

ORDINANCE NO. 1045-2012

11-19-2012



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-164, NORTHWEST 36TH STREET; BY REMOVING ANY AND ALL REFERENCES TO THE REQUIRED PARTICIPATION OF THE CITY ARCHITECTURAL REVIEW BOARD IN THE DESIGN REVIEW PROCESS MANDATED BY THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, in the application of Code Section 150-164 requirements to certain recently proposed projects for the District, it was determined that certain ordinance mandated procedures and processes were unnecessary; and,

WHEREAS, while the process of design review for development within the district was intended to be expedited and "developer-friendly", the multi-level review process mandated by the District Boundary Regulations proved to be time consuming and duplicitous; and,

WHEREAS, it was determined by the City Administration and Staff that the review procedures designated for the Architectural Review Board could be adequately and more efficiently handled by the other review processes and parties already mandated within the ordinance; and,

WHEREAS, in addition to the foregoing, the jurisdiction and duties of the Architectural Review Board for design review of proposed projects for the 36th Street District have recently been amended out of the Board's enabling legislation; and,

WHEREAS, in light of the foregoing, the City Council has determined that it is both necessary and proper that any and all references to the Architectural Review Board duties and responsibilities for development review be removed from the subject ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That Code of Ordinance Section 150-164, Northwest 36th Street, is hereby amended as follows;

Section 150-164. Northwest 36th Street District

(A)

(B)

(C)

(D)

(E)

(F)

(G)

(H)

(I) *Development review procedures.* An application for development review shall be submitted to the City for processing. No construction or alterations governed by this ordinance may begin without such approval. There are two types of approval. These are outlined below:

- (1) *Review for projects not requiring City Council Approval.* The City Planner and City Building Official shall review all permit applications not requiring City Council approval such as accessory and minor structures such as fences, sheds, replacement of sign faces, new signage, exterior wall re-painting or re-roofing to ensure the improvements are in compliance with the Architectural Design Standards.
- (2) *Projects requiring formal review by the City Council.* The following formal approval process for the City shall apply to all new construction, remodeling and renovation projects.
 - (a) Optional informational and pre-application meeting with City Staff and Revitalization Specialist as described in (J).
 - (b) Mandatory preliminary review meeting with City Staff and Revitalization Specialist. The requirements of this meeting are described in (K).
 - ~~(c) The Architectural Review Board shall review the proposed plans and designs which have completed the mandatory preliminary review process and issue an opinion as described in Code § 32-100.~~
 - ~~(d)~~(c) Applications for variances, if any, shall be submitted to the City Board of Adjustment for review and consideration in accordance with the procedures set forth in Code § 150-110 through 150-113.
 - ~~(e)~~(d) The City Zoning and Planning Board will have the responsibility to review all site and development plans and to make recommendations for modification, approval or denial to the City Council in accordance with Code § 150-101 and 150-102.
 - ~~(f)~~(e) The decisions and recommendations of the City Board of Adjustment and Zoning and Planning Board will be reviewed for final approval by the City Council in accordance with the procedures set forth in Code § 150-113.

(g)(f) The City Council will authorize the preparation and issuance of a Development Order for each project application which has completed the Development Review Process.

(J)

(K)

(L)

(M)

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____, and
on roll call the following vote ensued:

Vice Mayor Ator	" _____ "
Councilman Best	" _____ "
Councilwoman Bain	" _____ "
Councilman Lob	" _____ "
Mayor Garcia	" _____ "

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 11-19-2012
Second reading: 12-10-2012

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.

11-19-2012

ORDINANCE NO. 1046-2012



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 32-20, ESTABLISHMENT AND MEMBERSHIP; BY REVISING THE MEMBERSHIP OF THE CITY'S MEMORIAL COMMITTEE TO MEET CURRENT PARTICIPATION AVAILABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE

WHEREAS, the Memorial Committee of the City was previously established to provide participation by a diverse cross-section of City leaders; and,

WHEREAS, one of the Board membership positions was reserved for the President of the Minister's Council; and,

WHEREAS, the City has recently been advised that the Minister's Council no longer exists within the community; and,

WHEREAS, the City Council requested that the City Clerk's Office poll the various religious institutions in the City to determine if there was any interest in continuing to serve on the Memorial Committee; and,

WHEREAS, the City Clerk's poll of the City's religious institutions established that four (4) of the institutions wished to maintain a membership presence on the Committee; and,

WHEREAS, the City Council has determined that it is both proper and appropriate and in the best interests of the City to amend the membership structure of the Committee;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That Code of Ordinance Section 32-20, Establishment and
Membership, regarding the City's Memorial Committee is hereby amended as follows:

ARTICLE IV. MEMORIAL COMMITTEE

Sec. 32-20. Establishment and Membership

There is established a Memorial Committee whose membership shall be
composed as follows:

~~(A) President Miami Springs Minister's Council~~

(A) Beginning on January 1, 2013, each of the following shall serve for
consecutive one year terms on an annual rotating basis;

(1) Reverend or official delegate, All Angels Episcopal Church

(2) Pastor or official delegate, Grace Lutheran Church

(3) Pastor or official delegate, Vida Nueva Christian Ministries

(4) Pastor or official delegate, Iglesia Bautista Sion

(B)

(C)

(D)

(E)

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this _____ day of _____, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____,
and on roll call the following vote ensued:

Vice Mayor Ator	" "
Councilman Best	" "
Councilwoman Bain	" "
Councilman Lob	" "
Mayor Garcia	" "

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 11-19-2012
Second reading: 12-10-2012

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.



**CITY OF MIAMI SPRINGS
OFFICE OF THE CITY CLERK**

201 Westward Drive
Miami Springs, FL 33166-5259
Phone: 305.805.5006
Fax: 305.805.5028

Agenda Item No.

City Council Meeting of:

11-19-2012.

TO: Ronald K. Gorland, City Manager *R. Gorland*
VIA: Magali Valls, City Clerk *M. Valls*
FROM: Elora R. Sakal, Board Secretary
DATE: November 9, 2012
SUBJECT: **Board of Parks and Parkways Recommendation**

Based on their actions taken at their meeting of November 8, 2012, the Board of Parks and Parkways members would like to bring the following recommendation to the attention of the City Council:

"Recommendation that Council approve 190 Shadow Way as the Yard of the Month for the month of December.

Recommendation that Council approve 209 Chippewa Street as the Yard of the Month for the month of January."

Attachments: Excerpts of Minutes

EXERPTS - BOARD OF PARKS AND PARKWAYS MEETING OF 11-08-2012

Chair Richey asked for all those in favor of 190 Shadow Way being the December Yard of the Month and by consensus the Board members agreed.

Chair Richey asked for all those in favor of 209 Chippewa Street being the January Yard of the Month and by consensus the Board members agreed.



CITY OF MIAMI SPRINGS
Office of the Mayor and Council
201 Westward Drive
Miami Springs, FL 33166-5259
Phone: 305.805.5006
Fax: 305.805.5028

Agenda Item No.

City Council Meeting of:

11-19-2012

Leo

JM

TO: Honorable Mayor Garcia and Members of the City Council

FROM: Jennifer Ator, Vice Mayor

DATE: November 14, 2012

SUBJECT: **Code of Ethics and Citizens Bill of Rights**

Attached are two documents I received from J.C. Bermudez, Mayor of Doral, when I was at the Ethics Commission Luncheon a couple of months ago. Mayor Bermudez spoke on the Citizens' Bill of Rights that is included in the Doral Charter, and the Amended Ethics Ordinance, which was passed in August 2012. I found both documents interesting and believe that we should strongly consider putting a Bill of Rights on the ballot in April and passing an Ethics Ordinance. Both would need to be drafted by Counsel (Mr. Seiden) and the City Manager (Mr. Gorland).

It is unfortunate that the electorate does not trust the City Council. This type of legislation, which requires transparency and mandates ethical conduct, will go a long way towards earning some of that trust back.

Respectfully submitted

Vice Mayor Jennifer Ator

ORDINANCE #2012-22

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION _____ OF THE CITY CODE OF THE CITY OF DORAL ESTABLISHING AN ENFORCEMENT MECHANISM FOR THE CODE OF ETHICS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 2.07 of the City of Doral Charter requires the City Council to pass ordinance(s) that address a code of ethics; and

WHEREAS, the City of Doral adopted Ordinance 2012-16 which established a Code of Ethics; and

WHEREAS, that Ordinance required that enforcement mechanisms be established by separate Ordinance; and

WHEREAS, the enforcement mechanisms referred to are established in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. Section _____ of the City Code of the City of Doral is hereby created to read as follows:

Section _____. Definitions.

(1) All terms used herein shall have the same meaning as those in Section 2-11.1 of the Miami-Dade County Code of Ordinances except for the following:

- a. A "city vendor" is a person and/or entity who has been selected by the city as the successful contractor on a present or pending solicitation for goods, equipment or services, or has been approved by the city on a present or pending award for goods, equipment or services prior to or upon execution of a contract,

purchase order, standing order, direct payment or purchasing card payment.

- b. The term "immediate family" shall refer to the spouse, domestic partner, parents, stepparents, children and stepchildren, spouses of a child or stepchild of the person involved.
- c. The term "Members of the Council" shall mean the Mayor and Councilmembers of the City of Doral.

Section _____. Ethics Training.

- (1) All Members of the Council shall attend an ethics training course offered by the Miami-Dade County Commission on Ethics and Public Trust at least once annually.
- (2) All lobbyists registered with the City shall attend an ethics training course offered by the Miami-Dade County Commission on Ethics and Public Trust at least once annually.

Section _____. Meeting with Unregistered Lobbyists Prohibited. Penalties

- (1) No Member of the Council, Charter Official or city employee shall meet with any person required to register as a lobbyist pursuant to Section _____ of the Miami-Dade County Code without verifying that the lobbyist has registered with the City Clerk.
- ~~(2) A Member of the Council found to have violated this Section shall be subject to the following penalties:
 - a. \$500.00 for the first violation.
 - b. \$1000.00 for the second violation.
 - c. \$1500.00 for the third and subsequent violations.~~
- ~~(3) A city employee found to have violated this Section shall be subject to disciplinary action consistent with the City policies as interpreted by the City Manager.~~
- ~~(4) A Charter Official found to have violated this Section shall be subject to discipline as determined by the City Council.~~

Section _____. Prohibited Outside Employment.

- (1) No entity may be a city vendor if a Member of the Council is an owner, director, employee, consultant for or has any financial relationship with the entity or a subcontractor of the entity.

- (2) No entity may be a city vendor if a Member of the Council's immediate family is an owner, director, employee, consultant for or has any financial relationship with the entity or a subcontractor of the entity.
- (3) The City shall have the right to immediately terminate, for cause, any contract with any city vendor in the event that a relationship in violation of this Section is discovered after the execution of the contract.

Section _____. Financial Disclosures of Candidates and Elected Officials.

- (1) Upon qualifying for any elected City office, any candidate for such office shall, in addition to all other disclosures required by State or County law, submit Form 6 of the Florida Commission on Ethics to the City Clerk.
- (2) All elected officials in office as of the Effective Date of this Ordinance shall submit Form 6 of the Florida Commission on Ethics to the City Clerk within 30 days of the Effective Date of this Ordinance.
- (3) Elected officials and Charter Officials shall submit Form 6 of the Florida Commission on Ethics to the City Clerk annually by July 1st of each calendar year, provided, however, that this section shall not apply to the City Attorney when the City Attorney is a law firm and not an individual.

Section _____. Prohibited Gifts from Vendors and Lobbyists.

- (1) A Member of the City Council, Charter Official, or City Employee, may not directly or indirectly, accept any gift, greater than twenty five dollars (\$25.00) in value, from any city vendor or registered lobbyist.

Section _____. Disqualification from serving as city vendor/lobbyist.

- (1) Definition. For purposes of this section, the term "disqualified" shall be defined to include:
 - (a) Termination of a city vendor/lobbyist's existing contract with the city, subject to the waiver provisions of subsection (5); and
 - (b) Disqualification of a response to solicitation requests for prospective city vendor/lobbyist contracts with the city, subject to the waiver provisions of subsection (5).
 - (c) For purposes of this section, "city vendor/lobbyist" status shall terminate upon completion of the agreement for the provision of goods, equipment or services.

- (d) For purposes of this section, the term "services" shall mean the rendering by a city vendor/lobbyist through competitive bidding or otherwise, of labor, professional and/or consulting services to the city.
 - (e) The term contribution shall have the meaning ascribed to such term in F.S. ch. 106, as amended and supplemented (copies available in city clerk's office).
- (2) Except as provided herein, any willing violation of this Ordinance by a vendor or lobbyist may lead to disqualification as defined in this Section.
- (3) Waiver of prohibition. Conditions for waiver. The requirements of this section may be waived by a four-fifths vote for a particular transaction by city council vote after public hearing upon finding that:
- (a) The goods, equipment or services to be involved in the proposed transaction are unique and the city cannot avail itself of such goods, equipment or services without entering into a transaction which would violate this section but for waiver of its requirements; or
 - (b) The business entity involved in the proposed transaction is the sole source of supply as determined by the City Manager; or
 - (c) An emergency contract must be made in order to protect the health, safety or welfare of the citizens of the city, as determined by a four-fifths vote of the city council; or
 - (d) A contract for the provision of goods, equipment or services exists which, if terminated by the city, would be adverse to the best economic interests of the city.
- (4) Full disclosure. Any grant of waiver by the city council must be supported with a full disclosure of the subject campaign contribution.
- (5) Applicability. This section shall be applicable only to prospective transactions, and the city council may in no case ratify a transaction entered into in violation of this section.

Section _____. Doral Ethic Commission Created.

- ~~(1) By separate Ordinance, the City Council shall create mechanisms to enforce this Ordinance including, but not limited to, a Doral Ethics Oversight Board.~~

Section . Enforcement and Penalties.

- (1) The Miami-Dade Ethics Commission shall investigate alleged violations of this Section. The City Manager and the City Attorney shall negotiate with the Ethics Commission as to terms of enforcement and compensation. In addition to any penalties imposed by the Ethics Commission, violators of this Ordinance shall be subject to additional penalties as provided herein.
- (2) A Member of the Council found to have violated any section of this Ordinance shall be subject to the following penalties:
- a. \$500.00 for the first violation.
 - b. \$1000.00 for the second violation.
 - c. \$1500.00 for the third and subsequent violations.
- Any fine due by a Member of the Council shall be deducted from his or her stipend by the Finance Director at the direction of the City Manager. Such funds shall be refunded to the City's General Revenue Fund.
- (3) A city employee found to have violated this Section shall be subject to disciplinary action consistent with the City policies as interpreted by the City Manager.
- (4) A Charter Official found to have violated this Section shall be subject to discipline as determined by the City Council.
- (5) All alleged violations of this Section shall be reported to the City Clerk or the City Attorney who shall then be responsible for transmission of such allegations to the Miami-Dade Ethics Commission. In the event that the allegation is made directly to the Miami-Dade Ethics Commission, the Commission shall investigate the matter pursuant to its agreement with the City but shall inform the City Attorney of such allegations.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in their entirety.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any

reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective after adopted on second reading.

INTENTIONALLY LEFT BLANK

The foregoing Ordinance was offered by Councilman Cabrera who moved its adoption. The motion was seconded by Councilman Boria and upon being put to a vote, the vote was as follows

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 22 day of August, 2012.

PASSED AND ADOPTED on SECOND READING this 19 day of September, 2012.



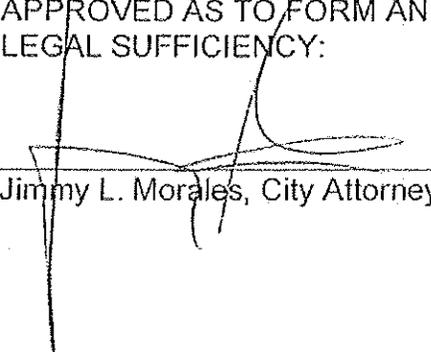
Juan Carlos Bermudez, Mayor

ATTEST:



Barbara Herrera, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Jimmy L. Morales, City Attorney

CITY OF DORAL

MUNICIPAL CHARTER

Notes from 2003 Charter Commission. The following are notes which are included in the Charter as directed by the 2003 Charter Commission.

1. For historical purposes, the Commission wishes to note the following. The members of the original Charter Commission were as follows:

Jerome Reisman, Chair

Ernesto Anton, Vice Chair

Alicia Casanova, Member

Morgan Levy, Member

Santiago Sellan, Member

The attorneys were Richard Jay Weiss and Gilberto Pastoriza, assisted by Michael Marrero and Tony Recio, of the law firm of Weiss Serota Helfman Pastoriza and Guedes, P.A.

