

# **Governance & Accountability Committee**

**Monday, March 28 – 12:00 noon**

**Rm 280**

Committee Members:      Kenny Smith, Chair  
                                    LaWana Mayfield, Vice Chair  
                                    John Autry  
                                    Greg Phipps

Staff Resource:              Randy Harrington, Chief Financial Officer

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## **AGENDA**

### **I.      Council's Rules of Procedure Revisions**

*Staff Resource: Bob Hagemann*

*Attachment A*

### **II.     City Audits**

*Staff Resource: Greg McDowell*

a) Office Depot Contract

*Attachment B*

b) Vice Imprest Fund

*Attachment C*

### **III.    Next Meeting**

**Monday, April 25 at 12:00 noon in Room 280**

#### **Distribution:**

Mayor and City Council  
Council Team  
Greg McDowell  
Sheila Simpson

City Manager's Executive Team  
Bob Hagemann  
Cheryl Brown  
Robert Campbell

Corporate Communications  
Stephanie Kelly

# **Council's Rules of Procedures Revisions**

## **Attachment A**

**CITY OF CHARLOTTE  
OFFICE OF THE CITY ATTORNEY  
Memorandum**

TO: Governance & Accountability Committee

FROM: Robert E. Hagemann, City Attorney

DATE: March 24, 2016

RE: Council Rules of Procedure

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At your February 22 meeting, I presented a red-lined version of your current Rules of Procedure showing “technical changes”. In addition, I presented a clean version of revised Rules of Procedure recommended by the City Manager and me. At the end of the meeting, the Committee asked me to prepare a red-lined version showing changes from your current Rules to the recommended Rules.

Attached is a red-line version showing changes from your current Rules to the recommended Rules, as well as a clean version of the recommended Rules. The only change from the previous recommended Rules is the addition of footnote 1 on page one that is intended to address a point raised by Councilmember Autry.

One outstanding issue is whether to require speakers to provide their name, address, phone number, and subject matter. Upon reflection, I recommend keeping the rule as written, with the understanding that the Council can waive the requirement on a case-by-case basis if, for example, the disclosure of a person’s address might present a safety risk.

enclosures

**RULES OF PROCEDURE**  
~~for the Charlotte City Council~~  
**FOR THE CHARLOTTE CITY COUNCIL**  
Adopted

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**1. Regular Meetings**

At its organizational meeting, the City Council shall fix the time and place of its regular meetings. Its regular meeting schedule may be changed by the Council at any time upon compliance with the notice provisions of the open meetings law.

**2. Special Meetings**

Upon compliance with the notice provisions of the open meetings law, the Mayor, or in the absence of the Mayor, the Mayor Pro Tempore, or a majority of the members of the City Council may at any time call a special meeting by causing a written notice, stating the business to be transacted and the time and place of holding such meeting and signed by the person or persons calling the same to be delivered ~~in hand~~ to each member ~~or to be left at his usual dwelling or place of business~~ at least six (6) hours before the time of such meetings. Only the business stated in the written notice may be transacted at the special meeting so called, except when the Mayor and all members of the Council are present and consent to the transaction of other business.

**3. Organizational Meeting**

At the first regular meeting in December following a general election in which Council members are elected, the Mayor and Council members shall take and subscribe the oath of office as the first order of business. As the second order of business, the Council shall elect from its members a Mayor Pro Tempore who shall hold office at the pleasure of the Council.

**4. Agenda: Procedures**

(a) The City ~~Clerk and the office of the City~~ Manager shall prepare the agenda for the meeting. The Mayor or City Manager<sup>1</sup> may place an item on any agenda. The Mayor and each member of the Council shall receive a copy of the agenda and it shall be available for public inspection when it is distributed to the Mayor and Council.

(b) During its consideration of the agenda, Council members shall confine their discussion and comments to only those items that appear on the agenda. For purposes of this subsection, any issue which is raised by a speaker at a Citizens Forum shall be considered an agenda item for purposes of questions and discussion, but not for action<sup>2</sup>, unless all Council members agree in accordance with subsection (c) below.

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<sup>1</sup> Unless expressly provided in these rules, the authority and powers granted to the City Manager may not be delegated. However the authority and powers granted to the City Manager may be exercised by an Interim or Acting City Manager.

(c) Any matter which is not on the agenda may be discussed upon the completion of the agenda. The Council may not take formal action on any non-agenda matter unless all Council members, in accordance with Section 3.23 (a) of the Charter, vote to add the matter to the agenda. A motion to suspend the rules shall not be in order if the purpose of the motion is to suspend the requirement of unanimity necessary to add a non-agenda matter to the agenda.

(d) ~~The Mayor or any~~Any member of Council may request the City Manager to place an item on a future agenda by making such a request at a Council meeting. Unless a Council member or the City Manager objects, the requested item shall be included. If a Council member or the City Manager has an objection, the item in question shall not be included on a future agenda, unless a majority of the Council votes in favor of including the item.

(e) The City Council ~~shall~~may periodically hold policy agenda meetings to discuss issues of a policy nature and to determine the necessity for further action. Policy agenda meetings will be considered informal sessions of City Council ~~and no formal policy decisions shall be made at these meetings. The office of the City Manager shall prepare an agenda for the meeting and the City Clerk shall record and provide minutes of the meeting.~~

## 5. Addressing Council

(a) Persons desiring to address the City Council shall call the office of the City Clerk and give their name, address, telephone number, and subject matter to be discussed. Any person unable to give advance notice prior to a Council meeting, shall fill out the card available for this purpose and hand it to the City Clerk. ~~Persons desiring to speak on a non-agenda matter will be recognized to speak at the Citizens Forum preceding most prior to the time the agenda item is reached. Once an agenda item has been called, a person may not sign up to speak. Notwithstanding the forgoing, for matters where an unusually large number of persons are expected to speak, the Mayor may set an earlier deadline for speakers to register with the City Clerk.~~Council meetings. ~~If there is no Citizens Forum, those persons desiring to speak will be recognized upon the completion of the agenda. Persons desiring to speak on an agenda item will be recognized to speak when the agenda item is reached.~~

