

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE FOURTH AMENDMENT TO THE GENERAL FUND, ENTERPRISE FUNDS, INTERNAL SERVICE FUNDS, AND SPECIAL REVENUE FUNDS BUDGETS FOR FISCAL YEAR 2021 AS SET FORTH IN THIS RESOLUTION AND IN THE ATTACHED EXHIBIT "A."**

**WHEREAS**, the budgets for the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds for Fiscal Year (FY) 2021 were adopted by the Mayor and City Commission on September 29, 2020, through Resolution No. 2020-31428; and

**WHEREAS**, the First Amendment to the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds budgets for FY 2021 was adopted by the Mayor and City Commission on November 18, 2020, through Resolution No. 2020-31497; and

**WHEREAS**, the Second Amendment to the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds budgets for FY 2021 was adopted by the Mayor and City Commission on March 17, 2021, through Resolution No. 2021-31646; and

**WHEREAS**, the Third Amendment to the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds budgets for FY 2021 was adopted by the Mayor and City Commission on April 21, 2021, through Resolution No. 2021-31689; and

**WHEREAS**, Section 166.241(4)(c), Florida Statutes, requires that a municipality's budget amendment must be adopted in the same manner as its original budget; and

**WHEREAS**, on May 13, 2020, the Mayor and City Commission adopted Resolution No. 2020-31268 accepting the recommendations of the Finance and Economic Resiliency Committee (FERC), at its April 17 and April 24, 2020 meetings, approving the use of prior year accumulated Cultural Arts Council (CAC) fund balance and endowment funds to establish a "Cultural Arts Emergency Fund" in the amount of \$1.0 million to provide financial assistance to Miami Beach-based cultural organizations experiencing revenue losses due to the COVID-19 crisis; and

**WHEREAS**, as part of the FY 2021 budget adopted through Resolution No. 2020-31428, an additional \$1.0 million of CAC fund balance and endowment funds was allocated to provide further funding relief to cultural organizations in the City of Miami Beach impacted by COVID-19, of which \$500,000 was appropriated at the commencement of FY 2021 as part of the adopted budget and the remaining \$500,000 balance proposed to be appropriated mid-year of FY 2021; and

**WHEREAS**, at the April 30, 2021 FERC meeting, the City Administration provided an update on the status of the CARES Act funds received by the City, as well as an update on the status of the funding previously allocated to provide financial assistance to Miami Beach-based cultural organizations experiencing revenue losses due to COVID-19; and

**WHEREAS**, based on discussion at the April 30, 2021 FERC meeting, the FERC recommended that, among other things and in addition to the previous funding allocated to provide further funding relief to cultural organizations in the City of Miami Beach impacted by COVID-19, up to an additional \$1.0 million be allocated to expand cultural activation and programming in the City; and

**WHEREAS**, this proposed amendment appropriates the remaining \$500,000 balance of the \$1.0 million allocated in the FY 2021 budget adopted through No. Resolution 2020-31428 to provide further funding relief to cultural organizations in the City of Miami Beach impacted by COVID-19 from prior year accumulated CAC fund balance and endowment funds, as well as an additional \$1.0 million of General Fund reserves (CARES Act Funds) to be used to expand cultural activation and programming as recommended by the Finance and Economic Resiliency Committee (FERC) at its April 30, 2021 meeting; and

**WHEREAS**, on July 9, 2019, the City declared Clark Construction Group, LLC ("Clark") in default of its contractual obligations related to the construction of the MBCC project and, subsequently, on January 31, 2020, Clark filed a lawsuit against the City and Hill International Inc. ("Hill"), the City's owner's representative for the MBCC project; and

**WHEREAS**, on February 20, 2020, the City filed its Answer, Counterclaim, and Third-Party Complaint and intends on defending the lawsuit and asserting its affirmative claims against Clark for work that has yet to be completed and multiple and continuing breaches of contract that have caused the City to sustain considerable damages; and

**WHEREAS**, at the April 21, 2021 City Commission meeting, the City Administration presented the 3<sup>rd</sup> Amendment to the FY 2021 Operating Budget which recommended the appropriation of \$4.0 million of Convention Center Renewal and Replacement (CRR) funds to be transferred to the Convention Center Operating Fund for legal fees associated with the City vigorously defending itself against the lawsuit and asserting its affirmative claims against Clark and its sureties; and

**WHEREAS**, after extensive discussion and concerns expressed, the Mayor and City Commission approved, as amended, the appropriation of \$2.0 million (reduced from \$4.0 million) of Convention Center Renewal and Replacement (CRR) funds to be transferred to the Convention Center Operating Fund, through Resolution No. 2021-31689, to allow for the City Attorney's Office to cover the legal fees related to the lawsuit through June 2021 and schedule one-on-one meetings with the Mayor and City Commission to provide more detailed information regarding the lawsuit before funding the balance necessary for litigation expenditures if the matter is not successfully resolved and the case proceeds to a trial in August, 2021; and

