

C7 AN A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING AND RESTATING RESOLUTION NO. 2019-30954, WHICH RE-ADOPTED AND AMENDED THE CITY OF MIAMI BEACH EXISTING FINANCIAL POLICIES SET FORTH IN RESOLUTION NO. 2006-26341 RELATING TO STABILIZATION FUNDS; FUND BALANCE; CONTINGENCY PLANNING AND CASH RESERVES; USE OF NON-RECURRING REVENUES; CAPITAL ASSET ACQUISITION, MAINTENANCE, REPLACEMENT AND RETIREMENT; AND GUIDING THE DESIGN OF PROGRAM AND SERVICES, TO INCORPORATE REVISIONS TO THE STABILIZATION FUNDS AND FUND BALANCE/CONTINGENCY PLANNING AND CASH RESERVES POLICY (GENERAL FUND RESERVE POLICY), AS SET FORTH IN THE ATTACHED EXHIBIT A, WHICH SHALL REPLACE AND SUPERSEDE THE GENERAL FUND RESERVE POLICY SET FORTH IN RESOLUTION NO. 2019-30954, TO REQUIRE A 6/7TH SUPERMAJORITY VOTE OF THE CITY COMMISSION IN ORDER TO APPROPRIATE ANY FUNDS FROM THE GENERAL FUND RESERVES THAT WOULD REDUCE THE GENERAL FUND RESERVE BELOW THE 17% EMERGENCY RESERVE OF THE GENERAL FUND OPERATING BUDGET OF THE ENSUING YEAR.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: October 30, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING AND RESTATING RESOLUTION NO. 2019-30954, WHICH RE-ADOPTED AND AMENDED THE CITY OF MIAMI BEACH EXISTING FINANCIAL POLICIES SET FORTH IN RESOLUTION NO. 2006-26341 RELATING TO STABILIZATION FUNDS; FUND BALANCE; CONTINGENCY PLANNING AND CASH RESERVES; USE OF NON-RECURRING REVENUES; CAPITAL ASSET ACQUISITION, MAINTENANCE, REPLACEMENT AND RETIREMENT; AND GUIDING THE DESIGN OF PROGRAM AND SERVICES, TO INCORPORATE REVISIONS TO THE STABILIZATION FUNDS AND FUND BALANCE/CONTINGENCY PLANNING AND CASH RESERVES POLICY (GENERAL FUND RESERVE POLICY), AS SET FORTH IN THE ATTACHED EXHIBIT A, WHICH SHALL REPLACE AND SUPERSEDE THE GENERAL FUND RESERVE POLICY SET FORTH IN RESOLUTION NO. 2019-30954, TO REQUIRE A 6/7TH SUPERMAJORITY VOTE OF THE CITY COMMISSION IN ORDER TO APPROPRIATE ANY FUNDS FROM THE GENERAL FUND RESERVES THAT WOULD REDUCE THE GENERAL FUND RESERVE BELOW THE 17% EMERGENCY RESERVE OF THE GENERAL FUND OPERATING BUDGET OF THE ENSUING YEAR.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached resolution is presented by the sponsor, Commissioner Joseph Magazine, for the consideration of the Mayor and City Commission.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Joseph Magazine

Co-sponsor(s)

Condensed Title

Req. 6/7th Supermajority Vote to Appropriate General Fund Emergency Reserve. (Magazine)
CA

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING AND RESTATING RESOLUTION NO. 2019-30954, WHICH RE-ADOPTED AND AMENDED THE CITY OF MIAMI BEACH EXISTING FINANCIAL POLICIES SET FORTH IN RESOLUTION NO. 2006-26341 RELATING TO STABILIZATION FUNDS; FUND BALANCE; CONTINGENCY PLANNING AND CASH RESERVES; USE OF NON-RECURRING REVENUES; CAPITAL ASSET ACQUISITION, MAINTENANCE, REPLACEMENT AND RETIREMENT; AND GUIDING THE DESIGN OF PROGRAM AND SERVICES, TO INCORPORATE REVISIONS TO THE STABILIZATION FUNDS AND FUND BALANCE/CONTINGENCY PLANNING AND CASH RESERVES POLICY (GENERAL FUND RESERVE POLICY), AS SET FORTH IN THE ATTACHED EXHIBIT A, WHICH SHALL REPLACE AND SUPERSEDE THE GENERAL FUND RESERVE POLICY SET FORTH IN RESOLUTION NO. 2019-30954, TO REQUIRE A 6/7th SUPERMAJORITY VOTE OF THE CITY COMMISSION IN ORDER TO APPROPRIATE ANY FUNDS FROM THE GENERAL FUND RESERVES THAT WOULD REDUCE THE GENERAL FUND RESERVE BELOW THE 17% EMERGENCY RESERVE OF THE GENERAL FUND OPERATING BUDGET OF THE ENSUING YEAR.

