



**Town of Surfside
Special Town Commission Meeting
AGENDA
July 1, 2020
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Mayor and Commission Remarks**

2. Board and Committee Appointments – Sandra N. McCready, Town Clerk

- A. Planning and Zoning Board**
- B. Tourist Board**
- C. Parks and Recreation Committee**
- D. Budget Advisory Committee**
- E. Pension Board**
- F. Downtown Vision Advisory Committee (DVAC)**
- G. Police Officers Trust**
- H. Personnel Appeals Board**

3. Adjournment

Respectfully submitted,

Guillermo Olmedillo
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.

ORDINANCE NO. 2020- 1712

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 90-15 OF CHAPTER 90, "ZONING", OF THE TOWN CODE TO REQUIRE ONE MEMBER OF THE PLANNING AND ZONING BOARD TO HAVE EDUCATION AND/OR EXPERIENCE IN SUSTAINABILITY AND RESILIENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the "Town") created the Town Planning and Zoning Board (the "Board") to advise the Town Commission on all zoning and design review matters; and

WHEREAS, Section 90-15 of Chapter 90, "Zoning", of the Town Code establishes criteria that govern the qualifications of the members that make up the Board; and

WHEREAS, the Town Commission wishes the Board to have at least one member at Board meetings that possesses experience or education in resiliency and sustainability; and

WHEREAS, in order to achieve the Town's resiliency goals, the Town Commission wishes to amend Section 90-15 to require that at least one Board member ~~and one~~ or alternate member have experience or education in sustainability and resiliency; and

WHEREAS, the Town Commission finds that amending Section 90-15 of Chapter 90, of the Town's Code as set forth herein, is in the best interest of the Town.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Town Code Amended. The Code of Ordinances of the Town of Surfside, Florida is hereby amended by amending Section 90-15 of Chapter 90, "Zoning", as follows:

Chapter 90 – Zoning

Article II. – Administration and Enforcement

Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

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Division 1. – Planning and Zoning Board

Sec. 90-15. - Membership/quorum, minimum qualifications, officers, terms of officers, vacancies, general regulations, recommendations, expenditures, indebtedness.

(1) Membership/quorum: The planning and zoning board membership and quorum requirements for zoning matters and design review matters are as follows:

(a) Zoning matters: The planning and zoning board shall consist of five members and a first alternate member and a second alternate member. One board member and or one alternate member appointed shall have education and/or experience in sustainability and resiliency, which may include environmental science (“resiliency member”). At least three of the members or alternates must be one of the following:

1. Florida-licensed general contractor or a construction management professional with at least three years of professional experience as a construction project manager, construction superintendent or construction estimator;
2. Florida licensed PE or a civil, mechanical, electrical, chemical or environmental engineer with a baccalaureate degree in engineering and three years of professional experience;
3. Certified planner (AICP) or a planning professional with a graduate degree in planning from a program accredited by the Planning Accreditation Board with at least three years of professional planning experience or a bachelor's degree in planning from a program, accredited by the Planning Accreditation Board (PAB) with at least three years of professional planning experience;
4. Florida-licensed landscape architect with at least three years of professional experience;
5. Registered interior designer with at least three years of professional experience;
6. Florida-licensed attorney with at least three years of professional experience;
7. Florida-licensed architect; or
- ~~8. Real estate developer with three years of professional experience, either as the principal or executive.~~

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86 (b) Alternate participation: Alternates shall be subject to the same attendance and
87 participation requirements as members. Alternates may participate in all board
88 discussions but may not vote unless sitting as a substitute for a member. In the event a
89 member is absent or unable to participate in an item before the board, the first alternate or
90 if the first alternate is unavailable, the second alternate, shall fill the absent or recused
91 member's position for the duration of that member's absence. ~~Board members that are~~
92 ~~absent or unable to participate in a board meeting shall be substituted for the duration of~~
93 ~~the board member's absence by:~~

94
95 1. the first alternate board member, or, if the first alternate board member is
96 unavailable, by the second alternate board member, if the absent board member is
97 not the resiliency member; or

98
99 2. if the absent board member is also the resiliency member, an alternate that is a
100 resiliency member, or, if no alternate board member is a resiliency member, any
101 available alternate board member.

102
103 (c) All board matters: One town commissioner shall be a liaison, non-voting
104 representative without a vote at all planning and zoning board meetings.

