

1 Introduced by Council Members Newby, Freeman, and Salem:
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4 **ORDINANCE 2022-94**

5 AN ORDINANCE APPROVING AND AUTHORIZING THE
6 COUNCIL PRESIDENT, OR HIS DESIGNEE, TO EXECUTE
7 A PEER REVIEW AGREEMENT BETWEEN THE CITY OF
8 JACKSONVILLE AND THE ASSOCIATION OF LOCAL
9 GOVERNMENT AUDITORS ("ALGA") TO ALLOW FOR PEER
10 REVIEW OF THE COUNCIL AUDITOR'S OFFICE; WAIVING
11 CERTAIN REQUIREMENTS OF CHAPTER 126 (PROCUREMENT
12 CODE), PART 4 (NONDISCRIMINATION POLICY),
13 SECTION 126.404 (B) AND (C) (NONDISCRIMINATION
14 PROVISIONS IN ALL CITY CONTRACTS), *ORDINANCE*
15 *CODE*, RELATED TO INAPPLICABLE PROVISIONS
16 REGARDING EMPLOYEES AND SUBCONTRACTORS;
17 PROVIDING FOR CITY OVERSIGHT BY THE COUNCIL
18 AUDITOR'S OFFICE; PROVIDING FOR A ONE CYCLE
19 EMERGENCY PASSAGE; AND PROVIDING AN EFFECTIVE
20 DATE.
21

22 **WHEREAS**, the Association of Local Government Auditors (ALGA) is
23 an organization comprised of elected and appointed officials from
24 cities, counties, utility districts, transit agencies, tribal
25 governments and more from around the globe committed to providing an
26 inclusive and thriving community for all local government auditors
27 working together, making a difference for the public good by providing
28 various services and resources to local government auditors; and

29 **WHEREAS**, one of the services available to member organizations
30 of ALGA is the ability to participate in ALGA's high quality, low-
31 cost peer review program made possible by the member organization

1 having only to pay for the travel cost of the volunteer peer review
2 team made up of employees of other member organizations which is
3 significantly more cost effective than having to hire a separate
4 entity to perform the peer review; and

5 **WHEREAS**, as a member of ALGA, the Council Auditor's Office of
6 the City of Jacksonville has utilized ALGA's peer review services
7 since 1999 and desires to continue to utilize these peer review
8 services in order to ensure that it is providing the best service
9 possible to the City of Jacksonville and its citizens as well as to
10 comply with Government Auditing Standards Section 5.84 which requires
11 an external peer review at least once every three years; and

12 **WHEREAS**, in accordance with Section 126.404(a) ALGA has adopted
13 and will maintain a policy of nondiscrimination as defined by
14 ordinance during the provision of the peer review services and is
15 evidenced by the policy being posted on ALGA's website; now therefore

16 **BE IT ORDAINED** by the Council of the City of Jacksonville:

17 **Section 1. Agreement approved and execution authorized.**

18 There is hereby approved and the Council President, or his designee,
19 is hereby authorized to execute and deliver the ALGA Standard Peer
20 Review Agreement between the City of Jacksonville and ALGA, in
21 substantially the same form as attached hereto and incorporated herein
22 by this reference as **Exhibit 1** (the "Agreement") to allow for peer
23 review of the Council Auditor's Office. The Agreement may include
24 such additions, deletions and changes as may be reasonable, necessary
25 and incidental for carrying out the purposes thereof, as may be
26 acceptable to the Council President, or his designee, with such
27 inclusion and acceptance being evidenced by execution of the Agreement
28 by the Council President, or his designee; provided however, no
29 modification to the Agreement may increase the financial obligations
30 or liability of the City to an amount in excess of the amount stated
31 in the Agreement or decrease the duties and obligations of ALGA as

1 stated in the Agreement, and any such modification shall be technical
2 only and shall be subject to appropriate legal review and approval
3 by the Office of General Counsel. For the purposes of this Ordinance,
4 the term "technical changes" is defined as those changes having no
5 financial impact to the City and any other non-substantive changes
6 that do not substantively increase the duties and responsibilities
7 of the City under the provisions of the Agreement.

8 **Section 2. Waiving certain inapplicable requirements of**
9 **Chapter 126 (Procurement Code), Part 4 (Nondiscrimination Policy),**
10 **Section 126.404 (b) and (c) (Nondiscrimination provisions in all city**
11 **contracts), Ordinance Code.** The City hereby waives the access to

12 records and subcontractor requirements set forth in Sections
13 126.404(b) and 126.404(c), respectively, of the Code. ALGA has adopted
14 and will maintain a policy of nondiscrimination as defined by
15 ordinance throughout the term of this Agreement, in accordance with
16 Section 126.404(a), *Ordinance Code*. However, since ALGA is a not-for-
17 profit corporation, whose membership is comprised of auditors from
18 local governments around North America, and has no employees of its
19 own, the provisions of 126.404 (b) and (c) are inapplicable in this
20 limited instance and would pose an undue burden on ALGA if forced to
21 comply.

22 **Section 3. Oversight Department.** The Council Auditor's
23 Office shall oversee the Agreement and matters described in this
24 ordinance.

25 **Section 4. Requesting One Cycle Emergency Passage Pursuant**
26 **to Council Rule 4.901 Emergency.** One cycle emergency passage of this
27 legislation is requested. The nature of the emergency is that the
28 Council Auditor's Office is attempting to have the Peer Review
29 performed the week of April 4, 2022 and to allow for that to occur
30 the agreement has to be executed at least one month in advance.

31 **Section 4. Effective Date.** This ordinance shall become

1 effective upon signature by the Mayor or upon becoming effective
2 without the Mayor's signature.

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4 Form Approved:

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6 /s/ Harry M. Wilson, IV

7 Office of General Counsel

8 Legislation Prepared By: Harry M. Wilson, IV

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