

INTRODUCED: February 8, 2016

AN ORDINANCE No. 2016-033

As Amended

To amend ch. 2, art. III, div. 7 of the City Code by adding therein a new section 2-216, concerning the obstruction of inspector general investigations, to provide that certain employees who obstruct inspector general investigations by denying the Office of the City Auditor, when not required by law to so deny, ~~immediate~~ reasonable access to information are subject to disciplinary action up to and including termination by their appointing authority.

\_\_\_\_\_  
Patron – Mr. Samuels

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Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: MAR 14 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 2, Article III, Division 7 of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** section 2-216 as follows:

**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 ~~[or the exercise of its]~~ 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, ~~immediate~~ reasonable access

AYES:                    8                    NOES:                    1                    ABSTAIN:                    \_\_\_\_\_

ADOPTED:            DEC 12 2016            REJECTED:            \_\_\_\_\_            STRICKEN:            \_\_\_\_\_

to information shall be subject to disciplinary action up to and including termination by such employee's appointing authority.

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



# Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

## Ordinance/Resolution Request

**TO** Allen Jackson, Richmond City Attorney  
Richmond Office of the City Attorney

**THROUGH** Lou Brown All *LB*  
Council Chief of Staff

**FROM** Meghan Brown, Council Budget Analyst *MB*

**COPY** Mr. Charles Samuels, 2<sup>nd</sup> District Council Member  
Haskell Brown, Deputy City Attorney  
Vincent Jones, Deputy Council Chief of Staff *V. Jones*  
Craig Bleber, 2<sup>nd</sup> District Council Liaison

**DATE** January 29, 2016

**PAGE/s** 1 of 2

**TITLE** Require Immediate Dismissal Due To Obstruction of an Investigation

This is a request for the drafting of an  Ordinance  Resolution

**REQUESTING COUNCILMEMBER/PATRON**

Councilman Samuels

**SUGGESTED STANDING COMMITTEE**

Government Operations

### ORDINANCE/RESOLUTION SUMMARY

The Patron requests an ordinance to amend or establish new legislation to include the failure to comply with requests for information from the Office of the Inspector General (OIG) as a cause for dismissal. Certain investigations completed by the OIG may require having immediate access. Obtaining immediate access to the information is essential to properly conduct an investigation. Refusal to provide and/or not providing information immediately upon request can hinder the investigation and is considered to be obstruction of the investigation. Any person who is of decision making authority for a department and/or agency and who has received an immediate request from the OIG shall provide or grant access to the requested information immediately with no hesitation. Any person that denies, intentionally delays or does not provide information immediately as requested shall be considered obstructing of an investigation.

### BACKGROUND

The Office of the Inspector General (OIG) investigates complaints alleging fraud, waste, abuse or corruption by a city department or agency or the officers and employees thereof. Each department and agency shall make its premises, equipment, personnel, books, records and papers immediately available to the Inspector General upon request. The Inspector General may enter the premises of a department or agency at any time, without prior announcement, to make immediate request for information, if necessary, for the successful completion of an investigation. Immediate is to mean occurring without delay or instantly. In past investigations information requested to be provided immediately was not adhered to and thus caused the investigation(s) to be delayed. Because the goal of an

Investigation is to determine the truth or falsity of matters alleged. the procedures used in the investigative process focus on obtaining relevant facts so as to address all aspects of an allegation. City Charter Sec. 2-231 provides that in order to carry out the respective duties and responsibilities, the OIG is authorized to require and obtain immediately, to the fullest extent permitted, all information, documents, reports, answers, records, accounts, papers, and other necessary data and documentary evidence. Having direct and prompt access to such required information is critical to the performance and function of the OIG.

**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	\$	
Fiscal Summary		

Attachment/s Yes  No