(b) ~~No person in addressing the City Council, except as otherwise provided herein, For agenda items and public hearings other than zoning public hearings, persons who have signed up to speak shall be allowed to speak more than~~for up to three (3) minutes ~~unless the Mayor allows an extension of time.~~ The Mayor, ~~as~~or the presiding officer, ~~may in his~~ in the absence of the Mayor, shall have the discretion, subject to appeal, ~~to the Council, to shorten the time for speaking when an unusually large number of persons have registered to speak. Citizens~~Speakers may not yield their time to another person ~~or to a spokesperson for a group when addressing a scheduled agenda item, except during public hearings which~~

are subject to Section \_\_\_\_

~~(c) below. When four or more citizens wish to address the Council about the same scheduled agenda item, the time allotted to that presentation will be ten (10) minutes. The Council may allow an extension of this time as they deem appropriate.~~

~~(e) Public Zoning public hearings:~~

~~(1) Zoning. At hearings involving amendments to the zoning ordinance, proponents of the amendment shall be heard first the time allotted for speakers and shall be provided a total of three (3) minutes or ten (10) minutes according to subsections B and C below. Opponents of the amendment shall be heard after the proponents and shall be provided a total of ten (10) minutes notwithstanding the number of persons desiring to be heard. Proponents may speak a total of (2) minutes in rebuttal. the order of presentation is set forth below. The time of proponents or opponents may be extended by an affirmative vote of a majority of the Council members present.~~

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- ~~(i) A. 1. If petitioner does not wish to speak, speakers are signed up and  
2. If Council has no questions, and  
3. If no one wishes to speak in opposition:-~~

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~~(a) Dispense with, or if staff opposes the petition:~~

~~(i) Staff makes presentation.~~

~~(b) Dispense with petitioner's presentation.~~

~~(c) Let rezoning hearing stand on written material.~~

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~~B. 1. If there is opposition, or~~

~~2. If Council feels written material by petitioner and staff does not answer all questions:~~

~~(a) Full hearing will be held.~~

~~(b)(ii) Proponents and opponents will be allowed 10 minutes each; proponents will be allowed 2 minutes rebuttal.~~

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~~C. 1B. If there is no speakers are signed up to speak in opposition, but petitioner wishes to speak:~~

~~(a) There will be a and staff recommends approval:~~

~~(i) Staff makes presentation.~~

~~(b)(i) Petitioner will be allowed up to 3 minutes.~~

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~~(2) Other hearings. At public hearings other than zoning hearings, each person addressing Council is limited to three (3) minutes. The Mayor may, at his discretion, extend the time for speaking. Citizens may not yield any of their time allotment to another person or to a spokesperson for a group when addressing~~

~~Council at hearings subject to this subsection.~~

~~(d)~~ (d) Once a matter has been the subject of a public hearing, persons will not be allowed to address the Council on the matter at a subsequent Council meeting, or at a subsequent informal session devoted to hearing from citizens. Citizens may respond to questions or inquiries for information from Council members or the Mayor after the close of a public hearing.

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~~(e) The provisions of this rule shall not apply to speakers addressing Council on awards and recognitions or for staff or other individuals expressly invited to address Council on a matter.~~

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(d) Scheduling Citizen Forum

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~~The A~~ Citizens Forum shall be held at least once a month during which persons may speak on matters not on the ~~first Monday of each month beginning at 7 p.m. pursuant to the procedures herein.~~ agenda. To enable all citizens an equal opportunity to speak, a citizen may only speak at the Citizens Forum once each month. ~~At any Citizens Forum where the quarter. The number of speakers is limited, citizens who have not spoken at a Citizens Forums in the preceding twelve (12) months.~~ Forum shall be given preference over citizens who have spoken within the preceding twelve (12) months. limited to ten (10) unless otherwise agreed to by a majority of Council.

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## 6. Office of Mayor

The Mayor shall preside at all meetings of the Council. In order to address the Council, a member must be recognized by the Mayor. At such Council meetings, the Mayor shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstruction or dilatory purposes. ~~The City Attorney shall serve as parliamentarian and may offer advisory opinions or advice to the Mayor;~~
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy in ~~his~~their remarks and to entertain and rule on objections from other members on this ground;
- (c) To entertain and answer questions of parliamentary ~~law or procedure;~~procedure ~~(the City Attorney may offer advisory opinions or advice to the Mayor);~~
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency;
- (f) To vote in cases of a tie and ~~on zoning amendments that are the subject of a valid~~

~~protest as defined in G.S. 160A-385~~ as otherwise authorized by Section 3.23(b) of the Charter; and

(g) To veto any action adopted by the City Council except those actions set forth in Section 3.23(b) of the Charter.

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## 7. Office of Mayor Pro Tempore

~~At the organizational meeting, the Council shall elect from among its members a Mayor Pro Tempore to serve at the Council's pleasure.— A Council member who serves as~~ The Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Council member for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Mayor Pro Tempore shall preside, and when presiding, shall have the right to vote upon all questions, but shall have no additional vote in case of a tie.

## 8. Presiding Officer When the Mayor is in Active Debate

The Mayor shall preside at meetings of the Council unless ~~he becomes~~ actively engaged in debate on a particular proposal, in which case ~~he~~ the Mayor may designate another Council member to preside over the debate. The Mayor shall resume the duty to preside as soon as the debate on the matter is concluded and prior to a vote on the matter.

## 9. Action by the Council

~~a. — During formal business and Zoning meetings, the~~ The Council shall proceed by motion, ~~but each member may be recognized once for the purpose of discussion of any agenda item prior to a motion being made pertaining to that item.— The Mayor or a majority of Council may permit additional discussion as necessary for the edification of the Council and the public.~~ Any member after being recognized may make a motion. All motions require a second ~~as prescribed by Robert's Rules of Order.~~

~~b. — During informal meetings such as workshops, dinner meetings and retreats, the Council may proceed without motions.— During such informal meetings where the dissemination of information is the primary purpose, the Council and Mayor should proceed in such a manner that will best facilitate the free flowing exchange of ideas and information.~~

~~e. — During general public hearings and public hearings for zoning petitions the Council may proceed without motions.—~~

**10. One Motion at a Time**

A member may make only one motion at a time.

