



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161
(305) 899-8000

Mayor and Commission

John R. Hornbuckle
Mayor

Robert (Bob) Anderson
Vice-Mayor

Kelly Mallette
Commissioner

Chester H. Morris, M.D.
Commissioner

Steve Bernard
Commissioner

Frank R. Spence
Village Manager

John J. Hearn
Village Attorney

Ann Harper
Village Clerk

AGENDA

REGULAR COMMISSION MEETING

Ed Burke Recreation Center – 11400 NE 9th Court
Tuesday, August 7, 2007 - 7:00 pm

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

1. PRESENTATIONS – None
2. ADDITIONS, DELETIONS OR WITHDRAWALS TO AGENDA
3. CONSENT AGENDA (Motion to be made for all as one or remove for discussion) Tab #3
 - A. Approval of Minutes – None
 - B. Approval of Monthly Budget to Actual Statement June 2007
 - C. Agreements - None
4. ORDINANCES – FIRST READING – TAB #4

ORDINANCE NO. 2007-11

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE CODE OF ORDINANCE BY CREATING A NEW SECTION ENTITLED "ADMINISTRATIVE VARIANCES;" PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Village of Biscayne Park - Agenda

5. PUBLIC HEARINGS

A. ORDINANCE NO. 2007-10

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, REPEALING AND REPLACING EXISTING SECTION 3-23, ENTITLED "DEFECATING, ETC., ON PUBLIC OR COMMON PROPERTY PROHIBITED," OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

6. RESOLUTIONS – None

7. OLD BUSINESS – TAB #7

A. Discussion of North Miami's Future Land Use Map along NE 121st Street

8. NEW BUSINESS – TAB #8

- A. Consideration of request of Brett Shinn to use Recreation Department Ball Field for Astronomy Viewing**
- B. Official appeal of disciplinary action against Officer Jose (Ortega) Velez**
- C. Consideration of "Website/Community Interaction" Proposal by Commissioner Bernard.**
- D. Announcement of Vacancy of the alternate position of the planning and Zoning Board.**

9. GOOD AND WELFARE (PUBLIC)

10. REPORTS – TAB #10

A. Committee Reports – Dog Park, Chair, John Ise

B. Village Attorney Comments

C. Village Manager Comments

- 1. Advice of Appointment of Hans Laurenceau to Planning and Zoning Board and Harvey Bilt to the Code Enforcement Board by Commissioner Anderson.**
- 2. Report from Police Chief Glansberg**
- 3. Entry Sign Status**
- 4. Budget Workshop Schedule**

Village of Biscayne Park - Agenda

D. Commission Comments

1. Commissioner Bernard
2. Commissioner Mallette
3. Commissioner Morris
4. Vice-Mayor Anderson
5. Mayor Hornbuckle

11. ANNOUNCEMENTS

All public meetings are held at the Ed Burke Recreation Center
11400 NE 9th Court, Biscayne Park

- *Saturday, August 18 – Commission Workshop - Entrance Sign 10am-noon
- *Monday, August 20 – Planning and Zoning Board at 7 pm
- *Tuesday, August 21 – Code Enforcement Board at 7 pm
- *Monday, September 3 – All Departments closed Labor Day Holiday
- *Tuesday, September 4 – 1st Budget Public Hearing and Regular Commission Meeting

12. ADJOURNMENT

NOTE: TBS = To Be Submitted

Visit our website at www.biscayneparkfl.gov

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899-8000 no later than (4) days prior to the proceeding for assistance.

DECORUM

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

VILLAGE OF BISCAYNE PARK**CASH BALANCES****AS OF 6/30/2007**

| FUND NAME | ACCOUNT # | BALANCE |
|---------------------|--------------------|------------------------|
| GENERAL FUND | 801.0000.101.01.00 | \$ 239,068.09 |
| PAYROLL | 801.0000.101.02.00 | \$ 779.29 |
| ROAD FUND | 101.0000.101.04.00 | \$ 42,625.45 |
| FORFEITURE FUND | 105.0000.101.05.02 | \$ 42,493.87 |
| FORFEITURE FEDERAL | 105.0000.101.05.01 | \$ 24,136.79 |
| DOG PARK RESERVE | 001-0000-106-00-00 | \$ 517.05 |
| BANKED SICK LEAVE | 001.0000.105.00.00 | \$ 15,784.51 |
| ACQUISITION ACCOUNT | 001-0000-151-02-00 | \$ 142,137.63 |
| STATE POOL INVEST. | 001.0000.151.01.00 | \$ 751,458.67 |
| TRANSIT SURTAX | 301.0000.101.04.00 | \$ 83,494.95 |
| STORMWATER PROJECT | 401.0000.101.07.00 | \$ 26,903.95 |
| PETTY CASH | 001.0000.102.00.00 | \$ 300.00 |
| CRIME WATCH | 105.0000.101.03.00 | \$ 4,375.55 |
| CAPITAL PROJECT | 601.0000.101.04.00 | \$ 23,447.86 |
| TOTAL | | \$ 1,397,523.66 |

VILLAGE OF BISCAYNE PARK
 BUDGET VS ACTUAL
 AS OF 6/30/2007 PERIOD 9



| | FISCAL 2006-2007 YEAR TO DATE JUNE 2007 | ADOPTED BUDGET FY 2007 | VARIANCE | % ACTUAL/ BUDGET |
|------------------------------------|---|------------------------------|--------------------|------------------------|
| GENERAL FUND | | | | |
| REVENUES: | | | | |
| BY CATEGORIES: | | | | |
| AD VALOREM TAXES | 1,656,387.68 | 1,690,145.00 | 33,757.32 | 98.00% |
| FRANCHISE FEES | 70,037.76 | 108,000.00 | 37,962.24 | 64.85% |
| UTILITY SERVICE TAXES | 72,119.06 | 101,000.00 | 28,880.94 | 71.41% |
| COMMUNICATION SERVICE TAXES | 75,740.60 | 117,702.00 | 41,961.40 | 64.35% |
| LICENSES & PERMITS | 125,501.33 | 111,000.00 | -14,501.33 | 113.06% |
| INTERGOVERNMENTAL REVENUE | 212,617.77 | 294,687.00 | 82,069.23 | 72.15% |
| SERVICE REVENUES | 745,173.18 | 810,303.00 | 65,129.82 | 91.96% |
| FINES & FORFEITURES | 111,295.19 | 54,080.00 | -57,215.19 | 205.80% |
| MISCELLANEOUS REVENUES | 316,569.82 | 172,400.00 | -144,169.82 | 183.63% |
| TOTAL REVENUES | 3,385,442.39 | 3,459,317.00 | 73,874.61 | 97.86% |
| EXPENSES: | | | | |
| BY DEPARTMENT: | | | | |
| VILLAGE COMMISSION | 14,366.15 | 30,377.00 | 16,010.85 | 47.29% |
| EXECUTIVE/ADMINISTRATION | 136,371.85 | 204,523.00 | 68,151.15 | 66.68% |
| FINANCE | 109,129.03 | 143,458.00 | 34,328.97 | 76.07% |
| GENERAL GOVERNMENT | 269,893.90 | 338,464.00 | 68,570.10 | 79.74% |
| POLICE | 844,476.54 | 956,095.00 | 111,618.46 | 88.33% |
| BUILDING DEPARTMENT | 71,129.41 | 115,534.00 | 44,404.59 | 61.57% |
| CODE ENFORCEMENT | 48,499.34 | 67,949.00 | 19,449.66 | 71.38% |
| PUBLIC WORKS | 965,030.16 | 1,264,285.00 | 299,254.84 | 76.33% |
| RECREATION | 190,865.47 | 338,632.00 | 147,766.53 | 56.36% |
| TOTAL GENERAL FUND EXPENSES | 2,649,761.85 | 3,459,317.00 | 809,555.15 | 76.60% |
| TOTAL REVENUES | 3,385,442.39 | 3,459,317.00 | 73,874.61 | 97.86% |
| NET REVENUES (EXPENDITURES) | 735,680.54 | 0.00 | -735,680.54 | |
| ROAD FUND | | | | |
| REVENUE: | | | | |
| TOTAL REVENUE: | 99,865.07 | 138,904.00 | 39,038.93 | 71.90% |
| EXPENSES: | | | | |
| TOTAL DEPARTMENT EXPENSE | 89,042.91 | 138,904.00 | 49,861.09 | 64.10% |
| TOTAL EXPENSES | 89,042.91 | 138,904.00 | 49,861.09 | 64.10% |
| TOTAL REVENUE | 99,865.07 | 138,904.00 | 39,038.93 | 71.90% |
| NET REVENUES (EXPENDITURES) | 10,822.16 | 0.00 | -10,822.16 | |

VILLAGE OF BISCAYNE PARK
BUDGET VS ACTUAL AS OF 6/30/2007 (PERIOD 9)

| FUND | GENERAL FUND | | | | |
|---------|--|---------------------|---------------------|--------------------|----------------|
| | REVENUES | | | | |
| | | FY 06-07 | FY06-07 | | % |
| | | YEAR TO DATE | ADOPTED | | ACTUAL/ |
| OBJECT: | | 06/30/07 | BUDGET | VARIANCE | BUDGET |
| 311100 | Real & Personal Property | 1,656,387.68 | 1,690,145.00 | 33,757.32 | 98.00% |
| | Total Ad Valorem Taxes: | 1,656,387.68 | 1,690,145.00 | 33,757.32 | 98.00% |
| 313100 | Electric | 70,037.76 | 108,000.00 | 37,962.24 | 64.85% |
| | Total Franchise Fees: | 70,037.76 | 108,000.00 | 37,962.24 | 64.85% |
| 3141000 | Electric | 66,835.21 | 96,000.00 | 29,164.79 | 69.62% |
| 3144000 | Gas/Propane | 5,283.85 | 5,000.00 | -283.85 | 105.68% |
| | Total Utility Service Taxes: | 72,119.06 | 101,000.00 | 28,880.94 | 71.41% |
| 3151001 | Communications Service Tax | 75,740.60 | 117,702.00 | 41,961.40 | 64.35% |
| | Total Communications Service Tax: | 75,740.60 | 117,702.00 | 41,961.40 | 64.35% |
| 3221000 | Building Permits | 74,739.93 | 70,000.00 | -4,739.93 | 106.77% |
| 3222000 | Electrical Permits | 8,983.75 | 8,000.00 | -983.75 | 112.30% |
| 3223000 | Plumbing Permits | 9,166.30 | 8,000.00 | -1,166.30 | 114.58% |
| 3224000 | Air Conditioning/Mechanical Permits | 4,593.00 | 6,000.00 | 1,407.00 | 76.55% |
| 3226000 | Paint Permits | 2,060.00 | 3,000.00 | 940.00 | 68.67% |
| 3227000 | Garage Sale | 640.00 | 900.00 | 260.00 | 71.11% |
| 3228000 | Plan Review | 324.00 | 1,000.00 | 676.00 | 32.40% |
| 3329900 | Permit Administrative Fee | 11,441.10 | 9,000.00 | -2,441.10 | 127.12% |
| 3229001 | Variance Application Fee | 550.00 | 1,000.00 | 450.00 | 55.00% |
| 3229010 | Variance Advertisement | 603.25 | 2,500.00 | 1,896.75 | 24.13% |
| 3231000 | Re-Occupancy | 1,850.00 | 1,500.00 | -350.00 | 123.33% |
| 3231100 | Contractor Registration | 945.00 | 100.00 | -845.00 | 945.00% |
| 3231200 | Landlord Permit Fees | 9,605.00 | - | -9,605.00 | |
| 3312000 | | | | | |
| | Total (Village) Licenses & Permits: | 125,501.33 | 111,000.00 | (14,501.33) | 113.06% |

