Council-Manager Memo #37
Wednesday, May 20, 2015

CHARLOTTE

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INFORMATION:

May 21 – Public Meeting about Mt. Holly Rd. (NC 27) Extension Scheduled by Charlotte Regional Transportation Planning Organization (CRTPO)

Staff Resources: Tim Gibbs, CDOT, 704-336-3917, tgibbs@charlottenc.gov
Matt Magnasco, CDOT, 704-336-3368, mmagnasco@charlottenc.gov

The Charlotte Regional Transportation Planning Organization (CRTPO) is proposing to remove a proposed major thoroughfare, the Mt. Holly Road Extension, from the Thoroughfare Plan. This proposed roadway would be located between Mt. Holly-Huntersville Road and the Catawba River in northwest Charlotte.

CRTPO is asking for public comments in response to action taken in 2014 by the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO). At that time, the GCLMPO voted to remove the corresponding segment of roadway in Gaston County (between the Catawba River and NC 273 in the Town of Mt. Holly) from their Thoroughfare Plan.

A meeting to receive comments from the public will be held:

Thursday, May 21
4:30 p.m. – 6:30 p.m.
Shady Brook Baptist Church
2940 Belmeade Dr.
Charlotte, NC 28214

This summer, the CRTPO Board will be asked to vote on this proposal to delete the Mt. Holly Rd. Extension from the CRTPO Thoroughfare Plan based on public comments and the results of analysis by staff.

Additional information on this topic can be found on the CRTPO website at crtpo.org

A map highlighting the area is attached.

Amendment Map.pdf

May 26 – Straw Votes/Budget Adjustments Meeting To Be Held in Room 267

Staff Resources: Kim Eagle, Management & Finance Services, 704-336-3700, keagle@charlottenc.gov

Council's Straw Votes/Budget Adjustments meeting is scheduled for Tuesday, May 26 at 3 p.m. This meeting, initially planned to be held in CH-14 of the Charlotte-Mecklenburg Government Center, will now be held in Room 267. The change of location has been updated on the City's website.

June 17 – Mayor's Youth Employment Program (MYEP) 2015 Kick-off event
Staff Resources: Dawn Hill, NBS, 704-336-4445 dhill@charlottenc.gov
Sophia Davis, NBS, 704-353-0486, scdavis@charlottenc.gov

On Wednesday, June 17, Neighborhood & Business Services will host the Mayor's Youth Employment Program (MYEP) annual Kick-Off Event, *Bring Your "A" Game*. The event will be held from noon to 2 p.m. on Wednesday at the Oasis Shriners Temple Club at 604 Doug Mayes Place.

City Council is invited to attend this event, which launches the Twenty-ninth year of MYEP. This year's internships, which include 343 students and 88 businesses, will run between June 22 and August 14. An interactive luncheon is planned as an icebreaker to acquaint interns and employers in preparation for their summer positions. These positions are important in helping shape Charlotte's future workforce, while positively impacting the lives of youth.

MYEP participants are pre-screened high school students who currently attend one of the partner Charlotte-Mecklenburg schools. These students are referred by various community partners such as Communities In Schools, Right Moves For Youth, ACE Mentoring, and CMS Career Development Counselors.

Speed Street 2015
Staff Resource: Joe Yanicak, CDOT, 704-336-5531 jyanicak@charlottenc.gov

The annual Speed Street festival will be held Thursday, May 21 through Saturday, May 23 in Uptown Charlotte. The concert stage will be located at MLK Blvd and Caldwell Street. The stage will host two evening concerts and a variety of activities during the day. Trade Street and Church Street will remain open throughout the festival.

A brief schedule is as follows:

Wednesday, May 20	9:30 a.m.	Streets close for set-up
Thursday, May 21	Noon – 12:00 a.m.	Festival Open
Friday, May 22	Noon – 12:00 a.m.	Festival Open
Saturday, May 23	Noon – 12:00 a.m.	Festival Open
Sunday, May 24	6:00 a.m.	Streets re-open

A map of the event site is attached.

Speed Street map.pdf

During the festival, commuters should expect significantly heavier traffic and congestion during morning and evening rush hour. In an attempt to decrease congestion, CATS will re-route

several busses away from College Street and increase the frequency of the LYNX Blue Line service.

Information regarding street closures and event details have been communicated to Uptown businesses and residents through the Street Use Notice (SUN) and through Center City Partner's website. Additionally, CDOT has issued a press release with street closure information.

LYNX Silver Line/Southeast Corridor Transit Study

Staff Resource: David McDonald, CATS, 704-336-6900, dmcdonald@charlottenc.gov

Previously, the Metropolitan Transit Commission directed CATS to prepare for a LYNX Silver Line/Southeast Corridor Transit Study. CATS released an RFP for a consultant to perform the study in December 2013, selected Parson Brinckerhoff in 2014, received Council approval for a contract with Parsons Brinckerhoff in July 2014, and executed that contract in November 2014.

Work on the project officially began in February 2015. CATS, City of Charlotte staff, NCDOT, and the Town of Matthews have been actively developing a proactive public engagement plan, analyzing existing conditions, and setting goals for the project. The study is anticipated to be complete by the end of June 2016. At this point there are three overarching goals that will guide this study.

- Define a fixed rail guideway alignment that serves future transportation needs and promotes the land use plans/polices of both the Independence Blvd Area Plan and the Town of Matthews.
- Provide an interim transit strategy that utilizes the future managed lanes proposed on Independence Blvd.
- Coordinate with land development strategies to protect and preserve the fixed guideway alignment.

Stakeholder interviews, including interviews with Council representatives, will take place in June/July 2015. Neighborhood outreach activities will be held from August through November. Public meetings on the study will be held in August and September. Draft alternatives are expected to be ready in fall 2015.

Throughout the rest of 2015 the study will progress through the following activities.

More detailed background information is attached below.

LYNX Silver Line
Southeast Corridor Tı

ATTACHMENTS:

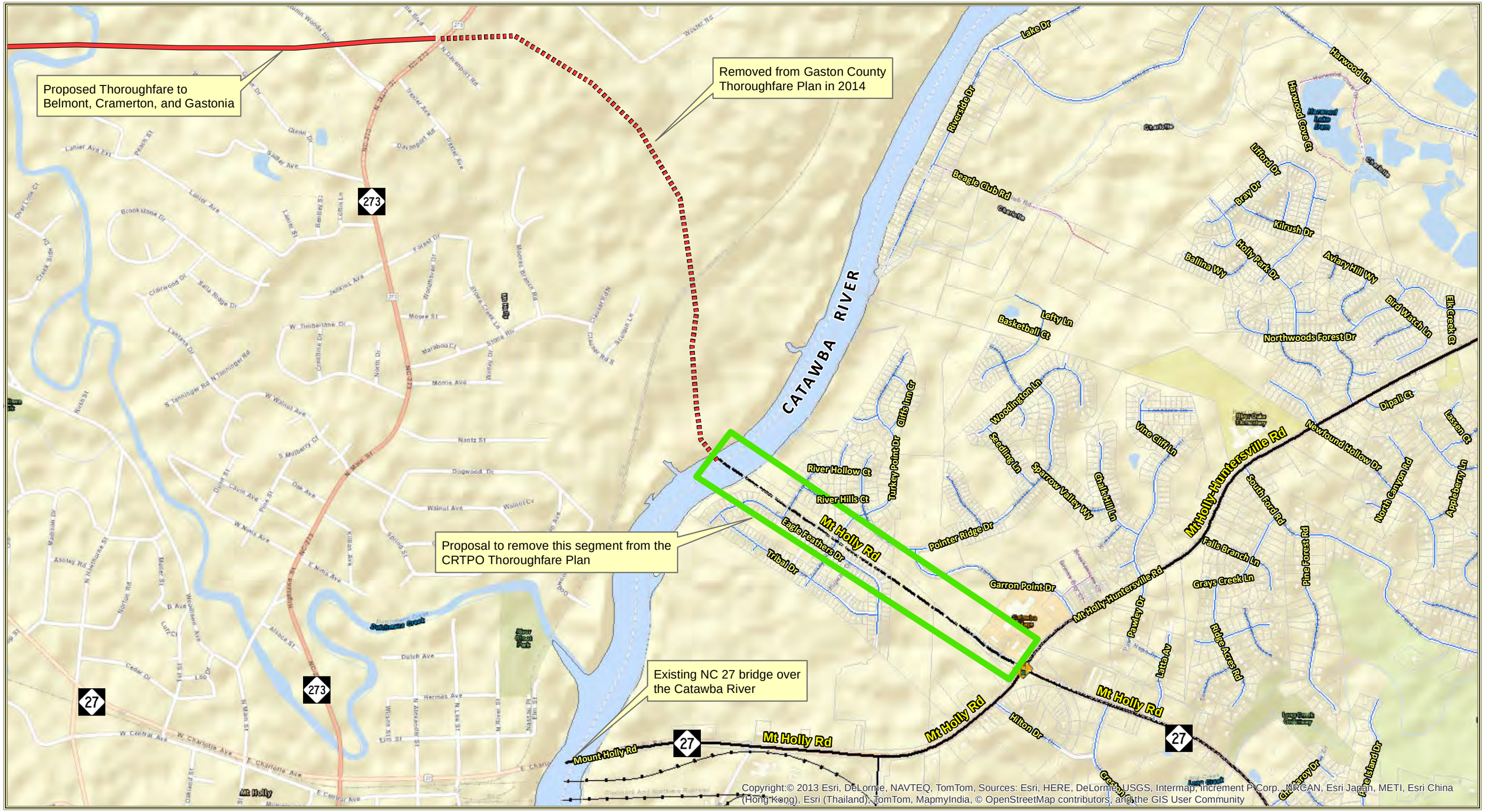
City Council Follow-up Report:

20--May.pdf

--Request for Installation of Drinking Fountain
--Consent Agenda Item #28: Real Estate Related Services

April 27 Governance and Accountability Committee Summary

GAC 042715 Meeting Summary.pd



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Mt. Holly Rd. Extension
Thoroughfare Plan Amendment

1" = 1,000 ft.

0 500 1,000 2,000 3,000 Feet

N
W E
S

SPEED STREET

MAY 21-23, 2015 | UPTOWN CHARLOTTE
www.600festival.com

PRESENTED BY

MAP KEY

- Restrooms
- ATM
- Evacuation Shelter
- Closes 9:30am Wed
- Closes 9:30am Thurs Reopens 6 - 9:30am Fri
- Closes 9:30am Thurs Opens 4:30pm - 6:30pm for the Green Deck Only
- LightRail
- LightRail Station

LYNX Silver Line/Southeast Corridor Transit Study Background & Map

With the 2006 adoption of the 2030 Transit System Plan by the MTC, Bus Rapid Transit (BRT) was selected as the Locally Preferred Alternative (LPA) for the LYNX Silver Line with the following conditions:

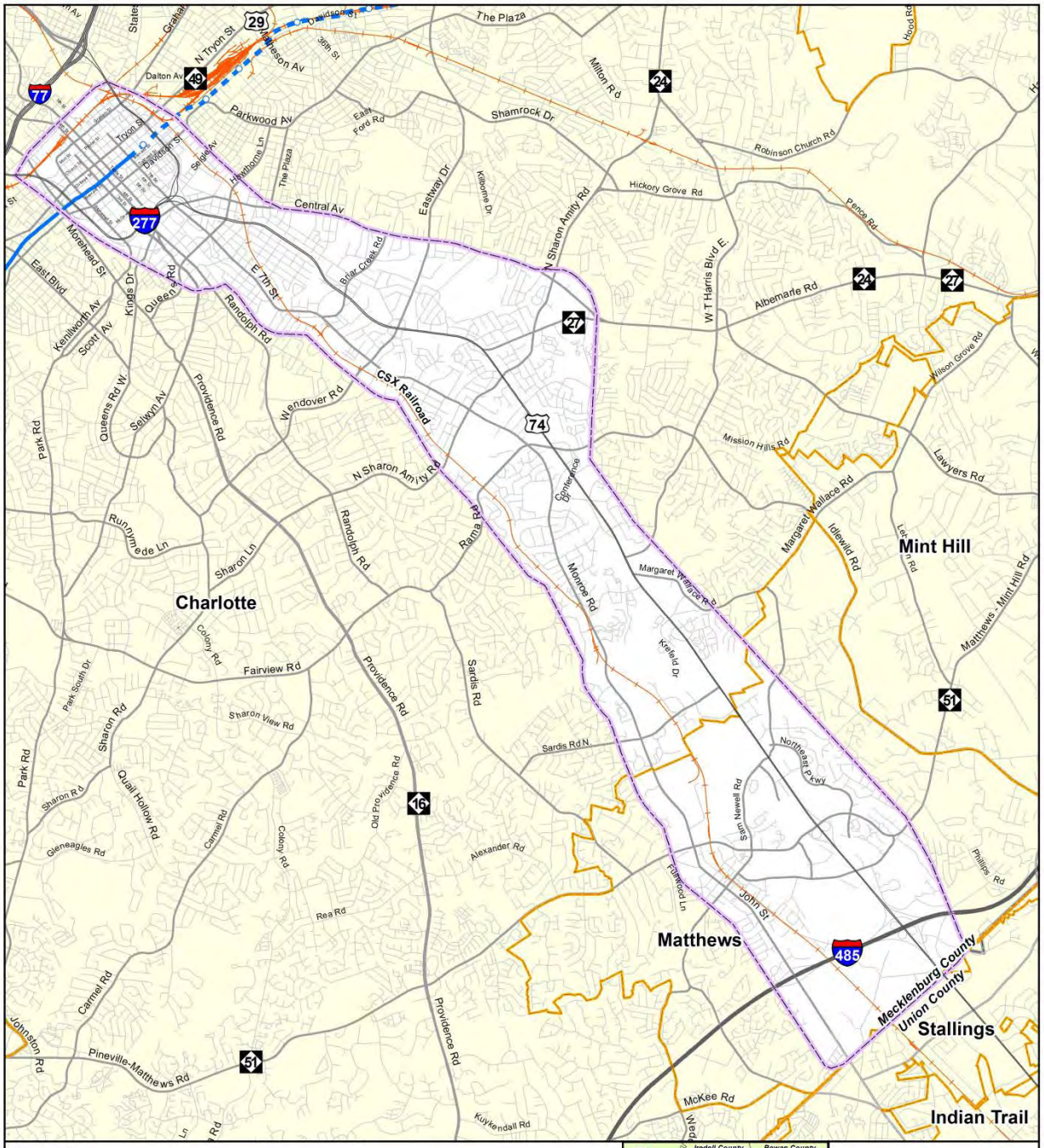
- BRT be selected as the LPA with implementation of BRT delayed for at least five years to allow the future reconsideration of Light Rail. Additionally CATS staff is directed to take the necessary steps in design and engineering with North Carolina Department of Transportation (NCDOT) on the US 74 Highway Project so that light rail could be considered in the future.

Between 2006 and 2011, concentrated land use and transportation planning efforts were directed at the segments of Independence Boulevard within the City of Charlotte. The ULI Rose Center Fellowship Report proposed that rapid transit in the corridor should not be in the median of Independence Boulevard. A key finding of the Independence Boulevard Area Plan (2009) recommended that development in the corridor should be focused at key nodes. With the results of those studies, the MTC, in 2011, passed the following actions that directed CATS staff to:

- Remove special provisions in the 2030 Transit System Plan that required preservation of Rapid Transit in the median of Independence Boulevard.
- Work closely with NCDOT and Charlotte Department of Transportation to incorporate bus services into the design of the Independence Boulevard Managed Lanes.
- Bring back a process and plan/schedule for an alignment study to evaluate a rail transit alignment in the Southeast Corridor that is not in the median of Independence Boulevard.
- Ensure that the alignment study will review the technologies of light rail, streetcar and commuter rail, and recommend a rail transit alignment, which will involve examining all potential rail alternatives in the corridor, including those previously studied.
- Study a connection between the CityLYNX Gold Line and the LYNX Silver Line.
- Study up to the Mecklenburg County Line and into Union County.

