

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE CITY CHARTER BY CREATING A NEW ARTICLE TITLED "INTERNAL AUDITOR" TO CREATE THE POSITION OF INTERNAL AUDITOR AND SPECIFY THE POWERS AND DUTIES OF THE INTERNAL AUDITOR; SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 8, 2016.

WHEREAS, Florida Statutes Section 166.031(1) provides, in part, that "[t]he governing body of a municipality may, by ordinance, ... , submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality"; and

WHEREAS, the City Commission finds it to be in the best interest of the citizens of Hollywood to present to them, at a referendum election to be held on November 8, 2016, the following proposed Charter amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Article VII-A of the City of Hollywood Charter is hereby created to read as follows:

ARTICLE VII-A. INTERNAL AUDITOR

Sec. 7A.01. Appointment; salary.

(a) The internal auditor shall be appointed by a majority vote of the city commission for an indefinite term.

(b) The internal auditor shall hold office at the will of the commission and shall receive such salary as may be fixed by the commission

Sec. 7A.02 Qualifications, powers and duties.

(a) The internal auditor shall maintain an active license to practice public accountancy pursuant to Chapter 473, Florida Statutes, as may be amended from time

(Coding: Words underscored are additions to existing law; words ~~struck-through~~ are deletions from existing law.)

to time and shall demonstrate substantial experience in governmental accounting and auditing practices.

(b) The internal auditor shall:

- (1) Review business practices, procedures, internal controls, and procurement practices of the city.
- (2) Conduct financial and compliance, economy and efficiency, and performance audits of the city and at the conclusion of each such audit, submit a written report to the city commission and city manager.
- (3) Have free and unrestricted access to city employees, officials and records; provided, however, that in exercising the right to free and unrestricted access to city records, the internal auditor shall not disclose to any member of the public any public record that should not be so disclosed because of its designation as exempt from mandatory disclosure or confidential under state law.
- (4) Have the authority to remove from any city commission agenda, for further review and evaluation, any item involving the city's expenditure or receipt of funds, property, goods or services and defer consideration of that item until the next regular meeting of the city commission; provided, however, that (i) the city commission may override the internal auditor's decision to remove an item from a city commission agenda by a majority plus one vote of the full city commission and (ii) the right of removal may be exercised only once per agenda item.
- (5) Perform such other duties as may be assigned by the city commission.

Section 2: That the ballot language for the Charter amendments proposed in Section 1 above shall be as set forth in Exhibit A attached hereto.

Section 3: That the Charter amendments set forth in this ordinance shall be submitted to a vote of the electors of the City of Hollywood at an election to be held on November 8, 2016.

Section 4: That funding for the elections is available in account 01.1103.00000.512.004993 – Elections.

Section 5: Pursuant to the requirements of Florida Statute Section 100.342, notice of the election on the Charter amendments set forth in this ordinance shall be given at least thirty (30) days in advance of the election and shall be given in a newspaper of general circulation published in Broward County. The notice shall be published at least

twice, once in the fifth week and once in the third week prior to the week in which the election is to be held.

Section 6: That if the Charter amendments set forth in this ordinance are approved by a majority of the electors voting in the election scheduled for November 8, 2016, such amendments shall take effect as of the day immediately following the certification of the results of the election and shall be incorporated into the Charter of the City of Hollywood. They may be renumbered as appropriate to incorporate them into the Charter.

Section 7: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 8: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 9: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on \_\_\_\_\_, 2016.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
PETER BOBER, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida, only.

\_\_\_\_\_  
JEFFREY P. SHEFFEL, CITY ATTORNEY

## EXHIBIT A

### CHARTER AMENDMENTS – REFERENDUM CREATION OF POSITION OF INTERNAL AUDITOR

These amendments would create the position of internal auditor, appointed by, and serving at the will of, the City Commission. The internal auditor would conduct financial and compliance, economy and efficiency, and performance audits and would be able to defer certain items from Commission agendas until the next regular Commission meeting. The Commission would be able to override any such deferral. The internal auditor would also perform other duties assigned by the Commission.

#### QUESTION

Should the City Charter be amended to establish the position of internal auditor and to specify the powers and duties of the internal auditor?

Yes \_\_\_\_\_

No \_\_\_\_\_

#### Fiscal Impact of proposed City Charter Amendment concerning the Internal Auditor

The total estimated yearly cost for the addition of an Internal Auditor's office is \$458,182.00. Personnel costs related to the addition of two positions (one internal auditor and one administrative assistant) are approximately \$428,842.00. Associated operating expenditures are estimated to be \$29,340.00. Estimated cost does not include one-time office start-up costs for furniture, computer hardware/software or office space. These costs may increase in the future based on several factors, including expansion of the office.