WHEREAS, on September 11, 2019, the City Commission adopted Resolution No. 2019- 30954, which last amended and formalized the City's financial policies relating to Stabilization Funds; Fund Balance; Contingency Planning and Cash Reserves; Use of Non-Recurring Revenues; Capital Asset Acquisition, Maintenance, Replacement and Retirement; and Guiding the Design of Programs; and

WHEREAS, the Government Finance Officers Association (GFOA) recommends that governments establish a formal policy on the level of unrestricted fund balance that should be maintained in the General Fund for Generally Accepted Accounting Principles (GAAP) and budgetary purposes; and

WHEREAS, the GFOA recommends that the adequacy of unrestricted fund balance in the General Fund should take into account each government's own unique circumstances; for example, governments that may be vulnerable to natural disasters, more dependent on a volatile revenue source, or potentially subject to cuts in state aid and/or federal grants, may need to maintain a higher level in the unrestricted fund balance; and

WHEREAS, the GFOA recommends, at a minimum, that general purpose governments, regardless of size, maintain an unrestricted budgetary fund balance in their general fund of no less than 2 months of the general fund budget; and

WHEREAS, in light of the City's-vulnerability to storm events and dependence on volatile Resort Tax revenues, the City Commission, in Resolution No. 2019-30954, increased the required reserve for emergencies from 11% to 17%; increased the goal for reserve for contingencies from 6% to 8%; and effectively increased the total reserve target from 17% to 25%, or from 2 months to 3 months of the City's General Fund Operating Budget; and

WHEREAS, the City Commission, in Resolution 2019-30664, adopted a Resort Tax Reserve Policy that, *inter alia*, required a supermajority vote (5/7th) of the City Commission in order to expend funds in the Resort Tax Reserve Emergency Fund; and

WHEREAS, the City Commission wishes to further ensure the stability and integrity of the General Fund Reserve by amending the City of Miami Beach Financial policies relating to Stabilization Funds; Fund Balance; Contingency Planning and Cash Reserves; Use of Non-Recurring Revenues; Capital Asset Acquisition, Maintenance, Replacement and Retirement; and Guiding the Design of Programs, to incorporate revisions to the Stabilization Funds and Fund Balance/Contingency Planning and Cash Reserves Policy (General Fund Reserve Policy), as set forth in the attached Exhibit A, to similarly require a 6/7th supermajority vote of the City Commission in order to expend funds in the General Fund Reserve Emergency Fund.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the Mayor and City Commission hereby amend and restate Resolution No. 2019-30954, which re-adopted and amended the City of Miami Beach existing financial policies set forth in Resolution no. 2006-26341 relating to stabilization funds; fund balance; contingency planning and cash reserves; use of non-recurring revenues; capital asset acquisition, maintenance, replacement and retirement; and guiding the design of program and services, to incorporate revisions to the Stabilization Funds and Fund Balance/Contingency Planning and Cash Reserves Policy (General Fund Reserve Policy), as set forth in the attached Exhibit A, which shall replace and supersede the general fund reserve policy set forth in Resolution No. 2019-30954, to require a 6/7th supermajority vote of the City Commission in order to appropriate any funds from the general fund reserves that would reduce the general fund reserve below the 17% emergency reserve of the general fund operating budget of the ensuing year.