With that directive, CATS began preparation for the LYNX Silver Line/Southeast Corridor Transit Study.

LYNX Silver Line Corridor Study Area



CHARLOTTE

City Council
Follow-Up Report

May 20, 2015

May 4, 2015 – City Council Workshop

Request for Installation of Drinking Fountain
Staff Resource: Kim Oliver, City Manager's Office, 704-336-2180, koliver@charlottenc.gov

During the Citizens' Forum, Reverend Willie B. Simpson stated that Progress Park did not have a drinking fountain and requested that staff look into the installation of a new drinking fountain at Progress Park. Council requested that staff follow up with the Mecklenburg County Park and Recreation department to determine the feasibility of the installation.

City staff contacted Mecklenburg County on Wednesday, May 6 regarding Reverend Simpson's request. Staff with the County Park and Recreation department indicated they would assign a plumber to visit the site at Progress Park to determine the feasibility of installing the requested drinking fountain. Staff indicated that if the plumber found the site to be feasible that the permitting process would take several weeks prior to installation.

City staff has since contacted Mecklenburg County who has approved the installation of the drinking fountain in Progress Park. County staff will apply for a permit and place an order for the drinking fountain. Timeframe for the installation is July 2015. City staff contacted Reverend Simpson on Tuesday, May 19 regarding the status of his request. Reverend Simpson thanked staff and said the citizens would appreciate that the request was granted. City staff will ensure that Reverend Simpson and County staff receive a copy of this write-up.

May 11, 2015 – City Council Business Meeting

Consent Agenda Item #28: Real Estate Related Services
Staff Resource: Becky Insogna, E&PM, 704-336-4550, binsogna@charlottenc.gov

City Council requested an explanation on the SBE and MWSBE outreach efforts for the real estate services contracting opportunities and how staff might further improve this outreach.

All SBEs and MWSBEs with the Commodity Codes in Real Estate Services were notified about the Request for Qualifications for unspecified real estate services. There are currently thirty one firms in the data base. Out of the thirty one firms solicited, only five firms with SBE certification submitted their firm's qualifications for selection. All five firms were selected to perform real estate services. One of the firms selected is also certified as a WBE and HUB and one of the firms is certified as a MBE.

Charlotte Business INClusion and Real Estate have reached out to the firms that are not certified informing them about the SBE and MWSBE certification requirements, process and benefits. To date, two firms have responded, stating that they are interested in obtaining their SBE certification and planning to start the process. In addition, one firm has completed the required forms and their SBE certification is in process. The Project Manager will follow up with the two firms that have expressed an interest is obtaining their certification.

Several firms that were selected for services stated that they do not meet the MWSBE qualifications due to the location of their headquarters. However some of these firms have a local office in the Charlotte Statistical Area.

These contracts will be in effect for up to two years. To improve the current outreach efforts staff will:

- Assess the pool of available SBEs and MWSBEs to insure they are aware of the opportunities being offered.
- Partner with Charlotte Business INClusion to conduct outreach sessions prior to the pre-submittal meetings. Staff will especially target appraisal firms to be sure the firms understand the requirement for experience in residential, commercial, and eminent domain appraisal work.
- Continue to encourage the selected firms to obtain SBE and MWSBE certifications after Council award.

Per the policy, Real Estate Leasing and Acquisition Contracts are exempt from Charlotte Business INClusion requirements, CBI Policy Appendix 1 to Part A. There were a number of firms selected to perform services under the real estate contracts that are small businesses as well as minority owned and operated. A chart has been included for reference.

Real Estate Services	# of Firms Selected	# of CBI Certified Firms Selected	# of Firms that employee 5 or less	# of Firms that have only 1 employee	# of Firms that are 100% owned & operated by women	# of Firms that are minority owned and operated
Legal	7	0	2	1	1	0
Appraisal & Review Appraisal	14	1	9	6	2	0
Acq./Relo.	7	3	3	1	1	0
Property Mgmt.	2	1	1	0	0	1

Charlotte City Council

Governance & Accountability Committee

Meeting Summary for April 27, 2015

COMMITTEE AGENDA TOPICS

I. Boards and Commissions – Attendance and Orientation
Staff Resource: Stephanie Kelly
Attachments

II. Ethics Review – Boards and Commissions
Staff Resource: Bob Hagemann
Attachments

III. FY2015 Draft Audit Plan
Staff Resource: Robert Campbell and Eddie Burke, Cherry-Bekaert
Attachments

IV. Audit Reports
Staff Resource: Greg McDowell
Attachment

V. Quarterly Update on Employee Hotline
Staff Resource: Greg McDowell
Attachment

VI. Next Meeting
Tuesday, May 26, 2015 in CH-14

CHARLOTTE

Charlotte City Council

Governance & Accountability Committee

Meeting Summary for April 27, 2015

COMMITTEE INFORMATION

Present:	Council Members David Howard, LaWana Mayfield, John Autry, Patsy Kinsey and Greg Phipps
Other (Speakers):	Robert Campbell; Eddie Burke / Cherry Bekaert
Time:	12:00 p.m. to 1:33 p.m.

ATTACHMENTS

1. Meeting Minutes Summary
2. Attachment #1: **Boards & Commissions**
    a. Memo from Stephanie Kelly Regarding Council's Attendance
    b. Policy & Board Orientation
    c. City Council Resolution
    d. Copy of Board Members Who Resigned, Attendance, etc.
    e. Boards and Commissions Handbook
3. Attachment #2: **Ethics Review**
    a. Memo from Bob Hagemann
    b. Current Code of Ethics for Members of Boards , Committees and Commissions approved by the Council on 10/28/13
    c. Recently Approved Code of Ethics, Gift Policy and Disclosure Requirements for the Mayor and City Council
    d. List of Boards, Committees and Commissions
4. Attachment #3: **FY2015 Draft Audit Plan**
    a. GAC Audit Process PowerPoint Presentation
    b. Planning PowerPoint Presentation by Cherry Bekaert LLP
5. Attachment #4: **Audit Reports**
    a. CATS BLE Report of Internal Audit - CATS Northeast Corridor Light Rail Transit Project
6. Attachment #5:
    a. Employee Hotline Calls Internal Audit Summary
    b. Employee Hotline CNET Page

DISCUSSION HIGHLIGHTS

Committee Chair Councilman David Howard called the meeting to order and asked those in attendance to introduce themselves.

Howard: OK, just so you know if you have an agenda in front of you, I think it would make more sense to put the Boards and Commissions – Attendance and Orientation last. We are going to begin with the Ethics Review so that we can have some continuation from our last several meetings. So if you don't have any questions on that we are going to go straight to Bob (Hagemann).

I. Ethics Review – Boards and Commissions
Staff Resource: Bob Hagemann

Hagemann: Thank you Mr. Chairman. Not to speak for the Chair but my understanding is that the intent is not to make decisions today but to provide a baseline so that you can consider what type of direction you may want to go in for future meetings. The purpose of this Code of Ethics is to establish guidelines for an ethical standard of conduct for board members and to help determine what conduct is appropriate in particular cases. I have highlighted and underlined the major and substantive additions that went into the policy for Boards and Commissions. (See attached). Under section two of this document, which is simply an addition to what is in the model of the School of Government that was taken out for Council because the Council doesn't sit in a quasi-judicial role but some of your Boards and Commissions do. This policy does not have a section on gifts. It does not have a section on disclosure and it does not have a section on complaints, investigations and discipline. I think that is the question that is coming before this body as a result of the referral giving what you did with your policy, does it make sense to have some or all those provisions to apply to some or all of the Boards and Commissions.

Phipps: Back on this matter about quasi-judicial business, does this also give a warning about potential conflicts of interest?

Hagemann: Yes but in other portions of the document and it applies to all your Boards and Commissions but to answer your question, yes those would equally apply to quasi-judicial boards. So then what we also included in the packet is your recently adopted code which added to it, the gift policy, disclosure requirements and the provisions on investigations. What I would editorialize here is the concern that I had about not being in the role of investigating one of you, that would not be a concern to me for members of the Boards and Commissions. So what we crafted with the possibility of bringing in an outside investigator, certainly you could do that if you go in that direction with Boards and Commissions, but because I don't work for those individuals, those could be handled out of my office if you choose to have something that parallels with and is put in place with Mayor and Council.

Howard: But that still would be political though. Especially when it comes to mind with the

Mayor appointments, there is no medium there. So just think about that one more time.

Hagemann: So my initial response was we can design a system where an independent investigator is an option and can be used in situations that are sensitive, but if it's not a sensitive situation like that the default could be that my office investigates it. Again, it's totally up to you.

Howard: Alright. Thank you for that review. Any questions? So let's look at each one of these and see if there are concerns that go beyond each committee. We can do it one on one or we can capture in general, information about all of the committees. So I will throw that out there as a way to start a conversation about it. So going forward looking at the lists of boards and committees; do you want to talk about the ones you think we should do a new policy for or should we leave it alone? Maybe at the next meeting we should actually take this same form and we kind of go out a couple more columns and add those three areas that we just adopted for ourselves and then have a conversation about which areas matter to what committee. Planning Commission at the very least needs to have a disclosure form, but we should have that conversation and maybe we can ask Bob to give a shot at which one would matter. Or do we want to do that work as a committee?

Mayfield: I would prefer Bob to make some recommendations for the committees since the policies are going to be longer than a two year term.

Hagemann: I would be happy to do that with your permission in consultation with the City Clerk and the City Manager's office.

Howard: For sure. And so it sounds like we are not only going to look at the three new columns, we may want to look at the two columns you actually already put to see our thoughts on that. There was some thought into rolling all this into one, but we just want to finish the ethics part for sure. Alright, so we are going to add some columns and get a report back from the City attorney and go from there.

Hagemann: And I will preview something that I am already thinking about. The gift policy, some of the exceptions that are in that, I don't know if it has relevance or makes sense for members of your Boards and Commissions. So that's part of the work that I will do, I will rethink all of those provisions to see whether they have any potential applicability to members of the boards and committees.

Howard: You need to start thinking about CRVA and firefighters.

Hagemann: I am not making any prejudgments of it, I am just going to go through that exercise.

Howard: I was just giving you some examples.

Hagemann: For sure.

Howard: Thank you. Okay next up, Randy Harrington and Robert Campbell.

II. FY2015 Draft Audit Plan
Staff Resource: Robert Campbell and Eddie Burke, Cherry-Bekaert

Harrington: As you know the committee has an expanded role now as it relates to overseeing and reviewing the process as it relates to our external auditor process and as well as the engagement of the findings in the past year. We are at the process to start that next series of the audit program. Robert Campbell is going to talk about that process and what that looks like and the opportunity for the committee to provide any feedback in terms of any expectations that you may have. We also have Mr. Eddie Burke here today to provide any specific feedback to the external auditor.

Campbell: We are rapidly approaching the end of fiscal year 2015. We are going to go over the review of the audit process, confirm FY2015 timeline and then turn it over to Eddie Burke for your opportunity for input to the external auditor. So as you know the City is required to have an annual external audit and the Chief Financial Officer must file it with the Local Government Commission (LGC). The LGC must have the Certificate of Achievement for Excellence in Financial Reporting (CAFR) by October 31st or they will not approve any new debt issues. This must be issued in a timely manner. The ERP system will be used to prepare the FY2015 report. The ERP system includes most of the financial system components such as procurement, accounts payable, project accounting, grant accounting, general ledger and fixed assets.

Howard: So we aren't operating on parallel systems anymore?

Campbell: No, we are only using one system. We are full time on the new one. As of July 2014, the MUNIS ERP system became the system of record for all financial transactions. In FY2015 this will be the first time that we prepare financial statements from ERP to prepare the CAFR. We don't believe to have any problems but staff is currently utilizing reports produced by the system to analyze data in order to be prepared for fiscal year end close.

Howard: Did we use ERP as a parallel system to last year's audit and run reports from both systems to kind of test it then? Or will this be the first time to run reports for the audit?

Campbell: We ran through some simulations of the year end closing process, so that should accomplish I think what you're referring to.

Howard: So how is the implementation going? I haven't heard anything about it so I guess that's a good thing other than a few people didn't get their checks for services in the beginning.

Harrington: Sending out payments was one of our challenges that we had earlier in the process and we have been in constant review of the payment process. We are trying to walk through potential adjustments on the staff side and potential educational opportunities on the vendor side. So we will continue to work on that. I am very encouraged by where we are by the overall

systems. This will be one of our last big tests, so to speak, in terms of the end of the year closeout. We have been operating all year and we have issued tens of thousands, if not hundreds of thousands of payments and the City continues to function and operate as normal.

Howard: Alright, thank you.

Campbell: If there aren't any questions for me I am going to turn this over to Eddie Burke, our external auditor with Cherry Bekaert.

Burke: We would like to focus on six major areas of focus today. These are the things from a big picture where we will be spending a lot of our time.

Howard: Since I know you and Greg McDowell worked great together through this process, how often do you take their reports and use it as part of your evidence or your information gathering?

Burke: One of the processes we use is we will sit down with Greg and look at what he is doing in the audit department. We will look at the reports and the areas that he has looked at and primarily see if there were any problems, or if there weren't any problems. For the areas where they have identified some problems we would look at that from an auditor's perspective to see if that's something we need to be looking at, but that all depends on the reports and the nature of the reports.

Howard: Alright.

Autry: Do you anticipate revising any process, based on the new level that is available to us now?

Burke: I don't anticipate that being a problem but I can't tell you it won't change in case something is identified in a controlled environment.

Harrington: As Mr. Burke expressed, we do have a high level of consultation in areas where we are looking at changes. We are always looking to run it by the external auditor to test it and see if we are thinking of it in appropriate ways.

Howard: My first of two questions is: would the audit look at the backup system for the ERP system?

Burke: Yes.

Howard: So you don't just look at the numbers but you look at the technology to make sure it is backed up and redundant and all the things it needs to be.

Burke: Actually we have IT people that come in and they are looking at the systems. They are not auditors, they are IT people.

Howard: Does part of the audit talk about the IT departments and where we are in that process?

Burke: Would they? Yes.

Howard: I would like to talk about that when it comes back to us as a report.

Burke: If you want to be very specific on the IT piece you will need to let me know so that I can bring an IT person with me.

Howard: It can be broad, very broad. My second question: does every dollar that's part of the CIP have to be capitalized?

Burke: No.

Howard: Thanks.

Burke: So that's the big picture of what we are looking at doing. What the plan will be is, if there are no disagreements on our focus areas and how we will be approaching the audit this year we will go through, unless something happens, this will be our plan and approach. Then when we meet on the backend of the audit and we will go through these areas and report to you what we found at that point in time.

Kinsey: We made this change as to when the committee would review this about two years ago. Is that adding considerably or marginally to our costs with the auditors because of more information and more printing?

Campbell: I don't think it's adding any additional costs at all. It would be a marginal increase, if any costs at all.

Phipps: Are your working papers available for review?

Burke: Yes.

Howard: Anyone have any other questions? Alright. I look forward to the next steps in the process. Thank you.

III. <u>Audit Report: CATS BLE Report of Internal Audit - CATS Northeast Corridor Light Rail Transit Project</u>
Staff Resource: Greg McDowell

McDowell: The audit report we are going to talk about is fairly straight forward because we have done this for multiple years.

