ORDINANCE NO. 2012-03

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2011-05 ADOPTED ON SEPTEMBER 20, 2011 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2011-2012, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in accordance with the Village of Biscayne Park's Charter and all laws of the State of Florida, on September 20, 2011, the Village Commission finalized and adopted its operating budget for Fiscal Year 2011-2012, which is incorporated herein; and

WHEREAS, the Village Commission acknowledges that amendments are required to the Annual Operating Budget for Fiscal Year 2011-2012, as designated in Exhibit "A", attached hereto;

NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA,:

Section 1. Each and all the foregoing Whereas clauses are true and correct and are incorporated herein.

Section 2. That the Annual Operating Budget Fiscal Year 2011-2012, approved by the Village Commission on September 20, 2011, is amended as designated in Exhibit "A", attached hereto.

Section 3. The Village Commission hereby ratifies and confirms all other provisions of Ordinance 2011-05.

Section 4. **Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. **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 6. **Effective Date.** This Ordinance shall be effective upon adoption at second reading.

The foregoing Ordinance was offered by Vice Mayor Ross who moved its adoption. The motion was seconded by Commissioner Anderson and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED upon first reading this 1st day of May, 2012.

PASSED AND ADOPTED upon second reading this 10th day of July, 2012.

Noah Jacobs, Mayor

The foregoing ordinance upon being put to a vote, the vote was as follows:

Mayor Jacobs: Yes
Vice Mayor Ross: Yes
Commissioner Anderson: Yes
Commissioner Cooper: No
Commissioner Watts: Yes

Attest:

Maria C. Camara

Maria C. Camara, Village Clerk

Approved as to form:

Village Attorney

BUDGET AMENDMENT PROCESS

The budget process incorporates development, implementation, evaluation, and finalization of a team plan for the provision of services and capital assets. Included in these steps are Budget Amendments, which are defined as a change approved by Commission which alters the original adopted budget by increasing or decreasing appropriations to a particular department, or transferring funds from one department or fund to another in order to eliminate account line deficits. The adopted budget, mid-year, and final amendments serve as a management tool by measuring actual performance, focuses attention on future operations, and improves communication of goals and objectives. The budget process includes the following steps:

- Commission reviews the draft budget presented by the Village Manager, recommends changes and adopts the budget in compliance with the Biscayne Park Charter and the Trust in Millage (TRIM) Act.
- The mid-year review projects expenditures and balances for the upcoming Budget and amends the Adopted Budget and Contingency Account to better reflect changes that have occurred since budget adoption.
- At the end of the year a budget amendment is developed to eliminate deficits in all account lines. Per State Statutes the amendments are approved by commission using the same procedures as when the budget is initially adopted.

PROJECTED GENERAL FUND NET INCOME

Items that are causing a significant impact on the projected 2011-12 budget include:

