

**ORDINANCE NO. 2010-24-232**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AND ADOPTING THE CITY'S BUDGET FOR THE 2010-2011 FISCAL YEAR; PROVIDING FOR THE EXPENDITURE OF FUNDS; AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS; PROVIDING FOR CARRYOVER OF FUNDS; PROVIDING A SURCHARGE AND FEE INCREASE FOR PERMITS; PROVIDING FOR INTERFUND TRANSFERS; PROVIDING FOR AUTOMATIC AMENDMENT; PROVIDING FOR ISSUANCE OF TAX ANTICIPATION BOND; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, in accordance with Section 4.5 of the City of Miami Gardens (the "City") Charter, the City Council is required to adopt an annual budget for the City, and

WHEREAS, the City Manager has prepared a tentative budget book, a copy of which is attached and made a part hereto, that details proposed city expenditures and organizational arrangements for Fiscal Year 2010-2011, and

WHEREAS, the proposed Fiscal Year 2010-2011 budget for the City of Miami Gardens, included an estimate of revenues and expenditures, and

WHEREAS, the City Manager has provided for various City departments in the budget, and

WHEREAS, the City Council has determined the amount of money which must be raised to conduct the affairs of the City as required by City-operating funds, departments, offices and agencies for Fiscal Year 2010-2011, so that the business of the City may be conducted on a balanced budget, and

WHEREAS, the City Council has also determined the amount necessary to be raised by ad valorem taxes and other taxes or special assessments upon all of the property, real and personal, within the corporate limits of the City of Miami Gardens, and

WHEREAS, public hearings as required by Section 200.065, Florida Statutes, were held by the City on Wednesday, September 8, 2010 at 5:30 p.m., and Wednesday, September 22, 2010, at 6:00 p.m. at City Hall, 1515 N.W. 167<sup>th</sup> Street, Building 5-200, Miami Gardens, FL 33169, and

WHEREAS, said public hearings have been held as stated above and comments from the public concerning said budget have been heard and considered, and

WHEREAS, the amount of funds available from taxation and other non-ad valorem revenues equals the total appropriations for expenditures and reserves, and

WHEREAS, during the course of a budgetary year, the City applies for and/or receives certain grants and reimbursements, and

WHEREAS, the City does not know the dollar amount of the grants or reimbursements that will be awarded at the time that the budget is approved, and

WHEREAS, when grants, reimbursements and donations are awarded and accepted by the City, these funds must be accounted for in the budget, and

WHEREAS, it is more expedient to allow the Resolution accepting the grant or donation to enact the necessary budget transfers and amendments,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:**

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

**SECTION 2. BUDGET ADOPTION:**

A. The following amounts are hereby appropriated for the operation and maintenance of the City's various governmental departments for the Fiscal Year beginning October 1, 2010, and ending September 30, 2011:

<b>FOR GENERAL FUND ACTIVITIES (INCLUDING TRANSFERS IN)</b>	<b>\$71,851,979</b>
<b>FOR TRANSPORTATION FUND ACTIVITIES (INCLUDING TRANSFERS IN)</b>	<b>\$4,595,727</b>
<b>DEVELOPMENT SERVICES FUND (INCLUDING TRANSFERS IN)</b>	<b>\$3,010,980</b>
<b>CAPITAL PROJECTS FUND (INCLUDING TRANSFERS IN)</b>	<b>\$54,525,661</b>
<b>SPECIAL REVENUE FUND (INCLUDING TRANSFERS IN)</b>	<b>\$833,299</b>
<b>STORMWATER FUND (INCLUDING TRANSFERS IN)</b>	<b>\$4,541,810</b>
<b>COMMUNITY DEVELOPMENT BLOCK GRANT (INCLUDING TRANSFERS IN)</b>	<b>\$5,513,164</b>
<b>STATE HOUSING INCENTIVE PARTNERHIP GRANT (INCLUDING TRANSFERS IN)</b>	<b>\$154,728</b>
<b>LAW ENFORCEMENT TRUST FUND</b>	<b>\$94,520</b>
<b>DEBT SERVICE FUND</b>	<b><u>\$7,257,892</u></b>
<b>TOTAL OPERATING APPROPRIATIONS</b>	<b><u><u>\$152,379,760</u></u></b>

B. The following revenues will be available during Fiscal Year 2010-2011 to meet the foregoing appropriations:

**GENERAL FUND**

<b>Fund Balance Forward</b>	<b>\$7,887,107</b>
<b>Property Taxes</b>	<b>\$20,177,903</b>
<b>Franchise Fees</b>	<b>\$5,520,000</b>
<b>Utility Taxes</b>	<b>\$10,667,000</b>
<b>Intergovernmental Rev.</b>	<b>\$9,228,984</b>
<b>Fines &amp; Forfeitures</b>	<b>\$475,000</b>
<b>Public Safety</b>	<b>\$1,503,409</b>
<b>Licenses, Fees &amp; Permits</b>	<b>\$1,871,000</b>
<b>Culture &amp; Recreation</b>	<b>\$3,242,643</b>

