

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:

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.

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.

89 * * *

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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.

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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.

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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.

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

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

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

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113 **First Reading:**

114 Motion by: Vice Mayor Paul

115 Second by: Commissioner Salzhauer

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117 **Second Reading:**

118 Motion by: Commissioner Kesl

119 Second by: Commissioner Salzhauer

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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:

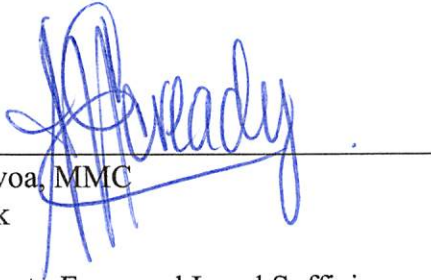
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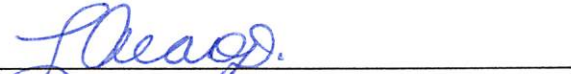
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143 Weiss Serota Helfman Cole & Bierman, P.L.

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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