**VILLAGE OF BISCAYNE PARK
BUDGET VS ACTUAL AS OF 6/30/2007 (PERIOD 9)**

| | | | | | |
|---------|---|---------------------|---------------------|--------------------|----------------|
| 3343000 | FEMA Reimbursement | 5,719.30 | - | -5,719.30 | |
| | Federal Grants/ Cops Grant | 2,122.00 | - | -2,122.00 | |
| 3342200 | Grants - Other | | - | - | |
| 3351200 | State Revenue Sharing | 50,221.20 | 76,470.00 | 26,248.80 | 65.67% |
| 3351800 | Local Govt. 1/2 Cent Sales Tax | 151,992.01 | 218,217.00 | 66,224.99 | 69.65% |
| 3383000 | Occupational Licenses - County | 2,563.26 | - | -2,563.26 | |
| | Total Intergovernmental Revenue: | 212,617.77 | 294,687.00 | 82,069.23 | 72.15% |
| 341200 | Certification, Copies & Lien Search | 4,574.95 | 5,000.00 | 425.05 | 91.50% |
| 3434001 | Garbage/Waste Fees | 641,896.86 | 650,803.00 | 8,906.14 | 98.63% |
| 3434002 | Garbage/Waste-Interest & Penalties | | - | - | |
| 3434003 | Special Pick-up / Lot Clearing | 7,780.00 | 11,500.00 | 3,720.00 | 67.65% |
| 3434009 | Garbage/Waste Revenue Write Off | (17,744.80) | - | 17,744.80 | |
| 3472001 | Recreation Program Fees | 94,511.85 | 120,000.00 | 25,488.15 | 78.76% |
| 3472002 | Recreation - Concession Sales | 8,338.00 | 18,000.00 | 9,662.00 | 46.32% |
| 3472003 | Other Parks & Rec. Fees (Special) | 5,816.32 | 5,000.00 | -816.32 | 116.33% |
| | Total Service Revenue: | 745,173.18 | 810,303.00 | 65,129.82 | 91.96% |
| 3510100 | Judgments/ Citations - Court Imposed | 31,187.54 | 38,000.00 | 6,812.46 | 82.07% |
| 3540001 | Violations - Local Ordinance | 79,383.50 | 15,000.00 | -64,383.50 | 529.22% |
| 3590000 | LETF | 724.15 | 1,080.00 | 355.85 | 67.05% |
| | Total Fines & Forfeitures: | 111,295.19 | 54,080.00 | -57,215.19 | 205.80% |
| 3610000 | Interest | 46,033.21 | 39,000.00 | -7,033.21 | 118.03% |
| 3690100 | Miscellaneous Other | 3,543.50 | 5,000.00 | 1,456.50 | 70.87% |
| | Insurance Proceeds | 41,689.72 | - | -41,689.72 | |
| 3690200 | Misc Newsletter Ads | 1,060.00 | - | -1,060.00 | |
| 3690300 | North Miami Beach Police Reimbursable | 36,701.39 | - | -36,701.39 | |
| 3690400 | Dog Park Donations | 530.00 | - | -530.00 | |
| 3800000 | Fund Balance / Carryover | | - | - | |
| 3800100 | Proceeds from Capital Lease | 187,012.00 | 128,400.00 | -58,612.00 | 145.65% |
| | Total Miscellaneous Revenue | 316,569.82 | 172,400.00 | -144,169.82 | 183.63% |
| | TOTAL REVENUE/BUDGET: | 3,385,442.39 | 3,459,317.00 | 73,874.61 | 97.86% |

**VILLAGE OF BISCAYNE PARK
BUDGET VS ACTUAL AS OF 6/30/2007 (PERIOD 9)**

| | | | | | |
|---|-------------------------------------|-------------------|-------------------|------------------|---------------|
| DEPARTMENT: | EXECUTIVE/VILLAGE COMMISSION | | | | |
| 511.11.01 | Salaries / Reimbursements | 9,000.00 | 18,000.00 | 9,000.00 | 50.00% |
| 511.21.01 | FICA Taxes | 558.00 | 1,116.00 | 558.00 | 50.00% |
| 511.21.02 | Medicare | 130.50 | 261.00 | 130.50 | 50.00% |
| TOTAL PERSONAL SERVICES: | | 9,688.50 | 19,377.00 | 9,688.50 | 50.00% |
| 511.40.01 | Travel Conferences & Meetings | 2,192.79 | 5,000.00 | 2,807.21 | 43.86% |
| 511.47.01 | Printing & Binding | 1,007.56 | | -1,007.56 | |
| 511.54.01 | Dues, Subscriptions & Memberships | 300.00 | 3,000.00 | 2,700.00 | 10.00% |
| 511.55.01 | Special Events | 1,177.30 | 3,000.00 | 1,822.70 | 39.24% |
| TOTAL MATERIALS, SUPPLIES, SERVICES: | | 4,677.65 | 11,000.00 | 6,322.35 | 42.52% |
| TOTAL OPERATING EXPENSES/BUDGET: | | 14,366.15 | 30,377.00 | 16,010.85 | 47.29% |
| DEPARTMENT: | EXECUTIVE/ADMINISTRATION | | | | |
| 512.12.01 | Regular Salaries | 97,865.00 | 126,879.00 | 29,014.00 | 77.13% |
| 512.13.01 | Other Salaries & Wages | | - | - | |
| 512.14.01 | Overtime | | - | - | |
| 512.19.01 | Compensated Absences | | - | - | |
| 512.21.01 | FICA Taxes | 6,067.64 | 7,867.00 | 1,799.36 | 77.13% |
| 512.21.02 | Medicare | 1,419.02 | 1,840.00 | 420.98 | 77.12% |
| 512.22.01 | Retirement | 7,976.96 | 10,818.00 | 2,841.04 | 73.74% |
| 512.23.01 | Life, Health & Dental Insurance | 4,151.36 | 4,332.00 | 180.64 | 95.83% |
| 512.24.01 | Workers Compensation | 636.00 | 787.00 | 151.00 | 80.81% |
| 512.25.01 | Unemployment Compensation | 855.55 | - | (855.55) | |
| 512.34.01 | Contractual Services | 450.00 | 5,000.00 | 4,550.00 | 9.00% |
| TOTAL PERSONAL SERVICES: | | 119,421.53 | 157,523.00 | 38,101.47 | 75.81% |
| 512.40.01 | Travel, Conferences & Meetings | 3,362.08 | 4,000.00 | 4,000.00 | 84.05% |
| 512.46.02 | R&M - Equipment | 614.00 | - | -614.00 | |
| 512.47.01 | Printing & Binding | 168.00 | 1,000.00 | 832.00 | 16.80% |
| 512.49.02 | Legal Advertising | 9,499.45 | 25,000.00 | 15,500.55 | 38.00% |
| 512.49.04 | Ordinance Codification | | 10,000.00 | 10,000.00 | 0.00% |
| 512.49.06 | Election | 161.47 | 1,000.00 | 838.53 | 16.15% |
| 512.51.01 | Office Supplies | 877.04 | 1,000.00 | 122.96 | 87.70% |
| 512.52.12 | Special Departmental Supplies | 525.45 | 1,500.00 | 974.55 | 35.03% |
| 512.54.01 | Dues, Subscriptions & Memberships | 1,742.83 | 1,500.00 | -242.83 | 116.19% |
| 512.54.02 | Education & Training | | 2,000.00 | 2,000.00 | 0.00% |
| TOTAL MATERIALS, SUPPLIES, SERVICES: | | 16,950.32 | 47,000.00 | 33,411.76 | 36.06% |
| TOTAL DEPARTMENT EXPENSES/BUDGET: | | 136,371.85 | 204,523.00 | 68,151.15 | 66.68% |

**VILLAGE OF BISCAYNE PARK
BUDGET VS ACTUAL AS OF 6/30/2007 (PERIOD 9)**

| DEPARTMENT: | FINANCE | | | | |
|-------------|---|-------------------|-------------------|------------------|---------------|
| 513.12.01 | Regular Salaries | 11,550.62 | 12,150.00 | 599.38 | 95.07% |
| 513.21.01 | FICA Taxes | 716.13 | 753.00 | 36.87 | 95.10% |
| 513.21.02 | Medicare | 167.42 | 180.00 | 12.58 | 93.01% |
| 513.22.01 | Retirement | 1,137.67 | 1,200.00 | 62.33 | 94.81% |
| 513.23.01 | Life, Health & Dental Insurance | 2,119.38 | 2,350.00 | 230.62 | 90.19% |
| 513.24.01 | Workers Compensation | 60.60 | 75.00 | 14.40 | 80.80% |
| 513.25.01 | Unemployment Compensation | | - | | |
| | TOTAL PERSONAL SERVICES: | 15,751.82 | 16,708.00 | 956.18 | 94.28% |
| 513.32.01 | Accounting & Audit Services | 29,000.00 | 29,000.00 | - | 100.00% |
| 513.34.01 | Consulting Services | 52,854.43 | 80,000.00 | 27,145.57 | 66.07% |
| 513.34.02 | Contract Services-HTE | 11,232.00 | 17,500.00 | 6,268.00 | 64.18% |
| 513.40.01 | Travel, Conferences & Meetings | | - | 0.00 | |
| 513.46.02 | R&M - Equipment | | - | - | |
| 513.51.01 | Office Supplies | 290.78 | 250.00 | (40.78) | 116.31% |
| 513.54.01 | Dues, Subscriptions & Memberships | | - | 0.00 | |
| 513.54.02 | Education & Training | | - | - | |
| | TOTAL MATERIALS, SUPPLIES, SERVICES: | 93,377.21 | 126,750.00 | 33,372.79 | 73.67% |
| | TOTAL OPERATING EXPENSES/BUDGET: | 109,129.03 | 143,458.00 | 34,328.97 | 76.07% |

