

## **RESOLUTION 2023-07**

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO SEEK AN ATTORNEY GENERAL OPINION REGARDING THE POSITION OF DIRECTOR OF FINANCE/CITY TREASURER; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, in June 2020, the Director of Finance/City Treasurer of the City of Madeira Beach resigned; and

**WHEREAS**, the City of Madeira Beach entered into a Consultant Agreement with Andrew Laflin for him to provide those services set out in the Consultant Agreement which included the services of the prior Director of Finance/City Treasurer; and

**WHEREAS**, in October 2020, Mr. Laflin formed the Florida limited liability company of Aclarian, LLC.; and

**WHEREAS**, in January 2021, the City of Madeira Beach entered into a Consultant Agreement with Aclarian, LLC to perform the services of the Director of Finance/City Treasurer; and

**WHEREAS**, upon a consensus of the Board of Commissioners at their workshop meeting on October 26, 2022, the City Attorney prepared an Ordinance amending Section 5.5 of the Charter to clarify how the Director of Finance/City Treasurer can be appointed and who can perform those services; and

**WHEREAS**, the City Attorney prepared Ordinance 2022-33; and

**WHEREAS**, Ordinance 2022-33 provided for the following charter amendment:

#### **Section 5.5 - City Treasurer.**

There shall be a director of finance who in turn shall also be the City Treasurer. The director of finance shall be appointed by the City Manager subject to Board of Commissioner's approval or the Board of Commissioners may delegate to a contractor or firm to perform the services of the director of finance and City Treasurer. The director of finance shall be accounting department head, responsible for personnel and equipment of finance, accounting, cashiering, licensing, billing and collecting sums due the City and related financial accounting and systems operations. The director of finance shall be personally responsible for maintaining current and accurate accounting records of City activities, in accordance with accepted municipal accounting practices and governing city laws. He shall issue monthly financial reports to the Board of Commissioners. All matters concerning the fiscal and financial conditions of the City shall be his responsibility and he shall assist in preparing the annual financial budget, the monthly financial reports, showing comparison of revenue and expenditures to anticipated revenues and appropriation expenditures. He

shall be responsible for advising the City Manager and the Board of Commissioners as soon as possible concerning significant deviation. The director of finance shall be personally responsible for adequate safeguards for City assets, including cash, inventories, equipment and pertinent records concerning the same, as well as records of all receivables and liabilities of the City. Adequate safeguards shall include the proper internal control procedures and sufficient insurance concerning any theft, casualty and liability exposure. The director of finance shall be the custodian of all monies of the City and responsible for promptly depositing all receipts in designated bank accounts as well as responsible for prompt payment of current bills and obligations against the City, when approved.

The director of finance shall be properly and sufficiently bonded.

**WHEREAS**, Ordinance 2022-33 authorized the following question to be placed on the March 14, 2023 municipal election ballot:

**Ballot Question**  
**City of Madeira Beach**  
**No. 2 Charter Amendment**

**Appointment of Director of Finance and City Treasurer and delegation of duties and responsibilities**

This charter amendment would amend Section 5.5 of the Charter to provide the Board of Commissioners with the option to delegate to a contractor or firm to perform the services of director of finance and City Treasurer.

Should the Charter be amended?

Yes  
No

**WHEREAS**, the Charter amendment to Section 5.5 failed at the March 14, 2023 election; and

**WHEREAS**, the Board of Commissioners wishes to obtain an Attorney General Opinion relating to Section 5.5 of the City Charter.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THAT:**

1. The City Attorney is authorized to seek an Attorney General Opinion on the following questions:

- a. Does Section 5.5 of the Charter of the City of Madeira Beach require that the Director of Finance/City Treasurer be an employee of the City?
  - b. Does the failure of the Charter amendment to Section 5.5 require that the Director of Finance be an employee of the City?
2. This resolution shall become effective immediately upon its adoption.

**INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
**James "Jim" Rostek, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Clara VanBlargan, MMC, MSM, City Clerk**