\$ 4,356,617	\$ 177,750	\$ 4,081	\$ 4,538,448	0.26%	\$ 2,096
Palm Beach	\$ 49,908,700			\$ 49,908,700	2.91%	\$ 23,052
Palm Beach Gardens	\$ 22,964,205			\$ 22,964,205	1.34%	\$ 10,607
Palm Beach Shores	\$ 998,241			\$ 998,241	0.06%	\$ 461
Palm Springs	\$ 9,336,162			\$ 9,336,162	0.54%	\$ 4,312
Riviera Beach	\$ 36,510,490			\$ 36,510,490	2.13%	\$ 16,864
Royal Palm Beach	\$ 10,079,531			\$ 10,079,531	0.59%	\$ 4,656
South Bay	\$ 3,150,486			\$ 3,150,486	0.18%	\$ 1,455
South Palm Beach	\$ 580,349			\$ 580,349	0.03%	\$ 268
Tequesta	\$ 4,940,419			\$ 4,940,419	0.29%	\$ 2,282
Wellington	\$ 38,505,545			\$ 38,505,545	2.25%	\$ 17,785
West Palm Beach	\$ 168,716,553			\$ 168,716,553	9.85%	\$ 77,929
TOTAL	\$ 1,712,959,839	\$ 218,930	\$ 60,121	\$ 1,713,238,890	100.00%	\$ 791,329

¹ 2009 data is not available for these municipalities. 2008 data was used for this chart.

² 2009 & 2008 data is not available for these municipalities. 2007 data was used for this chart.

1 ~~*Inspector General Ordinance as codified (this version also includes sections 6 & 7~~
 2 ~~of Ordinance 2009-049 which was omitted by the municipal code corporation)~~

5 **ARTICLE XII. INSPECTOR GENERAL**

7 **Sec. 2-421. Title and Applicability.**

9 (1) This article shall be titled the "Palm Beach County "Office of Inspector General,
 10 Palm Beach County, Florida Ordinance."

11 (~~Ord. No. 2009-049, § 1, 12-15-09 as amended by Ord. No. 2010-41~~)

12 (2) The Office of Inspector General, Palm Beach County, Florida Ordinance shall apply
 13 to the following:

14 a. The board of county commissioners (hereinafter "the board") and all county
 15 departments;

16 b. The thirty eight (38) municipalities that approved the charter
 17 amendment in the countywide referendum held November 2, 2010;

18 c. Any other public entity that elects to be bound by this article by entering
 19 into a memorandum of understanding or other agreement in accordance with section 2-
 20 423(9); and

21 d. Any municipality formed after January 1, 2011, except to the extent that an ordinance
 22 adopted by that municipality at any time conflicts with this ordinance.

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

25 There is hereby established the ~~county~~ office of inspector general which is created in
 26 order to promote economy, efficiency, and effectiveness in the administration of and to prevent
 27 and detect misconduct involving fraud and abuse, corruption, in programs and operations
 28 administered or financed by the county or municipal agencies. The inspector general shall
 29 initiate, conduct, supervise and coordinate investigations designed to detect, deter, prevent and
 30 eradicate fraud, waste, inefficiencies, and mismanagement, misconduct, and other abuses by
 31 elected and appointed county and municipal officials and employees, county and municipal
 32 agencies and instrumentalities, contractors, their subcontractors and lower tier subcontractors,
 33 and other parties doing business with the county or a municipality and/or receiving county or
 34 municipal funds. The inspector general shall head the office of inspector general. The
 35 organization and administration of the office of inspector general shall be independent to assure
 36 that no interference or influence external to the office of inspector general adversely affects the
 37 independence and objectivity of the inspector general.

38 (~~Ord. No. 2009-049, § 2(A), 12-15-09~~)

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

41 (1) The inspector general shall have the authority to: (a) make investigations of county or
42 municipal matters and publish the results of such investigations; (b) review and audit past,
43 present and proposed county or municipal programs, accounts, records, contracts, change orders
44 and transactions; and (c) prepare reports and recommendations to the board, or the subject
45 municipality, or participating entities subject to section 2-421 (2) based on such audits or
46 investigations. All elected and appointed county and municipal officials and employees, county
47 and municipal agencies and instrumentalities, contractors, their subcontractors and lower tier
48 subcontractors, and other parties doing business with the county or a municipality and/or
49 receiving county or municipal funds shall fully cooperate with the inspector general in the
50 exercise of the inspector general's functions, authority and powers. Such cooperation shall
51 include, but not be limited to providing statements, documents, records and other information,
52 during the course of an investigation, audit or review. The inspector general may obtain sworn
53 statements, in accordance with Florida Statutes, of all persons identified in this subsection as
54 well as other witnesses relevant to an investigation, audit or review. Such audits shall be
55 conducted in accordance with the current International Standards for the Professional Practice of
56 Internal Auditing as published by the Institute of Internal Auditors, Inc., or where appropriate, in
57 accordance with generally accepted governmental auditing standards. Such investigations will
58 comply with the General Principles and Standards for Offices of Inspector General as published
59 and revised by the Association of Inspectors General. The office of inspector general shall
60 develop and adhere to written policies in accordance with the accreditation standards set forth by
61 the Commission on Florida Law Enforcement Accreditation, Inc.

