

INTRODUCED: May 7, 2018

AN ORDINANCE No. 2018-139

To amend ch. 2, art. III, div. 7 (§§ 2-213—2-216) of the City Code, concerning the inspector general function, City Code § 2-184, concerning the City Auditor, and City Code § 2-1081, concerning the duties of the Audit Committee, for the purpose of establishing an Office of the Inspector General in accordance with City Charter § 4.19.

Patrons – All Members of Council

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 14 2018 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), consisting of sections numbered 2-213 through 2-216, be and is hereby **amended** and reordained as follows:

DIVISION 7
INSPECTOR GENERAL [FUNCTION]

Sec. 2-213. Generally.

(a) The [~~Office of the City Auditor~~] Inspector General shall perform [~~an inspector general function as~~] the functions described in section 4.19 of the City Charter and this division.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 14 2018 REJECTED: _____ STRICKEN: _____

The Inspector General and the employees thereof shall be known as the Office of the Inspector General.

(b) The [~~City Auditor~~] Inspector General shall promulgate such rules and regulations as the [~~City Auditor~~] Inspector General may deem necessary to discharge the functions imposed by section 4.19 of the City Charter and this division; however, such rules and regulations shall be consistent with the ordinances of the City and the laws of the State.

(c) ~~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]~~ Inspector General shall exercise control, management, and supervision over such employees and other resources as may be assigned to the Office of the Inspector General by the annual appropriation ordinances of the City.

(d) The Department of Information Technology shall maintain on the webpage of the Office of the Inspector General a subsidiary webpage entitled “reports issued” for the purpose of providing an internet location at which all inspector general reports issued since July 1, 2018, are electronically published for public review.

Sec. 2-214. Duties and powers.

(a) *Duties.* In [~~discharging the inspector general function, the Office of the City Auditor~~] connection with the conduct of such investigations as may be authorized by Code of Virginia, § 15.2-2511.2, the Inspector General 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]~~ connection with the conduct of such investigations as may be authorized by Code of Virginia, § 15.2-2511.2, the Inspector General 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.

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]~~ Inspector General's 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]~~ Inspector General may require that any employees ~~[assigned to perform the inspector general function]~~ of the Inspector General possess similar qualifications and obtain special conservator of the peace powers under State law as a condition of their employment.

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]~~ Inspector General or the employees thereof in the performance or exercise of ~~[its]~~ their duties and powers pursuant to section 2-214 of this Code by denying the ~~[Office of the City Auditor]~~ Inspector General or the employees thereof, 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.

§ 2. That sections 2-184 and 2-1081 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

Sec. 2-184. City Auditor requests for audits and projects; office space; webpage.

(a) The members of the City Council shall make all requests for audits and projects to be performed by the City Auditor on a form prescribed by the Council Chief of Staff. The form shall require a fiscal impact statement for the audit or project, an indication of the priority level

requested by the requesting council member and an indication of the priority level assigned by the two City council members on the audit committee or the City Council, as applicable. Each request shall be approved by the two City council members on the Audit Committee. However, if one or both of the two council members on the Audit Committee decline to approve the request, such request may be appealed to the City Council, and the Council may, by a motion adopted during a meeting of the Council, approve the request.

(b) The Chief Administrative Officer shall ensure that the City Auditor is furnished with sufficient office space to house the staff who will be assigned to perform the functions of the City Auditor.

(c) The Department of Information Technology shall maintain on the webpage of the Office of the City Auditor a subsidiary webpage entitled “reports issued” for the purpose of providing an internet location at which all audit reports [~~and all inspector general reports~~] issued since January 1, 2012, and all inspector general reports issued between January 1, 2012, and July 1, 2018, are electronically published for public review. The City Auditor shall furnish the Department of Information Technology with such information as may be necessary for the Department of Information Technology to ensure that the “reports issued” subsidiary webpage includes, for each audit report, the number of agreed-upon audit recommendations and the number of such recommendations that have been implemented, updated on a semiannual basis.

Sec. 2-1081. Established; duties; powers.

(a) *Established.* An Audit Committee is hereby established to assist the City Council in the Council’s discharge of its responsibilities for the financial management of the City, specifically in the areas under the charge of the Director of Finance which are subject to audit by the City Auditor pursuant to the provisions of Chapter 8 of the City Charter.

(b) *Duties.* The duties of the Audit Committee shall be the following:

(1) Reviewing significant financial information for appropriateness, reliability and timeliness;

(2) Ascertaining the existence and adequacy of accounting and internal control systems and the adequacy of safeguards for the assets of the City;

(3) Overseeing audit functions;

(4) Making recommendations to the Council concerning selection and termination of external auditors;

(5) Reviewing annual financial reports of the City and results of audit examinations;

(6) Evaluate internal control functions;

(7) Reviewing interim financial information;

(8) Evaluating financial management systems and results of operations of the City;

(9) Monitoring and overseeing the [~~inspector general~~] activities undertaken by the [~~Office of the City Auditor~~] Inspector General pursuant to Section 2-214;

(10) Making periodic reports, no less frequently than once every six months, to the Mayor and the Council concerning the [~~inspector general~~] activities undertaken by the [~~Office of the City Auditor~~] Inspector General pursuant to Section 2-214 during the time since the last such report;

(11) Reviewing and approving the annual work plan of the Office of the City Auditor.

§ 3. This ordinance shall be in force and effect on July 1, 2018.