105
106 (2) Minimum board member qualifications: All board members must have been a town resident
107 for a minimum period of one year, ~~except for the licensed architects, including the Florida-~~
108 ~~licensed landscape architect, if applicable, who must have been a town residents for a minimum~~
109 ~~period of six months.~~

110
111 (3) Officers: The board shall elect one of its members as chairman and one of its members as
112 vice-chairman, at its first regular meeting in April of each year. In the event of the resignation,
113 removal, or inability of the chairman to serve, the vice-chairman shall succeed to the chairman
114 position for the unexpired term; and the board shall, thereupon, elect one of its members as vice-
115 chairman for the unexpired term. The chairman shall preside at all meetings. In the chairman's
116 absence, the vice-chairman shall preside. The chairman shall submit all board reports and
117 recommendations to the town commission, by and through the chairman, vice-chairman or the
118 town commission liaison member. The town shall provide a secretary for the board and the town
119 clerk shall be custodian of all records, books and journals of the board.

120
121 (4) Board member term(s): Each commissioner shall be responsible for one board member
122 appointment. The first and second alternates shall be appointed at-large by the majority vote of
123 the Commission present at the meeting. The term of each board member and alternate
124 appointment shall begin on the last Thursday of April of the year in which the board member or
125 alternate is appointed and end when a successor is appointed or on the last Thursday in April,
126 whichever dates comes first. The term of any board member or alternate filling a vacancy created
127 on the board as provided in paragraph (5) shall begin at the time of the appointment and end the
128 last Thursday in April or whenever a replacement is appointed.

129
130 (5) Vacancies: A vacancy shall exist: (1) on the date that any member or alternate ceases to
131 possess the minimum required membership qualifications provided herein; (2) when a board

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132 member or alternate has been absent from three consecutive regularly convened board meetings
133 or has been absent from five regularly convened board meetings within a board year; or (3) for
134 members if the appointing commissioner resigns or his position otherwise becomes vacant
135 during his/her term. Vacancies on the board shall be filled by appointment for the unexpired term
136 in the same manner as original appointments are made provided however, if the seat shall remain
137 vacant longer than a three-month period for any reason, the town commission may collectively,
138 by majority vote, appoint a temporary member until such commission position is filled in
139 accordance with the Town Charter and Code.

140
141 (6) General regulations governing members: Board members and alternates shall be appointed in
142 accordance with all applicable state, county and town ethics laws, rules and regulations.
143 Appointed members and alternates of the board shall not, during their term, hold any other public
144 office, paid position or serve on any other board under town government, except as a temporary
145 board member, or that of a voluntary fireman.

146
147 (7) Expenditures; indebtedness: The town commission may authorize the expenditure by the
148 planning and zoning board of such funds as the town commission may deem necessary to
149 perform the requirements of this chapter. The town commission may appropriate from the
150 general fund as set up in the annual budget and such sums as it may from time to time authorize
151 the board to expend. The board may not incur indebtedness without prior commission approval.

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153 ***

154
155 **Section 3. Codification.** That it is the intent of the Town Commission that the provisions
156 of this ordinance shall become and be made a part of the Town’s Code of Ordinances, and that
157 the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be
158 changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to
159 accomplish such intentions.

160
161 **Section 4. Severability.** That the provisions of this Ordinance are declared to be severable
162 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be
163 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
164 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
165 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

166
167 **Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of
168 resolutions, in conflict herewith, are repealed to the extent of such conflict.

169
170 **Section 6. Effective Date.** That this Ordinance shall become effective on second reading.

171
172 **PASSED** on first reading on the 26th day of May 2020.

173
174 **PASSED AND ADOPTED** on second reading on the 9th day of June 2020.

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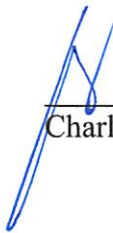
Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted double-strikethrough** and double underline.

178 **First Reading:**
179 Motion by: Commissioner Salzhauer
180 Second by: Commissioner Velasquez
181

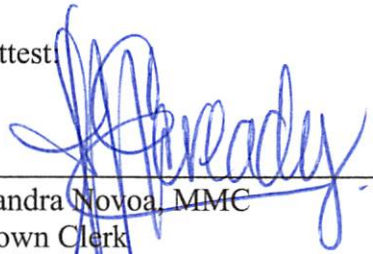
182 **Second Reading:**
183 Motion by: Vice Mayor Paul
184 Second by: Commissioner Salzhauer
185


186 **FINAL VOTE ON ADOPTION**
187 Commissioner Nelly Velasquez Yes
188 Commissioner Eliana Salzhauer Yes
189 Commissioner Charles Kesl Yes
190 Vice Mayor Tina Paul Yes
191 Mayor Charles Burkett Yes
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Charles Burkett, Mayor