62 (2) The inspector general shall have the power to conduct audits of, require ~~reports production~~
63 ~~of documents~~ from, and receive full and unrestricted access to the records of the board, each
64 municipality, county administrator, city administrator, city manager or other municipal
65 executive, all elected and appointed county and municipal officials and employees, county and
66 municipal departments, divisions, agencies and instrumentalities, contractors, their
67 subcontractors and lower tier subcontractors, and other persons and entities doing business with
68 the county or a municipality and/or receiving county or municipal funds regarding any such
69 contracts or transactions with the county-~~The~~ or a municipality. Except as otherwise limited in
70 this subsection (2), the inspector general's jurisdiction includes but shall not be limited to all
71 projects, programs, contracts or transactions that are funded in whole or in part by the county-~~or~~
72 any municipality. The inspector general may contract with outside entities deemed necessary to
73 perform the functions of that office. ~~This subsection does not apply to collective bargaining~~
74 agreements. Any such contract is subject to final approval by the board, but such approval shall
75 not be unreasonably withheld. The inspector general may conduct investigations and audits, issue
76 reports, and make recommendations regarding collective bargaining agreements. The inspector
77 general shall conduct investigations and audits in accordance with applicable laws, rules,
78 regulations, policies and past practices. The inspector general shall not interfere with collective
79 bargaining negotiations.

80 ~~(3) In the case of a refusal~~(3) As provided in subsection (1), the inspector general can: require
81 all county and municipal officials and employees, contractors, their subcontractors and lower tier
82 subcontractors, and other persons and entities doing business with the county or a municipality
83 and/or receiving county or municipal funds to provide statements; administer oaths; and, require
84 the production of documents, records and other information. In the case of a refusal by an
85 official, employee or other person to obey a request by the inspector general for documents or for
86 an interview, the inspector general shall have the power to subpoena witnesses, administer oaths,

87 and require the production of ~~records, documents~~. Seventy-two (72) hours prior to serving a
88 subpoena, the inspector general shall provide written notice to the state attorney and the U.S.
89 Attorney for the Southern District of Florida. The inspector general shall not interfere with any
90 ongoing criminal investigation or prosecution of the state attorney or the U.S. Attorney for the
91 Southern District of Florida. When the state attorney or the U.S. Attorney for the Southern
92 District of Florida has explicitly notified the inspector general in writing that the inspector
93 general's investigation is interfering with an ongoing criminal investigation or prosecution, the
94 inspector general shall suspend service of subpoena, examination of witnesses, or other
95 investigative activities as set forth in the notice. In the case of a refusal to obey a subpoena
96 served to any person, the inspector general may make application to any circuit court of this state
97 which shall have jurisdiction to order the witness to appear before the inspector general and to
98 produce evidence if so ordered, or to give testimony ~~touching on~~ irrelevant to the matter in
99 question.

100 ~~(4) The costs of reviews, audits, inspections and investigations by the inspector general shall~~
101 ~~be funded at minimum in an amount equal to one quarter of one percent (0.25%) of contracts~~
102 ~~entered into by the County, as may be adjusted as necessary (hereinafter "minimum funding~~
103 ~~percentage"). The minimum funding percentage shall not apply to the following contracts:~~

104 a. ~~Contracts for legal services;~~

105 b. ~~Auditing contracts;~~

106 c. ~~Contracts under one thousand dollars (\$1,000.00);~~

107 d. ~~Federal, state and local government-funded grants;~~

108 e. ~~Interlocal agreements;~~

109 f. ~~Revenue-generating contracts; and~~

110 g. ~~Purchases made pursuant to the State of Florida Department of Revenue approved Sales~~
111 ~~Tax Recovery Program.~~

112 ~~Notwithstanding the foregoing, the board may apply the minimum funding percentage to~~
113 ~~any contract to ensure the Inspector General receives sufficient funding to perform the functions~~
114 ~~and duties set forth in this ordinance. Nothing contained in this subsection shall in any way limit~~
115 ~~the powers of the inspector general provided for in this article to perform audits, inspections,~~
116 ~~reviews and investigations on all county contracts including, but not limited to, those contracts~~
117 ~~specifically exempted from the minimum funding percentage.~~

