

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2006 Legislative Session

Bill No. CB-60-2006

Chapter No. 27

Proposed and Presented by Council Member Dernoga

Introduced by Council Members Dernoga, Knotts, Dean, Exum, Harrington, Campos,

Bland and Peters

Date of Introduction June 20, 2006

CHARTER AMENDMENT

AN ACT concerning

Section 313, Charter of Prince George's County

For the purpose of proposing amendments to Section 313 of the Charter of Prince George's County to increase the powers of the County Auditor to perform investigations; and to provide protection to County employees for providing information to the County Auditor during an investigation.

BY proposing amendments to:

Section 313,

Charter of Prince George's County, Maryland.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following amendments to Sections 313 of the Charter of Prince George's County be and the same are hereby proposed:

Section 313. Office of Audits and Investigations.

There shall be an Office of Audits and Investigations, under the supervision and direction of a County Auditor who shall be appointed by the Council. The County Auditor shall serve at the pleasure of the Council and shall receive such compensation as the Council may determine. The Auditor shall, not later than six months after the close of each fiscal year, prepare and submit to the Council and to the County Executive a complete financial audit for the preceding fiscal year of all agencies that receive or disburse County funds. Upon recommendation by the Auditor that a State audit in a given year is adequate, the Council may, by resolution, exempt from County audit an agency whose entire records, accounts, and affairs are completely audited

1 each year by or with the approval of the State of Maryland or an independent audit by a qualified
 2 independent certified public accountant. Any such resolution of exemption from audit shall be
 3 limited to a period of not more than one year. In addition to the annual audit, either the Council
 4 or the County Executive may at any time order a special audit of the accounts of any agency
 5 receiving or disbursing County funds, and upon the death, resignation, removal or expiration of
 6 the term of any County administrative officer, the Auditor shall cause a special audit to be made
 7 of the accounts maintained by the officer, and by his agency. If, as a result of any audit, an
 8 officer shall be found to be indebted to the County, the County Executive shall proceed forthwith
 9 to collect the indebtedness. In the event that the County Executive shall be found to be indebted
 10 to the County, the Council shall proceed forthwith to collect the indebtedness. The Auditor is
 11 also empowered to conduct necessary audits of any agency which is the recipient of funds
 12 appropriated or approved by the Council whenever he deems it appropriate. No employee or
 13 official of the County shall interfere with, threaten with disciplinary action, or otherwise attempt
 14 to restrain an employee of the County from providing information to the County Auditor, nor
 15 shall any adverse action be taken against such employee. Any adverse action taken within
 16 twelve (12) months after the employee has provided information to the County Auditor shall be
 17 presumed to be retaliatory, which presumption may be rebutted only by clear and convincing
 18 evidence to the contrary. Any audit, including performance audits, special audits, and state
 19 audits which form the basis for an exemption by the Council from a County audit, shall be
 20 published in suitable form and made available to the public at reasonable hours at the Office of
 21 Audits and Investigations. All records and files pertaining to the receipt and expenditure of
 22 County funds by all officers, agents, and employees of the County and all agencies thereof, shall
 23 at all times be open to the inspection of the County Auditor. The Auditor shall promptly call to
 24 the attention of the Council and the County Executive any irregularity or improper procedure
 25 which he may discover. The County Auditor shall have the power to administer oaths, to compel
 26 the attendance of witnesses, and to require the production of records and other materials in
 27 connection with any audit, investigation, inquiry, or hearing authorized by law or by this Charter.
 28 The Council shall have the power to implement the provisions of this section and to assign
 29 additional functions, duties, and personnel to the County Auditor.

30 SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the
 31 County Executive for publication and that a copy also be transmitted to the Board of Supervisors

1 of Elections for submission of the proposed amendment to the voters of this County at the 2006
2 General Election pursuant to Section 1105 of the Charter.

3 SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed
4 Charter Amendment shall be submitted to the voters of the County at the General Election
5 occurring on November 7, 2006, and shall be placed on the ballot in the following form:

6
7 PROPOSED CHARTER AMENDMENT

8 To increase the powers of the County Auditor to perform investigations; and to
9 provide protection to County employees for providing information to the County
10 Auditor during an investigation.

11
12 Adopted this 18th day of July, 2006, by an affirmative vote of two-thirds of the members of
13 the full County Council.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

CB-60-2006 WAS APPROVED AT REFERENDUM ON 11/7/2006
EFFECTIVE DATE: 12/8/2006