

RESOLUTION NO. 23-034

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE INTERIM CITY MANAGER TO ESTABLISH A LOCAL FINANCIAL OVERSIGHT BOARD TO ASSIST THE CITY OF OPA-LOCKA, FLORIDA IN ITS FINANCIAL RECOVERY EFFORTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2016, City of Opa-Locka officials became aware that the city was suffering financially and requested that the Florida Governor place the City under financial emergency status; and

WHEREAS, pursuant to Section 218.503(1), Florida Statutes, Governor Rick Scott signed Executive Order 16-135 appointing a financial emergency board to assist the City in its financial recovery efforts; and

WHEREAS, on June 8, 2016, the City entered into a State and Local Agreement of Cooperation with the State of Florida, which included, in part, a requirement for the implementation of a five year financial recovery plan and also a requirement for the presentation of a budget to the Governor; and

WHEREAS, the City Commission desires to establish a Local Financial Oversight Board to replicate some of the duties of the ongoing State Financial Oversight Board established by the former Governor. The local board shall include a total of seven members representing the following offices: 1) one appointee from the Office of State Senator Shevrin Jones, District 35; one appointee from the Office of State Representative Ashley Ghannt; District 109; one appointee from the Office of County Commissioner Marleine Bastien, District 2 and one appointee from the Board Chairman/Office of County Commissioner Oliver G. Gilbert, III, District 1; and three (3) City Commission appointees, for which two (2) shall be residents of the City and one (1) shall be a business owner of the City. It is preferably that each City Commission appointee have a background and/or understanding of budgeting, finance or accounting; and

WHEREAS, the duties and responsibilities of the local Financial Oversight Board shall be those set forth herein; and

WHEREAS, the City Commission of the City of Opa-Locka finds that the establishment of a local Financial Oversight Board is in the best interests of the City of Opa-Locka.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA:

SECTION 1. RECITALS ADOPTED.

The recitals to the preamble herein are incorporated by reference.

SECTION 2. ESTABLISHMENT OF LOCAL FINANCIAL OVERSIGHT BOARD.

The City Commission hereby authorizes a Local Financial Oversight Board to include a total of seven (7) members representing the following offices: 1) one appointee from the Office of State Senator Shevrin Jones, District 35; one appointee from the Office of State Representative Ashley Ghatt; District 109; one appointee from the Office of County Commissioner Marleine Bastien, District 2 and one appointee from the Board Chairman/Office of County Commissioner Oliver G. Gilbert, III, District 1; and three (3) City Commission appointees, for which two (2) shall be residents of the City and one (1) shall be a business owner of the City. It is preferable that each City Commission appointee have a background and/or understanding of budgeting, finance or accounting.

SECTION 3. ESTABLISHING DUTIES OF LOCAL FINANCIAL OVERSIGHT BOARD. The duties and responsibilities of the Local Financial Oversight Board shall be:

- 1) To consult with other governmental entities for the consolidation of support for the City Manager, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, human resources and purchasing.
- 2) To provide technical assistance to the City and City Manager.
- 3) To consult with officials and auditors of the city regarding any steps necessary to bring the books of account, accounting systems, financial procedures and reports into compliance.
- 4) To review management efficiency, productivity and financing of functions and operations of the City.
- 5) To make reviews of records, reports and assets of the City as needed.

- 6) To submit findings in a report to the City of Opa-Locka City Commission for appropriate action by the City Manager at the earliest possible time and in accordance with this Resolution.
- 7) The local Financial Oversight Board shall include an establishment of priority budgeting or zero-based budgeting in order to eliminate items that are not affordable; and 2) The prohibition of a level of operations which can be sustained only with nonrecurring revenues.

8) Reports.

Reports to the City Commission shall be prepared periodically throughout the year with the necessary assistance of City staff through the Office of the City Manager. The City Manager shall cooperate with the Local Oversight Board in providing all necessary information for reports.

If the City Commission approves findings and recommendations of the Local Oversight Board, the City Manager shall review the recommendations and provide comments, if any, to the City Commission within thirty (30) days. If no changes are proposed to the Board's recommendations, the City Manager shall take all necessary steps to incorporate any short term and long-term plans into the City's 5 year strategic plan for consideration by the State of Florida.


SECTION 4. SCRIVENER'S ERRORS

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors, which do not affect the intent of this Resolution may be authorized by the Interim City Manager, following review and approval by the City Attorney, without need of public hearing, by filing a corrected copy of same with the City Clerk.

SECTION 5. EFFECTIVE DATE

This Resolution shall take effect upon the adoption and is subject to the approval of the Governor or Governor's Designee.