118 ~~(5) Where the inspector general suspects a possible violation of any state, federal, or local law,~~
119 ~~or rule, regulation or policy, he or she shall notify the appropriate civil, criminal or~~
120 ~~administrative law enforcement agencies. In the case of a possible violation of a rule, regulation~~
121 ~~or policy governing a county employee, the inspector general shall also notify the~~ The county
122 administrator and the head of the department for each municipal manager, or administrator, or
123 mayor where the mayor serves as chief executive officer, shall promptly notify the inspector
124 general of possible mismanagement of a contract (misuse or loss exceeding \$5,000 in public
125 funds), fraud, theft, bribery, or other violation of law which the employee works appears to fall
126 within the jurisdiction of the inspector general, and may notify the inspector general of any other
127 conduct which may fall within the inspector general's jurisdiction. The county administrator and
128 each municipal manager, or administrator, or mayor where the mayor serves as chief executive
129 officer, shall coordinate with the inspector general to develop reporting procedures for
130 notification to the inspector general.

131 ~~(6) 5) The inspector general shall have the power without limitation to audit, investigate,~~
132 ~~monitor, inspect and review the operations, activities, performance, and procurement processes~~
133 ~~including, but not limited to, establishment of bid specifications, bid submittals, activities of the~~
134 ~~contractor, their subcontractors and lower tier subcontractors, its officers, agents and employees,~~

135 lobbyists, county and municipal staff, and officials, in order to ensure compliance with contract
136 specifications and detect corruption and fraud.

137 ~~(7)~~—6) The inspector general shall have the power to receive, review and investigate any
138 complaints regarding any municipal or county-funded projects, programs, contracts or
139 transactions. The inspector general shall establish a "hotline" to receive complaints, from either
140 anonymous or identified persons.

141 ~~(8)~~—7) The inspector general may exercise any of the powers contained -in this article upon his or
142 her own initiative.

143 ~~(9)~~—8) The inspector general shall be notified in writing prior to any duly noticed public meeting
144 of a procurement selection committee where any matter relating to the procurement of goods or
145 services by the county or any municipality is to be discussed. The notice required by this
146 subsection shall be given to the inspector general as soon as possible after a meeting has been
147 scheduled, ~~but in no event later than one (1) business day prior to the scheduled meeting.~~ The
148 inspector general may, at his or her discretion, attend all duly noticed county or municipal
149 meetings relating to the procurement of goods or services as provided herein, and may pose
150 questions and raise concerns consistent with the functions, authority and powers of the inspector
151 general. The failure by the county or municipality to give written notice required by this section
152 does not constitute grounds for a protest regarding such procurement and shall not be the cause
153 for the stay of any procurement, and shall not be the basis to overturn the award of a contract.

154 ~~(10)~~—9) It is anticipated that ~~municipalities,~~ special districts, and other public officials and
155 entities will recognize and desire to benefit from the services of the county office of inspector
156 general. The inspector general may negotiate agreements or memoranda of understanding with
157 other public entities which would authorize the inspector general to provide independent
158 oversight of any or all of the public entity's transactions, projects and operations, and to exercise
159 any and all authority, functions and powers set forth in this article for the benefit of such public
160 entity. The memorandum of understanding or agreement shall include a provision for fees to be
161 paid to the inspector general from the public entity in exchange for such benefits. Such fees
162 shall be based on a rate established by the inspector general to cover the cost of such benefits and
163 shall include, but not be limited to, the minimum one quarter of one percent of the contracts as
164 described in section 2-429(2) (hereafter the "funding percentage-base") subject to inspector
165 general review under the agreement. The funding base shall be subject to adjustment as set forth
166 in section 2-429.1. Any such agreement or memorandum of understanding is subject to final
167 approval of the board, but such approval shall not be unreasonably withheld. For the purposes of
168 the removal procedure set forth in section 2-430, a "funding entity" shall mean a public entity
169 that has entered into an agreement or memorandum of understanding to receive services of the
170 inspector general, and has provided funding in exchange for such services equal to at least
171 twenty-five (25) percent of the total annual budget of the inspector general for the county's fiscal
172 year immediately preceding the fiscal year in which the removal procedure takes place.

173 ~~(11)~~—10) The inspector general's records related to active audits, investigations and reviews are
174 confidential and exempt from disclosure, as provided by §112.3188(2) and Chapter 119, Florida
175 Statutes, § 112.3188(2).

176 ~~(12)~~—11) The inspector general is considered "an appropriate local official" of the county and of
177 any municipality for purposes of whistleblower protection provided by §112.3188(1), Florida
178 Statutes, § 112.3188(1).

179 ~~(13)~~—12) The inspector general may recommend remedial actions and may provide prevention
180 and training services to county and municipal officials, employees, and any other persons

181 covered by this article. The inspector general may follow up to determine whether recommended
182 remedial actions have been taken.

