

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

LEGISLATIVE SESSION, 2018

LEGISLATIVE BILL 2018-06

Introduced: May 15, 2018

By: The Council President

AN ACT to add Chapter 13, titled "County Internal Auditor," to the Wicomico County Code to clarify the powers and duties of the County Internal Auditor and to include regulatory provisions related to the conduct of audits.

WHEREAS, the Wicomico County Council wishes to promote a culture of openness with the core values of respect, trust and responsibility enshrined within; and

WHEREAS, the Wicomico County Council finds it necessary and appropriate to add Chapter 13 to the Wicomico County Code to clarify the powers and duties of the County Internal Auditor to ensure that all opportunities for preventing and detecting fraudulent or corrupt activity are maximized.

SECTION I; BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 13, titled "County Internal Auditor," be enacted as follows:

CHAPTER 13

COUNTY INTERNAL AUDITOR

§ 13-01. ESTABLISHED.

THERE IS A COUNTY INTERNAL AUDITOR AS ESTABLISHED UNDER § 305 OF THE CHARTER.

§ 13-02. POWERS AND DUTIES.

(A) *FINANCIAL AUDITS*. THE COUNTY INTERNAL AUDITOR MAY:

(1) ASSIST THE EXTERNAL AUDITOR IN CONDUCTING A FINANCIAL AUDIT, REQUIRED BY § 904 OF THE CHARTER, OF ALL OFFICES, DEPARTMENTS, INSTITUTIONS, BOARDS, COMMISSIONS, AND OTHER AGENCIES OF THE COUNTY GOVERNMENT; AND

(2) IF DIRECTED BY A MAJORITY OF THE COUNTY COUNCIL, CONDUCT A FINANCIAL AUDIT OF AN ORGANIZATION FUNDED IN WHOLE OR IN PART BY COUNTY FUNDS.

(B) *OPERATIONAL AND PERFORMANCE AUDITS*.

(1) THE COUNTY AUDITOR MAY CONDUCT OPERATIONAL AND PERFORMANCE AUDITS AS ASSIGNED AND DIRECTED BY THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE IN ACCORDANCE WITH THE PROVISIONS OF §305 OF THE CHARTER.

(2) ON COMPLETION OF AN OPERATIONAL AND PERFORMANCE AUDIT, THE COUNTY AUDITOR SHALL PREPARE AN AUDIT REPORT IN WRITING.

(3) BEFORE SUBMITTING THE AUDIT REPORT AS PROVIDED UNDER PARAGRAPH (5) OF THIS SUBSECTION, THE COUNTY INTERNAL AUDITOR SHALL FORWARD A FINAL DRAFT OF THE AUDIT REPORT TO THE AUDITED OFFICE, DEPARTMENT, BOARD, COMMISSION, INSTITUTION, OR AGENCY FOR REVIEW AND COMMENT ON THE FACTUAL CONTENT.

(4) THE AUDITED OFFICE, DEPARTMENT, BOARD, COMMISSION, INSTITUTION, OR AGENCY SHALL RESPOND IN WRITING TO THE COUNTY INTERNAL AUDITOR WITHIN 30 DAYS AFTER RECEIPT OF THE FINAL DRAFT SPECIFYING:

(I) AGREEMENT WITH THE AUDIT FINDINGS AND RECOMMENDATIONS;

(II) REASONS FOR DISAGREEMENT WITH AUDIT FINDINGS AND RECOMMENDATIONS;

(III) PLANS FOR IMPLEMENTING SOLUTIONS TO IDENTIFIED PROBLEMS; AND

(IV) A TIMETABLE TO COMPLETE IMPLEMENTATION OF THE SOLUTIONS TO IDENTIFIED PROBLEMS.

(5) THE COUNTY INTERNAL AUDITOR SHALL INCLUDE THE FULL TEXT OF THE AUDITEE'S RESPONSE IN THE AUDIT REPORT AND SHALL WITHIN THE CONFINES OF THE INTERNATIONAL PROFESSIONAL PRACTICES FRAMEWORK (IPPF) PUBLISHED BY THE INSTITUTE ON INTERNAL AUDITORS:

(I) SUBMIT THE REPORT IN WRITING TO THE COUNTY COUNCIL; AND

(II) SIMULTANEOUSLY PROVIDE COPIES OF THE REPORT TO THE COUNTY EXECUTIVE AND THE DIRECTOR OR CHAIRMAN OF THE AUDITED OFFICE, DEPARTMENT, BOARD, COMMISSION, INSTITUTION, OR AGENCY.

(6) IN ACCORDANCE WITH THE COUNTY COUNCIL'S DIRECTION, THE AUDITEE SHALL SUBMIT SUBSEQUENT REPORTS RELATING TO THE AUDIT FINDINGS OR FOLLOW-UP MEASURES.

(C) *INSPECTION OF RECORDS.*

(1) OFFICERS, AGENTS, AND EMPLOYEES OF THE COUNTY SHALL MAKE ALL RECORDS AND FILES RELATING TO THE RECEIPT AND EXPENDITURE OF COUNTY FUNDS OPEN TO THE INSPECTION OF THE COUNTY AUDITOR AT ALL TIMES.