Miscellaneous	\$8,760,524
Grants & Loans	\$1,022,441
Interfund Transfers	\$1,495,968
<b>TOTAL GF REVENUES</b>	<b>\$71,851,979</b>

**TRANSPORTATION FUND**

Fund Balance Forward	\$0
Fuel Taxes	\$2,276,966
State Revenue Sharing	\$995,194
Grants	\$1,045,000
Permits	\$70,000
Miscellaneous	\$14,050
Interfund Transfers	\$194,517
<b>TOTAL TF REVENUES</b>	<b>\$4,595,727</b>

**DEVELOPMENT SERVICES FUND**

Fund Balance Forward	\$0
Planning & Zoning Fees	\$235,000
Building Permits	\$2,700,000
Miscellaneous	\$75,980
Interfund Transfers	\$0
<b>TOTAL DSF REVENUES</b>	<b>\$3,010,980</b>

**CAPITAL PROJECT FUND**

Fund Balance Forward	\$0
Loans	\$53,000,000
Miscellaneous	\$250,000
Interfund Transfers	\$1,275,661
<b>TOTAL CPF REVENUES</b>	<b>\$54,525,661</b>

**SPECIAL REVENUE FUND**

Fund Balance Forward	\$334,299
L.E.T.T.F	\$18,000
Impact Fees	\$481,000
Miscellaneous	\$0
<b>TOTAL SRF REVENUES</b>	<b>\$833,299</b>

**STORMWATER FUND**

<b>Fund Balance Forward</b>	<b>\$954,737</b>
<b>Grant</b>	<b>\$87,073</b>
<b>Utility Fees</b>	<b>\$3,395,000</b>
<b>Miscellaneous</b>	<b>\$105,000</b>
<b>TOTAL SWF REVENUES</b>	<b>\$4,541,810</b>

**COMMUNITY DEVELOPMENT BLOCK GRANT FUND**

<b>Fund Balance Forward</b>	<b>\$3,996,488</b>
<b>Grants</b>	<b>\$1,516,676</b>
<b>TOTAL CDBG REVENUES</b>	<b>\$5,513,164</b>

**STATE HOUSING INCENTIVE PARTNERSHIP GRANT**

<b>Fund Balance Forward</b>	<b>\$153,928</b>
<b>Miscellaneous</b>	<b>\$800</b>
<b>Grants</b>	<b>\$0</b>
<b>TOTAL SHIP REVENUES</b>	<b>\$154,728</b>

**LAW ENFORCEMENT TRUST FUND**

<b>Fund Balance Forward</b>	<b>\$94,520</b>
<b>Miscellaneous</b>	<b>\$0</b>
<b>TOTAL LETF REVENUES</b>	<b>\$94,520</b>

**DEBT SERVICE FUND**

<b>Interfund Transfers</b>	<b>\$7,257,892</b>
<b>TOTAL DSF REVENUES</b>	<b>\$7,257,892</b>

<b>TOTAL OPERATING REVENUES</b>	<b>\$152,379,760</b>
---------------------------------	----------------------

SECTION 3. EXPENDITURE OF FUNDS: The City Manager is authorized to expend or contract for expenditures, pursuant to the Charter of the City of Miami Gardens and adopted Code of Ordinances, in accordance with the adopted Fiscal Year 2010-2011

budget and budget detail, which is attached hereto and made a part of this ordinance as if it were set forth here in full.

SECTION 4. AUTHORIZATION TO THE CITY MANAGER: The City Manager is hereby authorized and empowered to make budgetary transfers, limited to line item allocations within a single fund, including apportioning budgets within funds to line items in the Chart of Accounts for the City. Said authority shall include the authority to correct inter-fund transfers and accounting allocations.

SECTION 5. AUTHORIZATION TO THE CITY MANAGER: The City Manager is hereby authorized and empowered to amend the budget on an as-needed basis in order to correct typographical errors or omissions that are purely scribes' errors. The City Manager is further authorized to make the appropriate changes to the budget document in accordance with any amendments made by the City Council at the budget hearing.

SECTION 6. AUTHORIZATION TO THE CITY MANAGER: The City Manager is hereby authorized to appropriate unanticipated revenues as deemed necessary.

