

11-0-1494

(Do Not Write Above This Line)

First Reading

Committee Committee on Council

Date 10/17/11
 Chair Chairman D. Moore
 Referred To Committee on Council

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

AN ORDINANCE
 BY COMMITTEE ON COUNCIL

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ATLANTA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, (GA. LAWS 1965 p. 298, ET SEQ.) AS AMENDED, TO CLARIFY THE SELECTION PROCESS FOR THE CITY OF ATLANTA INTERNAL AUDITOR AS SET OUT AT ARTICLE 2, CHAPTER 6, SECTION 2-601 (a) OF THE CHARTER OF THE CITY OF ATLANTA (GA. LAWS 1996, p. 4469, ET SEQ.); TO REPEAL CONFLICTING ORDINANCES AND CHARTER AMENDMENTS, AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 10/17/11

Referred To: Comm on Council

Date Referred

Referred To:

Date Referred

Referred To:

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

MAYOR'S ACTION

RCS# 1492
10/17/11
3:27 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

11-O-1494 AND 11-O-1495

REFER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

MULTIPLE

**AN ORDINANCE
BY COMMITTEE ON COUNCIL**

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ATLANTA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, (GA. LAWS 1965 p. 298, ET SEQ.) AS AMENDED, TO CLARIFY THE SELECTION PROCESS FOR THE CITY OF ATLANTA INTERNAL AUDITOR AS SET OUT AT ARTICLE 2, CHAPTER 6, SECTION 2-601 (a) OF THE CHARTER OF THE CITY OF ATLANTA (GA. LAWS 1996, p. 4469, ET SEQ.); TO REPEAL CONFLICTING ORDINANCES AND CHARTER AMENDMENTS, AND FOR OTHER PURPOSES.

WHEREAS, Section 2-601 (a) of Article 2, Chapter 6, of the City of Atlanta Charter provides that the city internal auditor “shall be appointed by a majority of the members of the audit committee, subject to confirmation by a majority of the council, for a period not to exceed six years”; and

WHEREAS, controversy has recently arisen with respect to whether the council may revise the term proposed by the audit committee when the council determines whether the audit committee’s nominee should be approved; and

WHEREAS, Section 36-24-2 of the Georgia State Code provides that the governing body of any municipal corporation shall have the power to “define, regulate and alter the powers, duties, qualifications, compensation, and tenure of all municipal officers, agents, and employees . . .”; and

WHEREAS, the Supreme Court of the State of Georgia has determined that such power is not delegable.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION 1. That Section 2-601 (a) of the City of Atlanta Charter is amended, as set out below in bold and strikeout text, to revise said section as follows:

- (a) There is hereby created the office of city internal auditor. The city internal auditor must be a certified internal auditor or a certified public accountant, demonstrating at least ten years' experience in public financial and fiscal practices, performance and financial auditing, and municipal accounting. The city internal auditor shall be appointed by a majority of the members of the audit committee **for a period of five years**, subject to confirmation by a majority of the council, ~~for a period not to exceed six years~~. Removal of the city internal auditor from office before the expiration of the designated term shall be for cause by a vote of two-thirds of the members of city council.

Charter Section 2-601 (a), as revised above will then read as follows:

- (a) There is hereby created the office of city internal auditor. The city internal auditor must be a certified internal auditor or a certified public accountant, demonstrating at least ten years' experience in public financial and fiscal practices, performance and financial auditing, and municipal accounting. The city internal auditor shall be appointed by a majority of the members of the audit committee for a period of five years, subject to confirmation by a majority of the council. Removal of the city internal auditor from office before the expiration of the designated term shall be for cause by a vote of two-thirds of the members of city council.

SECTION 2. A copy of this proposed amendment to the Charter of the City of Atlanta, Georgia (Ga. Laws 1996, p. 4469, et seq.) approved April 15, 1996, as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in the Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a "Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia", attached hereto as Exhibit "A" and by reference, made a part hereof, be published in the official organ of the county of the legal situs of the city of Atlanta or in a newspaper of general circulation in the City of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption.

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SECTION 3. That all other ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of said conflict in this instance only.

EXHIBIT "A"
NOTICE OF PROPOSED AMENDMENT TO THE CHARTER OF
THE CITY OF
ATLANTA, GEORGIA

Notice is hereby given that an ordinance has been introduced to amend the Charter of the City of Atlanta, Georgia captioned as follows:

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ATLANTA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, (GA. LAWS 1965 p. 298, ET SEQ.) AS AMENDED, TO CLARIFY THE SELECTION PROCESS FOR THE CITY OF ATLANTA INTERNAL AUDITOR AS SET OUT AT ARTICLE 2, CHAPTER 6, SECTION 2-601 (a) OF THE CHARTER OF THE CITY OF ATLANTA (GA. LAWS 1996, p. 4469, ET SEQ.); TO REPEAL CONFLICTING ORDINANCES AND CHARTER AMENDMENTS, AND FOR OTHER PURPOSES.

A copy of the proposed amendment is on file in the office of the Municipal Clerk of the City of Atlanta and in the offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia, for purposes of examination and inspection by the public.

This _____ day of _____, 2011

Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta