



WEISS SEROTA HELFMAN COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

MEMORANDUM

TO: Town of Cutler Bay Charter Revision Commission Members

FROM: Mitch Bierman, Esq, and Haydee Sera, Esq., Town Attorneys

DATE: February 22, 2018

RE: Town Charter Section 4.11 – Borrowing

At the February 7, 2018 Charter Revision Commission (“CRC”) meeting, the CRC requested that the Town Attorney provide samples of other municipal charters that contain borrowing limitations similar to the Town’s (Section 4.11). We reviewed the charters of Miami-Dade’s municipalities and found that, other than Cutler Bay, only two municipalities have a debt cap limit: Key Biscayne and Coral Gables. Neither Key Biscayne nor Coral Gables has an explicit exception for voted debt, however. Links to both municipality’s relevant charter provisions are below.

For informational purposes only, the following are links to charter and/or code provisions throughout Miami-Dade County that relate to municipal borrowing and caps thereon. We have also included links to municipal borrowing/bond provisions from a few cities outside of Miami-Dade County. This is not intended to be a comprehensive list of all municipal borrowing provisions.

1. **Aventura** https://library.municode.com/fl/aventura/codes/code_of_ordinances?nodeId=PTICH_ARTIVLE_S4.10BO
2. **Biscayne Park** https://library.municode.com/fl/biscayne_park/codes/code_of_ordinances?nodeId=PTICH_ARTIVLE_S4.10BO
3. **Coral Gables** https://library.municode.com/fl/coral_gables/codes/code_of_ordinances?nodeId=SPBRELA_ARTIINGE_ARTIIMUPR_S303REPRBOISCO

4. **El Portal** https://library.municode.com/fl/el_portal/codes/code_of_ordinances?nodeId=PTI_ARTIVLE_S4.10BO
5. **Hialeah** https://library.municode.com/fl/hialeah/codes/code_of_ordinances?nodeId=PTICH_ARTIILE_S3.10BO
6. **Key Biscayne** https://library.municode.com/fl/key_biscayne/codes/code_of_ordinances?nodeId=PTICH_ARTIVLE_S4.10BO
7. **Miami Springs** https://library.municode.com/fl/miami_springs/codes/code_of_ordinances?nodeId=CH_ARTIXFIMA_S9.06GEOBBO

The following are sample provisions from municipalities outside of Miami-Dade County:

8. **Deland** https://library.municode.com/fl/deland/codes/code_of_ordinances?nodeId=CHRELA_SUB-PART_A_ARTVIIIFIGE_S64TEBO
9. **Frostproof** https://library.municode.com/fl/frostproof/codes/code_of_ordinances?nodeId=PTICH_ARTVIIMUBOFITA_8.01AUBO
10. **Howey-in-the-Hills** https://library.municode.com/fl/howey-in-the-hills/codes/code_of_ordinances?nodeId=PTICHSPAC_SPACH_S6BO
11. **Kenneth City** https://library.municode.com/fl/kenneth_city/codes/code_of_ordinances?nodeId=PTICH_ARTVFIPR_S5.08BO
12. **Orlando** https://library.municode.com/fl/orlando/codes/code_of_ordinances?nodeId=PTICH_CH13POGE_S21POBOMONO
13. **Satellite Beach** https://library.municode.com/fl/satellite_beach/codes/code_of_ordinances?nodeId=PTICISABEFLCH_ARTVIFIMA_S6.04BO
14. **St. Marks** https://library.municode.com/fl/st_marks/codes/code_of_ordinances?nodeId=PTICH_S141BOPO
15. **Windermere** https://library.municode.com/fl/windermere/codes/code_of_ordinances?nodeId=PTICH_ARTXIFIMA_S11.12BO