Mayor Steven Meiner

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Joseph Magazine)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

10/22/2024

Date

RR

EXHIBIT A

CITY OF MIAMI BEACH FINANCIAL POLICIES RELATING TO STABILIZATION FUNDS; FUND BALANCE; CONTINGENCY PLANNING AND CASH RESERVES; USE OF NON-RECURRING REVENUES; CAPITAL ASSET ACQUISITION, MAINTENANCE, REPLACEMENT AND RETIREMENT; AND GUIDING THE DESIGN OF PROGRAMS AND SERVICES

Stabilization Funds & Fund Balance/Contingency Planning and Cash Reserves

1. The City of Miami Beach shall maintain the Emergency Reserve at seventeen percent (17%) of the General Fund Operating Budget of the ensuing year (17% Emergency Reserve) for use as defined in resolution 98- 22661.

1a. Any appropriation, or series of related appropriations, of any funds from the general fund reserves that would reduce the general fund reserve below the 17% emergency reserve of the general fund operating budget of the ensuing year must be approved by a 6/7th supermajority vote of the City Commission.

2. The City of Miami Beach shall have a goal to also maintain a General Fund Reserve for Contingencies equal to at least eight (8%) of the General Fund Operating Budget that, in combination with the 17% Emergency Reserve, represents three (3) months of the General Fund Operating Budget expenditures.
3. Said reserve shall be increased or decreased annually but shall be maintained at a minimum of eight percent (8%) of the then existing General Fund Operating Budget.
4. Once the General Fund Reserve for Contingencies goal of eight percent (8%) is initially achieved, if the amount falls below the eight percent (8%) level, a plan of action will be required to increase the reserves over three (3) to seven (7) years to at least eight percent (8%) and a percentage of any additional undesignated fund balance shall be earmarked toward attainment of the eight percent (8%) level.
5. The City of Miami Beach shall have a goal to develop and maintain appropriate levels of reserves in the Enterprise Funds as in the General Fund.
6. The City of Miami Beach shall have a goal of maintaining a reserve of one hundred percent (100%) of pending claims in the Risk Management Fund and shall strive to fund two-thirds (2/3) of the estimated value of insurance claims incurred but not reported.

Use of Non-Recurring Revenues

The City of Miami Beach will use one-time, non-recurring revenue for capital expenditures or one time expenditures and not to subsidize recurring personnel, operations and maintenance cost.

Capital Asset Acquisition, Maintenance, Replacement and Retirement

1. The City shall maintain a dedicated portion of operating millage for General Fund Capital Renewal and Replacement as defined in Resolution 2005-25832.

2. The City shall have a goal to fund for the following capital needs as a permanent part of the budget in an amount not less than five percent (5%) of the annual fiscal operating budget of the General Fund of the City:
 - **Capital Renewal and Replacement** - to ensure adequate funding for the renewal and replacement of the City's General Fund facilities to extend the useful life or replace equipment whose useful life has expired.
 - **Capital Reserve Fund** - to help ensure adequate funding related to previously approved capital projects for expenditures due to bids that are over-budget, change orders, or other unforeseen items for General Fund projects.
 - **Pay-As-You-Go Capital Fund** - to ensure adequate on-going reinvestment in capital plant and equipment and avoid deferring capital needs until there is a major bond issue. The City of Miami Beach Resolution 2018-30429, dated July 25, 2018, established a dedicated millage commencing in FY 2019 to continue funding General Fund capital projects while simultaneously allowing for growth over time with property values.
 - **Capital Investment Upkeep Fund** - to help ensure adequate funding for General Fund non-facility related upkeep.
 - **Information and Communications Technology Fund** - to help ensure adequate funding for the procurement of new or enhanced information and technology needs of the City.
3. The City shall strive to achieve as a goal that annual General Fund revenues in excess of expenditures shall be transferred to the Capital Reserve Fund.
4. The City shall have a goal to develop and maintain appropriate levels of capital reserves in the Enterprise Funds as in the General Fund.

Guiding the Design of Programs and Services

1. The City of Miami Beach shall create a strategic plan that identifies multi-year strategic priorities with corresponding result measures for each priority.
2. Annually, the City of Miami Beach shall use a strategic planning process to develop initiatives that support the strategic plan priorities.
3. The budget process and format shall be performance-based and focused on Key Intended Outcomes and performance measures.
4. Any new initiatives not core to the City's core mission or Key Intended Outcomes identified in the strategic plan that is greater than 0.5% of budget for the fund impacted per year, or cumulatively, shall be first considered as part of the City's annual strategic planning process to develop initiatives.