

ORDINANCE NO. 2004-3

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE CURRENT FISCAL YEAR BUDGET, AS ADOPTED BY ORDINANCE NO. 2003-9, SO AS TO PROVIDE FUNDING FOR FOUR ADDITIONAL FIREFIGHTER POSITIONS WITHIN THE FIRE RESCUE DEPARTMENT OF THE VILLAGE'S DEPARTMENT OF PUBLIC SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the budget amendment described herein shall provide for four (4) new firefighter positions and will enable the expansion of the minimum level of on-duty fire personnel from the existing level of seven persons to an eight person level of coverage; and

WHEREAS, the Village has certain surplus funds available in the general fund from the end of the prior fiscal year which may be utilized for the purposes described in this Ordinance; and

WHEREAS, the Village Council finds that the use of the surplus funds to fund the additional fire service personnel positions described herein, complies with the requirements of Section 25-4 of the Village Code that surplus funds in the general fund at the end of each fiscal year, which are not placed by the Council in a restricted reserve fund, shall be utilized to reduce debt or to reduce taxes, since the use of such surplus funds, as described herein, enables the Village to avoid a tax increase for such purpose.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed.

Section 2. **Budget Amended.** That Ordinance 2003-9 of the Village of Key Biscayne, as

adopted on September 23, 2003, for the fiscal year commencing on October 1, 2003 and ending on September 30, 2004, is hereby amended as set forth on Exhibit "A", as more specifically reflected under column "start 7/1/04" on Exhibit "B" attached hereto.

Section 3. **Severability.** That the provisions of this Ordinance are declared to be severable and 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 this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this 27th day of January, 2004.

PASSED AND ADOPTED on second reading this 10th day of February, 2004.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY