

Office of inspector general.

- (1) *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 special districts 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.
- (2) *Election*
 - (a) The Inspector General shall be elected pursuant to election procedures as stated in Riverside City Charter
- (3) *Term of office.* The inspector general is elected for a term of four (4) years.
- (4) *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 the Riverside City Charter.
 - (b) The inspector general shall prepare and transmit an annual operating budget to the chief financial officer, identifying in the budget all proposed expenditures.
- (5) *Organizational placement.*
 - (a) The office of inspector general shall be operationally independent from the legislative and executive branches of the city, including the City Council, the Mayor, and the office of the City Manager. "Operationally independent" shall mean that neither the city council, the city manager, nor any employee of the city shall prevent, impair, or prohibit the inspector general from initiating, carrying out, or completing any audit, investigation, inspection, or performance review.
 - (b) 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 and shall not bear firearms. Upon the request of the inspector general, the Chief of Police may 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.
- (6) *Records disclosure.* The records prepared or obtained by the office of inspector general shall be as provided for in.
- (7) *Reporting the results of inspector general findings.*
 - (a) The office of inspector general shall report its recommendations and results of its findings to the city council.
 - (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 an opportunity to respond by providing a copy of the report or recommendation. Person or entity, for purposes of this section, shall not include a person or entity incidentally named in a report but not the person or entity being reported or who is the subject of the recommendation.
 - (c) Such person or entity above, to include the person in charge of any city department, agency, board, commission, the Mayor, the city council, City Manager or any member of the city council or person in charge of any city department, shall have thirty (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. Such report may contain confidential information, information which would not be subject to public records request, and/or information which is

subject to other agreements of confidentiality and nondisclosure, but to which the person is permitted to receive.

(d) Such person or entity, other than those persons identified in sub-paragraph (c) above, shall receive a copy of the report after thirty (30) working days and shall have twenty (20) 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. Such report shall not contain confidential information, information which would not be subject to public records request, and/or information which is subject to other agreements of confidentiality and nondisclosure affecting the city. "Person," for purposes of this section, does not include city employees except as provided by subparagraph (c).

(e) 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.

(f) The inspector general shall not conclude a report nor distribute any report for response that involves elected officials, the Mayor, or any city councilmember, within ninety (90) days preceding an election in which the affected official may be a candidate.

- (8) *Annual reports.* The inspector general shall report on the activities of the office of inspector general for the preceding calendar year to the ethics and compliance commission, 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 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.
- (9) *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 Mayor, the City Manager or city 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 non-governmental entities involved in willful misconduct.
- (n) Require reports from the office of the Mayor, City Council, City Manager or city departments, agencies, special districts, boards, or commissions, 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 city Board of Ethics, the state ethics board, 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, the office of inspector general shall notify the state ethics board
- (u) Upon detecting a potential violation of a city ethics ordinance or code, the office of inspector general shall notify the Board of Ethics.
- (v) 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 twenty-four (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.

- (w) The person in charge of any department, agency, board, commission, the Mayor, the City Council, or City Manager, 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.
 - (x) 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.
 - (y) Whenever the inspector general, in the course of an investigation, audit, inspection, or review, seeks the production of records, information, data, memoranda, correspondence, documents, computer hard drives, e-mails, instant messages, recommendations, or any other material, the inspector general shall send a written request to the department having custody of those records. The city attorney, or a designee from the city attorney's office, shall be copied on all such requests. In the alternative, the inspector general may send the written request directly to the city attorney or his designee to assist in obtaining the information. All such written requests and the responses thereto are confidential and shall not be disclosed by any city department or employee to any third parties or other city employees.
- (10) *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, Mayor, City manager, and all city departments, agencies, boards, commissions, 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 any property held in trust to the city.
- (a) Whenever the inspector general, in the course of an investigation, audit, or review, seeks the production of any of the records or materials listed in [subsection] 12 above, the inspector general shall send a written request to the department having custody of those records. The city attorney, or a designee from the city attorney's office, shall be copied on all such requests. In the alternative, the inspector general may send the written request directly to the city attorney or his designee to assist in obtaining the information. All such written requests and the responses thereto are confidential and shall not be disclosed by any city department or employee to any third parties or other city employees.
- (11) *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 Inspectors 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.
- (12) *Organizational structure.*
- (a) The inspector general shall have the power to establish personnel procedures and procurement procedures for each of their offices. The inspector general 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 may 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.
- (13) *Quality review.*
- (a) *Quality assurance review.* Finalized public audits, investigations, inspections, and performance reviews which have been published by the office of inspector general shall be subject to annual quality assurance reviews by The City Council.

The office of inspector general shall cooperate fully with the council by providing access to all completed public reports. The inspector general may appear before the council at its scheduled public meeting.

- (b) The office of inspector general shall be subject to peer review by the Association of Inspectors General every three (3) 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 and compliance commission and the inspector general. The inspector general shall comply with the recommendations of the peer review within ninety (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 mayor. This report shall also be made available to the public when such process is completed.
- (c) Within one hundred eighty (180) days from the date of the inspector general's election, the inspector general shall submit to the city council the governing policies of the office of inspector general for review and acceptance.

(14) *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 section, 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, or commission, 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, by written request with a copy to the city attorney or his designee, seek information, cooperation, and assistance from any city department, agency, special district, board, or commission. Upon receipt of a request for such information, cooperation, and assistance from the inspector general, each person in charge of any city department, agency, special district, board, or commission, or 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, special district, board, or commission, 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 Judicial 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.

- (15) *Cooperation.* It shall be the duty of every city officer, employee, department, agency, special district, board, and commission; 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, in addition to any other penalty provided in the Riverside Charter or ordinances.
- (16) *Legal communications.* Providing the office of inspector general, an agency of city government, with communications by and between any city attorney and the city council, mayor, or any city officer, employee, department, agency, special district, board, or commission, pursuant to the provisions of this section, shall not be deemed or construed as a waiver of any attorney-client privilege enjoyed by the city, the city council, the mayor, or any city officer, employee, department, agency, special district, board, or commission.
- (17) *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 (7) 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.