198 Attest: 
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202 Sandra Novoa, MMC
203 Town Clerk
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205 Approved as to Form and Legal Sufficiency:
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207 
208
209 Weiss Serota Helfman Cole & Bierman, P.L.
210 Town Attorney

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ORDINANCE NO. 2020- 1713

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 70-124, OF DIVISION 2.-“RESORT TAX BOARD”, OF ARTICLE IV.-“RESORT TAX”, CHAPTER 70 OF THE TOWN CODE, TO REQUIRE ONE MEMBER OF THE RESORT TAX BOARD TO HAVE EDUCATION AND/OR EXPERIENCE IN SUSTAINABILITY AND RESILIENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the “Town”) created the Resort Tax Board (the “Board”) to explore, create, and organize events and activities that enhance Town tourism; and

WHEREAS, Section 70-124 of the Town Code establishes criteria governing the qualifications for members of the Board; and

WHEREAS, the Town Commission desires that one appointed member of the Board possess education and/or experience in resiliency and sustainability; and

WHEREAS, in order to achieve the Town’s resiliency goals and ensure representation on the Board, the Town Commission wishes to amend Section 70-124 to require the Board to have at least one member that possesses education and/or experience in sustainability and resiliency; and

WHEREAS, the Town Commission finds that amending Section 70-124 of Chapter 70, of the Town’s Code as set forth herein, is in the best interest of the Town.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Town Code Amended. The Code of Ordinances of the Town of Surfside, Florida is hereby amended by amending Section 70-124, “Composition; appointment; vacancies; compensation; removal from office, etc.”, as follows:

Chapter 70 – Buildings and Building Regulations

Article IV. – Resort Tax

Division 2. – Resort Tax Board

Sec. 70-124. - Composition; appointment; vacancies; compensation; removal from office, etc.

- (a) *Number, term and qualification of members.* The board shall consist of five members. Each commissioner shall appoint one board member. All appointed board members must be ratified by a vote of the town commission. Any newly elected commissioner has the right to appoint a resort tax board member unless the corresponding appointment has yet to reach the end of their two-year term. Each of the five members shall be persons who ~~either work or~~ reside in Surfside and at least three of the five members shall be persons who have experience in any of the following areas: tourism, public relations, marketing, event planning and/or tourism related activities. One town commissioner shall serve as a non-voting ex-officio member of the board.
- (b) *Resiliency member.* One board member shall also possess education and/or experience in sustainability and resiliency, which may include environmental science.
- (~~b~~c) *Vacancies.* Any vacancies occurring on the board shall be filled at the earliest, possible date by the town commission for the remainder of the unexpired term.
- (~~e~~d) *Reappointment.* Board members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.
- (~~e~~) *Compensation of members.* Members of the board shall serve without compensation but shall be reimbursed for necessary expenses occurred in the performance of the official duties, as shall be determined and pre-approved by the town commission.
- (~~e~~f) *Acceptance of appointment.* Before entering upon the duties of office, each board member shall file a written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the town clerk. Each appointed member is required to provide the town clerk with a Form 1-Statement of Financial Interests, within three business days of being appointed to the board.
- (~~f~~g) *Removal of members from office; attendance.* A board member may be removed from office only by a majority vote of the entire membership of the town commission; however, whenever a board member shall fail to attend three consecutive meetings without prior notification to

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86 the director or town manager, the chairman shall certify such non-attendance to the town
87 commission, and, upon such certification, the board member shall be deemed to have been
88 removed and the Town Commission shall fill the vacancy pursuant to paragraph (b) above.

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91
92 **Section 3. Codification.** That it is the intent of the Town Commission that the provisions of
93 this ordinance shall become and be made a part of the Town's Code of Ordinances, and that the
94 sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be
95 changed to "section," "article," "regulation," or such other appropriate word or phrase in order to
96 accomplish such intentions.

97
98 **Section 4. Severability.** That the provisions of this Ordinance are declared to be severable and
99 if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid
100 or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences,
101 clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent
102 that this Ordinance shall stand notwithstanding the invalidity of any part.

103
104 **Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of resolutions,
105 in conflict herewith, are repealed to the extent of such conflict.

106
107 **Section 6. Effective Date.** That this Ordinance shall become effective on second reading.

108
109 **PASSED** on first reading on the 26th day of May, 2020.

110
111 **PASSED AND ADOPTED** on second reading on the 9th day of June 2020.

