

ORDINANCE NO. 09-18

AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, AMENDING CHAPTER 2 OF THE CODE
OF ORDINANCES ENTITLED
"ADMINISTRATION", ARTICLE VII
"FINANCIAL MATTERS", DIVISION 2
"BUDGET" BY AMENDING SECTION 2-738
"PROCESS", TO PERMIT FOR THE ADOPTION
OF THE BUDGET BY RESOLUTION RATHER THAN
ORDINANCE CONSISTENT WITH FLORIDA
STATUTE SECTION 166.241; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR
AN EFFECTIVE DATE

WHEREAS, Florida Statute section 166.241(2) permits a municipality to adopt a budget by ordinance or resolution;

WHEREAS, the City Commission desires to amend the Code of Ordinances to provide for the adoption of the annual budget by resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 2-738 of the Code of Ordinances is hereby established as follows*

Sec. 2-738. Process.

(a) City budgets shall be prepared, reviewed and approved in accordance with statutory requirements, including F.S. ch. 200 regarding millage determinations. The city manager shall prepare each

budget on a fiscal-year basis. He shall prepare and present to the city commission a balanced budget.

(b) The city commission shall review a budget at public workshops and at regular meetings as provided by F.S. § 200.065. The city commission shall adopt the budget by ~~ordinance~~ resolution. The ad valorem tax rate shall be adopted by ordinance. Approved budgetary allocations are valid for the fiscal year and will lapse at the conclusion of the fiscal year.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and

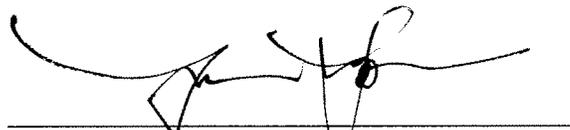
authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 4th day of August, 2009.

Read and passed on final reading at a regular meeting held this 1st day of September, 2009.

Authenticated by the presiding officer and Clerk of the Commission on 2nd day of September, 2009.

Filed with the Clerk September 2, 2009.



MORGAN MCPHERSON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

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TO: Jim Scholl, City Manager

Cc: Mark Finigan, Asst. City Manager

FROM: E. David Fernandez, Asst. City Manager-Operations *EDF*

DATE: July 24, 2009

SUBJECT: **An Ordinance to Allow the City Budget to be Established and Amended by Resolution Rather than Ordinance**

Action statement:

This ordinance will allow for the City budget to be established annually by resolution rather than ordinance. Additionally, this would allow the budget to be amended by resolution rather than ordinance. This is allowed via Florida Statute.

Background:

Currently, at the completion of the budget workshops, the City Commission adopts the complete annual budget through ordinance. Ordinances, of course require two readings (although in some cases more) at a publicly advertised meeting, which is typically a City Commission meeting.

If a budget is to be amended during a fiscal year, due to a situation such as unanticipated grant revenue to the City, it also needs to be amended by ordinance. Requiring two ordinance readings can therefore result in delays to grant-funded projects that may have tight deadlines.

Purpose and Justification:

To streamline the process and improve efficiency, City Staff would like to have its annual budget and potential budget amendments approved through resolution rather than ordinance. Resolutions require just one reading at a publicly advertised meeting.

Options:

1. The City could allow for the annual budget to be established and amended through resolution rather than ordinance.
2. The City could elect to keep current budget procedures for adoption and amendment in place.

Financial Impact:

Staff does not anticipate this proposed change to have any direct financial impact to the City. However, it could save City staff time from having to prepare for and wait for approval from the two readings required of an ordinance, and allow us to move forward on possible grant-funded projects faster.

Recommendation:

Staff recommends option #1, that the City allows for the annual budget to be established and amended through resolution rather than ordinance.