**VILLAGE OF BISCAYNE PARK
BUDGET VS ACTUAL AS OF 6/30/2007 (PERIOD 9)**

| | | | | | |
|---------------------------|---|-------------------|-------------------|------------------|----------------|
| DEPARTMENT: | GENERAL GOVERNMENT | | | | |
| 519.12.01 | Regular Salaries | 13,909.48 | 12,150.00 | -1,759.48 | 114.48% |
| 519.14.01 | Overtime | 152.46 | - | -152.46 | |
| 519.21.01 | FICA Taxes | 890.59 | 754.00 | -136.59 | 118.12% |
| 519.21.02 | Medicare | 208.32 | 180.00 | -28.32 | 115.73% |
| 519.22.01 | Retirement | 804.49 | 1,200.00 | 395.51 | 67.04% |
| 519.23.01 | Life, Health & Dental Insurance | 3,284.50 | 2,350.00 | -934.50 | 139.77% |
| 519.24.01 | Workers' Compensation | 60.60 | 75.00 | 14.40 | 80.80% |
| 519.25.01 | Unemployment Compensation | | - | - | |
| | TOTAL PERSONAL SERVICES: | 19,310.44 | 16,709.00 | -2,601.44 | 115.57% |
| 519.31.01 | Attorney Legal Fees | 45,560.00 | 60,000.00 | 14,440.00 | 75.93% |
| 519.31.02 | Legal - Other | 80,820.92 | 30,000.00 | -50,820.92 | 269.40% |
| 519.31.03 | Other Professional Services | 7,958.00 | 21,000.00 | 13,042.00 | 37.90% |
| 519.31.04 | Contract Services | 1,189.69 | 500.00 | -689.69 | 233.94% |
| 519.41.01 | Telephone | 9,674.81 | 12,000.00 | 2,325.19 | 80.62% |
| 519.42.01 | Postage, Freight & Express Charges | 1,645.59 | 6,500.00 | 4,854.41 | 25.32% |
| 519.43.01 | Electric Utility Service | 18,288.16 | 30,000.00 | 11,711.84 | 60.96% |
| 519.43.02 | Water Utility Services | 998.74 | 1,000.00 | 1.26 | 99.87% |
| 519.44.02 | Equipment Rental & Lease | 8,426.33 | 7,500.00 | -926.33 | 112.35% |
| 519.45.01 | Insurance | 32,133.00 | 31,900.00 | -233.00 | 100.73% |
| 519.46.02 | Repair & Maintenance - Equipment | 4,864.40 | 1,500.00 | -3,364.40 | 324.29% |
| 519.47.01 | Printing & Binding | 1,484.70 | 500.00 | -984.70 | 296.94% |
| 519.48.01 | Communications - Newsletter/ Website | 6,532.00 | 12,000.00 | 5,468.00 | 54.43% |
| 519.48.02 | Legislative Representative | 16,666.64 | 30,000.00 | 13,333.36 | 55.56% |
| 519.49.01 | Miscellaneous - Ed Burke/Bank Fees | 6,455.35 | 500.00 | -5,955.35 | 1291.07% |
| 519.49.02 | Dog Park Expenses | 12.95 | | -12.95 | |
| 519.51.01 | Office Supplies - General | 3,517.55 | 3,500.00 | -17.55 | 100.50% |
| 519.52.01 | Operating Supplies | 1,272.28 | 2,000.00 | 727.72 | 63.61% |
| 519.54.01 | Dues, Subscriptions & Memberships | 865.00 | 350.00 | -515.00 | 247.14% |
| 519.59.01 | Contingency | | 66,005.00 | 66,005.00 | 0.00% |
| | TOTAL MATERIALS, SUPPLIES, SERVICES: | 248,346.11 | 316,755.00 | 68,408.89 | 78.40% |
| | TOTAL OPERATING EXPENSES/BUDGET: | 267,656.55 | 333,464.00 | 65,807.45 | 80.27% |
| 519.61.01 | Land | | - | - | |
| 519.62.01 | Buildings | | - | - | |
| 519.63.01 | Improvements | | - | - | |
| 519.64.02 | Machinery & Equipment | 2,237.35 | 2,500.00 | 262.65 | 89.49% |
| 519.69.09 | Capital Improvement - Transfer to: | | - | - | |
| | TOTAL CAPITAL OUTLAY | 2,237.35 | 2,500.00 | 262.65 | 89.49% |
| 519.82.01 | Aids to Private Organizations | | 2,500.00 | 2,500.00 | 0.00% |
| GRANTS & AIDS: | | - | 2,500.00 | 2,500.00 | 0.00% |
| | TOTAL DEPARTMENT EXPENSES/BUDGET: | 269,893.90 | 338,464.00 | 68,570.10 | 79.74% |

**VILLAGE OF BISCAYNE PARK
BUDGET VS ACTUAL AS OF 6/30/2007 (PERIOD 9)**

| | | | | | |
|---|-----------------------------------|-------------------|-------------------|-------------------|----------------|
| DEPARTMENT: | POLICE | | | | |
| 521.12.01 | Regular Salaries | 375,751.82 | 524,382.00 | 148,630.18 | 71.66% |
| 521.13.01 | Other Salaries & Wages | 22,707.50 | - | -22,707.50 | |
| 521.14.01 | Overtime | 71,694.69 | 19,000.00 | -52,694.69 | 377.34% |
| 521.15.01 | Special Pay - Officer Incentive | 4,140.00 | 6,000.00 | 1,860.00 | 69.00% |
| 521.16.01 | Court Time | 3,700.59 | 5,000.00 | 1,299.41 | 74.01% |
| 521.17.01 | Holiday Pay | - | - | - | |
| 521.19.01 | Banked Sick Leave | - | - | - | |
| 521.21.01 | FICA Taxes | 29,550.15 | 34,742.00 | 5,191.85 | 85.06% |
| 521.21.02 | Medicare | 6,909.76 | 8,125.00 | 1,215.24 | 85.04% |
| 521.22.01 | Retirement | 90,840.44 | 117,233.00 | 26,392.56 | 77.49% |
| 521.23.01 | Life, Health & Dental Insurance | 46,294.44 | 56,833.00 | 10,538.56 | 81.46% |
| 521.24.01 | Workers' Compensation | 26,567.08 | 35,920.00 | 9,352.92 | 73.96% |
| 521.25.01 | Unemployment Compensation | - | 5,000.00 | 5,000.00 | 0.00% |
| TOTAL PERSONAL SERVICES: | | 678,156.47 | 812,235.00 | 134,078.53 | 83.49% |
| 521.31.04 | Contract Services | 2,766.75 | 750.00 | -2,016.75 | 368.90% |
| 521.40.01 | Travel, Conferences & Meetings | 1,518.00 | 3,300.00 | 1,782.00 | 46.00% |
| 521.41.01 | Telephone & Cellular Air Time | 3,729.72 | 3,000.00 | -729.72 | 124.32% |
| 521.44.01 | Rental & Lease - Beepers | 1,124.68 | 2,660.00 | 1,535.32 | 42.28% |
| 521.45.01 | Insurance - Auto | 15,879.00 | 22,000.00 | 6,121.00 | 72.18% |
| 521.45.02 | Insurance - Prof. Liability | 19,941.00 | 20,500.00 | 559.00 | 97.27% |
| 521.46.01 | R&M - Vehicles | 11,491.97 | 15,000.00 | 3,508.03 | 76.61% |
| 521.46.02 | R&M - Equipment | 5,195.79 | 3,000.00 | -2,195.79 | 173.19% |
| 521.46.03 | R&M - Radio | 2,734.38 | - | -2,734.38 | |
| 521.47.01 | Printing & Binding | 418.65 | 1,500.00 | 1,081.35 | 27.91% |
| 521.51.01 | Office Supplies | 3,541.31 | 3,000.00 | -541.31 | 118.04% |
| 521.52.12 | Special Department Supplies | 5,445.54 | 3,200.00 | -2,245.54 | 170.17% |
| 521.52.02 | Gas & Oil | 42,268.77 | 25,000.00 | -17,268.77 | 169.08% |
| 521.52.03 | Tires & Tire Repair | 3,595.61 | 2,500.00 | -1,095.61 | 143.82% |
| 521.52.04 | Uniforms | 4,223.71 | 5,000.00 | 776.29 | 84.47% |
| 521.52.05 | Vests - Body Armor | - | 600.00 | 600.00 | 0.00% |
| 521.52.06 | Dry Cleaning - Uniforms | 1,584.76 | 2,200.00 | 615.24 | 72.03% |
| 521.52.07 | Ammunition | 1,101.27 | 2,050.00 | 948.73 | 53.72% |
| 521.52.08 | Photography | 135.96 | 200.00 | 64.04 | 67.98% |
| 521.54.01 | Dues, Subscriptions & Memberships | 2,448.54 | 1,500.00 | -948.54 | 163.24% |
| 512.54.02 | Education & Training | 1,945.00 | 3,300.00 | 1,355.00 | 58.94% |
| TOTAL MATERIALS, SUPPLIES, SERVICES: | | 131,090.41 | 120,260.00 | -10,830.41 | 109.01% |
| TOTAL OPERATING EXPENSES/BUDGET: | | 809,246.88 | 932,495.00 | 123,248.12 | 86.78% |
| 521.64.01 | Vehicles | 35,229.66 | 16,600.00 | -18,629.66 | 212.23% |
| 521.64.02 | Machinery & Equipment - 800 MHz | - | 7,000.00 | 7,000.00 | 0.00% |
| TOTAL CAPITAL OUTLAY | | 35,229.66 | 23,600.00 | -11,629.66 | 149.28% |
| TOTAL DEPARTMENT EXPENSES/BUDGET: | | 844,476.54 | 956,095.00 | 111,618.46 | 88.33% |

