

## Chapter 2-20

### Inspector General

**2-20-010 Appointment of an Inspector General.** The Board of Directors shall appoint an Inspector General who shall be a full time officer of the MTA and who shall be appointed for a term of four years.

**2-20-020 Authority and Responsibilities of Inspector General.** The Inspector General shall direct an independent and objective unit reporting directly to the Board of Directors and shall have the following authority and responsibilities:

A. To conduct and supervise audits, reviews and analyses, independent of those internal audits directed by the Chief Executive Officer, relating to the programs, operations and contracts of the MTA;

B. To receive and investigate complaints from any source and proactively conduct investigations concerning alleged abuse, fraud or waste of MTA resources;

C. To provide leadership and coordination in recommending policies or remedial actions to correct deficiencies and promote economy, efficiency and effectiveness of MTA programs and operations;

D. To provide the Board of Directors and management with independent analyses, evaluations and appraisals of the MTA's performance effectiveness, the accuracy of its information systems, the economic and efficient utilization of its resources, and the adequacy of its internal controls;

E. To report quarterly to the Board of Directors on MTA expenditures for travel, meals and refreshments, private club dues, memberships fees and other charges and expenditures

as specified by the Board of Directors and as required by Public Utilities Code Section 130051.28 (b);

F. To keep the Board of Directors and MTA management informed of issues and deficiencies relating to compliance with applicable policies, procedures, federal and state laws, regulations and grants, and the need for and the status of any appropriate corrective action;

G. To prepare and update as necessary, a pre-qualification questionnaire to be completed by business entities seeking to do business with the MTA as required by Public Utilities Code Section 130051.21;

H. To coordinate as necessary on criminal matters with law enforcement agencies;

I. To comply with the standards set forth in the Government Auditing Standards promulgated by the Controller General of the United States; and

J. To report expeditiously to the District Attorney, the California Attorney General, the United States Attorney or other appropriate prosecutorial and investigative agencies whenever the Inspector General has reasonable grounds to believe there has been a violation of criminal law.

**2-20-030 Further Authority of Inspector General.** In addition to the authority necessary to carry out those responsibilities set forth in section 2-20-020, the Inspector General shall have the following specific authority:

A. To have full, free and unrestricted access to all MTA records, reports, audits, reviews, plans, projections, documents, files, contracts, memoranda, correspondence, data, information and other materials, whether maintained in a written format or contained on audio, video, electronic tape or disk, or in some other format;

B. To subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents as may be deemed relevant to any inquiry or investigation undertaken, as authorized in section 2-20-050.

C. To select, appoint, and employ, in accordance with applicable MTA Human Resources policies, such officers and employees as are required to carry out the functions, powers and duties of the Inspector General;

D. To enter into contracts and other arrangements for audits, investigations, studies, analyses and other services with public agencies and with private persons to carry out the duties and responsibilities of the Inspector General, in accordance with applicable procurement ordinances and procedures and within the budget approved by the Board of Directors;

E. To have direct and prompt access to any member of the Board of Directors, MTA officer, employee or contractor as may be necessary to carry out the duties and responsibilities of the Inspector General; and

F. To make available to appropriate law enforcement officials information and evidence which relates to criminal acts that may be obtained by the Inspector General in carrying out his or her duties and responsibilities.

**2-20-040 Confidentiality of Inspector General Investigatory Files.** All information compiled by the Inspector General as part of an investigation is confidential and shall be considered an investigatory file under Government Code Section 6254, subdivision (f), and shall be subject to release only as set forth therein.

**2-20-050 Subpoena Authority.**

A. The Inspector General has the power to examine witnesses under oath, to compel the attendance of witnesses, and to compel the production of evidence by witnesses, within the course of an investigation authorized by this Chapter.

B. The Inspector General may issue a subpoena to compel the attendance of a witness to give testimony, or to compel the attendance of a witness to produce evidence when the subpoena is supported by affidavit from a member of the Office of Inspector General, which states the name and address of the witness, the exact things to be produced, and the materiality of the testimony or tangible evidence to the issues involved. The Inspector General is authorized to administer oaths to witnesses.

C. Subpoenas shall be issued in the name of the MTA, and they shall be attested by the Board Secretary. Subpoenas shall be served in the manner provided by law for the service of a summons. Witnesses shall be entitled to five dollars (\$5.00) per hour, to a maximum of thirty-five dollars (\$35.00) per day, plus twenty cents (\$0.20) per mile for each mile traveled round trip between the residence of the witness to the place for the witness's appearance as set forth in the subpoena.

D. If a witness disobeys a subpoena, the Inspector General shall apply to the court with jurisdiction over such matters, to compel the attendance of the witness. The Inspector General shall seek the penalties imposed by law upon the disobedience of a compelled subpoena.

E. Nothing in this ordinance shall limit or otherwise affect the power of the Board of Directors to compel the attendance of a witness to give testimony, or to compel the attendance of a witness to produce evidence.

**2-20-060 Complaints by Employees, Disclosure of Identity, Reprisal.**

A. The Inspector General may receive and investigate complaints or information from any sources, including any employees of the MTA or MTA contractors, concerning the possible existence of activity constituting a violation of law, rules or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.

B. The Inspector General shall not disclose the identity of an employee from whom a complaint or information has been received, unless the employee has consented to such disclosure or such disclosure is unavoidable during the course of the investigation.

C. Any employee who makes a complaint or discloses information to the Inspector General shall not be subject to any reprisal or threat of reprisal for having made such a complaint or for having disclosed such information, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

**2-20-070 Removal of the Inspector General.** The Inspector General shall serve at the pleasure of the Board of Directors, but may be removed during his or her four year term of office only as follows:

A. By a two-thirds vote of all members of the Board of Directors for any reason, or

B. By a majority vote of all members of the Board of Directors if the Inspector General violates a federal or state law or regulation, or an ordinance, policy or practice of the MTA relative to ethical obligations, including, but not limited to, the acceptance of gifts or contributions.