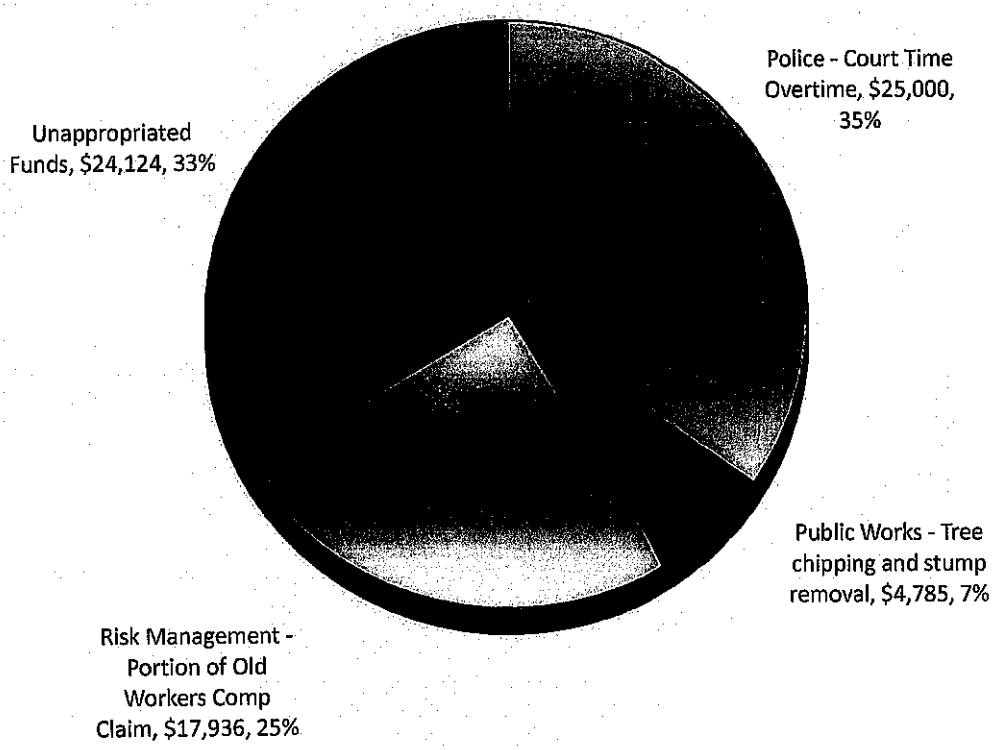
- Sale of Surplus Equipment – Sale of Community Bus was higher than anticipated.
- Permits – The number of Building, Plumbing and AC Permits have significantly increased.
- Judgments & Fines - Significant reductions in anticipated Code Enforcement violations.
- Police Overtime and Court Overtime – Increase caused by additional arrests and subsequent legal requirements and activity.
- Gas and Oil – Increase due to higher gas prices and additional usage with the Police take home car policy.
- Unemployment Compensation – Increases related to federal government extension of unemployment benefits.

CONTINGENCY FUND BREAKDOWN

The Contingency Fund is a separate account designed for emergencies or unbudgeted expenditures. For Biscayne Park the account is also used special projects approved by the Commission or resident committee groups. The adopted Biscayne Park budget includes a separate "Contingency Fund" in the amount of $71,845 that is a separate account designed for emergencies, unbudgeted expenditures, or for special projects approved by the Commission during the budget process. Based on recommendations from our auditors, the Biscayne Park contingency fund operates as follows:

- The expenditure would be charged to the appropriate account line
- The contingency fund would then incur a budget amendment moving the monies from the contingency account to the correct account line
- Commission approves the appropriation transfer as part of the amendment process.

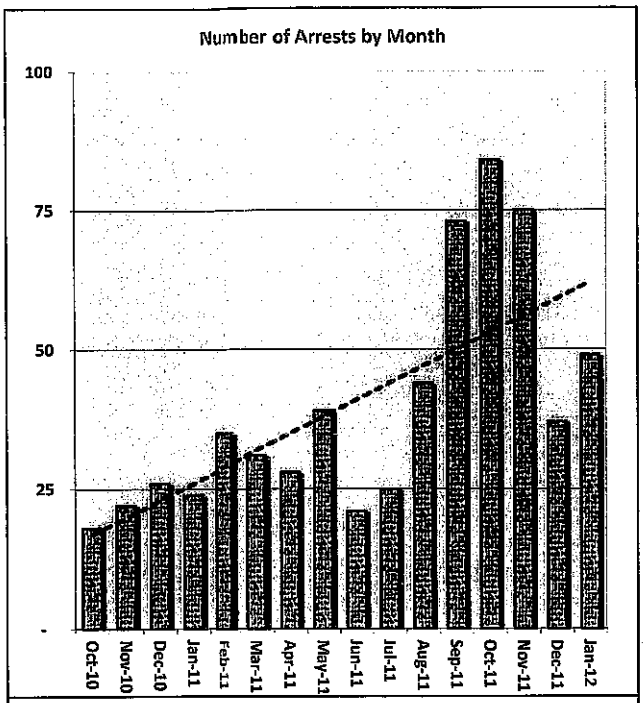
Contingency Fund - Proposed Amendments



Description	Amount
Police - Court Time Overtime	$ 25,000
Public Works - Tree chipping and stump removal	4,785
Risk Management - Portion of Old Workers Comp Claim	17,936
Unappropriated Funds	24,124
	$ 71,845

1) Explanation of Police Court Overtime

Based on the contract between the Dade County PBA and the Village, officers who are required to make off-duty court appearances as a subpoenaed witness in the federal or state courts or as a deponent in pending criminal or traffic cases arising out of the discharge of the officer's duties in the course of his employment with the Village will receive a minimum of four (4) hours pay at the rate of one and one-half times his normal salary.

