

Commission Letter #: 316-09
Commission Meeting: 11/09/2009
RE: **Audit Review Committee Appointment**

November 5, 2009

The Honorable Mayor
and
Members of City Commission

The Commission representative on the audit review committee is Commissioner Ginotti. As he will no longer be a City Commissioner when the committee report is made to the Commission he suggests another member should be appointed to replace him.

The alternate member was Pat Capello. When the alternate position was created, there was no requirement that the alternate be a City Commissioner. However, in January of this year, the Commission decided to require the alternate be a City Commissioner and the position was declared to be vacant.

Accordingly, we are asking the Commission to appoint one of its own members to serve as a member of the audit review committee and another to serve as the alternate.

City Attorney David Gillam has opined that a newly elected City Commissioner can not be appointed before being sworn in on December 7, 2009. The Audit Review Committee is scheduled to meet on December 1, 2009.

Be it Resolved that City Commissioner _____ is hereby appointed to the Audit Review Committee and that City Commissioner _____ is hereby appointed to be the alternate representative on the Audit Review Committee.

Alternatively, the Commission could reverse the action of January 12 and appoint someone who is not currently a member of the City Commission to be the alternate. A copy of the Commission Letter from the January 12 meeting is attached.

Approved,



Donald E. Johnson
City Manager

DEJ/

CITY COMMISSION LETTER

From the Office of the
CITY ATTORNEY
CITY OF ROYAL OAK



SUBJECT: Audit Review Committee – Alternate Member

MEETING DATE: January 12, 2009

THE HONORABLE MAYOR
AND
MEMBERS OF THE CITY COMMISSION

On November 19, 2007, the City Commission adopted the following resolution:

BE IT RESOLVED, that the position of alternate member of the Royal Oak Audit Review Committee is hereby created. The alternate shall serve as full voting member of the Committee in the event any regular member is unable to attend a meeting. City Commissioner Pat Capello is hereby appointed to serve in this position.

During discussion on the 2008 audit, the consensus of the Commission was that the intent of this resolution was to have a sitting Commissioner serve as the alternate, so that at least one Commissioner would participate in the Committee's review of the audit. In that Ms. Capello is no longer a member of the City Commission, her appointment is no longer consistent with this intent. The Commission may want to consider modifying its earlier resolution with the following:

BE IT RESOLVED, that the alternate member of the Royal Oak Audit Review Committee shall be a member of the City Commission at the time that the Audit Review Committee meets.

If the Commission approves the proposed resolution, a member of the Commission whose term does not expire in December of this year could be appointed as the alternate at this time, or the appointment could be made in December after the next City Commission is seated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David W. Gillam', is written over a horizontal line.

David W. Gillam
City Attorney

cc: Tom Hoover, City Manager
Melanie Halas, City Clerk
Don Johnson, Finance Director