**WHEREAS**, this proposed amendment appropriates the remaining \$2.0 million to be transferred from the Convention Center CRR Fund to the Convention Center Operating Fund, of the original \$4.0 million recommended by the City Administration on April 21, 2021, to cover litigation expenditures if the matter is not successfully resolved and the case proceeds to a trial, currently scheduled to commence in August, 2021.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that, following a duly noticed public hearing on June 23, 2021, the Mayor and City Commission hereby adopt the Fourth Amendment to the FY 2021 General Fund, Enterprise Fund, Internal Service Fund, and Special Revenue Funds budgets as set forth in this Resolution and in the attached Exhibit "A."

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Dan Gelber, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

PAZ      6-9-21  
City Attorney      Date

## Exhibit "A"

GENERAL FUND	FY 2021 Amended Budget	4th Budget Amendment	FY 2021 Revised Budget
<b>REVENUES</b>			
<b>Operating Revenues</b>			
Ad Valorem Taxes	\$ 193,218,000		\$ 193,218,000
Ad Valorem - Capital Renewal & Replacement	\$ 807,000		\$ 807,000
Ad Valorem - Pay-As-You-Go Capital	\$ 2,592,000		\$ 2,592,000
Ad Valorem - Normandy Shores	\$ 18,000		\$ 18,000
Other Taxes	\$ 24,083,000		\$ 24,083,000
Licenses and Permits	\$ 13,925,000		\$ 13,925,000
Intergovernmental	\$ 11,254,000		\$ 11,254,000
Charges for Services	\$ 13,061,000		\$ 13,061,000
Fines and Forfeits	\$ 1,069,000		\$ 1,069,000
Interest Earnings	\$ 2,769,000		\$ 2,769,000
Rents and Leases	\$ 5,954,000		\$ 5,954,000
Miscellaneous	\$ 15,125,000		\$ 15,125,000
Resort Tax Contribution	\$ 18,639,000		\$ 18,639,000
Other Non-Operating Revenue	\$ 36,705,000	1,000,000	\$ 37,705,000
<b>Total General Fund</b>	<b>\$ 339,219,000</b>	<b>\$ 1,000,000</b>	<b>\$ 340,219,000</b>
	FY 2021 Amended Budget	4th Budget Amendment	FY 2021 Revised Budget
<b>APPROPRIATIONS</b>			
<b>Department</b>			
Mayor and Commission	\$ 2,517,000		\$ 2,517,000
City Manager	\$ 4,798,000		\$ 4,798,000
Marketing and Communications	\$ 2,221,000		\$ 2,221,000
Office of Management and Budget	\$ 1,466,000		\$ 1,466,000
Org. Dev Performance Initiatives	\$ 1,119,000		\$ 1,119,000
Finance	\$ 6,358,000		\$ 6,358,000
Procurement	\$ 2,705,000		\$ 2,705,000
Human Resources/Labor Relations	\$ 2,794,000		\$ 2,794,000
City Clerk	\$ 1,844,000		\$ 1,844,000
City Attorney	\$ 6,150,000		\$ 6,150,000
Housing & Community Services	\$ 3,887,000		\$ 3,887,000
Planning	\$ 6,095,000		\$ 6,095,000
Environment & Sustainability	\$ 1,248,000		\$ 1,248,000
Tourism and Culture	\$ 3,242,000		\$ 3,242,000
Economic Development	\$ 1,372,000		\$ 1,372,000
Code Compliance	\$ 6,477,000		\$ 6,477,000
Parks & Recreation (incl. Golf Courses)	\$ 34,283,000		\$ 34,283,000
Property Management	\$ 2,054,000		\$ 2,054,000
Public Works	\$ 13,577,000		\$ 13,577,000
Capital Improvement Projects	\$ 5,551,000		\$ 5,551,000
Police	\$ 119,514,000		\$ 119,514,000
Fire	\$ 91,890,000		\$ 91,890,000
Citywide (incl. Operating Contingency)	\$ 16,140,000	1,000,000	\$ 17,140,000
<b>Subtotal General Fund</b>	<b>\$ 337,302,000</b>	<b>\$ 1,000,000</b>	<b>\$ 338,302,000</b>
<b>TRANSFERS</b>			
Normandy Shores	\$ 111,000		\$ 111,000
Capital Renewal & Replacement	\$ 43,000		\$ 43,000
Info & Comm Technology Fund	\$ 300,000		\$ 300,000
Pay-As-You-Go Capital Fund	\$ 252,000		\$ 252,000
Parking Fund	\$ 1,211,000		\$ 1,211,000
<b>Subtotal Transfers</b>	<b>\$ 1,917,000</b>	<b>\$ 0</b>	<b>\$ 1,917,000</b>
 <b>Total General Fund</b>	 <b>\$ 339,219,000</b>	 <b>\$ 1,000,000</b>	 <b>\$ 340,219,000</b>

