

**ORDINANCE 2010-31**

**AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA AMENDING THE BUDGET FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2009 THROUGH AND INCLUDING SEPTEMBER 30, 2010; PROVIDING FOR A REPEAL, SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the Town of Malabar has need to amend the budget for the period from October 1, 2009 through and including September 30, 2010; and accordance with the laws of the State of Florida;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, THAT:**

**SECTION 1.** The Town Council, in regular session duly assembled adopted the final Budget of \$1,879,422.00 on September 22, 2009 for the proposed expenditures from October 1, 2009 through and including September 30, 2010.

**SECTION 2.** The approved budget needs to be amended to reflect additional revenues and expenditures, increasing the total budget to 1,952,502.00 for the proposed revenues and expenditures from October 1, 2009 through and including September 30, 2010.

**SECTION 3.** The General Fund 001 Revenues shall be increased a total of 52,975.00 in new account 001-331.4900.

**SECTION 4.** The Stormwater Fund 105 Revenues shall be increased 20,105.00 in new account 105-331.4900.

**SECTION 5.** The General Fund Expenses shall be increased by 52,975.00 in Account 001-541.4611 to accurately reflect the ARRA Stimulus Projects 1, 2, 4, 5 and 6.

**SECTION 6.** The Stormwater Fund Expenses shall be increased by 20,105.00 in Account 105-538.6301 to accurately reflect the ARRA Stimulus Project 3.

**SECTION 7.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 8.** In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

**SECTION 9.** This ordinance shall become effective immediately upon its adoption after the second reading and public hearing.

This ordinance was moved for adoption by Council Member Rivet and was seconded by Council Member Borton and, upon being put to a vote, the vote was as follows:

Council Member Nancy Borton	Aye
Council Member Brian Vail	Aye
Council Member Steven (Steve) Rivet	Aye
Council Member Jeffrey (Jeff) McKnight	Aye

Council Member Marisa Acquaviva

Excused

This ordinance was then declared to be duly passed and adopted this 7th day of July, 2010.

TOWN OF MALABAR

Thomas M. Eschenberg

By Thomas M. Eschenberg, Chair

First Reading: 06/21/2010

Second Reading: 7/19/2010

ATTEST: (Seal)

Debby K. Franklin

Debby K. Franklin, Town Clerk/Treasurer

Approved as to Form and Content:

Karl W. Bohne, Jr.

Karl W. Bohne, Jr., Town Attorney