



AGENDA ITEM MEMORADUM

Town Clerk

Department

June White

Department Director

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input type="checkbox"/> Feb 27, 2012 Special Organization Meeting	

*Subject to Change

SUBJECT TITLE: Discussion and/or action regarding appointing Advisory Board Members

EXPLANATION: The Commission wishes to discuss the procedure to be used in appointing Advisory Board and Committee members.

In 2010, the Commission utilized the following procedure:

Each Commissioner, beginning at the left side of the dais nominated one (1) person. The selection did not require a second.

The direction from left to right continued until all the seats were filled. At the conclusion of all nominations a motion was made to appoint all nominees, seconded and a vote of the majority appointed the members to that Board.

- Planning and Zoning Board consists of five members and two alternates. The Town Commission designates the order of priority in which the alternates shall be called to serve upon the absence of a regular member.

No member or alternate of the Board shall be an elected official or an employee of the Town. Each member or alternate shall be a resident and qualified elector voter of the Town.

The members of the Board appoint their own Chairperson and Vice Chairperson.

- The Board of Adjustment consists of five members and two alternates. The Town Commission designates the order of priority in which the alternates shall be called to serve upon the absence of a regular member.

No member or alternate of the Board shall be an elected official or an employee of the Town. Each member or alternate shall be a resident and qualified elector voter of the Town.

The members of the Board appoint their own Chairperson and Vice Chairperson

- Special Requirements for Audit Committee members

As per attached Resolution 2010-12, the Commission shall appoint three (3) members and one (1) alternate to the Audit Committee. Audit committee members must be persons from the community with experience and knowledge relevant to municipal accounting and financial matters as per Florida Statute 218.391(2), attached.



Item No. _____

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- Charter Review Board

Section 7.3 of the Town Charter requires that Board members be comprised of Town residents, but does not specify a number of members to be appointed to the Board.

In June of 2002 the Commission appointed seven (7) members to the Charter Review Board. Each Commissioner appointed one (1) member subject to the consent of the entire Commission with the remaining two (2) appointed by Commission consensus. At least three (3) members were required to be from each area of Town. The Charter Review Board members appointed their own Chairperson and Vice Chairperson.

NOTE: No qualifications/experience exists for Advisory Boards. The Audit Committee is regulated by State Statute.

EXHIBITS: Code of Ordinances Sec 30-6 & 30-7—Appointment of Planning & Zoning and Board of Adjustment Members
Resolution 2010-12 – Appointment of Audit Committee
Town Charter Section 7.3 – Advisory Boards; how constituted
Florida Statute 218.391(2) – Auditor Selection Procedures

Reviewed by Town Attorney

Yes No

Town Manager Initials JA

Sec. 30-6. - Planning and Zoning Board.

(a)

Generally.

(1)

Established; composition, terms, qualifications of members; organizations; noncompensatory service; meetings. The Planning and Zoning Board, consisting of five members and two alternates, is hereby created.

a.

The Town Commission shall appoint five members and two alternates to the Board who shall serve at the pleasure of the Town Commission and may be removed by a majority vote of the Town Commission. The Town Commission shall also designate the order of priority in which the alternates shall be called to serve upon the absence of a regular member.

b.

The Town Commission shall appoint members and alternates to the Planning and Zoning Board in even numbered years to coincide with the election of the members of the Town Commission. The members and alternates shall be appointed at the second Town Commission meeting following each election. The term of office for all members and alternates shall be two years from the date of appointment expiring on the date of the election, in all even-numbered years.

c.

No member or alternate of the Planning and Zoning Board shall be an elected official or employee of the Town. Each member or alternate of the Board shall be a resident and qualified voter of the Town.

d.

The members or alternate of such Planning and Zoning Board shall serve without compensation.

e.

A quorum shall consist of three voting members. The affirmative vote of a majority of the quorum present and voting shall be required to take any Board action.

f.

The Planning and Zoning Board shall select a Chair and Vice-Chair from among the members of the Planning and Zoning Board by a majority vote, who shall serve in such capacity for the two-year term. The Chair or Vice-Chair may be replaced by another majority vote of the Planning and Zoning Board. If a Chair or Vice-Chair is reappointed to the Board following an election, he or she is eligible to be selected by a majority vote of the new Board to serve as either its Chair or Vice-Chair. The Town Manager, Town Building Inspector, Town Attorney, and other Town officials are considered staff to the Town Planning and Zoning Board, and may be called on from time to time to meet with said Board.

g.