PREAMBLE

We, the people of the City of Doral, in order to secure for ourselves the benefits and responsibilities of home rule, and in order to provide a municipal government to serve our present and future needs, and recognizing that the City exists for the purpose of providing for the health, education, safety and welfare of its citizenry, do hereby adopt this Charter. The City Council and all of its boards, committees, commissions and employees shall at all times conduct themselves in accordance with common courtesy and consistent with the Code of Ethics of the state of Florida and Miami-Dade County.

CITIZENS' BILL OF RIGHTS

(A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administration management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

(1) *Convenient Access.* Every person has the right to transact City business with a minimum of personal inconvenience. It shall be the duty of the Mayor, the City Council and the City Manager to provide, within budgetary limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the City.

(2) *Truth in Government.* No municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.

(3) *Public Records.* Records of the City, its boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public, to the extent required by law.

(4) *Minutes and Ordinance Register.* The City Clerk shall maintain and make available for public inspection a register separate from the minutes showing the votes of each Councilmember on all ordinances and resolutions listed by descriptive title. The register shall be available for public inspection not later than 60 days after the conclusion of the meeting at which action was taken.

(5) *Right to be Heard.* So far as the orderly conduct of public business permits, any interested person has the right to appear before the City Council or City agency, board or department for the presentation, adjustment or determination of an issue, request, or controversy within the jurisdiction of the City. Matters shall be scheduled for the convenience of the public. The City Council shall adopt agenda procedures and schedule hearings in a manner that will enhance the opportunity for public participation. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits and procedures for the presentation of a matter.

(6) *Right to Notice.* Persons entitled to notice of a City hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.

(7) *No Unreasonable Postponements.* No matter, once having been placed on a formal agenda by the City, shall be postponed to another date except for good cause shown.

(8) *Right to Public Hearing.* Upon a timely written request from any interested party, and after presentation of the facts to and approval by the Council, a public hearing shall be held upon any significant policy decision which is not subject to subsequent administrative or legislative review and hearing.

At any zoning or other hearing in which review is exclusively by certiorari, a party or his/her counsel shall be entitled to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. The

decision of such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

(9) *Notice of Action and Reasons.* Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any City administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.

(10) *Managers' Report.* The City Manager shall periodically make a public status report on all major matters pending or concluded within his/her area of concern.

(11) *Budgeting.* In addition to any budget required by state law, the City Manager, at the direction of the Mayor, shall prepare a budget showing the cost of each department for each budget year. Prior to the City Council's first public hearing on the proposed budget required by state law, the City Manager shall issue a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purposes therefore, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department.

(12) *Quarterly Budget Comparisons.* The City Manager shall issue a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for the portion of the fiscal year that has elapsed.

(B) The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the City. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the City. The orderly, efficient and fair operation of government requires the participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C) All provisions of this Bill of Rights shall be construed to be supplementary to and not in conflict with the general laws of Florida.

ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWERS

Section 1.01. Corporate existence.

A municipal corporation known as the City of Doral (the "City") is hereby created pursuant to

the Constitution of the State of Florida (the "State") and the Home Rule Charter of Miami-Dade County (the "County"). The corporate existence of the City shall commence upon the adoption of this Charter.

Section 1.02. Form of Government

The City shall have a "Mayor-Council-Manager" form of government.

Section 1.03. Corporate Boundaries.

The corporate boundaries of the City are legally described as follows (the "Legal Description"):

A PORTION OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the Northeast corner of Section 8, Township 53 South, Range 40 East in Miami-Dade County, Florida, said corner also being the intersection of the Center line of NW 90 Street with the Center line of NW 97 Avenue; thence Westerly following the Center Line of NW 90 Street along the North line of said Section 8, said line being also the South boundary line of the Town of Medley, to the West boundary line of said Town of Medley and the Northwest corner of said Section 8; thence continue Westerly following the Center line of NW 90 Street, along the North line of Section 7, Township 53 South, Range 40 East, to the Northwest corner of said Section 7; thence continue Westerly following the Center Line of the NW 90 Street, along the North line of Section 12 in Township 53 South, Range 39 East, to the Easterly Limited Access Right-of-Way line of State Road No. 821 (Homestead Extension of Florida Turnpike) as shown on the Florida State Department of Transportation Right-of-Way Map Section 87005-2310 dated May 20, 1970; thence Southerly, along said Easterly Limited Access Right-of-Way line of State Road No. 821 through Sections 12, 13, 24, and 25 in Township 53 South, Range 39 East, to the point of intersection with the Center Line of NW 25 Street, said line also being the South line of said Section 25; thence Easterly following the Center Line of NW 25 Street along the South line of said Section 25 to the Southwest corner of Section 30, Township 53 South, Range 40 East; thence continue Easterly along the South line of said Section 30, said line also being the Northerly Right-of-Way line of the NW 25 Street Canal, to the point of intersection with the Center Line of NW 107 Avenue, said point also being the Southeast corner of said Section 30; thence Southerly following the Center Line of NW 107 Avenue along the West line of Section 32, Township 53 South, Range 40 East, to the Southwest corner of said Section 32; thence continue Southerly along the West line of Government Excess Lot 5 between Township 53 and 54 South, Range 40 East, to the Northerly Limited Access Right-of-Way line of State Road No. 836 (Dolphin Expressway Extension) as shown on the Florida State Department of Transportation Right-of-Way Map Section 87200-2521 dated May 17, 1971; thence Easterly, along said Northerly Limited Access Right-of-Way line of State Road No. 836 through said Government Excess Lot 5 and Government Excess Lot 4, and through Sections 33 and 34 in Township 53 South, Range 40 East, and through Government Excess Lot 3, to the Easterly Limited Access Right-of-Way line of State Road No. 826 (Palmetto Expressway) as shown on the Florida State Department of Transportation Right-of-Way Map Section 8726-101 recorded in Road Plat Book 72 at Page 61 of the Public Records of Miami-Dade County, Florida; thence Northerly, along the Westerly Limited Access Right-of-Way line of State Road No. 826 (Palmetto Expressway) through Sections 34, 27, and 22 in Township 53 South, Range 40 East,

to the Center Line of NW 58 Street; thence Westerly following the Center Line of NW 58 Street, along the North line of said Section 22 and the North line of Section 21, Township 53 South, Range 40 East, to the Northwest corner of said Section 21, said corner also being the intersection of the Center line of NW 58 Street with the Center Line of NW 97 Avenue; thence Northerly following the Center Line of NW 97 Avenue, along the East line of Section 17, Township 53 South, Range 40 East, and along the East line of said Section 8, to the Northeast corner of said Section 8, said corner also being the intersection of the Center line of NW 90 Street with the Center line of NW 97 Avenue, and the **POINT OF BEGINNING**.

The corporate boundaries are generally described as follows (the "General Description") and shown on the following map (the "Map"). In case of a conflict between the Legal Description, the Map and the General Description, the Legal Description shall govern.

Northern Boundary: NW 90th Street between 97th Avenue and the Florida Turnpike and NW 58th Street between State Road 826 and NW 97th Avenue.

Eastern Boundary: NW 97th Avenue between NW 58th Street and NW 90th Street and State Road 826 between State Road 836 and NW 58th Street.

Southern Boundary: State Road 836 between State Road 826 and NW 107th Avenue and NW 25th Street between 107th Avenue and the Florida Turnpike.

Western Boundary: NW 107th Avenue between State Road 836 and NW 25th Street and the Florida Turnpike between NW 25th Street and NW 90th Street.

Section 2.01. City Council

There shall be a City Council (the "Council") vested with all legislative powers of the City, consisting of four members ("Councilmembers") and the Mayor. Collectively, Councilmembers and the Mayor are "Members of the Council". Councilmembers shall occupy seats numbered 1 through 4 (individually each is a "Seat").

Section 2.02. Mayor and Vice Mayor.

(a) *Mayor.* The Mayor shall preside at meetings of the Council and be a voting member of the Council. In addition, the Mayor shall have the following specific responsibilities:

- i) Recommend the appointment of a City Manager to the Council in accordance with Section 3.02 of this Charter.
- ii) Recommend the appointment of a City Attorney to the Council in accordance with Section 3.07 of this Charter.
- iii) Present "State of the City" and budgetary addresses annually.
- iv) May create and appoint subject to Council approval, committees of the Council which may include non-Councilmembers. The members of each committee shall select a chair.
- v) Be recognized as head of the City government for all ceremonial purposes, for purposes of military law, and for service of process.
- vi) Be the official designated to represent the City in all dealings with other governmental entities.
- vii) Execute contracts, deeds and other documents on behalf of the City as authorized by the Council.

(b) *Vice-Mayor.* During the absence or incapacity of the Mayor, the Vice-Mayor shall have all the powers, authority, duties and responsibilities of the Mayor. At the first Council meeting after each regular City election, or in any calendar year in which there is no regular City election, at the first Council meeting in the month of November, the Council shall elect a Councilmember as Vice-Mayor.

Section 2.03. Election and term of office.

(a) *Election and term of office.* Each Councilmember and the Mayor shall be elected at-large for four-year terms in the manner provided in Article V of this Charter.

(b) *Limitations on lengths of service.* For the purposes of determining length of service, a "Term" shall be defined as more than two years of service as a Councilmember. No person shall serve as Mayor for more than two consecutive elected terms. No person may serve as a Councilmember for more than two consecutive Terms.

Section 2.04. Qualifications.

Candidates for Councilmember or Mayor shall qualify for election by filing a written notice of candidacy with the City Clerk at such time and in such manner as may be prescribed by

ordinance (the "Qualifying Date") and payment of a qualifying fee of \$200 to the City Clerk. A person may not be a candidate for Councilmember and Mayor in the same election. Only electors of the City who have resided continuously in the City for at least two years preceding their Qualifying Date shall be eligible to hold the office of Councilmember or Mayor. If at the conclusion of the qualifying period no elector has filed or qualified for the position of Mayor or a particular Seat, then the qualifying period for Mayor or for that particular Seat shall be reopened for a period of five business days for qualification in the manner provided in this Section.

Section 2.05. Vacancies; forfeiture of office; filling of vacancies.

(a) *Vacancies.* The office of a Member of the Council shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law, or by forfeiture of his/her office.

(b) *Forfeiture of office.*

(i) *Forfeiture by disqualification.* A Member of the Council shall forfeit his/her office if at any time during his/her term s/he ceases to maintain his/her permanent residence in the City or otherwise ceases to be a qualified elector of the City.

(ii) *Forfeiture by absence.* A Member of the Council shall be subject to forfeiture of his/her office, in the discretion of the remaining Members of the Council, if s/he is absent without good cause from any six regular meetings of the Council during any calendar year, or if s/he is absent without good cause from any four, or three as to the Mayor, consecutive regular meetings of the Council, whether or not during the same calendar year.

(iii) *Procedures.* The Council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Council office, including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the Member of the Council in question; provided, however, that any Member of the Council may at any time during any duly held meeting move to establish good cause for the absence of himself or any other Member of the Council, from any past, present or future meeting(s), which motion, if carried, shall be conclusive. A Member of the Council whose qualifications are in question or who is otherwise subject to forfeiture of his/her office shall not vote on any such matters. The Member of the Council in question shall be entitled to a public hearing on their request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Any final determination by the Council that a Member of the Council has forfeited his/her office shall be made by resolution. All votes and other acts of the Member of the Council in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

(c) *Filling of vacancies.* A vacancy on the Council shall be filled as follows:

(i) If the vacancy occurs in a Seat and six months or less remain in the unexpired term, the vacancy shall be filled by vote of the Council. If the vacancy occurs in the office of

Mayor, the vacancy in the Mayor's position and the temporary vacancy on the Council during service by the Vice Mayor as Interim Mayor, shall be filled as provided by subparagraph (iii) below.

(ii) If more than six months remain in the unexpired term of a Councilmember and the vacancy is not the Vice-Mayor's position when the Vice-Mayor is serving as Interim Mayor, the vacancy shall be filled by a special election to be held not sooner than 45 days or more than 90 days following the occurrence of the vacancy, unless there is a City, County, State or a national election scheduled to take place within 150 days, in which case the vacancy shall be filled by special election on the first such election date.

(iii) If the Mayor's position becomes vacant, the Vice-Mayor shall serve as Interim Mayor, with all powers of Mayor, until the next regularly scheduled federal, state, county, or City of Doral election. When the Vice Mayor becomes Interim Mayor, the Council, by majority vote shall appoint an interim Councilmember to fill the Vice Mayor's vacant seat only until the required election of the Mayor. The Council shall then select a new Vice-Mayor within thirty days of the Vice-Mayor becoming Interim Mayor. The Councilmember serving as Interim Mayor shall serve as Mayor until the newly elected Mayor is sworn into office. Should the Interim Mayor seek election as Mayor, he or she shall declare for such and resign his or her Council seat as required for candidacy eligibility requirements of Florida law. Should the Interim Mayor not seek election as Mayor, the Interim Mayor shall return to the position of Councilmember previously held to serve the remainder of his or her unexpired term if any.

(iv) Persons filling vacancies shall meet the qualifications specified in this Article II.

(v) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the Council shall appoint a person qualified under this Article to fill the vacancy.

(vi) Notwithstanding any quorum requirements established in this Charter, if at any time the full membership of the Council is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the extent otherwise permitted or required under this subsection (c).

(vii) In the event that all Members of the Council are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor shall appoint an interim Council who shall call a special election within not less than 30 days or more than 60 days after such appointment. Such election shall be held in the same manner as the initial elections under this Charter; provided, however, that if there are less than six months remaining in any unexpired terms, those particular interim Members of the Council appointed by the Governor shall serve out the unexpired terms. Appointees shall meet the requirements for candidates specified in this Article.

Section 2.06. Compensation; reimbursement for expenses.

Councilmembers shall receive compensation in the amount of \$12,000 per fiscal year. The Mayor shall receive compensation in the amount of \$50,000 per fiscal year. The above

notwithstanding, the compensation for Councilmembers and the Mayor shall be adjusted each calendar year consistent with the Urban Consumer Price Index. The Council shall also receive reimbursement in accordance with applicable law, or as may be otherwise provided by ordinance, for authorized expenses incurred in the performance of their official duties.

Section 2.07. Code of Ethics/Rules of Procedure.

The Council shall pass ordinance(s) which address code of ethics and rules of procedures for the City Council and all of the City Boards. These ordinances may be amended from time to time as the Council deems in the best interest of the City.

Section 2.08. Naming of City Property/Facilities.

The City Council shall develop a procedure and criteria to be used in determining whether City property/facilities should be named after an individual and/or organization.

ARTICLE III. ADMINISTRATIVE

Section 3.01. City Manager.

There shall be a City Manager (the "Manager") who shall be the chief administrative officer of the City. The Manager shall be responsible to the Council for the administration of all City affairs.

Section 3.02. Appointment; removal; compensation of the Manager.

The Manager shall be nominated by the Mayor subject to confirmation by a majority of the Council. Once a selection for Manager has been submitted to the Council and rejected, that name may not be resubmitted to the Council by the Mayor without approval by a majority of the Council. The Manager may be removed at any time by a majority of the Council either upon the recommendation of the Mayor or upon the Council's own motion. The term, conditions of employment, and compensation of the Manager shall be established by the Council.

Section 3.03. Powers and duties of the Manager.

The Manager shall:

- (1) Be responsible for the hiring, supervision and removal of all City employees;
- (2) Direct and supervise the administration of all departments and offices but not City boards or agencies, unless so directed by the Council from time to time;
- (3) Attend all Council meetings and have the right to take part in discussion but not the right to vote;
- (4) Ensure that all laws, provisions of this Charter and acts of the Council, subject to enforcement and/or administration by him/her or by officers subject to his/her direction and supervision, are faithfully executed;

- (5) Prepare and submit to the Council a proposed annual budget and capital program;
- (6) Submit to the Council and make available to the public an annual report on the finances and administrative activities of the City as of the end of each fiscal year;
- (7) Prepare such other reports as the Council may require concerning the operations of City departments, offices, boards and agencies;
- (8) Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as s/he deems to be in the best interests of the City;
- (9) Execute contracts, deeds and other documents on behalf of the City as authorized by the Council;
- (10) Pursue the collection of all allowable fees and taxes and maximize financial revenues as necessary to sustain the City and the service levels set by the Council; and
- (11) Perform such other duties as are specified in this Charter or as may be required by the Council.

Section 3.04. Absence or disability of Manager.

To perform his/her duties during his/her temporary absence or disability, the Manager may designate by letter filed with the City Clerk, a qualified administrative officer of the City. In the event of the failure of the Manager to make such designation, or should the person so designated by the Manager be unsatisfactory to the Council, the Council may by resolution appoint an officer of the City to perform the duties of the Manager until s/he shall return or his/her disability shall cease.

Section 3.05. Bond of the Manager.

The Council may provide by ordinance for the Manager to furnish a fidelity bond to be approved by the Council, and in such amount as the Council may fix. The premium of the bond shall be paid by the City.

Section 3.06. City Clerk.