Howard: So this audit is not about watching the budget to make sure we are staying within the

range or if there are big changes coming?

McDowell: No, this is just regular audit stuff where they give us an estimated rate and then we look at the actual and just adjust it. It's within budget.

Mayfield: So, the amount that is owed; is that an accumulation of dollars or is that one vendor?

McDowell: This is just STV, the contractor for the Northeast Corridor Light Rail Transit Project. There are many subcontractors that we could audit, and we have in the past, but we generally hold the prime responsible for making sure that the subs do it. In this regard, STV is one large contractor, so this is the only one we are looking at. We have done it for four years in a row. This doesn't mean anybody did anything wrong, this is just a good estimate with a small reconciliation after a full year.

Howard: Any questions? Thank you.

IV. <u>Quarterly Update on Employee Hotline</u>
Staff Resource: Greg McDowell

You may remember in January we handed out a summary of the Hotline calls that have come in since inception in September and now we have a composite for the past 6 ½ months. And so the number of calls that have come in continues to be on average about the same number. We put the summary into a couple of columns. There are four sections here and they all add up to twenty four. We will deal with some small numbers but it's important that they all work out. There are two periods that we looked at. They had twelve calls each, a total of twenty four. It's a too small length of period of time and number of calls to start talking about any particular trend but this does show you that the typed of calls are somewhat consistent and the types of calls continue to expand. But again, too small to make any assumptions and it is spread out throughout the City. We have made a slight improvement to the website to make it easier to find and communicate.

Howard: Any questions? Thank you.

V. <u>Boards and Commissions – Attendance and Orientation</u>
Staff Resource: Stephanie Kelly

Howard: We want to start a conversation with Stephanie (Kelly) about the referral that started with Mr. Phipps' concern about attendance and whether or not there was anything there. We don't have a lot of time but we will start with the policy.

Kelly: Based on Council Phipps' concern about the attendance policy and how it is communicated, we provided some information to you about how we inform prospective applicants. The requirements of Council's attendance policy are accessible on the Clerk's website. Perspective applicants may also find the listing and description of boards and commissions, the meeting schedule for all boards, an online application form and the handbook

for citizen boards, committees and commission members. All members that are appointed are mailed letters of notification along with the handbook for citizen boards, committees and commission members which contain the City Council approved attendance policy, code of ethics policy, and other information that will assist them in fulfilling their role as an advisory board member. Newly appointed board members are asked to review the content of the handbook and to sign the acknowledgement form.

Autry: How do you get people to participate in the boards and commissions without them feeling like they are wasting their time?

Mayfield: I think it would be helpful if we could get a snapshot or a spreadsheet to look at a correlation of the resignations of those who were not able to keep up their commitment but also looking at resignations as a whole and those who are eligible and declined reappointment. Yes, life comes into play, but it may be some other things that we haven't talked about that we may need to consider to make sure we are getting the strongest, most active boards as possible when we are asking citizens to give up their time.

Howard: Maybe what we are asking about is a series of codes (resigned because of: a, b, c etc.) and get them to give us a number so that we can code them. Maybe not forever, but we can track it for like a year or so just so we can track it and we can see. Let's talk about that next month. So we will take this up at our next meeting and we can think about it between now and then.

Jennings: I think we can provide some analysis of data and bring it back to you at the next meeting.

Howard: OK great. Thank you. See everyone next month.

VI. **Next Meeting**
Tuesday, May 26, 2015 in CH-14

Meeting adjourned at 1:33 p.m. ~jcs

Governance & Accountability Committee

Monday, April 27, 2015 – 12:00 noon
Room 280

Committee Members:	David Howard, Chair LaWana Mayfield, Vice Chair John Autry Patsy Kinsey Greg Phipps
Staff Resource:	Carol Jennings, Chief of Staff

AGENDA

I. <u>Boards and Commissions – Attendance and Orientation</u>
Staff Resource: Stephanie Kelly
Attachments

II. <u>Ethics Review – Boards and Commissions</u>
Staff Resource: Bob Hagemann
Attachments

III. <u>FY2015 Draft Audit Plan</u>
Staff Resource: Robert Campbell and Eddie Burke, Cherry-Bekaert
Attachments

IV. <u>Audit Reports</u>
Staff Resource: Greg McDowell
Attachments

V. <u>Quarterly Update on Employee Hotline</u>
Staff Resource: Greg McDowell

VI. <u>Next Meeting</u>
Tuesday, May 26, 2015 in CH-14

<u>Distribution:</u>

Mayor and City Council	City Manager's Executive Team	Corporate Communications
Council Team	Bob Hagemann	Stephanie Kelly
Greg McDowell	Cheryl Brown	
Sheila Simpson	Robert Campbell	

Attachment #1: Boards & Commissions

A) Memo from Stephanie Kelly Regarding Council's Attendance Policy & Board Orientation

B) City Council Resolution

C) Copy of Board Members Who Resigned, Attendance, etc.

D) Boards and Commissions Handbook

CHARLOTTE.

MEMO

TO: Governance and Accountability Committee

FROM: Stephanie C. Kelly, City Clerk

RE: Council's Attendance Policy & Board Orientation

DATE: April 24, 2015

In November 2009, upon a recommendation from Council's Restructuring Government Committee, City Council approved a revised resolution setting forth among other things, an orientation session for all new members prior to or at their first meeting and a revised attendance policy. The current attendance policy applies to all committee members appointed by the Mayor, City Council and the City Manager.

The requirements of Council's attendance policy are easily accessible on the Clerk's website. Perspective applicants may also find the listing and description of boards and commissions, the meeting schedule for all boards, an online application form and the handbook for citizen boards, committees and commission members.

At the time of application, the time commitment and schedule for each board is listed on the vacancy notice itself. When completing the application, candidates are required to sign an acknowledgment that they will adhere to all city policies pertaining to boards and commissions, including attendance. Applications are kept on file for one year. If the application is over five months old, the Boards and Commissions Clerk contacts the applicant via email to see if they are still interested in the position.

All members that are appointed are mailed letters of notification along with the Handbook for Citizen Boards, Committees and Commission Members which contains the City Council approved Attendance Policy, Code of Ethics Policy and other information that will assist them in fulfilling their role as an advisory board member. Newly appointed board members are asked to review the content of the handbook and to sign the acknowledgement form.

Attendance reports are submitted by board staff advisors to the Clerk's Office on a quarterly basis. In January following the close of a calendar year, the Clerk's Office calculates the 65% attendance figures based on those reports. This oftentimes makes the number of resignations and attendance failures seem excessive during the first quarter.

CHARLOTTE.

Council's Attendance Policy:

A. Board members are required to attend at least 65% of all regular and special meetings and assigned committee or subcommittee meetings held during a calendar year.
B. Board members may not miss three consecutive regular meetings.
C. Board members will be removed from the board for failure to meet A and B.
D. Board members interested in being reappointed at the end of their first term of office must have attended at least 75% of all regular, special and assigned subcommittee meetings over the course of their term.
E. Board members must attend at least 50% of each meeting in order to be counted present.
F. There are **no** excused absences.

Attached is a summary of the turn-over on various boards beginning from 2013. Usually, the Clerk's Office is notified of a resignation by the board's staff advisor. Some members submit resignations in lieu of being removed for failure to fulfill attendance requirements. Generally, we are not provided a reason for resignation, so we have no related data.

Attachments:
2009 City Council Resolution re: Boards and Commissions
2013 Handbook for Citizens Serving on Advisory Boards,

RESOLUTION OF THE CHARLOTTE CITY COUNCIL ESTABLISHING ITS POLICIES AND PROCEDURE FOR PUBLIC NOTIFICATION, NOMINATION, AND APPOINTMENT OF PERSONS TO BOARDS, COMMITTEES, AND COMMISSIONS, AND STATING CITY POLICIES FOR CONSECUTIVE TERMS, OATHS OF OFFICE, RESIDENCY, AND ATTENDANCE, AND FOR THE SUBMITTAL OF REVIEW REPORTS OF BOARDS AND COMMISSIONS.

WHEREAS, the City Council of the City of Charlotte, NC, has reviewed its policies and process for public notification of vacancies, nominating, and appointing volunteer citizens to boards, committees, and commissions, and

WHEREAS, the City Council has reviewed City policies regarding, consecutive terms, residency, attendance, and review reports of boards, committees, and commissions;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that it hereby establishes the following policies and procedures for public notification, nomination, and appointment of persons to boards, committees and commissions, and states the City's policies regarding consecutive terms, residency, attendance, and submittal of reports by boards, committees, and commissions as follows:

Section 1. **PROCESS FOR PUBLIC NOTIFICATION, NOMINATIONS AND APPOINTMENTS**

Appointments to boards, committees, and commissions shall be made quarterly. At the first regular meeting of the first month of each calendar quarter (January, April, July and October), provided that meeting falls during the first fifteen days of the month, each member of the City Council may nominate one person for appointment to each of the positions to be filled by Council. Should the first regular meeting not fall during the first fifteen days of the first month of a calendar quarter, nominations shall be made at the last regular meeting of the preceding quarter. After nominations are closed, no further nominations may be made. If there is only one nominee for a position, the appointment may be made by voice vote at the same meeting at which the nomination is made.

At least four weeks prior to the quarterly date for nominations, the City shall publicize vacancies to be filled by appointment of the Council as follows: (i) at the Council Meeting four weeks prior to nominations, the City Clerk will provide the Council with a list of upcoming vacancies; and (ii) the City Clerk shall provide such information to local print, radio and television media, and through the City's website.

Any vacancies created by resignation or automatic removal shall be included with the next group of quarterly nominations. Terms expiring during any quarter shall remain filled by the person then holding the position until a successor is appointed and qualified.

By nominating a person who has not submitted an application for the subject board, committee, or commission, the nominating Council Member certifies that the person has indicated an interest in serving and that the nominee will file an application with the City Clerk's Office by noon the day before the appropriate Council agenda for appointment is delivered to Council. If such application is not made, the nomination will be deemed to have been withdrawn. The City Clerk's Office will notify the nominee of the actual deadline for filing the application the day following the nomination.

At the next business meeting after the close of nominations, the Council shall vote on the nominees for the positions to be filled. The appointments shall be determined by written ballot. A ballot containing the names of nominees, as well as a space for "None of the Above", shall be distributed to each Council Member. Each Council Member shall vote for a nominee or for "None of the Above", sign the ballot and return it to the City Clerk who shall tally and announce the votes and the results.

In accordance with the City Charter, no nominee shall be deemed appointed unless he or she receives at least six votes. If no nominee receives at least six votes on the first ballot, a second ballot (or vote) shall be cast. Only the top two vote getters shall be candidates on the second ballot. If as a result of the first ballot a tie vote situation produced more than two top vote getters, (i.e., 3-3-3-2; 5-3-3; 4-2-2-2-1), the Council shall cast ballots (or vote) on the top candidates to narrow the field of candidates to two. Then a third ballot (or vote) shall be cast on the top two vote getters. If no nominee receives at least six votes after the third ballot, all nominations shall lay on the table until the next regular meeting, at which time balloting shall be done in accordance with this paragraph.

Criminal background checks are required for nominees of the following boards:

Charlotte Regional Visitors Authority
Civil Service Board
Housing Appeals Board
Parole Accountability Committee
Passenger Vehicle for Hire Board
Domestic Violence Advisory Board
Housing Authority
Citizens Review Board
Zoning Board of Adjustment

A nominee to the Citizens Review Board who has a felony or Class A1 misdemeanor conviction, or a Class 1 or Class 2 misdemeanor conviction within three years of the date of nomination shall not be eligible to serve. Appointments to the other listed boards may be denied for those persons convicted of crimes against a person, or crimes against property where intent is an element, or any offense involving drugs, alcohol, or gambling. Other crimes may also be considered by the Council in making appointments.

Any departure or deviation from the above process shall not affect the validity of an otherwise valid Council appointment.

Section 2. **CONSECUTIVE TERMS/MULTIPLE BOARDS**

No member of any board, committee, or commission may serve more than two full consecutive terms. After serving two full consecutive terms, a person must be off that board, committee, or commission for one full term before being eligible for appointment to the same body. An exception to this rule may be made on a case by case basis (i.e., a need for continuity or experience).

An individual may not serve on more than two boards, committees, or commissions at one time.

Section 3. **OATHS OF OFFICE/ORIENTATION**

For a board, committee, or commission requiring an oath of office, a new member may not vote on any matter until the oath of office has been administered. Reappointed members shall also be administered the oath of office.

Staff advisors shall conduct an orientation session for new members with the chair in attendance prior to or at the first regular meeting after appointment. Expectations shall be given concerning attendance, conflicts of interest, information on City Government, etc.

Section 4. **RESIDENCY REQUIREMENTS**

A member of any board, committee or commission must at all times be registered to vote in Mecklenburg County.

Exceptions to the above statement may exist for some boards for purposes of regional membership (i.e., the Airport Advisory Committee). These exceptions will be handled on a case by case basis.

Section 5. **ATTENDANCE POLICY**

In order for a board, committee, or commission to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attendant to the business of the body. Therefore, all members are required to attend at least 65% of the regular and special meetings of the body and assigned committees and subcommittees held in any one calendar year with **NO EXCUSED ABSENCES.** On January 1 of each year, a member of any board, commission, or committee appointed by the Mayor, Council or City Manager shall be automatically removed from said body for failure to attend at least 65% of all regular and special meetings of the body and assigned committees and subcommittees held during the immediately preceding calendar year. For persons not serving for an entire calendar year, the 65% attendance requirement shall apply to meetings held during the portion of the year during which the person served. In order to be eligible for reappointment to a board, committee, or commission, a member must have attended at least 75% of the regular and special meetings of the body and assigned committees and subcommittees during the concluding term, or portion of the term during which the member

served. In addition, any member of a board, commission or committee shall be automatically removed from said body for failure to attend any THREE CONSECUTIVE REGULAR MEETINGS of the body. A member must attend fifty percent (50%) of a meeting in order to be considered in attendance for the purposes of this policy. Members appointed in the fourth quarter of the year shall be exempt from the 65% attendance rule for that calendar year only, but are still subject to the three consecutive meeting policy.

The City Clerk shall send a letter to anyone who is removed from a board, committee, or commission for failure to meet the attendance policy. Vacancies resulting from the removal of a member shall be filled by the same method as provided for initial appointments.

The City Clerk shall send a letter to any member who is in danger of violation of the attendance requirement, asking them to be mindful of said requirement.

Staff advisors shall file attendance reports with the City Clerk by the end of the first month following the close of a calendar quarter.

This attendance policy shall apply to every member of a board, committee, or commission that is part of the City of Charlotte regardless of who appoints the member. In addition, this attendance policy shall apply to all appointees by the City Council to a board, committee, or commission that is not part of the City of Charlotte.

Section 6. **REPORTS OF BOARDS, COMMITTEES, AND COMMISSIONS**

The City Council finds it appropriate to periodically review each standing board, committee, and commission to which they make appointments for the purpose of assessing whether said board, committee, or commission should be renewed, dismantled, expanded or its charge redefined. To this end, each board, committee, and commission that is part of the City, or that was established by the City Council, whether acting alone or in conjunction with one or more other local governments, is required to submit annual written reports that must contain in depth reviews of the body's activities, including goals, objectives, successes, problems, and/or the need for City Council assistance. These reports shall be submitted to the City Clerk and will be staggered through the year according to a schedule established by the City Clerk. The City Clerk shall then provide the Mayor and City Council with copies of the reports and refer the reports to the appropriate Council Committee for the Committee's information.