**VILLAGE OF BISCAYNE PARK
BUDGET VS ACTUAL AS OF 6/30/2007 (PERIOD 9)**

| | | | | | | |
|--------------------|---|------------------|-------------------|------------------|---------------|--|
| DEPARTMENT: | BUILDING | | | | | |
| 524.12.01 | Regular Salaries | 28,760.67 | 26,435.00 | -2,325.67 | 108.80% | |
| 524.14.01 | Overtime | 438.40 | 600.00 | 161.60 | 73.07% | |
| 524.21.01 | FICA Taxes | 1,289.69 | 1,676.00 | 386.31 | 76.95% | |
| 524.21.02 | Medicare | 301.64 | 392.00 | 90.36 | 76.95% | |
| 524.22.01 | Retirement | 2,048.87 | 2,663.00 | 614.13 | 76.94% | |
| 524.23.01 | Life, Health & Dental Insurance | 3,614.00 | 4,700.00 | 1,086.00 | 76.89% | |
| 524.24.01 | Workers Compensation | 135.77 | 168.00 | 32.23 | 80.82% | |
| 524.25.01 | Unemployment Taxes | - | - | - | | |
| | TOTAL PERSONAL SERVICES: | 36,589.04 | 36,634.00 | 44.96 | 99.88% | |
| 524.31.08 | Structural Engineer | 375.00 | 1,000.00 | 625.00 | 37.50% | |
| 524.21.06 | Inspectors Retainers | - | - | - | | |
| 524.31.07 | Inspectors Fees | 23,259.46 | 64,400.00 | 41,140.54 | 36.12% | |
| 524.46.02 | R&M Equipment | 898.50 | 1,200.00 | 301.50 | 74.88% | |
| 524.47.01 | Printing & Binding | 336.00 | 1,200.00 | 864.00 | 28.00% | |
| 524.49.03 | Special Departmental Supplies | 167.60 | 850.00 | 682.40 | 19.72% | |
| 524.51.01 | Office Supplies | 1,625.92 | 1,000.00 | -625.92 | 162.59% | |
| 524.54.01 | Subscriptions, Memberships, Books | 100.00 | 250.00 | 150.00 | 40.00% | |
| 524.54.02 | Education & Training | | 1,000.00 | 1,000.00 | 0.00% | |
| 524.64.02 | Machinery & Equipment | 7,777.89 | 8,000.00 | 222.11 | 97.22% | |
| | TOTAL MATERIALS, SUPPLIES, SERVICES: | 34,540.37 | 78,900.00 | 44,359.63 | 43.78% | |
| | TOTAL OPERATING EXPENSES/BUDGET: | 71,129.41 | 115,534.00 | 44,404.59 | 61.57% | |

VILLAGE OF BISCAYNE PARK
BUDGET VS ACTUAL AS OF 6/30/2007 (PERIOD 9)

| | | | | | |
|---|-----------------------------------|------------------|------------------|------------------|---------------|
| DEPARTMENT: | CODE ENFORCEMENT | | | | |
| 529.12.01 | Regular Salaries | 29,888.90 | 40,889.00 | 11,000.10 | 73.10% |
| 529.21.01 | FICA Taxes | 1,853.26 | 2,535.00 | 681.74 | 73.11% |
| 529.21.02 | Medicare | 433.20 | 593.00 | 159.80 | 73.05% |
| 529.22.01 | Retirement | 2,944.24 | 4,028.00 | 1,083.76 | 73.09% |
| 529.23.01 | Life, Health & Dental Insurance | 3,614.00 | 4,700.00 | 1,086.00 | 76.89% |
| 529.24.01 | Workers' Compensation | 205.26 | 254.00 | 48.74 | 80.81% |
| 529.25.01 | Unemployment Compensation | - | - | - | |
| TOTAL PERSONAL SERVICES: | | 38,938.86 | 52,999.00 | 14,060.14 | 73.47% |
| 529.33.01 | Court/Hearing Reporter | | - | - | |
| 529.40.01 | Travel/ Conference/ Meetings | | - | - | |
| 529.41.01 | Telephone & Cellular Air Time | 445.99 | 1,000.00 | 554.01 | 44.60% |
| 529.42.01 | Postage | 60.32 | 500.00 | 439.68 | 12.08% |
| 529.46.02 | R&M Equipment | 758.50 | 1,200.00 | 441.50 | 63.21% |
| 529.47.01 | Printing | 88.48 | 1,000.00 | 911.52 | 8.85% |
| 529.51.01 | Office Supplies & Misc. | 36.42 | 1,500.00 | 1,463.58 | 2.43% |
| 529.52.04 | Uniforms | 162.88 | 250.00 | 87.12 | 65.15% |
| 529.52.06 | Dry Cleaning - Uniforms | | - | - | |
| 529.52.08 | Photography | | - | - | |
| 529.54.01 | Dues, Subscriptions & Memberships | | 500.00 | 500.00 | 0.00% |
| 529.54.02 | Education & Training | 90.00 | 1,000.00 | 910.00 | 9.00% |
| TOTAL MATERIALS, SUPPLIES, SERVICES: | | 1,642.59 | 6,950.00 | 5,307.41 | 23.63% |
| 529.64.02 | Machinery & Equipment | 7,917.89 | 8,000.00 | 82.11 | 98.97% |
| TOTAL DEPARTMENT EXPENSES / BUDGET: | | 48,499.34 | 67,949.00 | 19,449.66 | 71.38% |

**VILLAGE OF BISCAYNE PARK
BUDGET VS ACTUAL AS OF 6/30/2007 (PERIOD 9)**

| | | | | | |
|---|---------------------------------|-------------------|---------------------|-------------------|----------------|
| DEPARTMENT: | PUBLIC WORKS | | | | |
| OBJECT/ACCOUNT NAME: | | | | | |
| 534.12.01 | Regular Salaries | 299,249.57 | 415,455.00 | 116,205.43 | 72.03% |
| 534.13.01 | Other Salaries & Wages | 11,329.18 | 15,530.00 | 4,200.82 | 72.95% |
| 534.14.01 | Overtime | 1,780.29 | 4,300.00 | 2,519.71 | 41.40% |
| 534.19.01 | Banked Sick Leave | - | 5,000.00 | 5,000.00 | 0.00% |
| 534.21.01 | FICA Taxes | 19,354.38 | 26,990.00 | 7,635.62 | 71.71% |
| 534.21.02 | Medicare | 4,526.60 | 6,315.00 | 1,788.40 | 71.68% |
| 534.22.01 | Retirement | 30,782.24 | 42,885.00 | 12,102.76 | 71.78% |
| 534.23.01 | Life, Health & Dental Insurance | 53,580.54 | 75,110.00 | 21,529.46 | 71.34% |
| 534.24.01 | Workers' Compensation | 48,455.12 | 61,680.00 | 13,224.88 | 78.56% |
| 534.25.01 | Unemployment Compensation | | 3,000.00 | 3,000.00 | 0.00% |
| 534.26.01 | Other Personal Services | | 1,000.00 | 1,000.00 | 0.00% |
| TOTAL PERSONAL SERVICES: | | 469,057.92 | 657,265.00 | 188,207.08 | 71.37% |
| 534.34.02 | Dump - Garbage/Waste | 114,720.70 | 195,520.00 | 80,799.30 | 58.67% |
| 534.34.03 | Dump - Recycling | 28,863.47 | 35,000.00 | 6,136.53 | 82.47% |
| 534.40.02 | Education & Training | 182.00 | 3,200.00 | 3,018.00 | 5.69% |
| 534.41.01 | Telephone | 3,595.39 | 5,700.00 | 2,104.61 | 63.08% |
| 534.43.01 | Electric | 2,075.49 | 6,400.00 | 4,324.51 | 32.43% |
| 534.43.02 | Water | 482.16 | 5,000.00 | 4,517.84 | 9.64% |
| 534.44.02 | Equipment Rental | 1,623.56 | 5,000.00 | 3,376.44 | 32.47% |
| 534.45.01 | Insurance - Auto | 21,927.00 | 30,000.00 | 8,073.00 | 73.09% |
| 534.45.02 | Insurance - Liability | 19,941.00 | 20,600.00 | 659.00 | 96.80% |
| 534.46.01 | R&M Vehicles | 6,748.09 | 18,000.00 | 11,251.91 | 37.49% |
| 534.46.02 | R&M Equipment | 451.93 | 4,500.00 | 4,048.07 | 10.04% |
| 534.46.03 | R&M Buildings | 48,314.94 | 31,500.00 | -16,814.94 | 153.38% |
| 534.47.01 | Printing & Binding | 1,000.00 | 1,000.00 | 1,000.00 | 0.00% |
| 534.49.05 | Truck Washing | 410.00 | 3,000.00 | 2,590.00 | 13.67% |
| 534.51.01 | Office Supplies | 1,327.91 | 900.00 | -427.91 | 147.55% |
| 534.52.01 | Operating Supplies | 9,961.25 | 15,000.00 | 5,038.75 | 66.41% |
| 534.52.02 | Gas & Oil | 12,739.42 | 24,000.00 | 11,260.58 | 53.08% |
| 534.52.03 | Tires & Tire Repair | 3,678.06 | 3,500.00 | -178.06 | 105.09% |
| 534.52.04 | Uniform Rental | 4,795.20 | 5,500.00 | 704.80 | 87.19% |
| TOTAL MATERIALS, SUPPLIES, SERVICES: | | 281,837.57 | 413,320.00 | 131,482.43 | 68.19% |
| TOTAL OPERATING EXPENSES / BUDGET: | | 750,895.49 | 1,070,585.00 | 319,689.51 | 70.14% |
| 534.62.01 | Buildings | | - | - | |
| 534.63.02 | Landscaping | 8,468.43 | 20,000.00 | 11,531.57 | 42.34% |
| 534.64.02 | Machinery & Equipment | 158,829.00 | 131,400.00 | -27,429.00 | 120.87% |
| TOTAL CAPITAL OUTLAY: | | 167,297.43 | 151,400.00 | -15,897.43 | 110.50% |
| 534.74.01 | Lease/Purchase Principal | 46,837.24 | 42,300.00 | -4,537.24 | 110.73% |
| 534.75.01 | Lease/Purchase Interest | | - | - | |
| TOTAL DEBT SERVICE | | 46,837.24 | 42,300.00 | -4,537.24 | 110.73% |
| TOTAL NON-OPERATING BUDGET: | | 214,134.67 | 193,700.00 | -20,434.67 | 110.55% |
| TOTAL DEPARTMENT EXPENSES / BUDGET: | | 965,030.16 | 1,264,285.00 | 299,254.84 | 76.33% |

