

OFFICE OF INSPECTOR GENERAL

New Orleans City Code §2-1120

(1) *Creation of the City of New Orleans Office of Inspector General.* Pursuant to section 9-401 of the Home Rule Charter of the City of New Orleans, this article establishes the City of New Orleans Office of Inspector General.

(2) *Purpose.* The purpose of this section is to establish a full-time program of investigation, audit, inspections, and performance review to provide increased accountability and oversight of entities of city government or entities receiving funds through the city, and to assist in improving agency operations and deterring and identifying, fraud, waste, abuse, and illegal acts. Further, in pursuing its mandate to prevent and detect fraud, waste, abuse and illegal acts, the office of inspector general shall use all the powers in this article to assist management in the establishment of effective systems of control.

(3) *Appointment.*

(a) The appointing authority for the inspector general shall be the ethics review board.

(b) The ethics review board shall convene within 60 days of a vacancy in the position of inspector general or within 60 days of the effective date of this article to initiate the national search for the inspector general.

(c) The appointing authority shall conduct a nationwide search to fill the position of inspector general. The appointing authority will also recommend the annual salary of the inspector general and approve the annual salary each year thereafter.

(d) In case of a vacancy in the position of inspector general, the chairperson of the appointing authority may appoint a first assistant inspector general, deputy inspector general, or other office of inspector general management personnel as interim inspector general until such time as a successor inspector general is appointed. The appointing authority may by majority vote of all members overrule the chairperson's appointment and appoint an alternative candidate with majority approval.

(e) The inspector general is to be selected without regard to political affiliation and on the basis of integrity, capability for strong leadership, and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, investigation, criminal justice administration or other closely related fields. In addition, the inspector general should possess demonstrated knowledge, skills, abilities and experience in conducting audits, investigations, inspections, and performance reviews.

(f) Qualified candidates for inspector general shall be a person who:

a. Has at least five years of experience in any one, or combination, of the following fields:

i. As an inspector general;

ii. As a federal law enforcement officer;

iii. As a federal or state court judge;

iv. As a licensed attorney with expertise in the areas of audit and investigation of fraud, mismanagement, waste, corruption, and abuse of power;

v. As a senior-level auditor or comptroller;

vi. Supervisory experience in an office of an inspector general or an investigative public agency similar to an office of inspector general.

b. Has a four-year degree from an accredited institution of higher learning

(g) Highly qualified candidates, in addition to the minimal qualifications contained in this section, shall be a person who:

a. Has managed and completed complex investigations involving allegations of fraud, waste, abuse, illegal acts, theft, public corruption, deception and conspiracy;

b. Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary; and/ or

c. Has an advanced degree in law, accounting, public administration, or other relevant field.

(h) A former or current elected official or employee of New Orleans city government may not be appointed inspector general within four years following the end of such individual's period of service. Notwithstanding the foregoing restriction, employees of the office of inspector general who have served in the office for four or more years may be immediately eligible for appointment to the position of inspector general. The inspector general shall

hold at appointment, professional certification as a certified inspector general (CIG). Two or more other professional certifications such as certified inspector general investigator (CIGI), certified inspector general auditor (CIGA), certified public accountant (CPA), certified internal auditor (CIA), certified governmental financial manager (CGFM), and certified fraud examiner (CFE) are recommended. A former or current elected official or employee of the state or its political subdivisions may not be appointed inspector general within four years following that individual's period of service. This shall not prohibit the reappointment of an inspector general currently holding the position of New Orleans Inspector General.

(i) The inspector general shall not hold, nor be a candidate for, any elective office while inspector general, or for four years thereafter, and no officer or employee of the office of the inspector general shall hold, or be a candidate for, any elective office while an officer or employee, or for four years thereafter. The inspector general shall not hold office in any political party or political committee, nor shall he/she participate in any political campaign of any candidate for public office, nor make any campaign contribution or campaign endorsement, while inspector general. No officer or employee of the office of the inspector general shall hold office in any political party or political committee, or participate in any political campaign of any candidate for public office, or make any campaign contribution or campaign endorsement, while an officer or employee of the office of inspector general.

(4) Term of office. The inspector general is appointed for a term of four years, which term shall begin when the inspector general begins employment with the city. Subsequent four year terms may be renewed at the discretion of the appointing authority.

(5) Abolition of and removal from office.

(a) Following a public hearing by the appointing authority, the inspector general may be removed from office for cause by two-thirds supermajority vote of the entire membership of the ethics review board, which must then publicly report the reasons for removal to the city council. Causes for removal may include abuse of power or authority, conviction of a state or federal felony, or entry of a guilty or nolo contendere plea to a state or federal felony charge, discrimination, ethical misconduct in office, unprofessional conduct, and other acts tarnishing the integrity of the office of inspector general.