**11. Substantive Motion**

A substantive motion is out of order while another substantive motion is pending.

**12. Adoption by Majority Vote**

A motion shall be adopted if it receives ~~if it receives~~ at least six (6) affirmative votes ~~of the Council members or five (5) such affirmative votes together with the affirmative vote of the Mayor in case of a tie vote,~~ unless otherwise required by the Charter, or the laws of North Carolina.

**13. Debate**

~~The~~ ~~Once a motion has been made and seconded, the~~ Mayor shall ~~state the motion and then~~ open the floor ~~to~~for debate ~~on it~~. The Mayor shall preside over the debate according to the following general principles:

- (a) The introducer (the member who makes the motion) is entitled to speak first; and
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken.

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**14. Procedural Motions**

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

- (a) To adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter. This motion is not debatable.
- (b) To take a recess. This motion is not debatable.
- (c) To suspend the rules. The motion requires a two-thirds (2/3) vote to pass.
- (d) To divide a complex motion and consider it by paragraph.

~~(e) — To defer consideration. — A substantive motion whose consideration has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted. — A public hearing (including a zoning hearing) deferred to a future meeting shall be re-advertised for the meeting at which the meeting is deferred to; a public hearing which is continued (including a zoning hearing) is deemed to have been opened, and need not be re-advertised for the continuation meeting. —~~

~~(f)~~ (e) Call of the previous question. The motion is not in order until all Council members, who have indicated a desire to be recognized, have had an opportunity to speak once. Requires a two-thirds (2/3) vote and is not debatable.

~~(g)~~ (f) To postpone to a certain time or day.

~~(h)~~ (g) To refer to a committee. Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Council.

~~(i)~~ (h) To amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the intent of the motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made.

~~(j) — To revive consideration. — The motion is in order any time within one hundred (100) days after the day of a vote to defer consideration. — A substantive motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted. —~~

~~(k)~~ (i) To reconsider. This motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.

~~(l) — To rescind or repeal. —~~

~~(m) — To ratify. —~~

~~(n) — To prevent reconsideration for three (3) months. — The motion shall be in order immediately following the defeat of a substantive motion and at no other time. — The motion requires a vote equal to the number required for a quorum for adoption and is valid for three (3) months or until the next regular election of Council members, whichever occurs first. —~~

~~(e)~~ (j) To substitute. A motion to substitute may seek the opposite result of the original motion, but it must be pertinent to the subject matter of the original motion. It shall not be necessary for the Council to vote a second time on the same subject matter if a motion to substitute is approved.

**15. — Renewal of Motion**

~~A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.—~~

**16. Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before a vote. Permission of the member seconding the motion is not required. Once a motion is withdrawn, the same motion cannot be remade by the same Council member in the form of a substitute motion.

**1716. Duty to Vote**

Every member must vote unless excused by the remaining members ~~pursuant to Section 3.23(a) of the City Charter and Section 2-54-2-74 of the City Code as authorized or required by law.~~ A member who wishes to be excused from voting shall so inform the Mayor, who shall take a vote of the remaining members. ~~No member shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct.—~~In all other cases, a failure to vote by a member who is physically present in the Council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

**1817. Adoption of Motions, Resolutions and Ordinances**

Six (6) affirmative votes ~~of the Council members, or five (5) of such affirmative votes, together with the affirmative vote of the Mayor, in case of a tie vote,~~ shall be required for the passage of any motion, resolution or ordinance. Motions, resolutions and ordinances granting special franchises and special privileges must be voted on and passed at not less than two regular meetings of the City Council.

Except as provided in this section, motions, resolutions and ordinances will be deemed adopted if passed upon one reading.—

Except for Council appointments to committees, boards and commissions; its employment of the City Manager, the City Attorney and the City Clerk; its internal affairs; and matters which must be approved by the voters, the Mayor may veto any action adopted by the City Council. The veto must be exercised at the meeting at which the action was taken. An action vetoed by the

Mayor shall automatically be on the agenda at the next regular or special meeting of the Council, but shall not become effective unless it is re-adopted by the Council with at least seven (7) members voting in the affirmative.

| **1918. Closed Sessions**

The Council may hold closed sessions as provided by law.

| **2019. Quorum**

A majority of the actual members of the Council shall constitute a quorum. A member who leaves a meeting, whether excused or unexcused, shall be counted as present for purposes of determining whether a quorum is present.

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| **20. Quorum at Public Hearings**

A quorum of the Council shall be required at all public hearings required by law.

| **2221. Minutes**

Full and accurate minutes of the Council proceedings shall be kept and shall be open to the inspection of the public. The results of each vote shall be recorded in the minutes.

| **2322. Council Committees**

The following rules shall be applicable to all Council committee meetings:

- (a) A quorum shall be required consisting of a majority of the members of the committee.
- (b) The chairman of the committee shall have a vote on all matters coming before the committee.
- (c) Minutes of committee meetings shall be kept and open to the inspection of the public. The results of each vote shall be recorded in the minutes.

| **2423. Reference to Roberts Rules Of Order**

To the extent not provided for in these Rules, and to the extent it does not conflict with North Carolina law, the Council shall refer to Roberts Rules of Order, Revised, to answer unresolved procedural questions.

**2524. Contacts With City Staff**

With regard to the Council-Manager relationship, Section 4.2303 of the Charlotte City Charter provides as follows: “The Council shall hold the City Manager responsible for the proper management of the affairs of the City and the City Manager shall keep the Council informed and shall make reports and recommendations as requested by Council or as the Manager determines necessary. ~~The~~Neither the Mayor ~~and, the~~ Council ~~members~~nor any member thereof shall ~~not~~ direct the conduct or activities of any City employee, directly or indirectly, except through the City Manager.”