**VILLAGE OF BISCAYNE PARK
BUDGET VS ACTUAL AS OF 6/30/2007 (PERIOD 9)**

| DEPARTMENT: | RECREATION | | | | |
|---|------------------------------------|---------------------|---------------------|--------------------|---------------|
| 572.12.01 | Regular Salaries | 106,838.95 | 87,275.00 | -19,563.95 | 122.42% |
| 572.13.01 | Other Salaries/Wages | 1,170.00 | 109,755.00 | 108,585.00 | 1.07% |
| 572.21.01 | FICA Taxes | 6,696.42 | 12,206.00 | 5,509.58 | 54.86% |
| 572.21.02 | Medicare | 1,566.28 | 2,855.00 | 1,288.72 | 54.86% |
| 572.22.01 | Retirement | 6,047.58 | 8,598.00 | 2,550.42 | 70.34% |
| 572.23.01 | Life, Health & Dental Insurance | 11,240.66 | 17,789.00 | 6,548.34 | 63.19% |
| 572.24.01 | Workers Compensation | 14,872.71 | 18,404.00 | 3,531.29 | 80.81% |
| 572.25.01 | Unemployment Compensation | | 2,000.00 | 2,000.00 | 0.00% |
| TOTAL PERSONAL SERVICES: | | 148,432.60 | 258,882.00 | 110,449.40 | 57.34% |
| 572.31.08 | Professional Services | | 3,300.00 | 3,300.00 | 0.00% |
| 572.40.03 | Travel, Conferences & Meetings | | 1,200.00 | 1,200.00 | 0.00% |
| 572.41.01 | Telephone | 2,515.60 | 7,200.00 | 4,684.40 | 34.94% |
| 572.42.01 | Postage, Freight & Express Charges | 14.40 | 400.00 | 385.60 | 3.60% |
| 572.43.01 | Electric Utility Service | 5,975.33 | 8,000.00 | 2,024.67 | 74.69% |
| 572.43.02 | Water Utility Services | 156.56 | 750.00 | 593.44 | 20.87% |
| 572.44.02 | Equipment Rental & Lease | | 2,600.00 | 2,600.00 | 0.00% |
| 572.46.02 | R&M Equipment | 1,097.00 | 1,000.00 | -97.00 | 109.70% |
| 572.46.03 | R&M Buildings | - | - | - | |
| 572.46.04 | R&M Field | - | - | - | |
| 572.47.01 | Printing & Binding | 450.98 | 1,000.00 | 549.02 | 45.10% |
| 572.51.01 | Office Supplies - General | 1,294.90 | 2,000.00 | 705.10 | 64.75% |
| 572.52.01 | Operating Supplies | 7,339.58 | 11,000.00 | 3,660.42 | 66.72% |
| 572.52.09 | Concession - Resale | 4,018.11 | 10,000.00 | 5,981.89 | 40.18% |
| 572.52.10 | Games - Indoor | 228.88 | 4,000.00 | 3,771.12 | 5.72% |
| 572.52.11 | Games - Outdoor | 1,176.04 | 4,000.00 | 2,823.96 | 29.40% |
| 572.54.01 | Dues, Subscriptions & Memberships | 225.00 | 300.00 | 75.00 | 75.00% |
| 572.55.01 | Special Events | 7,866.92 | 8,000.00 | 133.08 | 98.34% |
| TOTAL MATERIALS, SUPPLIES, SERVICES: | | 32,359.30 | 64,750.00 | 32,390.70 | 49.98% |
| TOTAL OPERATING EXPENSES / BUDGET: | | 180,791.90 | 323,632.00 | 142,840.10 | 55.86% |
| 572.63.01 | Improvements other than Buildings | | 10,000.00 | 10,000.00 | 0.00% |
| 572.64.02 | Machinery & Equipment | 10,073.57 | 5,000.00 | -5,073.57 | 201.47% |
| TOTAL CAPITAL OUTLAY | | 10,073.57 | 15,000.00 | 4,926.43 | 67.16% |
| TOTAL DEPARTMENT EXPENSES / BUDGET: | | 190,865.47 | 338,632.00 | 147,766.53 | 56.36% |
| TOTAL EXPENSES | | 2,649,761.85 | 3,459,317.00 | 809,555.15 | 78.60% |
| TOTAL REVENUE | | 3,385,442.39 | 3,459,317.00 | 73,874.61 | 97.86% |
| TOTAL REVENUES/TOTAL EXPENSES | | 735,680.54 | - | -735,680.54 | |

**VILLAGE OF BISCAYNE PARK
BUDGET VS ACTUAL AS OF 6/30/2007 (PERIOD 9)**

| FUND | ROAD FUND | | | | |
|-----------|--|------------------|-------------------|-------------------|---------------|
| | REVENUE: | | | | |
| 312.40.10 | Local Option Gas Tax -Capital Improvements | 15,341.33 | 25,444.00 | 10,102.67 | 60.29% |
| 312.40.20 | Local Option Gas Tax (6 Cents) | 41,615.83 | 59,416.00 | 17,800.17 | 70.04% |
| 343.90.00 | Outside Sources | - | - | - | |
| 334.20.00 | DOT Landscaping Grant | 2,985.00 | 3,980.00 | 995.00 | 75.00% |
| 335.12.00 | State Revenue Sharing | 18,896.96 | 30,064.00 | 11,167.04 | 62.86% |
| 361.00.00 | Interest | 1,013.18 | 0.00 | -1,013.18 | |
| 369.01.00 | Miscellaneous Revenue | 12.77 | 0.00 | -12.77 | |
| 391.91.00 | CFTT Road improvements | 20,000.00 | 20,000.00 | 0.00 | 100.00% |
| | Cash Carryover/Prior Year's Reserves | | 0.00 | 0.00 | |
| | TOTAL REVENUES/BUDGET: | 99,865.07 | 138,904.00 | 39,038.93 | 71.90% |
| 534.12.01 | Regular Salaries | 34,524.30 | 48,973.00 | 14,448.70 | 70.50% |
| 534.13.01 | Other Salaries/Wages | 1,839.34 | - | - | |
| 534.14.01 | Overtime | 446.97 | 200.00 | -246.97 | 223.49% |
| 534.19.01 | Banked Sick Leave | - | 920.00 | 920.00 | 0.00% |
| 534.21.01 | FICA Taxes | 2,282.35 | 3,035.00 | 752.65 | 75.20% |
| 534.21.02 | Medicare | 533.74 | 710.00 | 176.26 | 75.17% |
| 534.22.01 | Retirement | 3,444.82 | 4,825.00 | 1,380.18 | 71.40% |
| 534.23.01 | Life, Health & Dental Insurance | 7,182.40 | 9,389.00 | 2,206.60 | 76.50% |
| 534.24.01 | Workers Compensation | 4,489.13 | 5,555.00 | 1,065.87 | 80.81% |
| 534.25.01 | Unemployment Insurance | - | 1,500.00 | 1,500.00 | 0.00% |
| 534.31.08 | Contract Services | - | 3,500.00 | 3,500.00 | 0.00% |
| 534.46.01 | R&M Vehicles | 3,685.98 | 7,500.00 | 3,814.02 | 49.15% |
| 534.46.02 | R&M Equipment | 2,201.11 | 4,500.00 | 2,298.89 | 48.91% |
| 534.52.01 | Operating Supplies | 1,880.10 | 5,500.00 | 3,619.90 | 34.18% |
| 534.52.02 | Gas & Oil | 1,553.72 | | -1,553.72 | |
| 534.52.04 | Uniforms | 600.54 | 800.00 | 199.46 | 75.07% |
| 534.53.01 | Road Materials | 2,106.22 | 2,000.00 | -106.22 | 105.31% |
| 534.59.01 | Contingency | - | 9,997.00 | 9,997.00 | 0.00% |
| 534.63.01 | Improvements other than Buildings | 22,272.19 | 30,000.00 | 7,727.81 | 74.24% |
| | TOTAL DEPARTMENT EXPENSES/BUDGET | 89,042.91 | 138,904.00 | 49,861.09 | 64.10% |
| | TOTAL EXPENSES | 89,042.91 | 138,904.00 | 49,861.09 | 64.10% |
| | TOTAL REVENUE | 99,865.07 | 138,904.00 | 39,038.93 | 71.90% |
| | TOTAL REVENUES/TOTAL EXPENSES | 10,822.16 | 0.00 | -10,822.16 | |

ORDINANCE NO. 2007-11

AN ORDINANCE OF THE VILLAGE COMMISSION
OF THE VILLAGE OF BISCAYNE PARK, FLORIDA
AMENDING THE CODE OF ORDINANCE BY
CREATING A NEW SECTION ENTITLED
"ADMINISTRATIVE VARIANCES;" PROVIDING
FOR CONFLICT; PROVIDING FOR INCLUSION;
PROVIDING FOR SEVERABILITY; PROVIDING
AN EFFECTIVE DATE

WHEREAS, Village staff has found that there are many instances where residents have a negligible encroachment of less than one foot, or ten percent, into the setback on their property; and

WHEREAS, at the present time, the costs and staff time expended in order to correct the encroachments is significant; and

WHEREAS, the Village Commission finds it to be in the best interests of the residents and citizenry to amend the Code of Ordinances relative to administrative variances;

**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. The Code of Ordinances of the Village of Biscayne Park, Florida is hereby amended to create a new Section entitled "Administrative Variances," to read as follows:

Sec. . Administrative variances.