PASSED and ADOPTED this 22nd day of March, 2023.




John H. Taylor Jr., Mayor

ATTEST:



Joanna Flores, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: Commissioner Williams

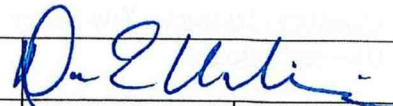
Seconded by: Vice Mayor Ervin

VOTE: 5-0

Commissioner Bass	YES
Commissioner Kelley	YES
Commissioner Williams	YES
Vice Mayor Ervin	YES
Mayor Taylor	YES



**City of Opa-locka
Agenda Cover Memo**

City Manager:	Darvin Williams		CM Signature: 			
Commission Meeting Date:	03.22.2023		Item Type: (Enter X in box)	Resolution X	Ordinance	Other
Fiscal Impact: (Enter X in box)	Yes	No	Ordinance Reading: (Enter X in box)	1st Reading		2nd Reading
		X	Public Hearing: (Enter X in box)	Yes	No	Yes No
Funding Source: Account# :	(Enter Fund & Dept) Ex: NA		Advertising Requirement: (Enter X in box)	Yes		No
						X
Contract/P.O. Required: (Enter X in box)	Yes	No	RFP/RFQ/Bid#:			
		X				
Strategic Plan Related (Enter X in box)	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input checked="" type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>	Strategic Plan Obj./Strategy: (list the specific objective/strategy this item will address)		
	X					
Sponsor Name	Mayor Taylor		Department:	City Commission		

Short Title:

A resolution of the City Commission of the City of Opa-locka directing the Interim City Manager to establish a local Financial Oversight Board consisting of three (3) at-large residents and one (1) appointee from each of the State and County officials representing the City of Opa-locka.

Staff Summary:

In 2016, City Officials became aware the City was suffering financially and requested a declaration for a state of financial emergency. Pursuant to the conditions of Florida Statute Section 218.503(1), Governor Rick Scott signed Executive Order 16-135 to appoint a financial emergency board and provide technical assistance to aid the City in its financial and operational recovery. The board was established by the Governor to periodically review the City's progress, make recommendations and be available to provide technical aid when requested.

The City Commission would like to establish a local Financial Oversight Board to replicate the duties of the board established by the Governor. The board shall include three at-large City residents, and one appointee each from the State and County government officials who represent the City. The Interim City Manager and Finance Director shall be responsible for providing reports and documentation to the proposed board for review.

Financial Impact – There is no immediate financial impact resulting from the formation of a local Financial Oversight Board.

Proposed Action:

Staff recommends the City Commission approve the legislation directing the Interim City Manager to establish a local Financial Oversight Board

Attachment:

Resolution No. 16-9189
Executive Order 16-135

Sponsored by: Mayor and City Commission

RESOLUTION NO. 16-9189

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, REQUESTING THE GOVERNOR OF THE STATE OF FLORIDA TO APPOINT A FINANCIAL OVERSIGHT COMMITTEE AND PROVIDE OTHER ASSISTANCE PURSUANT TO FLORIDA STATUTE 218.503; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Commission of the City of Opa-locka, Florida, acknowledges that the City is experiencing financial challenges; and

WHEREAS, The City Commission of the City of Opa-locka, Florida, acknowledges that since notifying the Governor of the State of Florida of its financial condition in October of 2015, the City's financial condition has not improved; and

WHEREAS, The City Commission of the City of Opa-locka, Florida, believes that it is in the City's best interest to request that the Governor of the State of Florida appoint a financial oversight committee to assist the City with its financial recovery in a similar fashion as the assistance that was provided to the City in 2002, as detailed in Executive Order Number 02-125 (attached as "Exhibit A").

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA:

Section 1. The recitals to the preamble herein are incorporated by reference;

Section 2. The City Commission of the City of Opa-locka, Florida, hereby requests that the Governor of the State of Florida declare that the City of Opa-locka, Florida is in a state of financial emergency pursuant to Florida Statute 218.503(4).

Section 3. The City Commission of the City of Opa-locka, Florida, further requests the Governor of the State of Florida implement the following measures pursuant to Florida Statute 218.503(3):

Resolution No. 16-9189

(A) Appoint a financial **Oversight Committee** to assist the City with its financial recovery. The committee shall adopt rules and policies consistent with Florida Statute 218.503(3) necessary bring the City out of financial emergency.

(B) Authorize a State and Local Agreement of Cooperation ("Agreement") designed to resolve the financial emergency and provide assistance to the City.

