

**RESOLUTION OF THE TOWN COUNCIL OF THE
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 09-17**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH,
FLORIDA, ACCEPTING THE BASIC FINANCIAL STATEMENTS AND AUDIT FOR FISCAL
YEAR 2007-2008 AS PRESENTED BY THE TOWN MANAGER; AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 218.39, Florida Statutes, requires the Town to have an annual financial audit of its accounts and records by an independent certified public accountant retained by the Town and paid from public funds and completed within 12 months after the end of its fiscal year; and

WHEREAS, Section 218.39, Florida Statutes requires the Town auditor to discuss with Town representatives all of the auditor's comments to be included in the audit report; and

WHEREAS, Section 218.39, Florida Statutes, requires that all audits conducted pursuant to said section must be submitted to the Auditor General within 45 days after delivery of the audit report to the Town Council; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the LarsonAllen, LLP presented its audit comments on the Basic Financial Statements and Audit for the fiscal year 2007-2008 at a duly and properly noticed public meeting of the Town Council of the Town of Fort Myers Beach on June 15, 2009;

WHEREAS, the Town Council of the Town of Fort Myers Beach has reviewed the basic financial statements and audit for the 2007-2008 Town audit at its public meeting of July 13, 2009, following proper notice as required by Florida Statute.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

SECTION ONE: Incorporation of Whereas Clauses. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.

SECTION TWO: Town Manager's Responsibility. The Town Manager of the Town of Fort Myers Beach has presented the Basic Financial Statements and Audit for the fiscal year 2007-2008.

SECTION THREE: Acceptance of Audit. The Town of Fort Myers Beach hereby accepts the Basic Financial Statements for the fiscal year 2007-2008. Said audit is attached hereto as Exhibit "A" and hereby incorporated by reference.

SECTION FOUR: Administrative Authorization The Town Council hereby authorizes the Town Manager or designee to carry out administrative functions regarding submission of the Basic Financial Statements and audit to the State of Florida as required by Florida Statute.

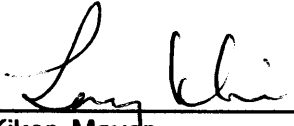
SECTION FIVE: Severability. If any one of the provisions of this resolution should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this resolution, and in no way affect the validity of all other provisions of this resolution.


SECTION SIX: Effective Date. This resolution is effective immediately upon adoption.


The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Raymond and seconded by Councilmember List and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor	aye	Herb Acken, Vice Mayor	aye
Tom Babcock	aye	Jo List	aye
Bob Raymond	aye		

**DULY PASSED AND ADOPTED THIS 13th DAY OF JULY, 2009, BY THE
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH**

By: 
Larry Kiker, Mayor

ATTEST:
By: 
Michelle D. Mayher, Town Clerk

Approved as to legal sufficiency:
By: 
Anne Dalton, Esquire, Town Attorney