112
113 **First Reading:**

114 Motion by: Vice Mayor Paul

115 Second by: Commissioner Salzhauer

116
117 **Second Reading:**

118 Motion by: Commissioner Kesl

119 Second by: Commissioner Salzhauer

120
121 **FINAL VOTE ON ADOPTION**


122 Commissioner Nelly Velasquez yes

123 Commissioner Eliana Salzhauer yes

124 Commissioner Charles Kesl yes

125 Vice Mayor Tina Paul yes

126 Mayor Charles Burkett yes

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Charles Burkett, Mayor

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132 Attest:

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136 Sandra Novoa, MMC

137 Town Clerk

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139 Approved as to Form and Legal Sufficiency:

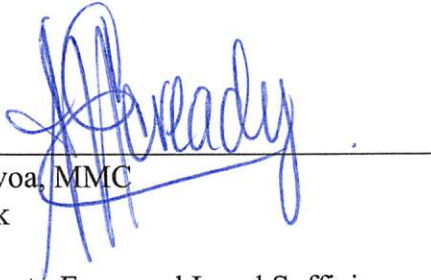
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143 Weiss Serota Helfman Cole & Bierman, P.L.

144 Town Attorney

A handwritten signature in blue ink, appearing to read 'S. Novoa', is written over a horizontal line. The signature is stylized and cursive.

A handwritten signature in blue ink, appearing to read 'Weiss Serota Helfman Cole & Bierman', is written over a horizontal line. The signature is stylized and cursive.

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RESOLUTION NO. 2020- 2687

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING RESOLUTION NO. 1703 TO RE-AUTHORIZE THE PARKS AND RECREATION COMMITTEE AND DELETE A REQUIREMENT FOR SUNSET REVIEW, AMENDING MEMBERSHIP REQUIREMENTS AND PROVIDING FOR COMPLIANCE WITH THE TOWN CODE, FLORIDA'S SUNSHINE AND PUBLIC RECORDS LAWS, AND CODES OF ETHICS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 13, 2005 by Resolution No. 1703, the Town of Surfside ("Town") Commission re-authorized the Parks and Recreation Committee ("Committee") for the purpose of providing recommendations and advice to the Town Commission concerning the Town's parks and recreational facilities and programs; and

WHEREAS, the Town Commission finds that the Committee serves an important role in the Town's parks and recreational facilities and programs and desires to re-authorize the Committee until abolished by resolution of the Town Commission, and delete any requirement contained in Section 4 of Resolution No. 1703 to perform a sunset review of the Committee; and

WHEREAS, the Town Commission wishes to further amend the membership requirements contained in Section 3 of Resolution No. 1703 to require that one of the Committee's appointed members have education and/or experience in sustainability and resilience, including but not limited to, environmental sciences; and

WHEREAS, the Town Commission wishes to provide for the Committee's compliance with Section 2-204 of the Town Code, Florida's Government-in-the-Sunshine and Public Records Laws and the State of Florida, Miami-Dade County and Town of Surfside Codes of Ethics; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Re-Authorizing the Parks and Recreation Committee; Deleting Requirement for Sunset Review. The Town Commission hereby re-authorizes the Committee as a continuing committee that will serve in an advisory capacity to the Town Commission until abolished by resolution of the Town Commission, and delete any requirement contained in Section 4 of Resolution No. 1703 to perform a sunset review of the Committee.

Section 3. Amending Membership Requirements. Section 3 of Resolution No. 1703 is hereby amended to add a requirement and provide that one of the Committee's appointed members shall have education and/or experience in sustainability and resilience, including but not limited to, environmental sciences.

Section 4. Compliance with Town Code, Florida's Sunshine and Public Records Laws, and Ethics Codes. The Committee shall comply with Section 2-204 of the Town Code, Florida's Government-in-the-Sunshine and Public Records Laws, and the State of Florida, Miami-Dade County and Town of Surfside Codes of Ethics.

Section 5. Implementation. That the Town Clerk and Town Manager and/or his designee are directed to take any and all action as may be required to implement the purposes of this Resolution.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption.


PASSED AND ADOPTED on this 21st day of April, 2020.

