

INSPECTOR GENERAL COMMITTEE

POWERS AND RESPONSIBILITIES

Selection and Retention

The Inspector General Committee ("the Committee") is solely responsible for selecting the Inspector General ("IG"). The Chair of the Commission on Ethics serves as the Chair of the Committee. After the Committee makes its selection, a designee from the commission on ethics, with the assistance of the county's human resources department and the county attorney's office, negotiates a contract of employment with the IG substantially consistent with the terms included in contracts of other contractual employees of the county.

The contract must be approved by the Board of County Commissioners. The term of the contract shall be four years, which is the term of office for the IG. At least six months prior to the end of the term, the Committee shall determine whether to renew the term for an additional four years and shall promptly notify the IG of its decision.

In the event the Committee decides not to renew the term, the committee must convene as necessary to solicit candidates for and to select a new IG consistent with the terms of the ordinance. The incumbent IG shall serve until a successor is selected and may submit his or her name to be considered as a candidate for selection.

Vacancy

Should the IG vacate office, the Committee may appoint a member of the IG's Office to serve as interim IG within ten days of the vacancy occurring. The Committee shall convene as necessary to solicit candidates for and to select a new IG consistent with the terms of the ordinance.

Staffing

The county's human resources department served as staff to the Committee in the initial selection process and can continue to serve in this capacity in the future. The Committee may at any time elect to use its own staff for this purpose.

Reporting

The IG publishes a written annual report no later than December 31 of each year covering the office activities during the immediately preceding fiscal year ending September 30. A copy of this report shall be delivered to Committee members. The IG

also meets with the Committee every six months to review activities of the preceding six months and to identify plans and objectives for the upcoming six month period.

Removal

The IG may be removed for cause based upon specified charges of the following: neglect of duty, abuse of power or authority, discrimination, or ethical misconduct. The removal process must be initiated by a vote of five members of the County Commission, five members of the Committee, or a supermajority vote of a "funding entity."ⁱ Once initiated by any of these entities, the removal proceedings must be heard by the County Commission, the Committee, and all funding entities, at separate, duly noticed public hearings. A copy of the charges must be transmitted to the IG at least sixty days prior to all public hearings.

The IG shall have the opportunity to be heard at each public hearing prior to the vote being taken on his or her removal. The IG may only be removed upon the affirmative vote of five members of the County Commission, five members of the Committee, and a supermajority vote of all funding entities.

Petition for removal by a municipality

Based on the specified charges of neglect of duty, abuse of power or authority, discrimination, or ethical misconduct, one or more municipalities may petition for removal. The petition must be authorized by resolution of the municipality and approved by a majority plus one of its governing body. The petition shall be transmitted to the Committee which shall determine whether to deny the petition or initiate the removal process. If initiated, the removal process continues as described above. The municipalities that petitioned for removal shall have the opportunity to speak at the public hearings prior to the votes being taken. The Committee may investigate the allegations contained in the petition before making its decision.

Removal without public hearing

The IG shall be removed without a public hearing in the event the IG is convicted of or enters a guilty plea or a *nolo contendere* plea to a state or federal felony.

ⁱ A "funding entity" is defined section 2-423(9), as a public entity that has entered into an agreement or memorandum of understanding to receive services of the Inspector General, and has provided funding in exchange for such services equal to at least twenty-five percent of the total annual budget of the Inspector General for the County's fiscal year immediately preceding the fiscal year in which the removal procedure takes place. To date, there are no public entities that fit the definition of "funding entity."

APPENDIX

Excerpts from the Inspector General Ordinance, Ordinance 2011-009, Palm Beach County Code, sections 2-421 through 2-432

§2-424 (2)

Responsibility for selecting the inspector general shall be vested solely with the inspector general committee. The inspector general committee shall be comprised of the commission on ethics as established in section 2-254 et seq. of this Code, the state attorney for the Fifteenth Judicial Circuit or his or her designee, and the public defender for the Fifteenth Judicial Circuit or his or her designee. The chairperson of the inspector general committee shall be chairperson of the commission on ethics.

§2-424 (3)

The county human resources department shall provide staff to the inspector general committee and as necessary will advertise the acceptance of resumes for the position of inspector general. Following the initial selection of the inspector general, the inspector general committee, for future selection processes as described in subsection (2) above, may continue to employ the services of the human resources department or may utilize its own staff to solicit candidates for inspector general.

§2-424 (4)

The inspector general shall serve for a term of four (4) years. At least six (6) months prior to the end of each contract term, the inspector general committee will determine whether or not to renew the contract for an additional term of four (4) years, and shall promptly notify the inspector general of its decision. In the event the inspector general committee elects not to renew the contract, the inspector general committee shall promptly convene as necessary to solicit candidates for and to select a new inspector general in the same manner as described in subsection (2) above. The incumbent inspector general may submit his or her name as a candidate to be considered for selection. The incumbent inspector general shall serve until a successor is selected and assumes office.

§2-424 (5)

In case of a vacancy in the position of inspector general, the inspector general committee may appoint a member of the inspector general's office as interim inspector

general within ten (10) days of the vacancy occurring, until such time as a successor inspector general is selected and assumes office. A successor inspector general shall be selected in the same manner as described in subsection (2) above, except for the following specific time constraints: (a) solicitation for qualified candidates for selection should be published within twenty (20) days, but no later than forty (40) days of the date the vacancy occurs; and (b) the inspector general committee must in good faith endeavor to convene and select an inspector general within ninety (90) days of the date the vacancy occurs.

§2-425

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

§2-428-Reporting

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

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

§2-430 Removal

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