

OFFERED BY COUNCILORS JULIA MEJIA, BRIAN WORRELL,
COLETTA ZAPATA, PEPÉN, WEBER



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY-FIVE

HOME RULE PETITION TO ESTABLISH THE COMMISSION OF INSPECTORS GENERAL ON FINANCIAL OVERSIGHT

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 office of the independent Inspector General will enhance accountability and transparency between City departments and the Boston City Council ; ***NOW, THEREFORE BE IT***

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

PETITION FOR A SPECIAL LAW RE: AN ACT TO AMENDING THE OPERATIONS OF THE CITY OF BOSTON FINANCE COMMISSION TO ESTABLISH THE COMMISSION OF INSPECTORS GENERAL ON FINANCIAL OVERSIGHT

SECTION 1. *Section 17 of Chapter 486 of the Acts of 1909* is hereby amended by striking the paragraph in its entirety and inserting the following section:-

SECTION 17. *Appointment of the Boston Finance and Oversight Commission.*

In the City of Boston there shall be a Commission consisting of 5 persons, inhabitants of and qualified voters in the City of Boston, who shall have been such for at least 3 years prior to the date of their appointment. Members shall serve without compensation and be individuals with experience or expertise in investigations, auditing, administrative law, accounting, performance measurements, public policy, community engagement, or other relevant expertise. Members shall be appointed by the Governor, with one member appointed for the term of 5 years, one member for 4 years, one member for 3 years, one member for 2 years, and one member for 1 year, and thereafter as the terms of office expire in each year one member for a term of 5 years. Vacancies in the Commission shall be filled for the unexpired term by the Governor. The members of said commission may be removed by the Governor for cause.

SECTION 2. *Section 18 of Chapter 486 of the Acts of 1909* is hereby amended by striking the paragraph in its entirety and inserting the following section: -

SECTION 18. *Duties of the Commission.* The Commission shall appoint an Inspector General following a majority vote of its members who shall serve a 5-year term. The Commission shall consider candidates who meet qualifications such as expertise in accounting, auditing, financial analysis, independent government oversight, law, management analysis, public administration, investigation, criminal justice administration, or other appropriate fields. The Inspector General must hold or obtain a nationally recognized certification as a Certified Inspector General.

Additional duties of the Commission shall include reviewing reports produced by the Inspector General upon request; monitoring the implementation of recommendations and providing feedback to the Inspector General; initiating a nationally recognized Quality Assurance Review (“peer review”) every 3 years; coming before the City Council upon request; reviewing the annual budget proposed by the Inspector General.

SECTION 3. *Section 19 of Chapter 486 of the Acts of 1909* is hereby amended by striking the paragraph in its entirety and inserting the following section: -

SECTION 19. *Duties of the Inspector General.* The Inspector General shall have the authority to: conduct investigations on all matters related to the finances of the City, including appropriations, debt, loans, taxation, expenditures, bookkeeping, and Administration, particularly concerning fraud, waste, abuse, mismanagement that require examination to ensure transparency, efficiency, accountability, responsibility, integrity, and compliance with applicable laws; as well as to review the policies, practices, and procedures related to these matters to identify areas for improvement.

The Inspector General shall foster investigative, educational, auditing, evaluative, preventative, and contract monitoring procedures to improve the delivery of City services, strengthen accountability, and enhance operational effectiveness, all while adhering to professional standards for Offices of Inspector General, such as those established by the AIG. To facilitate its work, the Inspector General shall engage directly with constituents as necessary to gather information for investigations, reviews, or recommendations and shall take appropriate steps to build public awareness of its purpose, processes, and procedures for receiving complaints.

The Inspector General shall have the authority to initiate investigations based on complaints from employees, residents, and business owners or, at its discretion, to address inefficiencies, waste, misconduct, abuse, or mismanagement in City operations, services, and programs.

The Inspector General shall prepare and publish an annual report of the Commission and file it with the City Clerk. The annual report may include recommendations regarding program weakness, contracting irregularities, or other institutional problems discovered by the Inspector General. The annual report shall be made available publicly online by March 1st of each year. The Inspector General shall appear in front of the City Council annually and upon request.

SECTION 4. *Section 20 of Chapter 486 of the Acts of 1909* is hereby amended by striking the paragraph in its entirety and inserting the following section: -

SECTION 20. *Employment of Experts.* The Commission shall upon request of the Inspector General, employ a number of Deputy Investigators to carry out and support the work and purposes of the Commission. The Commission will present said request to the Mayor for their review and all investigators thereafter employed shall receive stipends as determined by the Mayor commensurate with their duties and/or expenses. Employed staff shall collectively possess the knowledge, skills, and experience needed to accomplish the Commission's mission, duties, and responsibilities.

SECTION 5. *Section 21 of Chapter 486 of the Acts of 1909* is hereby amended by striking the paragraph in its entirety and inserting the following section: -

SECTION 21. *Powers of the Commission and Enforcement.* For the purpose of enabling the said commission to perform the duties and carry out the objects herein contemplated by this act, the Commission, by and through the Inspector General, is hereby empowered to inspect all City records and inquire into the management of the business of said City, and to inform itself as to the manner and methods in which the same is or has been conducted and is further authorized to summon witnesses pursuant to M.G.L c.233 s. 8.

Subject to any applicable law, auditing, investigative, and evaluative files of the Commission 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, or as otherwise required by law. The Commission shall implement internal safeguards to restrict access to ensure confidentiality and limit confidential auditing, investigative, and evaluative files to authorized personnel only. Subject to Public Records law, names and identities of individuals making complaints and information protected under law will not be disclosed without the individual's written consent unless required by law or judicial processes.

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 Commission and their staff. Upon notification of such a claim, the Inspector General may conduct an investigation in accordance with this Chapter.

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, or completing any audit, investigation, review, or evaluation. Any covered entity that willfully and without justification or excuses 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.

Anyone who knows of or receives a complaint regarding misconduct, malfeasance, misfeasance, conflicts of interest, acceptance of bribes or gratuities, fraud, waste, or abuse of office should immediately report all relevant information or refer such complaint to the Commission. It should be the duty of every covered entity to cooperate with the Inspector General in any investigation pursuant to this Chapter, 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 an investigation, audit, review, or evaluation.

The Inspector General may not hold any elected 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. During their term, the Inspector General may not engage in an occupation for profit, except for teaching, subject to the approval of 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. The Inspector General may be removed for cause. All employees of the commission are subject to M.G.L. 268A.

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.

SECTION 6.

The provisions of this act 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 7.

This act shall take effect upon its passage.

Filed on: January 8, 2025