

## **Chapter 8A CITY FINANCES**

### **Sec. 8A-1. Director of Finance; appointment.**

There shall be a Department of Finance, the head of which shall be the Director of Finance, who shall be, or be appointed by, the City Manager.

(Ord. No. 492, <sec> 1, 3-16-77)

### **Sec. 8A-2. Director of Finance; qualifications.**

The Director of Finance shall have knowledge of municipal accounting and taxation, and shall have had experience in budgeting and financial control.

(Ord. No. 492, <sec> 1, 3-16-77)

### **Sec. 8A-3. Director of Finance; surety bond.**

The Director of Finance shall be bondable and may be bonded by the City.

(Ord. No. 492, <sec> 1, 3-16-77; Ord. No. 1311-01, <sec> 1, 6-6-01)

### **Sec. 8A-4. Director of Finance; powers and duties.**

The Director of Finance shall have charge of the administration of the financial affairs of the City, and to that end he or she shall have authority, and shall be required, personally or through delegation to:

- (a) Compile the current expense estimates for the budget of the City Manager.
- (b) Compile the capital estimates for the budget of the City Manager.
- (c) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded.
- (d) Maintain a general accounting system for the City government and each of its offices, departments and agencies, keep books for, and exercise financial budgetary control over each office, department and agency, keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance; and require reports of receipts, and disbursements from each receiving and spending agency of the City government to be made daily, or at such intervals as he or she may deem expedient.

- (e) Submit to the Council, through the City Manager, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City.
- (f) Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report.
- (g) Have custody of all public funds belonging to, or under the control of the City, or any office, department or agency of the City government, and deposit all funds coming into his or her hands in such depositories as may be designated by resolution of the Council, or, if no such resolution be adopted, by the City Manager, subject to the requirements of law as to surety and the payment of interest, or dividends paid thereon, shall be the property of the City and shall be accounted for and credited to the proper account.
- (h) Have custody of all investments, and invested funds, of the City government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City, and the receipt and delivery of City bonds and notes for transfer, registration or exchange.
- (i) Supervise and be responsible for the accounting of all supplies, materials, equipment and other articles used by any office, department or agency of the City government.
- (j) Approve all proposed expenditures, and make no expenditure and encumber no appropriation unless he or she shall certify that there is an unencumbered balance of appropriation and available funds.
- (k) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the City government.
- (l) Examine and approve all contracts, orders and other documents by which the City government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted, and will be available when the obligations shall become due and payable.
- (m) Audit and approve before payment, all bills, invoices, payrolls, and other evidences of claims, demands or charges against the city government, and with the advice of the department of law determine the regularity, legality and correctness of such claims, demands or charges.
- (n) Inspect and audit any accounts, or records of financial transactions which may be maintained in any office, department or agency of the city government apart from, or subsidiary to the accounts kept in his or her office.

(Ord. No. 492, <sec> 1, 3-16-77; Ord. No. 1311-01, <sec> 1, 6-6-01)

**Sec. 8A-5. Fees paid to City government.**

All fees received by any officer or employee shall belong to the City government, and shall be paid daily to the Department of Finance or to cashiers designated by the Director of Finance.

(Ord. No. 492, <sec> 1, 8-16-77; Ord. No. 1311-01, <sec> 1, 6-6-01)

**Sec. 8A-6. Accounting control of purchases.**

All purchases shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, or as otherwise provided in the procurement policy as may be amended from time to time, and no contract, or order shall be issued to any vendor unless and until the Director of Finance certifies that there is to the credit of such office, department or agency, a sufficient unencumbered appropriation balance to pay for the supplies, material, equipment or contractual services for which the contract or order is to be issued.

(Ord. No. 492, <sec> 1, 8-16-77; Ord. No. 1311-01, <sec> 1, 6-6-01)

**Sec. 8A-7. Depositories.**

The City Council shall from time to time in its discretion designate banks, the accounts of which are insured by a federal agency, and which are qualified public depositories pursuant to general law, as City depositories. Any bank, acting as a City depository, shall make monthly statements, and same shall be forwarded to the City, together with all cancelled or paid checks, warrants or coupons.

(Ord. No. 492, <sec> 1, 3-16-77; Ord. No. 1311-01, <sec> 1, 6-6-01)

**Sec. 8A-8. Submission of budget message.**

On or before the fifteenth day of August of each year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

(Ord. No. 492, <sec> 1, 3-16-77; Ord. No. 1311-01, <sec> 1, 6-6-01)

**Sec. 8A-9. Budget message.**

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work program. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and include such other material as the Manager deems desirable.

