ORDINANCE NO. 1405

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING AND APPROVING THE BUDGET OF THE CITY OF NORTH MIAMI FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; AUTHORIZING THE AMOUNT TO BE RAISED BY TAXATION FOR THE OPERATION OF THE CITY FOR THE 2016-2017 FISCAL YEAR; AUTHORIZING THE EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; AUTHORIZING A "RETURN ON INVESTMENT" TRANSFER FROM THE WATER & SEWER UTILITY FUND TO THE GENERAL FUND; AUTHORIZING THE CITY MANAGER TO IMPLEMENT BUDGET AMENDMENTS (REVENUE AND/OR EXPENDITURE) TO APPROPRIATE OR UN-APPROPRIATE FUNDS AS REQUIRED DURING THE FISCAL YEAR, AND TO AMEND THE PRIOR FISCAL YEAR BUDGET TO FACILITATE THE YEAR-END CLOSING PROCESS; PROVIDING FOR REPEAL, SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the Budget of the City of North Miami, Florida ("City"), for the fiscal year commencing October 1, 2016 and ending September 30, 2017 (attached hereto as "Exhibit 1"), was considered at public hearings held on September 6, 2016, and September 20, 2016, as required by Chapter 200, Florida Statutes; and

WHEREAS, the Mayor and City Council wish to approve and adopt the Budget of the City for the fiscal year beginning October 1, 2016 and ending September 30, 2017, and to authorize that this amount be raised by taxation for the operation of the City for the 2016-2017 Fiscal Year.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. **Budget Approved and Adopted.** The Budget of the City of North Miami for the 2016-2017 Fiscal Year, (attached hereto as "Exhibit 1"), is hereby approved and adopted.

Section 2. **Implement Budget Amendments.** The City Manager of the City of North Miami is hereby authorized to implement Budget amendments (revenue and/or expenditure), to appropriate or un-appropriate funds as required during the fiscal year, and to amend the prior fiscal year budget to facilitate the year-end closing process.

Section 3. **Expenditure of Funds Appropriated in the Authorized Budget.** Funds appropriated to the various departments in the Budget may be expended by the directors of each department by and with the approval of the City Manager in accordance with the provisions of the City Charter and applicable Ordinances. Expenditures of funds (including, but not limited to enterprise funds, internal service funds and expendable trust funds) under circumstances in which additional revenues are generated by user fees or charges to offset the cost of supplying a service to residents or other City departments, shall not be limited by estimated appropriations, but rather by actual revenue, and to that extent, the actual revenue received shall be deemed to be appropriated.

Section 4. **Return on Investment of Water & Sewer Fund Assets.** The Budget includes a transfer from the Water & Sewer Operation & Maintenance Fund to the General Fund representing the return on investment that taxpayers would receive if the utility were sold. The transfer for the 2016-2017 Fiscal Year is calculated at 6.5% of Fixed Assets as of September 30, 2015. This transfer may be made annually, but will not exceed 7.5% of the utility's net Fixed Assets.

Section 5. **Checks.** All checks on City bank accounts shall be signed by any member of the City Council and the Finance Director.

Section 6. **Amount of Taxes.** The approximate amount of Nineteen Million Five Hundred Twenty-Five Thousand Seven Hundred Sixty-Four Dollars and No Cents ($19,525,764.00) shall be the amount of gross taxes to be raised by the operating ad valorem tax levy authorized by Resolution of the Mayor and City Council.

Section 7. **Authority of Manager.** The City Manager is authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

Section 8. **Repeal.** All Ordinances or parts of Ordinances in conflict or inconsistent are repealed.

Section 9. **Severability.** If any word, clause, phrase, sentence, paragraph or Section of this Ordinance is held to be invalid by a court of competent jurisdiction, such declaration of

invalidity shall not affect any other word, clause, phrase, sentence, paragraph or Section of this Ordinance.

Section 10. **Effective Date.** This Ordinance shall become effective immediately upon passage on second reading.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 6th day of September, 2016.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 20th day of September, 2016.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Sponsored by: Bien-Aime

Vote:

Mayor Dr. Smith Joseph, D.O., Pharm. D.	X (Yes)	____ (No)
Vice Mayor Alix Desulme	X (Yes)	____ (No)
Councilman Scott Galvin	X (Yes)	____ (No)
Councilman Carol Keys, Esq.	X (Yes)	____ (No)
Councilman Philippe Bien-Aime	X (Yes)	____ (No)