

RESOLUTION NO. 23-305

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, PARTIALLY RESCINDING RESOLUTION 23-087; ESTABLISHING AN AUDITOR SELECTION COMMITTEE, IN ACCORDANCE WITH SECTION 218.391, FLORIDA STATUTES; PROVIDING FOR COMMITTEE PURPOSE, MEMBERSHIP, AND DUTIES; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, In Resolution 23-087, the City Commission established an Auditor Selection Committee pursuant to Section 218.391 of Florida Statutes; and

WHEREAS, the primary purpose of the Auditor Selection Committee is to assist the City Commission in selecting an external/independent auditor to conduct the required annual audit; and

WHEREAS, Florida Statutes requires that the Auditor Selection Committee consist of a minimum of three (3) members, which must include one (1) member of the City Commission who will serve as the committee chair; and

WHEREAS, in Resolution 23-087, the City Commission established a five (5) member committee, however, due to difficulties finding available members, City staff recommends that

the Auditor Selection Committee now consist of three (3) members, appointed by the City Commission. All members should have a general understanding of municipal government and/or have a background in financial and/or audit services, and one (1) member should be a City Commissioner, who shall serve as Chair of the Committee; and

WHEREAS, in order to avoid delay, if a Commission appointed member is unable to participate, the Finance Director may replace the member with an equally qualified individual, with the approval of the City Manager and City Attorney; and

WHEREAS, the City's Finance Director will serve as advisor to the Auditor Selection Committee; and

WHEREAS, the Auditor Selection Committee will solicit certified public accounting firms that are qualified to complete the City's required annual audit through a request for proposal process, as required in Section 218.391(3), Florida Statutes; and

WHEREAS, after receipt of the proposals, the Auditor Selection Committee will evaluate and rank the proposals received from qualified certified public accounting firms in order of preference;

and

WHEREAS, the Auditor Selection Committee will present its ranked recommendations to the City Commission for consideration; and

WHEREAS, the City Commission will select a certified public accounting firm and authorize the City Manager to negotiate a contract for auditing services with the selected firm, in accordance with Section 218.39(4)(d), Florida Statutes; and

WHEREAS, the Auditor Selection Committee will be dissolved (sunset) after the City Commission approves a contract with the selected certified public accounting firm; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the Auditor Selection Committee is established pursuant to Section 218.391, Florida Statutes.

Section 2: The City Commission amends Resolution 23-087 and the Auditor Selection Committee will consist of three (3) members:

(a) The Chair will be a member of the City Commission who

will be appointed by the majority of the City Commission.

(b) Two (2) members will possess a general understanding of municipal government and/or have a background in financial and/or audit services.

Section 3: That the City Commission hereby appoints the following persons as members of the Auditor Selection Committee:

Commissioner Kaufman(Chair)

Lisa Knowles

Tina Boan

Section 4: That the City's Finance Director will serve as staff advisor to the Auditor Selection Committee.

Section 5: That the Auditor Selection Committee will have the primary purpose of assisting the City Commission in the selection of a certified public accounting firm to conduct the City's required annual audit, in accordance with the duties specified in Section 218.391, Florida Statutes.

Section 6: if a Commission appointed member is unable to participate, the Finance Director may replace the member with an equally qualified individual, with the written approval of the City Manager and City Attorney.

Section 7: That the Auditor Selection Committee will sunset upon the City Commission's approval of a contract with the selected certified public accounting firm.

Section 8: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 9th day of November, 2023.

Authenticated by the Presiding Officer and Clerk of the Commission on 9th day of November, 2023.

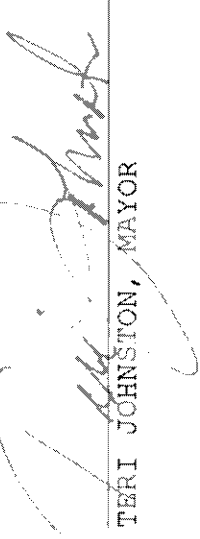
Filed with the Clerk on November 9, 2023.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

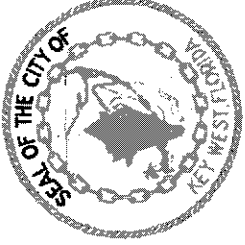
ATTEST:



KERI O'BRIEN, CITY CLERK



TERI JOHNSTON, MAYOR



## MEMORANDUM

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**Date:** November 9, 2023

**To:** Honorable Mayor and Commissioners

**Via:** Albert P. Childress  
City Manager *APC*

**From:** Christina Bervaldi  
Director of Finance

**Subject:** **Changes to the Auditor Selection Committee**

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### Introduction

Staff respectfully requests the City Commission partially rescind Resolution 23-087 in regards to the composition and appointment of the Auditor Selection Committee allowing for a three (3) person committee per Florida State Statute 218.391.

### Background

On April 5, 2023, pursuant to Section 218.391 of Florida Statutes, a five (5) member Auditor Selection Committee, whose primary purpose is to assist the City Commission in selecting an external/independent auditor to conduct the City's required annual audits was established via Resolution 23-087.

The Auditor Selection Committee was initially comprised of the following five members:

- Samuel Kaufman – Chair
- Tina Boan
- Mark Finigan
- Lisa Knowles
- Denise Rohrer

Per Resolution 23-087, members of the committee should have a general understanding of municipal government and/or have a background in financial and/or audit services.

State Statute 218.391 requires the governing body to create an Auditor Selection Committee which must consist of a minimum of three (3) members. One (1) member must be a member of the governing body (City Commission) who will serve as chair.

Unfortunately, two (2) of the members of the committee have determined that they are no longer able to commit the time needed to assist the City by sitting on the Auditor Selection Committee. The previous resolution did not allow for the replacement of members in the event that members are unable to participate.

Staff suggests that the two (2) members of the Committee who are unable to participate, Mark Finigan and Denise Rohrer be removed from the Auditor Selection Committee and the Committee moves forward as a three (3) person committee as required by Florida State Statute.

Staff also suggests that in the event that a member is unable to participate in the Auditor Selection Committee, that the Finance Director, with the approval of the City Manager and City Attorney, may replace the member with an equally qualified individual.

#### **Procurement**

There is no fiscal component to this Resolution.

#### **Recommendation**

The City Manager's Office recommends the City Commission partially rescind Resolution 23-087 in regards to the composition and appointment of the Auditor Selection Committee allowing for a three (3) person committee per Florida State Statute 218.391.

Exhibits:  
Exhibit A – Resolution 23-087