(C) Require the City of Opa-Locka to obtain approval of its proposed annual budgets, and any amendments to such budgets, from the Governor before final approval of the budget.

(D) Prohibit the City of Opa-Locka from issuing bonds, notes, certificates of indebtedness, or any other form of debt without the written approval of the Governor, except for continuing implementation of planned improvements to its water and sewer system utilizing the Florida Department of Environmental Protection's revolving loan program and as otherwise provided.

(E) Require the City of Opa-Locka to make available for inspection and review records, information, reports, and assets of the City at the request of the Governor.

(F) Prohibit the City of Opa-Locka from seeking application of laws under the bankruptcy provision(s) of the United States Constitution or Federal Statutes without prior written approval of the Governor.

(G) Require the City of Opa-Locka to notify the Governor in writing of any event, occurrence, transaction, or thing that might affect the financial condition of the City.

(H) Require the City of Opa-Locka to cooperate fully with the Governor in his efforts to provide technical assistance to the City, and in his efforts to consult with City officials regarding and steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with State requirements.

(I) Authorize the Department of Revenue and Comptroller, pursuant to section 218.503(3)(b), Florida Statutes, to loan funds to the City of Opa-Locka upon terms and conditions to be determined by the Governor.

(J) Designate the Office of the Chief Inspector General as the lead agency in carrying out the financial recovery of the City. The Governor may name the Chief Inspector General

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of the State of Florida as his Designee, and require other agencies to provide full cooperation and support as the Governor's Designee finds necessary.

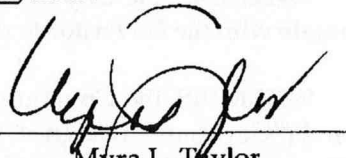
(K) Provide technical assistance in the areas of finance, budgeting, human resources management, planning and development; code enforcement, public works, water and sewer, infrastructure and law enforcement.

(L) Provide other measures as set forth in Florida Statute 218.503(3) as he deems necessary and appropriate.

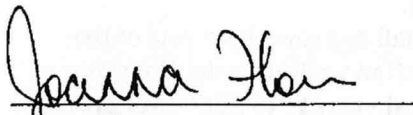
Section 4. The City Clerk shall forward a certified copy of this resolution to the Governor of the State of Florida immediately.

Section 5. This Resolution shall take effect immediately upon adoption.

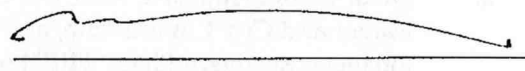
PASSED AND ADOPTED this 1st day of June, 2016.


Myra L. Taylor
Mayor

Attest to:


Joanna Flores
City Clerk

Approved as to form and legal sufficiency:


Vincent T. Brown, Esq.
The Brown Law Group, LLC
City Attorney

Moved by:	COMMISSIONER SANTIAGO
Seconded by:	VICE MAYOR HOLMES
Commissioner Vote:	4-0
Commissioner Kelley:	YES
Commissioner Santiago:	YES
Vice Mayor Holmes:	YES
Mayor Taylor:	YES

**State and Local Agreement of Cooperation
Between the Governor and the City of Opa-locka**

THIS STATE AND LOCAL AGREEMENT OF COOPERATION
(the "Agreement"), made and entered into this 01 day of June, 2016, between the Governor of the State of Florida ("Governor") and the City of Opa-locka, Miami-Dade County, Florida ("City"), is in accordance with Executive Order Number 2016-135.

WHEREAS, on June 1, 2016, the City adopted a Resolution requesting the Governor to make a determination that the City is in a state of financial emergency, pursuant to Chapter 218, Florida Statutes; and

WHEREAS, the Governor is authorized under section 218.503, Florida Statutes, to implement measures to resolve the financial emergency; and

WHEREAS, the City desires this intervention and assistance, and intends to cooperate with the Governor to resolve the financial emergency; and

WHEREAS, the Governor has designated the Office of the Chief Inspector General ("Governor's Designee") to serve as the lead entity responsible for coordinating the Governor's efforts in providing intervention and assistance to the City.

NOW, THEREFORE, the Governor and the City agree as follows:

1. **FIVE-YEAR FINANCIAL RECOVERY PLAN.**

- a. On or before August 1, 2016, the City shall approve, by a vote of the Mayor and City Commission, and submit in writing to the Governor a Financial Recovery Plan ("FRP") for fiscal years 2016-2017 through 2020-2021. The FRP shall show balanced recurring revenues and recurring expenditures, as well as estimated reserves, for each of the five years projected. The FRP shall meet the requirements of section 218.503(3)(h), Florida Statutes, including, but not limited to, providing for payment in full of all financial obligations currently due, or which will come due. The underlying assumptions for all revenue and expenditure estimates contained in the FRP shall be documented and included within the FRP.
- b. Within twenty (20) business days of receiving the FRP, the Governor shall review the FRP, and after consultation with the City, may direct changes to the FRP in writing. The City shall make such directed changes to the FRP within thirty (30) business days of being notified in writing by the Governor.