This part is established to provide standards and procedures for the granting of administrative variances of development standards. Administrative variances are specifically intended to promote high standards of design, provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility where standards are modified.

Administrative variances shall be limited to ten (10) percent of the affected setback or substantially similar dimensional requirement, up to a maximum of one (1) foot. No administrative variance shall be granted unless the applicant clearly shows the existence of one of the following circumstances:

1. Superior alternatives - where the development will provide an alternative which will achieve the purposes of the requirement through clearly superior design.

2. Technical impracticality - where the strict application of the requirements would be technically impractical in terms of design or construction practices or existing site conditions. The degree of existing non-conforming conditions and the extent to which the proposed modification would lessen the nonconforming condition shall be specifically considered.

3. Adjacent development conditions - where the proposed modification provides a superior alternative due to specific conditions on adjacent developments.

4. Protection of natural features, including trees, wetlands, archeological sites and similar circumstances.

5. Other technical, architectural or engineering reasons.

Section 3. 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 4. Inclusion in Code. It is the intention of the Village Commission of the Village of Biscayne Park, Florida, that the provisions of this Ordinance shall become and be made a part of the Village of Biscayne Park Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

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 on second reading.

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

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

John Hornbuckle, Mayor

Attest:

Ann Harper, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

Mayor Hornbuckle: _____
Vice Mayor Walker: _____
Commissioner Mallette: _____
Commissioner Morris: _____
Commissioner Anderson: _____

1st Reading – July 10, 2007
2nd Reading -

ORDINANCE NO. 2007-10

**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA,
REPEALING AND REPLACING EXISTING SECTION 3-23,
ENTITLED "DEFECATING, ETC., ON PUBLIC OR
COMMON PROPERTY PROHIBITED," OF THE CODE OF
ORDINANCES OF THE VILLAGE OF BISCAYNE PARK;
PROVIDING FOR CONFLICT; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION;
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Village Commission of the Village of Biscayne Park recognizes the need for the public and common areas of the Village to be maintained in a healthy and clean manner, free from animal excrement; and

WHEREAS, the Village Commission deems it to be in the best interests of the Village to replace existing Section 3-23 of the Code of Ordinances to provide more stringent regulations concerning the removal of animal excrement; now, therefore

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

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The Village Commission of the Village of Biscayne Park hereby repeals existing Section 3-23 of the Village of Biscayne Park Code of Ordinances, entitled "Defecating, etc., on Public or Common Property Prohibited," and replacing that Section with a new Section 3-23 to read as follows:

Sec. 3-23. Defecating, etc. on Public or Common Property Prohibited.

It shall be unlawful for any person who owns or has control of any animal to permit said animal to defecate upon the following, unless said person has on his or her person a means to immediately remove any feces of such animal:

1. Any street, sidewalk or alley of any public or private property; or
2. Any public park, parkways or roadways, other than areas designated for that purpose; or
3. Any private property not belonging to the owner of the animal; or
4. Any swale, easement or right-of-way serving to convey stormwater to a canal, lake or other receiving water.

For the purposes of this Section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place appropriate for the sanitary disposal of such feces.

Section 3. It is the intention of the Village Commission of the Village of Biscayne Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

Section 4. Severability.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Inclusion in Code.

It is the intention of the Village Commission of the Village of Biscayne Park, Florida, that the provisions of this Ordinance shall become and be made a part of the Village of Biscayne Park Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered and

the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. This Ordinance shall be effective upon adoption on second reading.

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

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

John Hornbuckle, Mayor

Mayor Hornbuckle: _____
Vice Mayor Anderson _____
Commissioner Bernard _____
Commissioner Mallette: _____
Commissioner Morris: _____

Attest:

Ann Harper, Village Clerk

1st reading – July 10, 2007
2nd reading – August 7, 2007

Approved as to form:

John J. Hearn, Village Attorney



Village of Biscayne Park

640 Northeast 114th Street
Biscayne Park, Florida 33161

Phone: (305) 899-8000
Fax: (305) 891-7241

July 31, 2007

Mayor

John R. Hornbuckle

Commissioners

Bob Anderson

Kelly C. Mallette

Chester H. Morris, M.D.

Ted A. Walker

Village Manager

Frank R. Spence

Village Clerk

Ann Harper

Village Attorney

John J. Hearn

Ms. Maxine Calloway, Director
Planning & Development Department
City of North Miami
776 NE 125th Street
North Miami, FL 33261

Dear Ms. Calloway:

First, I want to thank you for your courtesies extended to my Commissioners and residents at last week's Special Council Meeting to approve first reading of the ordinance approving your city's revised comprehensive plan. Our Village's concerns were addressed and resolved whenever possible, and if not, an explanation of why not.

I would like to reaffirm what your City Council did approve and that these items will be reflected in your document prior to its transmittal to DCA.

1. Demark the border transition area along NE 121st Street with cross hatching, including from 11th Court to NE 12th Avenue which was missing on the FLUM that was handed out.
2. Clarify in the text notes to indicate that the specified 100' setback of the 35' height restriction begins at the southern property line of each property (as opposed to the southern City limit boundary).

7A

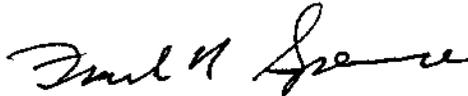
Ms. Maxine Calloway, City of North Miami

3. Incorporate Mayor Burn's statement that the Village of Biscayne Park will be notified any time an application for a permit is submitted to develop or renovate any property along N.E. 121st Street prior to approval.

We continue to be concerned that the density of this area was not reduced from 16.3 Units per Acre to 5.1 Units per Acre which would be consistent with the Yellow Block Low Density Multiple Housing category of your FLUM. The Commission will discuss this at their next Commission meeting, August 7th.

Again, we appreciate all of the courtesies extended by you, your staff and your City's consultant.

Sincerely,



Frank R. Spence
Village Manager

Cc: Clarence Patterson, City Manager, City of North Miami
Alex David, DavidBell Planning Group



Everglades
Law Center, Inc.
*Defending Florida's Ecosystems
and Communities*

Shepard Broad Law Center
Nova Southeastern University
3305 College Avenue
Ft Lauderdale, Florida 33314
Phone: (954) 262-6140
Fax: (954) 262-3992

Northern Everglades Office
318 U.S. Highway 1, Suite 8
North Palm Beach, Florida 33408
Phone: (561) 630-1565
Fax: (561) 630-1540

Board of Directors

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Thomas T. Ankersen, Esq.

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Richard Hamann, Esq.

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Laurie Ann Macdonald

Janet Reno, Esq.

David White, Esq.

Executive Director
General Counsel
Richard Grosso, Esq.

Regional Director
Senior Counsel
Lisa Interlandi, Esq.

Trial Counsel
Robert N. Hartsell, Esq.

Staff Counsel
Jason Totou, Esq.

Memorandum

To: Bob Anderson, Village of Biscayne Park
From: Richard Grosso, General Counsel, Everglades Law Center, Inc.
Re: Comprehensive Planning – Intergovernmental Coordination Requirements
Date: July 17, 2007

In response to your question, I've conducted a brief review of the law and can tell you that coordination of a local government's comprehensive planning activities with the comprehensive plans and interests of those of adjacent municipalities is an important objective of Florida's planning laws. Biscayne Park and its residents (particularly those who live adjacent to or nearby lands in North Miami that may be the subject of comprehensive plan changes by that City) have a significant interest, protected by the law, in the planning actions of North Miami, and the state's review of any such plan amendments is to consider the impact on adjacent municipalities, such as Biscayne Park.

Section 163.3177, Fla. Stat. requires coordination between adjacent municipalities relative to comprehensive plan amendments. The statute expressly states that:

“Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities... shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities...” S. 163.3177(4), Fla. Stat. (emphasis added)

This section of the law applies to any comprehensive plan amendments adopted by North Miami, must be enforced by the Florida Department of Community Affairs, and compliance must be demonstrated by the City.

The statute also specifically requires that comprehensive plans include specific policies that require “intergovernmental coordination. Comprehensive plans must have an element demonstrating how they will coordinate with the adjacent municipalities. Specifically, the Act requires:

An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan ...with the comprehensive plans of adjacent municipalities.... This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities.

the county, adjacent counties, or the region, or upon the state comprehensive plan...”
S. 163.3177 (6)(h), Fla. Stat.

In addition, the Florida Administrative Code (F.A.C.) includes a more specific rule to implement this statutory requirement. Rule 9J-5.015, F.A.C. states that it is the purpose of the Intergovernmental Coordination Element to identify and resolve incompatible goals, objectives, policies *and development proposed in local government plans* and to determine and respond to the needs for coordination processes and procedures with adjacent local governments, and regional and state agencies.

To that end, the element must contain one or more policies for each objective which addresses programs, activities, or procedures for:

5. Reviewing the relationship of proposed development of the area to the existing comprehensive plans of adjacent local governments;
7. The review of development proposed in the comprehensive plan including a policy statement indicating relationships of the proposed development to the existing comprehensive plans of adjacent local governments. Rule 9J-5.015(c)(5)& (7), F.A.C.

Such provisions should currently exist in the City of North Miami’s Comprehensive Plan, given that it has previously been found “in compliance” by the Department of Community Affairs. I have not had the time to review North Miami’s Plan, but suggest that any staff or citizen of Biscayne Park can easily do so. It would be useful to identify all such “intergovernmental coordination” provision in the NM Plan – likely to be found in an element of the Plan entitled “Intergovernmental Coordination”. Any amendments to the City’s Plan would need to be consistent with the relevant intergovernmental coordination goals, objectives or policies, and any Future Land Use Map changes would need to “reflect” these policies. S. 163.3177(2), 163.3187(2), Fla. Stat; Rule s 9J-5.005(5)(a) & (b) and 9J-5.109(3), Fla. Admin. Code.

Finally, in order to be “in compliance” with Ch. 163, North Miami’s Comprehensive Plan amendments must be consistent with the South Florida Regional Policy Plan, adopted and maintained by the South Florida Regional Planning Council. S. 163.3184(1)(b), Fla. Stat. I have not had the opportunity to review the Regional Policy Plan for provisions that address intergovernmental coordination when one city is changing its future land use map at or near its borders, but a Village staffer or resident could do so, and I would encourage them to do so.