(Ord. No. 492, <sec> 1, 3-16-77; Ord. No. 1311-01, <sec> 1, 6-6-01)

**Sec. 8A-10. Contents, organization of budget.**

- (a) The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Code, shall be in such form as the City Council may require. In organizing the budget the City Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.
- (b) The budget shall indicate in separate sections:
  - (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
  - (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure;
  - (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition;
  - (4) The staffing of the police force of the City of Punta Gorda, including the Chief of Police and subordinate officers and employees; and
  - (5) The staffing of the fire department of the City of Punta Gorda, including the Chief of the Fire Department and subordinate officers and employees.
- (c) Subsidiary budgets for each utility giving detailed income and expenditure information shall be attached as appendices to the budget.
- (d) The total of proposed expenditures shall not exceed the total of estimated income.

(Ord. No. 492, <sec> 1, 3-16-77; Ord. No. 1311-01, <sec> 1, 6-6-01)

**Sec. 8A-11. Council action on budget.**

- (a) Notice and hearing. Notice and hearing on the City's proposed budget shall be in accordance with general law.

- (b) Amendment before adoption. After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amount, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated income.
- (c) Adoption. The City Council shall adopt the budget by ordinance, with the final reading being on or before the last day of the fiscal year currently ending. If it fails to adopt the budget by this date, the previous year's appropriation, as approved by the City Council, shall be deemed applicable for the ensuing fiscal year until such time as the City Council adopts the budget for the ensuing fiscal year.
- (d) Effect of Adoption. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated; shall constitute a levy of the property tax therein proposed; and shall constitute determination of the size, organizational arrangements and pay plans of the various departments of the City government.

(Ord. No. 492, <sec> 1, 3-16-77; Ord. No. 1071-93, <sec> 2, 2-17-93; Ord. No. 1311-01, <sec> 1, 6-6-01; Ord. No. 1503-07, <sec> 1, 9-19-07)

#### **Sec. 8A-12. Public records.**

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the City.

(Ord. No. 492, <sec> 1, 3-16-77)

#### **Sec. 8A-13. Amendments after adoption.**

- (a) Supplemental appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council by resolution may make supplemental appropriations for the year up to the amount of such excess.
- (b) Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the City Council may by resolution make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the City Council may by such resolution authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) Reduction of appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues

available will be insufficient to meet the amount appropriated, he or she shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution reduce one or more appropriations.

- (d) Transfer of appropriations. At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the City Manager, the City Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
- (e) Limitations; effective date. No appropriation for bonded debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

(Ord. No. 492, <sec> 1, 3-16-77; Ord. No. 1311-01, <sec> 1, 6-6-01)

#### **Sec. 8A-14. Lapse of appropriations.**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned by subsequent City Council action.

(Ord. No. 492, <sec> 1, 3-16-77; Ord. No. 1311-01, <sec> 1, 6-6-01)

#### **Sec. 8A-15. Expenditure of City funds; authority to purchase; payments.**

- (a) Every expenditure of City funds shall be made in accordance with the appropriation resolution and shall be in the best interest of the City. For procedural purposes expenditures shall be classified according to the State of Florida uniform accounting system.
- (c) Payment for personal services shall be in accordance with the appropriation resolution, pay plan, work rules and organization chart as approved by the City Council

(Ord. No. 492, <sec> 1, 3-16-77; Ord. No. 660-82, <sec> 1, 2-3-82; Ord. No. 844-86, <sec> 1, 9-3-86; Ord. No. 1311-01, <sec> 1, 6-6-01)

#### **Sec. 8A-16. Competitive Sealed Solicitations.**

It is the intention of the City council to require competitive sealed solicitations whenever practicable and possible, while still preserving the utmost flexibility in its

purchasing of goods, equipment and services so as to most effectively and efficiently expend the City's financial resources, and accordingly, the procurement of, and payment for, all other purchases by the City of any goods, equipment and services shall be made pursuant to a procurement policy being implemented herewith. Said procurement policy may be amended from time to time by the City Manager, with notice to the City Council, subject to the following limitations:

(a) Sealed Solicitation Threshold:

- (1) All purchases of commodities or services in the amount of Fifty Thousand Dollars (\$50,000.00) or more shall be obtained through the competitive sealed solicitation process, except for sole source procurements, emergency procurements, and other purchases specifically exempted from such requirement.