## Exhibit "A"

ENTERPRISE FUNDS	FY 2021 Amended Budget	4th Budget Amendment	FY 2021 Revised Budget
<b>REVENUE/APPROPRIATIONS</b>			
Building	\$ 16,756,000		\$ 16,756,000
Convention Center	\$ 32,707,000	2,000,000	\$ 34,707,000
Water	\$ 38,058,000		\$ 38,058,000
Sewer	\$ 50,397,000		\$ 50,397,000
Stormwater	\$ 32,830,000		\$ 32,830,000
Sanitation	\$ 22,580,000		\$ 22,580,000
Parking	\$ 37,646,000		\$ 37,646,000
<b>Total Enterprise Funds</b>	<b>\$ 230,974,000</b>	<b>\$ 2,000,000</b>	<b>\$ 232,974,000</b>

  

INTERNAL SERVICE FUNDS	FY 2021 Amended Budget	4th Budget Amendment	FY 2021 Revised Budget
<b>REVENUE/APPROPRIATIONS</b>			
Information Technology	\$ 18,286,000		\$ 18,286,000
Risk Management	\$ 22,535,000		\$ 22,535,000
Central Services	\$ 1,052,000		\$ 1,052,000
Office of Inspector General	\$ 2,027,000		\$ 2,027,000
Property Management	\$ 11,715,000		\$ 11,715,000
Fleet Management	\$ 15,088,000		\$ 15,088,000
Medical and Dental Insurance	\$ 40,258,000		\$ 40,258,000
<b>Total Internal Service Funds</b>	<b>\$ 110,961,000</b>	<b>\$ 0</b>	<b>\$ 110,961,000</b>

  

SPECIAL REVENUE FUNDS	FY 2021 Amended Budget	4th Budget Amendment	FY 2021 Revised Budget
<b>REVENUE/APPROPRIATIONS</b>			
Education Compact	\$ 641,000		\$ 641,000
IT Technology Fund	\$ 2,034,000		\$ 2,034,000
Residential Housing	\$ 813,000		\$ 813,000
Sustainability	\$ 958,000		\$ 958,000
Tree Preservation Fund	\$ 105,000		\$ 105,000
Commemorative Tree Trust Fund	\$ 3,000		\$ 3,000
Resort Tax	\$ 69,833,000		\$ 69,833,000
Tourism and Hospitality Scholarships	\$ 80,000		\$ 80,000
Cultural Arts Council	\$ 2,633,000	500,000	\$ 3,133,000
Waste Haulers	\$ 111,000		\$ 111,000
Normandy Shores	\$ 287,000		\$ 287,000
Biscayne Point Special Taxing District	\$ 221,000		\$ 221,000
Allison Island Special Taxing District	\$ 221,000		\$ 221,000
Biscayne Beach Special Taxing District	\$ 221,000		\$ 221,000
5th & Alton Garage	\$ 643,000		\$ 643,000
7th Street Garage	\$ 2,049,000		\$ 2,049,000
Transportation Fund	\$ 8,883,000		\$ 8,883,000
People's Transportation Plan	\$ 4,239,000		\$ 4,239,000
Police Confiscation Fund - Federal	\$ 130,000		\$ 130,000
Police Confiscation Fund - State	\$ 164,000		\$ 164,000
Police Unclaimed Property	\$ 29,000		\$ 29,000
Police Crash Report Sales	\$ 25,000		\$ 25,000
Police Training Fund	\$ 25,000		\$ 25,000
Red Light Camera Fund	\$ 1,407,000		\$ 1,407,000
E-911 Fund	\$ 669,000		\$ 669,000
Art in Public Places (AIPP)	\$ 21,000		\$ 21,000
Beachfront Concession Initiatives	\$ 74,000		\$ 74,000
Beach Renourishment	\$ 1,575,000		\$ 1,575,000
Adopt-A-Bench Program	\$ 20,000		\$ 20,000
Off-Duty Services Fund	\$ 200,000		\$ 200,000
Convention Center Renewal and Replacement	\$ 2,000,000	2,000,000	\$ 4,000,000
<b>Total Special Revenue Funds</b>	<b>\$ 100,314,000</b>	<b>\$ 2,500,000</b>	<b>\$ 102,814,000</b>