Council members shall contact the City Manager or a member of the City Manager’s Office staff on any item or question of a policy nature, or if the Council member is seeking additional information, briefing or analysis which is not readily available. The City Manager will refer requests which require more than four hours of staff time to the City Council for approval.

Routine requests for information shall be directed to the Manager’s staff or to the appropriate ~~Key Business Executive department head~~. Council members are encouraged to direct citizens who have routine service requests to ~~the Customer Service Center (336-7600). Council members may also use the council call-in tape system (336-2777) for requests for service.~~311

**2625. Communications With Citizens Committees and Other Parties**

In contacts with appointed Citizens Committees or other individuals or groups, Council members shall not represent their individual views as being representative of the full City Council unless Council has formally authorized them to do so.

If the City is entering into negotiations with another party on a matter which could result in a formal contractual arrangement, Council will normally direct the City Manager ~~and his staff~~ to conduct those negotiations and come back to the Council with a recommendation. The Council may ask one or more of its members, or a Council Committee, to work with the City Manager during negotiations but may only do so at a Council meeting. The Mayor may make such a request if time is of the essence, with notification to the Council immediately thereafter, and confirmation by the Council at its next meeting.

Unless a Council member’s participation has been authorized as outlined above, Council members shall not participate in formally authorized negotiations with any outside parties.

**2726. Council Contacts With Media**

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Council members shall not represent any contacts they have with the media as being representative of the full City Council unless Council has formally taken a position on the matter.

Individual Council members shall not release information to the media or the public when that information has been provided to them by the City Attorney as part of a Confidential Attorney-Client memorandum or as part of a City Council closed session held in compliance with the Open Meetings law- (see Sec. 3.a. of the Mayor and Council's Code of Ethics – "They should also not disclose confidential information, including the premature disclosure of what transpired in a closed session."). The Council may choose to designate a spokesperson, such as the Mayor or City Attorney, to release appropriate information to the media or the public.

**~~28. — Protested Zoning Petitions~~**

~~If a Council member or the Mayor is absent from a meeting at which a protested zoning petition is considered, the petition shall automatically be deferred to the next business or zoning meeting when all 12 members are present. If the petitioner, at his discretion, requests that the petition not be deferred, it shall be acted upon by the members present.~~

**2927. Nominations for Boards and Commissions by Absent Council Members**

A Council ~~Member~~member who will be absent from a ~~regular or special Council~~ meeting at which nominations for boards and commissions will be accepted, may make nominations in writing by submitting those written nominations to the City Clerk at any time prior to the scheduled beginning time of the meeting at which the nominations will be accepted.

**30**

**28. Electronic attendance at Council Committee meetings.**

(a) — Committee meetings. Council members may attend committee meetings by telephone or other electronic means when they are unable, by reason of illness or injury, to attend in person. Members who plan to attend by electronic means shall notify City staff at least 48 hours in advance to allow for arrangements to be made. Members attending electronically are entitled to vote and fully participate in the business of the committee meeting.

(b) Council meetings. Council members may attend Council meetings by telephone or other electronic means for emergency meetings. In addition, Council members may attend regular and special meetings by telephone or other electronic means where:  
(ii) necessary to achieve a quorum;  
(iii) attendance is precluded due to weather, civil unrest, emergency, etc.; and  
(iv) the meeting needs to be continued (e.g., need to open and continue a public hearing to avoid the need to readvertise) or to take action on matters that cannot be delayed.

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**RULES OF PROCEDURE  
FOR THE CHARLOTTE CITY COUNCIL  
Adopted \_\_\_\_\_**

**1. Regular Meetings**

At its organizational meeting, the City Council shall fix the time and place of its regular meetings. Its regular meeting schedule may be changed by the Council at any time upon compliance with the notice provisions of the open meetings law.

**2. Special Meetings**

Upon compliance with the notice provisions of the open meetings law, the Mayor, or in the absence of the Mayor, the Mayor Pro Tempore, or a majority of the members of the City Council may at any time call a special meeting by causing a written notice, stating the business to be transacted and the time and place of holding such meeting and signed by the person or persons calling the same to be delivered to each member at least six (6) hours before the time of such meetings. Only the business stated in the written notice may be transacted at the special meeting so called, except when the Mayor and all members of the Council are present and consent to the transaction of other business.

**3. Organizational Meeting**

At the first regular meeting in December following a general election in which Council members are elected, the Mayor and Council members shall take and subscribe the oath of office as the first order of business. As the second order of business, the Council shall elect from its members a Mayor Pro Tempore who shall hold office at the pleasure of the Council.

**4. Agenda: Procedures**

(a) The City Manager shall prepare the agenda for the meeting. The Mayor or City Manager<sup>1</sup> may place an item on any agenda. The Mayor and each member of the Council shall receive a copy of the agenda and it shall be available for public inspection when it is distributed to the Mayor and Council.

(b) During its consideration of the agenda, Council members shall confine their discussion and comments to only those items that appear on the agenda. For purposes of this subsection, any issue which is raised by a speaker at a Citizens Forum shall be considered an agenda item for purposes of questions and discussion, but not for action, unless all Council members agree in accordance with subsection (c) below.

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<sup>1</sup> Unless expressly provided in these rules, the authority and powers granted to the City Manager may not be delegated. However the authority and powers granted to the City Manager may be exercised by an Interim or Acting City Manager.

(c) Any matter which is not on the agenda may be discussed upon the completion of the agenda. The Council may not take formal action on any non-agenda matter unless all Council members, in accordance with Section 3.23 (a) of the Charter, vote to add the matter to the agenda. A motion to suspend the rules shall not be in order if the purpose of the motion is to suspend the requirement of unanimity necessary to add a non-agenda matter to the agenda.