(a) *Duties.* The Council shall appoint a City Clerk (the "Clerk"). The Clerk shall give notice of Council meetings to its members and the public, shall keep minutes of its proceedings and shall perform such other duties as the Council may prescribe from time to time. The Clerk shall report to the Council.

(b) *Appointment; removal; compensation.* The Council shall appoint the Clerk for an indefinite term. The Clerk may be removed at any time by a majority of the Council either upon the recommendation of the Mayor or upon the Council's own motion. The compensation and benefits of the Clerk shall be fixed by the Council.

Section 3.07. City Attorney.

The Mayor shall nominate, subject to approval by a majority of the Council, an individual

attorney or law firm to act as the City Attorney under such terms, conditions, and compensation as may be established by the Council. The City Attorney shall report to the Council. The City Attorney may be removed by the Council at any time.

Section 3.08. Expenditure of City funds.

No funds of the City shall be expended except pursuant to duly approved appropriations.

Section 3.09. Competitive bid requirement/Purchasing.

Contracts for public improvements and purchases of supplies, materials or services shall be awarded or made on the basis of clearly drawn specifications and competitive bids or proposals, except as provided by law or in cases where the Council specifically determines that it is impracticable to do so.

Section 3.10. City boards and agencies.

Except as otherwise provided by law, the Council shall establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the Council. Members of boards and agencies shall be appointed by the Mayor subject to the approval of the Council. The Council by affirmative vote of a majority of its members may remove members of boards and agencies.

ARTICLE IV. LEGISLATIVE

Section 4.01. Council meeting procedure.

(a) *Meetings.* The Council shall hold at least 11 regular monthly meetings in each calendar year, at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or Manager or upon the call of three Councilmembers and upon no less than 48 hours' notice to each member and the public, or such shorter time as a majority of the Council shall deem necessary in case of an emergency affecting life, health, property or the public peace.

(b) *Rules and minutes.* The Council shall determine its own rules of procedure and order of business and shall keep minutes open for public inspection.

(c) *Quorum and voting.* Any three Members of the Council shall constitute a quorum but a smaller number may adjourn from time to time and may compel the attendance of absent members in a manner and subject to the penalties prescribed by the rules of the Council. Voting on ordinances shall be by roll call on final reading. Except as otherwise specially provided in this Charter, no action of the Council shall be valid or binding unless adopted by the affirmative votes of at least three Members of the Council. In the event that three or more Members of the Council are ineligible to vote on a particular matter due to required abstention pursuant to

Florida law, then the remaining Members of the Council may vote and approve such matter by unanimous vote.

(d) *Meeting time limits.* No meeting of the Council shall extend later than 11:00 p.m. except upon the affirmative vote of four Members of the Council present at the meeting.

Section 4.02. Prohibitions Authority.

(a) The City Manager may terminate Department Directors except if the Council, by 4/5 majority vote, disapproves said termination.

(b) *Appointments and removals.* Other than as expressly provided for in Section 4.02(a) of this Charter, neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his/her subordinates is empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with administration*

(i) Except for the purpose of inquiries and investigations made in good faith, the Council or its members shall deal with officers and employees of the City who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in City government operations by individual Members of the Council be made solely to and through the Manager. Members of the Council may discuss with the Manager any matter of City business; however, no individual Member of the Council shall give orders to the Manager.

(ii) A criminal conviction for willful violation of this Section shall be grounds for removal from office of any Member of the Council.

(d) *Holding other office.* No elected City official shall hold any appointive City office or employment while in office. No former elected City official shall hold any compensated appointive City office or employment until one year after the expiration of his/her term.

Section 4.03. Action requiring an ordinance.

In addition to other acts required by law or by specific provision of this Charter to be effected or authorized by ordinance, those acts of the Council shall be by ordinance which:

- (1) Adopt or amend an administrative regulation or establish, alter or abolish any City office, department, board or agency;
- (2) Establish a rule or regulation the violation of which carries a penalty;

- (3) Levy taxes or appropriate funds;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charges for municipal services or grant administrative authority to set such charges;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands owned by the City; or
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in this Charter.

Section 4.04. Emergency ordinances.

- (a) *Authorization; form.* To address a public emergency affecting life, health, property or the public peace, the Council may adopt, in the manner provided in this Section, one or more emergency ordinances, but such ordinances may not: enact or amend a land use plan or rezone private property; levy taxes; grant, renew or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter if applicable. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (b) *Procedure.* Upon the affirmative vote of four Members of the Council, an emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After its adoption, the ordinance shall be advertised and printed as prescribed for other ordinances.
- (c) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
- (d) *Repeal.* Every emergency ordinance except emergency appropriation ordinances shall automatically be repealed as of the 61st day following its effective date, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this Section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.
- (e) *Emergency appropriations.* The Council may make emergency appropriations in the manner provided in this Section. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may, by affirmative vote of four Members of the Council, enact an emergency ordinance authorizing the issuance of emergency notes, which may be renewed from time to time, but the emergency notes, including renewals thereof, shall be payable not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation ordinance was originally adopted.

Section 4.05. Annual budget adoption.

- (a) *Balanced budget.* Each annual budget adopted by the Council shall be a balanced budget.
- (b) *Specific appropriation.* The budget shall be specific as to the nature of each category of appropriations. Reasonable appropriations may be made for contingencies, but only within defined spending categories.

Section 4.06. Appropriation amendments during the fiscal year.

- (a) *Supplemental appropriations.* If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the Council may by ordinance make supplemental appropriations for the fiscal year up to the amount of such excess.
- (b) *Reduction of appropriations.* If, at any time during the fiscal year, it appears probable to the Manager that the revenues available will be insufficient to meet the amounts appropriated, s/he shall report to the Council without delay, indicating the estimated amount of the deficit, and his/her recommendations as to the remedial action to be taken. The Council shall then take such action as it deems appropriate to prevent any deficit spending not covered by adequate reserves.

Section 4.07. Authentication, recording and disposition of ordinances; resolutions and Charter amendments.

- (a) *Authentication.* The Mayor or the Clerk shall authenticate by his/her signature all ordinances and resolutions adopted by the Council. In addition, when Charter amendments have been approved by the electors, the Mayor and the Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.
- (b) *Recording.* The Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions enacted or passed by the Council. Ordinances shall, at the direction of the Council, be periodically codified. The Clerk shall also maintain the Charter in current form as to all amendments.
- (c) *Availability of Enactments.* The Council shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available for public inspection and available for purchase at a reasonable price.

Section 4.08. Tax levy and assessments.

The City shall have the right to levy, assess and collect all such taxes and assessments as are permitted by law, including without limitation ad valorem, excise, franchise or privilege taxes and taxes on services and utilities.

Section 4.09. Independent audit.

The Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers and shall be rotated at least every five years to a new certified public accountant or firm of such accountants. Residency in the City per se shall not constitute a direct or indirect interest.

ARTICLE V. ELECTIONS.

Section 5.01. Elections.

- (a) *Electors.* Any person who is a resident of the City, has qualified as an elector of the State and registers to vote in the manner prescribed by law shall be an elector of the City.
- (b) *Nonpartisan elections.* All elections for the offices of Councilmember and Mayor shall be conducted on a nonpartisan basis.
- (c) *Election dates.* An election shall be held in November of each even-numbered year, on the same day U.S. congressional elections are held, or if none are held in any year, on the first Tuesday following the first Monday of November of that year. A run-off election, if necessary, shall be held on the fourth Tuesday in November. The Council shall hold no meetings between the general election and the swearing in of newly elected or re-elected Members of the Council, except in case of an emergency affecting life, health, property, or the public peace.
- (d) *General election.* The ballot for the general election shall contain the names of all qualified candidates for Mayor if the Mayor's term is expiring and for each of the two Council Seats which are to be filled as a result of two Councilmembers' terms expiring, and shall instruct electors to cast one vote for Mayor, if applicable, and one vote for each Seat. If any candidate for Mayor receives a number of votes greater than 50% of the total number of ballots cast, such candidate shall be the duly elected Mayor, and no run-off election for Mayor shall be required. If any candidate(s) for a Seat receive(s) a number of votes greater than 50% of the total number of ballots cast for that Seat, such candidate(s) shall be duly elected to the Council and no run-off election for that Seat(s) shall be required.
- (e) *Run-off election.* As applicable, the ballot for the run-off election shall contain the names of the two candidates for Mayor and the names of the two candidates for each Seat who received the most votes in the general election. The ballot shall instruct electors to cast one vote for Mayor and to cast one vote for each Seat. The candidate for Mayor receiving the most votes shall be the duly elected Mayor. The candidate for each Seat receiving the most votes shall be duly elected to that Seat. If a tie vote occurs in the run-off elections between candidates for the office of Mayor or any Seat, the tie shall be decided by lot under the direction of the Clerk.
- (f) *Special elections.* Special elections, when required, shall be scheduled by the Council at such times and in such manner as shall be consistent with this Charter.

(g) *Single candidates.* No election for Mayor or any Seat shall be required in any election if there is only one duly qualified candidate for Mayor or for that Seat. The duly qualified candidate shall be deemed elected.

(h) *Absentee votes.* Absentee voting will be permitted as provided by the laws of the State and under such conditions as may be prescribed by ordinance from time to time; provided, however, that no ordinance shall limit the right to vote by absentee ballot available under State law.

(i) *Commencement of terms.* The term of office of any elected official will commence on the day following the general election, or if a run-off election is necessary for the office of Mayor or for any Seat open at that time, on the day following the run-off election.

Section 5.02. Initiative and referendum.

(a) *Power to initiate and reconsider ordinances.*

(i) *Initiative.* The electors of the City shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of officers or employees of the City.

(ii) *Referendum.* The electors of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of officers or employees of the City.

(b) *Commencement of proceedings.* A minimum of 25 electors may commence initiative or referendum proceedings by filing with the Clerk or other official designated by the Council an affidavit stating they will constitute the petitioners' committee (the "Petitioners' Committee") and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. The affidavit of the Petitioners' Committee shall be accompanied by a filing fee in an amount equal to the fee charged by the Circuit Court of Miami-Dade County for the filing of a complaint as of the date the initiative or referendum proceedings are commenced. Promptly after the affidavit of the Petitioners' Committee is filed, the Clerk may, at the Petitioners' Committee's request and expense, issue the appropriate petition blanks to the Petitioners' Committee. Petitioners' proposed ordinance shall be approved as to legal sufficiency by the City Attorney prior to circulation.

(c) *Petitions.*

(i) *Number of signatures.* Initiative and referendum petitions must be signed by at least

10% of the total number of electors registered to vote at the last regular City election.

(ii) *Form and content.* All papers of a petition shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(iii) *Affidavit of circulator.* At the time of filing, each paper of a petition shall include as an attachment an affidavit executed by the circulator thereof stating that s/he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that s/he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(iv) *Filing deadline.* All initiative and referendum petitions must be filed within 60 days of the date on which proceedings with respect to such initiative or referendum are commenced.

(d) *Procedure for filing*

(i) *Certificate of Clerk; amendment.* Within 20 days after an initiative petition is filed or within five business days after a referendum petition is filed, the Clerk shall complete a certificate as to its sufficiency (the "Certificate"). If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be promptly sent to the Petitioners' Committee by registered mail. Grounds for insufficiency are only those specified in subsection (c) of this Section. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the Petitioners' Committee files a notice of intent to amend the petition with the Clerk or other official designated by the Council within two business days after receiving the copy of the Certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of the Certificate. Such supplementary petition shall comply with the requirements of subsection (c) of this Section. Within five business days after a supplementary petition is filed, the Clerk or other official designated by the Council shall complete a Certificate as to the sufficiency of the petition as amended and promptly send a copy of such Certificate to the Petitioners' Committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend or request Council review under paragraph (ii) of this subsection (d) within the time required, the Clerk or other official designated by the Council shall promptly present the Certificate to the Council and such Certificate shall then be a final determination as to the sufficiency of the petition.

(ii) *Council review.* If a petition has been certified insufficient and the Petitioners' Committee does not file notice of intent to amend it or if an amended petition has been

certified insufficient, the Petitioners' Committee may, within two business days after receiving the copy of such Certificate, file a request that it be reviewed by the Council. The Council shall review the Certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(e) *Action on petitions*

(i) *Action by Council.* When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal, all in the manner provided in Article IV. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 45 days or fails to repeal the referred ordinance within 30 days, it shall submit the proposed or referred ordinance to the electors of the City. If the Council fails to act on a proposed initiative ordinance or a referred ordinance within the time period contained in this paragraph (i), the Council shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referred ordinance on the last day that the Council was authorized to act on such matter.

(ii) *Submission to electors.* The vote of the City on a proposed or referred ordinance shall be held not less than 30 or more than 60 days from the date the Council acted or was deemed to have acted pursuant to paragraph (i) of subsection (e) of this Section. If no regular election is to be held within the period described in this paragraph, the Council shall provide for a special election, except that the Council may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

(iii) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the City by filing with the Clerk or other official designated by the Council a request for withdrawal signed by at least four-fifths of the members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(f) *Results of election.*

(i) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. If the proposed initiative ordinance fails, it or any ordinance that is substantially similar may not be submitted in accordance with this Article for at least one year from the date of election.

(ii) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.

Section 5.03. Form of ballots.

A charter amendment, ordinance or other ballot issue to be voted on by the electors shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice in accordance with state law.

ARTICLE VI. CHARTER AMENDMENTS.

Section 6.01. Procedure to Amend.

(a) *Procedure.* This Charter may be amended in accordance with the provisions of Section 5.03 of the Home Rule Charter of Miami-Dade County. The Council shall adopt an ordinance to implement this Article.

(b) *Results of election.* If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 6.02. Charter revision.

(a) *Charter Commission.* At its first regular meeting in November, 2008, and every fifth year thereafter, the Council shall appoint and fund a Charter revision commission (the "Charter Commission"). The Charter Commission shall commence its proceedings within 15 days after appointment by the Council. If the Charter Commission determines that a revision is needed, it shall draft such amendments to this Charter as it deems appropriate and submit the same to the Council not later than April 1st of the year following appointment. The Council shall, not less than 60 days or more than 120 days after submission of the proposed amendments to the Council, submit the proposed amendments to the electors of the City in accordance with the provisions of Section 6.01.

(b) *Composition.* The Charter Commission shall consist of five electors residing in the City, one of whom shall have served as a member of the previous Charter Commission. Each Member of the Council shall appoint one elector to the Charter Commission.

ARTICLE VII. GENERAL PROVISIONS.

Section 7.01. Severability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or

part of section to which such holding shall directly apply.

Section 7.02. Variation of pronouns.

All pronouns and any variation thereof used in this Charter shall be deemed to refer to masculine, feminine, neutral, singular or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define or limit the scope, extent or intent of this Charter.

Section 7.03. Style and capitalization.

When a defined word is enclosed in quotes and in parentheses after the definition, that word shall be treated as a defined term in the remainder of this Charter, when capitalized.

Section 7.04. No discrimination.

The City shall not adopt any measure or policy or otherwise discriminate against any person due to race, religion, color, national origin, physical or mental disability, creed, sexual preference or sex. The City shall not adopt any policy regarding the use of City facilities that would discriminate against any person due to race, religion, color, national origin, physical or mental disability, creed, sexual preference or sex.

Section 7.05. Precedence over Related Laws.

In case of a conflict between the provisions of this Charter and the provisions of the City Code to be adopted pursuant thereto, the Charter terms shall control.

Section 7.06. Calendar day.

For the purposes of this Charter, a day shall mean a calendar day, unless otherwise specified.

ARTICLE VIII. TRANSITION PROVISIONS.

Section 8.01. Temporary Nature of Article.

The following sections of this Article are inserted solely for the purpose of effecting the incorporation of the City and the transition to a new municipal government. Each section of this Article shall automatically, and without further vote or act of the electors of the City, become ineffective and no longer a part of this Charter at such time as the implementation of such section has been accomplished. In cases of a conflict between this Article and the remainder of the Charter the provisions of this Article shall govern.

Section 8.02. Interim Governing Body.

After adoption of this Charter but prior to the election and acceptance of office of the first

elected Council, the governing body of the City shall be the Miami-Dade County Board of County Commissioners (the "County Commission"). In acting as the governing body for the City during this interim period, the County Commission shall provide all municipal services to the City but shall not make decisions which could reasonably be postponed until the election of the Council or which would materially alter or affect the status quo within the City boundaries. Once the Council is seated, notwithstanding the delivery of any services provided by virtue of Article IX of the Charter or any interlocal agreement with Miami-Dade County, it is understood that the Council shall make all decisions for the City.

Section 8.03. Interim Adoption of Codes and Ordinances.

Until otherwise modified or replaced by this Charter or the Council, all codes, ordinances and resolutions in effect on the date of adoption of this Charter shall, to the extent applicable to the City, remain in full force and effect as municipal codes, ordinances and resolutions of the City.

