ORDINANCE NO. 2007-3582

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING ARTICLE V THEREIN, ENTITLED "FINANCE;" BY CREATING A NEW SECTION 2-278, ENTITLED "PROCEDURES GOVERNING THE ISSUANCE OF BONDS,"; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 2 of the City Code is hereby amended, creating a new Section 2-278, entitled "Procedures governing the issuance of bonds," as follows:

Section 2-278. Procedures Governing the Issuance of Bonds.

(a) Prior to the adoption by the City Commission of the final resolution approving the issuance of any bonds by the City, the following requirements shall be complied with:

1. In order for the City Commission and the public to be fully informed on all matters relating to the proposed issuance of bonds, the City Manager shall prepare, or cause to be prepared, a fiscal analysis of the economic impact of the proposed bond issuance using the following criteria:

   (a) The estimated cost of the project or projects on account of which such bonds are to be issued;
   (b) The estimated annual revenues, if any, to be generated by such project or projects; and
   (c) The estimated annual cost of maintaining, repairing and operating such project or projects.

2. Upon completion of the fiscal analysis in subsection (a)1, the proposed issuance of bonds shall be first considered and reviewed by the City's Finance and Citywide Projects Committee.

3. The City Commission shall hold two (2) public hearings, each advertised not less than fifteen (15) days prior to the hearing, in order to obtain citizen input into the proposed bond issuance.

(b) In the event the particular issuance of bonds is one that is subject to referendum

approval, pursuant to Florida law, then the conditions in subsections (1) and (2) of section (a) above shall be complied with prior to adoption by the City Commission of the resolution calling for the referendum pertaining to the issuance of the proposed bonds.

(c) To meet a public emergency affecting life, health, property or public safety, the City Commission may, by 5/7ths vote of the members of the City Commission waive the requirements of this section; provided, however, that such waiver shall not be deemed to be a waiver of any other legal requirements under local, State, and federal law for the issuance of the proposed bonds.

(d) The provisions of this section shall not apply to the issuance of any bonds to refund or refinance outstanding bonds or other obligations.

SECTION 2. REPEALER.

That all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the 1st day of December, 2007.

PASSED and ADOPTED this 21st day of November, 2007.

ATTEST:

CITY CLERK Robert Parcher

MAYOR
David Dermer

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 10/22/07 Date

MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: November 21, 2007

SECOND READING PUBLIC HEARING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING ARTICLE V THEREIN, ENTITLED "FINANCE;" BY CREATING A NEW SECTION 2-278, ENTITLED "PROCEDURES GOVERNING THE ISSUANCE OF BONDS,"; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

KEY INTENDED OUTCOMES SUPPORTED

Improve the City's overall financial health and maintain overall bond rating.
Ensure expenditure trends are sustainable over the long term.

ANALYSIS

The Ordinance, prepared at the request of Mayor Dermer, amends Chapter 2 of the City Code and creates a new Section 2-278 and establishes procedures to be followed by the Mayor and City Commission, prior to the adoption of a final resolution approving the issuance of City bonds.

These requirements are necessary to ensure that there has been a thorough fiscal analysis and review completed, to fully inform both the Mayor and City Commission and the public of the financial and economic impact resulting from the issuance of the proposed bonds. Specifically, the fiscal analysis shall include the estimated cost of the project or projects that will be funded from the proposed bonds along with the estimated annual cost of maintaining, repairing and operating each project. Additionally, any revenues that may be generated from the project should be estimated and considered in the analysis.

Following completion of the analysis, the proposed issuance of bonds must be presented to the City's Finance and Citywide Projects Committee for their review and the ordinance must be approved by a majority vote of the Committee.

The Ordinance further requires that the City Commission hold two public hearings each advertised not later than fifteen (15) days prior to the hearing, in order to obtain citizen input on the proposed bond issuance.

In the case of General Obligation Bonds or other bonds that are subject to referendum approval pursuant to Florida law, the fiscal analysis and approval of the bond issuance by the City's Finance and Citywide Projects Committee must occur prior to the adoption of the resolution calling for the referendum (i.e. the ballot question).

In the event of a public emergency, the provisions of the Ordinance may be waived by 5/7ths vote of the City Commission and it will not apply to refunding or refinancing of outstanding bonds or other obligations.

FISCAL IMPACT

The economic impact for this ordinance will vary based on the number of projects to be funded with the proposed bonds and the complexity of the determination of the revenues to be generated, if any, along with the operating and maintenance costs of such projects.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the ordinance.

JMG/PDW
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CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that a second reading and public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, November 7, 2007, at 11:00 a.m.**, to Consider Adopting An Ordinance Amending Chapter 94 Of The Code Of The City Of Miami Beach, Florida, Entitled "Special Assessments," By Amending Article III Thereof, Entitled "Bonds"By Creating A New Section 94-96, Entitled "Procedures Governing The Issuance Of Bonds".

However, in the event a run-off election is held, the second reading and public hearing on this Ordinance shall not be held on November 7, 2007, but shall instead be held on **Wednesday, November 21, 2007 at 11:00 a.m.**

Inquiries may be directed to Finance Department at (305) 673-7466.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must 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. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305)673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #460

Condensed Title:

An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Florida, Entitled "Finance" By Amending Article V Thereof, Entitled "Bonds;" By Creating A New Section 2-278, Entitled "Procedures Governing The Issuance Of Bonds"; Providing For Repealer; Severability; Codification; And An Effective Date.

Key Intended Outcome Supported:

To make the city more business friendly. Improve the City's overall financial health and maintain overall bond rating. Ensure expenditure trends are sustainable over the long term.

Supporting Data (Surveys, Environmental Scan, etc.): Bond ratings have improved for S&P from A1 in FY 2000/01 to AA- in FY 2006/07and Moody's from A in FY 2000/01 to AA3 in FY2006/07.

Issue:

Shall the City Commission approve new procedures governing the issuance of bonds?

Item Summary/Recommendation:

SECOND READING PUBLIC HEARING

The Ordinance, prepared at the request of Mayor Dermer, establishes procedures to be followed by the Mayor and City Commission, prior to the adoption of a final resolution approving the issuance of City bonds.

These requirements are necessary to ensure that there has been a thorough fiscal analysis and review completed, to fully inform both the Mayor and City Commission and the public of the financial and economic impact resulting from the issuance of the proposed bonds.

The Administration recommends adopting the ordinance.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Patricia Walker, Chief Financial Officer

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	PDW	JMG

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AGENDA ITEM R5A
DATE 11-21-07