(d) Any member of Council may request the City Manager to place an item on a future agenda by making such a request at a Council meeting. Unless a Council member or the City Manager objects, the requested item shall be included. If a Council member or the City Manager has an objection, the item in question shall not be included on a future agenda, unless a majority of the Council votes in favor of including the item.

(e) The City Council may periodically hold policy agenda meetings to discuss issues of a policy nature and to determine the necessity for further action. Policy agenda meetings will be considered informal sessions of City Council

## **5. Addressing Council**

(a) Persons desiring to address the City Council shall call the office of the City Clerk and give their name, address, telephone number, and subject matter to be discussed. Any person unable to give advance notice prior to a Council meeting, shall fill out the card available for this purpose and hand it to the City Clerk prior to the time the agenda item is reached. Once an agenda item has been called, a person may not sign up to speak. Notwithstanding the forgoing, for matters where an unusually large number of persons are expected to speak, the Mayor may set an earlier deadline for speakers to register with the City Clerk.

(b) For agenda items and public hearings other than zoning public hearings, persons who have signed up to speak shall be allowed to speak for up to three (3) minutes. The Mayor, or the presiding officer in the absence of the Mayor, shall have the discretion, subject to appeal to the Council, to shorten the time for speaking when an unusually large number of persons have registered to speak. Speakers may not yield their time to another person.

(c) Zoning public hearings. At hearings involving amendments to the zoning ordinance, the time allotted for speakers and the order of presentation is set forth below. The time of proponents or opponents may be extended by an affirmative vote of a majority of the Council members present.

- A. If speakers are signed up in opposition, or if staff opposes the petition:
  - (i) Staff makes presentation.
  - (ii) Proponents and opponents will be allowed 10 minutes each; proponents will be allowed 2 minutes rebuttal.

B. If no speakers are signed up to speak in opposition and staff recommends approval:

(i) Staff makes presentation.

(ii) Petitioner will be allowed up to 3 minutes.

(d) Once a matter has been the subject of a public hearing, persons will not be allowed to address the Council on the matter at a subsequent Council meeting, or at a subsequent informal session devoted to hearing from citizens. Citizens may respond to questions or inquiries for information from Council members or the Mayor after the close of a public hearing.

(e) The provisions of this rule shall not apply to speakers addressing Council on awards and recognitions or for staff or other individuals expressly invited to address Council on a matter.

(d) Scheduling Citizen Forum. A Citizens Forum shall be held at least once a month during which persons may speak on matters not on the agenda. To enable all citizens an equal opportunity to speak, a citizen may only speak at the Citizens Forum once each quarter. The number of speakers at a Citizens Forum shall be limited to ten (10) unless otherwise agreed to by a majority of Council.

## **6. Office of Mayor**

The Mayor shall preside at all meetings of the Council. In order to address the Council, a member must be recognized by the Mayor. At such Council meetings, the Mayor shall have the following powers:

(a) To rule motions in or out of order, including any motion patently offered for obstruction or dilatory purposes;

(b) To determine whether a speaker has gone beyond reasonable standards of courtesy in their remarks and to entertain and rule on objections from other members on this ground;

(c) To entertain and answer questions of parliamentary procedure (the City Attorney may offer advisory opinions or advice to the Mayor);

(d) To call a brief recess at any time;

(e) To adjourn in an emergency;

(f) To vote in cases of a tie and as otherwise authorized by Section 3.23(b) of the Charter; and

(g) To veto any action adopted by the City Council except those actions set forth in Section 3.23(b) of the Charter.

**7. Office of Mayor Pro Tempore**

The Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Council member for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Mayor Pro Tempore shall preside, and when presiding, shall have the right to vote upon all questions, but shall have no additional vote in case of a tie.

**8. Presiding Officer When the Mayor is in Active Debate**

The Mayor shall preside at meetings of the Council unless actively engaged in debate on a particular proposal, in which case the Mayor may designate another Council member to preside over the debate. The Mayor shall resume the duty to preside as soon as the debate on the matter is concluded and prior to a vote on the matter.

**9. Action by the Council**

The Council shall proceed by motion. Any member after being recognized may make a motion. All motions require a second.

**10. One Motion at a Time**

A member may make only one motion at a time.

**11. Substantive Motion**

A substantive motion is out of order while another substantive motion is pending.

**12. Adoption by Majority Vote**

A motion shall be adopted if it receives at least six (6) affirmative votes unless otherwise required by the Charter, or the laws of North Carolina.

**13. Debate**

Once a motion has been made and seconded, the Mayor shall open the floor for debate. The Mayor shall preside over the debate according to the following general principles:

- (a) The introducer (the member who makes the motion) is entitled to speak first; and
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken.

## 14. Procedural Motions

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

- (a) To adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter. This motion is not debatable.
- (b) To take a recess. This motion is not debatable.
- (c) To suspend the rules. The motion requires a two-thirds (2/3) vote to pass.
- (d) To divide a complex motion and consider it by paragraph.
- (e) Call of the previous question. The motion is not in order until all Council members, who have indicated a desire to be recognized, have had an opportunity to speak once. Requires a two-thirds (2/3) vote and is not debatable.
- (f) To postpone to a certain time or day.
- (g) To refer to a committee. Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Council.
- (h) To amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the intent of the motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made.
- (i) To reconsider. This motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.
- (j) To substitute. A motion to substitute may seek the opposite result of the original motion, but it must be pertinent to the subject matter of the original motion. It shall not be necessary for the Council to vote a second time on the same subject matter if a motion to substitute is approved.

**15. Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before a vote. Permission of the member seconding the motion is not required. Once a motion is withdrawn, the same motion cannot be remade by the same Council member in the form of a substitute motion.

**16. Duty to Vote**

Every member must vote unless excused by the remaining members as authorized or required by law. A member who wishes to be excused from voting shall so inform the Mayor, who shall take a vote of the remaining members. In all other cases, a failure to vote by a member who is physically present in the Council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

**17. Adoption of Motions, Resolutions and Ordinances**

Six (6) affirmative votes shall be required for the passage of any motion, resolution or ordinance. Motions, resolutions and ordinances granting special franchises and special privileges must be voted on and passed at not less than two regular meetings of the City Council. Except as provided in this section, motions, resolutions and ordinances will be deemed adopted if passed upon one reading.

