

Memorandum



CITY OF DALLAS

DATE March 10, 2023

TO Honorable Members of the Government Performance and Financial Management Committee: Cara Mendelsohn (Chair), Gay Donnell Willis (Vice Chair), Tennell Atkins, Adam Bazaldua, Adam McGough, Paul Ridley, Chad West

SUBJECT **Appointment of the City Auditor**

Background – Appointment of the City Auditor

Dallas City Charter Chapter IX, Sec. 1 provides for the selection of a city auditor, who holds office for a period of two years and until a successor shall be chosen and shall qualify, and who is appointed by the city council after being “nominated in accordance with a nomination procedure established by ordinance.” Dallas City Code, Chapter 2, § 2-17.2 outlines the process for nomination, selection, appointment, and reappointment of the city auditor. The appointment of the city auditor does not include a written contract of employment.

In accordance with the Charter, the city auditor holds office for a period of two years and until reappointment or a successor shall be chosen and qualifies. City Auditor Mark Swann’s signed offer letter is dated March 27, 2019 and his original appointment date was amended to start May 1, 2019. Thus, the conclusion of the first two-year period was May 1, 2021. On April 28, 2021, Mr. Swan was reappointed by the City Council to serve two additional years ending on May 1, 2023.

Process

Dallas City Code, Chapter 2, § 2-17.2 provides that the Government Performance and Financial Management Committee (GPFM) may act (as directed by the City Council or on its own initiative) as the nominating committee and nominate the incumbent city auditor for reappointment by the City Council. Reappointment under this process would require a majority vote of nomination by GPFM, and a majority vote of reappointment from the City Council. If the city auditor is not reappointed, the process for City Council appointment of a city auditor nominating commission must be followed, as outlined in Dallas City Code, Chapter 2, § 2-17.2(a) through (f).

Timeline and Next Steps

Mr. Swann’s current two-year period concludes on May 1, 2023. If the intent is to nominate the incumbent for reappointment, the GPFM may nominate Mr. Swann as the incumbent city auditor for City Council approval. If approved by majority vote of the City Council, the incumbent will be notified of the reappointment by letter.

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Please feel free to reach out to me or Nina Arias, Director of Human Resources, if you have any questions or need additional information.



Kimberly Bizar Tolbert
Deputy City Manager

c: T.C. Broadnax, City Manager
Tammy Palomino, Interim City Attorney
Mark Swann, City Auditor
Billieae Johnson, City Secretary
Preston Robinson, Administrative Judge
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Dr. Robert Perez, Assistant City Manager
Carl Simpson, Assistant City Manager
Jack Ireland, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors

April 28, 2021

WHEREAS, on August 22, 2018, City Council considered appointments to the City Auditor Nominating Commission for the purpose of nominating one or more candidates for City Auditor in accordance with Section 2-17.2 of the Dallas City Code by Resolution No. 18-1196; and

WHEREAS, on February 21, 2019, the City Auditor Nominating Commission recommended three applicants to the City Council for consideration for appointment as Dallas City Auditor; and

WHEREAS, on March 27, 2019, City Council appointed Mark S. Swann as City Auditor for the City of Dallas for a two-year term and established his annual base salary of \$200,000.00, by Resolution No. 19-0466; and

WHEREAS, on February 22, 2021, the City Council's Government Performance and Financial Management Committee unanimously voted to serve as the nominating commission for the purpose of nominating the incumbent City Auditor, Mark S. Swann, CPA for reappointment by the full City Council to a two-year term to commence beginning May 1, 2021.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Mark S. Swann is hereby reappointed as City Auditor for the City of Dallas for a two-year term, effective May 1, 2021.

SECTION 2. That Mark S. Swann's annual salary remains at \$200,000.00.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.





Agenda Information Sheet

File #: 21-526

Item #: 7.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 28, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Human Resources

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

A resolution reappointing Mark S. Swann, as City Auditor for a two-year term, effective May 1, 2021 - Not to exceed \$477,380.00 - Financing: General Fund

BACKGROUND

The Government Performance and Financial Management Committee was briefed on May 26, 2020, October 26, 2020, and January 25, 2021. Additionally, the draft update to the City Auditor Responsibilities and Administrative Procedures went through two comment periods: July 13, 2020 to August 31, 2020 and December 24, 2020 to January 11, 2021. On January 25, 2021, the Government Performance and Financial Management Committee recommended City Council approval of the Fiscal Year 2021 Audit Plan.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 24, 2021, City Council authorized an amendment to Resolution No. 90-4072, previously approved on December 12, 1990, which approved the update to the City Auditor Responsibilities and Administrative Procedures by Resolution No. 21-0432.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
General Fund	\$99,453.00	\$238,690.00	\$139,237.00