

City of Fayetteville Staff Review Form

C. 1
Amend Section 33.361 Departments,
Boards, Commissions, and Authorities
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

2/5/2013

City Council Meeting Date
Agenda Items Only

Lindsley Smith

Submitted By

Division

Communications & Volunteer Serv

Department

Action Required:

Approve an Ordinance Amendment changing the City of Fayetteville Town and Gown Advisory Committee Ordinance section on Mayor and Chancellor appointment structure.

\$ -
Cost of this request

\$ -
Category / Project Budget

Program Category / Project Name

Account Number

\$ -
Funds Used to Date

Program / Project Category Name

Project Number

\$ -
Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

Lindsley Smith 1-15-13
Department Director Date

Previous Ordinance or Resolution # _____

[Signature] 1-15-13
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul a. Bush 1-17-2013
Finance and Internal Services Director Date

Received in City Clerk's Office 15-13 P03:55 RCVD
USK

Paul a. Bush for Don Mann 1-23-2013
Chief of Staff Date

Received in Mayor's Office
ENTERED 1/16/13
[Signature]

[Signature] 1/23/13
Mayor Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

Thru: Lioneld Jordan, Mayor *LJ*
Don Marr, Chief of Staff *DM*

From: Lindsley Smith, Communication Director *LS*

Date: January 15, 2013

Subject: Town and Gown Advisory Committee Ordinance Appointment Structure Amendment

PROPOSAL:

To amend Article XXIV, section 33.361, which provides Committee composition for the City of Fayetteville Town and Gown Advisory Committee to provide the Mayor and the University of Arkansas greater flexibility in staff appointments to the Committee by removing the existing Ordinance's requirements for only specific City and University staff appointments to this Committee.

BACKGROUND:

The Town and Gown Advisory Committee was created by Ordinance 551 on July 3, 2012. This Committee is a forum for collaboration between the City of Fayetteville and the University of Arkansas and their stakeholders (students, other residents, etc) on mutually-relevant issues. The Committee is empowered only to advise and make recommendations on a periodic basis to both the City Council and the University of Arkansas. Members of the Fayetteville community appointed by the City Council shall serve a two-year term; however, members appointed by the Mayor shall serve at the pleasure of the Mayor, and members appointed by the University of Arkansas shall serve for such period as to be determined by the Chancellor or their designee. As the Ordinance currently exists, both the Mayor and University are limited in their ability to appoint staff that each entity knows would best serve the purposes of the Committee, City, or University as envisioned in the purpose and establishment section of the existing Ordinance.

RECOMMENDATION:

Staff recommends approval of an Ordinance change to increase flexibility in appointments for this committee, still providing for individuals at each entity to be in a decision-making capacity within their staff positions, but not restricting the ability of appointments due to Ordinance-set designated staff members at either the City of Fayetteville or University of Arkansas.

BUDGET IMPACT:

There is no budget impact.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 33.361 COMPOSITION OF CHAPTER 33: DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES OF THE CODE OF FAYETTEVILLE TO CHANGE THE STRUCTURE OF CITY AND UNIVERSITY APPOINTMENTS TO THE TOWN AND GOWN ADVISORY COMMITTEE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Section 33.361 Composition of Chapter 33: Departments, Boards, Commissions, and Authorities of the Code of Fayetteville, so that after amendment, it shall read presented in the attached Exhibit "A", which is incorporated into this Ordinance as if set out word for word.

PASSED and APPROVED this 5th day of February, 2013.

APPROVED:

ATTEST:

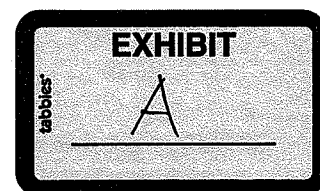
By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

33.361 Composition

The Town and Gown Advisory Committee shall be comprised of twenty-one (21) voting members, consisting of the following:

- (A) One (1) member of the Committee shall be a member of the City Council appointed by the Mayor;
- (B) One (1) member shall be a resident of Ward 1 appointed by the City Council;
- (C) One (1) member shall be a resident of Ward 2 appointed by the City Council;
- (D) One (1) member shall be a resident of Ward 3 appointed by the City Council;
- (E) One (1) member shall be a resident of Ward 4 appointed by the City Council;
- (F) One (1) member shall be a business owner in the City or a representative of the City development community appointed by the City Council;
- (G) One (1) member shall be a University of Arkansas student living in the City appointed by the City Council;
- (H) Seven (7) members shall be City staff appointed by the Mayor; and
- (I) Seven (7) members shall be representatives from the University of Arkansas, to be selected by the Chancellor or the Chancellor's designee.



FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

33.355 Selection Process

The City Council shall appoint the private citizen members through the normal Nominating Committee process. All other members of the Active Transportation Advisory Committee shall be appointed by their respective organizations.

(Ord. 5343, 8-3-10)

33.356-33.359 Reserved

**ARTICLE XXIV
TOWN AND GOWN ADVISORY
COMMITTEE**

33.360 Purpose and Establishment

There is hereby established the Town and Gown Advisory Committee. This Committee shall be a forum for collaboration between the City of Fayetteville and the University of Arkansas on mutually relevant issues including, but not limited to, campus expansions, the need for student housing both on and off campus, and parking and noise in areas adjacent to or nearby the campus. The Committee is empowered only to advise and make recommendations on a periodic basis to both the City Council and the University of Arkansas on such issues, and to adopt rules for the conduct of its own business.

