

**RESOLUTION NO. 2022-003**

**A RESOLUTION OF THE CITY OF WEST BUECHEL, KENTUCKY PROVIDING  
AN AFFIDAVIT IN LIEU OF RECORD(S) AS AUTHORIZED  
BY 22 RS HB 351**

**WHEREAS**, KRS 65.037 (the “Act”) authorizes the submission of an affidavit in lieu of record(s) required to be produced by a local government;

**WHEREAS**, the City of West Buechel desires to present an affidavit in lieu of record(s) required to be produced by the City of West Buechel;

**WHEREAS**, the City of West Buechel desires to present the affidavit to a government entity and finds that it is in substantial compliance with the Act;

**WHEREAS**, the City of West Buechel desires the affidavit to be sufficient to consider the local government as effectively having transmitted that record(s), and a penalty for noncompliance to not be assessed;

**NOW, THEREFORE**, be it resolved on this 14<sup>th</sup> day of November 2022, the City of West Buechel authorizes Debra Batliner, City Clerk/Treasurer of the City of West Buechel, to submit, on behalf of West Buechel, the following affidavit. Said affidavit is hereby adopted by the City of West Buechel Legislative Body.

**AFFIDAVIT**

I, Debra Batliner, holding the position of City Clerk/Treasurer of the City of West Buechel, having been duly sworn, hereby states as follows:

1. KRS 91A.020 mandates local governments maintain certain accounting records. Specifically, the statute requires that:

“(1) Each city shall keep its accounting records and render financial reports in such a way as to:

(a) Determine compliance with statutory provisions; and

(b) Determine fairly and with full disclosure the financial operations of constituent funds and account groups of the city in conformity with generally accepted governmental accounting principles.”

2. Per KRS 91A.040, the Commonwealth of Kentucky, Department of Local Government requires the following information be submitted:

- a. Information which would be used by a certified auditor to examine the basic financial information of the city, including financial statements, which include the government-wide and fund financial statements;
  - b. Any records of local government economic assistance funds granted to the city under KRS 42.450 to 42.495, so the auditor is able to review and certify the funds were used by the city as intended;
  - c. Records of any state or federal funds that may have been received for the auditing period and records illustrating the funds were properly utilized by the city; and
  - d. Any documents necessary for the auditor to review the basic financial transactions of the city, including deposits made and expenses paid during the period audited;
3. At the request of the Commonwealth of Kentucky, Department for Local Government, the City of West Buechel has made a diligent, good-faith effort to locate all necessary documents in order to allow the appropriate government entity to conduct a complete review and/or audit of the City of West Buechel's books and records for fiscal year 2018.
  4. After a complete and thorough search of the records available to staff, we are unable to provide the necessary, requested documentation for the fiscal year 2018. In the event any documentation is located or becomes available, the City of West Buechel will notify the proper government entity.
  5. Pursuant to the Act, a good-faith effort at replacing or recreating the lost record(s) was made, which included bona fide attempts at:
    - Contacting the individual or entity in charge of producing or storing the record for replacement;
    - Reproducing the data that constituted the record and recreating the record;  
and
    - Contacting an individual or entity that possesses a copy or an additional original of the record to acquire a copy for replacement.
  6. Pursuant to the Act, a bona fide attempt(s) at replacing or recreating the record in its entirety was unsuccessful. Therefore, we are submitting this affidavit, adopted by resolution, with the following required documents to the government entity:
    - a. Upon assuming my duties in January 2019, the financial situation, as well as the records and bookkeeping, of the City of West Buechel, Kentucky was in total disarray. For instance, the bookkeeping had not been kept up-to-date and there was no recognizable accounting system to determine the true financial picture of the city. The books for the city illustrated that the City was almost \$3,000,000.00 in the red, and there was no explanation as to how the income and/or expenses

were being tracked. In addition, no records to support the bookkeeping could be found.

- b. In order to figure out the financial position of the city at that time, I reached out to David B. May, CPA. Mr. May works for Stephens and Lawson Certified Public Accountants.
- c. Mr. May had previously worked with the City of West Buechel to assist in performing the city's annual financial audits.
- d. Stephens and Lawson conducted their final audit of the City's financial records in 2009. Mr. May was involved in the engagement team that conducted the audits at that time.
- e. Mr. May agreed to assist me in working through the bookkeeping issues that I encountered and together we have been working continuously to correct the mistakes of past administrations and to ensure the accounting and bookkeeping procedures are current and within the appropriate general accounting procedures and guidelines required of a municipal government.
- f. In addition to the general issues mentioned above, some of the more specific problems that Mr. May and I encountered included the following:
  - g. The city's quickbooks files were unusable and totally not within the appropriate accounting standards. In fact, these files were not current and did not adequately illustrate the city's financial situation.
  - h. The only information able to be used from the city's old quickbooks file was a list of vendors and vendor information.
  - i. The old quickbooks account was out of date and the city had failed to record any deposits into the quickbooks program since approximately July or August 2018. This prevented me from being able to accurately cross-reference or track the deposits. This same issue was present for the expenses.
  - j. The expenses were in a little better shape because when printing a check some basic information had to be inputted into the system so I was able to track expenses a little easier; however, if an expense wasn't listed appropriately in the system, which was often the case, those expenses could not be referenced with required documentation so categorizing expenses was almost impossible.
- k. The last known financial audit of the City prior to me being hired was in 2014, so from 2014 until 2019 when I assumed the Clerk position, those records were non-existent.

- l. Therefore, Mr. May and I had to do our best to recreate those lost years; however, we did so without any financial records to support our efforts. There were no financial or accounting records sufficient to support the required audit for 2018.
- m. The condition of the financial accounting and record-keeping was in complete disarray. There were no financial records properly organized and accessible. The records that we were able to find were scattered and filed in boxes labeled as part of the above-referenced investigations.

At this time, the City of West Buechel is not in the process of recovering the lost, damaged, or destroyed record(s). The City of West Buechel made every effort to recover the lost documents however were unsuccessful.

Debbie Batliner  
 Debbie Batliner, *Affiant*  
 City Clerk/Treasurer  
 City of West Buechel, Kentucky

COMMONWEALTH OF KENTUCKY     )  
 COUNTY OF JEFFERSON            )ss

Sworn to and subscribed before me on this 14<sup>TH</sup> day of December 2022.

[Signature] KYNP32868  
 NOTARY PUBLIC

My commission expires: 7/9/2025

Done this 14th day of December 2022. Motion by Councilwoman Coxe and seconded by Councilwoman Wood, members present voting unanimously in favor.

By: Mayor Brenda Moore  
 Mayor Brenda Moore

ATTEST:

By: Mark Hall

Title: City Attorney