(b) Following a public hearing, the office of inspector general may be abolished by a two-thirds supermajority vote of the entire membership of the city council.

(6) Resources.

(a) The office of inspector general shall be funded by an annual appropriation by the city council in an amount sufficient to cover its operations pursuant to section 3-113(4) of the Home Rule Charter of the City of New Orleans.

(b) The inspector general shall prepare and transmit an annual operating budget to the chief administrative officer, identifying in the budget all proposed expenditures.

(7) Organizational placement.

(a) The office of inspector general is "operationally independent" from the legislative and executive branches of the city, including the Council of the City of New Orleans, and the office of the mayor, but is authorized and encouraged to work cooperatively with the ethics review board. "Operationally independent" shall be defined as follows: "not preventing, impairing, or prohibiting the inspector general from initiating, carrying out, or completing any audit, investigation, inspection or performance review."

(b) The office of inspector general shall conduct preliminary inquiries, inquiries or investigations on behalf of the ethics review board on all matters brought before it. For the purposes of performing the duties, powers, authority, and functions of this article, legal counsel may be retained by the ethics review board pursuant to section 9-402(1) of the Home Rule Charter of the City of New Orleans to serve as legal counsel for the ethics review board and the office of inspector general.

(c) The office of the inspector general shall be considered a city law enforcement agency for the purposes of this chapter, but shall not be a police force. Pursuant to section 4-502(2)(a) of the Home Rule Charter of the City of New Orleans, upon the request of the inspector general, the superintendent of police shall deputize investigative employees of the office of inspector general with limited police powers. Such deputies shall not be granted arrest power, and shall be deputized solely for the purpose of carrying out the duties of the office of inspector general and only in connection with the investigation of a matter within the purview of the office of inspector general.

(8) Records disclosure. All records of the office of inspector general shall be exempt from public disclosure and shall be considered confidential, unless it is necessary for the inspector general to make such records public in the performance of his duties. Unauthorized disclosure of information by the inspector general or any employee of the office of inspector general is subject to review and disciplinary action by the appointing authority.

(9) Reporting the results of inspector general findings.

(a) The [office of] inspector general shall report its recommendations and results of its findings to the ethics review board.

(b) Prior to concluding a report or recommendation, which contains findings as to the person or entity being reported or who is the subject of the recommendation, the inspector general shall provide the affected person or entity a copy of the report or recommendation.

(c) Such person or entity shall have 30 working days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized, and such timely submitted written explanation or rebuttal shall be attached to the finalized report or recommendation.

(d) This section shall not apply when the inspector general, in conjunction with a district attorney, attorney general or United States attorney, determines that supplying the affected person or entity with such report will jeopardize a pending criminal investigation.

(10) Annual reports. The inspector general shall report on the activities of the office of inspector general for the preceding calendar year to the ethics review board, on or before March 31 of each year, on matters undertaken, costs incurred, costs recovered, matters concluded, and results. The report shall describe accomplishments of the office of inspector general. Copies of the report shall be provided to the city council, the office of the mayor, and any oversight agencies interested in the activities of the office of inspector general. Upon issuance, members of the media and the public shall be promptly advised of the issuance of the report. Such reports will be provided to them upon request.

(11) Authority. The office of inspector general is authorized to engage in the following specific functions:

(a) Audit, evaluate, investigate, and inspect the activities, records, and individuals with contracts, subcontracts, procurements, grants, agreements, and other programmatic and financial arrangements undertaken by city government and any other function, activity, process, or operation conducted by city government.

(b) Audit the efficiency and effectiveness of city government operations and functions and conduct reviews of city government's performance measurement system.

(c) Review the reliability and validity of the information provided by city government performance measures and standards.

(d) Initiate such investigations, audits, inspections, and performance reviews of city government as the inspector general deems appropriate.

(e) Receive and investigate complaints from any source and investigate those complaints that the inspector general deems credible or upon his own initiative conduct investigations concerning alleged fraud, waste, abuse, illegal acts, and service deficiencies including deficiencies in the operation and maintenance of facilities.

(f) Engage in prevention activities, including but not limited to: the prevention of fraud, waste, abuse, and illegal acts; review of legislation; review of rules, regulations, policies, procedures, and transactions; and the supplying, providing, and conducting of programs for training, education, certification and licensing.

(g) Conduct joint investigations and projects with other oversight or law enforcement agencies, including, but not limited to the district attorney, attorney general, and the United States attorney.

(h) When efficiency problems are noted, the inspector general has an affirmative duty to provide a standard of efficient practice to the unit in question, and assess whether adequate resources are available for implementation of a program.

(i) Issue reports and recommend remedial actions to be taken by the city council, the office of the mayor, or municipal departments or agency heads to overcome or correct operating or maintenance deficiencies and inefficiencies identified by the office of inspector general.