All meetings of the Planning and Zoning Board shall be held according to Florida Statutes and shall be open to the public. Regular meetings of the Board shall be held monthly at times specified by the Board. Special meetings may be called more often as needed. Minutes of said meetings shall be kept and preserved.

Sec. 30-7. - Board of Adjustment.

(a)

Purpose. It is the purpose of this section to provide procedures and guidelines for the hearing of appeals from and rendering interpretative and advisory options to applicants and the Town Commission concerning any decision of an administrative official relative to the enforcement of the requirements of the Town's zoning regulations and the authorization of variances from the requirements of the Town's zoning regulations.

(b)

Creation and composition; qualifications and organization. The Board of Adjustment, consisting of five members and two alternates, is hereby created.

(1)

The Town Commission shall appoint five members and two alternates to the Board, who shall serve at the pleasure of the Town Commission and may be removed by a majority vote of the Town Commission. The Town Commission shall also designate the order of priority in which the alternates shall be called to serve upon the absence of a regular member.

(2)

The Town Commission shall appoint members and alternates to the Board of Adjustment in even-numbered years to coincide with the election of the members of the Town Commission. The members and alternates shall be appointed at the second Town Commission meeting following each election. The term of office for all members and alternates shall be two years from the date of appointment expiring on the date of the election, in all even-numbered years.

(3)

No member or alternate of the Board of Adjustment shall be an elected official or employee of the Town. Each member or alternate of the Board of Adjustment shall be a resident and qualified elector voter of the Town.

(4)

The members or alternate of such Board of Adjustment shall serve without compensation, but shall be paid for actual expenses incurred in performance of their duties as members or alternates of such Board as supported by invoices or vouchers, or such other evidence submitted in support of such expenses, to the extent permitted by law.

(5)

A quorum shall consist of three voting members. The affirmative vote of a majority of the quorum present and voting shall be required to take any Board action. The Chairman, or Vice-Chairman in his or her absence, shall vote only in the event of a tie vote but shall be considered a voting member for the purpose of establishing a quorum.

(6)

The Board of Adjustment shall select a Chair and Vice-Chair from among the members of the Board of Adjustment by a majority vote, who shall serve in such capacity for the two-year term. The Chair or Vice-Chair may be replaced by another majority vote of the Board of Adjustment. If a Chair or Vice-Chair is reappointed to the Board following an election, he or she is eligible to be selected by a majority vote of the new Board to serve as either its Chair or Vice-Chair. The Board may create and fill such other offices as it may determine to be necessary for the conduct of its duties.

(7)

All meetings of the Board of Adjustment shall be held according to Florida Statutes and shall be open to the public. Meetings of the Board shall be held as determined by a resolution of the Board as needed.

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RESOLUTION 2010-12

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**A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, PROVIDING FOR THE
APPOINTMENT OF AN AUDIT COMMITTEE; PROVIDING
FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

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WHEREAS, pursuant to Town Charter Section 7.3, the Town Commission at any time may by resolution appoint advisory boards, comprised of Town residents, to serve without compensation and at the pleasure of the Town Commission; and

WHEREAS, the Charter provides that the duties of such boards are to consult and advise with the Town Commission, the Town Manager, or any Town department and make written recommendations which shall become part of the records of the Town; and

WHEREAS, the Town Commission seeks to appoint an Audit Committee comprised of persons from the community with experience and knowledge relevant to municipal accounting and financial matters, pursuant to Florida Statutes Section 218.391(2); and

WHEREAS, the primary purpose of the Audit Committee is to assist the Town Commission in selecting a qualified auditing firm to conduct the annual external audit of the Town's finances; however, the Town Commission may choose to assign other responsibilities to the Audit Committee from time to time.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA THAT:

SECTION 1. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Commission and incorporated herein.

SECTION 2. The Town Commission hereby officially designates the following persons as members of the Audit Committee pursuant to the Town Charter and state law, and they shall serve at the pleasure of the Town Commission:

1 **Regular Members: John Oughton III Ben Freeny Raymond Wolowicz**

2 **Alternate: W. Patrick Murphy**

3 **SECTION 3.** All Resolutions or parts of Resolutions in conflict herewith, be and the same
4 are repealed to the extent of such conflict.

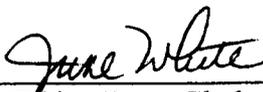
5 **SECTION 4.** This Resolution shall become effective immediately upon its passage and
6 adoption.