Section 8.04. Taxes and Fees.

Unless otherwise modified by the Council, all municipal taxes and fees imposed within City boundaries by Miami-Dade County as the municipal government for unincorporated Miami-Dade County, which taxes and fees are in effect on the date of adoption of this Charter, shall continue at the same rate and on the same conditions as if those taxes and fees had been adopted and assessed by the City.

Section 8.05. Initial Election of City Council and Mayor; 2003 Election.

(a) *2003 Election.* This Section shall apply to the initial general and run-off elections for the Council. The general and run-off election in 2003 shall be held pursuant to the election procedures set forth in this Charter except as follows:

(i) *Dates.* The general election shall be held on July 22, 2003. The first City run-off election, if necessary, shall be held on August 5, 2003.

(ii) *Qualification.* Candidates must qualify for election by filing a written notice of candidacy for Councilmember or Mayor (but not both) with the Miami-Dade County Elections Department (the "Elections Department"), before 5:00 p.m., June 27, 2003 (the "Notice of Candidacy"). The Notice of Candidacy shall be signed by the candidate and notarized and include the following:

- (A) a statement as to whether the candidate seeks the office of Councilmember or Mayor; if for Councilmember, a Seat 1-4 shall be designated;
- (B) the candidate's certification that s/he is a qualified elector of the State, is registered to vote in the City and that the person has resided continuously within the area comprising the City since June 27, 2001;
- (C) a check payable to the Elections Department in the amount of \$200.00 in

addition to any fees required by Florida Statutes, as a qualifying fee;

- (D) such other information or statement, if any, as may be required by the Election's Department.

(iii) The office of Mayor and four Seats will be filled.

(iv) The Mayor will be elected to a term expiring in November, 2008.

(v) Two Councilmembers shall be elected to terms expiring in November, 2008, as follows ("2008 Seats"):

- (A) In the event two or less candidates run without opposition ("Unopposed Candidate(s)") each Unopposed Candidate shall be elected to a 2008 Seat. In the event that there are more than two Unopposed Candidates, the candidates elected to a 2008 Seat shall be decided by lot at the initial Council meeting.
- (B) In the event that one or both 2008 Seats are not filled by Unopposed Candidates, the remaining 2008 Seat(s) shall be filled by those elected at the general election. In the event that more candidates are elected in the general election than 2008 Seat(s) remain to be filled, the 2008 Seat(s) shall be filled by the candidate(s) receiving the most votes in the general election.
- (C) In the event that the 2008 Seats are not filled by either Unopposed Candidates or in the general election, the remaining 2008 Seat(s) shall be filled by the candidate(s) receiving the most votes in the run-off election.
- (D) Ties shall be decided by lot at the first Council meeting.

(vi) The remaining two Councilmembers shall be elected to terms expiring in November, 2006.

(b) *Induction into Office.* In the event that a run-off election is unnecessary, those candidates elected at the initial election shall take office at the initial Council meeting, which shall be held at 7 p.m. on August 4, 2003 at the Doral Park Country Club, Main Building, 5001 N.W. 104th Avenue. In the event that a run-off election is necessary, those candidates elected at the initial election shall take office at the initial Council meeting, which shall be held at 7 p.m. on August 21, 2003 at the Doral Park Country Club, Main Building, 5001 N.W. 104th Avenue.

Section 8.06 Initial Expenditures.

Upon receipt by the City of its first revenues, the City shall immediately pay the invoices for utilities and for expenses, if any, incurred in the drafting and production of this Charter, including but not limited to invoices for secretarial services, photocopies, mailing and other

services authorized by the City's original Charter Commission.

Section 8.07. Fiscal Year and First Budget.

(a) *First Fiscal Year.* The first fiscal year of the City shall commence on the effective date of this Charter and shall end on September 30, 2003. The first budget shall be adopted on or before a date which is ten days after the date of the initial election of the Council. The first budget shall be adopted by resolution of the Council.

(b) *First Full Fiscal Year.* The first full fiscal year budget of the City for the fiscal year which commences on October 1, 2003 and ends on September 30, 2004, shall be adopted by resolution of the Council. The annual City budget for subsequent fiscal years shall be adopted by ordinance.

(c) *Contingency.* In the event that the Council is not elected and functioning in time to notify the County Property Appraiser of the proposed ad valorem tax millage rate and of the date, time and place of the first budget hearing of September 2003, for inclusion in the Property Appraiser's Section 200.069, Fla. Stat., notice to taxpayers, the Clerk of the Board of County Commissioners, as the Clerk of the interim governing body of the City, shall timely notify the County Property Appraiser of such information or the County Property Appraiser shall take notice of the provisions hereof. Accordingly, in such event only:

- (i) the proposed municipal millage rate, for consideration at the first budget hearing, shall be the same proposed millage rate which Miami-Dade County utilizes for the unincorporated municipal services area of Miami-Dade County (the "UMSA") for consideration at its first budget hearing of September, 2003; and
- (ii) the first of the two required budget hearings to be held in September, 2003, for the first full fiscal year of the City, shall be held in compliance with the time frames of Section 200.065(2)(c), Fla. Stat., on the first business day of the week commencing Monday, September 8, 2003, which date is not the date of the budget hearing for Miami-Dade County or for the Miami-Dade County School Board, and shall be held at 7:00 p.m. on such date at the Doral Park Country Club, Main Building, 5001 N.W. 104th Avenue.

(d) *Procedure.* The proposed and final ad valorem tax millage levy resolutions of the City, as required by Section 200.065, Fla. Stat., for the September 2003, budget hearings, may be adopted by resolution or by ordinance, as authorized by Section 200.065, Fla. Stat.

(e) *Conflict of provisions.* The provisions of this Section shall prevail over any conflicting provisions of this Charter concerning the levy of taxes or appropriation of funds.

(f) *Conflict with State law.* In the event that any of the procedures provided by this section conflict with the Florida Statutes, the Council is authorized to replace such conflicting procedures by ordinance.

Section 8.08. Transitional Ordinances and Resolutions.

The Council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first Council meeting may be passed as emergency ordinances. These transitional ordinances shall be effective for a period of no longer than 180 days and thereafter may be readopted, renewed or otherwise continued only in the manner normally prescribed for ordinances.

Section 8.09. Interim Personnel

(a) The Mayor may, subject to Council approval, appoint an interim Manager and interim staff for a period not to exceed 180 days to serve until such time as a permanent Manager is selected and begins work.

(b) The Council may appoint an interim Clerk for a period not to exceed 180 days from the date of the appointment.

Article IX. Special Conditions

Section 9.1 Interlocal Agreements.

Within 180 days after the election of a municipal council, the City will enter into an interlocal agreement ("Interlocal Agreement") with Miami-Dade County to set forth contractual provisions establishing the municipality's relationship with Miami-Dade County to the extent required by the Charter.

Section 9.2 County Services.

The City shall remain a part of and receive services at least equal to the service level as of the date of approval of this Charter by the electors of the City, in perpetuity, from the:

- (1) Miami-Dade Fire Rescue District,
- (2) Miami-Dade Library System, and
- (3) Miami-Dade Solid Waste Collection Service Area.

Private trash collection in place on the date of incorporation within the residential and commercial areas of Doral will continue. The County's Department of Solid Waste Management will provide services to all new residential customers and continue serving existing customers.

Except as otherwise provided in this Article the County shall not have the right or ability to impair or infringe upon the functions and powers assumed by the City upon incorporation.

Section 9.3 Reserved.

Section 9.4 Local Patrol Police Services.

The City shall exclusively utilize the Miami-Dade Police Department for a specific level of patrol staffing for an initial period of three years. The utilization of the Miami-Dade Police Department for local patrol services may only be terminated for cause during this initial three (3) year period. Payment amounts and other pertinent items relating to the provision of local patrol services shall be set forth in a contract between the City and Miami-Dade County. Such contract shall also provide that "the initial three-year period" shall commence upon the execution of the Local Patrol Contract by all parties. At the end of the three (3) year period the City may elect not to renew the Local Patrol Contract at which point a transition period of no less than twelve (12) months will begin.

Section 9.5 Municipal Service Trust Fund.

The City agrees that Miami-Dade County may retain payments it would otherwise make to the City from fees collected by the County on behalf of the City to offset all or a portion of the amount due from the City to the MSTF.

Provide for payment of mitigation for fiscal year 2008-2009 due on or before September 30, 2009 and fiscal year 2009-2010 due on or before September 30, 2010 consistent with County Resolution 1268-08. No further payment of mitigation will be required after mitigation payment for fiscal year 2009-2010.

Section 9.6 Regulatory Control.

The local government comprehensive plan adopted by the City of Doral pursuant to Chapter 163, Part II, Florida Statutes, shall be consistent with the adopted Miami-Dade County Comprehensive Development Master Plan (the CDMP) as it may be amended from time to time, as applied to the sites listed below:

DEPARTMENT/FACILITY	LOCATION
MIAMI-DADE POLICE DEPARTMENT	
Training Bureau Metro Training Center	9601 NW 58 Street
MDPD Headquarters Complex	9105 NW 25 Street
Doral Station (District 3)	9105 NW 25 Street
MIAMI-DADE FIRE DEPARTMENT	
Training Complex	9300 NW 41 Street
MDFD Headquarters Complex	9300 NW 41 Street
Emergency Operations Center	9300 NW 41 Street
Doral Station	9710 NW 36 Street
Fontainebleau Station	8825 NW 18 Terrace
DEPARTMENT OF SOLID WASTE MANAGEMENT	

Disposal Facility	
Resource Recovery	6990 NW 97 Avenue

The Miami-Dade County Board of County Commissioners may revise this list of facilities from time to time.

Any use or activity allowed by the CDMP over the listed sites may not be limited or impeded in any way by the local government comprehensive plan adopted by the City of Doral. Jurisdiction over the listed sites for purposes of zoning and building approvals (including but not limited to site plan approvals, issuance of building permits, building inspections, compliance with the Florida Building Code or other applicable building code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Zoning Departments) water and sewer installations, compliance with environmental regulations, street maintenance (including sidewalks, if applicable) and utility regulation shall be and is hereby vested in Miami-Dade County regardless of any City of Doral code, charter, or ordinance provision to the contrary. So long as Miami-Dade County maintains jurisdiction over the matters set forth in this paragraph, Miami-Dade County shall pay the costs of providing the services described herein.

This provision shall not alter or affect the legal rights of any person residing or owning real property within the City. The City shall not institute, intervene or otherwise participate in, in opposition to Miami-Dade County, any judicial or formal administrative proceeding regarding land use or development of the listed sites, or Miami-Dade County's planning or regulatory requirements for any listed facility of countywide significance.

These Charter provisions shall be deemed self-executing.

Section 9.7 Continuing Obligations as to County Bonds.

The County has previously issued \$41,580,000.00 Stormwater Utility Revenue Bond Series 1999 (the "Stormwater Bond") of which \$ 38,805,000.00 remains outstanding as of May 1st, 2002, payable from stormwater utility fees collected in the unincorporated area and within a limited number of cities. The County assesses and collects the stormwater utility fee pursuant to Sections 24-61 through 24-61.5 of the County Code, as amended from time to time and Section 403.0893, Florida Statutes, as amended from time to time (the "Stormwater Utility Fees).

The County has issued \$77,640,000 Public Service Tax Revenue Bonds (UMSA Public Improvements) Series 1999 (the "Series 1999 Public Service Bonds") currently outstanding in the principal amount of \$71,295,000 and has issued an additional series of bonds in an amount not to exceed \$60,000,000 (the "Series 2002 Public Service Bonds") prior to the City's incorporation payable from Public Service Taxes (defined below) collected in the unincorporated area. The County receives a public service tax pursuant to Section 166.231, Florida Statutes, as amended from time to time, and as of October 1, 2001, from a discretionary communications tax assessed pursuant to Chapter 202, Florida Statutes and Section 29 of the County Code (collectively, "The Public Service Tax"). If required by the County within 180 days of the

adoption of this Charter, the City agrees to enact an ordinance, pursuant to Section 202.19, Florida Statutes, authorizing the levy of the discretionary services tax at a rate no less than the rate established by the County for communications services prior to the incorporation of the City.

The Stormwater Bonds, the Series 1996 Public Service Bonds, the Series 1999 Public Service Bonds, the Series 2002 Public Service Bonds, and any bonds issued in the future, provided that the City remains a part of the Stormwater utility system, that are secured either through Stormwater Utility Fees or Public Service Taxes ("Fees and Taxes") are referred to collectively in this Section as the "Bonds".

The City agrees that until the Bonds are retired the County shall have the right to receive and apply to debt service on the Bonds all of the Fees and Taxes collected within the unincorporated area and within the boundaries of the City. After the County has paid or satisfied the monthly debt service requirements on the Bonds, the County shall make a payment to the City, equal to its share of the remaining Fees and Taxes on deposit with the County. The City's share shall be all Fees and Taxes collected within the City annually minus its Debt Service Share. The City's Debt Service Share is determined by expressing the Fees and Taxes collected within the City at the time of incorporation as a percentage of the total Fees and Taxes collected within the unincorporated area at the time of incorporation and any municipalities incorporated after 1998 and apply that percentage to the total annual debt service on the Bonds. The City may prepay its proportionate share of the aforementioned bonds at any time during the life of the bonds with out penalty.

The intent of this section is to ensure that the City continues to collect revenues on behalf of the County which were collected by the County prior to the incorporation of the City and which were pledged and relied upon to pay for capital improvements provided by the County to the then existing unincorporated area to the benefit of the City.

Section 9.8 Favored Nation Status.

County Services

If a subsequent incorporation is approved without the newly incorporated area being required to remain in the Miami-Dade Fire Rescue District, Miami-Dade Library System, Miami-Dade Solid Waste collection service area, or without contracting with the Miami-Dade Police Department for local patrol police services, the City will be entitled to modify its relationship with the County, so that the city will not be required to receive that particular service from the County. Both parties also agree that if a subsequent incorporation of any area is approved without conditions outlined in this agreement, and those terms would be beneficial to the City of Doral, the terms under this Charter will immediately be replaced with the terms granted to the subsequent, new, municipality (the "Most Favored Nation Status"). It is provided, however, that the Most Favored Nation Status shall not apply to mitigation payments into the Municipal Services Trust Fund, nor apply to any requirement to separately contract or pay for the provision of specialized police services.

The provisions of this section, apply only to the service or services modified, and in no way alter

the agreement regarding the remaining services.

Section 9.9 Rights of the City.

The City will be granted all rights powers and privileges afforded to all municipalities and provided under the general laws of the State of Florida subject only to the restrictions placed upon it by this Charter. The City will receive all other municipal revenue sources such as utility taxes including those that the County by right or may otherwise retain, such as the franchise fees, and will continue to receive all services that are provided to cities under the countywide budget.

Section 9.10 Modifications.

Any modifications to Article IX will require:

- (1) All approvals normally required by the municipal charter, and
- (2) Approval by 2/3rds of the total membership of the Miami-Dade County Board of County Commissioners.

CITY OF MIAMI SPRINGS



Agenda Item No.

City Council Meeting of:

11-19-2012

Finance Department
201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5014
Fax: (305) 805-5037

To: The Honorable Mayor Xavier Garcia and Members of the City Council

VIA: Ron Gorland, City Manager

FR: William Alonso, CPA, CGFO, Finance Director

Date: November 7, 2012

Re: FY2011-2012 4th Quarter Budget Status Report (Unaudited)

Attached, please find the above referenced report based on revenues received and appropriations expended through September 30, 2012. The purpose of this report is to apprise the City's governing body of the FY2011-2012 budgetary status and projected year-end revenues, expenditures, and fund balances

As in previous interim reports, this report is organized as follows:

- I. Overview/Financial Dashboard - Pages 1-3
- II. General Fund Revenues – Page 4
- III. General Fund Expenditures – Page 6
- IV. General Fund Subsidized Departments
 - a) Senior center - Page 7
- V. Enterprise Funds - Pages 8-9
- VI. Investments – Page 10
- VII. Analysis of Charges for Services
 - a) Building & Zoning/Code Enforcement – Page 11
 - b) Recreation Department – Page 12
- VIII. Other Funds
 - a) Road and Transportation Fund – Page 13
 - b) Law Enforcement Trust Fund – Page 14
 - c) Capital Fund – Page 15
 - d) Debt Service Fund – Page 16
- IX. Status of Designated Fund Balance Page 17
- IX. Golf Course Financial Report – Pages 18,19 and A-1 thru C-1

I. OVERVIEW

After completion of the fiscal year, we are pleased to report that the city ended the year with a surplus of \$120,708. The city originally budgeted the use of \$590,740 of available fund balance in its FY2012 budget. The city, however, ended the year using only \$470,032 of fund balance thus creating the surplus stated above. The city's fund balance decreased from \$4,903,778 in FY2011 to \$4,433,747 at the end of FY2012.