This is not nearly an exhaustive discussion of the intergovernmental coordination requirements in the law. I can provide a more detailed analysis in the future if you require one. But these provisions alone make it clear that the impact of North Miami’s comprehensive plan changes on Biscayne Park matters a lot legally. Indeed, the history of Florida’ planning law

demonstrates that one of the main purposes of the law was to require a regional (in this case, the South Florida Regional Planning Council) and state (Florida Department of Community Affairs) level review, and relevant substantive requirements, to change the old way of doing business -- whereby, local governments make planning decisions without regard to the impact on their neighbors.

The last thing I will mention is that the law gives both the Village of Biscayne Park and certain of its citizens the legal right to challenge any comprehensive plan amendments of adjacent cities which may have an impact on the Village or those citizens. The definition of "affected person" -- those who are given a statutory right to bring an administrative challenge to a local government comprehensive plan amendment -- reads as follows:

"Affected person" includes ... owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment. S. 163.3184(1) (a), Fla. Stat. (Emphasis added)

Thus, Biscayne Park residents who live adjacent to any lands affected by a future land use change, and the Village itself, have a statutory right to be involved in the plan amendment process for North Miami and to analyze and comment upon any such proposals. This "standing" provision is used often. For example, I am currently involved in a case where more than half a dozen municipalities in Palm Beach County have used this provision to challenge future land use map changes adopted by the County that will have an impact on traffic, community character, and other issues within those cities. It is a commonly expected and accepted part of the planning process for one local government to comment and even object to plan amendments proposed by adjacent local governments. That is how the process is supposed to work.

In closing, the law is clear that a municipality must consider the impact on comprehensive plans of adjacent municipalities in amending its own comprehensive plan.

I hope this information is useful. Please let me know if I can provide anything further.

> Date: Tue, 17 Jul 2007 22:30:54 +0000

>

> To: Village of Biscayne Park Commissioner's & Mayor

>

> John R. Hornbuckle, Mayor

> Dr. Chester H. "Doc" Morris, Commissioner

> Kelly C. Mallette, Commissioner

> Robert "Bob" Anderson, Commissioner

>

> Cc: Frank Spence, Village Manager

> Mitch Glansber, Chief of Police

>

> RE: Using the Biscayne Park ball field for Astronomy viewing (star gazing)

>

> I would like to request that the Village allow residents to use the main ball field for astronomy/star gazing after sunset on Friday and Saturday evenings. The star gazing would end at or around 11:00 PM. I have listed below in no exact order of importance several reasons for making this request.

>

> 1. When taking into consideration that the tri-county area is an extremely light polluted environment, the Villages main ball field is a fairly decent location for star viewing. The ball field has no large condo or commercial buildings anywhere within one mile of it and is by and large, is surrounded by one story residential homes that do not emit much light. Light pollution is the enemy of a telescope that creates poor viewing.

> 2. FOV "Field of View". When you stand in the middle of the field, there are minimal trees and no large buildings to block the low lying horizon stars.

> 3. Distance. There are two astronomy clubs in the tri-county area. WWW.scas.ORG (Southern Cross Astronomical Society) and www.sfaaa.com. (South Florida Amateur Astronomers Association). SCAS meets on Saturday evenings in South Dade near the old Burger King HQ just off of Old cutler road and SFAAA meets Saturday evenings at Markham Park in North West Broward. Driving from my house to either site takes just under one hour and to be honest, our ball field equals both locations for quality of light intrusion. As information, many amateur viewers in South Florida drive way out into parts of the everglades to get to really dark skies, which take even longer and also brings up my next point.

> 4. Safety. There have been instances where astronomers were accosted while viewing from dark and remote sites. Obviously, having our own Police Department patrolling the area would negate that possible problem.

>

> Some thoughts and ideas that I would like all of you to keep in mind when considering this request.

>

> 1. This hobby is both wholesome family entertainment and educational as well.

> 2. I think if this really took off and became popular; it could really shed a positive image on Biscayne Park and bring us some very beneficial notoriety and prestige. The reason I say "took off" is because it would be hard and unfair to limit access to only Village residents. I think there is a large pent up desire for a location like this in North East Dade.

> 3. Most astronomy clubs advertise their viewing meetings as "Star Party's". By no means is it a party in the traditional sense of the phrase. Star Parties are ABSOLUTELY NO LIGHTS permitted events with NO MUSIC of any kind allowed. Essentially a star party is a bunch of people milling around each others telescopes looking through them and then discussing in hushed tones what they are seeing.

> 4. I personally know of three residents that have telescopes. I would like to assume that there are many others that would appreciate this opportunity. I normally setup my scopes in my front yard, but I have a very limited FOV which can be quite frustrating. Most of us have this same problem because most of us have very small lots.

>

8A

> As a side note, if this is approved, I would like to mention that in-order to fully reduce light pollution, on the nights that we star gaze, somebody like me goes around to each house on the ball field and places a flyer on the door requesting the home owner to turn off their front porch lights. Additionally, if the ball field lights can be either turned off or dimmed by parks & recreation personnel, that would be great as well.

>

> While you ponder this request, please keep in mind that on any given evening, there is a 50/50 chance that the skies will be overcast enough to make viewing difficult or out of the questions. There are many times when South Florida will go for weeks at a time with poor viewing conditions.

>

> For the record, at this point in time I am not starting an astronomy club, only requesting a viewing site. If you would like for me to attend the next Commission meeting in August and formally request during the good will section of the meeting that all of you consider this, let me know. In summary, please let me know at your earliest convenience what I can do to facilitate making this request a reality.

> As a side note, www.scas.org the (Southern Cross Astronomical Society) was founded in 1922 here in Miami, and is one of the oldest amateur astronomical societies in the Western Hemisphere. SCAS formally meets once a month at FIU Tamiami campus in addition to their Saturday evening viewing/meetings. Please visit their web site for additional information.

> Finally, if this works out, I will eventually request the commission to allow telescope viewing on the main ball field on any evening (without asking perimeter homes to turn off lights). Star gazers could contribute money to the Village to have signs printed and posted stating that the park is closed after dark to all individuals that do not have in their possession a telescope. Or something to that effect.

> At your convenience, please let me know something.

> Cordially, Brett Shinn

> cell 786-488-3825

> bcshinn@bellsouth.net

>

Steve Bernard
860 NE 115 Street
Biscayne Park, FL 33161
Steve@SteveBernardArchitect.com
305-588-6177 (c) 1-775-923-8140 (fax)

Mr. Spence,

Please include this backup information for the Agenda Item:

“Website/Community Interaction”

A. Online Agendas and Community Participation

1. As soon as the Agenda with Backup is provided to each Commissioner, either scan it all and create a .pdf or request that Commissioner Anderson provide you with the .pdf file that he has been creating for about a year now.
2. Post this file on the Website, and advertise the fact it is available (via marquee signs, Village Hall/Rec Center signs, Miami Neighbors "Neighborhood News"
3. Because all info will be available to residents prior to the Commission Meeting, **I would like to put to a Commission vote the ability for residents to sign up to speak on each agenda item.** This signup will be announced at the beginning of the meeting, and will be strictly followed - if by the time the item is called someone has not yet signed up, they will not be allowed to speak. By knowing ahead of time how many people have signed up, the Mayor can determine the length of time each person can speak. **I believe a fully informed community ought to have the ability to express their opinion/experience before an issue is voted upon by the Commission.** Any comments not related to the agenda item can be cut short by the Mayor.
4. Good and welfare will continue as it already does, either before Commission Reports or after.

B. Have a Commission Vote that all budget info be posted online PRIOR to any public hearing or workshop. At every Budget hearing/workshop I have attended, there are too few copies of the Budget, and because of the complexity, it is impossible for residents to have any real input.

C. Have a Commission Vote that all existing ordinances be posted as soon as reasonably possible. This is an important issue, and it has been lacking for too long. By tasking you to put the Ordinances online, we will be able to focus on actually finding old documentation that has been lost for years. I suggest that you ask residents for their notes, as many keep a record of Approved Ordinances and Resolutions. I understand that we have begun the process with Municode, and that's an excellent step to take, but it is likely to be many months before that is online, and I think we ought to press to have our current ordinances available for viewing by the public.

D. Change all .doc online documents to .pdf format - .doc formats are easily changed. This is not necessarily an item that needs to be voted on, but I'd still like to give you a clear direction on how to post the documents online.

8c

MEMORANDUM

TO: Mayor John R. Hornbuckle DATE: July 18, 2007
FROM: Officer Jose (Ortega) Velez RE: Grievance - Step 2
Biscayne Park Police Dept.

This is a personal grievance filed pursuant to Article 15, GRIEVANCE AND ARBITRATION PROCEDURE, of the current collective bargaining agreement between the Village of Biscayne Park and the Dade County Police Benevolent Association. The basis of this grievance is Article 2, MANAGEMENT RIGHTS, which reads in pertinent part, as follows:

- A. The Association recognizes that the Village of Biscayne Park possesses the sole right to operate and manage its Departments and direct the work force, and the rights, powers, authority and discretion which the Village deems necessary to carry out its responsibilities and missions shall be limited only by the specific and express terms of this Agreement.
- B. These rights and powers include, but are not limited to the authority to:
 - 4. Discipline or discharge officers for just cause

*** Officer Velez also files this grievance pursuant to any and all other provisions of the collective bargaining agreement, Federal, State and Local laws violated by the Village's conduct as described by the facts herein.

FACTS: On July 6, 2007, Officer Jose Velez received a Three (3) Day Suspension from duty without pay, from his employer, the Village of Biscayne Park Police Department. This disciplinary action by the Village of Biscayne Park violates the current collective bargaining agreement between the Village and the Dade County Police Benevolent Association, as it was issued without *just cause*. A copy of said discipline is attached for immediate reference.

