

On motion of Mr. Conley, seconded by Ms. Lee-Sheng, the following ordinance was offered as amended:

**SUMMARY NO. 25376    ORDINANCE NO. 25930**

An ordinance amending Chapter 2 of the Code of Ordinances, Article V, relative to amending Section 2-155.10, regarding term limits, investigative powers, and structural placement of the Office of Inspector General, as well as amending Chapter 2 of the Code of Ordinances, Article V, relative to Section 2-142 and Section 2-147 regarding the scope of the representation of the Office of Inspector General by the Parish Attorney's Office.

**WHEREAS**, Section 4.09 of the Jefferson Parish Charter authorizes the Parish Council to "provide a term of office and other responsibilities and duties" of the Office of Inspector General.

**WHEREAS**, the inspector general's office shall pay for independent counsel from the department's budget.

**WHEREAS**, this ordinance shall clarify the requirements of Section 2-155.10(9)(a) below to require that draft reports be provided to all named and affected parties.

**WHEREAS**, the Ethics and Compliance Commission has requested that this same ordinance be amended to prohibit the Office of Inspector General from releasing reports on elected officials within ninety (90) days of an election so as not to unduly influence the outcome of said election.

**THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:**

**SECTION 1.** Section 2-155.10 of the Code of Ordinances be and is hereby amended to read as follows:

**Sec. 2-155.10. - Office of inspector general.**

...

(4) *Term of office.* The inspector general is appointed for a term of ~~five (5)~~ four (4) years, which term shall begin when the inspector general begins employment with the parish. One (1) subsequent four-year terms may be renewed at the discretion of the appointing authority. An inspector general who has served more than one and one-half terms in two consecutive terms shall not be eligible for reappointment as inspector general for the succeeding term.

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**(7) Organizational placement.**

- (a) The office of inspector general shall be operationally independent from the legislative and executive branches of the parish, including the parish council, and the office of the parish president, but is authorized and encouraged to work cooperatively with the ethics and compliance commission. "Operationally independent" shall mean that neither the parish council, the parish president, nor any employee of the parish 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 inspector general shall conduct preliminary inquiries, inquiries or investigations on behalf of the ethics and compliance commission 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 and compliance commission pursuant to Section 4.09 of the Jefferson Parish Charter to serve as legal counsel for the ethics and compliance commission and the office of

inspector general. Any counsel retained by the inspector general shall be paid for from the office of the inspector general's annual budget.

- (c) The office of the inspector general shall be considered a parish 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 sheriff 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.

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(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 and compliance commission.
- (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.
- (c) Such person or entity above, to include the person in charge of any parish department, agency, board, commission, the parish president, the parish council, or any member of the parish council or person in charge of any parish 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) (d) Any such person or entity named in and/or made the subject of a report, other than those persons identified in sub-paragraph (c) above, shall receive a copy of the report after the persons named in sub-paragraph (c) have submitted their response to the inspector general's office or, if no response is submitted, after thirty (30) working days from the date the report was issued. They 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 Parish.
- (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 parish president, or any parish councilmember, within ninety (90) days preceding an election in which the affected official may be a candidate.

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(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 parish government and any other function, activity, process, or operation conducted by parish government.
- (b) audit the efficiency and effectiveness of parish government operations and functions and conduct reviews of parish government's performance measurement system.
- (c) review the reliability and validity of the information provided by parish government performance measures and standards.
- (d) initiate such investigations, audits, inspections, and performance reviews of parish 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 parish council, the parish president, or parish 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 parish president, parish council, or

parish 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 ethics and compliance commission, 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 pursuant to R.S. 42:1161.
- (u) Upon detecting a potential violation of a parish ethics ordinance or code, the office of inspector general shall notify the ethics and compliance commission.
- (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 parish, 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 parish 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 parish president, the parish council, or any parish council member, 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 parish attorney, or a designee from the parish attorney's office, shall be copied on all such requests. In the alternative, the inspector general may send the written request directly to the parish 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 parish department or employee to any third parties or other parish employees.

(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 parish council, office of the parish president, all parish departments, agencies, boards, commissions, or of any individual, partnership, corporation, or organization involved in any financial or official capacity with parish 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 parish. At all times the inspector general shall have access to any building or facility that is owned, operated or leased by the parish or any department, agency, board, commission, or any property held in trust to the parish.

(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 Sec. 12 above, the inspector general shall send a written request to the department having custody of those records. The parish attorney, or a designee from the parish attorney's office, shall be copied on all such requests. In the alternative, the inspector general may send the written request directly to the parish 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 parish department or employee to any third parties or other parish employees.

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(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 parish department, agency, board, or commission, and any other data and material that is maintained by or available to the parish 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 parish attorney or his designee, seek information, cooperation, and assistance from any parish 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 parish 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 parish 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 24th 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 parish.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

**YEAS: 7 NAYS: None ABSENT: None**

This ordinance was declared to be adopted on the 18<sup>th</sup> day of December, 2019, and shall become effective as follows, if signed forthwith by the Parish President, ten (10) days after adoption, thereafter, upon signature by the Parish President or, if not signed by the Parish President upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this Ordinance shall become effective on the day of such approval.

THE FOREGOING IS CERTIFIED  
TO BE A TRUE & CORRECT COPY  
  
EULA A. LOPEZ  
PARISH CLERK  
JEFFERSON PARISH COUNCIL