183 ~~(14)—(13)~~The inspector general shall establish policies and procedures and monitor the costs of
184 investigations undertaken. The inspector general shall cooperate with other governmental
185 agencies to recover such costs from other entities involved in willful misconduct in regard to
186 county or municipal funds.

187 ~~(15)—(14)~~Nothing herein shall abridge employees' constitutional right to collective bargaining.
188 ~~(Ord. No. 2009-049, § 2(B), 12-15-09)~~

189
190 **Sec. 2-423.1. Outreach.**

191 The inspector general will coordinate with the county administrator and municipal
192 manager or administrator to develop public awareness strategies to inform government officials
193 and employees, as well as the general public, of the authority and responsibilities of the office of
194 the inspector general. Such strategies shall include but not be limited to inclusion in the
195 government's web page with a link to the office of inspector general website, publication of
196 notices in the government's newsletters, and posting information about the office of inspector
197 general in government employee break rooms and other common meeting areas. The inspector
198 general shall provide on its website examples that illustrate fraud, waste, mismanagement,
199 misconduct and abuse.

200
201 **Sec. 2-424. Minimum qualifications, selection and term of office.**

202 (1) *Minimum qualifications.* The inspector general shall be a person who:

203 a. Has at least ten (10) years of experience in any one (1) or a combination of the following
204 fields:

205 1. As a federal, state or local law enforcement officer/official;

206 2. As a federal or state court judge;

207 3. As a federal, state or local government attorney with expertise in investigating fraud,
208 mismanagement and corruption;

209 4. As an inspector general, certified public accountant, or internal auditor;

210 5. As a person with progressive supervisory and managerial experience in an investigative
211 public agency similar to an inspector general's office;

212 b. Has managed and completed complex investigations involving allegations of fraud, theft,
213 deception or conspiracy;

214 c. Has demonstrated the ability to work with local, state and federal law enforcement agencies
215 and the judiciary;

216 d. Has a four-year degree from an accredited institution of higher learning;

217 e. Has not been employed by the county, any municipality or any other governmental entity
218 subject to the authority of the inspector general office during the two-year period immediately
219 prior to selection; unless such employment has been with the Office of Inspector General, Palm
220 Beach County, Florida.

221 f. Highly qualified candidates will also have audit-related skills and/or hold one (1) or more of
222 the following professional certifications at the time of selection: certified inspector general
223 (CIG), certified inspector general investigator (CIGI), certified inspector general auditor (CIGA),
224 certified public accountant (CPA), certified internal auditor (CIA), or certified fraud examiner
225 (CFE).

226 (2) *Selection.* No official or employee of any governmental entity subject to the authority of the
227 office of inspector general shall participate ~~in the selection of~~ on the inspector general committee.
228 Responsibility for selecting the inspector general shall be vested solely with the inspector general
229 ~~selection-committee ("selection committee")~~. The selectioninspector general committee shall be
230 comprised of the commission on ethics as established in section 2-254 et seq. of this Code, the
231 state attorney for the Fifteenth Judicial Circuit or his or her designee, and the public defender for
232 the Fifteenth Judicial Circuit or his or her designee. The chairperson of the selectioninspector
233 general committee shall be chairperson of the commission on ethics. After thoroughly reviewing
234 qualifications, background information, and personal and professional referrals, the
235 selectioninspector general committee shall notify the county attorney of its selection. The county
236 attorney shall promptly notify the board that a selection has been made. ~~The county attorney~~
237 ~~shall assist the commission on ethics to negotiate the terms of an employment contract with the~~
238 ~~selected~~ (3) *Staffing of inspector general as set forth in section 2-425.*
239 a. ~~Initial selection.~~ Within thirty (30) days of the effective date of the ordinance from which this
240 article is derived, the human resources department will solicit qualified candidates. Within one
241 hundred twenty (120) days of the effective date of the ordinance, the ~~selection-committee~~ shall
242 in good faith endeavor to select the inspector general.
243 (3) ~~Staffing of selection committee.~~ The county human resources department shall provide
244 staff to the selectioninspector general committee and as necessary will advertise the acceptance
245 of resumes for the position of inspector general. All resumes received by the human resources
246 department will be forwarded to the selectioninspector general committee for consideration. The
247 human resources department shall contract with an appropriate entity to ensure that background
248 checks are conducted on the candidates selected for interview by the selectioninspector general
249 committee. The results of the background checks shall be provided to the selectioninspector
250 general committee prior to the interview of candidates. Following the initial selection of the
251 inspector general, the selectioninspector general committee, for future selection processes as
252 described in subsection (2) above, may continue to employ the services of the human resources
253 department or may utilize its own staff to solicit candidates for inspector general. All
254 advertisements for the acceptance of resumes for inspector general shall include a salary range
255 commensurate with public officials of like experience and expertise.
256 (4) *Term.* The inspector general shall serve for a term of four (4) years. At least six (6) months
257 prior to the end of each contract term, the selectioninspector general committee will determine
258 whether or not to renew the contract for an additional term of four (4) years, and shall promptly
259 notify the inspector general of its decision. In the event the selectioninspector general committee
260 elects not to renew the contract, the selectioninspector general committee shall promptly
261 convene as necessary to solicit candidates for and to select a new inspector general in the same
262 manner as described in subsection (2) above. The incumbent inspector general may submit his or
263 her name as a candidate to be considered for selection. The incumbent inspector general shall
264 serve until a successor is selected and assumes office.
265 (5) *Vacancy.* In case of a vacancy in the position of inspector general, the chairperson of the
266 selectioninspector general committee may appoint a member of the inspector general's office as
267 interim inspector general within ten (10) days of the vacancy occurring, until such time as a
268 successor inspector general is selected and assumes office. A successor inspector general shall be
269 selected in the same manner as described in subsection (2) above, except for the following
270 specific time constraints: (a) solicitation for qualified candidates for selection should be
271 published within twenty (20) days, but no later than forty (40) days of the date the vacancy

