

REQUESTED COMMISSION ACTION:

Consent	X	Ordinance	Resolution	Consideration/ Discussion	Presentation
_____	_____	_____	_____	_____	_____
<p>SHORT TITLE                    <b>AN ORDINANCE AMENDING CHAPTER 36, "TAXATION AND FINANCE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 36.033, "SPECIAL PURPOSE ACCOUNTS," TO DELETE THE BUILDING CERTIFICATION/EDUCATION MAINTENANCE ACCOUNT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</b></p>					

**Summary of Purpose and Why:**

Per direction for the City's Finance Director, Staff is recommending repealing Code of Ordinances §36.033(I) which mandates that a certificate maintenance fee from each building permit be deposited into a *Special Purpose Account*. The funds held in the "Building Certification/Education Maintenance Account" are to be utilized for education and training uses as well as other allowable expenditures (i.e. expedited services and overtime) as outlined in Code of Ordinances §152.12. Staff believes that separating these funds into a separate account, outside of the Building Inspection Division's main operation fund, is unnecessary and only creates an undue administrative burden, requiring multiple budget adjustments annually to transfer the funds for allowable purposes. In conjunction with the repeal of §36.033(I), Staff will establish a separate Building Permit Special Revenue Fund to account for 100% of the building permit function activities (effective October 1, 2015). Therefore effective October 1, 2015, the funds currently held in the "Building Certification/Education Maintenance Account" (approximately \$2.6 million), along with other building permit related surplus funds currently within the General Fund (approximately \$7 million), will be transferred to the newly created Building Permit Special Revenue Fund to be utilized for allowable purposes.

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman *YBF* Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	06/29/2015	Approval	<i>[Signature]</i>
Finance Dept.	<i>6/30/15</i>	<i>approval</i>	<i>[Signature]</i>
City Attorney	06/16/2015	Approval	Mem #2015-1069 <i>[Signature]</i>
Budget	<i>7-6-15</i>	<i>Approval</i>	<i>[Signature]</i>
X City Manager	<i>[Signature]</i>		<i>[Signature]</i>

Ordinance Workshop	Resolution	Consideration
1st Reading	1st Reading	Results: _____
2nd Reading		Results: _____



**City Attorney's Communication #2015-1069**  
June 16, 2015

**TO:** Karen Friedman, AICP, Planner  
**FROM:** Gordon B. Linn, City Attorney  
**RE:** Ordinance Amending Section 36.033, "Special Purpose Accounts"

As requested in your memorandum of June 2, 2015, Department of Development Services Memorandum No. 15-287, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

**AN ORDINANCE AMENDING CHAPTER 36, "TAXATION AND FINANCE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 36.033, "SPECIAL PURPOSE ACCOUNTS," TO DELETE THE BUILDING CERTIFICATION/EDUCATION MAINTENANCE ACCOUNT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.



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GORDON B. LINN

/jrm  
l:cor/dev-srv/2015-1069

Attachment

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE AMENDING CHAPTER 36, "TAXATION AND FINANCE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 36.033, "SPECIAL PURPOSE ACCOUNTS," TO DELETE THE BUILDING CERTIFICATION/EDUCATION MAINTENANCE ACCOUNT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 36.033, "Special Purpose Accounts," of Chapter 36, "Taxation and Finance," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 36.033 SPECIAL PURPOSE ACCOUNTS.**

There are created the following special purpose accounts for the purposes specified. All monies received pursuant to this section shall be deposited with the Finance Department. Disbursements will be made by the Finance Department by means of a cash requisition system, imprest voucher system, or imprest checking system as the Director of Finance may consider necessary or appropriate.

...

~~(1) — Building certification/education maintenance account. The source of monies for this account shall come from the certification maintenance fee as set~~

~~forth in Chapter 152.12(C)(1) of the City of Pompano Beach Code of Ordinances. Monies from this account shall be reserved for education and schooling, seminars, etc., to maintain certification or personnel and licenses, as required by the South Florida Building Code and F.S. § 468.627(7) as currently enacted or as amended from time to time, special clerical training and other allowable expenditures as outlined in Chapter 152.12(C)(2) of the City of Pompano Beach Code of Ordinances.~~

...

**SECTION 2.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 3.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

GBL/jrm  
6/16/15  
L:ord/ch36/2015-350