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CITY OF BOSTON
IN CITY COUNCIL

IN THE YEAR TWO THOUSAND TWENTY-FIVE

AN ORDINANCE ESTABLISHING THE OFFICE OF INSPECTOR GENERAL
WITHIN THE CITY OF BOSTON

WHEREAS, Bostonians deserve a City government that is grounded in transparency, and accountable to the people; *and*

WHEREAS, Rather than bringing in costly outside counsel to address concerns as they arise, a City Inspector General will bring permanent, proactive, independent oversight of all Boston's City departments; *and*

WHEREAS, Inspectors General have been appointed at some level or public agency in 34 different states, including the Commonwealth of Massachusetts, and in cities, including Chicago, Detroit, Washington, D.C., New Orleans, Baltimore, New York City, Philadelphia, and Richmond; *and*

WHEREAS, An independent Inspector General will be able to identify mismanagement and waste, and address and oversee complaints made against Boston City departments; *and*

WHEREAS, The independent Office of Inspector General will enhance accountability and transparency between City departments and the Boston City Council;

NOW THEREFORE,

Be it ordained by the City Council of Boston, as follows:

SECTION 1. The City of Boston Code, Ordinances, Chapter II, is hereby amended by inserting the following new Section after existing Section 2-15:

2-16 OFFICE OF INSPECTOR GENERAL

2-16.1 Purpose

The purpose of this Ordinance is to establish an independent Office of Inspector General

(hereinafter referred to as “the Office”) for the City of Boston to ensure efficiency, quality, honesty, integrity, and transparency in City operations and delivery of services to residents. This Ordinance shall serve to support and bolster the role and work of the Massachusetts Inspector General on the local level. This Ordinance creates a Commission that shall foster investigative, educational, auditing, evaluative, preventative, and contract monitoring procedures to improve the delivery of City services.

2-16.2 Establishment

This Ordinance establishes the Office of the Inspector General and the Commission of General Inspectors (hereinafter referred to as “the Commission”), which will work together to conduct thorough, independent investigations into all matters related to the delivery of City services and support to Boston residents. The Office will focus on investigating fraud, waste, abuse, and mismanagement, and will identify opportunities to enhance efficiency, accountability, compliance, and integrity within the City government, ensuring the effective and responsible use of public resources. All investigatory matters related to appropriations, loans, expenditures, accounts, and other pre-established auditing procedures shall be referred to the appropriate agency.

2-16.3 Commission of General Inspectors

- 1. Appointment.** Commission Members shall be appointed by the Mayor, in accordance with the following recommendations:
 - a.** Membership shall be nominated by or reserved (ex officio) for:
 - i.** One (1) Member of the Auditing Committee.
 - ii.** One (1) Member of the Boston Finance Commission.
 - iii.** One (1) Member of the Boston Municipal Research Bureau.
 - iv.** One (1) Member of the Office of Participatory Budgeting.
 - v.** One (1) Chair of the City Council Committee on Post Audit: Government Accountability, Transparency, and Accessibility.
 - vi.** One (1) Chair of the City Council Committee on Ways and Means.
 - vii.** Two (2) members including a former Inspector General, Auditor, or government accountability officer; a member of relevant professional associations; a law or public policy designee from a Massachusetts institution; a former Massachusetts judge; or an expert who possesses comparable experience in Inspector General duties.
 - viii.** Three (3) members with community engagement expertise.
- 2. Membership.** The Commission shall consist of eleven (11) volunteers who shall be residents of the City of Boston. Commission members shall serve for a five (5)-year term unless otherwise removed. Removal shall be by the Mayor only for cause.
- 3. Terms.**
 - a. Term length and Term Limit.** Commission members shall each serve a term of five (5) years, provided however that of the members first appointed, three (3) shall be appointed for a term of five (5) years, two (2) shall be appointed for a term of four (4) years, two (2) shall be appointed for a term of three (3) years, two (2) shall be appointed for a term of two (2) years, and two (2) shall be

appointed for a term of one (1) year. Thereafter, the Mayor shall appoint each successor for a term of five (5) years. Any vacancy occurring otherwise than by the expiration of a term shall be filled for the unexpired term in the same manner as the position was originally filled. Commission members shall not serve more than two (2) consecutive five (5)-year terms.

- b. Expiration of Term.** Should a term expire and a holdover member remains in the role for more than 90 days from the date of expiration, they shall be considered re-appointed for the remainder of the new unexpired term until terminated and replaced pursuant to the Boston City Charter.
- c. Duties of the Commission.** The Commission shall monitor the implementation of recommendations and provide feedback to the Inspector General to help with future recommendations. The Commission shall initiate a Quality Assurance Review (“peer review”) in accordance with the standards set by the Association of Inspectors General every three (3) years. The Commission shall appear before the City Council as requested. The Commission shall advise the Mayor on Inspector General candidate selection when requested by the Mayor.