Except for Council appointments to committees, boards and commissions; its employment of the City Manager, the City Attorney and the City Clerk; its internal affairs; and matters which must be approved by the voters, the Mayor may veto any action adopted by the City Council. The veto must be exercised at the meeting at which the action was taken. An action vetoed by the Mayor shall automatically be on the agenda at the next regular or special meeting of the Council, but shall not become effective unless it is re-adopted by the Council with at least seven (7) members voting in the affirmative.

**18. Closed Sessions**

The Council may hold closed sessions as provided by law.

**19. Quorum**

A majority of the actual members of the Council shall constitute a quorum. A member who leaves a meeting, whether excused or unexcused, shall be counted as present for purposes of determining whether a quorum is present.

## **20. Quorum at Public Hearings**

A quorum of the Council shall be required at all public hearings required by law.

## **21. Minutes**

Full and accurate minutes of the Council proceedings shall be kept and shall be open to the inspection of the public. The results of each vote shall be recorded in the minutes.

## **22. Council Committees**

The following rules shall be applicable to all Council committee meetings:

(a) A quorum shall be required consisting of a majority of the members of the committee.

(b) The chairman of the committee shall have a vote on all matters coming before the committee.

(c) Minutes of committee meetings shall be kept and open to the inspection of the public. The results of each vote shall be recorded in the minutes.

## **23. Reference to Roberts Rules Of Order**

To the extent not provided for in these Rules, and to the extent it does not conflict with North Carolina law, the Council shall refer to Roberts Rules of Order, Revised, to answer unresolved procedural questions.

## **24. Contacts With City Staff**

With regard to the Council-Manager relationship, Section 4.03 of the Charlotte City Charter provides as follows: "The Council shall hold the City Manager responsible for the proper management of the affairs of the City and the City Manager shall keep the Council informed and shall make reports and recommendations as requested by Council or as the Manager determines necessary. Neither the Mayor, the Council nor any member thereof shall direct the conduct or activities of any City employee, directly or indirectly, except through the City Manager."

Council members shall contact the City Manager or a member of the City Manager's Office staff on any item or question of a policy nature, or if the Council member is seeking additional information, briefing or analysis which is not readily available. The City Manager will refer requests which require more than four hours of staff time to the City Council for approval.

Routine requests for information shall be directed to the Manager's staff or to the appropriate department head. Council members are encouraged to direct citizens who have routine service requests to 311

**25. Communications With Citizens Committees and Other Parties**

In contacts with appointed Citizens Committees or other individuals or groups, Council members shall not represent their individual views as being representative of the full City Council unless Council has formally authorized them to do so.

If the City is entering into negotiations with another party on a matter which could result in a formal contractual arrangement, Council will normally direct the City Manager to conduct those negotiations and come back to the Council with a recommendation. The Council may ask one or more of its members, or a Council Committee, to work with the City Manager during negotiations but may only do so at a Council meeting. The Mayor may make such a request if time is of the essence, with notification to the Council immediately thereafter, and confirmation by the Council at its next meeting.

Unless a Council member's participation has been authorized as outlined above, Council members shall not participate in formally authorized negotiations with any outside parties.

**26. Council Contacts With Media**

Council members shall not represent any contacts they have with the media as being representative of the full City Council unless Council has formally taken a position on the matter.

Individual Council members shall not release information to the media or the public when that information has been provided to them by the City Attorney as part of a Confidential Attorney-Client memorandum or as part of a City Council closed session held in compliance with the Open Meetings law (see Sec. 3.a. of the Mayor and Council's Code of Ethics – "They should also not disclose confidential information, including the premature disclosure of what transpired in a closed session."). The Council may choose to designate a spokesperson, such as the Mayor or City Attorney, to release appropriate information to the media or the public.

**27. Nominations for Boards and Commissions by Absent Council Members**

A Council member who will be absent from a meeting at which nominations for boards and commissions will be accepted, may make nominations in writing by submitting those written nominations to the City Clerk at any time prior to the scheduled beginning time of the meeting at which the nominations will be accepted.

**28. Electronic attendance at Council Committee meetings.**

- (a) Committee meetings. Council members may attend committee meetings by telephone or other electronic means when they are unable, by reason of illness or injury, to attend in person. Members who plan to attend by electronic means shall notify City staff at least 48 hours in advance to allow for arrangements to be made. Members attending electronically are entitled to vote and fully participate in the business of the committee meeting.
  
- (b) Council meetings. Council members may attend Council meetings by telephone or other electronic means for emergency meetings. In addition, Council members may attend regular and special meetings by telephone or other electronic means where:
  - (i) necessary to achieve a quorum;
  - (ii) attendance is precluded due to weather, civil unrest, emergency, etc.; and
  - (iii) the meeting needs to be continued (*e.g.*, need to open and continue a public hearing to avoid the need to readvertise) or to take action on matters that cannot be delayed.

City Audits

**Office Depot  
Contract**

**Attachment B**

**Audit Report  
Office Depot Contract  
March 17, 2016**

City of Charlotte  
City Auditor's Office  
Gregory L. McDowell, CPA, CIA

# Purpose and Scope

Over the last several years, many U.S. municipalities have conducted audits and investigations of their contract(s) with Office Depot. Sometimes these efforts have resulted in significant payments to the federal, state or local governments initiating the reviews.

The purpose of the audit was to determine if Citywide purchases from Office Depot complied with the existing contract and to verify the pricing accuracy of the office supplies purchased. The audit focused on the period July 2010 through December 2014.

This report is intended for the use of the City Manager's Office, City Council and all City Departments.

# Conclusion

The City of Charlotte's contract is significantly different than those of cities which have experienced pervasive pricing issues with Office Depot. While pricing errors can occur, the City's exposure to a significant cost impact is low.