Motion By: Commissioner Velasquez

Second By: Commissioner Salzhauer

FINAL VOTE ON ADOPTION:

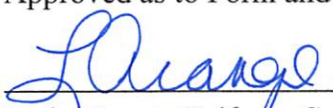
Commissioner Charles Kesl	<u>Yes</u>
Commissioner Eliana R. Salzhauer	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>



Charles W. Burkett, Mayor

Attest: 

Sandra N. McCready, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:


Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

RESOLUTION NO. 2020-2689

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING A BUDGET ADVISORY COMMITTEE; ADOPTING THE COMMITTEE'S CHARTER AND ORGANIZATIONAL STRUCTURE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, for transparency and citizen participation and input in the annual budget and expenditure process, the Town of Surfside ("Town") desires to establish a Budget Advisory Committee ("Committee") as a continuing committee that will serve in an advisory capacity to the Town Commission, and to assist the Town Commission in the establishment of priorities in the Town's annual budget and review of certain expenditures as requested by the Town Commission, as further detailed in the Committee Charter attached hereto as Exhibit "A"; and

WHEREAS, the Town Commission wishes to provide for the Committee's compliance with Section 2-204 of the Town Code, Florida's Government-in-the-Sunshine and Public Records Laws and the State of Florida, Miami-Dade County and Town of Surfside Codes of Ethics; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Establishing Budget Advisory Committee. The Town Commission hereby establishes the Budget Advisory Committee as a continuing committee that will serve in

an advisory capacity to the Town Commission, in accordance with the Charter attached hereto as Exhibit "A."

Section 3. Committee Charter; Organization. The Town Commission hereby approves and adopts the Committee's Charter, attached hereto as Exhibit "A." The Charter may ne amended by the Town Commission, from time to time, as deemed prudent or necessary.

Section 4. Compliance with Town Code, Florida's Sunshine and Public Records Laws, and Ethics Codes. The Committee shall comply with Section 2-204 of the Town Code, Florida's Government-in-the-Sunshine and Public Records Laws, and the State of Florida, Miami-Dade County and Town of Surfside Codes of Ethics.

Section 5. Implementation. That the Town Clerk and Town Manager and/or his designee are directed to take any and all action as may be required to implement the Committee and the purposes of this Resolution.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption.


PASSED AND ADOPTED on this 28th day of April, 2020.

Motion By: Commissioner Velasquez

Second By: Vice Mayor Paul

FINAL VOTE ON ADOPTION:


Commissioner Charles Kesl	<u>Yes</u>
Commissioner Eliana R. Salzhauer	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>



Charles W. Burkett, Mayor

Attest: 

Sandra Novoa, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:


Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

EXHIBIT "A"

Budget Advisory Committee Charter

The Town of Surfside's (the "Town") Budget Advisory ("Committee") Charter establishes the objectives, goals, and purposes of the Committee as an advisory committee to the Town Commission, and the organizational structure of the Committee.

A. Purpose: The purpose of the Committee is to assist the Town Commission in the establishment of priorities in the Town's annual budget and review certain expenditures as requested by the Commission.

B. Objectives and Purposes: The Committee shall serve in an advisory capacity to the Town Commission and shall have the following objectives and purposes:

1. Examine, analyze, and make recommendations on the preliminary budget to the Commission.
2. Examine and analyze certain expenditures as directed by the Town Commission.

C. Composition, Appointment, and Qualifications: The Committee shall consist of five (5) voting members who are Surfside residents.

The members shall possess a professional background or expertise in the following:

1. Governmental experience
 - a. Recommended to have experience in government procurement/management
2. General Business
3. Accounting/auditing
 - a. Recommended to have a CPA, CFE, CGFO, CIA, or CPFO certification
4. Engineering/Construction experience

One of the members appointed shall have education and/or experience in sustainability and resilience, including but not limited to, environmental sciences.

D. Appointments: Each Town Commissioner shall appoint one (1) member to the Committee who have applied for and completed the requisite application, which shall be approved and ratified by majority vote of the Town Commission.

E. Organization: The Committee shall be an advisory committee of the Town Commission. The Committee shall meet monthly during the annual budget and as directed by the Town Commission for specific tasks. Reports to the Town Commission will be made through the Town Manager and/or the Town Commission via Town Commission meeting agendas. The minutes of each meeting will be included in the Town Commission's meeting agendas.

F. Compliance with Laws and Ethics Codes. The Committee shall comply with Section 2-204 of the Town Code and shall be subject to Florida's Government-in-the-Sunshine and Public Records Laws and the State of Florida, Miami-Dade County and Town of Surfside Code of Ethics.

RESOLUTION NO. 2020- 2686

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING AN AMENDED CHARTER AND ORGANIZATIONAL STRUCTURE FOR THE DOWNTOWN VISION ADVISORY COMMITTEE (DVAC); PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Harding Avenue between 96th and 94th Streets is considered to be the Town of Surfside's ("Town") Downtown District ("Downtown"); and

WHEREAS, on January 8, 2019 by Resolution No. 2019-2561 the Town Commission re-established the Downtown Vision Advisory Committee (DVAC) to identify, study, review and recommend policies, programs and initiatives for the Downtown District, and adopted the Downtown Vision Advisory Committee Charter ("Committee Charter"); and

WHEREAS, the Town Commission desires to amend the Committee Charter to provide for the Committee as an advisory committee or board to the Town Commission, amend the Committee's purposes, objectives and goals, and amend the qualifications and composition of the Committee, all as set forth in the Committee Charter attached hereto as Exhibit "A"; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents and businesses of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are true and correct and are hereby adopted, confirmed, and incorporated herein.

