



Mayor Paul S. Vrooman
Vice Mayor Edward P. MacDougall
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Councilmember Peggy R. Bell

Town Manager Steven J. Alexander
Town Attorney Mitchell Bierman
Town Attorney Chad Freidman
Town Clerk Erika Santamaria

In accordance with the American with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four (4) days prior to the meeting.

**TOWN COUNCIL MEETING AGENDA
FIRST BUDGET HEARING**

Tuesday, September 9, 2008, 7:00 p.m.
South Dade Regional Library
10750 SW 211 Street, 2nd Floor
Cutler Bay, Florida 33189

- 1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MINUTES**
- 3. BUDGET HEARING**

- A.** A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE FINAL MILLAGE RATE OF THE TOWN OF CUTLER BAY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.
- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING AN OPERATING AND CAPITAL OUTLAY BUDGET WITH TOTAL EXPENDITURES IN THE AMOUNT OF \$27,399,740 FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); AND AUTHORIZING THE TOWN MANAGER TO MAKE EXPENDITURES CONSISTENT THEREWITH AND AUTHORIZING THE TOWN MANAGER TO MAKE CERTAIN BUDGET AMENDMENTS WITHIN A DEPARTMENT PROVIDED THAT THE TOTAL OF THE APPROPRIATIONS IS NOT CHANGED; AND PROVIDING FOR AN EFFECTIVE DATE.

4. PUBLIC COMMENTS

5. MAYOR AND COUNCIL MEMBER COMMENTS

6. OTHER BUSINESS

7. NEXT MEETING ANNOUNCEMENT AND ADJOURNMENT

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING 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 TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

RESOLUTION NO. 08-___

A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE FINAL MILLAGE RATE OF THE TOWN OF CUTLER BAY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009 PURSANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 16, 2008, the Town Council of the Town of Cutler Bay (the “Town”) adopted Resolution 08-43 determining the Proposed Millage Rate for the fiscal year commencing October 1, 2008 and further scheduled the public hearing required by Section 200.065 of the Florida Statutes to be held on September 9, 2008 at 7:00 p.m.; and

WHEREAS, the Property Appraiser properly noticed the public hearing scheduled for September 9, 2008, 7:00 p.m., at the South Dade Regional Library, 10750 SW 211th ST, 2nd Floor, Cutler Bay, Florida, as required by Chapter 200 of the Florida Statutes; and

WHEREAS, said public hearing, as required by Section 200.065(2)(c), was held by the Town Council on September 9, 2008 as previously noticed and the public and all interested parties having had the opportunity to address their comments to the Town Council and the Town Council having considered the comments of the public regarding the tentative millage rate and having complied with the “TRIM” requirements of the Florida Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF CUTLER BAY, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

Section 2. Adoption. That the final millage rate for the Town of Cutler Bay for fiscal year commencing October 1, 2008 through September 30, 2009 be and is hereby fixed at the rate of \$2.4470 mills per \$1,000.00 of assessed property value within the Town of Cutler Bay.

Section 3. Effective Date. This resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED this ___ day of _____, 2008.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF CUTLER BAY ONLY:

WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE, P.L.
Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

ORDINANCE NO. 08-_____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING AN OPERATING AND CAPITAL OUTLAY BUDGET WITH TOTAL EXPENDITURES IN THE AMOUNT OF \$27,399,740 FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); AND AUTHORIZING THE TOWN MANAGER TO MAKE EXPENDITURES CONSISTENT THEREWITH AND AUTHORIZING THE TOWN MANAGER TO MAKE CERTAIN BUDGET AMENDMENTS WITHIN A DEPARTMENT PROVIDED THAT THE TOTAL OF THE APPROPRIATIONS IS NOT CHANGED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Manager presented to the Town Council of the Town of Cutler Bay (the "Town") the proposed Operating and Capital Outlay Budget for the fiscal year commencing October 1, 2008; and

WHEREAS, on July 16, 2008, the Town Council adopted Resolution 08-43 which adopted a proposed millage rate for the fiscal year commencing October 1, 2008 and schedule the public hearings required by Section 200.065 of the Florida Statutes for September 9, 2008 at 7:00 p.m.; and

WHEREAS, the Town Council also held a budget workshop to discuss the Town Manager's proposed Operating and Capital Outlay Budget for fiscal year commencing October 1, 2008; and

WHEREAS, the Property Appraiser of Miami-Dade County properly noticed the public hearing scheduled for September 9, 2008, at 7:00 p.m., at the South Dade Regional Library, 10750 Southwest 211th Street, 2nd Floor, Cutler Bay, Florida as required by Florida Statutes; and

WHEREAS, said public hearing was held by the Town Council on September 9, 2008 commencing at 7:00 p.m., as previously noticed and the public and all interested parties having had an opportunity to address their comments to the Town Council; and

WHEREAS, the Town Council had an opportunity to amend the manager's proposed budget as it deemed appropriate, considered the comments of the public regarding the proposed budget and complied with the "TRIM" requirements of the Florida Statutes; and

WHEREAS, the amount of funds available from taxation and other non-ad valorem revenues equals the total appropriations for expenditures and reserves.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

Section 2. Adoption. That the Operating and Capital Outlay Budget for the fiscal year commencing October 1, 2008 through September 30, 2009, attached as Exhibit A, as presented by the Town Manager and amended by the Town Council, with total expenditure in the amount of \$27,399,740 be and is hereby tentatively adopted (first reading), subject to amendments and final adoption (second hearing), as provided by Section 200.065 of the Florida Statutes. The Town Manager is authorized to expend funds appropriated in the Town Budget in accordance with the Town Charter and applicable law. Pending receipt of adequate ad valorem tax or other revenue collections, the Town Manager is hereby authorized to expend necessary funds from the Contingency Account or other available town funds to meet the obligations and requirements of the Town and to charge the appropriate line item of the budget for such purpose once adequate ad valorem tax or other revenues are received. The Town Manager as the designated budget officer of the Town may authorize certain budget amendments within a department, provided that the total of the appropriations of the department is not changed. The final public hearing to adopt the budget for the fiscal year commencing October 1, 2008 through September 30, 2009 be and is hereby set for September 24, 2008, 7:00 p.m., in the South Dade Regional Library, 10750 Southwest 211th Street, 2nd Floor, Cutler Bay, Florida.

Section 3. Expenditure of funds. The Town Manager or his designee is authorized to expend or contract for expenditures such funds as are necessary for the operation of the Town government in accordance with the Budget. The Town Manager may transfer any unencumbered line item allocation of funds, or any portion thereof, to another line item classification within the same department.

Section 4. Amendments. Upon the passage and adoption of the Budget, if the Town Council determines that a department, category or line item will exceed its original allocation, the Town Council is authorized to modify any department, category total or line item of the Budget by resolution so long as the modification does not exceed the Town's total budgeted funds for the Fiscal Year 2008-09.

Section 5. Severability. The provisions of this Ordinance are deemed to be severable, 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 the Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6 Effective date. This Ordinance shall be effective upon adoption on second reading.

PASSED on first reading on this ____ day of _____, 2008

PASSED and ADOPTED on second reading on this _____ day of _____, 2008.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF CUTLER BAY ONLY:

WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE, P.L.
Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____