

CHAPTER 6.5

FINANCES

Article I.	In General
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ARTICLE I.

SECTION 6.5-1. DEPOSITORY. The Town Commission shall designate a depository for the Town and all public monies shall be deposited in the name of the Town of Melbourne Village in such depository so designated by the Commission, and all public monies shall be disbursed only by check to be signed by the Treasurer and countersigned by one member of the Commission. (Ord. No. 80-7, Jan 27, 1981) (Fla. Laws 1957, c. 57-1578, Art. V, § 16)

SECTION 6.5-2 FINANCIAL RECORDS AND REPORTS.

(1) The said Town Commission shall cause to be kept an accurate account, showing the financial transactions of all departments and offices of the Town.

(2) The account(s) and accounting procedure of the Town shall be adequate to record all cash receipts and disbursements, all revenue accrued and liabilities incurred and all transactions affecting the acquisition, custody, and disposition of property and money and the Town Clerk shall make such report of the financial transactions and condition of the Town as may be required by the Commission. (Ord. No. 80-7, Jan 27, 1981) (Fla. Laws 1957, C. 57-1578, Art V, § 18)

SECTION 6.5-3. TEMPORARY LOANS--AUTHORIZED; CONDITIONS. When necessary to supply casual deficiencies of revenue, or to provide for emergencies, the Town may obtain temporary loans for said purposes to an amount which at no time exceeds one-fourth (1/4) of one (1) per centum of the assessed value of taxable property in the Town, according to the last tax assessment roll preceding said loan, or loans, and no such loan shall be for a longer period of time than one (1) year and interest thereon shall not be in excess of six per centum (6%) per annum, payable as shall be provided by ordinance; but the whole or any part of such loan may be extended from time to time until fully paid. Every such extension shall be for a period of time not exceeding one (1) year. (Ord. No. 80-7, Jan 27, 1981) (Fla. Laws 1957, C. 57-1578, Art. VII, § 1)

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SECTION 6.5-4. SAME---REVENUE NOTES AGAINST UNCOLLECTED TAXES.

(1) Upon the affirmative vote of all of the Town Commission, the said Town is hereby authorized at any time to borrow money to the extent of one-fourth (1/4) of the amount of taxes levied for the current fiscal year, and shall issue as evidence of indebtedness for the money borrowed revenue notes, which notes shall be signed by the Chairman of the Town Commission, attested by the (Town) Clerk, with the seal of said Town attached, and shall be of not less denomination than one hundred dollars (dollars) (\$100.00) each.

(2) Said notes shall be issued separately against any or all of the funds for which taxes are assessed, and when issued against any fund the amount realized from the loan on said notes shall be carried and credited to the fund against which said note was issued.

(3) Said notes shall be issued in serial numbers and the holder of said note shall have a first lien against the uncollected taxes to the extent of the amount borrowed and as against each fund for which said notes were issued, and as the taxes are collected the notes shall be paid in the order in which they were issued out of the fund against which said notes were negotiated.

(4) No revenue notes shall be issued for a longer time than one (1) year nor to run beyond the fiscal year for which the taxes are levied, and shall bear such interest as the (Town) Commission shall fix, not to exceed six per centum (6%). (Ord. No. 80-7, Jan 27, 1981) (Fla. Laws 1957, c. 57-1578. Art. VII, § 2)

SECTIONS 6.5-5.---6.5-10. RESERVED.

ARTICLE II. TRUST FUND(S)

SECTION 6.5-11. DEFINITION. For the purposes of this article, the following definition shall apply.

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(1) *Net Interest*, shall be defined, as an amount equal to the total interest received during the period covered, less an amount equal to the total of all fees and expenses, including pre-paid interest, paid by the trust during that period.

SECTION 6.5-12. TRUST FUND A 661.

(1) A separate trust fund shall be established by the Town Commission. This new trust fund shall be referred to as Trust Fund A 661. (Trust Fund A)

(2) Trust Fund A 661 shall be initially funded from Trust Fund Irrevocable 827. (Irrevocable Trust Number 4019315827.)

(3) Trust Fund A 661 may be managed by the Manager of Trust Fund Irrevocable 827. (Irrevocable Trust Number 4019315827), or, by a National Bank having an office in the Melbourne, Florida area.

(5) During the first week of October each year, the Commission may withdraw an amount not to exceed one half (50%) of the net interest from Trust Fund A 661 from the previous year, for its free and un-restricted use for municipal purposes.

(6) The remaining interest from Trust Fund A 661 shall be re-invested into Trust Fund A 661, and become part of the trust corpus.

(7) Capital gains shall be re-invested into Trust Fund A 661, and become a part of the Trust Corpus.

(8) The principle of Trust Fund A 661 shall not be withdrawn by the Commission for any purpose, except for a major disaster, without a referendum, approved by a minimum of 51% of the registered voters casting ballots in the referendum.

(9) In the event of a major disaster, the Commission may withdraw up to \$50,000.00 without a referendum, by resolution.

SECTION 6.5-13. TRUST FUND IRREVOCABLE 827.

(1) Each year, during the first week of October, \$75,000.00. may be withdrawn from the Trust Fund Irrevocable 827, (Irrevocable Trust Fund Number 4019315827), thereby complying with the terms of the final summary judgment. It is understood that if interest rates remain low this irrevocable trust fund may be exhausted in the future.

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(2) An amount not to exceed one half (50%) of the net interest from Trust Fund Irrevocable 827 (Irrevocable Trust Fund Number 4019315827) from the previous year shall be income to the Town General Fund for the Town's free and un-restricted use for municipal purposes.

(3) The remaining interest from Trust Fund Irrevocable 827 (Irrevocable Trust Fund Number 4019315827) shall be invested into Trust Fund A 661, and become a part of the trust corpus.

(4) Any portion of the \$75,000.00 from Trust Fund Irrevocable 827 (Irrevocable Trust Fund Number 4019315827) in excess of interest, shall be invested in Trust Fund A 661, and become a part of the trust corpus.

Editors note: Ordinance 93-8, / /93 added Article II. At the time the ordinance was adopted the two funds were identified as Trust Fund A and Trust Fund 4019315827. The funds were later identified as Trust Fund A 661 and Trust Fund Irrevocable 827 and these identifiers have been used for clarification purposes in this article. For additional information regarding Trust Fund Irrevocable 826 see the final summary judgment, Case No. 85-5319-CA-D in the circuit court in and for Brevard County, Florida court, dated November 8, 1985 (American Homesteading Foundation Inc., Plaintiff vs. Town of Melbourne Village, Defendant)