

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-014

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE RENAMING OF THE FINANCE ADVISORY COMMITTEE TO THE “FINANCE ADVISORY AND AUDIT COMMITTEE”; PROVIDING FOR DUTIES OF THE FINANCE ADVISORY AND AUDIT COMMITTEE CONSISTENT WITH SECTION 218.319, FLORIDA STATUTES; PROVIDING FOR THE METHOD OF APPOINTMENT OF THE FINANCE ADVISORY AND AUDIT COMMITTEE MEMBERS; PROVIDING FOR COMPLIANCE WITH FLORIDA’S SUNSHINE LAW AND PUBLIC RECORDS LAW; PROVIDING FOR REQUIREMENTS OF APPOINTMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 19, 2009, the Town Council of the Town of Loxahatchee Groves adopted Town Resolution No. 2009-008, and established the Town of Loxahatchee Groves Finance Advisory Committee; and

WHEREAS, since the creation of the Finance Advisory Committee, the Town Council has determined that it would be in the best interest of the Town to provide for the Finance Advisory Committee to have the ability to review and make inquiries regarding the Town’s annual audit, and to perform other functions of an Audit Committee as provided in Section 218.391, Florida Statutes, at the request of the Town Council; and

WHEREAS, it is the desire of the Town Council of the Town of Loxahatchee Groves, Florida to rename the Finance Advisory Committee to be the Finance Advisory and Audit Committee (the “Committee”), and to advise the Town Council as to issues related to the Town’s budget, financial activities and performance, annual audit, and to perform other functions of an Audit Committee as provided in Section 218.319, Florida Statutes, as requested by the Town Council;

WHEREAS, upon adoption, the provisions of Resolution 2009-008, adopted on May 19, 2009, are hereby superseded by the provisions of this Resolution.

WHEREAS, the Town Council determines that the creation of the Finance Advisory and Audit Committee is in the best interests of the residents of the Town.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves, Florida, as follows:

Section 1. That the foregoing “WHEREAS” clauses are confirmed and ratified as being true and correct and are hereby made a specific part of this Resolution.

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Section 2. The Town Council hereby establishes the Town's Finance Advisory and Audit Committee as follows:

I. Creation of Finance Advisory and Audit Committee. There is created a Finance Advisory and Audit Committee to act as an advisory board to the Town Council, as follows:

(A) **Qualifications.** Each member of the Finance Advisory and Audit Committee shall be a resident of the Town. Whenever possible, emphasis should be upon persons who have experience in the financial services industry.

(B) **Duties.** The duties of the Finance Advisory and Audit Committee are as follows:

(1) To conduct review and analyses of projects assigned by the Town Council, and make recommendations to the Town Council;

(2) To review and evaluate financial activities of the Town and make recommendations to the Town council; and

(3) To review Town policies and procedures affecting financial functions, and make recommendations to the Town Council as deemed appropriate.

(4) To provide audit oversight, consistent with Section 218.391, Florida Statutes, including review the Town's annual audit and meeting with the Town Auditor to discuss the Town Audit prior to submittal to the Town Council for final approval.

(5) To act as the Audit Committee in order to provide for auditor selection functions consistent with Section 218.391, Florida Statutes, upon motion of the Town Council.

(C) The Committee shall be comprised of five (5) voting members, to be appointed by individual Town Council Members.

(D) The Town Council shall appoint one member of the Town Council to serve as a non-voting liaison to the Finance Advisory and Audit Committee.

(E) The voting members shall serve at the pleasure of the Town Council. The terms of the voting members shall run concurrently with the term of the Council Member who nominated the voting member to the Committee.

(F) An attendance requirement shall be imposed on all members of the Finance Advisory and Audit Committee. Unless excuse of absence is granted by the Finance Advisory and Audit Committee, a member of the Finance Advisory and Audit

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Committee shall be removed by the Town Council if he/she has missed three (3) meetings of the Committee.

(G) Committee members, and/or companies or employers, in which the members have a direct financial interest, shall not do business with the Town, in accordance with Florida Statutes 112.313, and pertinent opinions of the Florida Commission on Ethics. If any member of the Committee finds that his/her personal interests are involved in any matter coming before the Town Council, he/she shall disqualify himself/herself from all participation in the matter.

(H) If a regular member of the Finance Advisory and Audit Committee resigns or is removed from his or her position, the appointing Council Member shall appoint the replacement.

II. Advisory Only. The actions, decisions, and recommendations of the Finance Advisory and Audit Committee shall be advisory only.

III. Meetings, Dates, Procedures, Records, Quorum, and Compensation.

(A) The Finance Advisory and Audit Committee may hold an organizational meeting at the first scheduled meeting following the appointment of the members of the Finance Advisory and Audit Committee. The purpose of the Finance Advisory and Audit Committee organizational meeting is for the members to elect a Chair and Vice Chair from its voting membership for terms of one (1) year; provided that the Chair and Vice Chair of the previously named Finance Committee may continue to serve in those capacities..

(B) The Finance Advisory and Audit Committee shall meet on a regular or as-needed basis, as determined by the Finance Advisory and Audit Committee.

(C) All meetings, records and files of the Finance Advisory and Audit Committee shall be open and available to the public, consistent with Chapter 119, Florida Statutes (the Public Records Law) and Chapter 286, Florida Statutes (the "Sunshine Law"). In addition, members of the Finance Advisory and Audit Committee shall ensure that their actions are in compliance with Chapter 119, Florida Statutes (the "Public Records Law") and Chapter 286, Florida Statutes (the "Sunshine Law").

(D) Notice for any meeting of the Finance Advisory and Audit Committee shall be posted in accordance with Chapter 286, Florida Statutes (the "Sunshine Law") and on the Town's website and at the Town Office no later than 24 hours prior to the scheduled meeting.

(E) Three (3) voting members in attendance shall constitute a quorum of the Finance Advisory and Audit Committee.

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(F) The Town Manager or his/her designee shall act as secretary to the Finance Advisory and Audit Committee, and be responsible for attending all meetings and providing the items necessary for conducting meetings, as requested by the Chair, and for recording and preparation of meeting minutes. The Town Attorney or his/her designee shall act as attorney for the Finance Advisory and Audit Committee, on an as-needed basis.

(G) Town staff will reasonably provide adequate support to the Committee to discharge its responsibilities as assigned by the Town Council.

(H) Members of the Finance Advisory and Audit Committee shall serve without compensation for the performance of their duties.

Section 3. Severability. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated, and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 4. Conflicts. All Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 5. Effective Date. This Resolution shall take effective immediately upon its adoption.

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, FLORIDA, this 21st day of July, 2009.

ATTEST:

Matthew Lyman
TOWN CLERK

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

David Browning
Mayor David Browning

APPROVED AS TO LEGAL FORM:

[Signature]

Office of the Town Attorney

Dennis Lipp
Vice Mayor Dennis Lipp

Ronald Harris
Council Member

[Signature]
Council Member

[Signature]
Council Member