Section 2. Amended Committee Charter; Organization. The Town Commission hereby approves and adopts the amended Committee's Charter, attached hereto as Exhibit

“A”, providing inter alia for the Committee as an advisory committee or board to the Town Commission, amending the Committee’s purposes, objectives and goals, and amending the qualifications and composition of the Committee.

Section 3. Implementation. That the Town Clerk and Town Manager and/or his designee are directed to take any and all action as may be required to implement the purposes of this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.


PASSED AND ADOPTED on this 21st day of April, 2020.

Motion By: Commissioner Salzhauer

Second By: Commissioner Velasquez

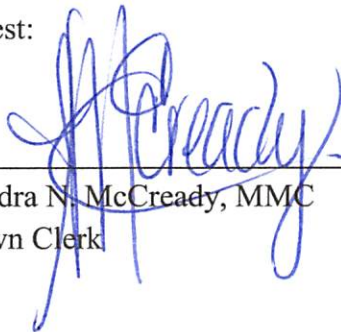
FINAL VOTE ON ADOPTION:

Commissioner Charles Kesl	<u>Yes</u>
Commissioner Eliana R. Salzhauer	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>



Charles Burkett, Mayor

Attest:



Sandra N. McCready, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:

_____

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

Sec. 2-185. - Pension board.

- (a) *Generally.* The pension board, as described and empowered in this section, shall serve as the board of trustees and trustee of the trust fund, and shall be charged with the responsibility for the general administration and management of the plan and trust, subject, however, to the ultimate control and responsibility of the town commission. Such board shall be composed of five members; the town manager, an elected representative of the police department with at least one year of creditable service, an elected representative of the other employees of the town with at least one year of creditable service and two permanent residents of the town to be appointed by the town commission to serve for a period of two years or until their successors are appointed, which shall be evidenced by an acceptance in writing.
- (b) *Organization.* The board shall elect a chairman from among its members. The board shall also appoint a secretary who shall keep all records of its meetings and actions and with the chairman execute on behalf of the board any paper or instrument when so required by the board.
- (c) *Compensation.* The board members shall serve without compensation.
- (d) *Expenses.* The board members shall be entitled to reimbursement for all reasonable and necessary disbursements made or expenses incurred by them in the performance of their duties.
- (e) *Liability.* No member shall be personally liable by virtue of any contract, agreement, bond or other instrument or undertaking made or executed by him as a member of the board, nor for honest mistakes of judgment nor for any loss unless resulting from his own willful misconduct, and no member shall be liable for the act of neglect, omission or wrongdoing of any other member or for those of agents or counsel of the board.
- (f) *Indemnity.* The town shall hold the pension board harmless from and shall indemnify the members for the consequences of their acts or omissions and conduct in their official capacity, including the cost of litigation and counsel fees except for such act, omission or conduct for which such member is liable under subsection (e) of this section.
- (g) *Procedure.* Meetings of the board shall be held at such times and places as a majority of the members shall from time to time determine. A majority of the membership shall constitute a quorum, and all decisions, acts and resolutions of the board shall be by an affirmative vote of at least three members.
- (h) *Vacancies.* The appointed member may resign at any time by delivering his resignation to the town clerk, and such resignation shall thereafter take effect on the date therein specified. The members may also be removed at the pleasure of the town commission. Vacancies, however caused, shall be filled by action of the town commission. While a vacancy exists, the remaining members are authorized to perform all functions of the board.
- (i) *Powers and duties.* The board shall have the duties expressly provided or implied under the provisions hereof, and in addition thereto, the following:
 - (1) *Meetings.* Hold meetings upon notice, as may from time to time be required.
 - (2) *Appointment of trustee.* Recommend the appointment of a corporate trustees for the management, investment and safekeeping of the fund herein created.
 - (3) *Records.* Maintain adequate age, service and salary records on all employees participating under the plan and any other related data that may be necessary in the administration of the plan and in the effective operation thereof, or that may be required in any survey or cost analysis by the actuary, such data to be furnished to the board by the town.
 - (4) *Decisions.* Pass upon applications for annuities and benefits, verify the qualifications of the applicants for benefits and authorize the payment thereof by the trustee.
 - (5) *Accounting records.* Keep a detailed record of all annuity and benefit payments and other expenditures made pursuant to the provisions of the plan to the persons qualifying for such payments, to the end that all financial transactions will be properly accounted for.