2-16.4 The Inspector General

The Commission shall be overseen by an Inspector General who will facilitate the coordination of audits, reviews, and investigations, and will provide recommendations in accordance with those professional standards that relate to the fields of investigation and auditing in government environments.

- 1. Appointment.** The Mayor shall appoint an Inspector General, who shall be a paid employee of the City of Boston, to oversee and run the daily operations and administration of the Commission and the Office. The Inspector General shall serve as the advisor of the Commission, and shall have the powers of a department head with respect to the execution of contracts and matters of personnel management within the Office, including hiring investigative aides.
- 2. Qualifications.** The Inspector General shall be selected on the basis of integrity, strong leadership, and demonstrated ability in accounting, auditing, financial analysis, independent government oversight, law, management analysis, public administration, investigation, criminal justice administration, or other appropriate fields in accordance with **Acts of 1909, c. 486, s. 9**.
 - a.** The Inspector General shall hold at the time of appointment, or be required to obtain within one (1) year of the appointment, certification as a Certified Inspector General in accordance with the policies and procedures set forth by the Association of Inspectors General.
- 3. Term.** The Inspector General shall serve for a term of 4 years.
- 4. Limitations.** The Inspector General may not hold any elective City office until two (2) years after leaving the position and may not have worked for the City as an employee or elected official within two (2) years of appointment.
- 5. Prohibited Activities.** During their term, the Inspector General may not engage in an occupation for profit, except for teaching, subject to approval by the Commission, or hold any other government office outside the duties of the Inspector General. The

Inspector General shall not solicit votes or raise monetary or in-kind contributions for any candidate for an elective office.

6. **Removal.** The Inspector General may be removed for cause in accordance with Section 40 of the Boston City Charter.
7. **Office.** The Office shall house the staff necessary to carry out and support the work and purposes of the Office, including the Inspector General, deputies, assistants, and those attorneys, investigators, inspectors, analysts, certified public accountants, and other professionals deemed necessary by the Inspector General. The Office staff shall collectively possess the knowledge, skills, and experience needed to accomplish the Office's mission, duties, and responsibilities. Within budget limitations, the Inspector General may obtain the services of certified public accountants, qualified management consultants, or other professional experts necessary to independently perform the functions of the Office.
8. **Duties of the Office.**
 - a. Receive and review complaints from employees, residents, and business owners in the City of Boston.
 - b. Receive requests for recommendations from City agencies and provide recommendations.
 - c. Perform investigations related to any and all such complaints or initiated by the Inspector General relating to the delivery of City services, operations, programs, and plans.
 - d. Report results of such investigations and make recommendations regarding policies and methods for the elimination of inefficiencies and waste, and the prevention of misconduct to bolster the improvement of City services and operations.
 - e. Review processes and procedures to measure performance.
 - f. Take appropriate steps to build public awareness of the Office and of all procedures established by the Inspector General for receiving complaints. The Office shall provide information, training, and education to City employees about the identification and prevention of fraud, waste, mismanagement and abuse of office in City government.
9. **Professional Standards.** Audits, investigations, inspections, and reviews conducted by the Office will conform to professional standards for Offices of Inspector General such as those promulgated by the Association of Inspectors General.
10. **Annual Report.** The Office shall prepare and publish an annual report of the Office's activities, submit it to the members of the Commission, and file it with the City Clerk.
 - a. The annual report may include recommendations regarding program weakness, contracting irregularities, or other institutional problems discovered by the Office.
 - b. After any redactions required by law, the annual report shall be posted on the Office's website.

2-16.5 Responsibilities

1. Oversee the day-to-day operations of the Office. The Inspector General shall have the power to hire, promote, discipline, and remove employees of the Office as deemed

necessary for the efficient and effective administration of the Office.

2. Identify and address systemic issues impacting the delivery of City services.
3. Monitor and assess the adherence of City departments, officials, and contractors to the highest standards of integrity, transparency, efficiency, and accessibility.
4. Provide actionable recommendations to improve the effectiveness, responsiveness, and transparency of City programs and services.
5. Review and assess policies, practices, and procedures to identify patterns of inefficiency and waste.
6. Conduct, either in response to a complaint or on the Inspector General's own initiative, in order to promote compliance, legality, integrity, transparency, accountability, and proper implementation and management, a review of any part of the City of Boston Code or Boston City Charter.
7. Monitor and assist any covered entity with the implementation of legislation or legislative policy, ensuring such policies comply with applicable laws and reduce opportunities for fraud or abuse. The Inspector General may assign personnel to conduct, supervise, or coordinate such activity.
8. If the Inspector General has probable cause to believe that a covered entity has committed or is committing an illegal act, then they shall promptly refer the matter to the appropriate administrative and prosecutorial authorities. The Inspector General shall continue to participate in referred investigations in compliance with the appropriate authority if asked to do so.
9. Any additional responsibilities as seen fit by the Inspector General.