Boards, committees, and commissions that are not part of the City shall submit reports in accordance with the reporting requirements set forth in their contract, if any, with the City.

In addition to required written reports, the City Council may request on a case-by-case basis that an oral report be made to the Council.

Section 7. **CONFLICT OF INTEREST**

Council's January 24, 1983 Conflict of Interest Resolution established for boards, commissions, and committees shall continue as it is in its entirety.

Section 8. **REPEALER**

All prior resolutions of the City Council establishing procedures for the public notification, nomination, and appointment of persons to boards, committees, and commissions, and setting forth the City's policies for consecutive terms, oaths of office, residency, attendance, and review reports are, except to the extent that they are supplementary to and consistent herewith, repealed. This repeal includes, but is not limited to, resolutions recorded at Resolution Book 34, Pages 578-582, Resolution Book 36, Page 148, and Resolution Book 38, Page 277.

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the city of Charlotte, North Carolina, in regular session convened on the 11th day November, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (271-276).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of November, 2009.

Stephanie C. Kelly

Stephanie C. Kelly, CMC, City Clerk

CITY OF CHARLOTTE MECKLENBURG LS 1775 NORTH CAROLINA

Proposed Alignment of Boards and Commissions with Council Committees

Council Committee	Community Safety	Transportation	Economic Development	Housing & Neighborhood Dev.	Environment	Restructuring Government
Public--City/County	Citizens' Review Board Civil Service Board Domestic Violence Parole Accountability Passenger Vehicle for Hire	Airport Advisory Bicycle Advisory Citizens' Transit Advisory Group Transit Svcs Advisory	Business Advisory ***Char-Meck Utilities*** Planning Commission ***Privatization/ Competition Adv. Bd.*** Zoning Board of Adjustment	Community Relations Historic District Historic Landmarks Housing Appeals Housing Trust Fund Neighborhood Matching Grants	***Char-Meck Utilities*** Keep Charlotte Beautiful Storm Water Svcs Tree Advisory Waste Management Advisory	***Privatization/ Competition Adv. Bd.*** Public Art Commission
Public--Autonomous			Charlotte Regional Visitors Authority NASCAR HOF Advisory Board	Charlotte Housing Authority		Fireman's Relief BOD
Private--Financial Partners			~~Charlotte Regional Partnership~~ Charlotte International Cabinet			~~Arts & Science Council~~
Private--Muni Svc Districts			~~Charlotte Center City Partners~~ ~~University City Partners~~			
Private--Miscellaneous			Business Expansion Funding Corp. Char-Meck Development Corp. SBE Loan Fund Operating Committee			Area Fund BOD Bechtler Arts Fnd CharMeck Public Access Mint Museum BOD

Notes:
Underlined boards & commissions include City & County appointees
City appointments to shaded boards are processed by the City Clerk KBU
Boards & commissions in bold italics may align with more than one committee
Crossed-through boards & commissions have no citizen appointees from Council

2013							Summary			
MONTH	**BOARD/COMMITTEE**	**MEMBER'S NAME**	**TYPE OF LEAVE**	**ADDITIONAL COMMENTS**						
January	Bicycle Advisory Committee	Harold Bouton	Resignation				**2013**			
	Business Advisory Committee	Dr. Wesley Carter	Attendance							
	Housing Appeals Board	Shannon Boling	Resignation				Attendance		5	11.1%
	Keep Charlotte Beautiful	Stephen Scott	Resignation				Resignation		20	44.4%
	Keep Charlotte Beautiful	Stephanie Stenglein	Resignation				Declined Reappointment		10	22.2%
	Keep Charlotte Beautiful	Matthew Vincent	Attendance				Term Completed		10	22.2%
	Neighborhood Matching Grants Fund	James Harrell	Resignation				Total		45	100.0%
	Privatization/Competition Advisory Committee	Kevin Gottehrer	Declined Reappointment							
	Privatization/Competition Advisory Committee	Paul Hurlburt	Declined Reappointment							
	Privatization/Competition Advisory Committee	Erik Monroe	Declined Reappointment							
	Waste Management Advisory Board	Richard Deming	Resignation				**2014**			
	Zoning Board of Adjustment	Randall Fink	Declined Reappointment							
April	Business Advisory Committee	Robert Barkman	Term Completed				Attendance		6	18.2%
	Charlotte Mecklenburg Coalition for Housing	Renata Henderson	Declined Reappointment				Resignation		24	72.7%
	Charlotte Regional Visitors Authority	Joe Hallow	Term Completed				Declined Reappointment		2	6.1%
	Citizens' Transit Advisory Group	Henry Antshel	Term Completed				Term Completed		1	3.0%
	Community Relations Committee	David Nichols	Declined Reappointment				Total		33	100.0%
	Community Relations Committee	Kenneth Rance	Declined Reappointment							
	Community Relations Committee	Constance Johnson	Term Completed							
	Keep Charlotte Beautiful	Charles Prendergast	Declined Reappointment				**2015**			
	Keep Charlotte Beautiful	Taurean Walker	Attendance							
	Planning Commission	Zaundra Johnson	Term Completed				Attendance		9	60%
	Public Art Commission	Sabrina Brown	Term Completed				Resignation		6	40%
June	Airport Advisory Committee	Andrew Riolo	Term Completed				Declined Reappointment		0	0%
	Charlotte Housing Authority	William Miller	Resignation				Term Completed		0	0%
	Charlotte Housing Authority	Marcia Simpson	Resignation	Marriage			Total		15	100%
	Charlotte Regional Visitors Authority	Glenn Simon	Resignation							
	Keep Charlotte Beautiful	Christine Edwards	Resignation	Gained employment with the City						
	Keep Charlotte Beautiful	Larissa Di Maria	Resignation	Started school			**Grand Total All Years**			
	Keep Charlotte Beautiful	Anthony Ashworth	Resignation							
	Mint Museum Board of Trustees	Patricia Tracey	Term Completed				Attendance		20	21.5%
	Storm Water Advisory Committee	Matthew Roper	Term Completed				Resignation		50	53.8%
	Waste Management Advisory Board	Jennifer White	Declined Reappointment				Declined Reappointment		12	12.9%
July	Waste Management Advisory Board	Mark Joyce	Resignation				Term Completed		11	11.8%
October	Bicycle Advisory Committee	Matt Fowler	Resignation				Total		93	100.0%
	Neighborhood Matching Grants Fund	Jeffrey Chen	Resignation							
	Neighborhood Matching Grants Fund	Wofford Boyd	Resignation							
	Tree Advisory Commission	Jim Cochran	Declined Reappointment							
	Tree Advisory Commission	Carrie Winter	Term Completed							
December	Business Advisory Committee	Stephen Rosenburgh	Attendance							
	Charlotte International Cabinet	Nadine Russell	Resignation							
	Domestic Violence Advisory Board	Gregory Hunt	Resignation							

	Keep Charlotte Beautiful	Joseph Canty	Attendance	
	Privatization/Competition Advisory Committee	Rodney Faulkner	Resignation	
	Waste Management Advisory Board	Christoper Capellini	Resignation	
2014				
MONTH	**BOARD/COMMITTEE**	**MEMBER'S NAME**	**TYPE OF LEAVE**	**ADDITIONAL COMMENTS**
January	Privatization/Competition Advisory Committee	Natalie Brown	Declined Reappointment	
	Transit Services Advisory Committee	Terry Lansdell	Term Completed	
	Planning Commission	Gregory Phipps	Resignation	Became an elected City Council member
March	Bechtler Arts Foundation Board	Mark Bernstein	Resignation	
	Bicycle Advisory Committee	Jonathan Harding	Attendance	
	Charlotte Housing Authority	Pamela Gordon	Resignation	
	Historic District Commission	Roger Dahnert	Attendance	
	Historic District Commission	I-Mei Ervin	Attendance	
	Historic District Commission	Bradley Norvell	Resignation	
	Keep Charlotte Beautiful	Bryan Bishop	Resignation	
	Keep Charlotte Beautiful	Sara Downing	Attendance	
	Neighborhood Matching Grants Fund	Phyllis Croutch	Attendance	
	Passenger Vehicle for Hire	Steven Eddy	Resignation	
	Transit Services Advisory Committee	Marvis Holliday	Resignation	
	Waste Management Advisory Board	Patrick Darrow	Resignation	
	Zoning Board of Adjustment	Kurt Robinson	Declined Reappointment	Time commitment
May	Business Advisory Committee	Saeed Moghadam	Resignation	
	Charlotte Housing Authority	Joel Ford	Resignation	
August	Charlotte-Mecklenburg Coalition for Housing	David Jones	Resignation	
	Historic District Commission	Lisa Yarbrough	Attendance	
	Keep Charlotte Beautiful	Hung Chau	Resignation	
	Keep Charlotte Beautiful	Mayada Hawkins	Resignation	
	Tree Advisory Commission	Vincent Hanes	Resignation	
September	Community Relations Committee	Glenn Thomas, Jr.	Resignation	
	Community Relations Committee	Madelyn Baer	Resignation	
October	CMUD/ Charlotte Water Advisory Committee	Eric Sieckmann	Resignation	
	Community Relations Committee	Melvin Lowery	Resignation	
	Historic District Commission	John Luke	Resignation	
	Keep Charlotte Beautiful	Jaclyn Blair	Resignation	
	Keep Charlotte Beautiful	Winston Sharpe, Jr.	Resignation	
	Privatization/Competition Advisory Committee	John Murphy	Resignation	
	Waste Management Advisory Board	Frederick Hammermann	Resignation	
December	Business Advisory Committee	Edward Bryant	Resignation	
2015				
January	Charlotte Housing Authority	Arthur Griffin, Jr.	Resignation	
	Community Relations Committee	Kathleen Odom	Resignation	
	Community Relations Committee	Sandra Donaghy	Resignation	

	Zoning Board of Adjustment	David Hoffman	Resignation								
April	Business Advisory Committee	Dale Gillmore	Attendance								
	Charlotte-Mecklenburg Public Access Corporation	Michael Hernandez	Attendance								
	Citizens' Transit Advisory Group	Katherine Payerle	Attendance								
	Domestic Violence Advisory Board	Limia Bowen	Attendance								
	Historic District Commission	Lisa Yarbrough	Attendance								
	Keep Charlotte Beautiful	Dean Pawlowski	Attendance								
	Keep Charlotte Beautiful	Dustin Prudhomme	Attendance								
	Keep Charlotte Beautiful	Vanessa Kenon-Hunt	Attendance								
	Transit Services Advisory Committee	William Grimm, Jr.	Resignation								
	Tree Advisory Commission	Ann Macon-Ellis	Attendance								
	Zoning Board of Adjustment	Tyler Connor	Resignation								

CHARLOTTE

Handbook for Citizen Boards, Committees, and Commission Members

A guide for citizens appointed by the Mayor and City Council

September 2013

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INTRODUCTION

Thank you for volunteering to serve your community through an appointment by the Mayor and City Council to a citizen board, committee, or commission. This handbook will acquaint you with the Mayor and City Council's policies in regard to boards, committees, and commissions and the particular roles and responsibilities of members. This handbook is provided to new appointees by the Office of the City Clerk along with their notice of appointment.

Boards, committees, and commissions are established to increase citizen input and participation in City government. Some of the boards, committees and commissions exist to advise and make recommendations to City Council, while others have distinct regulatory responsibilities that are established by law.

By accepting this appointment, you are now in a position to work directly with your local government, on behalf of your fellow citizens, to enrich community life on a wide variety of issues. The greater your participation in the work of the board, the greater will be the effectiveness of the board in carrying out its charge and ultimately improving the community.

While the Mayor and City Council set policy and make decisions affecting their constituency, they also consider citizen participation a vital aspect of good government. Working in partnership with the Mayor and City Council, City staff, and your fellow citizens, we can continue to set the standards for excellence in good government and quality of life.

All board and commission meetings shall comply with the North Carolina Open Meetings Law, which requires that all meetings of "public bodies" be open to the public after proper notice is given. The open meetings law (G.S. 143-318.9 through 143-318.18) defines the term *public body* as any board, commission, committee, and so forth, in state or local government that (1) has at least two members and (2) exercises or is authorized to exercise any of these powers: legislative, policy-making, quasi-judicial, administrative, or advisory.

Unless otherwise specified, a quorum is a majority of the actual members of the board or commission. A quorum of the board or commission shall be required in order for any action to be taken.

APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

The Charlotte Mayor and City Council have a long history of providing many opportunities for citizen participation on local government boards, committees, and commissions. There are 38 standing boards, committees, and commissions to which the Mayor, City Council and occasionally the City Manager make appointments. With a few exceptions, appointment powers are divided on a one-third and two-thirds ratio between the Mayor and the City Council.

The Mayor and the City Council appoint citizens to both ad hoc committees and standing committees. Ad hoc committees are temporary committees that have been given a very limited charge and are usually expected to provide recommendations to the Mayor and City Council within one year. Standing committees have ongoing responsibilities and are usually either regulatory or advisory in nature. Regulatory committees are involved in setting policy or operating procedures for the related activity, e.g., the Civil Service Board, the Passenger Vehicle for Hire Board, the Zoning Board of Adjustment. Advisory committees are charged with reviewing and commenting on local plans and policies, e.g., the Planning Commission and the Tree Advisory Committee.

A description of all City boards is available in the City Clerk's Office and on the City Clerk's webpage at: http://charmeck.org/city/charlotte/CityClerk/BoardsandCommissions/Pages/Boards.aspx.

The Mayor and City Council also appoint citizens to non-city bodies.

Appointments to boards, committees and commissions are made quarterly. At least four weeks prior to the quarterly date for nominations, the City Clerk's Office provides the Mayor and City Council with the list of upcoming vacancies eligible for appointment. The vacancies are publicized by providing and posting a list of vacancies to local newspapers, the GOV Channel and through the City's website. Terms expiring during any quarter shall remain filled by the person then holding the position until a successor is appointed.

Applicants seeking appointments to a specific board are strongly urged to attend several meetings of the board prior to completing and submitting an application.

An application is required for consideration of an appointment to a board or commission. All information provided in completing the application becomes public information and is therefore subject to public records requests.

All discussion and consideration of appointments are made in open sessions of the City Council. After the announcement is made, each member of City Council has the opportunity, at a specified meeting, to nominate one person for appointment to each of the positions to be filled. At a subsequent meeting, City Council makes the appointments to fill the vacant positions. This is done by ballot vote and a nominee must receive at least six votes. If no nominee receives at least six votes on the first ballot, the process is repeated with only the names of the top vote getters. This process is repeated until there are two candidates. If there is still not a person receiving six votes, the appointment may be deferred to the next Council meeting.

Once an application for an appointment has been filed with the City Clerk, it is placed on file and remains active for one year. At the end of that period of time, the applicant will be contacted by the City Clerk's Office to see if they wish to seek other opportunities to participate on a City board.

Applications may be obtained from the City Clerk's Office or website:
http://charmeck.org/city/charlotte/CityClerk/Pages/default.aspx

QUALIFICATIONS

1. Appointees to boards, committees, and commissions shall be registered to vote in Mecklenburg County , unless otherwise specified or provided for by law, ordinance, or City Council action establishing said board or commission, or in the rules or by-laws of said board or commission, if approved by City Council.

2. No citizen shall be eligible to hold concurrently more than two Mayoral or City Council appointments to standing boards, committees, or commissions; this limitation shall not apply to ad hoc committees appointed by the City Council.