- c. The City may amend the FRP with the prior written approval of the Governor. The FRP may also be amended if the Governor determines such changes are required, or if this Agreement requires an amendment.
- d. At the beginning of each new fiscal year, an additional fifth year shall be added to the FRP, and shall provide all types of information and data presented for the preceding years. Each revised FRP shall be approved by a vote of the Mayor and City Commission and submitted to the Governor for approval. Within twenty (20) business days of receiving the revised FRP, and after consultation with the City, the Governor may direct changes to the revised FRP in writing. The City shall make such directed changes to the revised FRP within thirty (30) business days of being notified in writing by the Governor.
- e. The City shall adopt the FRP in its entirety, and shall adopt such ordinances as are necessary to implement the FRP.

2. **APPROVAL OF CITY BUDGET.**

- a. On or before August 1st of each year, the City shall submit to the Governor the proposed Annual Budget of the City, as preliminarily approved by the Mayor and City Commission. The underlying assumptions for all revenue and expenditure estimates contained in the proposed Annual Budget shall be documented and included with the budget submission. Within twenty (20) business days of receipt, the Governor shall review the proposed Annual Budget and, after consultation with the City, notify the City in writing if changes are necessary. The City shall include the changes directed by the Governor, and shall approve the final Annual Budget within thirty (30) business days of being notified in writing by the Governor.
- b. The City may request amendments to the final Annual Budget by submitting such requests in writing to the Governor. Within twenty (20) business days of receiving the requested amendments, the Governor shall respond in writing to the City, either rejecting the requested amendments, approving the requested amendments, or approving the requested amendments with changes. The City shall accept the response of the Governor.

3. **COMPONENTS OF FINANCIAL RECOVERY PLAN AND ANNUAL BUDGET.** The FRP and Annual Budget documents shall contain the level of detail necessary for the Governor to analyze the underlying assumptions contained in all estimates of expected revenues and expected expenditures. The FRP and Annual Budget documents shall be prepared using the following guidelines:

- a. Reasonable estimates of revenues and expenditures shall be made based on historical trends, conditions, and anticipated events;

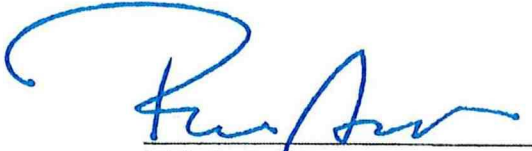
- b. A timetable for the elimination of all outstanding deficits in all funds shall be included;
 - c. Current expenditures and current revenues shall be balanced for each fiscal year;
 - d. Provisions shall be made to avoid the future occurrence of financial emergency conditions, including the establishment of adequate cash reserves and fund reserves to cover unfunded liabilities;
 - e. The FRP shall enhance the City's ability to regain short- and long-term borrowing capabilities;
 - f. Managerial and operational efficiencies and accountability shall be improved;
 - g. City programs and services that the City cannot afford to operate shall be modified and/or eliminated;
 - h. Enterprise funds of the City shall be operated according to commonly accepted business practices, and operating revenues shall be sufficient to cover all costs of the operation, including depreciation;
 - i. Efforts to collect debts and revenues owed to the City shall be improved;
 - j. City employee compensation and benefits, union contracts, and negotiating practices employed by the City shall be reviewed and modified, as appropriate;
 - k. The organizational structure of the City shall be reviewed and modified to improve efficiencies;
 - l. A Capital Improvement Plan for the City shall be developed and updated annually; and
 - m. The City shall cooperate with an operational review of its police department and emergency services, and shall implement changes necessary to improve public safety.
4. **INCURRING DEBT.** The City may continue to borrow funds under the revolving loan program managed by the Florida Department of Environmental Protection, subject to the approval of that agency. The City shall not enter into any new form of debt or liability, which exceeds twelve (12) months for repayment, without the prior written approval of the Governor.
5. **REPORTING TO THE GOVERNOR.** Beginning August 1, 2016, and every month thereafter, the City shall provide the Governor with a Monthly Revenue and Expenditure Report that compares actual revenues and expenditures in each fund with the projected revenues and expenditures contained in the Annual Budget.
6. **FINANCIAL INTEGRITY ORDINANCE.** Within six (6) months after execution of the Agreement, the City shall adopt a Financial Integrity Ordinance, which shall set forth the necessary procedures to be followed by the City in carrying out

its financial affairs. Prior to the adoption of the Financial Integrity Ordinance, the City shall submit a copy of the proposed ordinance to the Governor. Within twenty (20) business days after receipt, the Governor shall review the proposed ordinance and, after consultation with the City, the Governor may direct changes to the proposed ordinance in writing. The City shall include the changes directed by the Governor, and shall approve the final Financial Integrity Ordinance within thirty (30) business days of being notified in writing by the Governor.

