

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Tuesday, September 07, 2004 4:51 PM
To: 'David M. Wolpin'
Subject: RE: Security District

JRG 04-109

David,

I did indeed make it safely through the storm and I hope you did as well. As far as your question is concerned, I conferred with Christina Prkic and we agree that Councilman Berlin has the right to participate in the budget hearings and vote on the budget at the first and second reading. I concur with your assessment that Councilman Berlin ought to refrain from commenting about matters pertaining to the Security Program, but as a duly-elected official of his municipality he should actively participate in general budget discussions and vote on the budget when the question is called. We do not believe it is necessary to treat the Security Program as a separate budget item for purposes of the action to be taken at the first and second budget hearings. I agree that the most prudent course of action for him to take on September 21, 2004 (the annual special assessment equalization hearing) is to absent himself from the proceedings.

Finally, please advise Councilman Berlin that the non-participation element of the voting conflicts section of the Code applies throughout the entire decision-making process -- not simply at the hearing or public meeting. Therefore, he should have not discussion with staff about the Security Program leading up to the budget hearing or after a final vote has been taken.

If you have any questions concerning the above, please do not hesitate to contact me at your convenience.

Robert

-----Original Message-----

From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Tuesday, September 07, 2004 10:55 AM
To: rmeyers@miamidade.gov
Cc: Richard Jay Weiss
Subject: FW: Security District

Robert- I hope you are doing well and made it safely through the storm. Pursuant to Sec. 2-11.1 (d) of the County Ethics Code , must Bal Harbour Councilman Howard Berlin, who resides within the special assessment area (the "Security Program ")abstain from voting and leave room at first budget hearing on September 9, 2004 , under circumstance in which funds provided for the Security (guard - gate) Program are only a small item (\$284,000 compared to the \$15.7 million dollar Village Budget) and as explained by the Village Manager are included within the Village Budget documents as back up informational material but **not** as part of the specifically listed Fund categories listed by the budget ordinance. It is my opinion that while we will advise him to abstain from participating and leave the council room when the annual special assessment equalization hearing is held on September 21, 2004, he should be able to participate and vote on the budget at first and second reading , so long as he avoids commenting on the Security Program expenditures. The Security Program finances as prepared by the Village Manager maintains the current level of expenditures. These expenditures are described in the attached document. Additional background information is provided in my letter of December 3, 2002 to the Village Council which was previously furnished to the your staff when Village resident Babak Raheb had questioned the validity of the 2002 special assessment equalization resolution by questioning then Mayor Berlin's voting on the special assessment equalization resolution . All Security Program expenditures are funded by special assessments on the more than 200 parcels located within the special assessment area served by the Security Program. Alternatively, if you find it to be necessary, the information on the Security Program may be discussed as a separate informational sub- item , while Mr. Berlin is absent from the room, and the record would reflect that his vote on the budget item does not pertain to the Security Program matter.

Kindly advise me before 2:00pm on this Thursday, if possible, since the budget hearing is at 5:15 pm. Thanks again for your assistance.

(-----Original Message-----

From: Alfred Treppeda [mailto:manager@balharbourflorida.com]
Sent: Wednesday, September 01, 2004 4:51 PM
To: David M. Wolpin
Subject: Security District

Revised Version

Meyers, Robert (COE)

From: David M. Wolpin [DWolpin@wsh-law.com]
Sent: Tuesday, September 07, 2004 11:02 AM
To: rmeyers@miamidade.gov
Subject: FW: Security District

This is Village Manager confirming that Security Program monies are not specifically listed as one of the Village Funds.
-----Original Message-----

From: Alfred Treppeda [mailto:manager@balharbourflorida.com]
Sent: Thursday, September 02, 2004 8:55 AM
To: David M. Wolpin
Subject: RE: Security District

No. The only amount in the ordinance are for General Fund, Water, Sewer, and Tourism.