3. Criminal background checks are required for nominees to the following boards:
   - Charlotte Regional Visitors Authority
   - Charlotte Housing Authority
   - Citizens Review Board
   - Civil Service Board
   - Domestic Violence Advisory Board
   - Housing Appeals Board
   - Passenger Vehicle for Hire Board
   - Zoning Board of Adjustment

   A nominee to the Citizens Review Board who has a felony or Class A1 misdemeanor conviction, a Class 1 or Class 2 misdemeanor conviction within three years of the date of nomination shall not be eligible to serve. Appointments to the other listed boards may be denied for those persons convicted of crimes against a person, or crimes against property where intent is an element, or any offense involving drugs, alcohol, or gambling. Other crimes may also be considered by the Council in making appointments.

4. An oath of office (or affirmation) is required for some boards, committees, and commissions. Where applicable, newly appointed board members will take and sign an oath of office or affirmation following their appointment. A new member may not vote on any matter until the oath of office has been administered. Reappointed members shall also be administered the oath of office, if applicable.

5. Appointees to boards, committees, and commissions shall receive a copy of this handbook and be asked to date and sign an acknowledgement of same.

TERM OF OFFICE

No member of any board or commission may serve more than two full consecutive terms. After serving two full consecutive terms, a person must be off the board or commission for one full term before being eligible for appointment to the same body. An exception to this rule may be made on a case by case basis (i.e., a need for continuity or experience).

An individual may not serve on more than two boards, committees, or commissions at one time.

ROLES AND RESPONSIBILITIES OF BOARD MEMBERS, CHAIRPERSONS AND STAFF

The roles and responsibilities listed below are general guidelines. It is important that dialogue take place between the members, chairpersons, and staff on how the specific board can function at its optimum. The members and chairperson of a board serve as advisors to the Mayor and City Council and receive their charge from the Mayor and City Council. The staff is an employee of the City, usually with other job responsibilities, and is accountable to their Department Head and/or City Manager. Responsibilities clearly defined by the chairperson and staff will make the board and its work more effective.

A. Board Members

Board members are an important part of the City of Charlotte government process. They are selected to be part of a board or commission that advises the City Council on pertinent issues, policy-making, and project development and implementation. This can be accomplished in the following ways:

- It is important for every member to be aware of the time, energy, and commitment that is involved in being part of an advisory board.
- The majority of work of the advisory board is accomplished at the monthly meeting. Therefore, all members in attendance contribute to the most effective work plan.
- Individual members are encouraged to prepare materials that are substantive and meet required deadlines.
- Members may be asked by the chairperson to complete specific tasks which may include serving on subcommittees.
- Every member contributes to the problem-solving process.
- All members are required to vote on recommendations and actions of the group unless a potential conflict of interests exists (see Code of Ethics Policy, page 12).

- In order for the board to provide the most comprehensive information to the Mayor and City Council, each member works in the spirit of compromise and negotiation in order to reach consensus when possible.

- A member must notify the chairperson and the staff support person if he / she cannot attend a meeting

- Members are asked to keep up-to-date on information relating to board interest areas.

- Members shall not represent their individual views through any contacts they have with the media as being representative of the full board unless the board has formally taken a position on the matter

- Members shall communicate through the Chairperson upon taking a position on any matter of significance.

B. Board Chairperson

The board chairperson may be appointed by the Mayor, City Council or the members of their respective board, in accordance with the guidelines and/or legislation establishing such board, and act as a link between the Mayor and City Council, advisory board members, and the community. The chairperson's responsibilities include the following:

- The chairperson advises the Mayor and City Council upon request or in reference to the mission of the board and City Council policy.

- The chairperson and staff conduct an orientation for new members to familiarize them with the work and operations of the board or commission, as well as the information contained in this handbook.

- The chairperson delegates assignments to members, recognizing skill, experience, and interest of individuals in the group; he/she makes sure all members get a chance to participate and uses subcommittees as much as possible to empower the group.

- The chairperson seeks the input of members on the work program and agenda formulation.

- The chairperson presides over the meetings and acts as facilitator to keep to the agenda.

- The chairperson makes sure all meetings are open to the public.

- The chairperson makes sure that citizen input is reflected in the group's recommendations.

- The chairperson uses consensus-building techniques to find optimum recommendations.

- The chairperson, in conjunction with staff, prepares timetables for completion of projects.

- The chairman and members develop annual reports which are due to the Mayor and City Council in accordance with adopted policy.

- The chairperson is encouraged to discuss the advisory board work with applicants seeking appointment to the board.

- The chairperson may forward names as recommendations to fill individual vacancies for the Mayor and City Council's consideration, attaching the relevant background information for each nominee.

- The chairperson may recommend certain skill sets necessary to fill individual vacancies that are a reflection of the needs of the board and community.

- The chairperson meets with the Mayor and City Council concerning the work of the board, upon their request.

- The chairperson shall not represent their individual views through any contacts they have with the media as being of representative of the full board unless the board has formally taken a position on the matter.

- The chairperson keeps the Mayor and City Council apprised of all significant issues, either directly or through staff support.

C. Board Staff

Staff provides important resources to boards. The resources and staff time available to boards varies. Boards report to the Mayor and City Council and the staff report ultimately to the City Manager, an arrangement that works most effectively when the chairperson and the staff have a clear understanding of what needs to be done and what resources are available to get the job done. The staff carries out his/her responsibilities in the following ways:

- The staff shall provide assistance to clarify the role of the board or commission, and with routine issues such as the time of meetings, quorums, etc.

- The staff works with the chairperson to prepare each agenda and necessary meeting materials.

- The staff notifies all members of upcoming meetings and new developments.

- The staff provides attendance reports and notifies the City Clerk's Office of vacancies due to resignations, multiple absences, or other reasons.

- The staff gathers information, provides research and makes it available to the board or commission.

- The staff provides technical expertise to the group.

- The staff prepares draft reports and correspondence and makes sure all City presentations are prepared in the appropriate format.

- The staff keeps his/her supervisor and department head informed on the work of the advisory board.

ATTENDANCE POLICY

In order for a board or commission to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attentive to the business of the body. Therefore, **all members are required to attend at least 65%** of the regular and special meetings of the body and assigned committees and subcommittees held in any one calendar year with **NO EXCUSED ABSENCES**.

On January 1st of each year, a member of any board or commission appointed by the Mayor, Council or City Manager shall be automatically removed from said body for failure to attend at least 65% of all regular and special meetings of the body and assigned committees and subcommittees held during the immediately preceding calendar year. For persons not serving for an entire calendar year, the 65% attendance requirement shall apply to meetings held during the portion of the year during which the person served.

In order to be eligible for reappointment to a board or commission, **a member must have attended at least 75%** of the regular and special meetings of the body and assigned committees and subcommittees during the concluding term, or portion of the term during which the member served. A member of a board or commission shall be **automatically removed** from said body for **failure to attend any THREE CONSECUTIVE REGULAR MEETINGS** of the body. A member must attend fifty percent (50%) of a meeting in order to be considered in attendance for the purposes of this policy.

Members appointed in the fourth quarter of the year shall be exempt from the 65% attendance rule for that calendar year only, but are still subject to the three consecutive meeting policy.

The City Clerk shall send a letter to any member who is in danger of violation of the attendance requirement, asking them to be mindful of said requirement.

The City Clerk shall send a letter to anyone who is removed from a board or commission for failure to meet the attendance policy. Vacancies resulting from the removal of a member shall be filled by the same method as provided for initial appointments.

This attendance policy shall apply to every member of a board or commission that is part of the City of Charlotte regardless of who appoints the member. In addition, this attendance policy shall apply to all appointees by the City Council to a board or commission that is not part of the City of Charlotte.

RESIGNATIONS AND REPLACEMENTS

Any member of a board or commission who desires to resign shall do so in writing to the staff support and/or Office of the City Clerk.

Unless otherwise provided by law, ordinance or resolution, all appointments by the Mayor, City Council and City Manager to a board or commission serve at the pleasure of the appointing office, and may be removed at the discretion of said office.

Code of Ethics for Members of Boards, Committees, and Commissions of the City of Charlotte, North Carolina

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty," and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, *Esse quam videri*, "To be rather than to seem," and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics and, pursuant to Section 160A-86, the Charlotte City Council has previously adopted a Code of Ethics for the Mayor and City Council , and

WHEREAS, it is appropriate that members of City boards, committees, and commissions, as well as Mayoral and City Council appointees to non-City bodies (hereinafter "Board Members"), also adhere to a Code of Ethics.

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Charlotte, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the City Council do hereby adopt the following General Principles and Code of Ethics to guide Boards Members in their lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

- Board Members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

- Board Members must always remain aware that they may, at various times, play different roles:
  - As advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decisions
  - As decision-makers, who arrive at fair and impartial determinations.

- Board Members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

- Board Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the Mayor and City Council and the citizens of Charlotte. Each Board Member must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for Board Members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a member's best judgment.

Section 1.

Board Members should obey all laws applicable to their official actions. Board Members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Board Members should feel free to assert policy positions and opinions without fear of reprisal from fellow Board members or citizens. However in doing so, Board Members:

(a) shall be mindful that they were appointed by the Mayor or City Council, or by another appointing authority to a City Board, Committee, or Commission and, therefore, if they are advising or advocating a position that is contrary to a Council policy, that they notify the Mayor and Council of such as soon as practicable;

(b) who serve in an advisory capacity shall be mindful that their chief responsibility is to advise the Mayor and Council or other decision-making body rather than to advocate to the public at large, particularly when the position of advocacy is contrary to a Council policy;

(c) shall understand that they hold a position of trust on behalf of the City and its citizens; and

(d) shall assert policy positions and opinions on matters within or related to the jurisdiction and subject matter of the body on which they serve only through the transparency of official proceedings of the body or in a capacity and manner appropriate for a member of such body. Board Members shall not represent their individual views as being representative of the full body unless they have been formally authorized by the body to do so.

These guidelines are especially important to Chairpersons who must recognize that they are often viewed as speaking for the body.

To declare that a Board Member is behaving unethically because one disagrees with that official on a question of policy (and not because of the council member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2.

Board Members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- For Board Members who act in a quasi-judicial capacity, disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other Board Members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual Board Members are not generally allowed to act on behalf of the body but may only do so if the body specifically authorizes it, and that the body must take official action as a body

Section 3.a.

Board Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, the Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Board Member's action would conclude that the action was inappropriate.

Section 3.b.

If a Board Member believes that his or her actions, while legal and ethical, may be misunderstood, the official should seek the advice of the City Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4.

Board Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board Members should faithfully attend and prepare for meetings.

Board Members should be willing to bear their fair share of the body's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

Section 5.

Board Members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to them or City employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and Council members have made it clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should take deliberate steps to make certain that any closed sessions held by the body are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

HARASSMENT POLICY

Section 1.

The City Council will not tolerate or condone acts of harassment by the Mayor, Council members, or members of City boards, committees and commissions, based upon race, religion, color, sex, national origin, sexual orientation, age, disability, or political affiliation.

Section 2.

Violators of this policy will be subject to appropriate disciplinary action as set forth in the policy. This portion of the policy is applicable to those serving on advisory boards, committees or commissions.

Definitions

Harassment is verbal or non-verbal conduct or physical acts which are unwelcome or offensive to or retaliatory against an employee or group of employees based on their race, religion, color, sex, national origin, sexual orientation, age, disability or political affiliation and which:

A. Affects an employee's conditions of employment, or
B. Interferes with an employee's ability to perform his or her job, or
C. Creates an intimidating or hostile work environment.
D. Examples of acts which may constitute harassment are:

Slurs and epithets; offensive jokes or statements; threats; derogatory pictures/materials/ articles displayed on bulletin boards or in work areas; derogatory graffiti; segregating facilities (such as break rooms, bathrooms, eating areas, work stations) based on race, sex, national origin, color, religion, age, or disability; physical violence intended to harass, intimidate or discourage employees from pursuing complaints; retaliatory acts based on an employee having filed a charge of discrimination.

Sexual Harassment is **unwelcome** verbal, non-verbal or physical advances of a sexual nature or non-sexual hostile or physically aggressive behavior directed to an employee because of such employee's sex, which:

A. Affects an employee's conditions of employment; or
B. Interferes with an employee's ability to perform his or her job; or
C. Creates an intimidating or hostile work environment.
D. Examples of acts which may constitute sexual harassment are:

(1) Verbal - Referring to an adult as "girl", "hunk", "doll", "beefcake", "babe", "studmuffin", "honey", or "sweetie"; whistling or catcalling; sexual comments or innuendoes; sexual jokes or stories; making sexual comments about a person's clothing, body; recounting one's sexual exploits or asking about sexual fantasies, preferences or history; repeatedly asking a person for a date after being

turned down; starting or spreading rumors about the sex life of a person; making kissing sounds, howling or smacking lips; threats.

(2) Nonverbal – Blocking a person's path; following the person; making sexual gestures; making facial expressions.

(3) Physical - Hugging, kissing, patting, stroking, pinching or grabbing; rubbing oneself sexually around another person; brushing against a person; touching the person's clothing, hair or body; giving a massage around the neck or shoulders; revealing parts of the body in violation of common decency; physically forcing sexual activity on someone ranging from assault to rape.

(4) All of the conduct listed in Examples 1, 2, and 3 which are directed to an employee by a non-employee in the workplace, i.e., contractors or vendors who may do business with or for the City.

(5) Employment opportunities or benefits granted by a supervisor to his/her employee because such employee submits to the supervisor's advance.

Hostile Environment means a workplace that has become intimidating or offensive due to conduct of employees which is threatening in nature.

Complaints

Any employee who believes that he or she has been the target of harassment by the Mayor, a Council member, or a member of a City board or commission should inform their supervisor, their department head, the City Manager, the City Attorney, or Human Resources. In the event that the person receiving the information is not the City Manager, the person receiving the information shall promptly notify the City Manager.

1. Upon being notified of a complaint, the City Manager shall notify the Mayor or, if the complaint is against the Mayor, the Mayor Pro Tempore. If the complaint is an informal complaint, the City Manager and Mayor (or Mayor Pro Tempore) may meet with the person whose conduct is the subject of the complaint to inform the person of the complaint and to discuss the need for the person to adjust or correct his or her conduct. If appropriate, the results of this meeting may be reported to the complaining employee.

2. A formal complaint (and an informal complaint that the City Manager decides to handle as a formal complaint) shall be investigated and subject to sanctions.

Sanctions

Following the completion of an investigation of an allegation against a member of a City board or commission conducted pursuant to Section 2, the City Council may sanction the member who was the subject of the investigation. Potential sanctions include removal of the member, adoption of a Resolution of Censure, and any other lawful sanction within the Council's power.

ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK FOR CITIZENS SERVING ON CITIZEN BOARDS, COMMITTEES, AND COMMISSIONS

On the date written below, I received the "Handbook for Citizen Board and Commission Members—A Guide for Citizens Appointed by the Mayor and City Council." I acknowledge this handbook contains basic information related to serving as a volunteer on a board or commission as well as specific policies as shown below:

- Attendance Policy
- Code of Ethics Policy
- Anti-Harassment Policy

I understand that I am responsible for reviewing the contents of this handbook and asking questions if I do not understand any part of it.

DATE: _____

NAME: _____

BOARD OR COMMISSION: _____

SIGNATURE: _____

(A signed copy of this form will be maintained in the City Clerk's Office with the application once appointed to serve.)