(Ord. 5511, 7-3-12)

33.361 Composition

The Town and Gown Advisory Committee shall be comprised of twenty-one (21) voting members, consisting of the following:

- (A) One (1) member of the Committee shall be a member of the City Council appointed by the Mayor;
- (B) One (1) member shall be a resident of Ward 1 appointed by the City Council;
- (C) One (1) member shall be a resident of Ward 2 appointed by the City Council;
- (D) One (1) member shall be a resident of Ward 3 appointed by the City Council;
- (E) One (1) member shall be a resident of Ward 4 appointed by the City Council;

(F) One (1) member shall be a business owner in the City or a representative of the City development community appointed by the City Council;

(G) One (1) member shall be a University of Arkansas student living in the City appointed by the City Council;

(H) Seven (7) members shall be City staff appointed by the Mayor, and shall include one (1) representative of the Mayor's office, one (1) representative of Development Services-Current Planning, one (1) representative of Development Services-Community Services, one (1) representative of Police, one (1) representative of Fire, one (1) representative of Parking, and one (1) representative from either Transportation or Utilities.

(I) Seven (7) members shall be representatives from the University of Arkansas, to be selected by the Chancellor or the Chancellor's designee, and shall include one (1) representative of the Chancellor's Office, one (1) representative of Government Relations, one (1) representative from the Division of Student Affairs, one (1) representative of Parking and Transit, one (1) representative of Athletics, one (1) representative of Facilities Management, and the current Associated Student Government President.

(Ord. 5511, 7-3-12)

33.362 Terms Of Office

Members appointed by the City Council shall serve a two (2) year term. Members appointed by the Mayor, with the exception of the City Council member appointed by the Mayor, shall serve at the pleasure of the Mayor. Members appointed from the University of Arkansas shall serve for such period as to be determined by the University.

(Ord. 5511, 7-3-12)

33.363 Officers And Quorum

At the first regularly scheduled Committee meeting of each calendar year, the members of the Committee shall elect from among themselves a Chairperson and a Secretary, who shall operate as Vice-Chair. A majority of the whole number of members shall constitute a quorum to conduct business, and a majority vote of those present shall be sufficient to approve or deny any matter before the Committee.

(Ord. 5511, 7-3-12)

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Current version

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

(Ord. 5522, 9-4-12)

33.364 Meetings

The Town and Gown Advisory Committee shall meet at least once per quarter to conduct regular business, at a time and place that is mutually convenient to the membership. The Town and Gown Advisory Committee may meet more frequently if needed.

(Ord. 5511, 7-3-12)

**XXV AUDIT COMMITTEE AND
INTERNAL AUDITOR**

33.365 Establishment and Purpose

The Audit Committee which was established by Resolution No. 134-00 remains established pursuant to this Article. Its purpose remains to serve in an advisory capacity between the City Council, the independent auditor, the Internal Auditor and City Administration concerning financial accounting and reporting, audit functions, internal controls and compliance with governmental regulations. The Audit Committee shall ensure the independence of the independent auditor, the ability and responsibility of the Internal Auditor to report any concerns about finances or accounting to the Audit Committee, Administration and City Council, the integrity of the Administration and the adequacy of public disclosures. The Audit Committee shall, in conjunction with the external auditors, review the City's financial reports and information, the City's system of internal financial and accounting controls, and the City's compliance with governmental laws and regulations regarding financial matters.

(Ord. 5522, 9-4-12)

33.366 Composition and Term

The Audit Committee shall include one City Council member appointed by the Mayor and three citizens of Fayetteville, at least one of which shall be a Certified Public Accountant. The three citizens shall serve three year terms of office.

(Ord. 5522, 9-4-12)

33.367 Meetings

The Audit Committee shall meet at least three times annually, one of which must be with the independent auditor, Internal Auditor, and Administration to discuss the independent auditor's report and findings following its audit of the City.

33.368 Responsibilities and Duties

To fulfill its responsibilities and duties the Audit Committee shall:

- (A) Review the Charter periodically and update as conditions dictate;
- (B) Serve on the review committee to select the independent auditors. On an annual basis, the committee should review and discuss with the auditors all significant relationships the auditors have with the City to determine the auditor's independence. The annual independence review should include a review of all non-audit related consulting fees for nature of services and effect on independence; a review of any and all relationships between members of the audit firm and employees of the City; the obtaining of a formal written statement from the auditors as to their compliance with professional guidelines relating to independence; and discussion with the auditors regarding the firm's own internal controls over monitoring independence;
- (C) Review the City's annual financial statements and related financial information, including any certification, report, opinion, or review rendered by the independent auditors and any changes in accounting principles or the application thereof;
- (D) Review the performance of the independent auditors. Annually, clarify with the independent auditors that the auditors are ultimately accountable to the City Council and that the City Council has ultimate power in the appointment or removal of the independent auditors;
- (E) Periodically consult with the independent auditors, outside the presence of management, regarding internal controls and the completeness and accuracy of the organization's financial statements and related disclosures;
- (F) In conjunction with the external auditors, review with financial and accounting personnel and the Internal Auditor the adequacy and effectiveness of the accounting and financial controls of the City, including controls over data processing activities and functions. Approve recommendations for the improvement of such internal control procedures;
- (G) Establish regular reporting to the Audit Committee by management, the Internal Auditor

CD33:31

Current version