

INTRODUCED: November 13, 2017

A RESOLUTION No. 2017-R090

To request the Richmond delegation to the General Assembly of Virginia to introduce and support the enactment of legislation to amend various provisions of the Charter of the City of Richmond.

Patrons – All Members of Council

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 11 2017 AT 6 P.M.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That, in accordance with section 15.2-202 of the Code of Virginia (1950), as amended, the Richmond delegation to the General Assembly of Virginia is hereby requested to introduce and support the enactment of legislation to amend the Charter of the City of Richmond as set forth in the document entitled “Requests of the City of Richmond for City Charter Amendments during the 2018 Session of the General Assembly of Virginia,” a copy of which is attached to and made a part of this resolution.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 11 2017 REJECTED: _____ STRICKEN: _____

REQUESTS OF THE CITY OF RICHMOND FOR CITY CHARTER AMENDMENTS
DURING THE 2018 SESSION OF THE GENERAL ASSEMBLY OF VIRGINIA

Amended Sections:

§ 4.16. Powers of investigation.

(a) The council, or any committee of members of the council when authorized by the council, shall have power to make such investigations relating to the municipal affairs of the city as it may deem necessary, and shall have power to investigate any or all departments, boards, commissions, offices and agencies of the city government and any officer or employee of the city, concerning the performance of their duties and functions and use of property of the city.

(b) The mayor, the chief administrative officer, the heads of all departments, all boards and commissions whose members are appointed by the council, ~~and~~ the city auditor, and the inspector general shall have power to make such investigations in connection with the performance of their duties and functions as they may deem necessary, and shall have power to investigate any officer or employee appointed by them or pursuant to their authority concerning the performance of duty and use of property of the city.

(c) The council, or any committee of members of the council when authorized by the council, the mayor, chief administrative officer, the heads of departments, and boards and commissions whose members are appointed by the council, ~~and~~ the city auditor, and the inspector general, in an investigation held by any of them, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person, having been ordered to attend, or to produce such books and papers, who refuses or fails to obey such order, or who having attended, refuses or fails to answer any question relevant or pertinent to the matter under investigation shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$100 or imprisonment in jail not exceeding 30 days, either or both. Every such person shall have the right of appeal to the Circuit Court of the City of Richmond, Division I. The investigating authority shall cause every person who violates the provisions of this section to be summoned before the general district court criminal division for trial. Witnesses shall be sworn by the person presiding at such investigation, and they shall be liable to prosecution or suit for damages for perjury for any false testimony given at such investigation.

EXPLANATION: The changes to section 4.16 provide the inspector general office proposed in the new section 4.19 below with investigatory powers equivalent to the City Auditor's investigatory powers to enable the inspector general to perform the inspector general's assigned functions.

§ 4.18. City auditor.

There shall be a city auditor who shall be appointed by the council for an indefinite term. ~~He/she~~ The city auditor shall have been certified as a certified public accountant by the Virginia State Board of Accountancy or by the examining board of any other state which extends to and is extended reciprocity by the Commonwealth of Virginia, and shall be qualified by training and experience for the duties of ~~his/her office~~ the city auditor. The city auditor shall have the power to appoint such accountants and other assistants for the performance of the duties of the city auditor's office as the council may provide for. It shall be the duty of the city auditor to examine and audit all accounts, books, records and financial transactions of the city, and of any

department, board, commission, office or agency thereof, including all trust funds, special funds, and other funds. In performing ~~his/her~~ the city auditor's duties, ~~he/she~~ the city auditor shall have access at any and all times to all books, records and accounts of each department and agency subject to examination and audit by ~~him/her~~ the city auditor.

EXPLANATION: The changes to section 4.18 (i) clarify that the City Auditor may employ accountants and assistants and (ii) distinguish the City Auditor's duties involving accounting- and finance-oriented audits from the fraud, waste and abuse auditor responsibilities assigned to the inspector general office proposed in the new section 4.19 below.