Attachment #2: Ethics Review

A) Memo from Bob Hagemann

B) Current Code of Ethics for Members of Boards , Committees and Commissions approved by the Council on 10/28/13

C) Recently Approved Code of Ethics, Gift Policy and Disclosure Requirements for the Mayor and City Council

D) List of Boards, Committees and Commissions

CITY OF CHARLOTTE
OFFICE OF THE CITY ATTORNEY
Memorandum

TO: Governance & Accountability Committee

FROM: Robert E. Hagemann, City Attorney REH

DATE: April 24, 2015

RE: Ethics Review – Boards and Commissions

In preparation for your April 27 meeting, enclosed are copies of the following:

- current Code of Ethics for Members of Boards, Committees, and Commissions approved by the Council on October 28, 2013 (significant differences from the Code of Ethics for the Mayor and Council are underlined)

- recently approved Code of Ethics, Gift Policy, and Disclosure Requirements for the Mayor and City Council

- list of boards, committees, and commissions, including notations indicating which require, per Council policy, a criminal background check and those that require an oath of office

enclosures

A RESOLUTION OF THE CHARLOTTE CITY COUNCIL REPEALING A 1983 CONFLICT OF INTEREST POLICY STATEMENT AND ESTABLISHING A CODE OF ETHICS FOR MEMBERS OF BOARDS, COMMITTEES, AND COMMISSIONS OF THE CITY OF CHARLOTTE

Section 1. The January 24, 1983 Resolution of the Charlotte City Council Establishing a Conflict of Interest Policy Statement for Members of City Boards, Agencies, Committees, and Commission recorded at Resolution Book 19, Page 18 is hereby repealed.

Section 2. A Code of Ethics for Members of Boards, Committees, and Commissions of the City of Charlotte, North Carolina, is hereby established as follows:

Code of Ethics for Members of Boards, Committees, and Commissions of the City of Charlotte, North Carolina

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty," and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, *Esse quam videri*, "To be rather than to seem," and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics and, pursuant to Section 160A-86, the Charlotte City Council has previously adopted a Code of Ethics for the Mayor and City Council , and

WHEREAS, it is appropriate that members of City boards, committees, and commissions, as well as Mayoral and City Council appointees to non-City bodies (hereinafter "Board Members"), also adhere to a Code of Ethics.

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Charlotte, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the City Council do hereby adopt the following General Principles and Code of Ethics to guide Boards Members in their lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

- Board Members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

- Board Members must always remain aware that they may, at various times, play different roles:
  - As advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decisions
  - As decision-makers, who arrive at fair and impartial determinations.

- Board Members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

- Board Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the Mayor and City Council and the citizens of Charlotte. Each Board Member must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for Board Members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a member's best judgment.

Section 1.

Board Members should obey all laws applicable to their official actions. Board Members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Board Members should feel free to assert policy positions and opinions without fear of reprisal from fellow Board members or citizens. However in doing so, Board Members:

(a) shall be mindful that they were appointed by the Mayor or City Council, or by another appointing authority to a City Board, Committee, or Commission and, therefore, if they are advising or advocating a position that is contrary to a Council policy, that they notify the Mayor and Council of such as soon as practicable;

(b) who serve in an advisory capacity shall be mindful that their chief responsibility is to advise the Mayor and Council or other decision-making body rather than to advocate to the public at large, particularly when the position of advocacy is contrary to a Council policy;

(c) shall understand that they hold a position of trust on behalf of the City and its citizens; and

(d) shall assert policy positions and opinions on matters within or related to the jurisdiction and subject matter of the body on which they serve only through the transparency of official proceedings of the body or in a capacity and manner appropriate for a member of such body. Board Members shall not represent their

individual views as being representative of the full body unless they have been formally authorized by the body to do so.

These guidelines are especially important to Chairpersons who must recognize that they are often viewed as speaking for the body.

To declare that a Board Member is behaving unethically because one disagrees with that official on a question of policy (and not because of the Board Member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2.

Board Members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- For Board Members who act in a quasi-judicial capacity, disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other Board Members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual Board Members are not generally allowed to act on behalf of the body but may only do so if the body specifically authorizes it, and that the body must take official action as a body

Section 3.a.

Board Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, the Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Board Member's action would conclude that the action was inappropriate.

Section 3.b.

If a Board Member believes that his or her actions, while legal and ethical, may be misunderstood, the official should seek the advice of the City Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4.

Board Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board Members should faithfully attend and prepare for meetings.

Board Members should be willing to bear their fair share of the body's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

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In order to ensure strict compliance with the laws concerning openness, the Mayor and Council members have made it clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should take deliberate steps to make certain that any closed sessions held by the body are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

Code of Ethics, Gift Policy, and Disclosure Requirements for the Mayor and City Council of the City of Charlotte, North Carolina

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WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this City, and with obeying the law, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Charlotte, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the City Council do hereby adopt the following General Principles and Code of Ethics to guide the Mayor and City Council in their lawful decision-making.

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  - As advocates, who strive to advance the legitimate needs of their citizens
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- Recognizing that individual Council members are not generally allowed to act on behalf of the Council but may only do so if the Council specifically authorizes it, and that the Council must take official action as a body

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The Mayor and Council members should be willing to bear their fair share of the governing board's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

Section 5.

The Mayor and Council members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to them or City employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and Council members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the Council are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

B. GIFT POLICY

Definitions

"Gift" – Anything of monetary value given or received without valuable consideration. The following shall not be considered gifts:

(1) Anything for which fair market value, or face value if shown, is paid by the official.
(2) Commercially available loans made on terms not more favorable than generally available to the general public in the normal course of business.
(3) Contractual arrangements or commercial relationships or arrangements made in the normal course of business.
(4) Academic or athletic scholarships based on the same criteria as applied to the public.
(5) Anything of value properly reported as required under Article 22A of Chapter 163 of the General Statutes (North Carolina Campaign Contributions Law).
(6) Expressions of condolence related to a death of an individual, sent within a reasonable time of the death, if the expression is one of the following:
    a. A sympathy card, letter, or note.
    b. Flowers.
    c. Food or beverages for immediate consumption.
    d. Donations to a religious organization, charity, the State or a political subdivision of the State, not to exceed a total of two hundred dollars per death per donor.

"Extended family" – Spouse, lineal descendant, lineal ascendant, sibling, spouse's lineal descendant, spouse's lineal ascendant, spouse's sibling, and the spouse of any of these individuals.

"Official" – the Mayor or a member of the City Council.

Gift Ban

No official shall knowingly accept a gift unless the gift falls within one of the exceptions set forth below.

A prohibited gift shall be promptly declined, returned, paid for at fair market value, or donated to charity or the City.

Exceptions

These prohibitions shall not apply to any of the following:

(1) Gifts from the official's extended family, or a member of the same household.

(2) Gifts given or received as part of a business, civic, religious, fraternal, personal, or commercial relationship provided that the gift is made under circumstances that a reasonable person would conclude that the gift was not given to influence or attempt to influence official action.

(3) Nominal gifts having a value of less than $50.

(4) Anything generally made available or distributed to the general public without charge.

(5) A memento such as a commemorative shovel, plaque, figurine, trinket, or novelty item related to a civic occasion or event.

(6) Informational materials relevant to the duties of the official.

(7) Food and beverages for immediate consumption in connection with any of the following:
   a. A meeting of the City Council, provided that the meeting is properly noticed under Article 33C of Chapter 143 of the General Statutes.
   b. Business meetings so long as the food and beverages are of incidental value.
   c. Neighborhood or community meetings.
   d. A gathering of ten or more individuals that is open to the general public, provided that the official pays the same amount, if any, that the general public is charged to attend.

(8) Tickets or admittance to, and food and beverages for immediate consumption at, an event where the official is clearly representing the City and where the City has a legitimate purpose in being represented at the event. By way of illustration but not limitation, this would include events sponsored by the Charlotte Regional Visitors Authority, the Charlotte Chamber of Commerce, the Foundation for the Carolinas, Charlotte Center City Partners, the Regional Partnership, the United Way, the Arts & Science Council, colleges, universities, and other educational institutions, and similar organizations.

(9) Food and beverages for immediate consumption and related transportation provided all of the following conditions are met:
   a. The food, beverage, or transportation is provided during a conference, meeting, or similar event and is available to all attendees of the same class as the recipient.
   b. The official is a director, officer, governing board member, employee, or independent contractor of one of the following:
      1. The entity giving the food, beverage, or transportation.
      2. A third party that received the funds to purchase the food, beverages, or transportation.

(10) An expense appropriate for reimbursement by the City if it had been incurred by the official personally. Such a gift shall be considered a gift accepted by or donated to the City, provided that the gift and its value are reported in writing to the City Clerk within two weeks of receipt.

C. DISCLOSURE REQUIREMENTS

By February 1 of each year, the Mayor and Council members shall file with the city clerk a statement of economic interest using the form set forth in Exhibit A attached hereto. The statements required by this section are public records available for inspection and copying by any person during normal business hours.

D. COMPLAINTS, INVESTIGATIONS, AND SANCTIONS

1. Complaints

   a. Any individual may file a complaint alleging a violation. Complaints shall be filed with the City Clerk on a form provided by the City Clerk. Complaints shall: (i) identify the complainant; (ii) state with specificity the facts that form the basis for the alleged violation; and (iii) cite the provision that has allegedly been violated.
   b. Upon receiving a complaint, the City Clerk shall forward the complaint to the City Attorney for initial review.
   c. The City Attorney shall review the complaint to determine whether it provides the information required in subsection a. If the City Attorney determines that the complaint fails to provide the information required by subsection (a), the complainant shall be so informed and afforded an opportunity to provide the required information. If the City Attorney determines that a complaint does provide the required information, the complaint shall be referred to an independent investigator selected by the City Attorney.

2. Investigations

   a. The independent investigator shall review a complaint referred by the City Attorney. In the event that the independent investigator determines that the complaint is either: (i) frivolous; or (ii) does not state a claim of a violation even if the facts alleged are true, then the investigator shall communicate that conclusion in writing to the City Attorney who shall in turn communicate that conclusion to the complainant and the Mayor or, if the subject of the complaint is the Mayor, to the Mayor Pro Tempore.

   b. If the independent investigator determines that the complaint is not frivolous and does state a claim of a violation if the facts alleged are true, the independent investigator shall investigate the allegations and make written findings as to the truthfulness of the factual allegations and conclusions as to whether a violation has occurred. The written findings and conclusions shall be provided to the City Attorney who shall in turn provide them to the complainant, the Mayor, and the City Council.

3. Sanctions

Upon receipt of written findings and conclusions pursuant to Section 2.b., the City Council may sanction the official who was the subject of the investigation. Potential sanctions include the adoption of a Resolution of Censure and any other lawful sanction within the Council's power.

City of Charlotte
Statement of Economic Interest

FILER'S NAME (FIRST, MIDDLE, LAST)			
First Name	**Middle Name**	**Last Name**	**Suffix**

MAILING ADDRESS, CITY, STATE, ZIP			
Address	**City**	**State**	**Zip**

HOME ADDRESS, CITY, STATE, ZIP ☐ Same as Mailing Address			
Address	**City**	**State**	**Zip**

CURRENT EMPLOYER	JOB TITLE

NATURE OR TYPE OF BUSINESS

DAYTIME PHONE NUMBER	ALTERNATE PHONE NUMBER

E-MAIL ADDRESS

City of Charlotte
Statement of Economic Interest

I. $10,000 PLUS DISCLOSURES

If you, your spouse, or members of your immediate family[1] have assets or liabilities with a market value of at least $10,000 in the following categories, please provide the requested information as of December 31st of the preceding year unless another time period is specified in the question.

- ▶ Do not list the actual value of those assets or liabilities.
- ▶ Do not list assets or liabilities held in a blind trust[2] established by or for the benefit of you or an immediate family member.

1. Do you, your spouse, or members of your immediate family have an ownership interest in any real estate located in the City of Charlotte or the City's extraterritorial planning jurisdiction with a market value of $10,000 or more?

▶ **This may include your home/residence. Do not list actual value.**

☐ Yes ☐ No

Owner of Real Estate	% Ownership Interest	Location by City

2. Do you, your spouse, or members of your immediate family lease or rent to or from the City real estate with a market value of $10,000 or more? **Do not list actual value.**

☐ Yes ☐ No

Name of Lessor	Name of Lessee (Renter)	Location by City

3. Within the preceding two years, have you, your spouse, or members of your immediate family sold to or bought from the City personal property with a market value of $10,000 or more? **Do not list actual value.**

☐ Yes ☐ No

Name of Purchaser	Name of Seller	Type of Property

[1] **Immediate family** includes your spouse (unless legally separated), minor children, and members of your extended family (your and your spouse's adult children, grandchildren, parents, grandparents, and siblings, and the spouses of each of those person) that reside in your household.

[2] **Blind trust** is a trust that meets all of the following criteria: (a) the owner of the trust's assets has no knowledge of the trust's holdings and sources of income, (b) the individual or entity managing the trust's assets ("the trustee") is not a member of the official's extended family and is not associated with or employed by the official or his or her immediate family, and (c) the trustee has sole discretion to manage the trust's assets.

City of Charlotte
Statement of Economic Interest

4. Do you, your spouse, or members of your immediate family currently lease or rent to or from the City personal property with a market value of $10,000 or more? **Do not list actual value.**

☐ Yes ☐ No

Name of Lessor	Name of Lessee (Renter)	Type of Property

5(a). Do you, your spouse, or members of your immediate family own interests (generally stock) valued at $10,000 or more in a publicly owned company that you know or have reason to know: (1) is doing or is seeking to do business of any kind with the City; or (2) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of your official duties? **Do not list actual value.**

▶ Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if (i) the fund is publicly traded or its assets are widely diversified and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

Owner of Interest	Full Name of Company (Do not use a ticker symbol)

5(b). Do you, your spouse, or members of your immediate family hold stock options valued at $10,000 or more in a company or business that you know or have reason to know: (1) is doing or is seeking to do business of any kind with the City; or (2) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of your official duties? **Do not list actual value.**

Owner of Stock Option	Full Name of Company (Do not use a ticker symbol)

City of Charlotte
Statement of Economic Interest

6(a). Do you, your spouse, or members of your immediate family have financial interests valued at $10,000 or more in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations) that you know or have reason to know: (1) is doing or is seeking to do business of any kind with the City; or (2) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of your official duties? **Do not list actual value.**

Owner of Interest	Name of Business Entity

6(b). For each of those non-publicly owned companies or business entities identified in question 6(a) (the "primary company"), please list the names of *any other companies* in which the primary company owns securities or equity interests valued at over $10,000, *if known*. **Do not list actual value.**

Non-Publicly Owned Company (the Primary Company)	Other Companies in which the Primary Company Owns Security or Equity Interests
☐ None or Not Known	

6(c). If you know that any company or business entity listed in 6(a) or (b) above has any material business dealings or business contracts *with the City*, or is *regulated by the City*, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the City
☐ None or Not Known	

II. OTHER DISCLOSURES

7(a). During the preceding calendar year, were you, your spouse or members of your immediate family a director, officer, governing board member, employee, or independent contractor of a nonprofit corporation or organization operating in the City primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes that you know or have reason to know: (1) is doing or is seeking to do business of any kind with the City; or (2) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of your official duties?

► Do not list organizations of which you are a mere member or subscriber.

Name of Person	His/Her Position	Name of Nonprofit Corporation or Organization	Nature of Business or Purpose of Organization

City of Charlotte
Statement of Economic Interest

7(b). If the listed nonprofit corporations or organizations do business with the City or receive City funds, please provide a brief description of the nature of that business, if known, or with which due diligence could reasonably be known.

Name of Nonprofit Corporation or Organization	Describe City Business or City Funding
☐ None or Not Known	

8. Have you ever been convicted of a felony for which you have not received either (i) a pardon of innocence or (ii) an order of expungement regarding that conviction?

