

ORDINANCE NO. 20-256

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING ARTICLE IV, DIVISION 2, SECTION 2-102 TITLED “GENERAL FUND RESERVES”; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the “Town”) Code provides that the Town must budget a minimum of 10% contingency reserve for exigent financial circumstances (the “Town’s Reserve”); and

WHEREAS, the Town’s code provides that in the instance the Town elects to issue long term debt, the Town Reserve shall be increased to 15%; and

WHEREAS, in 2011 the Town issued long term debt in order to finance the construction of a Town Hall; and

WHEREAS, since 2011 the Town’s Reserve has consistently been greater than 15%; and

WHEREAS, during the November 2019 Town Council Meeting the Council discussed concerns of an economic recession occurring in 2020, and the need to have greater reserves in the event of necessity; and

WHEREAS, in order to provide greater fiscal security, the Town Council instructed the Town Manager and Town Attorney to amend the Town Code in order to provide for a gradual three-year increase of Town Reserves from 15% to 20%; and

WHEREAS, the Town Council finds that in order to financially prepare the Town for the possibility of a slowdown in the economy to provide for the gradual increase of Town reserves from 15% to 20%.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
MIAMI LAKES AS FOLLOWS:**

Section 1. Recitals. Each of the above stated recitals is true and correct and is incorporated herein by this reference.

Section 2. Amending Article IV, Division 2: ARTICLE IV., DIVISION 2, is amended as described in Exhibit “A.”

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. 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 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

Additions to the Ordinance in First Reading shall be reflected by underlined, and deletions shall be reflected as ~~strike throughs~~. Additions to the Ordinance between first reading and second reading shall be reflected by a double underline, and deletions between first reading and second reading shall be reflected by a ~~double strike through~~.

FIRST READING

The foregoing ordinance was offered by Dieguez who moved its adoption on first reading. The motion was seconded by Mayor Cid and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Yes
Vice Mayor Nelson Rodriguez	Absent
Councilmember Carlos O. Alvarez	Absent
Councilmember Luis Collazo	Yes
Councilmember Joshua Dieguez	Yes
Councilmember Jeffrey Rodriguez	Yes
Councilmember Marilyn Ruano	Yes

Passed on first reading this 21st day of January, 2020

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SECOND READING

The foregoing ordinance was offered by Councilmember Dieguez who moved its adoption on second reading. The motion was seconded by Councilmember Collazo and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Yes
Vice Mayor Nelson Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis Collazo	Yes
Councilmember Joshua Dieguez	Yes
Councilmember Jeffrey Rodriguez	Absent
Councilmember Marilyn Ruano	Yes

Passed and adopted on second reading this 18th of February, 2020.

Manny Cid
MAYOR

Attest:

Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC.

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EXHIBIT “A”

CHAPTER 2 ADMINISTRATION

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ARTICLE IV. FINANCE

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DIVISION 2. – BUDGET RESERVE FUND

Sec. 2-102. – General fund reserves.

- (a) The Town shall maintain during each fiscal year a reserve fund balance equal to a minimum of ~~ten percent~~ fifteen percent of the total general fund expenditures budget. Beginning in 2022, the fund balance reserve shall increase to a minimum of twenty percent.
- (b) The calculation of the percentage reserve specified in Subsection (a) of this section shall be based upon the budget as originally adopted by ordinance in September of the applicable fiscal year.
- (c) The reserve shall be in addition to all other contingency funds, reserves or designations of fund balances, including, but not limited to, reservations of uncollected receivables and reservations of funds which have expenditure authority limited to specific purposes.

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~~Section 2-106—Longterm debt service.~~

- ~~(a) In the event that the Town issues longterm debt service obligations, the minimum reserve amount shall be increased to 15 percent of the general fund expenditure budget. This increase shall be implemented no later than October 1 of the fiscal year following issuance of the debt.~~
- ~~(b) All references in this division to the ten percent reserve shall be modified to reflect the 15 percent level for the time period that such longterm debt service obligations are outstanding.~~
- ~~(c) In the event that all longterm debt has been repaid, the reserve amount shall be reduced to ten percent until new longterm debt is issued by the Town.~~
- ~~(d) For purposes of this division, longterm debt shall mean obligations financed with a one year or more repayment schedule.~~

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