Total expenditures were under budget by almost \$146,391 as departments did not spend 100% of their budgets. Total revenues were \$88,311 lower than budgeted due to receiving less than anticipated permit fees, investment income, traffic fines, and franchise fees.

The City's general fund balance as of September 30, 2012 will be approximately \$4,433,747 an increase of 419% from the FY 2003 fund balance of \$853,643. Although the FY2012 ending fund balance is a decrease of 9.5% from the FY2011 fund balance of 4,903,779, it is important to note what "fund balance" should be accumulated for. First of all the generally accepted guidelines require that a government maintain at least 15-20% of their general fund budgeted expenditures as "reserves", **OUR CITY MAINTAINS A MINIMUM RESERVE OF 25%.**

Second, reserves are meant to be accumulated to pay for long term projects that the city has envisioned, such as the new irrigation system for the golf course installed last year. These are legitimate uses for our reserves. State Statutes require that if a local government has significant reserves and no plan on what they will be used for, they have to return these to the residents in the form of tax reductions. Our current fund balance of \$4,433,747 represents almost 32% of budgeted expenditures. This is why we will have approximately \$1.0 million in designations for future projects and uses. After deducting these designations, the undesignated fund balance is \$3.5 million or about 25% of budgeted expenditures.

The following chart is an unaudited projection of the City's revenues, expenditures, and general fund balance as of the end of the fiscal year ended September 30, 2012:

Chart A- General Fund Budget Summary-FY 2011-12

	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Year-End Actual (Unaudited)</u>	<u>Variance</u>
Sources:				
General Fund beginning balance	4,903,779	4,903,779	4,903,779	-
Current revenues	13,157,448	13,272,892	13,184,581	(88,311)
Transfers in	<u>984,525</u>	<u>984,525</u>	<u>1,047,153</u>	<u>62,628</u>
Total Sources	<u>19,045,752</u>	<u>19,161,196</u>	<u>19,135,513</u>	<u>(25,683)</u>
Uses:				
Operating expenditures	13,660,949	14,347,458	14,245,561	(101,897)
Transfers out	<u>481,025</u>	<u>500,699</u>	<u>456,205</u>	<u>(44,494)</u>
Total Uses	<u>14,141,974</u>	<u>14,848,157</u>	<u>14,701,766</u>	<u>(146,391)</u>
General Fund ending balance	<u>4,903,778</u>	<u>4,313,039</u>	<u>4,433,747</u>	<u>120,708</u>
Budgeted change in fund balance		<u>(590,740)</u>		
Ending change in fund balance			<u>(470,032)</u>	

FINANCIAL DASHBOARD

FINANCIAL INDICATORS-GENERAL FUND

	<i>Budgeted</i>	<i>Actual</i>	<i>% of budget</i>
General Fund Revenues as of 09/30/12	\$13,272,892	\$13,184,581	99%
General Fund Revenues as of 9/30/11	\$13,337,486	\$13,136,151	98%

General Fund Expenditures as of 9/30/12	\$14,848,157	\$14,701,766	99%
General Fund Expenditures as of 9/30/11	\$15,218,680	\$14,732,133	97%

	<i>As of 9/30/11</i>	<i>Projected 9/30/12</i>	<i>\$ Increase/Decrease</i>
General Fund Reserve	\$6,299,906	\$5,695,463	\$(604,443)

INVESTMENT INDICATOR

	<i>As of 9/30/12</i>	<i>As of 9/30/11</i>	<i>\$ Increase/(Decrease)</i>
Investments	\$ 6,156,473	\$ 8,181,298	\$(2,024,825)

	<i>Total On Deposit</i>	<i>Unrealized Loss</i>	<i>Net Asset Value</i>
SBA Account	\$94,727.02	\$ (4,833.64)	\$89,893.38

FINANCIAL INDICATORS-OTHER

	<i>Revenues as of 9/30/12</i>	<i>Expenditures as of 9/30/12</i>	<i>Deficit at 9/30/12</i>	<i>Deficit at 9/30/11</i>
Golf Course fund operating deficit requiring General Fund subsidy	\$1,074,921	\$1,361,377	\$(286,456)	\$(414,281)

	<i>Revenues as of 9/30/12</i>	<i>Expenditures as of 9/30/12</i>	<i>Deficit at 9/30/12</i>	<i>Surplus at 9/30/11</i>
Building & Code	\$ 519,147	\$ 599,009	\$(79,862)	\$136,026

	<i>As of 9/30/11</i>	<i>As of 9/30/12</i>	<i>\$ Increase/(Decrease)</i>
Long-Term Debt	\$5,168,547	\$4,632,735	\$(535,812)

	<i>At 9/30/12</i>	<i>At 9/30/11</i>
% of Recreation Expenditures Collected in Fees	24.3%	22.1%

Notes:

II) REVENUES

Chart B-Schedule of General Fund Budgeted and Actual Revenues
For the Year ending September 30, 2012
(100% OF YEAR COMPLETED)

Department	FY 2010-11	FISCAL YEAR 2011-2012			% OF BUDGET	Note
	FULL YEAR ACTUAL	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL AS of 9/30/12		
Ad Valorem Taxes - Current	\$ 5,409,466	\$ 5,776,261	\$ 5,776,261	\$ 5,792,665	100%	
Ad Valorem Taxes - Delinquent	167,510	20,000	20,000	19,336	97%	
Utility and Franchise Taxes	2,608,798	2,655,000	2,655,000	2,578,754	97%	
Occupational Licenses - City	78,357	72,000	72,000	77,874	108%	
Occupational Licenses - County	19,037	20,000	20,000	20,957	105%	
Building Permits	150,168	225,000	225,000	140,163	62%	6
Electrical Permits	56,038	50,000	50,000	27,496	55%	
Plumbing Permits	101,724	40,000	40,000	27,337	68%	
Roofing Permits	31,814	27,000	27,000	35,980	133%	
Mechanical Permits	66,467	25,000	25,000	21,622	86%	
Zoning Permits	4,650	7,000	7,000	1,150	16%	
Certification of Completions	1,325	1,000	1,000	1,965	197%	
Structural Permits	19,116	15,000	15,000	16,761	112%	
POD Permit Fees	1,900	1,000	1,000	1,800	180%	
Other Permits	110,390	90,000	90,000	115,042	128%	
Misc Plan Reviews	-	11,300	11,300	-	0%	
Local Option Gas Tax	369,713	359,859	359,859	361,726	101%	
Revenue sharing	369,153	394,850	394,850	404,323	102%	
8-cent Motor Fuel Tax	-	-	-	2,460	100%	
Alcoholic Beverage License	8,978	9,000	9,000	15,223	169%	
1/2-cent Sales Tax	827,344	869,125	869,125	896,447	103%	
Gas Tax Rebate	5,610	8,000	8,000	11,285	141%	
School Crossing Guards	21,732	18,000	18,000	32,256	179%	
Program Activity Fees	920	-	-	-	0%	
After School Programs	39,175	25,000	25,000	42,094	168%	
SWIM MEETS/TEAM RENTAL	10,000	15,600	15,600	12,715	82%	
Swimming Pool Admissions/Lessons	69,437	91,445	91,445	83,286	91%	
Annual Daddy/Daughter Dance	2,913	2,800	2,800	3,263	117%	
Pelican theatre	2,908	5,000	5,000	6,360	127%	
Vending Machines	2,690	2,276	2,276	1,725	76%	
Fireworks-VG	3,000	3,000	3,000	-	0%	
Summer Camp	137,256	176,250	176,250	158,725	90%	
Summer Camp Activity Fee	25,979	18,500	18,500	16,900	91%	
Senior Center Rental	-	2,500	2,500	-	0%	
Gym Rental	5,043	5,000	5,000	-	0%	
Fitness Room Membership	43,266	39,375	39,375	47,228	120%	
Gym Admission Fees	14,412	12,000	12,000	-	0%	
Gym Memberships	-	1,500	1,500	-	0%	
Yoga Classes	18,490	11,400	11,400	19,502	171%	
Annual Turkey Trot	2,220	900	900	1,210	134%	
Basketball Fees	25,895	30,375	30,375	26,405	87%	
Other activities	660	3,455	3,455	1,115	32%	
Pool Rental	27,931	6,000	6,000	27,278	455%	
Pool Memberships	5,645	3,200	3,200	7,663	239%	
Jazzercise	3,925	4,800	4,800	3,925	82%	
Green Fees	763,488	866,245	866,245	762,746	88%	
Golf Memberships	64,034	83,438	83,438	52,824	63%	
Cart Rentals	62,301	86,247	86,247	113,563	132%	
Range Fees	94,688	99,615	99,615	98,907	99%	
Golf Merchandise Sales	45,652	57,777	57,777	53,489	93%	
Gift Certificate Redeemed	(3,158)	3,731	3,731	735	20%	
Rain Check Redeemed	(16,233)	(15,248)	(15,248)	(17,778)	117%	
CanAm Commissions	(1,780)	-	-	(450)	0%	
Golf Pro Commissions	1,133	3,000	3,000	2,262	75%	
Golf Course Rentals	6,491	7,355	7,355	8,440	115%	
Country Club Lease Eqpt Payment	10,000	-	-	-	0%	
GHIN Disabled Fees	153	918	918	183	20%	
Miscellaneous Charges for Serv	4,063	6,000	6,000	-	0%	
Copies & Other Charges	1,831	2,000	2,000	3,038	152%	
Tree Replacement	-	-	-	200	0%	
Lien Search	10,670	10,000	10,000	14,365	144%	
Re-occupancy inspection fee	8,500	5,000	5,000	15,600	312%	
Clerk of the Court - Fines	169,282	165,000	165,000	118,587	72%	1
Code Enforcement tickets	32,900	40,000	40,000	15,400	39%	4
Disabled Parking tickets	7,018	3,000	3,000	7,442	248%	
Interest - Checking	1,448	2,000	2,000	-	0%	
Interest-CD's	-	75,000	75,000	27,451	37%	2
Interest-Money Market	17,792	-	-	-	0%	
Interest - Tax Collections	1,886	2,000	2,000	1,656	83%	
Rent - Metro Fire	13,488	17,000	17,000	14,040	83%	
Rent - Dade Co. Library	8,253	8,300	8,300	8,253	99%	
Rent - Bus Benches	4,080	3,900	3,900	4,165	107%	

Chart B-Schedule of General Fund Budgeted and Actual Revenues
For the Year ending September 30, 2012
(100% OF YEAR COMPLETED)

Department	FY 2010-11	FISCAL YEAR 2011-2012			% OF BUDGET	Note
	FULL YEAR ACTUAL	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL AS of 9/30/12		
Recreational Activities	7,388	5,000	5,000	14,693	294%	
Sprint Tower	61,749	60,000	60,000	87,640	146%	
Nextel	8,540	8,300	8,300	6,490	78%	
Metro PCS	7,896	7,600	7,600	8,211	108%	
Surplus sale of equipment	2,151	60,000	60,000	13,715	23%	5
Other Miscellaneous	49,134	80,075	80,075	56,866	71%	
Insurance Reimbursement	5,495	-	-	12,833	100%	
Code Enforcement Liens	1,857	1,000	1,000	-	-100%	
Returned check charges	278	2,000	2,000	389	19%	
Byrne Grant	13,787	-	-	11,026	100%	
Police COPS Grant	167,242	146,424	146,424	176,382	120%	
Other Grants	4,000	-	10,444	10,086	97%	
Historic tax Credit-mansion	-	-	105,000	105,000	100%	
Red Light Fines	-	100,000	100,000	314,116	314%	3
Dog Park Donations	3,941	-	-	-	0%	
ITF - Road & Transportation	-	521,149	521,149	542,153	104%	
ITF -Hurricane Fund	412,563	-	-	-	0%	
ITF - Sanitation Admin Fee	350,000	410,376	410,376	450,000	110%	
ITF- Stormwater Admin Fee	53,000	53,000	53,000	55,000	104%	
TOTALS >>>	\$ 13,328,054	\$ 14,141,973	\$ 14,257,417	\$ 14,231,734	100%	

II. REVENUES

Notes to Revenue Schedule:

- (1) Traffic fines revenues are less than budgeted due to the fact that we had two motorcycle officers on workmen's compensation during the year and that affected the quantity of citations issued.
- (2) Interest rates have been at historically low levels and this has affected the amount of investment income the city earned.
- (3) Red light camera revenues were significantly higher than budgeted for the first year of the program.
- (4) Code enforcement fines were lower than budgeted due to the loss of one code enforcement position during the year.
- (5) Surplus sales of equipment was lower than budgeted since the city only held one sale due to the lack of items available to be auctioned.
- (6) Building permits were lower than expected since some of the new building activity we were expecting (new hotels, etc) did not materialize during this year.

Overall our total collected revenues for the year were 99% of budget.

III) EXPENDITURES

Chart C-Schedule of General Fund Budgeted and Projected Expenditures
For the Year Ending September 30, 2012
(100% OF YEAR COMPLETED)

Department	FY2010-11 ACTUAL	FISCAL YEAR 2011-2012			% OF ACTUAL VS. BUDGET	NOTES
		ORIGINAL BUDGET	AMENDED BUDGET	AS OF 9/30/2012		
General Government:						
Mayor & City Council	107,219	104,401	219,302	199,338	91%	
Office of the City Manager	756,070	718,961	689,572	686,462	100%	
Office of the City Clerk	332,381	269,646	298,176	285,368	96%	
Office of the City Attorney	144,513	141,000	156,000	156,503	100%	
Human Resource Department	202,620	188,338	211,641	199,895	94%	
Finance-Administration	698,878	633,336	630,223	567,791	90%	
Finance-Professional Services	-	-	169,275	152,089	90%	
IT Department	355,102	333,269	327,108	339,353	104%	
Planning Department	160,512	131,420	143,620	130,472	91%	
Non-Departmental	17	-	-	527	100%	
Total General Government	2,757,312	2,520,371	2,844,917	2,717,798	96%	1
Public Safety:						
Police Department	5,352,455	5,399,857	5,476,395	5,711,639	104%	
Building, Zoning & Code Enforcement	537,860	619,004	620,026	599,009	97%	
Total Public Safety	5,890,315	6,018,861	6,096,421	6,310,648	104%	1
Public Works:						
Public Works - Administration	435,350	398,468	406,631	444,725	109%	
Public Works - Streets	310,863	302,388	310,388	323,868	104%	
Public Works - Properties	960,490	1,011,097	1,020,146	811,936	80%	
Public Works - Building Maintenance	193,795	195,382	285,163	292,605	103%	
Public Works - Fleet Maintenance	79,453	26,000	26,000	30,685	118%	
Total Public Works	1,979,951	1,933,335	2,048,328	1,903,819	93%	1
Parks and Recreation:						
Recreation	1,373,297	1,437,640	1,582,644	1,578,899	100%	
Aquatics	260,423	267,352	267,353	258,638	97%	
Tennis	31,698	30,726	32,449	26,876	83%	
Park Maintenance	133,739	109,698	107,277	87,507	82%	
Golf Administration	24,070	22,596	22,596	22,729	101%	
Golf Pro Shop	534,205	524,348	527,848	546,341	104%	
Golf Maintenance	824,689	796,022	817,625	792,306	97%	
Total Parks and Recreation	3,182,121	3,188,382	3,357,792	3,313,296	99%	
TOTAL GENERAL FUND EXPS.	13,809,699	13,660,949	14,347,458	14,245,561	99%	1
Transfers to other funds						
Debt Service fund	306,919	313,205	313,205	313,205	100%	
Capital Fund	475,000	-	19,674	19,674	0%	
Senior Center Fund	132,564	167,820	167,820	123,326	73%	
Total Transfers Out:	914,483	481,025	500,699	456,205	91%	1
Increase (decrease) in fund balance	(1,396,128)	-	(590,740)	(470,032)		
TOTAL GENERAL FUND USES	13,328,054	14,141,974	14,257,417	14,231,734	100%	1

III. EXPENDITURES

Notes to Expenditure Schedule:

- 1) As of fiscal year end, most departments are within budget, as you can see on page 6 our total expenditures were 99% of budget.