☐ Yes ☐ No

Offense	Date of Conviction	County of Conviction	State of Conviction

9(a). List the name of each business with which you are associated where you or a member of your immediate family is an employee, director, officer, partner, proprietor, or member or manager and that you know or have reason to know: (1) is doing or id seeking to do business of any kind with the City; or (2) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of your official duties.

Name of Person	Relationship to Filer	Name of Company	Role of Person
☐ No Business Associations			

9(b). If you know that any company or business entity listed in 9(a) above has any material business dealings or business contracts with the City, or is regulated by the City, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
☐ Not applicable (No entities listed on #14a) ☐ No relationship / Not known	

City of Charlotte
Statement of Economic Interest

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto are public record.

☐ **I Agree**

_____
Printed Name

_____ _____
Signature Date

Submit SIGNED, ORIGINAL documents only.

Do not fax or email this form.

CHARLOTTE ADVISORY BOARDS AND COMMISSIONS

	Criminal Background Check	Oath of Office
Airport Advisory Committee*		X
Bechtler Arts Foundation Board		
Bicycle Advisory Committee		
Business Advisory Committee		
Charlotte Area Fund Board of Directors		X
Charlotte Community Capital Loan Fund		
Charlotte Housing Authority	X	X
Charlotte International Cabinet		
Charlotte Mecklenburg Coalition for Housing		
Charlotte Regional Visitors Authority	X	X
Charlotte-Mecklenburg Development Corporation**		
Charlotte-Mecklenburg Public Access Corporation		
Citizens Review Board	X	X
Citizens Transit Advisory Group		
Civil Service Board	X	X
Charlotte Water Advisory Committee		
Community Relations Committee		X
Domestic Violence Advisory Board	X	
Firemen's Relief Board of Trustees		X

* Board meetings and appointments are on hold until further notice
** Board has merged with Housing Partnership

CHARLOTTE ADVISORY BOARDS AND COMMISSIONS

	Criminal Background Check	Oath of Office
Historic District Commission		X
Historic Landmarks Commission		X
Housing Appeals Board	X	X
Keep Charlotte Beautiful		
Mint Museum Board of Directors		
Neighborhood Matching Grants Fund Review Team		
Passenger Vehicle for Hire Board	X	X
Planning Commission		X
Privatization/Competition Advisory Committee		
Public Art Commission		
Storm Water Advisory Committee		
Transit Services Advisory Committee		
Tree Advisory Commission		
Waste Management Advisory Board		
Zoning Board of Adjustment	X	X

* Board meetings and appointments are on hold until further notice
** Board has merged with Housing Partnership

Attachment #3: FY2015 Draft Audit Plan

A) GAC Audit Process PowerPoint Presentation

B) Planning PowerPoint Presentation by Cherry Bekaert LLP

CHARLOTTE
FINANCE

Audit Process

Presentation to the Governance and Accountability Committee (GAC)

April 27, 2015

Overview of Presentation

- Purpose:
  - Review of the Audit Process
  - Confirm FY2015 Timeline
  - Opportunity for Committee Input to External Auditor

Audit Process

- Chief Financial Officer (CFO) is legally responsible for establishing the accounting system and preparing financial reports (NCGS 159-24)

- CFO is required to maintain the accounts of the City in accordance with generally accepted principles of governmental accounting and the rules and regulations of the Local Government Commission (LGC) (NCGS 159-25)

- City is required to have an annual external audit and the CFO must file it with the LGC (NCGS 159-34)

- LGC must have CAFR by October 31 or they will not approve new debt issues

Characteristics of Excellent Comprehensive Annual Financial Report (CAFR)

- Unmodified “clean” audit opinion by External Auditor

- Government Finance Officers’ Certificate of Achievement for Excellence in Financial Reporting
  - CAFR must be easily readable and efficiently organized
  - It must satisfy generally accepted accounting principles (GAAP) and legal requirements
  - The City received the 29th consecutive award for its FY13 CAFR. The FY14 CAFR has been submitted for review.

- Issued in a timely manner

FY15 PROPOSED TIMELINE

TIMEFRAME	ACTIVITY
April	Governance and Accountability Committee (Committee) meets with the independent auditor to plan and determine the scope of the audit; Committee may identify particular areas, if any where the auditor should focus
July – August	Independent auditors perform preliminary work
July – December	Management & Financial Services/Reporting staff prepares the CAFR
September – October	Independent auditors complete audit work; if needed, auditors may discuss concerns identified during the audit with the Committee
November	Independent auditors present results of annual audit to the Committee
December - January	Committee reports to the full governing body on the annual financial statements and independent auditor's report

FY15 CAFR and Enterprise Resource Planning (ERP)

- ERP system includes most of the financial system components such as procurement, accounts payable, project accounting, grant accounting, general ledger, and fixed assets
- As of July 2014, the Munis ERP system became the system of record for all financial transactions
- While FY15 will be the first year preparing financial statements from ERP, the system was thoroughly tested prior to go-live
- Staff are currently utilizing reports produced by the system to analyze data in order to be prepared for fiscal year-end close

City of Charlotte, North Carolina

Planning Presentation

Cherry Bekaert LLP

Presented By

Eddie Burke
Engagement Partner

Cherry Bekaert LLP
Your guide forward

Agenda

1. Client Service Team
2. Role of External Auditor
3. Audit Approach & Methodology
4. Key Areas of Focus
5. Project Management Goal
6. Audit Timeline

Cherry Bekaert LLP
Your guide forward

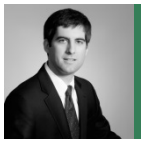
Client Service Team

CHARLOTTE

Neal Beggan
IT Partner

Eddie Burke
Engagement & Audit Partner

Michelle Thompson
Concurring Review Partner



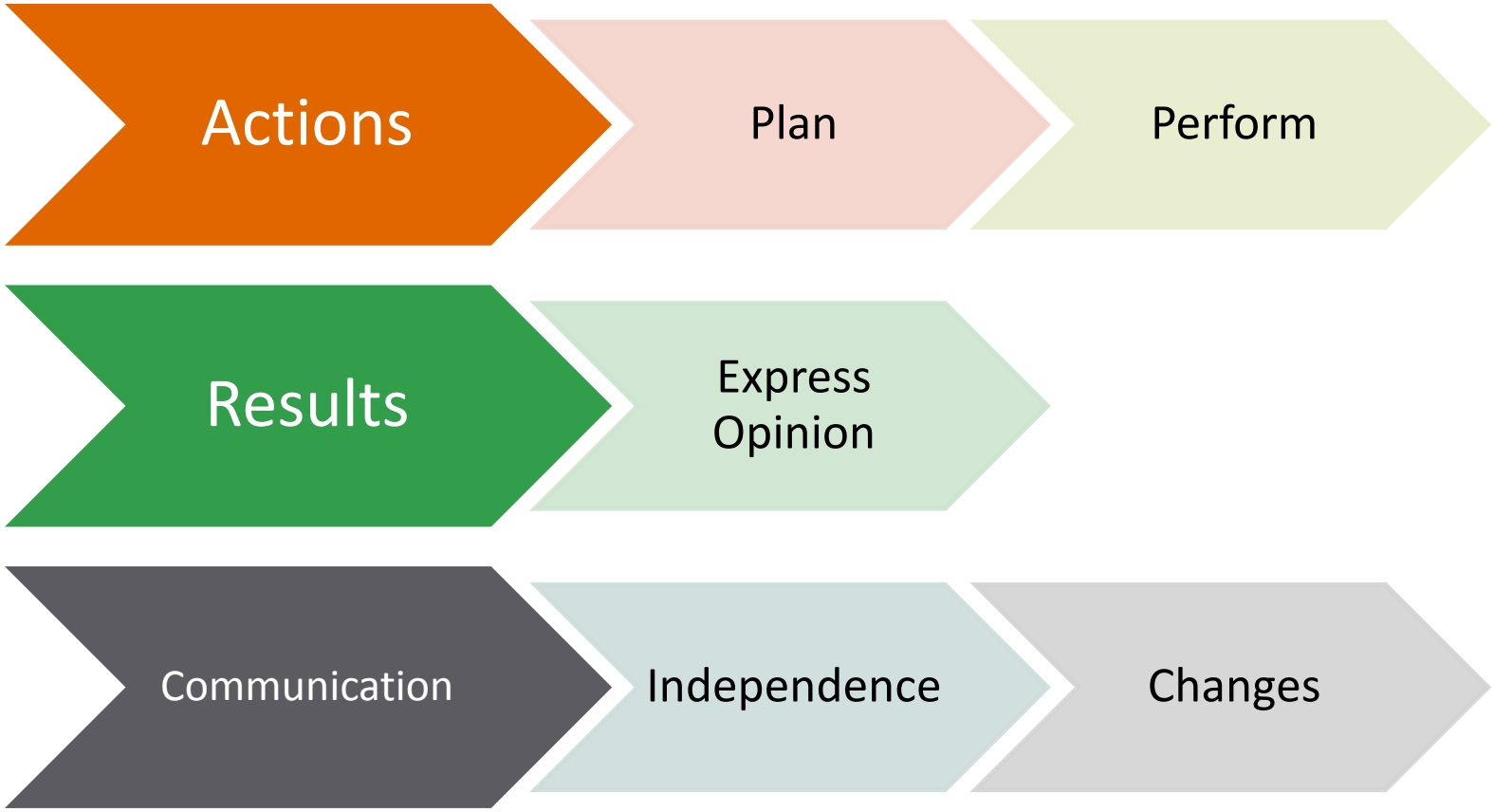
Troy Shadoin
Audit Manager
Day-To-Day Contact