272 occurs; and (b) the ~~selection~~ inspector general committee must in good faith endeavor to convene
273 and select an inspector general within ninety (90) days of the date the vacancy occurs.
274 (~~Ord. No. 2009-049, § 2(C), 12-15-09~~)

275
276 **Sec. 2-425. Contract.**

277 ~~The~~ A designee from the commission on ethics, with the assistance of the county's
278 human resources department and the county ~~attorney~~ attorney's office, shall negotiate a contract
279 of employment with the inspector general substantially consistent with the terms included in
280 contracts of other contractual employees of the county. For the purposes of contract negotiations,
281 such designation by the commission on ethics shall not be deemed a delegation of the
282 commission on ethics' decision making authority. The inspector general shall be paid at a rate
283 commensurate with public officials of like experience and expertise. Before any contract shall
284 become effective, the contract must be approved by a majority of the board present at a regularly
285 scheduled board meeting. The contract will cover the entire four-year term subject to the removal
286 provisions in section 2-430. The contract will include a provision requiring the
287 ~~selection~~ inspector general committee to provide notice of its decision to renew or not to renew
288 the contract at least six (6) months prior to the termination of the contract. The contract shall
289 provide that the inspector general may not represent a political party or be on any executive
290 committee thereof, or seek public office during his or her term of service, and shall not seek
291 public office or employment with any public entity subject to the jurisdiction of the ~~Inspector~~
292 ~~General~~ inspector general for four (4) years thereafter. That limitation does not include seeking
293 selection as inspector general for a subsequent term. The contract shall further provide that the
294 inspector general may not be a lobbyist, as defined in section 2-352 of this Code, for two (2)
295 years after term of service.

296 (~~Ord. No. 2009-049, § 2(D), 12-15-09~~)

297
298 **Sec. 2-426. Physical facilities and staff.**

299 (1) The county shall provide the office of inspector general with appropriately located office
300 space and sufficient physical facilities together with necessary office ~~supplies,~~ equipment and
301 furnishings to enable the inspector general to perform his or her functions.

302 (2) The inspector general shall have the power to appoint, employ, and remove such assistants,
303 employees and personnel, and establish personnel procedures as deemed necessary for the
304 efficient and effective administration of the activities of the office of inspector general.

305 (~~Ord. No. 2009-049, § 2(E), 12-15-09~~)

306
307 **Sec. 2-427. Procedure for finalization of reports and recommendations which make**
308 **findings as to the person or entity being reviewed or inspected.**

309 The inspector general shall publish and deliver finalized reports and recommendations to
310 the board or the appropriate municipality, and to the county commission on ethics.
311 Notwithstanding any other provision of this article, whenever the inspector general determines
312 that it is appropriate to publish and deliver a report or recommendation which contains findings
313 as to the person or entity being reported on or who is the subject of the recommendation, the
314 inspector general shall provide the affected person or entity a copy of the findings. Such person
315 or entity, who is the subject of a finding or recommendation resulting from an investigation or
316 review, shall have ~~fifteen (15) working~~ ten (10) calendar days to submit a written explanation or
317 rebuttal of the findings before the report or recommendation is finalized. In the case of an audit,

318 such person or entity shall have twenty (20) calendar days to submit a written explanation or
319 rebuttal of the audit findings or before the report or recommendation is finalized. The inspector
320 general shall grant reasonable extensions of time for providing a written explanation or rebuttal
321 upon written request. Such timely submitted written explanation or rebuttal shall be attached to
322 the finalized report or recommendation. The requirements of this subsection shall not apply in
323 matters subject to the State of Florida's Whistle-blower's Act, or when the inspector general, in
324 conjunction with the state attorney or U.S. Attorney, determines that supplying the affected
325 person or entity with such report will jeopardize a pending criminal investigation.
326 (Ord. No. 2009-049, § 2(F), 12-15-09)
327