- (6) *Rules; enforcement.* Make and enforce uniform nondiscriminatory rules and regulations for the efficient administration of the plan and receive any questions or interpretations that may arise in connection with the plan.
- (7) *Technical assistance.* Employ actuarial or other technical assistance necessary during the operation of the plan as it may from time to time require in connection with the determination of cost and liabilities and prescribe appropriate actuarial tables upon recommendation of the actuary.
- (8) *Annual actuarial valuation.* Authorize an annual actuarial valuation as of the end of each calendar year of the assets, liabilities and reserves under the plan.
- (9) *Promulgation of rules, decisions.* The board shall establish any necessary rules and procedures for the administration of the plan and the conduct of their meetings as they deem advisable. The decisions and rules of a majority shall be final and binding on all parties and shall not be subject to appeal.
- (10) *Reports.* The board shall annually, not later than April 1, or as often as requested, transmit to the town commission a report showing the financial condition of the plan.
- (11) *Compliance.* The board shall maintain the plan and trust at all times in compliance with the provisions of state law including, but not limited to, the following:
 - a. Assure that member contributions are deposited into the trust fund at least monthly, town contributions at least quarterly and any state refund monies within 30 days of receipt of the town.
 - b. Assure that all regular and special actuarial reports are filed with the state division of retirement in Tallahassee, Florida, within 60 days of receipt from the actuary.
 - c. Have actuarial valuations performed on a regular basis. Have special actuarial work performed in advance so as to determine cost impact of any plan changes or amendments prior to their adoption and the last public hearing thereon. File any such reports of actuarial impact of a proposed change with the state division of retirement prior to their adoption and the first public hearing thereon.
 - d. Maintain a minute book containing the minutes and records of the proceedings and meetings of the board.
 - e. Furnish all members upon initial employment or participation, and thereafter on an annual basis, a written plan description which shall include a summary of pertinent financial and actuarial information and a statement on the financial status of the system and fund.
- (12) *Insurance.* The board or the town may, at its discretion, secure fiduciary liability insurance to cover liability or losses incurred by reason of an act or omission of a fiduciary of the system.

(Code 1960, § 14A-15; Ord. No. 1473, § 1, 3-14-07)

Cross reference— Boards, commissions and committees, § 2-46 et seq.

Sec. 2-187. - Special police retirement trust fund.

- (a) *Created.* There is hereby created in the town a special fund into which there shall be deposited all monies heretofore and hereafter received by the town, under the provisions of F.S. ch. 185.
- (b) *Administration.* The special fund shall be administered by a board of trustees consisting of five members, two of whom shall be legal residents of the town, who shall be appointed by the town commission, and two of whom shall be police officers, who shall be elected by a majority of the police officers who are members of such special fund. The fifth member shall be chosen by a majority of the previous four members; and such person's name shall be submitted to the town commission, which, as a ministerial duty, shall appoint such person to the board of trustees. Successors to such persons shall be chosen in the same manner, and such trustees shall have all powers provided by F.S. ch. 185.
- (c) *Shares.* Each participant shall be entitled to one share in the special fund for each full year of service as a police officer of the town. Promptly after the passage of this section, the number of full years of service rendered by each participant shall be determined and a record made thereof and the participant shall thereupon have as many shares as there are full years of service rendered; and thereafter as each full year of service is rendered, one share more shall be added to the credit of each participant so rendering such service.
- (d) *Determination of share value.* The total monies received, the interest earned on the assets of the special fund, any gifts, bequests, donations and devises when donated for the fund, shall constitute income to the special fund during each fiscal year, and shall be allocated and the value of the respective participant's shares shall be determined as follows:
 - (1) The trustees shall pay all costs and expenses of the management and operation for the fiscal year last ended.
 - (2) The trustees shall set aside as much of the income as they consider advisable as a reserve for expenses for the current fiscal year.
 - (3) After deducting the monies called for under subsections (1) and (2) of this subsection, the remaining monies shall be allocated and credited to the share accounts of the respective participants.
 - (4) The number of shares to which each participant is entitled at the close of each fiscal year shall be added together and the total number of shares thus determined shall be divided into the net amount of money available to be allocated and credited to the respective share accounts. The amount to be credited to the account of each participant will then be obtained by multiplying the value determined for one share by the total number of shares to which each participant is entitled.
 - (5) As promptly as practicable after the close of each fiscal year, the value of each participant's share shall be calculated and credited to his share account at the end of the fiscal year for which the calculation is made. Such calculation shall be made and credits allocated to share accounts once only in each fiscal year, and no prorations shall be made for a part of a fiscal year.
- (e) *Individual records.* An individual account shall be established for each participant, and the amount to which each participant is entitled shall be credited to his account at the end of each fiscal year. No credit shall be made to an individual's account after he has been separated from service whether by retirement, transfer to another town department or in any manner whatsoever.
- (f) *Accounts.* The cash received by the trustees in connection with this special fund shall be kept in an account as approved by the members of the special fund.
- (g) *Credited benefits.* No participant shall receive benefits from the fund in excess of the amount credited to his account. After completing at least one year, the participant shall be entitled to the entire amount credited to his account, upon separation from the town police department.