Alfred

From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Wednesday, September 01, 2004 5:32 PM
To: Alfred Treppeda
Subject: RE: Security District

is that dollar amount picked up into any of the money totals listed in the budget ordinance?

-----Original Message-----

From: Alfred Treppeda [mailto:manager@balharbourflorida.com]
Sent: Wednesday, September 01, 2004 4:51 PM
To: David M. Wolpin
Subject: Security District

Revised Version

Budget Code 102

Division: Special Assessment Area (Security District)

This account is administered by Bal Harbour Village for the Special Assessment Area (Security District) which consists of the walled-in single family residential area located behind the low-rise apartment buildings west of Collins Avenue.

The Village collects a special assessment from all property owners in the Security District and administers these funds with input from the Bal Harbour Civic Association. The Village receives a fee for administering the funds of the Security District.

The Security District funds pay for 24-hour private security personnel who man the guardhouse located at Harbour Way & Park Drive. The funds also pay for the entrance and exit gates located throughout the Security District as well as a system that permits vehicles equipped with smart passes access into the Security District by automatically opening the gate. Those without passes can only gain vehicular access to the Security District by being announced by the guard.

The 2004/2005 assessment is proposed to remain the same as last year:

Single Family Home:	\$1,175.00
First apartment in each complex:	\$1,175.00
Each additional apartment: (40% of Single Family Home Rate)	\$ 470.00
Bal Harbour Club: (4 X Single Family Home Rate)	\$4,700.00

Sandra Dunn, President of the Bal Harbour Civic Association, assisted in the formulation of the Security District budget for 2004/2005.

Budget Code 102 Special Assessment Area (Security District) - Continued

Explanation of Significant Line-Items

Line-Item#102.312/Legal Fees

Recently, a resident has been challenging the legal existence of the Security District. This has required the services of the Village Attorney's office. Funds are being budgeted to pay for applicable portions of the legal fees.

Amount Budgeted: \$25,000.00

Line-Item#102.316/Professional Services

Kent Security continues providing guard services to the community.

Amount Budgeted: \$170,000.00

Line-Item#102.340/Janitorial Service

Kelley Janitorial, the janitor for Village Hall, cleans the guard house three days per week as requested by the Civic Association. They currently charge \$130.00 per month, which includes supplies.

Amount Budgeted: \$2,000.00

Line-Item#102.429/Cable TV

Cable TV provides vital information to the guards in times of hurricanes and other events affecting Security District residents. It also provides the guards access to channel 20, which is utilized by the Village to broadcast relevant information to the community.

Amount Budgeted: \$660.00

Line-Item#102.461/Maintenance of Equipment

This pays for maintenance of both entry gates into the community, and all associated equipment. Includes a/c contract \$60.00 per month. Funds are included (\$8,000.00) to perform maintenance work to the guard house, including repairs to the bathroom window and wall, new silicone sealant on north window, repair fence, repair damaged railing, pressure clean and paint the roof and eaves, paint handrails, sidewalks and walkways, and the exterior of the building.

Amount Budgeted: \$16,500.00

Line-Item#102.525/Landscape Materials

This covers the purchase of plant materials for landscaping around the guard house.

Amount Budgeted: \$9,000.00

Line-Item#102.630/Improvements Other than Buildings

The work station and cabinets in the guard house need to be repaired or replaced. Funds are budgeted for this purpose.

Amount Budgeted: \$4,000.00

Line-Item#102.915/Contingency

This is to be used for supplies, equipment, or services that were not anticipated at budget time.

Amount Budgeted: \$26,600.00

**Budget Code 102 Special Assessment Area (Security District) -
Continued**

Line-Item#102.991/Management Fee to General Fund

This reimburses the city for the work involved in collecting assessments and paying bills for the Security District. In addition, the police department issues smart passes and keys to gates.