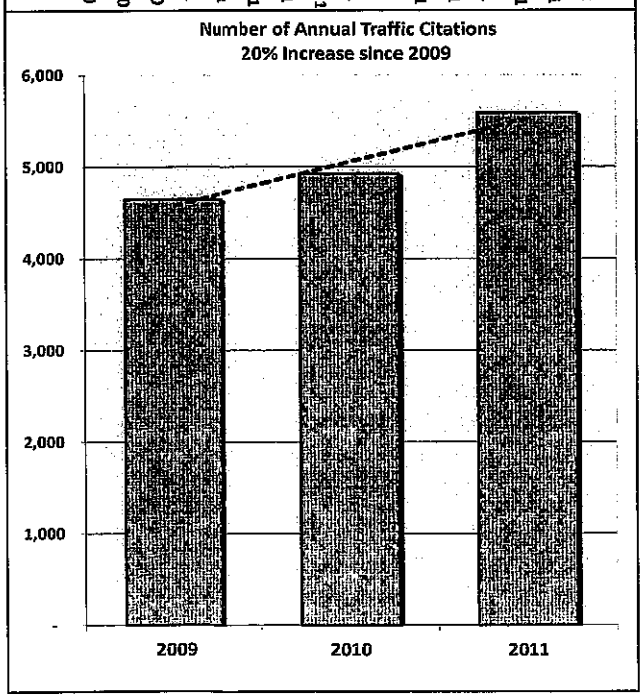


Additional Police Court Overtime

To improve resident safety Police performance goals implemented during the current fiscal year include:

- Reduction of the overall Village crime rate including felony and misdemeanor arrests.
- Increase the number of traffic citations.
- Improve crime solution and case solvability.

The adjacent chart illustrates the number of arrests in the Village by month while the bottom chart reflects the number of annual traffic citations, with an increasing trend-line for both. This successful emphasis on resident safety directly increases the amount of Court Overtime that is incurred in the Police budget.



The Adopted Court Overtime budget was based on prior year historic data. The original budget projections could not have incorporated the impact of hiring three proactive officers who have implemented an aggressive stance in reducing crime and improving vehicular safety. To continue this strategic operational plan at the same levels of service it is projected that there will be $37,000 in expenditures at year end and a transfer of $25,000 will be needed from the Contingency Fund to cover the deficit created.

Fiscal/Budgetary Impact:
Transfer of $25,000 existing funds in Contingency Fund budget to Police budget, Court Overtime, Department 521, line item 150.05.

2) Explanation of Tree Chipping, Mulching and Stump Removal
A massive limb from the large Strangler Fig located on the swale of the property at 625 NE 114 Street broke off and fell to the ground, crushing a gumbo limbo in the process. The following week a professional arborist was called out to assess the condition of the tree where it was determined that the tree trunk had trunk rot and that the tree needed to be removed before it became a community safety hazard. This tree was professionally removed, stump grinded and all debris was removed.

Description	Amount
Cut Down Tree and Stump Grind	$ 3,900
Tree Removal Permit - County	140
Tree Removal Permit - County	47
Waste Removal	582
3 Cubic Yards of Top Soil and delivery	116
	$ 4,785

Fiscal/Budgetary Impact:
Transfer of $4,785 existing funds in Contingency Fund budget to Public Works budget, Landscaping, Department 539, line item 460.10.

3) Explanation of Old Workers Compensation Claim
For several years the Village was self-insured and incurred several Workers Compensation Claims. The unbudgeted claim relates back to a fiscal year 2004 incident where the Village is still responsible for the ongoing claims. The total amount of the claim is $57,325 of which the budget offsets are as follows:

Budgeted Items - Offset Description	Amount
Contingency	$ 17,936
Patrol Car not purchased in 2011-12	8,145
Patrol Car purchased in August 2011-12	7,466
Postponing of the IT project	23,805
	$ 57,352

Fiscal/Budgetary Impact:
Transfer of $17,936 existing funds in Contingency Fund budget to the Risk Management budget, Department 516, line item 415.22.