328 **Sec. 2-428. Reporting.**

329 ~~The inspector general shall annually prepare and publish a written report concerning the~~
330 ~~work and activities of the office of inspector general including, but not limited to, statistical~~
331 ~~information regarding the disposition of closed investigations, audits and other reviews. The~~
332 ~~annual report of the inspector general shall be posted promptly on the county's public website.~~
333 ~~(Ord. No. 2009-049, § 2(G), 12-15-09)~~
334

335 (1) Not later than December 31 of each year, the Inspector General shall prepare and publish a
336 written annual report summarizing the activities of the office during the immediately preceding
337 fiscal year ended September 30. The report shall be furnished to the inspector general committee
338 and the Palm Beach County League of Cities, Inc., and posted on the inspector general's website.
339 The report shall include, but need not be limited to: a description of significant abuses and
340 deficiencies relating to the administration of programs and operations disclosed by
341 investigations, audits, reviews, or other activities during the reporting period; a description of the
342 recommendations for corrective action made by the inspector general during the reporting period
343 with respect to significant problems, abuses, or deficiencies identified; identification of each
344 significant recommendation described in previous annual reports on which corrective action has
345 not been completed; and a summary of each audit and investigation completed during the
346 reporting period.

347 (2) The inspector general committee will meet with the inspector general on an annual basis to
348 review the previous year's activities and the inspector general's plans and objectives for the
349 upcoming year.

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

351 (1) Pursuant to ~~its~~their annual budget processbudgeting processes, the county and each
352 municipality shall provide sufficient financial support for the inspector general'sgeneral's office
353 to fulfill its duties as set forth in this article. ~~In order to ensure adequate funding for the prompt~~
354 establishment of the inspector general pending implementation, the board of county
355 commissioners hereby approves an amount equal to three hundred twenty thousand dollars
356 (\$320,000.00) to ~~The county and municipalities shall fund all inspector general operations for~~
357 the remainder of the 2009-2010 fiscal year. The inspector general shall timely deliver to the
358 board of county commissioners a budget request including a reasonable estimate of operating
359 and capital expenditures, and shall include revenues, including, but not limited to, projected
360 minimum funding percentage to be collected from the county and any other participating local
361 governments and public agencies. ~~The~~the inspector general's budget request general's office
362 proportionately, based on the actual expenses of each governmental entity as recorded in the
363 most recent audited year and reported in the Florida Department of Financial Services Local

364 Government Electronic Reporting system (LOGGER), pursuant to section 218.32, Florida Statutes,
365 as may be amended.

366 (2) The county and each municipality's proportionate share shall be based on each
367 entity's actual expenses as defined in the then current Uniform Accounting System Manual,
368 published by the State of Florida, Department of Financial Services, Bureau of Local
369 Government, and shall include the following Object Categories: 30 - Operating
370 Expenditures/Expenses; 60 - Capital Outlay; and 80 - Grants and Aids. Notwithstanding the
371 above, however, law enforcement, pension funds, electric utility services, fire control, and
372 intergovernmental transfer costs shall not be ~~implemented until approved by the board of county~~
373 ~~commissioners~~ included in the proportionate share calculation. Nothing contained herein shall
374 in any way limit the powers of the inspector general provided for in this Ordinance to perform
375 audits, inspections, reviews and investigations on all county and municipal contracts.

376 (3) The inspector general shall establish and maintain a fiscal year which coincides with
377 that of the county. ~~Nothing contained herein shall be construed to prohibit~~ Beginning May 1,
378 2011, and every May 1 thereafter, the inspector general shall deliver to the board a budget
379 request including a reasonable estimate of operating and capital expenditures and shall also
380 include, but not be limited to, anticipated revenues from sources other than the county and
381 municipalities, and funds estimated to be received but not expended in the current fiscal year.
382 No later than April 1 of every year, the inspector general shall deliver a preliminary budget
383 request to the Palm Beach County League of Cities, Inc., and be available to discuss the budget
384 request with the League of Cities membership prior to May 1 of every year. The board shall meet
385 with a delegation selected by the Palm Beach County League of Cities, Inc., to discuss the
386 budget request for each fiscal year. The county shall endeavor to place the matter on a board
387 agenda prior to June 15 of each year, but in no event later than June 30. The parties attending
388 this meeting shall acknowledge the provisions of section 2-429.1(1).