# Summary of Findings and Audit Response

Additional monitoring should be conducted by departments, under Management and Financial Services Finance Office – Procurement Management’s (Procurement Management’s) direction, to provide assurance that past errors in the following areas do not become significant:

1. Pricing inaccuracies
2. Delivery fees outside contract terms
3. Timely and accurate receipt of rebates

Each of these is addressed in the Audit Results section; pp. 10–12, with overall recommendations and responses following.

- ▶ **Note:** Procurement Management’s actions appear appropriate and adequate to address the identified risks.

# Audit Approach (page 1 of 2)

- ▶ During the audit period, Office Depot submitted invoices totaling \$2.7 million. Auditors tested \$864,499, or about 32% of the amount invoiced.
- ▶ For a sample of invoices, auditors determined whether:
  - the unit prices the City paid matched the contract prices
  - delivery fees were billed in accordance with the contract
  - the total rebates paid to the City were accurate.

# Audit Approach (page 2 of 2)

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# Background (page 1 of 2)

- ▶ The Office Depot contract was approved by Council on June 28, 2010. The contract covered three years, beginning July 1, 2010, and authorized the City Manager to extend the contract for two additional one-year terms. The estimated annual expenditures were \$700,000 and allowed for possible price adjustments.
- ▶ During the contract term, there were six amendments, and both extensions for 2013 and 2014 were exercised.
- ▶ The contract amendment on February 16, 2011, established a quarterly rebate equal to 2.5% of the “Net Spend.”

# Background (page 2 of 2)

- ▶ The Office Depot contract expired June 30, 2015. An Invitation to Bid was advertised by M&FS – Procurement (Procurement) and Office Depot was the recommended vendor. City Council approved the new contract on June 22, 2015.
- ▶ The initial term of the contract is three years, with the option of two, one-year extensions. The total contract value over five years is \$6.25M, based on estimated annual expenditures of \$1.25M.

# Audit Results

# Areas of Contract Monitoring (page 1 of 3)

## □ 1. Pricing Inaccuracies

- Auditors tested pricing accuracy for 23,030 items totaling \$864,499 (audit software facilitated large scale electronic price comparisons).
- Office Depot applied the incorrect percentage discount or charged the incorrect unit price to some City purchases, causing a net undercharge to the City of \$21,361.
- This error persisted after the City and Office Depot became aware of the issue, resulting in an additional City undercharge of \$13,567. Office Depot did not request that the City return the funds since it was their error.

# Areas of Contract Monitoring (page 2 of 3)

- 2. Delivery fees outside contract terms
  - The contracted delivery fee increased from \$24.99 to amounts ranging from \$29.99 to \$69.99.
  - During the contract, Office Depot began calculating the delivery fee based on the dollar amount purchased instead of a flat fee (which was not contractually allowed). Office Depot did not notify the City of the new fee structure.
  - While errors noted were immaterial, Departments' unfamiliarity with the delivery fee structure increased the risk that the City could overpay the vendor.

# Areas of Contract Monitoring (page 3 of 3)

- 3. Timely and accurate receipt of rebates
  - Six instances were noted in which a rebate check was not received within 45 days of the quarter-end, per contract terms.
  - Auditors' recalculation of the total rebate paid noted that Office Depot overpaid the City \$309.
  - Three rebate checks totaling \$21,634 mailed to the attention of Procurement Management were deposited by others in the City, without being delivered to Procurement. Inconsistent handling of rebate checks has inhibited Procurement Management's ability to monitor the deposits.

# Contract Monitoring Recommendations

- Procurement Management should establish contract monitoring guidelines for itself and departments.
- Contracts should be monitored in enough detail to allow recognition of billing errors and fee changes.
- Procurement Management should establish a simplified approach to manage the receipt of rebate checks and monitor rebate activity to ensure that payments are received timely, per contract terms.

# Management Actions Taken & Response

- ▶ In August 2015, Procurement Management met with departments, discussed the new contract changes and instructed approvers to review their department's orders.
- ▶ In November 2015, Procurement Management began reviewing the quarterly reports from Office Depot for contract compliance. Additional resources would allow closer scrutiny.
- ▶ **Management and Financial Services Response:** We have implemented more stringent reporting guidelines and deadlines for Office Depot and will continue to work with departments on compliance efforts. Where possible, we will implement electronic receipt of rebates and work with Finance–Treasury to provided more monitoring of expected rebates.

City Audits

**Vice Imprest  
Fund**

**Attachment C**



**Report of Internal Audit  
Charlotte-Mecklenburg Police Department  
Vice Imprest Fund 2015  
March 24, 2016**

**City Auditor's Office  
Gregory L. McDowell, CPA, CIA**

**Report of Internal Audit  
Charlotte-Mecklenburg Police Department  
Vice Imprest Fund 2015  
March 24, 2016**

**Purpose and Scope**

Internal Audit performs periodic audits of the Charlotte-Mecklenburg Police Department (CMPD) Vice Imprest Fund. During calendar year 2015, we performed six audits and this report summarizes our results. The purpose of each audit was to verify the cash on hand and to determine whether the officers in the Vice and Narcotics Division adhered to the established policies and procedures for replenishment of funds.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The intent of this report is for the information and use of the City Manager's Office, City Council and the Charlotte-Mecklenburg Police Department.

**Conclusion and Summary Results**

CMPD's Vice Imprest Fund controls are working effectively. Vault cash agreed to records; transactions were properly documented; and evidence property control was verified. Supervisors have worked with officers to reduce late return of unused advances and expense documentation from 12% in 2014 to 3% in 2015. We are satisfied with CMPD's efforts and the level of controls in place.

**Background**

The Vice Imprest Fund was established by the CMPD Special Investigations Bureau, Vice and Narcotics Division (Division), for use in ongoing investigations related to controlled substances, prostitution, gambling and other criminal activities.