- (h) *Death of participant.* If a participant shall die while a member of the town police department, the entire amount of his credit, as of the date of his death, shall be paid to his surviving spouse, primarily for the purpose of defraying final illness and burial expense. If there be no surviving spouse and there is a child or children, the entire amount of participant's credit, as of the date of his death, shall be paid to a person designated in writing by the participant, to be used for payment of final illness and burial expenses with any excess to be paid to the legal guardian of the child or children for the benefit of the child or children. If there be no surviving spouse or children, there shall be paid to the person designated in writing by the participant, to be used for payment of final illness and burial expenses, an amount not to exceed the entire amount of his credit and any excess after payment of final illness and burial expenses shall be paid as designated by the deceased. If the person designated to act for a participant shall predecease him or cannot be located by a reasonable effort or shall refuse to act, or if the deceased participant has failed to designate anyone, the board shall have the right to name a person to carry out the purpose of this subsection. In carrying out the purpose of this subsection, the board shall endeavor to distribute any excess monies after payment of last illness and burial expenses in the same manner in which they would have been distributed in an intestate administration proceeding. The designation shall be in writing, sworn to, and shall be filed with the secretary of the board of trustees.
- (i) *Benefits not subject to legal process.* The rights and benefits provided for herein shall not be subject to garnishment, attachment, execution or any other legal process.
- (j) *Retirement participants.* Upon retirement, a participant shall be paid the entire amount standing to his credit in the special fund at the end of the last preceding fiscal year, in such a manner as he shall elect to receive it, either in a lump sum, in quarterly installments, or as a retirement annuity. Settlement as provided in this section shall be in full acquittal of all claims of a participant against the special fund, and he shall thereon cease to be a participant.
- (k) *Responsibility of town.* The town and its officials shall have no responsibility for the operation of the special fund except as specified in this section, and shall bear no expense in the operation of the special fund.
- (l) *Conflict.* If any provision of this section or the plan hereby created shall conflict with the provisions of F.S. ch. 185, such conflict shall be resolved in favor of the state provisions which are intended to control.

(Code 1960, § 14A-17)

Cross reference— Law enforcement, ch. 50.

Sec. 31.1. - Personnel appeals board.

The town commission shall appoint a Personnel Appeals Board consisting of five qualified electors of Dade County, Florida, whose legal residence is in the Town of Surfside, to serve without compensation for two-year terms, and to fill vacancies thereon for unexpired terms. Any employee of the town, except the town manager, town clerk, town prosecutor, town attorneys and town judges, who immediately prior thereto have been continuously employed by the Town of Surfside for at least two years, if he claims to have been discharged or reduced in pay or rank without cause, may file within twenty days from his discharge or reduction in pay or rank, with the Personnel Appeals Board, a statement of appeal which must allege that he has been continuously employed by the Town of Surfside for at least two years next preceding the filing of the statement of appeal set forth the facts regarding the discharge or reduction in pay or rank and request a hearing. Within fourteen days after the filing of such appeal, the Personnel Appeals Board shall notify the employee of the date for formal hearing, which shall be no later than thirty days after the date of the filing of the statement of appeal.

The decision of the Personnel Appeals Board, if concurred in by four members of said Board, shall be binding upon the town and the employee. Such decision may either order a new hearing, or dismiss the appeal on the merits, or order the reinstatement of the employee absolutely or on terms and conditions, or may require such other action as may be just.

The town commission shall make such rules of procedure for the Personnel Appeals Board, by ordinance, from time to time as it may deem necessary.

(Res. No. 620, § 1x, 4-14-64; Res. No. 744, § 1(g), 1-15-70; Res. No. 867, Amd. No. 6, 3-20-74)