389 (4) No later than the fifth business day in July of each year, the Office of the Clerk and
390 Comptroller shall prepare an allocation schedule based on the most current LOGGER system data.
391 The proportionate share to be paid by the county and each municipality shall be reduced
392 proportionately by the anticipated revenues from sources other than the county and
393 municipalities and the amount of funds estimated to be received but not expended by the
394 inspector general in the current fiscal year.

395 (5) In the event the county or a municipality does not submit the most recent fiscal year
396 data in the LOGGER system, the proportionate share for that municipality shall be based upon its
397 last LOGGER system submittal, subject to an escalator for each year the submittal was not made.
398 The escalator shall be based on the Consumer Price Index for All Urban Consumers, U.S. City
399 Average, as set forth in section 193.155, Florida Statutes, as may be amended.

400 (6) The budget of the inspector general shall be subject to final approval of the board.
401 No later than September 30 of each year, the board shall set the inspector general budget for the
402 coming fiscal year and adjust the proportionate share of the county and each municipality
403 accordingly as described in this section.

404 (7) The Office of the Clerk and Comptroller shall invoice the county and each
405 municipality one-fourth of the proportionate share as adjusted on October 10, January 10, April
406 10 and July 10 of each year. Payment shall be submitted to the board and due no later than thirty
407 (30) days from the date of the invoice. Upon receipt, all funds shall be placed in the Office of
408 Inspector General, Palm Beach County, Florida Special Revenue Fund. In the event payment is

409 not timely received, the county or any municipality in compliance with this section may pursue
410 any available legal remedy.

411 (8) The county and each municipality's proportionate share for the period of June 1, 2011
412 through September 30, 2011 shall be as set forth in Exhibit A which is attached hereto and
413 incorporated herein by reference. The Office of the Clerk and Comptroller shall invoice the
414 County, upon adoption of this ordinance, \$946,764. This amount is based on the estimated
415 expenses through June 1, 2011 of \$483,333, plus the County's proportionate share as reflected
416 on Exhibit A. The Office of the Clerk and Comptroller shall invoice each municipality for their
417 proportionate share as set forth in subsection (7) beginning with the first invoice on October 10,
418 2011.

419
420 **Sec. 2-429.1 Funding Base**

421
422 (1) The funding base is a minimum level of funding, determined as a percentage of
423 contract activity of the governmental entities subject to the authority of the inspector general.
424 The purpose of establishing the funding base is to ensure the office is adequately funded. The
425 funding base is currently set at an amount equal to one quarter of one percent (0.25%) of the
426 contracts as described in section 2-429(2). Within ten (10) days following establishment of the
427 allocation schedule as described in 2-429(4), the county will determine whether the calculated
428 funding requirement meets the one quarter of one percent (0.25%) funding base. In the event the
429 calculated funding requirement is less than one quarter of one percent (0.25%), but the inspector
430 general's proposed budget is fully funded by the allocation schedule and revenues from sources
431 other than the county and municipalities, the inspector general shall request a reduction of the
432 funding base accordingly for that budget year. Nothing herein shall be construed to:

433 (a) Limit the calculated funding base to one quarter of one percent (0.25%), as may
434 be required to adequately fund the Office of the Inspector General;

435 (b) Limit the inspector general's authority to request a budget that results in a
436 calculated funding base that is less than one quarter of one percent (0.25%) at any time; or

437 (c) Prohibit the inspector general from transmitting to the county ~~commission~~
438 supplemental budget requests ~~which,~~

439 No adjustment to the calculated funding base shall occur if ~~approved by the commission,~~
440 ~~shall constitute amendments to the county budget~~ such adjustment results in the Office of the
441 Inspector General not being adequately funded.

442 (Ord. No. 2009-049, § 2(H), 12-15-09)

443
444 (2) On an annual basis the board of county commissioners may adjust the funding base
445 percentage upon a showing of need which shall be based upon, but need not be limited to, the
446 following criteria:

447 (a) additional expenses in a particular year necessitated by an extraordinarily large
448 investigation or audit;

449 (b) the amount of increases or decreases in budget requests by the inspector general in
450 prior years;

451 (c) the amount and frequency of supplemental budget requests made by the inspector
452 general in prior years;

453 (d) the amount and frequency of surpluses and/or shortfalls in the inspector general's
454 budget in prior years;

455 (e) the ability of the county and each municipality to bear an increase of the funding base
456 percentage in a particular year.

