

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA AS AMENDED BY ORDINANCE NO. 12566, AS SET FORTH HEREIN, SO AS TO CHANGE THE METHOD OF DETERMINING THE INTERNAL AUDITOR'S COMPENSATION AND METHOD FOR REMOVAL FROM OFFICE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 1. That the Charter of the City of Chattanooga as amended particularly by Ordinance No. 12566, encaptioned as follows:

“An ordinance to amend the Charter of the City of Chattanooga and all acts, ordinances, and other charter provisions amendatory thereof, pursuant to the provisions of Article XI, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment) so as to (1) renumber this article as Article 5, beginning with Section 3.112 through 3.119; (2) establish an independent office of internal audit, an audit committee, and City Auditor; (3) provide for the City Auditor's qualifications, appointment, and removal; and (4) provide for the office's duties and access to records and property of the City.”

and as approved by the voters in an initiative vote in the August, 2012, election be further amended as provided herein.

SECTION 2. That Article 4, Sections 3.111 through 3.118 of the present Charter of the City of Chattanooga entitled “Office of Internal Audit, Audit Committee, and City Auditor” is renumbered as Article 5 “Office of Internal Audit, Audit Committee, and City Auditor” beginning with Section 3.112 through 3.119.

SECTION 3. That Article 4, Section 3.111 of the present Charter of the City of Chattanooga entitled “City Engineer” be retained as Article 4, Section 3.111.

SECTION 4. That Article 5, Section 3.113 of the present Charter of the City of Chattanooga, and all Acts and Ordinances amendatory thereof, is hereby amended by deleting Section 3.113 as amended in its entirety and substituting in lieu thereof the following:

Sec. 3.113. Appointment and Removal of City Auditor.

The City Auditor shall be appointed by the Audit Committee and approved by the Council. If a vacancy occurs in the City Auditor position, a replacement shall be appointed within six (6) months. The City Auditor shall receive a salary commensurate to the salary of comparable auditors in government service in the State of Tennessee. The City Auditor may be removed from office for just cause by the affirmation of a majority of the membership of the Audit Committee and approval by the Council. The current director of Internal Auditor on August 11, 2011, shall serve as City Auditor as if appointed under the terms of this section.

FOR THE AMENDMENT { }

AGAINST THE AMENDMENT { }

SECTION 5. BE IT FURTHER ORDAINED, That all laws constituting the present Charter of the City of Chattanooga, not in conflict with this amendatory home rule ordinance, be and the same are continued in full force and effect, and all laws or parts of laws in conflict therewith are hereby repealed.

SECTION 6. BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section, or part of this ordinance shall be held to be unconstitutional or void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding such part, if any, as may be held to be invalid.

SECTION 7. BE IT FURTHER ORDAINED, That this Ordinance shall be published in full by the Clerk of the City Council in the daily newspaper in the City of Chattanooga after the passage thereof on second and final reading.

SECTION 8. BE IT FURTHER ORDAINED, That the Clerk of the City Council shall certify the passage of this Ordinance to the Hamilton County Election Commission and request that the proposed amendment to the home rule Charter of the City of Chattanooga, Tennessee, be placed on the ballot to be used in the general county election to be held on or about November 6, 2012.

SECTION 9. BE IT FURTHER ORDAINED, That the City Finance Officer is authorized and directed to pay the *pro rata* cost of this special City election.

SECTION 10. BE IT FURTHER ORDAINED, That the Hamilton County Election Commission shall certify to the Clerk of the City Council of the City of Chattanooga, Tennessee, the result of said election, and the said Clerk shall cause said certification to be made a part of the minutes of the City Council.

SECTION 11. BE IT FURTHER ORDAINED, That Section 1 of this Ordinance shall take effect sixty (60) days after its approval by a majority of the qualified voters of the City voting thereon, as provided by Article XI, Section 9, Constitution of Tennessee, the public welfare requiring it.

SECTION 12. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, except for Section 1, immediately upon its passage.

PASSED on Second and Final Reading

_____, 2012

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012

MAYOR

VLM/kac/mms