7 **PASSED AND ADOPTED** by the Town Commission of the Town of Lauderdale-by-the-
8 Sea, Florida, this 8th day of June, 2010.

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MAYOR ROSEANN MINNET

ATTEST:


June White, Town Clerk

APPROVED AS TO FORM:


Susan L. Trevarthen, Town Attorney

Sec. 7.3. - Advisory boards; how constituted.

The Town Commission may at any time by resolution appoint advisory boards, composed of residents of the Town of Lauderdale-By-The-Sea, qualified to act in an advisory capacity to the Town Commission, the Town Manager, or to any department of the Town. The members of such boards shall serve without compensation at the pleasure of the Commission, and their duties shall be to consult and advise with such municipal officers and make written recommendations which shall become part of the records of the Town.

The Florida Senate

2011 Florida Statutes

<u>TITLE XIV</u> TAXATION AND FINANCE	<u>CHAPTER 218</u> FINANCIAL MATTERS PERTAINING TO POLITICAL SUBDIVISIONS	<u>VIEW ENTIRE CHAPTER</u>
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218.391 Auditor selection procedures.—

(1) Each local governmental entity, district school board, charter school, or charter technical career center, prior to entering into a written contract pursuant to subsection (7), except as provided in subsection (8), shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit required in s. 218.39.

* (2) The governing body of a charter county, municipality, special district, district school board, charter school, or charter technical career center shall establish an audit committee. Each noncharter county shall establish an audit committee that, at a minimum, shall consist of each of the county officers elected pursuant to s. 1(d), Art. VIII of the State Constitution, or a designee, and one member of the board of county commissioners or its designee. The primary purpose of the audit committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in s. 218.39; however, the audit committee may serve other audit oversight purposes as determined by the entity's governing body. The public shall not be excluded from the proceedings under this section.

(3) The audit committee shall:

(a) Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm duly licensed under chapter 473 and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy. Such factors shall include, but are not limited to, ability of personnel, experience, ability to

furnish the required services, and such other factors as may be determined by the committee to be applicable to its particular requirements.

(b) Publicly announce requests for proposals. Public announcements must include, at a minimum, a brief description of the audit and indicate how interested firms can apply for consideration.

(c) Provide interested firms with a request for proposal. The request for proposal shall include information on how proposals are to be evaluated and such other information the committee determines is necessary for the firm to prepare a proposal.

(d) Evaluate proposals provided by qualified firms. If compensation is one of the factors established pursuant to paragraph (a), it shall not be the sole or predominant factor used to evaluate proposals.

(e) Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to paragraph (a). If fewer than three firms respond to the request for proposal, the committee shall recommend such firms as it deems to be the most highly qualified.

(4) The governing body shall inquire of qualified firms as to the basis of compensation, select one of the firms recommended by the audit committee, and negotiate a contract, using one of the following methods:

(a) If compensation is not one of the factors established pursuant to paragraph (3)(a) and not used to evaluate firms pursuant to paragraph (3)(e), the governing body shall negotiate a contract with the firm ranked first. If the governing body is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the governing body shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The governing body, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time.

(b) If compensation is one of the factors established pursuant to paragraph (3)(a) and used in the evaluation of proposals pursuant to paragraph (3)(d), the governing body shall select the highest-ranked qualified firm or must document in its public records the reason for not selecting the highest-ranked qualified firm.

(c) The governing body may select a firm recommended by the audit committee and negotiate a contract with one of the recommended firms using an appropriate alternative negotiation method for which compensation is not the sole or predominant factor used to select the firm.

(d) In negotiations with firms under this section, the governing body may allow a designee to conduct negotiations on its behalf.

(5) The method used by the governing body to select a firm recommended by the audit committee and negotiate a contract with such firm must ensure that the agreed-upon compensation is reasonable to satisfy the requirements of s. 218.39 and the needs of the governing body.

(6) If the governing body is unable to negotiate a satisfactory contract with any of the recommended firms, the committee shall recommend additional firms, and negotiations shall continue in accordance with this section until an agreement is reached.

(7) Every procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. For purposes of this section, an engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

(a) A provision specifying the services to be provided and fees or other compensation for such services.

(b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract.

(c) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(8) Written contracts entered into pursuant to subsection (7) may be renewed. Such renewals may be done without the use of the auditor selection procedures provided in this section. Renewal of a contract shall be in writing.

History.—s. 65, ch. 2001-266; s. 1, ch. 2005-32.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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