

INTRODUCED: December 17, 2018

AN ORDINANCE No. 2018-337

To amend and reordain City Code §§ 2-161, concerning employee disclosure of misconduct and protection from retaliation, and 2-163, concerning determinations regarding complaints, for the purpose of replacing references to “City Auditor” with “Inspector General.”

Patron – President Hilbert

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 28 2019 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 2-161 and 2-163 of the Code of the City of Richmond (2015), be and are hereby **amended** and reordained as follows:

Sec. 2-161. Procedure for disclosure.

(a) City employees are responsible for reporting instances of misconduct, including fraud, waste and abuse. An employee shall disclose all relevant information regarding evidenced misconduct to the [~~City Auditor~~] Inspector General or [~~his~~] the designee thereof within one month of the day on which he knew or reasonably should have known of the misconduct. He may contact the Office of the [~~City Auditor~~] Inspector General by way of the [~~audit~~] hot line,

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 28, 2019 REJECTED: _____ STRICKEN: _____

through the [~~Auditor's~~] Inspector General's website, in writing or in person. The [~~City Auditor~~] Inspector General shall publicize the means by which employees may disclose information pursuant to this section.

(b) The [~~City Auditor~~] Inspector General or [~~his~~] the designee thereof shall consider the disclosure and take whatever action he determines to be appropriate under the law and circumstances of the disclosure.

(c) In the case of disclosure of misconduct involving:

- (1) State funds;
- (2) The Mayor;
- (3) The Chief Administrative Officer;
- (4) Any City Council member; or
- (5) Any constitutional officer;

the [~~City Auditor~~] Inspector General shall refer the disclosure to the Auditor of Public Accounts and the Virginia State Police as required by State law.

(d) If the disclosure of misconduct results in recovery or savings by the City of money in the amount of \$5,000.00 or more during one year, the City shall pay to the person who discloses the misconduct a single, nonrecurring reward that equals ten percent of the money recovered or saved up to a maximum of \$5,000.00.

(e) Any person other than a City employee may disclose relevant information regarding evidence of misconduct to the [~~City Auditor~~] Inspector General or [~~his~~] the designee thereof within one month of the day on which the person knew or learned of the misconduct. The

person may disclose relevant information by way of the audit hot line or through the [~~Auditor's~~ Inspector General's] website, in writing or in person. The [~~City Auditor~~ Inspector General] or [~~his~~] the designee thereof may use his discretion to consider the validity and merit of the disclosure and take whatever action he determines to be appropriate under the law and circumstances of the disclosure.

(f) The [~~City Auditor~~ Inspector General] shall publicize those various mechanisms by which citizens and employees may communicate information regarding evidence of misconduct to him or his designee.

Sec. 2-163. Determination regarding the complaint.

(a) Within 60 calendar days of receipt of the complaint the Chief Administrative Officer or [~~his~~] the designee thereof shall:

- (1) Consider the written complaint;
- (2) Conduct an investigation which, in his judgment, is consistent with the circumstances of the complaint and disclosure; and
- (3) Provide the complainant with a determination regarding the complaint.

(b) The determination shall be in writing and shall include the findings of fact, the conclusions of the investigation and, if applicable, a specific and timely remedy consistent with the findings.

(c) For purposes of this division, a remedy may include back pay, promotion, reinstatement, reassignment, removal of detrimental material from institutional files, a written correction of institutional records, appointment, a change in the terms and conditions of

employment, or any other action considered by the Chief Administrative Officer or [~~his~~] the designee thereof to be consistent with the findings. If the Chief Administrative Officer or [~~his~~] the designee thereof determines that an employee has been retaliated against for his prior disclosure of misconduct, the Chief Administrative Officer or [~~his~~] the designee thereof shall immediately initiate the appropriate disciplinary or legal action consistent with the circumstances of the complaint and the disclosure against the perpetrator of the retaliation. The Chief Administrative Officer or [~~his~~] the designee thereof shall report the results of such action to the [~~City Auditor~~] Inspector General.

§ 2. This ordinance shall be in force and effect upon adoption.



Lou Brown Ali
Council Chief of Staff

Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Council Ordinance/Resolution Request

TO Allen L. Jackson, Richmond City Attorney

THROUGH Lou Brown-Ali, Council Chief of Staff *LB*

FROM Joyce L. Davis, Council Policy Analyst *JLD*
Office of the Council Chief of Staff

COPY Chris Hilbert, 3rd District Council member
Haskell Brown, Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff
Lisa Townes, 3rd District Liaison

RECEIVED

NOV 30 2018

OFFICE OF CITY ATTORNEY

DATE November 30, 2018

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TITLE: AMEND RICHMOND CITY CODE, SECTION 2-161 TO CHANGE REFERENCES FROM CITY AUDITOR TO INSPECTOR GENERAL FOR INSPECTOR GENERAL DUTIES

This is a request for the drafting of an Ordinance Resolution

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

President Chris Hilbert

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

Request is to amend City Code Section 2-161 to delete references to City Auditor and instead replace with Inspector General.

BACKGROUND

This request is to amend City Code Section 2-161, under Procedure for disclosure and delete references to City Auditor and instead replace with Inspector General. Additionally, to change the language as delineated on the attached document to change "his" designee to "the designee thereof".

FISCAL IMPACT STATEMENT

Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact \$

Attachment/s Yes No