2-16.6 Powers and Authorities

1. ***Jurisdiction of the Office.*** The powers and duties of the Inspector General shall extend to the conduct of any *covered entity*, subject to applicable law, which shall be defined as: (1) any City employee; (2) any elected official or appointed officer of the City, including heads of City or quasi-governmental departments, agencies, bureaus, and all persons exercising comparable authority; (3) any member of a City or quasi-governmental board or commission; (4) any individual, organization, or business receiving City-granted funds or other benefits, including, but not limited to, loans, grants, tax credits, below market rate property transfers, tax increment financing, payment in lieu of taxes, or other City subsidies of any kind; (5) any individual, organization, or business providing goods or services to the City pursuant to a City contract; (6) any individual, organization, or business seeking certification of eligibility to provide goods or services to the City pursuant to a contract; (7) any individual, organization, or business seeking a City approval, permit, or license; or (8) any City or quasi-governmental department, agency, board, commission, program, or process.
2. ***Authority.*** The Inspector General shall have the authority to:
 - a. Obtain full and unrestricted access to all records, information data, reports, plans, projections, matters, contracts, memoranda, correspondence, and any other materials of covered entities that the Inspector General deems necessary to facilitate an investigation, audit, inspection, or performance review subject to Public Records Law.

- b.* The authority to administer oaths or affirmations and take testimony relevant to any inquiry or investigation undertaken.
 - c.* Reach out to constituents as necessary for investigation, review, or recommendation.
 - d.* Do all things necessary to carry out the functions and duties set forth in this Ordinance.
- 3. *Subpoena Power.***
- a.* The Inspector General may issue subpoenas to require any person to appear under oath as a witness, or the production of any information, document, report, record, account, or other material.
 - b.* The Inspector General shall on behalf of the Commission exercise such authority granted under **M.G.L c.233 s.8** to conduct hearings, subpoena witnesses, compel their attendance, including but not limited to filing contempt proceedings with Superior Court, administer oaths, take the testimony of any person under oath and in connection therewith to require the production for examination of any documents, books, papers, or evidence relating to any matter in question or under investigation by the Inspector General.

2-16.7 Conflict of Interest

When the Inspector General has reason to believe they must recuse themselves from a matter, the Inspector General shall refer such matter to the appropriate investigatory or law enforcement agency.

2-16.8 Entity Duty to Report; Cooperation in Investigations; Obstruction

Any covered entity who has knowledge of, or receives a complaint regarding, an incident of misconduct, malfeasance, misfeasance, conflicts of interest, acceptance of bribes or gratuities, fraud, waste, mismanagement, or abuse of office shall immediately report all relevant information or refer such complaint to the Office.

It shall be the duty of every covered entity to cooperate with the Inspector General in any investigation pursuant to this Ordinance, including the prompt provision to the Inspector General any information, document, report, record, account, or other material requested by the Inspector General in connection with any investigation, audit, or review.

2-16.9 Confidentiality

Subject to any applicable law, audit and investigative files of the Office of Inspector General containing privileged or legally protected information shall be confidential and shall not be divulged to any person or agency, except to the United States Attorney, the Massachusetts Attorney General, or Suffolk County District Attorney's Office, State Inspector General, Boston Finance Commission, or as otherwise required by law.

- 1.* The Office of Inspector General shall implement internal safeguards to restrict access

to ensure confidentiality and shall limit confidential audit and investigative files to authorized personnel only.

2. Unless required by law or judicial processes and subject to the Public Records Law, names and identities of individuals making complaints and information protected by whistleblower or other legislation will not be disclosed without the written consent of the individual.

2-16.10 Retaliation Prohibited

No person employed by, under contract to, or any agent of the City of Boston shall either directly or indirectly take or threaten to take, direct others to take, recommend, or approve any personal action against any individual or employee as reprisal for making a complaint, testifying before, or disclosing information to the Office. Upon notification of such a claim, the Inspector General may conduct an investigation and file a report if there is a finding of fault in accordance with this Ordinance.

2-16.11 Enforcement

The Mayor, the City Council, the Commission, and any governmental or quasi-governmental entity head shall not prevent, impair, or prohibit the Inspector General from initiating, carrying out, completing, or reporting on any audit, investigation, or review. Any covered entity that willfully and without justification or excuse obstructs an investigation of the Inspector General by withholding documents or testimony is subject to forfeiture of office, discipline, debarment, or any other applicable penalty.

2-16.12 Severability

SECTION 2. If any provision, clause, part, or application of this chapter is held to be invalid by a court of competent jurisdiction, then such provision, clause, part or application shall be considered separately and apart from the remainder, which shall remain in full force and effect.

SECTION 3. The provisions of this chapter are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

SECTION 4. The provisions of this Ordinance shall take effect within sixty (60) days of passage.

Filed: January 8, 2025