New Section:

§ 4.19. Inspector General.

There shall be appointed by the council for an indefinite term an inspector general who shall be qualified by training and experience for the duties of the office. The inspector general shall have the power to appoint such assistants for the performance of the duties of the inspector general's office as the council may provide for. It shall be the duty of the inspector general to conduct such investigations as may be authorized by section 15.2-2511.2 of the Code of Virginia.

EXPLANATION: This change creates a new Council-appointed office of inspector general to perform the duties of a fraud, waste and abuse auditor under section 15.2-2511.2 of the Code of Virginia. Currently, the City Auditor performs these functions pursuant to Chapter 2, Article III, Division 7 of the Code of the City of Richmond. This change is intended to separate these investigations from the more accounting- and finance-oriented audits assigned to the City Auditor by the changes to section 4.18 proposed above.



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 *LM*

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

COPY Kimberly Gray, Council member
Haskell Brown, Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff *MB*
Craig Bieber, 2nd District Liaison

DATE October 27, 2017

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TITLE: Resolution to Amend Provisions of Division 7 of the Charter of the City of Richmond – Inspector General Function.

RECEIVED

OCT 27 2017

OFFICE OF CITY ATTORNEY

This is a request for the drafting of an Ordinance Resolution

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

Council Member Kimberly Gray

Expedited

ORDINANCE/RESOLUTION SUMMARY

This Resolution is to request the Richmond delegation of the General Assembly of Virginia in the 2018 session to introduce and support the enactment of legislation to amend provisions of the Charter of the City of Richmond governing the inspector general function to establish the Office of the Inspector General as a separate office from the Office of the City Auditor.

BACKGROUND

This Resolution is to request the Richmond delegation of the General Assembly of Virginia in the 2018 session to introduce and support the enactment of legislation to amend provisions of the Charter of the City of Richmond governing inspector general function and to establish a separate Office for the Office of the Inspector General.

In accordance with Section 15.2-202 of the Code of Virginia, the Richmond delegation to the General Assembly of Virginia is requested to introduce and support legislation to amend language in the Charter of the City of Richmond governing the inspector general function and establish the Office of the Inspector General and to change language to reflect the change. This would clarify and establish both the Office of the City Auditor and the Office of the Inspector General in the Charter.

The requested introduction date is November 13, 2017.

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Budget Amendment Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	\$	

Attachment/s Yes No

REQUESTS OF THE CITY OF RICHMOND FOR CITY CHARTER AMENDMENTS
DURING THE 2018 SESSION OF THE GENERAL ASSEMBLY OF VIRGINIA

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(b) The mayor, the chief administrative officer, the heads of all departments, all boards and commissions whose members are appointed by the council, ~~and~~ the city auditor, and the inspector general shall have power to make such investigations in connection with the performance of their duties and functions as they may deem necessary, and shall have power to investigate any officer or employee appointed by them or pursuant to their authority concerning the performance of duty and use of property of the city.

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of the city auditor's office as the council may provide for. It shall be the duty of the city auditor to examine and audit all accounts, books, records and financial transactions of the city, and of any department, board, commission, office or agency thereof, including all trust funds, special funds, and other funds. In performing [his/her] the city auditor's duties, [he/she] the city auditor shall have access at any and all times to all books, records and accounts of each department and agency subject to examination and audit by [him/her] the city auditor.

EXPLANATION: The changes to section 4.18 (i) clarify that the City Auditor may employ accountants and assistants and (ii) distinguish the City Auditor's duties involve accounting- and finance-oriented audits from the fraud, waste and abuse auditor responsibilities assigned to the inspector general office proposed in the new section 4.19 below.

