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(ITEM) From the Director of Audits, Office of the Comptroller, requesting authorization to create Section 34.095 of the Milwaukee County Code of General Ordinances to strengthen Milwaukee County’s investigations concerning fraud, waste, and abuse, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, the Audit Services Division, Office of the Comptroller, is responsible for post-auditing the fiscal concerns of Milwaukee County, as well as reviewing internal accounting and administrative controls, compliance with applicable laws and regulations, economy and efficiency of operations, and effectiveness in achieving program results; and

WHEREAS, in addition, the Audit Services Division monitors contracts with vendors of goods and services, reconciles the County's checking accounts, and maintains a hotline service to receive information regarding waste, fraud, and abuse of Milwaukee County resources; and

WHEREAS, the Director of Audits has submitted amendments to Chapter 34 of the Milwaukee County Code of General Ordinances to add language to strengthen investigations for fraud, waste, and abuse; now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby adopts Section 34.095 of the Milwaukee County Code of General Ordinances by adopting the following:

AN ORDINANCE

The County Board of Supervisors of the County of Milwaukee does ordain as follows:

SECTION 1. Section 34.095 is created as follows:

34.095 Investigations concerning fraud, waste, and abuse

The Office of the Comptroller – Audit Services Division, having established a hotline for the purposes of receiving and investigating allegations of fraud, waste, and abuse in Milwaukee County government, the following shall apply:

- (a) The Audit Services Division is authorized to investigate allegations of fraud, waste, or abuse. Powers of the Audit Services Division include those described in Section 34.09.

46 (b) All County employees, officers, elected officials, vendors, contractors,
47 subcontractors, and applicants, unless otherwise excluded, shall cooperate by
48 providing complete, true, and honest records and testimony in any and all
49 investigations conducted pursuant to this chapter.

50
51 (c) All County departments', offices', contractors', and subcontractors' premises,
52 personnel, equipment, records, documents, books, and papers, unless otherwise
53 excluded, shall be made available to the Director of Audits, his agent or designee
54 at any and all times with or without notice. For contractors and subcontractors,
55 this provision shall be enforceable for three (3) years following the date of last
56 payment.

57
58 (d) Any and all County contracts and solicitations for contracts shall include a
59 statement that the contractor and any subcontractors understand and will abide
60 by the requirements of this chapter.

61
62 (e) No County employee, officer, elected official, vendor, contractor, or subcontractor
63 shall retaliate against any person who in good faith reports to, assists,
64 cooperates with, provides information to, or contacts the Audit Services Division
65 regarding fraud, waste, or abuse.

66
67 (f) No person shall willfully or otherwise knowingly interfere with or obstruct an
68 investigation conducted by announced audit personnel pursuant to this chapter.

69
70 (g) Investigation information, files, and records shall be confidential and shall not be
71 disclosed except as required by law and except as needed to properly investigate
72 allegations of fraud, waste, and abuse, including but not limited to, disclosure to
73 law enforcement and regulatory agencies.

74
75 (h) The Audit Services Division shall submit to the County Executive and the County
76 Board an annual report describing the activities related to fraud, waste, and
77 abuse in Milwaukee County government in the preceding year.

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79 (i) All County employees, officers, elected officials, vendors, contractors, and
80 subcontractors are required to report in a reasonable amount of time to the Audit
81 Services Division all known instances or allegations of fraud, waste, and abuse in
82 Milwaukee County government.

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84 (j) No person shall knowingly make a materially false statement which the person
85 does not believe to be true at the time of the statement to the Audit Services
86 Division concerning fraud, waste, and abuse.

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(k) Any person subject to the requirements of this chapter who willfully violates any provision of this chapter may be subject to disciplinary action, including but not limited to, discharge from employment, debarment from doing business with Milwaukee County, and/or a citation issued under section 63.09(2) of the ordinances carrying a cash deposit and maximum penalty of \$100 for each day that a violation occurs.

(l) The provisions of this code shall be deemed severable and it is expressly declared that the County Board would have passed the other provisions of this code irrespective of whether or not one (1) or more provisions may be declared invalid, and if any provision of this code or the application thereof to any person or circumstances is held invalid, the remainder of the code and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 2. This ordinance shall be effective upon passage and publication.

jmj
03/19/15
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