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

462
463 **Sec. 2-430. Removal.**

464 The inspector general may be removed only for cause based upon specified charges of the
465 following: neglect of duty, abuse of power or authority, discrimination, or ethical misconduct.
466 The removal process shall be initiated at a duly noticed public hearing of either the board, the
467 selectioninspector general committee, or a funding entity as described in section 2-423(409). An
468 affirmative vote of five (5) members of the board, an affirmative vote of five (5) members of the
469 selectioninspector general committee, or an affirmative supermajority vote of a funding entity
470 shall be required to present the inspector general with the charges and to proceed to final public
471 hearings. The board, selectioninspector general committee, or the initiating funding entity, as
472 appropriate, shall transmit a copy of the charges to the inspector general at least sixty (60) days
473 prior to all final public hearings which shall be convened by the board, all funding entities, and
474 the selectioninspector general committee. The inspector general shall have an opportunity to be
475 heard in person and by counsel at the final public hearings prior to the votes being taken on his
476 or her removal. The inspector general may only be removed upon the affirmative vote of five (5)
477 members of the board, five (5) members of the selectioninspector general committee, and a
478 supermajority of all funding entities. A record of the proceedings, together with the charges and
479 findings thereon, shall be filed with the clerk to the board. The inspector general shall be
480 removed without a public hearing in the event the inspector general is convicted of or enters a
481 guilty plea or *nolo contendere* plea to a state or federal felony. Based upon specified charges of
482 neglect of duty, abuse of power or authority, discrimination, or ethical misconduct, one or more
483 municipalities may file a petition for removal with the general counsel for the Office of Inspector
484 General. A petition for removal must be duly authorized as a resolution outlining the specific
485 charges and passed by a majority plus one of the governing body. The general counsel shall
486 promptly forward the petition to the inspector general committee. The inspector general
487 committee shall decide whether to initiate the removal process or dismiss based on the petition.
488 The inspector general committee may investigate the allegations contained in the petition before
489 deciding whether to initiate the removal process. If the inspector general committee initiates the
490 removal process, the municipality or municipalities making the petition for removal shall have
491 the opportunity to be heard at the final public hearings prior to the votes being taken.

492 (Ord. No. 2009-049, § 2(l), 12-15-09)

493 Sees

494 Sec. 2-431-2-440. Reserved.

495
496
497
498 **Ordinance 2009-04, sections 6 & 7 below, are substantive provisions of the**
499 **Inspector General Ordinance which were inadvertently omitted by the Municipal**
500 **Code Corporation in the codification process.**
501

502 ~~Section 6. ENFORCEMENT.~~ **Enforcement.**

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

505
506 ~~Section 7. PENALTY~~ **Sec. 2-432. Penalty.**

507 Any person who:

508 ~~A.~~(1) retaliates against, punishes, threatens, harasses, or penalizes, or attempts to retaliate
509 against, punish, threaten, harass, or penalize any person for assisting, communicating or
510 cooperating with the Inspector General, or

511 ~~B.~~(2) who knowingly interferes, obstructs, impedes or attempts to interfere, obstruct or
512 impede in any investigation conducted by the Inspector General
513 shall be guilty of a violation of this Ordinance and punished, pursuant to section 125.69, Florida
514 Statutes, in the same manner as a second degree misdemeanor. Any potential violation of this
515 section shall be referred to the State Attorney for possible investigation and prosecution.

516

Brief description of substantive changes

- Added Municipalities to the County Code
- Added Audit and Investigative Standards
- Changed the reporting section to require the county administrator and each municipal manager, or administrator, or mayor, where the mayor serves as chief executive officer, to promptly notify the inspector general of possible mismanagement of a contract (misuse or loss exceeding \$5,000 in public funds), fraud, theft, bribery, or other violation of law which appears to fall within the jurisdiction of the inspector general.
- Clarified jurisdiction to include subcontractors and lower tier subcontractors
- Added Outreach section which includes, in part, public awareness, inclusion of the inspector general's website to each government's web page, posting information about the office of inspector general in common areas, and illustrative examples of fraud, waste, mismanagement, misconduct and abuse on the inspector general website.
- Re-named the inspector general selection committee to the inspector general committee.
- Changed the written explanation/response for investigations from subject(s) of a finding or recommendation to from working 15 days to 10 calendar days and audit to 20 calendar days; with reasonable extensions granted.
- Added the requirement for the inspector general to furnish the annual report to the Palm Beach County League of Cities, Inc.
- Outlined the annual report date to be not later than December 31 of each year and required the inspector general to meet with the inspector general committee on an annual basis to review previous year's activities and plans and objectives for the upcoming year.
- Outlined the funding mechanism for payment of the fee from the county and municipalities.
- Added the requirement of no later than April 1 of every year, the inspector general shall deliver a preliminary budget to the Palm Beach County League of Cities, Inc., and be available to discuss the budget request prior to May 1 of every year.
- Added that the Board of County Commission shall meet with a delegation selected by the Palm Beach County League of Cities, Inc., to discuss the budget request for each fiscal year and that 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.
- Added the ability of a municipality to file a petition for removal with the general counsel for the Office of Inspector General, based upon specified charges of neglect of duty, abuse of power or authority, discrimination, or ethical misconduct. The general counsel shall promptly forward the petition to the inspector general committee.