(j) Issue public reports as set forth in subsections (9) and (10).

- (k) Monitor implementation of recommendations made by the office of inspector general and other audit, investigative, and law enforcement agencies.
- (l) Establish policies and procedures to guide functions and processes conducted by the office of inspector general.
- (m) Maintain information regarding the cost of investigations and cooperate with appropriate local, state, and federal administrative and prosecutorial agencies in recouping such costs from nongovernmental entities involved in willful misconduct.
- (n) Require reports from the office of the mayor, city council, or city departments, agencies, boards, commissions, or public benefit corporations regarding any matter within the jurisdiction of the Inspector General.
- (o) Upon discovering credible information of corruption, fraud, waste, abuse or illegal acts in carrying out his duties and responsibilities as inspector general, the inspector general shall report to the district attorney, or the United States attorney, or other appropriate law enforcement agency.
- (p) Whenever the inspector general has reasonable grounds to believe there has been a violation of federal or state law, the inspector general shall refer a matter to the district attorney, the United States attorney or other appropriate law enforcement agency.
- (q) When the inspector general has reason to believe he must recuse himself from a matter, because of a potential conflict of interest, the inspector general shall refer such matter to the district attorney, the United States Attorney or other appropriate law enforcement agency.
- (r) The inspector general shall refer audit, investigative, inspection, or performance review findings to the ethics review board, the state ethics commission, or to any other federal, state or local agency he deems appropriate.
- (s) After referring a matter to any appropriate law enforcement agency, the inspector general may assist the law enforcement agency in concluding any investigation.
- (t) Upon detecting a potential violation of state ethics law or city ethics ordinance or code, the office of inspector general may file a complaint with the state ethics commission or ethics review board.
- (u) The inspector general shall be notified in writing prior to any meeting of a selection or negotiation committee relating to the procurement of goods or services by the city, including meetings involving third-party transactions. The notice required shall be given to the inspector general as soon as possible after a meeting has been scheduled, but in no event later than 24 hours prior to the scheduled meeting. The Inspector General may attend all city meetings relating to the procurement of goods or services as provided herein, and may pose questions and raise concerns consistent with the functions, authority and powers of the inspector general. An audio recorder or court stenographer may be utilized to record all selection or negotiation committee meetings attended by the office of the inspector general.
- (v) The person in charge of any department, agency, board, commission, public benefit corporation, the mayor, the city council, any city councilmember, or the governing body of any agency, board, commission, or public benefit corporation may request the assistance of the office of inspector general with respect to implementation of any suggested legislation or legislative policy. In such an event the inspector general may assign personnel to conduct, supervise, or coordinate such activity.
- (w) The inspector general may do all things necessary to carry out the functions and duties set forth in this section, including the promulgation of rules and regulations regarding the implementation of responsibilities, duties and powers of the office.

(12) Powers. The office of inspector general shall have access to all records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence, audits, reviews, papers, books, documents, computer hard drives, e-mails, instant messages, recommendations, and any other material of the city council, office of the mayor, all city departments, agencies, boards, commissions, public benefit corporations or of any individual, partnership, corporation, or organization involved in any financial or official capacity with city government that the inspector general deems necessary to facilitate an investigation, audit, inspection, or performance review. The inspector general shall have access to all employees of the city. At all times the inspector general shall have access to any building or facility that is owned, operated or leased by the city or any department, agency, board, commission or public benefit corporation of the city, or any property held in trust to the city.

(13) Professional standards. Standards for initiating and conducting audits, investigations, inspections, and performance reviews by the office of inspector general will conform to the Principles and Standards for Offices of

Inspector General (Green Book) promulgated by the Association of Inspectors General. The office of inspector general shall develop an operations manual available to the public that contains principles based on these standards.

(14) Physical facilities. the city shall provide the ethics review board and the office of inspector general with appropriately located office space, which shall be located in close proximity, but off site from city hall. The city shall also provide the ethics review board and the office of inspector general with sufficient and necessary equipment, office supplies, and office furnishings to enable the ethics review board and the office of inspector general to perform their functions and duties.

(15) Organizational structure.

(a) The inspector general and the ethics review board shall have the power to establish personnel procedures and procurement procedures for each of their offices. The inspector general and the ethics review board shall have the power to appoint, employ, contract, and remove such assistants, employees, consultants, and personnel including, but not limited to legal counsel, as deemed necessary for the efficient and effective administration of the activities of each of their offices.

(b) The office of inspector general shall include, but not be limited to, a division of criminal investigations, a division of audit, a division of inspections, and a division of performance review.

(16) Quality review.

(a) Audits, investigations, inspections and performance reviews shall be subject to annual quality assurance reviews by a third-party advisory committee to include one representative named by the city council, one representative from the office of the mayor, one representative named by the Louisiana Supreme Court, one representative named by the Association of Inspectors General, and one representative named by the Ethics Review Board; said committee shall be renewed annually.