(2) AN OFFICE, DEPARTMENT, BOARD, COMMISSION, INSTITUTION, OR AGENCY FUNDED IN WHOLE OR IN PART BY COUNTY FUNDS SHALL MAKE ALL RECORDS AND FILES RELATING TO ITS POWERS, DUTIES, ACTIVITIES, ORGANIZATION, MANAGEMENT, AND PERFORMANCE OPEN TO THE INSPECTION OF THE COUNTY AUDITOR AT ALL TIMES.

(3) AN OFFICE, DEPARTMENT, INSTITUTION, BOARD, COMMISSION, AND OTHER AGENCY OF THE COUNTY SHALL MAKE ITS PROPERTY, EQUIPMENT, AND FACILITIES OPEN TO THE INSPECTION OF THE COUNTY AUDITOR AT ALL TIMES.

(D) *DUTY TO COOPERATE WITH AUDITOR; RETALIATION PROHIBITED.*

(1) AN EMPLOYEE AND OTHER PERSONS ASSOCIATED IN ANY MANNER WITH THE EXPENDITURE OF COUNTY FUNDS SHALL COOPERATE WITH THE COUNTY AUDITOR IN THE PERFORMANCE OF THE AUDITOR'S DUTIES UNDER THIS SECTION.

(2) AN EMPLOYEE OR OTHER PERSON WHO ASSISTS OR PROVIDES INFORMATION TO THE COUNTY AUDITOR OR THE AUDITOR'S STAFF MAY NOT BE RETALIATED AGAINST, PENALIZED, OR THREATENED IN ANY MANNER AS A RESULT OF ASSISTING WITH OR PROVIDING INFORMATION TO THE COUNTY AUDITOR OR THE AUDITOR'S STAFF.

§ 13-03. CONDUCT OF AUDITS.

(A) *STANDARDS.* AUDITS SHALL BE CONDUCTED IN ACCORDANCE WITH THE INTERNATIONAL PROFESSIONAL PRACTICES FRAMEWORK (IPPF) PUBLISHED BY THE INSTITUTE OF INTERNAL AUDITORS APPLICABLE TO FINANCIAL, OPERATIONAL, AND PERFORMANCE AUDITS.

(B) *INDEPENDENCE OF THE AUDITOR.* THE AUDITOR AND THE AUDITOR'S STAFF SHALL BE CONSIDERED INDEPENDENT AS DEFINED BY THE STANDARDS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(C) *PROHIBITIONS.* THE AUDITOR MAY NOT CONDUCT OR SUPERVISE AN AUDIT OF:

- (1) AN ACTIVITY FOR WHICH THE AUDITOR WAS RESPONSIBLE DURING THE PRECEDING 2 YEARS; OR
- (2) AN OFFICE, DEPARTMENT, BOARD, COMMISSION, INSTITUTION, AGENCY, OR ORGANIZATION BY WHICH THE AUDITOR WAS EMPLOYED DURING THE PRECEDING 2 YEARS.

SECTION II: BE IT FURTHER ENACTED THAT this Legislative bill will be known as Legislative Bill No. 2018-06 of Wicomico County, Maryland and will take effect 60 days after its final passage, unless a timely petition for referendum is filed. If a timely petition is filed, then the bill will not take effect until 30 days after the approval of this bill by a majority of the qualified voters of the County voting in the referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland on July 19, 2018.

WICOMICO COUNTY, MARYLAND

 (SEAL)

By: John T. Cannon, President

 (SEAL)

By: Laura Hurley, Secretary

I certify that copies of this Bill are available to the public, the press, and other news media at the time of its introduction.

 (SEAL)
By: Laura Hurley, Secretary

Explanation:

“Strike-out” indicates matters deleted from existing law.

“All Capital” indicates matters added to existing law.

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2018 Legislative Session

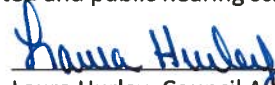
Legislative Day No. 15

LEGISLATIVE BILL NO. 2018-06

INTRODUCED BY: President of the Council

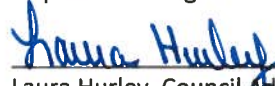
AN ACT to add Chapter 13, titled "County Internal Auditor," to the Wicomico County Code to clarify the powers and duties of the County Internal Auditor and to include regulatory provisions related to the conduct of audits.

Introduced and read first time on May 15, 2018. Ordered posted and public hearing scheduled for June 5, 2018 at 6:00 p.m.



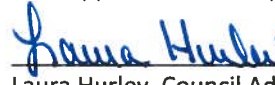
Laura Hurley, Council Administrator

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on June 5, 2018 and concluded on June 5, 2018.



Laura Hurley, Council Administrator

CERTIFICATION: The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 19th day of June, 2018.



Laura Hurley, Council Administrator

Presented to the County Executive for approval this N/A day of N/A at N/A p.m. (5 days §411)



Laura Hurley, Council Administrator

BY THE EXECUTIVE:

County Executive

APPROVED

Date: N/A
(21 days §411)

VETOED

Section 305 of the Charter, titled "County Internal Auditor", letter F, states, "All actions of the County Council pursuant to this section shall be exempt from the executive veto."

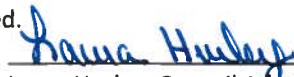
BY THE COUNCIL:

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on _____ and effective on: _____.
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the Executive within 21 days of its presentation, stands enacted on _____ and becomes effective on _____.
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on June 19, 2018 and becomes effective on August 18, 2018. (Charter Section 305)

ENROLLMENT: Legislative Bill No. 2018-06 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.



Laura Hurley, Council Administrator

Date: 6/20/2018