Amount Budgeted: \$15,000.00

**102-
Security
Fund
Special
Assessment
Area
Security
District**

Account Code	Account Description	Budget Request 2004-2005	Prior Year Budget 2003-2004	Incr/Decr Amount	Incr/Decr Percent
102.312	Legal Fees	25,000	25,000	0	0.00%
102.316	Professional Services - Guards	170,000	170,000	0	0.00%
102.320	Auditors Fees	1,500	1,500	0	0.00%
102.340	Janitorial Services	2,000	2,000	0	0.00%
102.410	Telephone	2,600	2,600	0	0.00%
102.420	Postage	1,900	1,900	0	0.00%
102.429	Cable TV	660	660	0	0.00%
102.430	Utilities	2,600	2,600	0	0.00%
102.431	Water Usage	640	640	0	0.00%
102.450	Insurance	2,300	2,300	0	0.00%
102.461	Maintenance of Equipment	16,500	16,500	0	0.00%
102.470	Printing	500	1,340	-840	-62.69%
102.490	Legal Ads	300	300	0	0.00%
102.491	Miscellaneous	1000	200	800	400.00%
102.492	Bank Charges	100	100	0	0.00%
102.510	Office Supplies	150	150	0	0.00%
102.520	Operating Supplies	2,000	2,000	0	0.00%
102.525	Landscape Materials	9,000	9,000	0	0.00%
102.630	Improvements other than Bldgs	4,000	0	4,000	100.00%
102.640	Machinery & Equipment	0	0	0	0.00%
102.710	Debt Service	0	0	0	0.00%
102.915	Contingency	26,600	30,560	-3,960	-12.96%
102.991	Management Fee to General Fund	15,000	15,000	0	0.00%
	TOTAL DEPARTMENT	284,350	284,350	0	0.00%
300.002	Assessments	284,350	284,350	0	0.00%
	Special Assessments Guard				
300.004	House	0	0	0	0.00%
	TOTAL Revenues	284,350	284,350	0	0.00%

ORDINANCE NO. _____

ORDINANCE OF BAL HARBOUR VILLAGE ADOPTING A BUDGET FOR ALL VILLAGE FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; APPROPRIATING REVENUES AND OTHER FUNDS IN THE AMOUNT OF \$15,711,992; AUTHORIZING EXPENDITURES; AND ESTABLISHING AN EFFECTIVE DATE.

THE COUNCIL OF BAL HARBOUR VILLAGE HEREBY ORDAINS:

Section 1. The Village Manager has presented to the Council a tentative budget for the operation of the Village from October 1, 2004, to September 30, 2005, in the amount of **\$15,711,992.**

Section 2. The Council of Bal Harbour Village has ascertained and determined that the amount of money needed for each fund and department in the operation of the Village for said period is as follows:

GENERAL FUND

511 - Legislative	\$ 396,964
512 - Executive	\$ 409,749
513 - Finance and Administration	\$ 219,550
519 - General Government	\$1,039,189
521 - Law Enforcement	\$3,628,695
524 - Protective Inspection	\$ 280,081
534 - Garbage/Solid Waste	\$ 676,934
539 - Maintenance of Open Space	\$ 389,424
541 - Roads and Streets	\$ 545,379
572 - Park and Recreation	<u>\$ 242,976</u>
GRAND TOTAL:	\$7,828,941

WATER FUND

533 - Water Utility Service	\$3,115,998
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SANITARY SEWER FUND

535 – Sanitary Sewer Service

\$2,343,767

TOURISM FUND

552 – Industry Development

\$2,423,286

Section 3. The estimated amount of money appropriated for each fund is as follows: General Fund \$7,828,941; Water Fund \$3,115,998; Sanitary Sewer Fund \$2,343,767; Tourism Fund \$2,423,286 and said budget is hereby adopted, and the funds specified authorized for expenditure.

Section 4. This Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED upon first reading this ___ day of September, 2004.

PASSED AND ADOPTED upon second reading this ___ day of September, 2004.

Mayor Seymour Roth

Attest:

Ellisa Horvath, CMC
Acting Village Clerk