(b) Authority Levels:

- (1) All purchases of commodities and services which exceed the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) shall require the approval of the City Council.
- (2) Sole source procurements in excess of Twenty-Five Thousand Dollars (\$25,000.00), but not exceeding Fifty Thousand Dollars (\$50,000.00), must be reported to the City Council monthly.
- (3) Any sole source procurement in excess of Fifty Thousand Dollars (\$50,000.00), must be approved by the City Council.
- (4) Any emergency procurement in excess of Twenty-Five Thousand Dollars (\$25,000.00), must be approved by the City Council.
- (5) All of the following require City Council approval:
  - a. Franchise agreements;
  - b. Interlocal agreements;
  - c. Purchases of land;
  - d. Purchases of legal, auditing and actuarial services;
  - e. Any contract with a medical doctor to serve as medical director for the City;
  - f. Any contract for the purchase of commodities or services specified in the following subsection (6) which exceeds the amount of Fifty Thousand Dollars (\$50,000.00) except goods, materials and equipment the costs of which have been incorporated as a part of a competitively solicited project are exempt from this requirement.

- (6) Purchase of any of the following are exempt from competitive bidding requirements, provided that such reasonable efforts as are feasible shall be made to allow for competitive selection, and provided that all such purchases exceeding the amount of Twenty-Five Thousand Dollars (\$25,000.00), but under Fifty Thousand Dollars (\$50,000.00), shall require City Manager's approval.
- a. Services involving special skill, ability, training, or expertise and which are, in their nature, unique, original or creative;
  - b. The purchase of advertising, legal notice publication, utility services (including, but not limited to, electric, water, cable, television, and telephone services), dues and memberships in trade or professional publications, reference books and materials, and similar products and services;
  - c. Contracts for the provision of academic programs, reviews, lectures or seminars;
  - d. Contracts for health services involving examination, diagnosis, treatment, prevention, medical consultation or administration;
  - e. Contracts for performing arts, entertainers, and artistic services which are original and creative in character and skill; and
  - f. Contracts for maintenance service for equipment.

(Ord. No. 1311-01, <sec> 1, 6-6-01; Ord. No. 1410-05, <sec> 1, 7-6-05; Ord. No. 1727-12, <sec> 1, 12-5-12; Ord. No. 1804-14, <sec> 1, 12-17-2014)

**Sec. 8A-17. Service fee for dishonored checks.**

The City of Punta Gorda shall assess a service fee for the collection of a dishonored check, draft or other order for the payment of money as follows:

- (a) Twenty-five dollars (\$25.00) if the face value does not exceed \$50.00;
- (b) Thirty dollars (\$30.00) if the face value is more than \$50.00 but does not exceed \$300.00;
- (c) Forty dollars (\$40.00), or five percent (5%) of the face value, whichever is greater, if the face value is more than \$300.00.

The service fee shall be in addition to all other penalties imposed by law. Proceeds

from the fee, if any, shall be retained by the City and shall be deposited to the account for which the service fee is assessed.

(Ord. No. 798-85, <sec> 1, 6-5-85; Ord. No. 968-89, <sec> 1, 10-4-89; Ord. No. 1311-01, <sec> 1, 6-6-01)

**Sec. 8A-18. Investment of cash reserves.**

- (a) When in the judgement of the Finance Director, consistent with the statement of investment policy approved by the City Council, a sufficient amount of money has accumulated in the accounts or funds of the City or when the City has on hand or has accumulated monies by reason of the sale of its own securities, the Finance Director may purchase or sell investment securities at prevailing market prices/rates on behalf of and in the name of the City of Punta Gorda.
- (b) The Finance Director, consistent with the statement of investment policy, is authorized to sell such obligations or securities purchased pursuant to this section at the prevailing market price and to pay the proceeds of such sale into the proper accounts or funds of the City.
- (c) The City Council shall adopt a statement of investment policy addressing, at a minimum, the following issues:
  - (1) Investment objectives;
  - (2) List of authorized investments;
  - (3) Investment maturity and liquidity;
  - (4) Selection of financial intermediaries;
  - (5) Third-party custodial agreements; and
  - (6) Securities receipt and delivery procedures.
- (d) The statement of investment policy shall be reviewed periodically by the City Manager. Any proposed modification shall be subject to the approval of the City Council.
- (e) Nothing herein contained shall be interpreted or construed to abrogate any specific provision contained in any bond ordinance of the City relating to the investment of bond proceeds temporarily available in specific funds or accounts.

(Ord. No. 831-86, <sec> 1, 5-7-86; Ord. No. 1311-01, <sec> 1, 6-6-01)