IV) FUNDS SUBSIDIZED BY GENERAL FUND

CHART D-CITY OF MIAMI SPRINGS
ACTUAL VS BUDGET REPORT-SENIOR CENTER
(100% OF YEAR COMPLETED)

	FY2010-11 ACTUAL	FISCAL YEAR 2011-2012			% OF ACTUAL VS. BUDGET
		ORIGINAL BUDGET	AMENDED BUDGET	AS OF 9/30/2012	
Revenues:					
USDA C-1	\$ 18,520	\$ 13,130	\$ 13,130	\$ 10,622	81%
USDA C-2	9,524	8,150	8,150	18,127	222%
Local Grants C-1	94,060	77,752	77,752	93,668	120%
Local Grants C-2	52,125	52,048	52,048	51,169	98%
Local Grants III-B	25,059	21,017	21,017	22,781	108%
Grants	58,792	-	-	39,098	0%
Sales to Va Gardens	14,775	14,345	14,345	17,225	120%
Donations	3,242	1,610	1,610	4,884	303%
Misc Revenues	-	-	-	782	0%
Total revenues	276,097	188,052	188,052	258,356	137%
Expenditures:					
Administrative Costs	149,822	151,711	151,711	150,328	99%
Catering and operating supplies	137,525	149,396	149,396	134,708	90%
Operating Costs	57,932	54,464	54,464	49,397	91%
Capital Outlay	63,384	3,475	3,475	66,118	1903%
Total expenditures	408,663	359,046	359,046	400,551	112%
Excess (deficiency) of revenues over expenditures	(132,566)	(170,994)	(170,994)	(142,195)	83%
Other financing sources					
Transfers in	132,564	167,820	167,820	123,326	73%
Total other financing sources	132,564	167,820	167,820	123,326	73%
Net change in fund balance	(2)	(3,174)	(3,174)	(18,869)	0%
Beginning fund balance	18,871	18,869	18,869	18,869	
Ending fund balance	\$ 18,869	\$ 15,695	\$ 15,695	\$ -	

**CHART H-CITY OF MIAMI SPRINGS
ACTUAL VS BUDGET REPORT-SANITATION
(100% OF YEAR COMPLETED)**

	FY2010-11 <u>ACTUAL</u>	FISCAL YEAR 2011-2012			% OF ACTUAL VS. BUDGET	NOTES
		<u>ORIGINAL BUDGET</u>	<u>AMENDED BUDGET</u>	<u>AS OF 9/30/2012</u>		
Operating revenues:						
Sanitation revenues	\$ 2,298,155	\$ 2,248,626	\$ 2,248,626	\$ 2,126,145	95%	1
Total operating revenues	<u>2,298,155</u>	<u>2,248,626</u>	<u>2,248,626</u>	<u>2,126,145</u>	95%	
Operating expenses:						
Administrative costs	1,143,552	1,163,431	1,163,431	1,291,807	111%	
Operations and maintenance	234,180	309,506	309,506	267,104	86%	
Disposal costs	618,343	721,789	721,789	607,835	84%	
Depreciation and amortization	54,262	54,400	54,400	54,074	99%	
Total operating expenses	<u>2,050,337</u>	<u>2,249,126</u>	<u>2,249,126</u>	<u>2,220,820</u>	99%	
Operating income (loss)	<u>247,818</u>	<u>(500)</u>	<u>(500)</u>	<u>(94,675)</u>	18935%	
Nonoperating revenues (expenses):						
Interest income	632	500	500	1,008	0%	
Interest expense and fees	<u>(7,755)</u>	-	-	<u>(5,837)</u>	100%	
Total nonoperating revenues (expenses)	<u>(7,123)</u>	<u>500</u>	<u>500</u>	<u>(4,829)</u>	0%	
Change in net assets	<u>240,695</u>	<u>-</u>	<u>-</u>	<u>(99,504)</u>	100%	1
Total net assets, October 1	<u>721,670</u>	<u>962,365</u>	<u>962,365</u>	<u>962,365</u>		
Total net assets, September 30	<u>\$ 962,365</u>	<u>\$ 962,365</u>	<u>\$ 962,365</u>	<u>\$ 862,861</u>		

Note:

Collection of 39% of revenues is a result of the trash bills now being a part of the property tax bill which is mostly collected between October and March of each fiscal year.

**CHART I-CITY OF MIAMI SPRINGS
ACTUAL VS BUDGET REPORT-STORMWATER
FOR THE YEAR ENDING SEPTEMBER 30, 2012
(100% OF YEAR COMPLETED)**

	FY2010-11 <u>ACTUAL</u>	FISCAL YEAR 2011-2012			% OF ACTUAL VS. BUDGET	NOTES
		<u>ORIGINAL BUDGET</u>	<u>AMENDED BUDGET</u>	<u>AS OF 9/30/2012</u>		
Operating revenues:						
Residential Class I	\$ 299,176	\$ 250,000	\$ 250,000	\$ 285,945	114%	
Total operating revenues	<u>299,176</u>	<u>250,000</u>	<u>250,000</u>	<u>285,945</u>	114%	
Operating expenses:						
Administrative costs	139,653	140,325	140,325	161,123	115%	
Operations and maintenance	109,504	166,281	166,281	84,249	51%	
Depreciation and amortization	142,664	142,665	142,665	148,978	104%	
Total operating expenses	<u>391,821</u>	<u>449,271</u>	<u>449,271</u>	<u>394,350</u>	88%	
Operating income (loss)	<u>(92,645)</u>	<u>(199,271)</u>	<u>(199,271)</u>	<u>(108,405)</u>	54%	
Nonoperating revenues (expenses):						
Interest & other income	465	500	500	492	98%	
Interest expense and fees	(2,277)	(2,300)	(2,300)	(1,440)	63%	
Total nonoperating revenues (exp)	<u>(1,812)</u>	<u>(1,800)</u>	<u>(1,800)</u>	<u>(948)</u>	53%	
Income (Loss) before transfers	<u>(94,457)</u>	<u>(201,071)</u>	<u>(201,071)</u>	<u>(109,353)</u>	54%	
Change in net assets	<u>(94,457)</u>	<u>(201,071)</u>	<u>(201,071)</u>	<u>(109,353)</u>	54%	
Total net assets, October 1	<u>3,164,329</u>	<u>3,069,872</u>	<u>3,069,872</u>	<u>3,069,872</u>		
Total net assets, September 30	<u>\$ 3,069,872</u>	<u>\$ 2,868,801</u>	<u>\$ 2,868,801</u>	<u>\$ 2,960,519</u>		

Notes:

**CITY OF MIAMI SPRINGS
INVESTMENT SCHEDULE
Sep-12**

<u>Institution</u>	<u>Acct#</u>	<u>Principal Amount</u>
BB&T Money Market		\$ 4,912,150.19
Subtotal BB&T		\$ 4,912,150.19
SBA (Pool B)	221371	\$ 94,727.02
Reserve for loss		\$ (4,833.64)
Subtotal SBA		\$ 89,893.38
Total all investments		\$ 5,002,043.57

CASH ON HAND-OPERATING ACCOUNTS:

<i>BB&T Cash on hand-Operating Acct</i>	1,154,429.03
Total Cash on hand as of 9/30/12	\$1,154,429.03
Total Investments and cash on hand	\$6,156,472.60

RESTRICTED CASH:

BB&T CD-LETF	\$ 700,000.00
(Law Enforcement Trust-restricted)	\$ 700,000.00

VII) ANALYSIS OF CHARGES FOR SERVICES

Chart J-Schedule of Building & Zoning/Code Enforcement
 Comparative for the periods ending September 30, 2011 AND 2012
 (100% OF YEAR COMPLETED)

Charges for Services:	YTD 9/30/12		YTD 9/30/11		
	<u>Building</u>	<u>Code Enforcement</u>	<u>Building</u>	<u>Code Enforcement</u>	
Occupational Licenses - City		\$ 77,874		\$ 78,357	
Occupational Licenses - County		20,957		19,037	
Building Permits	140,163		150,168		
Electrical Permits	27,496		56,038		
Plumbing Permits	27,337		101,724		
Roofing Permits	35,980		31,814		
Mechanical Permits	21,622		66,467		
Zoning Permits	1,150		4,650		
Certification of Completions	1,965		1,325		
Structural Permits	16,761		19,116		
Other Permits	116,842		112,290		
Re-Occupancy	15,600		-		
Code Enforcement tickets		15,400		32,900	
Total Fees Collected	404,916	114,231	543,592	130,294	
Expenditures:					
Personnel	297,057	154,105	285,226	119,700	
Inspector Costs	102,240		94,188	-	
Operating costs	33,439	11,146	27,207	9,069	25% of total expenses
Capital outlay	1,022		2,470	-	
Indirect costs from allocation	309,709		304,036	-	
Total expenditures	743,467	165,251	713,127	128,769	
Excess charges for services over expenditures	(338,551)	(51,020)	(169,535)	1,525	

The purpose of this report is to show if the charges being collected by the building & zoning /code enforcement departments are more than sufficient to cover the operating expenditures of these departments.

Chart K-Schedule of Recreation Department Operations
 Period Ending Sept. 30, 2012
 (100% OF YEAR COMPLETED)

	Admin	Pool	Tennis	Maintenance	YTD as of 9/30/2012	YTD as of 9/30/2011
Charges for Services:						
After School Programs	42,094				\$ 42,094	\$ 39,175
SWIM MEETS/TEAM RENTAL			12,715		12,715	10,000
Swimming Pool Admissions/lessons			83,286		83,286	69,437
Annual Daddy/Daughter Dance	3,263				3,263	2,913
Pelican theatre	6,360				6,360	2,908
Vending Machines	1,725				1,725	2,690
Summer Camp	158,725				158,725	163,235
Summer Camp Activity Fee	16,900				16,900	-
Facility Rentals	14,693				14,693	12,429
Fitness Room Membership	47,228				47,228	43,266
Gym Admission Fees					-	14,412
Yoga Classes	19,502				19,502	18,490
Annual Turkey Trot	1,210				1,210	2,220
Basketball Fees	26,405				26,405	25,895
Other activities	2,240				2,240	1,580
Pool Rental			27,278		27,278	27,931
Pool Memberships			7,663		7,663	5,645
Jazzercise	3,925				3,925	3,925
Total Fees Collected	344,270		130,942	-	475,212	446,151
Expenditures:						
Personnel	708,103		166,385	26,876	901,364	840,931
Operating costs	554,867		92,253	87,507	734,627	798,172
Debt Service	187,401		-		187,401	220,512
Capital outlay	128,528		-		128,528	159,818
Total expenditures	1,578,899		258,638	87,507	1,951,920	2,019,433
Excess exp. over charges for services	\$ (1,234,629)		\$ (127,696)	\$ (87,507)	\$ (1,476,708)	\$ (1,573,282)

Percentage of expenditures collected in fees

24.3%

22.1%

NOTES TO STATEMENTS:

VIII) OTHER FUNDS

CHART L-CITY OF MIAMI SPRINGS
 ACTUAL VS BUDGET REPORT-ROAD & TRANSPORTATION
 (100% OF YEAR COMPLETED)

	FY2010-11 ACTUAL	FISCAL YEAR 2011-2012			% OF ACTUAL VS. BUDGET	NOTES
		ORIGINAL BUDGET	AMENDED BUDGET	AS OF 9/30/2012		
Revenues:						
Peoples Transportation Tax	418,043	372,000	372,000	431,144	116%	
Charges for services	12,983	12,000	12,000	14,807	100%	
Misc Revenues-Interest	526	1,000	1,000	146	100%	
Total revenues	431,552	385,000	385,000	446,097	116%	
Expenditures:						
Administrative	94,803	91,935	91,935	97,846	106%	
Contractual/Professional Services	168,856	194,473	194,473	151,733	78%	
Repairs and maintenance	463,513	460,000	460,000	182,609	40%	
Operating Supplies/Road Materials	3,651	5,000	5,000	788	16%	
Capital Outlay-Machinery	58,436	36,352	36,352	36,352	0%	
Total expenditures	789,259	787,760	787,760	469,328	60%	
Excess (deficiency) of revenues over expenditures	(357,707)	(402,760)	(402,760)	(23,231)	6%	
Other financing sources						
Transfers out	(130,252)	(521,153)	(521,153)	(521,153)	0%	
Total other financing sources	(130,252)	(521,153)	(521,153)	(521,153)	0%	
Net change in fund balance	(487,959)	(923,913)	(923,913)	(544,384)		
Beginning fund balance	1,421,924	933,965	933,965	933,965		
Ending fund balance	\$ 933,965	\$ 10,052	\$ 10,052	\$ 389,581		

VIII) OTHER FUNDS

**CITY OF MIAMI SPRINGS
ACTUAL VS BUDGET REPORT-LAW ENFORCEMENT TRUST FUND
(100% OF YEAR COMPLETED)**

	FY2010-11 <u>ACTUAL</u>	FISCAL YEAR 2011-2012			% OF ACTUAL VS. BUDGET	NOTES
		<u>ORIGINAL BUDGET</u>	<u>AMENDED BUDGET</u>	<u>AS OF 9/30/2012</u>		
Revenues:						
Fines and Forfeitures	23,352			78,769	100%	
Interest Income	<u>5,004</u>	<u>10,000</u>	<u>10,000</u>	<u>1,281</u>	13%	
Total revenues	<u>28,356</u>	<u>10,000</u>	<u>10,000</u>	<u>80,050</u>	801%	
Expenditures:						
Administration Expenses	72,101	122,353	122,353	85,356	70%	
Police education	11,329	20,000	20,000	1,096	5%	
Capital Outlay	<u>72,904</u>	-	-	<u>6,373</u>	0%	
Total expenditures	<u>156,334</u>	<u>142,353</u>	<u>142,353</u>	<u>92,825</u>	65%	
Excess (deficiency) of revenues over expenditures	<u>(127,978)</u>	<u>(132,353)</u>	<u>(132,353)</u>	<u>(12,775)</u>	10%	
Net change in fund balance	(127,978)	(132,353)	(132,353)	(12,775)		
Beginning fund balance	<u>1,015,477</u>	<u>887,499</u>	<u>887,499</u>	<u>887,499</u>		
Ending fund balance	<u>\$ 887,499</u>	<u>\$ 755,146</u>	<u>\$ 755,146</u>	<u>\$ 874,724</u>		

VIII) OTHER FUNDS

**CITY OF MIAMI SPRINGS
ACTUAL VS BUDGET REPORT-CAPITAL FUND
(100% OF YEAR COMPLETED)**

	FY2010-11 <u>ACTUAL</u>	FISCAL YEAR 2011-12			<u>NOTES</u>
		<u>ORIGINAL BUDGET</u>	<u>AMENDED BUDGET</u>	<u>AS OF 9/30/2012</u>	
Revenues:					
Intergovernmental	\$ 1,046,860	\$ -	\$ 97,257	\$ 97,257	100%
Interest and Other Income	-	-	161,770	161,770	0%
Total revenues	<u>1,046,860</u>	<u>-</u>	<u>259,027</u>	<u>259,027</u>	100%
Expenditures:					
General government	45,986	-	70,320	70,311	0%
Capital Outlay	1,484,800	-	309,932	236,870	76%
Total expenditures	<u>1,530,786</u>	<u>-</u>	<u>380,252</u>	<u>307,181</u>	81%
Excess (deficiency) of revenues over expenditures	<u>(483,926)</u>	<u>-</u>	<u>(121,225)</u>	<u>(48,154)</u>	0%
Other financing sources					
Transfers in	556,028	-	83,374	19,674	0%
Total other financing sources	<u>556,028</u>	<u>-</u>	<u>83,374</u>	<u>19,674</u>	0%
Net change in fund balance	<u>72,102</u>	<u>-</u>	<u>(37,851)</u>	<u>(28,480)</u>	0%
Beginning fund balance	<u>-</u>	<u>72,102</u>	<u>72,102</u>	<u>72,102</u>	
Ending fund balance	<u>72,102</u>	<u>72,102</u>	<u>34,251</u>	<u>\$ 43,622</u>	

VIII OTHER FUNDS

**CITY OF MIAMI SPRINGS
ACTUAL VS BUDGET REPORT-DEBT SERVICE FUND
(100% OF YEAR COMPLETED)**

	FY2010-11 <u>ACTUAL</u>	FISCAL YEAR 2011-12			NOTES
		<u>ORIGINAL BUDGET</u>	<u>AMENDED BUDGET</u>	<u>AS OF 9/30/2012</u>	
Revenues:					
Property Taxes	\$ 382,947	\$ -	\$ -	\$ -	0%
Total revenues	<u>382,947</u>	<u>-</u>	<u>-</u>	<u>-</u>	0%
Expenditures:					
Principal Payments	476,305	427,598	427,598	428,297	100%
Interest Payments	189,025	141,880	141,880	140,282	99%
Administrative	<u>13,450</u>	<u>-</u>	<u>-</u>	<u>-</u>	0%
Total expenditures	<u>678,780</u>	<u>569,478</u>	<u>569,478</u>	<u>568,579</u>	100%
Excess (deficiency) of revenues over expenditures	<u>(295,833)</u>	<u>(569,478)</u>	<u>(569,478)</u>	<u>(568,579)</u>	100%
Other financing sources					
Transfers in	<u>306,919</u>	<u>569,478</u>	<u>569,478</u>	<u>519,478</u>	91%
Total other financing sources	<u>306,919</u>	<u>569,478</u>	<u>569,478</u>	<u>519,478</u>	91%
Net change in fund balance	<u>11,086</u>	<u>-</u>	<u>-</u>	<u>(49,101)</u>	100%
Beginning fund balance	<u>100,431</u>	<u>111,517</u>	<u>111,517</u>	<u>111,517</u>	
Ending fund balance	<u>111,517</u>	<u>111,517</u>	<u>111,517</u>	<u>\$ 62,416</u>	100%

**CITY OF MIAMI SPRINGS
 PROPOSED GENERAL FUND BALANCE DESIGNATIONS
 PROJECTED FISCAL YEAR 2012-2013**

<u>DESIGNATION</u>	<u>Balance 9/30/2012</u>	<u>FY2012-13</u>		<u>Balance 9/30/2013</u>
		<u>Additions</u>	<u>Reductions</u>	
Senior Center:				
Senior Center Building	19,945	-	-	19,945
Total Senior Center Designations	19,945	-	-	19,945
Country Club Roof	60,120	-	-	60,120
Storage Tank-DERM project at the golf course	25,760	-	-	25,760
Downtown Revitalization	89,475	-	-	89,475
Westward Median	3,000	-	-	3,000
Contingency-Hurricane Costs	500,000	-	-	500,000
Pool improvements	260,133	-	-	260,133
Total proposed designations	\$ 958,433	\$ -	\$ -	\$ 958,433
Encumbrances appropriated FY2013	\$ 86,325	\$ -	-	\$ 86,325
Total Available Fund Balance	<u>4,433,747</u>	<u>-</u>	<u>-</u>	<u>4,433,747</u>
Unrestricted, Undesignated fund Balance	<u>3,388,989</u>			<u>3,388,989</u>
				<u>25% of FY12-13 Budgeted expenditures.....</u>
				<u>\$ 3,506,927</u>
				Excess(deficit) funds available for designation
				\$ (117,938)

CITY OF MIAMI SPRINGS



Finance Department
 201 Westward Drive
 Miami Springs, FL 33166-5289
 Phone: (305) 805-5014
 Fax: (305) 805-5037

TO: The Honorable Mayor Xavier Garcia and Members of the City Council
VIA: Ron Gorland, City Manager
FR: William Alonso, CPA, CGFO, Assistant City Manager/Finance Director
DATE: November 2, 2012
RE: Golf Course (UNAUDITED) Financials for the year ended September 30, 2012

Attached hereto are the unaudited financial reports for the Golf Course Fund for the year ended 9/30/12. As in the past, the report is divided into three sections as follows: 1) Section A is a comparative profit and loss statement for the years ended September 30, 2012, 2011, and 2010. 2) Section B is a year-to-date actual to budget comparison for FY2012.

