



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 2022-065

City Council

7/21/2022

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council Member Jared Moore

**SUBJECT:**

RESOLUTION NO. 2022-065 - ESTABLISHING THE CITY COUNCIL DISCRETIONARY FUND POLICY

**RECOMMENDATION:**

That City Council adopt Resolution No. 2022-065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE POLICIES OF THE CITY COUNCIL AND ESTABLISHING THE DISCRETIONARY FUND POLICY; PROVIDING SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

Under Section 166.021, Florida Statutes, the City Council of the City of Pensacola is authorized to expend public funds on programs which serve a municipal purpose. Past Florida Attorney General Advisory Opinions provide that these programs should be open to the public and should be determined by the City Council to serve *a valid public purpose* and that *proper safeguards should be implemented to assure the accomplishment of the intended public purpose*.

In that regard, the following policies are established:

1. The City budget will appropriate \$10,700 for each City Council Member for their use towards neighborhood projects, community events, viable not for profit organizations or causes deemed to be a valid public purpose. For Council members not in office for the full fiscal year, this amount will be prorated to the period they are serving during the fiscal year.
2. Any discretionary funding allocated to Council Members that is not expended within the fiscal year allocated will be carried over for one (1) fiscal year. Discretionary fund allocations that are not expended prior to an individual Council Member leaving the office will not be included in the Non-Encumbered Carryover Resolution and will instead be placed within the General Fund available Fund Balance.

3. The City Council Discretionary Fund Disbursement Request (Attachment 1) will be submitted for each recommended disbursement. Disbursement of discretionary funds can be made to non-profit organizations authorized to do business in the State of Florida, or to other approved city projects to improve or enhance city facilities and properties. When providing funding to outside nonprofit agencies, the Discretionary Fund Award Agreement (Attachment 2) will be utilized to provide details of the organization and the municipal purpose for the funding.
4. Discretionary Funds will normally be disbursed as a reimbursement for the approved municipal purpose provided when supporting invoices or other documentation is provided. If disbursement of discretionary funds for a municipal event are deemed appropriate in advance of the municipal purpose, documentation of the valid expenditure of those funds must be provided in accordance with the provisions of the Discretionary Fund Award Agreement (Attachment 2) to provide for proper safeguard to assure the accomplishment of the intended public purpose.
5. Prior to any distribution of grant or sponsorship funds, approval by City Council is required.
6. To prevent abuse or misuse of the Council's discretionary funding authority, strict rules govern conflicts of interest between Council Members, their staffs, family and associates and organizations receiving Discretionary Funds. Guidelines have been included in order to prevent any conflict of interest.

**PRIOR ACTION:**

September 2011 - The City Council approved the Fiscal Year 2012 City Budget that created discretionary funds for each council district that allowed them to address community needs.

April 22, 2019 - The City Council expressed interest in establishing a formal policy concerning the administration of city council discretionary funds.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

Funding for the City Council discretionary Fund will be consistent with prior allocations for this purpose, at \$10,700, or an amount determined by the City Council, per council member, except as prorated for less than full terms during any fiscal year. Unexpended funds will be carried over for only one fiscal year so as not to hold taxpayer money indefinitely.

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Resolution No. 2022-065
- 2) Policy 3.28 - City Council Discretionary Fund Policy
- 3) Council Discretionary Fund Request (Attachment 1)
- 4) Council Discretionary Fund Agreement (Attachment 2)

**PRESENTATION:** No