

INSPECTOR GENERAL CONTRACT DELIVERABLES
For DECEMBER 2013 CONTRACT RENEWAL DECISION
November 1, 2012

The Inspector General Committee, at their August 1, 2012 meeting, directed staff to schedule a workshop to discuss the draft policy regarding the IG Committee's role and responsibilities relating to the Office of Inspector General.

The attached document, *Inspector General Contract Deliverables for December 2013 Contract Renewal*, has been drafted by the Inspector General's staff in coordination with Brad Merriman, Palm Beach County Assistant County Administrator, to assist the Inspector General Committee in developing a framework on which to formulate their decision whether to renew or not to renew the Inspector General's employment contract. The IG Ordinance specifies that the IG Committee shall provide notice of its decision at least six (6) months prior to the termination of the IG's employment contract. The IG's current employment contract termination date is June 27, 2014.

This information contained in the DRAFT document was taken from the IG Ordinance and the IG Employment Contract.

Inspector General Contract Deliverables For December 2013 Contract Renewal

Compliance with Inspector General Ordinance: 2011-009, to include, in part:

Sec. 2-422. Office created and established

The inspector general shall initiate, conduct, supervise and coordinate investigations designed to detect, deter, prevent and eradicate fraud, waste, mismanagement, misconduct, and other abuses by elected and appointed county and municipal officials and employees, county and municipal agencies and instrumentalities, contractors, their subcontractors and lower tier subcontractors, and other parties doing business with the county or a municipality and/or receiving county or municipal funds.

Completed: Yes No N/A

Sec. 2-423. Functions, authority and powers

(1) ...Such audits shall be conducted in accordance with the current International Standards for the Professional Practice of Internal Auditing as published by the Institute of Internal Auditors, Inc., or where appropriate, in accordance with generally accepted governmental auditing standards. Such investigations will comply with the General Principles and Standards for Offices of Inspector General as published and revised by the Association of Inspectors General. The office of inspector general shall develop and adhere to written policies in accordance with the accreditation standards set forth by the Commission on Florida Law Enforcement Accreditation, Inc.

Completed: Yes No N/A

(2)...The inspector general shall conduct investigations and audits in accordance with applicable laws, rules, regulations, policies and past practices.

Completed: Yes No N/A

(3) ...Seventy-two (72) hours prior to serving a subpoena, the inspector general shall provide written notice to the state attorney and the U.S. Attorney for the Southern District of Florida. The inspector general shall not interfere with any ongoing criminal investigation or prosecution of the state attorney or the U.S. Attorney for the Southern District of Florida. ...In the case of a refusal to obey a subpoena served to any person, the inspector general may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the inspector general and to produce evidence if so ordered, or to give testimony relevant to the matter in question.

Completed: Yes No N/A

(4) Where the inspector general suspects a possible violation of any state, federal, or local law, he or she shall notify the appropriate law enforcement agencies.

Completed: Yes No N/A

(9) The inspector general may negotiate agreements or memoranda of understanding with other public entities which would authorize the inspector general to provide independent oversight of any or all of the public entity's transactions, projects and operations, and to exercise any and all authority, functions and powers set forth in this article for the benefit of such public entity.

Completed: Yes No N/A

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

Completed: Yes No N/A

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

Completed: Yes No N/A

Sec. 2-423.1. Outreach

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

Completed: Yes No N/A

The inspector general shall provide on its website examples that illustrate fraud, waste, mismanagement, misconduct and abuse.

Completed: Yes No N/A

Sec. 2-426. Physical facilities and staff

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

Completed: Yes No N/A

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

The inspector general shall publish and deliver finalized reports and recommendations to the board or the appropriate municipality, and to the county commission on ethics. Such person or entity, who is the subject of a finding or recommendation resulting from an investigation or review, shall have ten (10) calendar days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized. In the case of an audit, such person or entity shall have twenty (20) calendar days to submit a written explanation or rebuttal of the audit findings or before the report or recommendation is finalized.

Completed: Yes No N/A

Sec. 2-428. Reporting

(1) Not later than December 31 of each year, the Inspector General shall prepare and publish a written annual report summarizing the activities of the office during the immediately preceding fiscal year ended September 30. The report shall be furnished to the inspector general committee, the county administrator and the Palm Beach County League of Cities, Inc., and posted on the inspector general's website.

Completed: Yes No N/A

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

Completed: Yes No N/A

Sec. 2-429. Financial support and budgeting

(3) The inspector general shall establish and maintain a fiscal year which coincides with that of the county. Beginning May 1, 2011, and every May 1 thereafter, the inspector general shall deliver to the board a budget request including a reasonable estimate of operating and capital expenditures and shall also include, but not be limited to, anticipated revenues from sources other than the county and municipalities, and funds estimated to be received but not expended in the current fiscal year. No later than April 1 of every year, the inspector general shall deliver a

preliminary budget request to the Palm Beach County League of Cities, Inc., and be available to discuss the budget request with the League of Cities membership prior to May 1 of every year.

Completed: Yes No N/A

Sec. 2-429.1 Funding Base

In the event the calculated funding requirement is less than one quarter of one percent (0.25%), but the inspector general’s proposed budget is fully funded by the allocation schedule and revenues from sources other than the county and municipalities, the inspector general shall request a reduction of the funding base accordingly for that budget year.

Completed: Yes No N/A

Comments: _____

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Inspector General Ordinance: 2011-009

Sec. 2-425. Contract

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

IG Employment Contract

AUTHORITY:

Inspector General Employment Contract, Paragraph 2:

“The Commission on Ethics shall annually review this Agreement after receiving the Inspector General's annual written report required under Section 2.G of the Inspector General Ordinance concerning the work and activities of the Office of Inspector General. The Commission on Ethics may determine that a modification increasing salary or benefits is in order after reviewing the Inspector General's annual report and considering the work and activities of the Office of Inspector General, including but not limited to the addition of any municipalities, special districts, and other public officials or entities receiving the services of the Office of Inspector General under Section 2.B(10) of the Inspector General Ordinance. Before any modification to this Agreement shall become effective, the modification must be approved by a majority of the Board of County Commissioners (“the Board”) at a regularly scheduled Board meeting.”