Audit Senior Accountant

Audit Staff Accountant

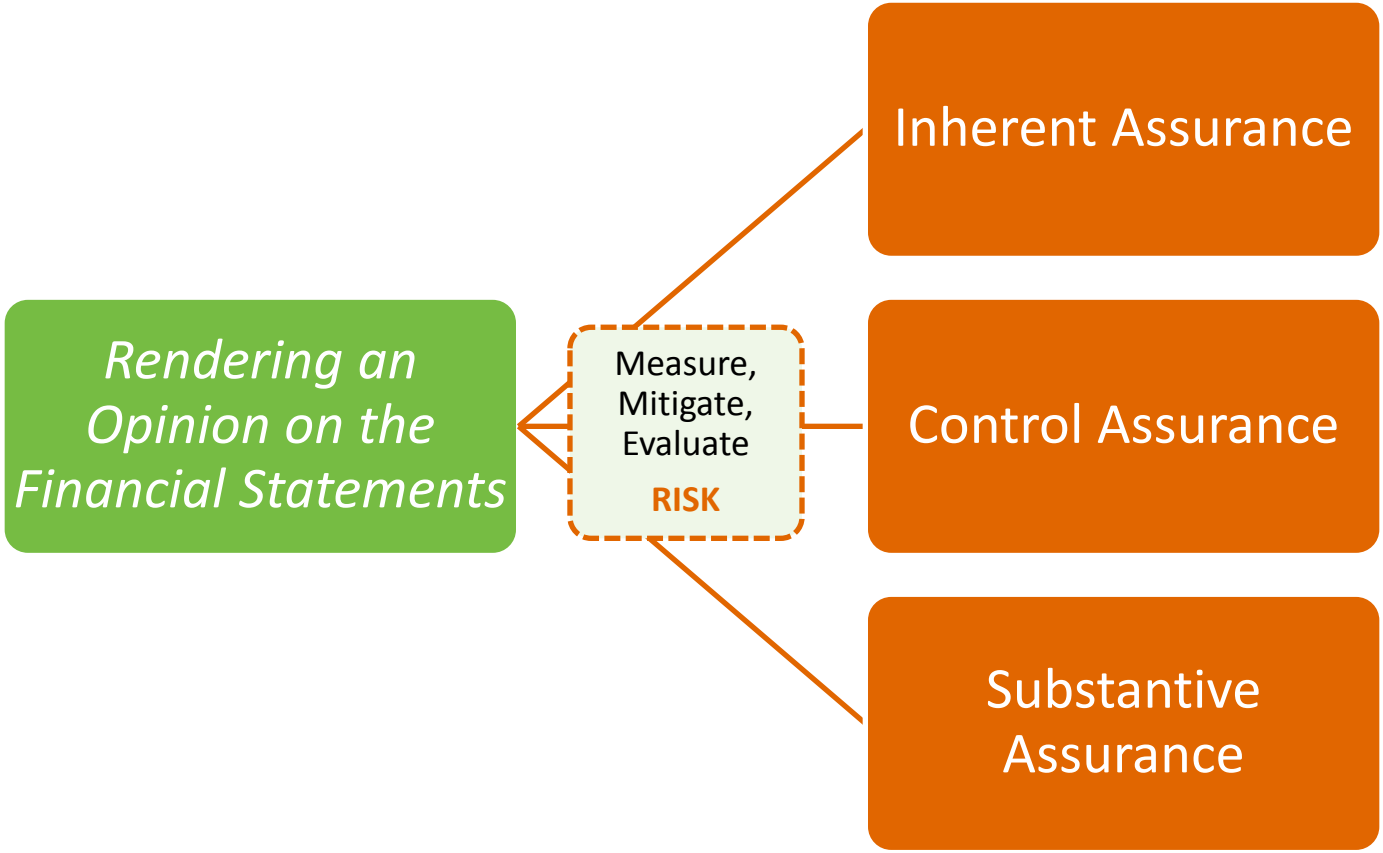
Cherry Bekaert LLP
Your guide forward

Role of External Auditor



Cherry Bekaert LLP
Your guide forward

Audit Approach and Methodology



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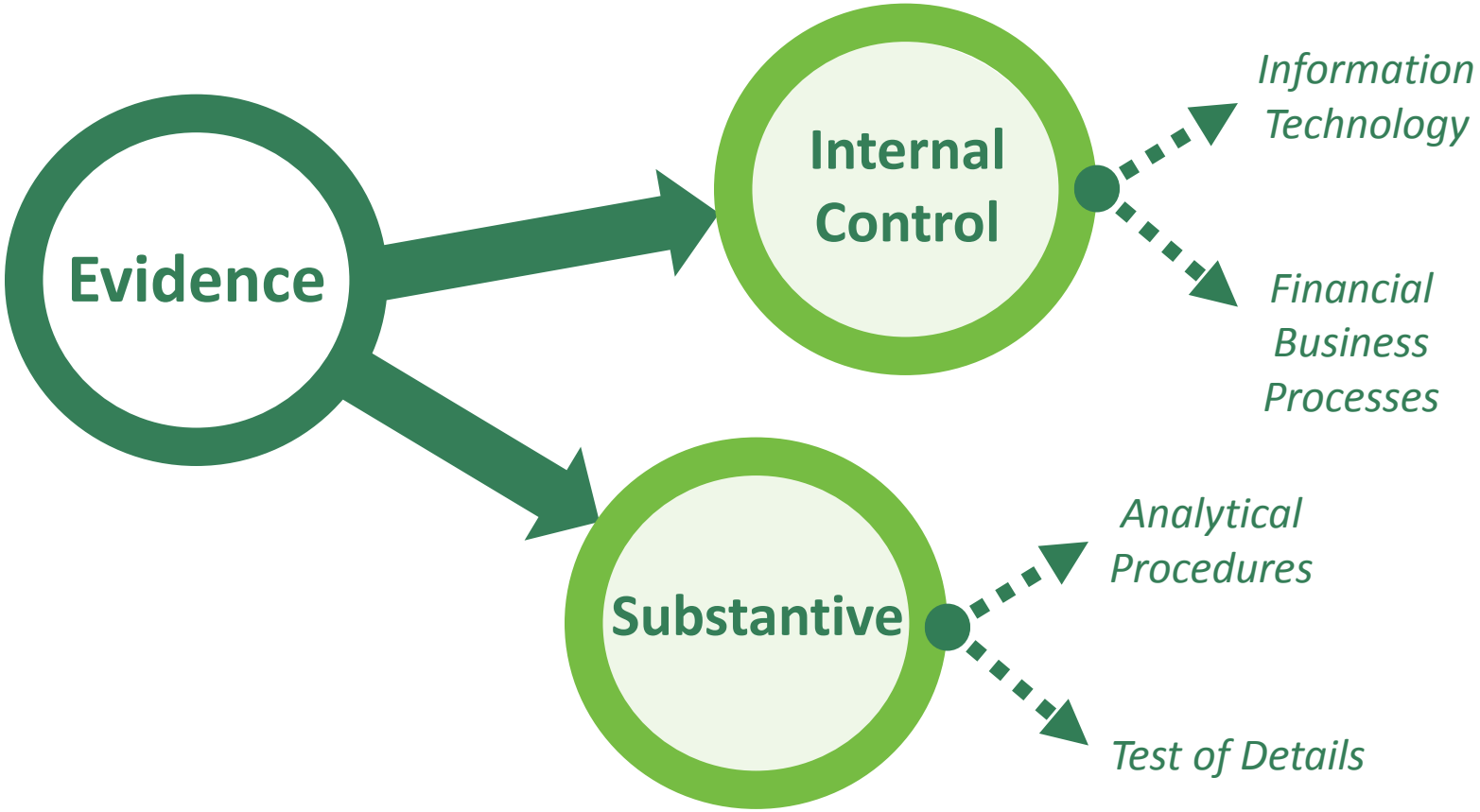
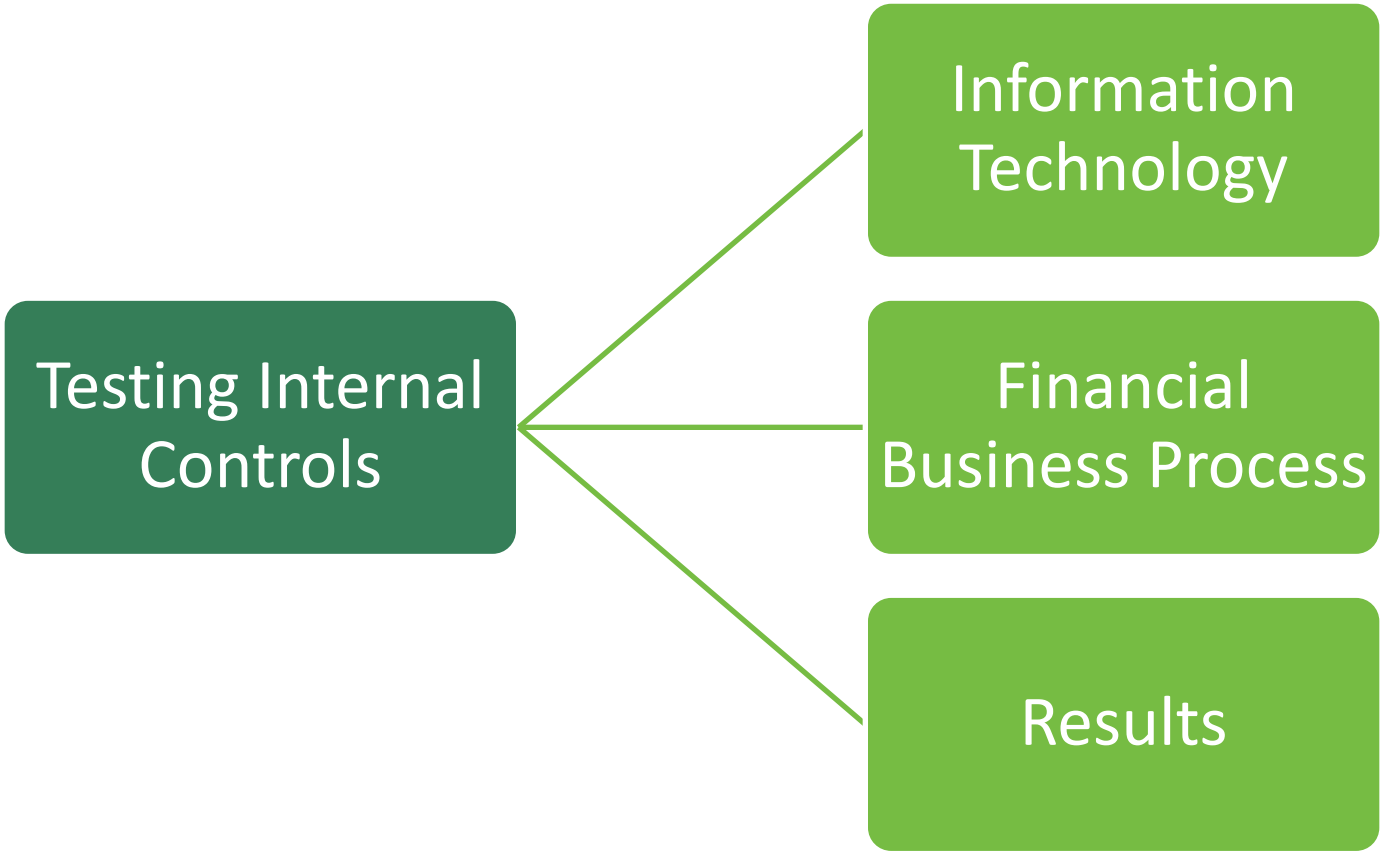
Your guide forward

Audit Approach and Methodology



Cherry Bekaert LLP
Your guide forward

Audit Approach and Methodology



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Your guide forward

Key Areas of Focus

- Cash and Investments
- Accounts Receivable and Revenue
- Capital Assets (emphasis on CIP)
- Accounts Payable and Expenses (emphasis on cutoff)
- Payroll and related Liabilities
- Debt and Interest Expense
- Health & Life and Risk Management Liabilities
- Single Audit
- IT Controls (ERP implementation)

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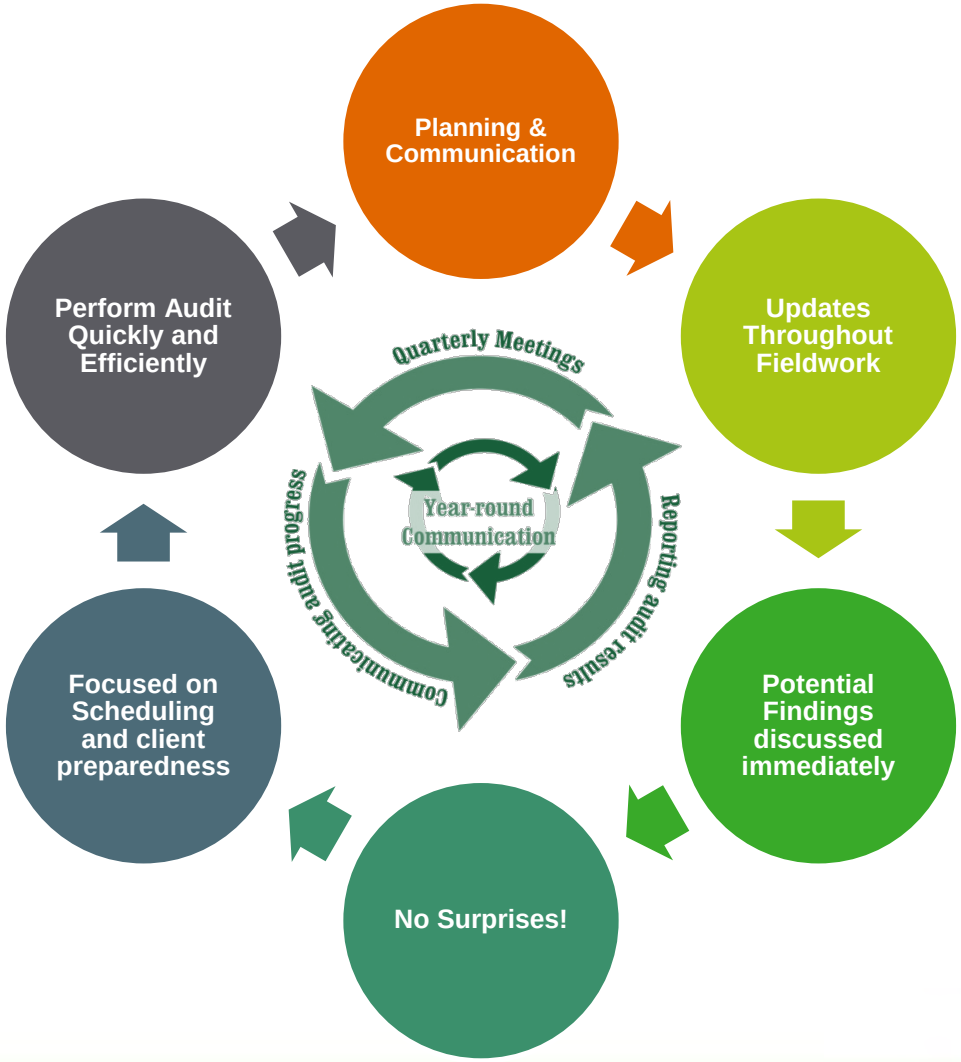
Your guide forward

Project Management Goal

Excellent Client Service



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Your guide forward

Audit Timeline

Interim/Single Audit Fieldwork	Final Fieldwork	Draft Deliverables	Management Review	Audit Results
Weeks of July 27 and August 3	*Weeks of 9/28 through 10/26*	*Week of 10/19*	*Week of 10/19*	*Week of 10/26*

Cherry Bekaert LLP
Your guide forward

Questions & Comments

Eddie Burke | Engagement Partner
eburke@cbh.com | 919.782.1040

Cherry Bekaert LLP
cbh.com

Cherry Bekaert LLP
Your guide forward

Attachment #:4 Audit Reports

A) CATS BLE Report of Internal Audit CATS Northeast Corridor Light Rail Transit Project

CHARLOTTE

INTERNAL AUDIT

Report of Internal Audit
CATS Northeast Corridor Light Rail Transit Project
STV/RWA, Incorporated – Direct Labor, Overhead, and Fees
Fiscal Year Ended September 30, 2014
April 22, 2015

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

Report of Internal Audit
CATS Northeast Corridor Light Rail Transit Project
STV/RWA, Incorporated – Direct Labor, Overhead, and Fees
Fiscal Year Ended September 30, 2014
April 22, 2015

Audit Approach and Scope

This audit focused on invoices submitted by STV/Ralph Whitehead Associates, Inc. (STV/RWA), contractor for the Northeast Corridor Light Rail Transit Project. For the fiscal year ended September 30, 2014, STV/RWA submitted invoices totaling about $6.9 million. The audit addressed the direct labor, overhead, and fees billed for that period of about $4.8 million.

Internal Audit conducted this review to ensure that contractor invoices comply with federal guidelines and to identify unallowable charges. Auditors examined the invoices for accuracy, authorization, and compliance with the guidelines specified in the Federal Acquisition Regulations (FAR). Our evaluation included interviews with appropriate City personnel and the review of state and federal funding guidelines.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). 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.

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

Conclusion

Other than the need to reconcile overhead rates, there were no additional audit findings. These results indicate a high level of compliance with Federal contracting guidelines by the contractor, along with effective administrative efforts by CATS staff.

Summary Results

For the period audited, STV/RWA submitted 12 project-related invoices to CATS totaling $6,913,069. Auditors reviewed direct labor charges of $1,740,114 and overhead and fees of $3,065,013. (The audit did not include a review of other direct costs which totaled $2,126,674.)

Auditors addressed and resolved a number of issues related to STV/RWA's direct labor charges. During the audit, STV/RWA supplied timely responses and documentation. As a result, there are no findings related to direct labor for the audit period.

As is typical in contracts involving federal funding, the contractor used a provisional overhead billing rate, which is adjusted to the actual rate following completion of a financial audit. Our review of overhead rates found that a reconciliation payment totaling $104,905 is owed to CATS, to reflect audited results from the fiscal year ended September 30, 2014.

Background

In 2008, the Charlotte Area Transit System (CATS), in conjunction with NCDOT and the Federal Transit Administration, initiated the preliminary engineering and design portion of the Northeast Corridor Light Rail Transit Project (NECLRP)/Lynx Blue Line Extension project (BLE). BLE was the second of the corridor systems planned for implementation following the first project (South Corridor Light Rail Transit System) which became operational in November 2007. The Federal Government and State of North Carolina's partial funding of the project imposes several requirements on CATS, including the need to ensure that payments comply with the provisions of FAR. These requirements apply to contracts in excess of $100,000.

As stipulated in the contract which was revised effective May 1, 2008, the City has withheld 5% ($18,731.42) of the fixed fees until STV/RWA provides all documentation and completes deliverables, including all claim releases, required by the contract. Beginning with August of this fiscal year, CATS is no longer withholding retainage per the BLE Project Director.

Finding and Recommendation

STV should remit $104,905 to reconcile actual to provisional overhead rates.

Overhead and fees totaled $3,065,013, or 44% of the $6.9 million billed. Prior to the completion of annual audits, contractors submit invoices based upon "provisional" overhead rates, that is, their estimated overhead rates which have been accepted as reasonable. Overhead is paid based upon actual rates, with overhead calculated following each year.

STV/RWA has provided audited overhead rate schedules for FY2014. Using the audited rates provided, we determined that CATS was over billed $104,905. This consisted of $95,368 in overhead charges and $9,537 in fees. The billed rates and audited rates submitted by STV/RWA are detailed below.

STV/RWA Overhead Rates								
	Audited Financials				Invoiced			
	STV Overhead	STV Field Overhead	RWA Overhead	RWA Field Overhead	STV Overhead	STV Field Overhead	RWA Overhead	RWA Field Overhead
2014	146.22%	124.68%	146.22%	124.68%	142.50% 151.50%	0.00%	158.50% 151.50%	134.50%

Recommendation

STV should remit payment of $104,905 to CATS to reconcile the provisional payments made properly using provisional rates to the actual audited results.

CATS Response

CATS will submit a letter to STV/RWA invoicing the $104,905 owed to the City of Charlotte for overhead charges. Once the letter is issued, STV will have 30 days to reimburse the money owed to the City of Charlotte.

Employee Hotline Calls
City of Charlotte - Internal Audit Summary
As of 3/31/15

		Period 1* Sept. 2014 - Dec. 2014	Period 2** Jan. 2015 - March 2015	Total
Calls Received				
Period 1		12		
Period 2			12	
Total Calls Received				24
Types of Calls				
Employee Relations		4	6	10
Theft of Time		3	1	4
Discrimination		2	1	3
Saftey		2	1	3
Conflict of Interest		1	1	2
Fraud			1	1
Policy Violation			1	1
Totals		12	12	24
Departments Referenced				
Neighborhood & Business Services		3		3
Charlotte Area Transit Services		3		3
Solid Waste Services		2	2	4
Management & Financial Services		1		1
Charlotte Department of Transportation		1		1
Engineering & Property Management		1	2	3
Charlotte Fire Department		1	1	2
City Manager's Office			2	2
Charlotte Water			2	2
Human Resources			1	1
Unknown or Entire City			2	2
Totals		12	12	24
Disposition and Status of Calls				
Internal Audit reviewed with Department		1	2	3
Audit Investigation Ongoing			1	1
Insufficient information to review			1	1
Referred to Human Resources		11	8	19
Unsubstantiated	10			
Action Taken	5			
Investigation in process	4			
Totals	19	12	12	24

* 9/12/14 - 12/31/14
** 1/1/15 - 3/31/15