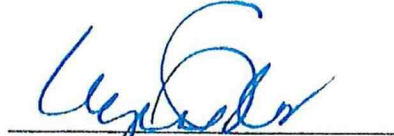
7. **FINANCIAL AND CONTRACTUAL OBLIGATIONS.** The City shall not enter into any financial or contractual obligations that are not specifically authorized by the Annual Budget or this Agreement, or which are inconsistent with the FRP.
8. **FAILURE TO COMPLY.** The City shall notify the Governor immediately, in writing, if the City, the Mayor, or any member of the City Commission determines that the City has violated or anticipates a violation of any of the terms or conditions of the Agreement, including, but not limited to:
 - a. The failure of the City to submit any plan or document required by the Agreement;
 - b. An affirmative act or failure to act by the City that jeopardizes the City's financial recovery; or
 - c. Any deviation by the City from any plan or document hereunder approved by the Governor.The notification of a violation or anticipated violation shall contain sufficient detail for a determination of what actions are necessary to remedy the reported violation. The failure to comply with the terms and conditions of the Agreement shall constitute a failure to resolve the state of financial emergency facing the City, which constitutes malfeasance, misfeasance, and neglect of duty for purposes of section 7, Article IV of the Florida Constitution, as provided by section 218.503(6), Florida Statutes.
9. **INDEPENDENT REVIEW BY THE GOVERNOR.** The City agrees that the Governor may assign staff to conduct or cause to be conducted such audits, examinations, or studies of the City as the Governor deems necessary to resolve the financial emergency.
10. **GOVERNOR'S DESIGNEE.** The Governor designates the Office of the Chief Inspector General to serve as the Governor's Designee and delegates to the Governor's Designee the authority to implement the terms and conditions of this Agreement as set forth herein.

11. **DURATION OF THIS AGREEMENT.** The Agreement shall remain in effect until such time as the Governor concludes that the state of financial emergency no longer exists, pursuant to section 218.504, Florida Statutes.
12. **AMENDMENTS OR MODIFICATIONS.** Any request to amend or modify the Agreement shall be submitted in writing to the Governor, and any amendment or modification shall be made only with the written approval of the Governor, which approval shall not be unreasonably withheld.
13. **NOTICES AND COMMUNICATIONS.** Any notice or other form of communication related to this Agreement shall be served in writing by facsimile transmission, electronic mail, personal delivery, or overnight courier, as follows:
- To the City: Ms. Yvette Harrell
 Acting City Manager
 City of Opa-locka
 780 Fisherman Street, Fourth Floor
 Opa-locka, Florida 33054
 Telephone: (305) 953-2868
 Facsimile: (888) 355-0982
 yharrell@Opalockafl.gov
- To the Governor: Ms. Melinda Miguel
 Chief Inspector General
 Office of Governor Rick Scott
 The Capitol, Room 1902
 Tallahassee, Florida 32399-0001
 Telephone: (850) 717-9264
 Facsimile: (850) 921-0817
 Melinda.Miguel@eog.myflorida.com
14. **BINDING EFFECT.** The Agreement shall be binding upon and enforceable against any successors of the City government, including, but not limited to, successive City Managers, Mayors, and City Commissioners.
15. **ACKNOWLEDGMENT.** By signing the Agreement, each party hereto affirms that he/she possesses the authority to enter the Agreement on behalf of the City and the Governor's Office; has fully and carefully read the terms and conditions of the Agreement; knows and understands the contents of the Agreement; and fully expects to carry out the Agreement in its entirety as set forth herein. Further, the Mayor and City Manager each affirm, by the signatures affixed hereto, that the Agreement has been approved by Resolution of the City.

IN WITNESS WHEREOF, the parties hereto execute the Agreement.



**Rick Scott, Governor
State of Florida**



**Myra Taylor, Mayor
City of Opa-locka, Florida**



**Yvette Harrell, Acting City Manager
City of Opa-locka, Florida**