PROJECTED GENERAL FUND REVENUES

Items that are causing a significant impact on the 2011-12 revenue collections include:

- Utility Service Taxes and Franchise Fees – Increases due to higher fuel costs.
- Permits – The number of Building, Plumbing and AC Permits have significantly increased.
- Judgments & Fines - Significant reductions in anticipated Code Enforcement violations.
- Other Miscellaneous Revenue – Increase caused by Prior year insurance reimbursements

PROJECTED GENERAL FUND EXPENDITURES

The Projected 2011-12 Expenditure calculations were $37,816 less than the original adopted budget. Below is an explanation of significant items:

- Risk Management – Old Worker's Compensation claim of $53,000.
- Building Permits – Increase in the number of permits have increased actual expenditures. These expenditures are offset by revenue collections from residents.
- Gas and Oil – Increased because of police take home car program and increases in the costs of gas.
- Police – Overtime is higher than budgeted because of additional arrests and patrols.
- Public Works – Deficit caused by unbudgeted charges related to removal of strangler fig.

Going forward staff will continue to analyze the budget and scrutinize every dollar spent to provide the Village with the highest level of service at the lowest cost. All department directors are working to ensure that they remain within budget. To conclude the 2011-12 budget year, the Village Commission will receive the final amendment in November.

CITT BUDGET PROJECTION AND AMENDMENT

Compared to the original adopted budget, projected county revenue is $16,338 greater while due to street improvement and drainage projects anticipated expenditures have increased by $93,201. Because the transportation projects are funded by a 50/50 split between CITT and grants, the Department of Environmental Protection will reimburse the CITT account for $114,700 for these expenditures. Below is an explanation of significant items and the amendment that reflects projected activities in the fund:

- Revenue – Year-end projections for the CITT Transit Surtax (the monthly revenue received from the county) reflects higher than anticipated collections and will increase $16,363 by year-end. On the average we receive $9,300 per month.
- Transit Projects – CITT transit includes additional 6th Avenue median enhancement because of several accidents damaging the landscaping/irrigation. 3 bids for labor and 3 bids for materials have been acquired and approved by legal.
- Transportation Projects -- CITT transportation includes drainage and street improvement projects to be funded ***50%*** by CITT Transportation and ***50%*** funded by state grants through the Department of Environmental Protection. Based on these projects, expenditures were projected to increase $157,456 and cause a deficit in CITT until the funds are reimbursed by the state.
- Contingency Account – The CITT Contingency account is for additional worthwhile projects that can be funded by CITT dollars. Monies from the CITT Contingency account will be transferred to the accounts above to assist in funding these projects in the amount of ($63,785)

CITT EXPENSE

		Projected Budget				Amendment	
Account	Account Description	Adopted Budget	Actual as of 3/31/2012	Projected Expense	Projected Balance	Budget Amendment	Amended Budget
544-340.23	Contract Services	1,600	0	1,600	0	0	1,600
544-430.10	Electric	22,132	10,807	21,614	518	-518	21,614
544-460.11	RM - Medians Landscape	21,000	10,172	21,048	-48	48	21,048
544-660.05	Transit Projects	19,047	0	19,047	0	0	19,047
544-670.05	Transportation Projects	76,186	0	233,642	-157,456	80,593	156,779
544-690.00	Contingency	69,099	7,378	5,314	63,785	-63,785	5,314
	Total Department Expenses	**$209,064**	**$28,357**	**$302,265**	**-$93,201**	**$16,338**	**$225,402**

CITT REVENUE

		Projected Budget				Amendment	
Account	Account Description	Adopted Budget	Actual as of 3/31/2012	Projected Revenue	Projected Balance	Budget Amendment	Amended Budget
338-200.00	CITT Transit Surtax	95,233	51,442	111,596	16,363	16,363	111,596
361-100.00	Interest Earnings	300	132	275	-25	-25	275
	Appropriated Fund Balance	113,531	0	113,531	0	0	113,531
	Total Department Revenues	**$209,064**	**$51,574**	**$225,402**	**$16,338**	**$16,338**	**$225,402**
	Total CITT	**$0**	**$23,217**	**-$76,863**	**-$76,863**	**$0**	**$0**

Transit Projects
* 6th Avenue Median Rehabilitation project

Transportation Projects
* Match for Street and Drainage projects
* Median Closure Study
* 121 Street Median Closing