

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2018 Legislative Session

Bill No. CB-39-2018

Chapter No. 12

Proposed and Presented by Council Member Glaros

Introduced by Council Members Glaros, Lehman, Davis, Turner, Taveras

Franklin and Patterson

Date of Introduction July 2, 2018

CHARTER AMENDMENT

1 AN ACT concerning

2 Amendment of Section 313, Charter of Prince George's County

3 For the purpose of proposing an amendment to Section 313 of the Charter of Prince George's
4 County to provide for the appointment of the County Auditor, to provide that selected agencies
5 that receive or disburse County funds will receive a complete financial audit for the preceding
6 fiscal year; and provide that the County Auditor be empowered to conduct investigations related
7 to fraud, waste and abuse by the County Executive, Council Members or other County officials
8 and employees.

9 BY proposing an amendment to:

10 Section 313,

11 Charter of Prince George's County, Maryland.

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that the following amendment to Section 313, Charter of Prince George's County,
14 Maryland, is hereby proposed:

15 **Section 313. Office of Audits and Investigations.**

16 There shall be an Office of Audits and Investigations, under the supervision and direction
17 of a County Auditor who shall be appointed by the Council. The County Auditor shall [serve at
18 the pleasure of the Council and shall] receive such compensation as the Council may determine.
19 The County Auditor shall serve a term of five years commencing on January 1, 2019, and each
20 fifth year thereafter. The County Auditor appointment may be renewed for additional five-year
21 terms. The Auditor shall remain until a successor is appointed and qualifies. The County

1 Auditor may be removed for cause. The Auditor shall [, not later than six months after the close
2 of each fiscal year,] prepare and submit to the Council and to the County Executive a complete
3 financial audit for the preceding fiscal year of selected [all] agencies that receive or disburse
4 County funds. Upon recommendation by the Auditor that a State audit in a given year is
5 adequate, the Council may, by resolution, exempt from County audit an agency whose entire
6 records, accounts, and affairs are completely audited each year by or with the approval of the
7 State of Maryland or an independent audit by a qualified independent certified public accountant.
8 Any such resolution of exemption from audit shall be limited to a period of not more than one
9 year. In addition to the annual audit, either the Council or the County Executive may at any time
10 order a special audit of the accounts of any agency receiving or disbursing County funds, and
11 upon the death, resignation, removal or expiration of the term of any County administrative
12 officer, the Auditor shall cause a special audit to be made of the accounts maintained by the
13 officer, and by his agency. If, as a result of any audit, an officer shall be found to be indebted to
14 the County, the County Executive shall proceed forthwith to collect the indebtedness. In the
15 event that the County Executive shall be found to be indebted to the County, the Council shall
16 proceed forthwith to collect the indebtedness. The County Auditor is empowered to conduct
17 investigations related to fraud, waste and abuse by the County Executive, Council Members or
18 other County officials and employees. The Auditor is also empowered to conduct necessary
19 audits of any agency which is the recipient of funds appropriated or approved by the Council
20 whenever he deems it appropriate. No employee or official of the County shall interfere with,
21 threaten with disciplinary action, or otherwise attempt to restrain an employee of the County
22 from providing information to the County Auditor, nor shall any adverse action be taken against
23 such employee. Any adverse action taken within twelve (12) months after the employee has
24 provided information to the County Auditor shall be presumed to be retaliatory, which
25 presumption may be rebutted only by clear and convincing evidence to the contrary. Any audit,
26 including performance audits, special audits, and State audits which form the basis for an
27 exemption by the Council from a County audit, shall be published in suitable form and made
28 available to the public at reasonable hours at the Office of Audits and Investigations. All records
29 and files pertaining to the receipt and expenditure of County funds by all officers, agents, and
30 employees of the County and all agencies thereof, shall at all times be open to the inspection of
31 the County Auditor. The Auditor shall promptly call to the attention of the Council and the

1 County Executive any irregularity or improper procedure which he may discover. The County
2 Auditor shall have the power to administer oaths, to compel the attendance of witnesses, and to
3 require the production of records and other materials in connection with any audit, investigation,
4 inquiry, or hearing authorized by law or by this Charter. The Council shall have the power to
5 implement the provisions of this section and to assign additional functions, duties, and personnel
6 to the County Auditor.

7 SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the
8 County Executive for publication and that a copy also be transmitted to the Board of Supervisors
9 of Elections for submission of the proposed amendment to the voters of this County at the 2018
10 General Election pursuant to Section 1105 of the Charter.

11 SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed
12 Charter Amendment shall be submitted to the voters of the County at the General Election
13 occurring on November 6, 2018, and shall be placed on the ballot in the following form:

14
15 PROPOSED CHARTER AMENDMENT

16 To provide that the County Auditor be appointed and serve a five-year
17 term, which may be renewed for additional five-year terms, subject to
18 removal for cause, to remain until a successor is appointed and qualifies,
19 to provide that selected agencies that receive or disburse County funds
20 will receive a complete financial audit for the preceding fiscal year; and
21 to provide that the County Auditor be empowered to conduct
22 investigations related to fraud, waste and abuse by the County Executive,
23 Council Members or other County officials and employees.
24

1 Adopted this 24th day of July , 2018, by an affirmative vote of two-thirds of the members
2 of the full County Council.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dannielle M. Glaros
Chair

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.

**APPROVED BY A MAJORITY OF THE VOTERS AT THE REFERENDUM ON 11/6/2018.
EFFECTIVE: 12/7/2018**