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EXPLANATION: This change creates a new Council-appointed office of inspector general to perform the duties of a fraud, waste and abuse auditor under section 15.2-2511.2 of the Code of Virginia. Currently, the City Auditor performs these functions pursuant to Chapter 2, Article III, Division 7 of the Code of the City of Richmond. This change is intended to separate these investigations from the more accounting- and finance-oriented audits assigned to the City Auditor by the changes to section 4.18 proposed above.

REQUESTS OF THE CITY OF RICHMOND
FOR CITY CHARTER AMENDMENTS
DURING THE **2018** SESSION OF THE
GENERAL ASSEMBLY OF VIRGINIA

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REQUESTED CITY CHARTER AMENDMENTS

- **DIVISION 7. - INSPECTOR GENERAL FUNCTION**

- **Sec. 2-213. - Generally.**

The Office of the City Auditor shall perform an inspector general function as described in this division. The City Auditor shall promulgate such rules and regulations as the City Auditor may deem necessary to discharge the functions imposed by this division; however, such rules and regulations shall be consistent with the ordinances of the City and the laws of the State. The City Auditor shall dedicate specific personnel and other resources in the Office of the City Auditor to the performance of this function as provided in the annual appropriation ordinances of the City.

(Code 2004, § 2-230; Ord. No. 2007-285-2008-67, § 1, 3-24-2008)

- **Sec. 2-214. - Duties and powers.**

(a)

Duties. In discharging the inspector general function, the Office of the City Auditor shall have the following duties:

(1)

To audit, inspect, evaluate and investigate the activities, records and individuals affiliated with contracts and procurements undertaken by the City and any other official act or function of the City.

(2)

To conduct criminal, civil and administrative investigations relating to the municipal affairs of the City.

(3) To engage in prevention activities, including, but not limited to:

- a. The review of legislation;
- b. The review of rules, regulations, policies, procedures and transactions; and
- c. Training and education.

(4) To refer matters for further civil, criminal and administrative action to appropriate administrative and prosecutorial agencies.

(5) To conduct joint investigations and projects with other oversight or law enforcement agencies.

(6) To issue public reports.

(b) *Powers.* In discharging the inspector general function, the Office of the City Auditor shall exercise the following powers:

(1) To order the attendance of any person as a witness and the production by any person of all relevant books and papers in accordance with Section 4.16 of the City Charter.

(2) To exercise special conservator of the peace powers to the extent authorized by and obtained pursuant to State law.

(3) To maintain the confidentiality of records in its possession to the extent permitted by State law.
(Code 2004, § 2-231; Ord. No. 2007-285-2008-67, § 1, 3-24-2008)

- **Sec. 2-215. - Qualifications.**

The City Auditor shall identify appropriate qualifications for the employees of the Office of the City Auditor assigned to the inspector general function. Such qualifications shall include, at a minimum, a demonstrated ability in accounting, auditing, financial analysis, law enforcement, management analysis, public administration, investigation, or criminal justice administration. The City Auditor may require that any employees assigned to perform the inspector general function obtain special conservator of the peace powers under State law as a condition of their employment.

(Code 2004, § 2-232; Ord. No. 2007-285-2008-67, § 1, 3-24-2008)

- **Sec. 2-216. - Obstruction of inspector general investigation.**

Any employee with a supervisory role within a City department or other agency who obstructs or causes the obstruction of the Office of the City Auditor in the performance or exercise of its duties and powers pursuant to Section 2-214 of this Code by denying the Office of the City Auditor, when not required by law to so deny, reasonable access to information shall be subject to disciplinary action up to and including termination by such employee's appointing authority.

(Ord. No. 2016-033, § 1, 12-12-2016)

- **Secs. 2-217—2-238. - Reserved.**

Secs. 2-35—2-56. - Reserved.AR

EXPLANATION: The proposed amendments to Division 7 of the Charter would create a Section to establish the Office of the Inspector General which would establish both the Office of the City Auditor and Office of the Inspector General. Currently, the Charter delineates duties and functions of the Inspector General, however the Charter does not have a specific section establishing the Office.