(b) The office of inspector general shall be subject to peer review by the Association of Inspectors General every three years. Such peer review shall be paid for by the office of the inspector general. When completed, the Association of Inspectors General shall submit its recommendations and findings of such peer review to the ethics review board and the inspector general. The inspector general shall comply with the recommendations of the peer review within 90 days, provided that the recommendations and findings are accepted and approved by the ethics review board. Copies of the written report resulting from this peer review shall be furnished to the ethics review board, city council, and office of the mayor. This report shall also be made available to the public, when such process is completed.

(c) Within 180 days from the date of the inspector general's employment with the city, the inspector general shall submit to the city council the governing policies of the office of inspector general for review and acceptance.

(17) Annual work plan. The inspector general shall present an annual work plan for the ensuing calendar year to the ethics review board, no later than September 1 of each year. The plan shall include:

- (a) Risk assessment criteria used in establishing the work plan;
- (b) A schedule of projects and anticipated completion dates; and
- (c) Quality assurance procedures planned for implementation

(18) Subpoena power and access to information.

(a) For purposes of an investigation, audit, inspection, or performance review, the inspector general may administer oaths and affirmations, subpoena witnesses, compel their attendance and testimony under oath, take evidence, and require the production of any records which the inspector general deems relevant or material to an investigation, audit, inspection or performance review.

(b) In carrying out the provisions of this ordinance, the inspector general, shall have access to all records, reports, audits, reviews, papers, books, documents, computer hard drives, e-mails, instant messages, recommendations, correspondence, including information relative to the purchase of supplies and services or anticipated purchase of supplies and services from any contractor by any city department, agency, board, commission, or public benefit corporation, and any other data and material that is maintained by or available to the city which in any way relates to the programs and operations with respect to which the inspector general has duties and responsibilities.

(c) The inspector general may request information, cooperation, and assistance from any city department, agency, board, commission, or public benefit corporation. Upon receipt of a request for such information, cooperation, and assistance from the inspector general, each person in charge of any city department, or the governing body of any city agency, board, commission, or public benefit corporation shall furnish the Inspector General or his authorized representative with such information, cooperation, and assistance.

(d) The inspector general shall have direct and prompt access to the head of any city department, agency, board, commission, or public benefit corporation when necessary for any purpose pertaining to the performance of his duties and responsibilities.

(e) The inspector general may require by summons, the attendance and testimony under oath of persons, and the production of all records, reports, audits, inspections, reviews, papers, books, documents, computer hard drives, e-mails, instant messages, recommendations, correspondence and any other data and material relevant to any matter under audit, investigation, inspection, or performance review. Such summons shall be served in the same manner as a summons for the production of documents in civil cases issued on behalf of the state. Any judge of the Orleans Parish Civil District Court may, upon application by the inspector general, issue an order to compel the production of records, reports, audits, reviews, papers, books, documents, computer hard drives, e-mails, instant messages, recommendations, correspondence, and any other data and material as aforesaid in the same manner and to the same extent as before said court. Any failure to obey such order may be punished by said court as contempt.

(f) Any person who fails to appear in response to a subpoena, fails to answer any question, fails to produce information requested, or knowingly gives false testimony during an investigation, audit, inspection or review shall be guilty of contempt of court, or chargeable with appropriate criminal offenses and subject to loss of employment with the city.

(19) Reserved.

(20) Cooperation. It shall be the duty of every city officer, employee, department, agency, board, commission, and public benefit corporation; and the duty of every contractor, subcontractor, and licensee of the city, and the duty of every applicant for certification of eligibility for a city contract or program, to cooperate with the inspector general in any investigation, audit, inspection, performance review, or hearing pursuant to this chapter. Every city contract and every bid, proposal, application or solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain a statement that the corporation, partnership, or person understands and will abide by all provisions of this chapter. Any employee, appointed officer or elected official of the city who violates any provision of this chapter shall be subject to discharge or such other discipline as may be specified in an applicable collective bargaining agreement, in addition to any other penalty provided in the City Charter or ordinances.

(21) Complaints by public employees. The inspector general may receive and investigate complaints or information from any public employee concerning the possible existence of any activity constituting fraud, waste, abuse, and illegal acts. The inspector general shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the written consent of said employee, unless the inspector general determines such disclosure is necessary and unavoidable during the course of the investigation. In such event the employee shall be notified in writing at least seven days prior to such disclosure. Any employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the inspector general, unless the complaint was made or information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(M.C.S., Ord. No. 22444, § 1, 11-2-06; M.C.S., Ord. No. 22553, § 1, 3-1-07; M.C.S., Ord. No. 22888, § 1, 11-1-07)