

ORDINANCE NO. 11-06

AN ORDINANCE CREATING CHAPTER 2, ARTICLE IV, DIVISION 11, IN THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES, TO BE ENTITLED "AUDIT COMMITTEE;" PROVIDING FOR CREATION AND PURPOSE; MEMBERSHIP; DUTIES; MEETINGS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Chapter 218, Part III, Florida Statutes contains the Uniform Local Government Financial Management and Reporting Act; and

WHEREAS, Section 218.391, Florida Statutes provides that each local government shall establish an Audit Committee to assist the governing body in selecting an auditor to conduct the annual financial audit required by Section 218.39, Florida Statutes.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. Chapter 2, Article IV, Division 11 in the Town of Fort Myers Beach Code of Ordinances is hereby created as follows:

**DIVISION 11. AUDIT COMMITTEE**

**Sec. 2-450. Creation and Purpose.**

(a) There is hereby established an Audit Committee to be composed of members appointed by the Town of Fort Myers Beach Town Council.

(b) The purpose of the Audit Committee is to serve in an advisory capacity to the Town Council in the selection of an auditor to conduct the town's annual financial audit and for other purposes as directed by Town Council.

**Sec. 2-451. Membership.**

(a) Members. The Audit Committee shall consist of five (5) members who shall be selected based on their qualifications and willingness to serve.

(b) Eligibility.

(1) All members of the Audit Committee shall be Town residents who do not have any direct financial or business interests involving the Town. Town Council may waive the residency requirement by majority vote if there are an insufficient number of applicants who reside in the Town.

(2) The composition of the Audit Committee shall be consistent with the "Auditor Selection Guidelines" dated 2007 and promulgated by the Auditor Selection Task Force established by the State of Florida Auditor General's Office.

(3) All members should, through education and experience, possess a basic understanding of governmental financial reporting and auditing. At least one member of the Audit Committee shall have accounting, auditing, or related financial management expertise that is specifically relevant to the government sector.

(c) Appointments. Members of the Audit Committee shall be appointed by the Town Council for terms of four (4) years and may not be appointed to more than two (2) full consecutive terms provided, however, that when the Audit Committee is first established, the terms of the members shall be staggered and three (3) members shall be appointed to serve an initial term of four (4) years and two (2) members shall be appointed to serve an initial term of two (2) years.

(d) Quorum. Three (3) members shall constitute a quorum.

(e) Forfeiture of Membership.

(1) Membership on the Audit Committee shall be forfeited if a member is absent from two (2) of three (3) consecutive regularly scheduled meetings of the Audit Committee.

(2) A member shall forfeit their membership on the audit committee for cause if the member:

- a. No longer meets eligibility requirements;
- b. Violates any express prohibition imposed by the Town Council or law;
- c. Is convicted of a felony; or

d. Is guilty of habitual public drunkenness, corruption, incompetence or some other substantial shortcoming which renders the member's continuance in office in some way detrimental to the discipline and efficiency of the service and which the law and sound public opinion recognize as good cause for forfeiture of office. Forfeiture of membership for cause shall, upon request of the affected member, entitle the member to a public hearing before the Town Council to refute or contest the reason for forfeiture.

**Sec. 2-452. Duties.** The Audit Committee shall assist the Town Council in selecting an auditor, in accordance with the provisions of Section 218.391, Florida Statutes, to conduct the Town's annual financial audit required by Section 218.39, Florida Statutes and shall perform such other duties as assigned by Town Council.

**Sec. 2-453. Meetings.**

(a) The Audit Committee shall meet as often as necessary in order to adequately advise the Town Council concerning selection of the external auditor. All meetings are considered public meetings and the town Clerk shall be responsible for meeting notification and minutes.

(b) All meetings shall be open to any member of the public, minutes of each meeting shall be promptly recorded, and such records shall be open for public inspection.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

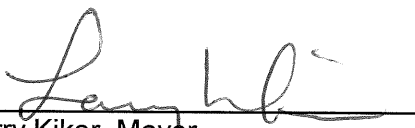
Section 3. Effective Date. This ordinance shall take effect immediately upon adoption by the Town Council.


The foregoing Ordinance was adopted by the Town Council upon a motion by Council Member List and seconded by Council Member Mandel and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor	aye	Bob Raymond, Vice Mayor	aye
Tom Babcock	aye	Jo List	aye
Alan Mandel	aye		

DULY PASSED AND ADOPTED THIS 15th DAY OF AUGUST 2011, 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 form and legal sufficiency:

By:   
FOWLER WHITE BOGGS, Town Attorney