



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-2021-6

File ID: O-2021-6	Type: Ordinance	Status: Non-Consent Items
Version: 1	Reference: Item 31	In Control: City Council
Department: Legal Department	Cost:	File Created: 07/27/2020
File Name: Charter Amendment - Auditor	Final Action:	

Title: CONSIDERATION OF ORDINANCE O-2021-6 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE V CREATING THE POSITION OF MUNICIPAL AUDITOR TO BE APPOINTED AND REMOVED BY THE CITY COUNCIL, AND RENUMBERING ARTICLE DESIGNATIONS SET FORTH IN THE CHARTER AFTER ARTICLE V ACCORDINGLY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to reject Ordinance O-2021-6 upon Second Reading section by section.

ACTION TAKEN: _____

Agenda Date: 10/27/2020

Agenda Number: 31

Attachments: City Council Staff Report, O-2021-6 City Auditor
Clean, O-2021-6 City Auditor Anno

Project Manager: Kathryn Walker, City Attorney

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	07/28/2020	Introduced and adopted on First Reading by title only				Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					
1	City Council	08/11/2020	Postponed		10/27/2020		Pass
	Action Text:	A motion was made by Council Member Bierman, seconded by Council Member Petrone, that this Ordinance be Postponed . The motion carried by the following vote:					

Text of Legislative File O-2021-6

Body

BACKGROUND: In the FYE19 Budget, City Council included funding for a new position of City Auditor and support staff, envisioned to be an independent source of review of City operations and finances to ensure an efficient and economic operation of City government. By Resolution R-1819-66 (as amended), Council appointed a Charter Review Commission to recommend whether language should be added to the Charter “related to the appointment and removal of a City Auditor that would be a full time employee of the City of Norman and appointed and subject to removal by the City Council”. The Charter Review Commission discussed this issue at its meeting on September 9, 2019, and unanimously recommended not to add such language to the Charter. Discussions of the Commission seemed to reflect an understanding of the potential need for an internal auditor from time to time but the Commission was unsure whether a full-time position was needed to accomplish this task given the ability of the City to hire independent auditors on an as-needed basis. Ultimately, although added to the FYE2020 budget, the position was not filled because language was not added to the Charter.

During its consideration of the FYE21 budget, Council amended the proposed budget to reduced salaries and benefits in the Police Department General Fund by \$245,000 to provide for the implementation of an internal auditor program. A lawsuit was filed related to this and other actions taken during the budget adoption process that seeks to have a Court determine that such funds were reallocated unlawfully (*FOP v. City of Norman*, Cleveland County District Court, CJ-2020-661). This lawsuit is in its very early stages. Recent conversations with Councilmembers indicate a desire to move forward with an amendment to the Charter that would submit to the voters the question of adding a City Auditor position that would be an additional employee of the City Council. Provided this ordinance and the companion ordinance calling the election are adopted, this question would be submitted to the voters on November 3, 2020. Because state and federal elections are set for the same date, the cost to the City of conducting this special election is greatly reduced.

DISCUSSION: Ordinance O-2021-6 would amend the Charter by adding a new Article V titled “City Auditor”. Section 1 acknowledges the creation of the office of City Auditor. Since the auditor is envisioned to be a City Council employee, Section 2 mirrors the language found in Article III, Section 1 which discusses the appointment and removal process for the City Manager, except for qualifications specific and desirable for an auditor (related degree, CPA designation, and at least 5 years’ experience in auditing). Finally, Section 3 outlines the general duties of the City Auditor. The City Auditor will be required to advise City Council and the City Manager of financial and operational audits relating to the efficient and economic operation of Norman City government and other related matters as may be required by the City Council or the City Manager.

Ordinance O-2021-7 calls the election for the Charter amendment set forth in O-2020-6 on November 3, 2020 in conjunction with state and federal office elections.

Recommendation: During discussion at the City Council Retreat on October 16 and 17 about

possible Charter amendments, Council expressed a preference to package this amendment with other potential Charter amendments to submit to the voters later in 2021. Based on this discussion, Staff recommends Ordinance O-2021-6 be rejected.