Key Financial Indicators

The following are key year-to-date indicators from pages A-1 and A-2 of the attached report.

	Fiscal Year Ended <u>9/30/2012</u>	Fiscal Year Ended <u>9/30/2011</u>	% Change From 9/30/11	Fiscal Year Ended <u>9/30/2010</u>	% Change From 9/30/10
<u>Golf Operations:</u>					
Total Revenues	1,074,921	1,026,769	4.7%	1,023,139	5.1%
Operating Profit (Loss)	(244,855)	(279,322)	-12.3%	(355,012)	-31.0%
Profit(Loss)including non-golf costs	(286,456)	(414,281)	-30.9%	(1,552,050)	-81.5%
Pro Shop Costs	546,341	530,763	2.9%	534,132	2.3%
Maintenance Costs	773,435	775,328	-0.2%	844,019	-8.4%
Total Rounds Played	34,865	33,123	5.3%	33,388	4.4%
Total Greens Revenues	911,640	868,652	4.9%	881,250	3.4%
Average per Round	26.15	26.23	-0.3%	26.39	-0.9%
Memberships Sold	52,824	64,034	-17.5%	84,882	-37.8%
Driving Range revenues	98,907	94,688	4.5%	80,868	22.3%

Key Financial Indicators (continued)

As you can see from this matrix, the annual decline in revenues has stabilized and for FY2012 we are reporting a 4.7% increase from the prior year. YTD greens revenues are up 4.9% from last year, rounds played increased by 5.3% and memberships declined by 17.6%. Another positive indicator was that driving range revenues continue their upward trend, increasing 4.5% compared to last year. The total loss for FY2012 is down approximately 31% from last year, for FY2012 we will report a loss of \$286,456 compared to a loss of \$414,281 last year.

On the cost side, YTD maintenance costs have decreased by 0.2% from last year, while Pro shop costs are up 2.9% from last year due to higher advertising and promotions costs.

Page A-1 is a comparative profit and loss for the fiscal years ended 9/30/12, 9/30/11, and 9/30/10.

Page A-2 is a comparative profit and loss for the fiscal years ended 9/30/12, 9/30/11, and 9/30/10 for the pro shop operation only. The total YTD loss for the current year is \$263,727 compared to losses of \$390,212 as of 9/30/11 and a loss of \$1,517,402 as of 9/30/10.

Page B-1 provides an actual to budget comparison for the current fiscal year. We are currently reporting a total YTD loss as of September 2012 of \$286,456 compared to a budgeted annual loss of \$174,991. This budget variance is mainly due revenues coming in lower than budgeted. Page B-2 shows the pro shop operation for the period, the loss is \$263,727 compared to a budgeted annual loss of \$152,395.

Page C-1 is a rounds report for the fiscal year ended September 30, 2012.

**CITY OF MIAMI SPRINGS, FLORIDA
ACTUAL VS ACTUAL-PRO SHOP OPERATIONS
FOR THE PERIOD ENDING:**

	<u>9/30/2012</u>	<u>9/30/2011</u>	<u>9/30/2010</u>
TOTAL PRO-SHOP AND GOLF COURSE- REVENUES	<u>1,074,921</u>	<u>1,026,769</u>	<u>1,023,139</u>
TOTAL PERSONNEL SERVICES	279,616	292,220	297,901
TOTAL OPERATING EXPENDITURES	<u>1,040,160</u>	<u>1,013,871</u>	<u>1,080,250</u>
TOTAL MANAGEMENT OPERATING EXPENDITURES	<u>1,319,776</u>	<u>1,306,091</u>	<u>1,378,151</u>
NET MANAGEMENT EXCESS OF EXP. OVER REV.	<u>(244,855)</u>	<u>(279,322)</u>	<u>(355,012)</u>

OTHER COSTS ASSOCIATED WITH OPERATIONS OF THE GOLF COURSE:

ADMINISTRATIVE EXPENSES	22,729	24,069	34,648
PROCEEDS FROM DEBT - MAINTENANCE	-	-	(81,108)
GRANT REVENUE	-	-	(18,000)
IMPROVEMENTS O/T BUILDINGS - ADMIN.	-	-	1,092,925
DEBT SERVICE PAYMENT-MAINTENANCE	18,872	61,529	85,511
MACHINERY & EQUIPMENT	-	-	1,954
MACHINERY & EQUIPMENT-MAINTENANCE	-	49,361	81,108
TOTAL OTHER COSTS ASSOCIATED WITH- OPERATIONS OF THE PRO-SHOP	<u>41,601</u>	<u>134,959</u>	<u>1,197,038</u>
EXCESS EXPENDITURES OVER REVENUES	<u>\$ (286,456)</u>	<u>\$ (414,281)</u>	<u>\$ (1,552,050)</u>

**CITY OF MIAMI SPRINGS, FLORIDA
ACTUAL VS ACTUAL-PRO SHOP OPERATIONS
FOR THE PERIOD ENDING:**

	<u>9/30/2012</u>	<u>9/30/2011</u>	<u>9/30/2010</u>
REVENUES			
GREEN FEES	\$ 745,253	\$ 742,317	\$ 724,000
MEMBERSHIPS	52,824	64,034	84,882
CART REVENUES	113,563	62,301	72,368
RANGE FEES	98,907	94,688	80,868
GOLF - OTHER REVENUES	10,885	17,776	17,926
MERCHANDISE SALES	53,489	45,653	43,095
TOTAL PRO SHOP REVENUES	<u>1,074,921</u>	<u>1,026,769</u>	<u>1,023,139</u>
PERSONNEL EXPENSES			
REGULAR SALARIES	115,107	118,888	93,969
PART TIME SALARIES	115,814	130,571	170,483
OVERTIME	-	46	209
SEASONAL & OTHER	-	-	56
FICA TAXES	17,666	19,088	20,247
PENSION	16,546	11,698	5,532
MEDICAL INSURANCE	12,414	10,397	5,713
WORKER'S COMPENSATION	2,069	1,532	1,287
TOTAL PERSONNEL SERVICES	<u>279,616</u>	<u>292,220</u>	<u>297,901</u>
OPERATING EXPENSES			
CONTRACTUAL SERVICES	8,216	11,993	12,417
RENTALS AND LEASES	63,961	61,853	58,937
REPAIRS AND MAINTENANCE	4,281	8,036	23,884
PRINTING AND BINDING	2,962	3,250	-
PROMOTIONS & ADVERTISING	35,634	21,487	15,340
OTHER CHARGES - BANK & CREDIT CARD CHARGES	39,993	34,167	25,530
OPERATING SUPPLIES	8,398	6,327	8,688
UTILITY SERVICES-ELECTRICITY	28,783	25,620	24,455
UTILITY SERVICES-WATER	470	653	296
LIABILITY INSURANCE	12,778	13,718	13,056
TELECOMMUNICATIONS	14,049	9,427	8,832
MERCHANDISE	33,811	33,134	32,765
DRIVING RANGE	9,914	6,917	9,346
OFFICE SUPPLIES	2,518	1,110	1,918
DUES AND MEMBERSHIPS	957	851	767
MAINTENANCE (Department Total)	773,435	775,328	844,019
TOTAL OPERATING EXPENDITURES	<u>1,040,160</u>	<u>1,013,871</u>	<u>1,080,250</u>
TOTAL PRO SHOP OPERATION EXPENDITURES	<u>1,319,776</u>	<u>1,306,091</u>	<u>1,378,151</u>
OPERATING PROFIT (LOSS) BEFORE OTHER COSTS	<u>(244,855)</u>	<u>(279,322)</u>	<u>(355,012)</u>
OTHER COSTS ASSOCIATED WITH OPERATIONS OF THE PRO-SHOP			
DEBT SERVICE PAYMENT-MAINTENANCE	18,872	61,529	85,511
MACHINERY & EQUIPMENT-MAINTENANCE	-	49,361	81,108
PROCEEDS FROM DEBT -MAINTENANCE	-	-	(81,108)
MACHINERY & EQUIPMENT	-	-	1,954
GRANT FUNDS	-	-	(18,000)
IMPROVEMENT O/T BUILDINGS - MAINTENANCE	-	-	1,092,925
TOTAL OTHER COSTS ASSOCIATED WITH- OPERATIONS OF THE PRO-SHOP	<u>18,872</u>	<u>110,890</u>	<u>1,162,390</u>
NET PROFIT (LOSS)	<u>\$ (263,727)</u>	<u>\$ (390,212)</u>	<u>\$ (1,517,402)</u>

**CITY OF MIAMI SPRINGS, FLORIDA
GOLF COURSE
ACTUAL VS ACTUAL- MAINTENANCE EXPENSES
FOR THE PERIOD ENDING:**

MAINTENANCE

	<u>9/30/2012</u>	<u>9/30/2011</u>	<u>9/30/2010</u>
PERSONAL SERVICES			
REGULAR SALARIES	\$ 66,478	\$ 69,432	\$ 122,794
OVERTIME	-	-	514
PAYROLL TAXES	5,085	5,312	9,294
PENSION	9,565	6,978	6,989
MEDICAL INSURANCE	6,247	6,180	12,976
UNEMPLOYMENT COMPENSATION	-	8,495	3,230
WORKER'S COMPENSATION	1,236	935	902
TOTAL PERSONAL SERVICES	<u>88,611</u>	<u>97,332</u>	<u>156,699</u>
OPERATING EXPENSES			
PROFESSIONAL SERVICES	-	82	1,753
CONTRACTUAL SERVICES	368,349	343,275	350,402
REPAIRS AND MAINTENANCE	57,589	50,218	71,025
UTILITY SERVICES-ELECTRICITY	28,612	28,976	34,151
UTILITY SERVICES-WATER	7,605	6,280	11,998
OPERATING SUPPLIES	158,815	174,755	164,202
FUEL, OILS, LUBRICANTS	44,191	47,722	31,691
TOOLS	-	3,998	-
LIABILITY INSURANCE	9,202	10,501	11,736
TELECOMMUNICATIONS	647	637	603
DUES AND SUBSCRIPTIONS	-	-	300
UNIFORMS	911	998	1,246
RENTALS AND LEASES	8,903	10,554	8,223
TOTAL OPERATING EXPENSES :	<u>684,824</u>	<u>677,996</u>	<u>687,320</u>
IMPROVEMENT O/T BUILDINGS	-	-	1,092,925
MACHINERY AND EQUIPMENT	-	49,361	81,108
TOTAL CAPITAL OUTLAY :	<u>-</u>	<u>49,361</u>	<u>1,174,033</u>
PRINCIPAL PAYMENTS	18,872	61,529	85,511
INTEREST	-	-	-
TOTAL DEBT SERVICE	<u>18,872</u>	<u>61,529</u>	<u>85,511</u>
TOTAL MAINTENANCE	<u>\$ 792,307</u>	<u>\$ 886,218</u>	<u>\$ 2,103,563</u>

CITY OF MIAMI SPRINGS, FLORIDA
GOLF COURSE
ACTUAL VS ACTUAL- ADMINISTRATION EXPENSES
FOR THE PRIOD ENDING:

ADMINISTRATION

	<u>9/30/2012</u>	<u>9/30/2011</u>	<u>9/30/2010</u>
OPERATING EXPENSES			
PROFESSIONAL SERVICES - LEGAL	-	108	479
CONTRACTUAL SERVICES	-	405	451
UTILITY SERVICES-ELECTRICITY	9,794	9,512	9,402
UTILITY SERVICES-WATER	-	1,288	
REPAIRS AND MAINTENANCE	-	943	1,949
RISK MANAGEMENT	12,935	11,813	21,652
TOTAL OPERATING EXPENSES :	<u>22,729</u>	<u>24,069</u>	<u>34,648</u>
TOTAL ADMINISTRATION	<u>\$ 22,729</u>	<u>\$ 24,069</u>	<u>\$ 34,648</u>

CITY OF MIAMI SPRINGS, FLORIDA
 GOLF & COUNTRY CLUB
 ACTUAL VERSUS BUDGET
 FOR THE PERIOD ENDING 9/30/12

	<u>YTD Actual</u>	<u>YTD Budget</u>	<u>Variance Positive (Negative)</u>
TOTAL PRO-SHOP- REVENUES	<u>1,074,921</u>	<u>1,193,078</u>	<u>(118,157)</u>
TOTAL OPERATING EXPENDITURES	<u>1,319,776</u>	<u>1,326,601</u>	<u>6,825</u>
OPERATING PROFIT (LOSS) BEFORE CAPITAL EXPENDITURES AND DEBT SERVICE PAYMENTS	<u>(244,855)</u>	<u>(133,523)</u>	<u>(111,332)</u>
<u>OTHER REVENUES, TRANSFERS, AND EXPENDITURES:</u>			
DEBT SERVICE PAYMENT-MAINTENANCE	<u>18,872</u>	<u>18,872</u>	<u>-</u>
TOTAL CAPITAL EXPENDITURES AND DEBT SERVICE PAYMENTS	<u>18,872</u>	<u>18,872</u>	<u>-</u>
OPERATING PROFIT (LOSS) BEFORE NON-OPERATING COSTS	<u>(263,727)</u>	<u>(152,395)</u>	<u>(111,332)</u>
<u>NON-OPERATING COSTS:</u>			
CITY ADMINISTRATIVE EXPENSES	<u>22,729</u>	<u>22,596</u>	<u>(133)</u>
TOTAL OTHER NON-OPERATING COSTS	<u>22,729</u>	<u>22,596</u>	<u>(133)</u>
OPERATING PROFIT (LOSS)	<u>\$ (286,456)</u>	<u>\$ (174,991)</u>	<u>\$ (111,465)</u>