SECTION 7. AUTOMATIC AMENDMENT: The Budget shall be automatically amended upon the adoption of a resolution to accept a grant or donation of funds or upon issuance of a bond or other municipal debt instrument.

SECTION 8. CARRYOVER OF FUNDS: Funds from the City's Fiscal Year 2009-2010 Budget not expended during Fiscal Year 2009-2010 shall be appropriated to the appropriate fund's budgeted working capital reserve for Fiscal Year 2010-2011. The budget shall also automatically re-appropriate any encumbrances and outstanding contracts carried forward from fiscal year 2009-10.

SECTION 9. TECHNOLOGY SURCHARGE AND FEE INCREASE: There is hereby imposed a 15% technology surcharge on the cost of all permits and other fees in the Building and Planning & Zoning departments for Fiscal Year 2010-2011. All building fees shall be increased by 5% for FY-11 as set forth in the Revenue Manual.

SECTION 10. INTERFUND TRANSFERS: The City Manager is authorized to effectuate all interfund transfers anticipated by this budget to include line items classified as 'Transfers to,' and 'Transfers from,' regardless of fund.

SECTION 11. TAX ANTICIPATION NOTES: Upon written recommendation by the Finance Director and approval by the City Attorney, the City Manager is authorized to take any actions necessary to enter into an agreement with the City's principal depository for the issuance of tax anticipation notes or other appropriate borrowing instruments for the purpose of ensuring an adequate cash flow until such time as sufficient ad valorem taxes have been remitted by the Tax Collector for Miami-Dade County to pay all obligations of the City. The issuance of such tax anticipation notes or other borrowing is hereby authorized. This arrangement shall not commence prior to October 1st of this year and shall continue no later than January 31st of that same year. The borrowing shall not exceed \$6,000,000 in aggregate amount and the interest rate thereon shall not exceed 4%. If the provisions of this section are used, the City Council shall approve the same by subsequent Resolution, which shall be deemed ministerial in nature.

SECTION 12. INSTRUCTIONS TO THE CITY MANAGER: The City Manager is authorized to take all actions necessary to implement the terms and conditions of this Ordinance.

SECTION 13. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 14. 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 of this Ordinance.

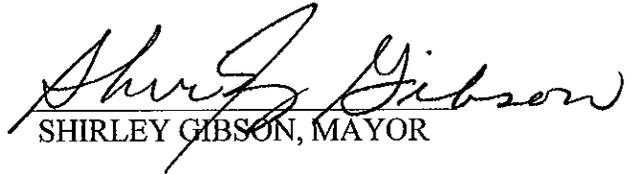
SECTION 15. EFFECTIVE DATE: This ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING IN FULL ON THE 8th DAY OF SEPTEMBER 2010.

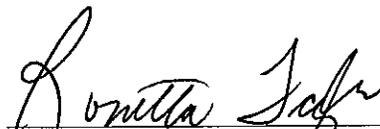
MOVED BY: Vice Mayor Campbell

SECONDED BY: Councilman Williams

ADOPTED AND PASSED ON SECOND READING BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS MEETING HELD ON THE 23<sup>rd</sup> DAY OF SEPTEMBER 2010.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

Prepared by: SONJA K. DICKENS, ESQ.  
City Attorney

SPONSORED BY: Danny O. Crew, City Manager

1<sup>st</sup> READING MOVED BY: Vice Mayor Campbell

1<sup>st</sup> READING SECONDED BY: Councilman Williams

**1<sup>st</sup> VOTE: 6-1**

Mayor Shirley Gibson	<u>  x  </u> (Yes)	<u>    </u> (No)
Vice-Mayor Aaron Campbell	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilwoman Lisa Davis	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilwoman Felicia Robinson	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilman Andre Williams	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilwoman Sharon Pritchett	<u>    </u> (Yes)	<u>  x  </u> (No)
Councilman Oliver Gilbert III	<u>  x  </u> (Yes)	<u>    </u> (No)

2<sup>nd</sup> READING MOVED BY: Councilman Williams

2<sup>nd</sup> READING SECONDED BY: Councilman Gilbert

**2<sup>nd</sup> READING VOTE: 4-3**

Mayor Shirley Gibson	<u>  X  </u> (Yes)	<u>    </u> (No)
Vice-Mayor Aaron Campbell	<u>    </u> (Yes)	<u>  X  </u> (No)
Councilwoman Lisa Davis	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilwoman Felicia Robinson	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilman Andre Williams	<u>    </u> (Yes)	<u>  X  </u> (No)
Councilwoman Sharon Pritchett	<u>    </u> (Yes)	<u>  X  </u> (No)
Councilman Oliver Gilbert III	<u>  X  </u> (Yes)	<u>    </u> (No)