The Division is currently authorized to maintain \$49,000 cash in the Imprest Fund. The amount was increased from \$40,000 to \$49,000 in March 2015. CMPD's standard operating procedures call for initiating the process to replenish the Imprest Fund when one-third of the fund has been expended. After reviewing all vouchers and files and notifying the Division Commander, the shift sergeant notifies Internal Audit and requests the audit. The replenishments totaled \$194,922 during 2015. For FY16, the budget for replenishment is \$200,000.

The Imprest Fund cash is kept inside a locked safe in a secure location within the Division. Physical access to the safe is tightly controlled. The Division Commander and Division supervisors are authorized to advance funds – using numbered vouchers for accounting control – to Sergeants, Lieutenants, and Special Investigative Bureau detectives for specific purposes, including the following:

- For officers to purchase controlled substances during an undercover investigation.
- For informants to purchase controlled substances, when establishing their reliability, or when needed to establish probable cause to obtain a search warrant.
- For payment of admission, when required, to enter business establishments while conducting authorized investigations, or to pay for drinks and tips that are reasonable and necessary during the investigation.
- For emergency travel that will be reimbursed to the Imprest Fund with City or Federal travel funds.

Each Supervisor is responsible for ensuring that:

- Vouchers accounting for the use of Imprest Funds, along with any remaining unspent funds, are returned within the prescribed time limits – 30 days for most advances, seven days for informant payments, and by the end of the current shift for large advances with an unused balance of \$1,000 or more.
- The appropriate case notes and documentation on all expenditures and informant payments are complete, accurate and filed in the appropriate location within the safe room.
- The returned vouchers are complete and accurate, and all signatures are legible.

All property purchased by the Vice and Narcotics officers must be submitted to the CMPD Property Control Bureau (PCB). The evidence is sealed in bags and initialed by the impounding officers. Items too large or bulky for packaging are tagged. The responsibility of the PCB begins when the evidence and paperwork are presented for processing and storage at the PCB receiving counter. PCB personnel ensure that the accompanying evidence information sheets are accurately completed and that the items are appropriately packaged or tagged.

Open cash advances and informant pays are reviewed during the audits. As mentioned above, vouchers advancing Imprest Funds are to be returned within the prescribed time limits. Cash advances with a balance of \$1,000 or more remaining unused are to be returned to the vault by the end of the shift. The Division has notified all sergeants that the policy will be strictly followed. If officers are regularly late with their vouchers, they will lose the privilege of utilizing the Imprest Fund. The detectives assigned to the Special Investigations Bureau who are continually late with their vouchers are subject to disciplinary actions.

### **Results of Audit**

**1. Imprest Fund vault cash agreed to records; transactions were properly documented; and property control was verified.**

During calendar year 2015, six audits were conducted, and the vice fund records were accurately reconciled to vault cash on each occasion. Replenishments for the year totaled \$194,922. The number of transactions per audit period ranged from 122 to 169. For randomly selected items tested, Division personnel pulled the official documentation related to the case. Auditors reviewed each file to determine that the departmental policies and procedures had been followed. In addition, random property reports were selected for testing. Auditors visited the Property Control Bureau to verify that each selected item was on hand and packaged properly. There were no exceptions.

**2. Division officers submitted documentation timely in 97% of cases.**

There were 933 cash advances and informant pays totaling \$314,019 issued during calendar year 2015. As noted in the Background section, the Division has a detailed procedure for handling cash advances.

Unused advances are common and expected. Officers make tentative plans for the use of funds, but many times return the funds without completing a transaction. In 2015, 38% of the funds advanced were returned unused.

Division supervisors have acted to reduce the amount of time unused funds are held by officers. Advances with \$1,000 or more unspent require return of unused funds during the shift the funds were obtained. During 2015, 24 cash advances were over \$1,000 each, totaling \$48,550. One such advance was returned late.

Advances under \$1,000 are more common and also have been subjected to ongoing supervisory attention. Supervisors enforce Division policies to ensure advanced funds are accounted for, including a 30-day time limit for the return of unused funds and documentation in support of expenses. During 2015, unused funds and expense documentation was submitted late for 17 advances and 12 informant pays. This represented 3% of such transactions, a significant reduction to the 19% and 12% rates of late submission in 2013 and 2014, respectively.

**Actions Taken:** CMPD's Vice and Narcotics Division supervisors implemented a Vice Policy which tracks late vouchers and imposes penalties for non-compliance. During 2015, 90 officers initiated vice transactions; of those, 15 received verbal warnings and one officer was suspended from receiving fund advances for 180 days.

**Recommendation:** Division supervisors should continue enforcing Imprest Fund policies to minimize non-compliance penalties.

**CMPD Response:** Division supervisors will continue enforcing Imprest Fund policies to minimize non-compliance. The recent installation of evidence lockers will only serve to continue our “no exception” submission rate of evidence obtained using these funds in the next fiscal year. We are pleased with the progress this unit has made over the last year. (See Appendix A for full response)

**POLICE****CHARLOTTE-MECKLENBURG POLICE DEPARTMENT**

March 16, 2016

Gregory L. McDowell, CPA, CIA  
City Auditor' Office  
Charlotte, NC

RE: Internal Audit, CMPD Vice Imprest Fund 2015

Dear Mr. McDowell,

Your audit showed marked compliance improvement in 2015 over 2014.

The late return of unused advances and expense documentation has fallen from 12% in 2014 to 3% in 2015. Our Vice Unit continues to work toward the 30 day limit for transaction completion of every voucher.

The recent installation of evidence lockers at our facility, will only serve to continue our "no exception" submission rate of evidence obtained using these funds in the next fiscal year.

Division supervisors will continue enforcing Imprest Fund policies to minimize non-compliance penalties.

I am pleased with the progress this Unit has made over the last year.

Sincerely,

A handwritten signature in black ink, appearing to read "KPA", written over a horizontal line.

Kerr Putney  
Chief of Police  
Charlotte-Mecklenburg Police Department

***Building Partnerships To Prevent The Next Crime.***

*Police Department • 601 East Trade Street • Charlotte, N.C. 28202-2940*