**CITY OF MIAMI SPRINGS, FLORIDA
ACTUAL VS BUDGET-PRO SHOP OPERATIONS
FOR THE PERIOD ENDING 9/30/12**

	<u>YTD</u> <u>ACTUAL</u>	<u>YTD</u> <u>BUDGET</u>	<u>Variance</u> <u>Positive</u> <u>(Negative)</u>
REVENUES			
GREEN FEES	\$ 745,253	\$ 854,728	\$ (109,475)
MEMBERSHIPS	52,824	83,438	(30,614)
CART REVENUES	113,563	86,247	27,316
RANGE FEES	98,907	99,615	(708)
GOLF - OTHER REVENUES	10,885	11,273	(388)
MERCHANDISE SALES	53,489	57,777	(4,288)
TOTAL PRO SHOP REVENUES	<u>1,074,921</u>	<u>1,193,078</u>	<u>(118,157)</u>
PERSONNEL EXPENSES			
REGULAR SALARIES	115,107	117,915	2,808
PART TIME SALARIES	115,814	111,755	(4,059)
FICA TAXES	17,666	16,660	(1,006)
PENSION	16,546	12,652	(3,894)
MEDICAL INSURANCE	12,414	12,735	321
WORKER'S COMPENSATION	2,069	1,723	(346)
UNEMPLOYMENT COMPENSATION	-	-	-
TOTAL PERSONNEL SERVICES	<u>279,616</u>	<u>273,440</u>	<u>(6,176)</u>
OPERATING EXPENSES			
CONTRACTUAL & PROFESSIONAL SERVICES	8,216	11,200	2,984
RENTALS AND LEASES	63,961	62,160	(1,801)
REPAIRS AND MAINTENANCE	4,281	4,700	419
PRINTING AND BINDING	2,962	5,250	2,288
PROMOTIONS & ADVERTISING	35,634	34,650	(984)
OTHER CHARGES - BANK & CREDIT CARD CHARGES	39,993	29,700	(10,293)
OPERATING SUPPLIES	8,398	9,500	1,102
UTILITY SERVICES-ELECTRICITY	28,783	25,117	(3,666)
UTILITY SERVICES-WATER	470	415	(55)
LIABILITY INSURANCE	12,778	11,493	(1,285)
TELECOMMUNICATIONS	14,049	10,916	(3,133)
MERCHANDISE	33,811	34,800	989
DRIVING RANGE	9,914	12,000	2,086
OFFICE SUPPLIES	2,518	2,000	(518)
DUES AND MEMBERSHIPS	957	507	(450)
MAINTENANCE (Department Total)	<u>773,435</u>	<u>798,753</u>	<u>25,318</u>
TOTAL OPERATING EXPENDITURES	<u>1,040,160</u>	<u>1,053,161</u>	<u>13,001</u>
TOTAL PRO SHOP OPERATION EXPENDITURES	<u>1,319,776</u>	<u>1,326,601</u>	<u>6,825</u>
OPERATING PROFIT (LOSS) BEFORE OTHER COSTS	<u>(244,855)</u>	<u>(133,523)</u>	<u>(111,332)</u>
OTHER (REVENUES) COSTS ASSOCIATED WITH OPERATIONS OF THE PRO-SHOP			
TRANSFERS TO DEBT SERVICE FUND	18,872	18,872	-
IMPROVEMENT O/T BUILDINGS	-	-	-
TOTAL OTHER (REVENUES) COSTS ASSOCIATED WITH- OPERATIONS OF THE PRO-SHOP	<u>18,872</u>	<u>18,872</u>	<u>-</u>
NET PROFIT (LOSS)	<u>\$ (263,727)</u>	<u>\$ (152,395)</u>	<u>\$ (111,332)</u>

**CITY OF MIAMI SPRINGS, FLORIDA
GOLF COURSE
ACTUAL VS BUDGET- MAINTENANCE EXPENSES
FOR THE PERIOD ENDING 9/30/12**

<u>MAINTENANCE</u>	<u>YTD</u> <u>ACTUAL</u>	<u>YTD</u> <u>BUDGET</u>	<u>Variance</u> <u>Positive</u> <u>(Negative)</u>
PERSONAL SERVICES			
REGULAR SALARIES	\$ 66,478	\$ 68,534	\$ 2,056
PAYROLL TAXES	5,085	4,788	(297)
PENSION	9,565	7,354	(2,211)
MEDICAL INSURANCE	6,247	6,259	12
UNEMPLOYMENT COMPENSATION	-	1,500	1,500
WORKER'S COMPENSATION	1,236	1,028	(208)
TOTAL PERSONAL SERVICES	<u>88,611</u>	<u>89,463</u>	<u>852</u>
OPERATING EXPENSES			
PROFESSIONAL SERVICES	-	3,000	3,000
CONTRACTUAL SERVICES	368,349	368,436	87
REPAIRS AND MAINTENANCE	57,589	66,854	9,265
UTILITY SERVICES-ELECTRICITY	28,612	27,825	(787)
UTILITY SERVICES-WATER	7,605	6,638	(967)
OPERATING SUPPLIES	158,815	170,000	11,185
FUEL, OILS, LUBRICANTS	44,191	44,650	459
TOOLS	-	2,000	2,000
LIABILITY INSURANCE	9,202	8,459	(743)
TELECOMMUNICATIONS	647	606	(41)
EDUCATION AND TRAINING	-	250	250
UNIFORMS	911	1,500	589
RENTALS AND LEASES	8,903	9,072	169
TOTAL OPERATING EXPENSES :	<u>684,824</u>	<u>709,290</u>	<u>24,466</u>
TRANSFERS TO DEBT SERVICE FUND	<u>18,872</u>	<u>18,872</u>	<u>-</u>
TOTAL DEBT SERVICE	<u>18,872</u>	<u>18,872</u>	<u>-</u>
TOTAL MAINTENANCE	<u>\$ 792,307</u>	<u>\$ 817,625</u>	<u>\$ 25,318</u>

CITY OF MIAMI SPRINGS, FLORIDA
 GOLF COURSE
 ACTUAL VS BUDGET- ADMINISTRATION EXPENSES
 FOR THE PERIOD ENDING 9/30/12

<u>ADMINISTRATION</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>Variance Positive (Negative)</u>
OPERATING EXPENSES			
PROFESSIONAL SERVICES - LEGAL	-	200	200
CONTRACTUAL SERVICES	-	700	700
UTILITY SERVICES-ELECTRICITY	9,794	8,300	(1,494)
REPAIRS AND MAINTENANCE	-	1,500	1,500
RISK MANAGEMENT	<u>12,935</u>	<u>11,896</u>	<u>(1,039)</u>
TOTAL OPERATING EXPENSES :	<u>22,729</u>	<u>22,596</u>	<u>(133)</u>
TOTAL ADMINISTRATION	<u>\$ 22,729</u>	<u>\$ 22,596</u>	<u>\$ (133)</u>

CHART E

MIAMI SPRINGS GOLF & COUNTRY CLUB
ANALYSIS OF ROUNDS PLAYED
FOR THE FISCAL YEARS ENDING:

GREEN & CART FEES

TYPE RACK RATES	9/30/2012					9/30/2011		
	Number	%	Revenues	%	Avg Per Round	Number	Revenues	Avg Per Round
Weekend Non-Resident	1,532	4.4%	73,768	7.9%	48.15	1,674	80,358	48.00
Weekday Non-Resident	1,070	3.1%	40,323	4.3%	37.69	966	35,673	36.93
Weekend/Holiday Resident	1,520	4.4%	62,891	6.8%	41.38	615	26,146	42.51
Weekday Resident	457	1.3%	11,003	1.2%	24.08	387	12,981	33.54
TOTALS FOR TOP RACK RATES	4,579	13.1%	\$ 187,985	20.2%	\$ 41.05	3,913	\$ 168,975	\$ 43.18
SEASONAL(A); DISCOUNT(B); PROMOTIONAL RATES(C)								
resident Weekend > 11:00 (B)	796	2.3%	28,532	3.1%	35.84	892	31,484	35.30
Non resident Weekend > 11:00 (B)	701	2.0%	27,088	2.9%	38.64	850	32,879	38.68
Twi-Light-Weekday	1,312	3.8%	39,607	4.3%	30.19	1,654	49,588	29.98
Twi-Light-Weekend	2,490	7.1%	80,289	8.6%	32.24	2,347	75,636	32.23
Super Twi (after 4)	608	1.7%	11,363	1.2%	18.69	2,259	42,221	18.69
Tee Time USA	2	0.0%	73	0.0%	36.50	21	738	35.14
Shootout (C)	752	2.2%	18,769	2.0%	24.96	797	20,359	25.54
Seniors Weekday	10,533	30.2%	270,466	29.1%	25.68	8,481	220,730	26.03
Group Rate Weekend (B)	1,061	3.0%	46,303	5.0%	43.64	1,322	55,910	42.29
Spectator	34	0.1%	612	0.1%	18.00	28	504	18.00
Prime Timers (C)	346	1.0%	7,423	0.8%	21.45	339	7,109	20.97
Teacher, Police, Fire	183	0.5%	4,588	0.5%	25.07	189	4,855	25.69
Men's Golf Assoc.(A)	232	0.7%	9,646	1.0%	41.58	284	11,848	41.72
Weekday resident Walking	667	1.9%	3,115	0.3%	4.67	-	-	-
Junior	115	0.3%	859	0.1%	7.47	426	3,182	7.47
Junior with Parent	88	0.3%	1,583	0.2%	17.99	102	1,835	17.99
PGA Member	240	0.7%	4,318	0.5%	17.99	280	5,037	17.99
Jan-Am Golf (B)	76	0.2%	2,107	0.2%	27.72	334	9,362	28.03
Tax Exempt Tournament	593	1.7%	15,699	1.7%	26.47	1,140	27,935	24.50
Replay 18 Holes	-	0.0%	-	0.0%	-	4	75	18.75
Replay 9 Holes	17	0.0%	203	0.0%	11.94	17	203	11.94
TOTALS FOR OTHER DISCOUNTED RACK RATES	20,846	59.8%	\$ 572,643	61.6%	\$ 27.47	20,503	\$ 588,041	\$ 28.68
TOTALS FOR ALL RACK RATES	25,425	72.9%	\$ 760,628	81.8%	\$ 29.92	24,416	\$ 757,016	\$ 31.00
Membership Activity:								
Member 18 Hole cart	5,816	16.7%	108,702	11.7%	18.69	2,996	55,995	18.69
Weekday resident Cart Fee	78	0.2%	1,822	0.2%	23.36	-	-	-
9-Hole Member Cart Rate	345	1.0%	4,113	0.4%	11.92	387	4,613	11.92
Trail Fee	2	0.0%	1,550	0.2%	775.00	2	775	-
Membership pro rated income	-	0.0%	52,824	5.7%	-	-	64,034	-
Member walk	3,199	9.2%	-	0.0%	-	4,330	-	0
TOTALS FOR ALL MEMBER ROUNDS	9,440	27.1%	\$ 169,011	18.2%	\$ 17.90	8,972	\$ 166,583	\$ 17.45
TOTALS FOR ALL PAID ROUNDS THRU 9/30/12	34,865	100.0%	\$ 929,639	100.0%	\$ 26.66	33,388	\$ 913,599	\$ 27.36
Employee Rounds	16	-	-	-	-	66	-	-
Comp rounds	20	-	-	-	-	21	-	-

Note:
Data from GolfTrac application with exception of Membership Pro Rated Income from HTE.

CITY OF MIAMI SPRINGS



Agenda Item No.

City Council Meeting of:

11-19-2012

Finance Department
201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5014
Fax: (305) 805-5037

TO: MAYOR ZAVIER GARCIA AND MEMBERS OF THE CITY COUNCIL

VIA: RON GORLAND, CITY MANAGER *RW*

FR: WILLIAM ALONSO, ASSISTANT CITY MANAGER/ FINANCE DIRECTOR *WA*

DATE: NOVEMBER 7, 2012

SUBJECT: UPDATE TO PROPOSED FUND BALANCE DESIGNATIONS

Since we have now completed closing our books for FY2012, we are providing you with a preliminary "Proposed Fund Balance Designations" (attachment A) in an effort to update these designations for FY2013. Please keep in mind that these are "unaudited numbers" and may change after our external audit is completed, however we feel confident that there will not be any significant changes to these figures.

As you can see from this report, we finished FY2012 with an available fund balance of \$4,433,747. This means that we must reduce our current designations by \$111,011 so that we can maintain our 25% requirement.

The amount available for designation this year is \$847,422, the balance of the \$4,433,747 fund balance is used as follows: \$86,325 in encumbrances that were appropriated in the FY2013 budget, and \$3,500,000 to be retained as unreserved, undesignated according to the GFOA.

The GFOA recommends that a minimum of 15% of annual expenses be maintained as an undesignated, unrestricted fund balance. However, higher percentages should be used in those areas designated high risk to natural disasters, that is why after these designations Miami Springs will have approximately 25% of annual expenditures as undesignated, unrestricted fund balance.

These Council designations may be reduced, increased, transferred, or otherwise cancelled by the Council at anytime. The purpose of the designations is to designate funds for future needs and projects of the City. It also ensures that residents and/or outside third parties understand that the City is planning for the future needs of the community and how to fund for those needs.

In order to assist Council in analyzing future needs of the city, we prepared a listing of projected needs and projects over the next five years (attachment B)

As in the past, we will monitor and report to council on an interim basis as to the status of the designations. Council will approve any usage of funds from these designations before expenditures are incurred.

**CITY OF MIAMI SPRINGS
PROPOSED GENERAL FUND BALANCE DESIGNATIONS
PROJECTED FISCAL YEAR 2012-2013**

<u>DESIGNATION</u>	<u>Balance 9/30/2012</u>	<u>FY2012-13</u>		<u>Balance 9/30/2013</u>
		<u>Additions</u>	<u>Reductions</u>	
Senior Center:				
Senior Center Building	19,945	-	-	19,945
Total Senior Center Designations	<u>19,945</u>	<u>-</u>	<u>-</u>	<u>19,945</u>
Country Club Roof	<u>60,120</u>	<u>-</u>	<u>-</u>	<u>60,120</u>
Storage Tank-DERM project at the golf course	<u>25,760</u>			<u>25,760</u>
Downtown Revitalization	<u>89,475</u>	<u>-</u>	<u>-</u>	<u>89,475</u>
Westward Median	<u>3,000</u>	<u>-</u>	<u>-</u>	<u>3,000</u>
Contingency-Hurricane Costs	<u>500,000</u>	<u>-</u>	<u>-</u>	<u>500,000</u>
Pool improvements	<u>260,133</u>	<u>-</u>	<u>-</u>	<u>260,133</u>
Total proposed designations	\$ 958,433	\$ -	\$ -	\$ 958,433
Encumbrances appropriated FY2013	\$ 86,325	\$ -		\$ 86,325
Total Available Fund Balance	<u>4,433,747</u>	<u>-</u>	<u>-</u>	<u>4,433,747</u>
Unrestricted, Undesignated fund Balance	<u>3,388,989</u>			<u>3,388,989</u>
				<u>25% of FY12-13 Budgeted expenditures.....</u>
				\$ 3,500,000
				Excess(deficit) funds available for designation
				<u>\$ (111,011) *</u>

Attachment B

CITY OF MIAMI SPRINGS CAPITAL IMPROVEMENT PLAN (5 YEARS)

	Totals
GOLF COURSE	
Cart Barn	300,000
T-Boxes	180,000
Renovate sand bunkers	30,000
Renovate restrooms	80,000
General Projects	
Tennis Courts at the Golf Course	550,000
New Water Park	3,500,000
RECREATION	
Prince Field Lighting Project	130,000
New truck	20,000
Premier Fence at Prince Field	30,000
Replace Playground Surface at Prince/Pdove	10,000
Replace Bleacher at Prince with Shade Structure	80,000
Replace Mounds at Prince Field	3,400
Shade Structures at Stafford for new and existing	80,000
Replace Vita Course at Stafford Park	75,000
Repave Vita Course Track	30,000
Vita Course Ligths	165,000
5 Tier bleachers for Community Center	16,000
Laser Grade and Clay to Ballfields	30,000
New Park Benches, Trash Receptacles and Picnic	40,000
Community Center paint	50,000
Re-sod Prince and Stafford Fields	300,000
Re-Paint Concession Stands at Stafford and PD	30,000
Replace Playground at Prince Field	100,000
Resurface and Repaint Gym Floor w/ City Logo	20,000
Resurface Gym Floor	15,000
Replace Playground at Peavy Dove	50,000
Replace Sand Pro	10,000
Tables/Trash Receptacles at Dog Park and Tennis	35,000
PUBLIC WORKS	
Replace 10 Interior Lamps On Main Circle	15,900
Re-piping of galvanizes water lines at City hall	75,000
Re-building the gazebo on the Circle possibly in concrete	15,000
Curbing around the Circle	35,000
Re-roofing main Building at Public Works	25,000
Re-roof City Hall	40,000
Replace three A/C units at the Country Club	15,000
ELDERLY SERVICES	
Bldg Addition & Replacement of Sliding Glass Walls	400,000
TOTAL	6,580,300



Agenda Item No.

City Council Meeting of:

11-19-2012

City Manager Department
201 Westward Drive
Miami Springs FL 33166
305-805-5010

TO: Honorable Mayor Garcia and Members of the City Council

FROM: Ron Gorland, City Manager

DATE: November 15, 2012

SUBJECT: Consideration regarding cancellation of the second Council meeting in December

As has been the practice of past Councils, the City Administration request Council consider cancelling subject meeting currently scheduled for December 24th.

