Regular Workshop – September 16, 2013
Agenda Item 9

Agenda Item:	Proposed Ordinance 2013-28, Budget Transfer in the Amount of $337,814 from the Road and Bridge Fund to Reimburse the Beach Fund for Construction of the North Shore Road Seawall.
Presenter:	Town Manager
Summary:	Due to severe erosion at the North end of Longboat Key, the Town constructed a seawall in 2012 to protect North Shore Road from potential exposure and storm vulnerability. This was funded by the Beach Capital Projects Fund. It has been determined that this project is eligible to be funded by Gas Tax. Staff is recommending a transfer in the amount of $337,814 from the Road and Bridge Fund to the Beach Fund to reimburse this expense.
Attachments:	09-08-13 Memo, Budget Analyst through Finance Director to Town Manager; Ordinance 2013-28.
Recommended Action:	Pending discussion forward Ordinance 2013-28 to the October 7, 2013 Regular Meeting for first reading.

MEMORANDUM

Date: September 8, 2013

TO: Dave Bullock, Town Manager

FROM: Sue Smith, Finance Director

SUBJECT: Proposed Ordinance 2013-28, Budget Transfer in the Amount of $337,814 From the Road and Bridge Fund to Reimburse the Beach Fund for Construction of the North Shore Road Seawall

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In fiscal year 2011-2012 a project was completed to construct a seawall to protect North Shore Road from potential exposure and vulnerability to public infrastructure The Beach Fund was used to pay for the design and construction

It has been determined that this project is eligible to be funded by Gas Tax. The Town Attorney gave a supporting opinion with regard to the eligibility of using Gas Tax proceeds to reimburse the Beach Fund. Her response is shown below.

> *Based upon the Town's permit application submittal to the FDEP and the report(s) from the Town's engineers, it appears the Town's seawall project served the primary purpose of preserving the North Shore Road from potential collapse and storm vulnerability. Consequently, the maintenance and repair work associated with the seawall abutting the North Shore Road to preserve and protect such road would appears to qualify as public transportation "operations and maintenance." Under Florida Statutes § 336.025(7)(a) , the seawall project appears to be eligible for the "Ninth-cent fuel tax" and/or 1-6 cents "Local option fuel tax" funding. Accordingly, we are of the opinion that the Town may use the "Ninth-cent fuel tax" or 1-6 cents Local option fuel tax" tax funds to fund such project.*

There are sufficient funds in the Road and Bridge Fund that are generated by the 1-6 cents "Local Option Fuel Tax" to make this transfer.

In order to reimburse funds to the proper Fund, Ordinance 2013-28 is being presented at the September 16, 2013 Regular Workshop Meeting for Commission consideration. This Ordinance will transfer unbudgeted, unallocated funds in the amount of $337,814 from the Road and Bridge Fund to the Beach Fund to reimburse the North Shore Road Seawall project.

Please don't hesitate to contact me if you have any questions.

ORDINANCE 2013-28

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; TRANSFERRING $337,814.00 FROM THE ROAD AND BRIDGE FUND UNAPPROPRIATED FUND BALANCE TO THE BEACH FUND UNAPPROPRIATED FUND BALANCE AND REIMBURSING SAID BEACH FUND FOR CONSTRUCTION OF A SEAWALL TO PREVENT NORTH SHORE ROAD FROM POTENTIAL COLLAPSE AND STORM VULNERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, portions of the north end of Longboat Key are severely eroded; and,

WHEREAS, such erosion has exposed portions of North Shore Road and its underground infrastructure vulnerability from storm events if an abutting seawall is not repaired; and,

WHEREAS, such seawall was constructed in 2012 at North Shore Road to protect as part of the North Shore Road Seawall Extension project to preserve the integrity of this roadway infrastructure; and,

WHEREAS, the Beach Fund was charged for the design and construction of this seawall project at a cost of $337,814.00; and,

WHEREAS, Florida Statutes § 336.025(7)(a) authorizes the use of certain funds generated by the 1-6 cent Local Option Gas Tax received in the Road and Bridge Fund for roadway maintenance and repair work; and,

WHEREAS, it is the desire of the Town Commission to use the tax funds from the Road and Bridge Fund for the North Shore Road maintenance and repair work on the seawall project that was constructed in 2012; and,

WHEREAS, a budget transfer of available funds must occur to facilitate this desire; and,

WHEREAS, the Town Manager and Finance Director affirm that the above stated funds are available for transfer; and,

WHEREAS, the Town Charter, Article V, Section 9 (d) provides for such action.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. All of the above Whereas clauses are true and correct, and are hereby incorporated by reference.

SECTION 2. The budget of the Town of Longboat Key for the Fiscal Year beginning October 1, 2012, and ending September 30, 2013, as adopted pursuant to

Ordinance 2012-22, is hereby amended to transfer Three Hundred Thirty-Seven Thousand Eight Hundred Fourteen Dollars ($337,814.00) from the Road and Bridge Fund unappropriated fund balance to the Beach Fund unappropriated fund balance associated with the North Shore Road Seawall Extension project.

SECTION 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 4. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. This Ordinance shall take effect upon second reading and adoption in accordance with Law and the Charter of the Town of Longboat Key.

Passed on first reading the ____ day of _____, 2013

Adopted on second reading and public hearing the ____ day of _____, 2013.

_____
James L. Brown, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

End of Agenda Item