REMEDY REQUESTED: Immediately rescind the three day suspension issued to Officer Velez, and reimburse him three (3) days of back pay, seniority and all other benefits, as if the suspension had never occurred. Stamp the findings of this investigation RESCINDED or NULL AND VOID, in all Departmental and City files.

cc: Simone Labrador, PBA Assistant General Counsel
Village Clerk, Ann Harper *Ann Harper 7-19-07*
Village Manager, Frank Spence
Village Commissioners of Biscayne Park: Kelly Mallette
Bob Anderson
Chester Morris
Commissioner Newly Appointed

*** NOTE: Please copy Ms. Labrador with all responses to this Grievance at fax #305-436-0142

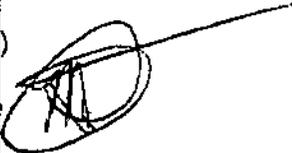
Attachment

8B



BISCAYNE PARK POLICE DEPARTMENT

MEMORANDUM

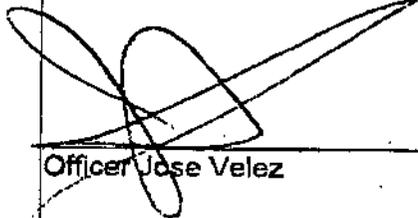
DATE: March 20, 2007
TO: Officer Jose Velez (f/k/a Jose Ortega)
FROM: Mitchell S. Glansberg, Chief of Police 
RE: Memorandum Dated July 12, 2007, Titled Grievance Step 1
CC: File
Simone Labrador, PBA Assistant General Counsel (fax 305-436-0142)

Please be advised that I have reviewed your memorandum dated July 12, 2007. Additionally, I have reviewed the underlying complaint, statements, investigative file, photos, and findings, each of which is adopted as if fully set forth herein. Following this review I find that just cause exists for the discipline imposed in this matter.

The remedy requested in your memorandum of July 12, 2007, is hereby DENIED.

Acknowledgement of Receipt

A copy of this memorandum has been received by Officer Jose Velez on _____ at _____. In signing below I acknowledge only that I have received this memorandum.



Officer Jose Velez

MEMORANDUM

TO: Chief Mitchell Glansberg DATE: July 12, 2007

FROM: Officer Jose (Ortega) Velez RE: Grievance - Step 1

This is a personal grievance filed pursuant to Article 15, GRIEVANCE AND ARBITRATION PROCEDURE, of the current collective bargaining agreement between the Village of Biscayne Park and the Dade County Police Benevolent Association. The basis of this grievance is Article 2, MANAGEMENT RIGHTS, which reads in pertinent part, as follows:

A. The Association recognizes that the Village of Biscayne Park possesses the sole right to operate and manage its Departments and direct the work force, and the rights, powers, authority and discretion which the Village deems necessary to carry out its responsibilities and missions shall be limited only by the specific and express terms of this Agreement.

B. These rights and powers include, but are not limited to the authority to:

4. Discipline or discharge officers for just cause

*** Officer Velez also files this grievance pursuant to any and all other provisions of the collective bargaining agreement, Federal, State and Local laws violated by the Village's conduct as described by the facts herein.

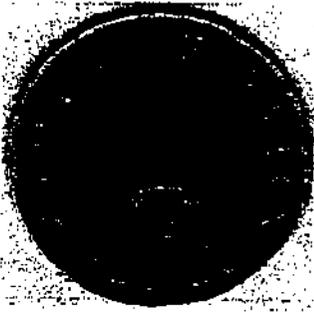
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REMEDY REQUESTED: Immediately rescind the three day suspension issued to Officer Velez, and reimburse him three (3) days of back pay, seniority and all other benefits, as if the suspension had never occurred. Stamp the findings of this investigation **RESCINDED** or **NULL AND VOID**, in all Departmental and City files.

cc: Simone Labrador, PBA Assistant General Counsel

*** **NOTE:** Please copy Ms. Labrador with all responses to this Grievance at fax #305-436-0142

Attachment



BISCAYNE PARK POLICE DEPARTMENT

MEMORANDUM

COPY

DATE: July 6, 2007

TO: Jose Velez, Police Officer
f/k/a Jose Ortega

FROM: Mitchell S. Glansberg, Chief of Police 

RE: June 17, 2007, Sleeping on Duty

CC: File

On 6/17/2007, Sgt. Albert informed me that she observed Officer Jose Velez, f/k/a as Jose Ortega, and referred to throughout as Officer Velez, sleeping in his patrol car. Specifically, Sgt. Albert advised that upon her arrival for duty at 0735 hours she observed Officer Velez sitting in his police vehicle. The vehicle was located on NE 6th Avenue, between 114th Street and 113th Street in the center of the roadway on the yellow striped lines. As Sgt. Albert passed Officer Velez she waved and noticed that his head was back and that he did not respond.

Sgt. Albert turned onto NE 114th Street, cutting through the open field and noticed that Officer Velez still had not moved. Sgt. Albert took a photograph of Officer Velez and his vehicle from this location. Sgt. Albert then drove back onto NE 6th avenue and stopped next to Officer Velez. While next to Officer Velez Sgt. Albert took another photo of Officer Velez. After taking the photo Sgt. Albert honked her car horn.

After Sgt. Albert honked the car horn Officer Velez immediately sat up and stated "I just passed out right now, I had a long day."

Sgt. Albert verbally counseled Officer Velez on the safety issue of sleeping on duty and then drove to the station. After coming to the station Sgt. Albert contacted me to advise of Officer Velez's observed conduct. Sgt. Albert then documented the incident via memorandum.



Officer Jose Ortega

I reviewed the memorandum and related photographs. Following this review I find that investigation clearly supports that on 6/17/2007, at approximately 0735 hours Officer Velez was in fact sleeping on duty in violation of agency policy.

In furtherance of Officer Velez's due process rights, he was informed of the investigation, in writing, on June 19, 2007 at approximately 1604 hours. Officer Velez signed an Acknowledgement of Receipt indicating his receipt of the written memorandum. Within this pre-disciplinary memorandum Officer Velez, was advised of the allegations against him, the applicable department policies, and the potential range of discipline applicable.

Additionally, Officer Velez was specifically advised of his right to provide evidence or information of his choosing that might mitigate, negate, explain or reduce the impact of potential disciplinary action. Officer Velez was given the opportunity to respond in writing or in person. Officer Velez was advised that he may have a representative present with him during the meeting. Additionally, Officer Velez was advised that he was not obligated to respond to these allegations.

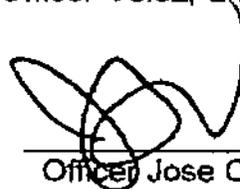
On June 20, 2007, I received a facsimile from Simone Marie Labrador, Esq., on behalf of Officer Velez. Within this facsimile correspondence Ms. Labrador requested copies of information which was timely provided.

Upon the request of Ms. Labrador a pre-disciplinary meeting was scheduled and subsequently changed from 12:00p.m. on 6/26/2007 to 11:00 a.m. on 6/26/2007 to accommodate her schedule.

On 6/26/2007 at 11:00 a.m. Ms. Labrador appeared at the Biscayne Park Police Department. Ms. Labrador stated that she represented Officer Velez and would be appearing on Officer Velez's behalf. Ms. Labrador stated that Officer Velez would not be appearing and that he authorized her attendance on his behalf.

The pre-disciplinary hearing was conducted. Ms. Labrador proffered that her client's position was simply that he was not sleeping. A brief discussion was held regarding the possibility that an acceptance of responsibility by Officer Velez might have been considered as a mitigating factor. Ms. Labrador reiterated the denial, but advised that following the meeting she would speak with her client. The pre-disciplinary hearing was concluded.

Following the pre-disciplinary meeting I spoke with Ms. Labrador by telephone and she advised that she had spoken with her client, Officer Velez, and that he continued to deny this incident of sleeping on duty.



Officer Jose Ortega

This complaint is hereby **SUSTAINED**.

I find that Officer Velez directly violated the following provisions of department policy:

1. D-03, Departmental Rules, Conduct Unbecoming a Police Employee;
"Shall include any act or conduct not specifically mentioned in these rules and regulations which tends to bring the department into disrepute, or reflects discredit upon the individual employee."

- "Neglect or inattention to duty."
- "Sleeping while on-duty, unless directed to do so."

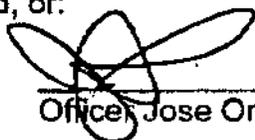
2. P-03, Directed Patrol, Preventive Patrol;
Recognizing that high visibility of patrol units can be an effective deterrent to particular types of crime; it is the Department's goal to utilize time not taken up by the normal patrol services of the patrol section as effectively as possible. All patrol officers will use that time not taken up by normal patrol functions in preventive patrol of their areas of responsibility."

Additionally, it is the mission of the Biscayne Park Police Department in partnership with the community, is committed to providing professional, efficient, and courteous police service by creating a safe environment and improving the quality of life for those we serve in an atmosphere of respect, courtesy and integrity.

Officer Velez's conduct, sleeping on duty, in the middle of a major roadway, in full view of the public and passing motorists, undermines the core mission of the Biscayne Park Police Department.

Finally, Officer Velez's conduct, gives rise to an officer safety concern. Officer Velez was sleeping in an area visible to and accessible by the public. As a result Officer Velez exposed himself to the possibility of harm from that segment of society that may bear ill will towards law enforcement officers. Additionally, by positioning the vehicle within the roadway and failing to maintain a proper lookout, as opposed to off the roadway, or within a parking lot, Officer Velez exposed himself to the unnecessary risk of vehicle accident that could be caused by an inattentive, careless, or drowsy driver.

As a result of the foregoing, I find that this incident represents a serious issue of misconduct. I hereby find that Officer Velez will be suspended for a period of three days, commencing on a date to be determined, or:



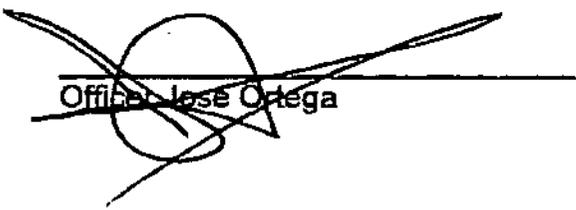
Officer Jose Ortega

Should Officer Velez desire, the Department is amenable to afford Officer Velez the opportunity to substitute unused vacation, time in lieu of suspension dates. Should Officer Velez wish to avail himself of the substitution option, he shall notify the Office of the Chief of Police accordingly via written memorandum within three (3) days of his receipt of this memorandum.

A permanent copy of this document shall be maintained in Officer Velez's discipline file.

Acknowledgment of Receipt

A copy of this memorandum has been received by Officer Jose Ortega on 6th July 2007 at Koal HQS. In signing below I acknowledge only that I have received a copy of the memorandum.


~~Officer Jose Ortega~~