

ORDINANCE NO. 16-1643

AN ORDINANCE OF THE TOWN COMMISSION AND THE RESORT TAX BOARD OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 "TAXATION" AND SPECIFICALLY AMENDING SECTION 70-126 "POWER AND DUTIES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Resort Tax Statute Section 8, Ch. 67-930, Laws of Florida requires a supermajority vote (4/5) by the Surfside Town Commission to adopt changes which limit or change the power of the Resort Tax Board; and

WHEREAS, the Five Year Tourism Strategic Plan resulted in a review of the existing Code where areas needing additional clarification and guidelines were identified; and

WHEREAS, the Resort Tax Board and the Town Commission believe it is in the best interest of the Town to adopt the recommended amendment to the Code to create a formalized Budget Plan with staff, in consultation with the Town Manager Designee and to submit the Budget Plan to the Town Manager every year as part of the budgetary process; and

WHEREAS, the Resort Tax Board held its first public hearing on June 1, 2015 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission held its first public hearing on October 13, 2015 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Resort Tax Board has conducted a second duly noticed public hearing on these regulations as required by law on December 14, 2015 and further finds the proposed change to the Code necessary and in the best interest of the community; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 12, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION AND RESORT TAX BOARD OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 70-126. Power and duties.

The board shall have the following enumerated powers and duties.

- (1) To adopt and/or amend procedures as it relateds to publicity, advertising, promotional events, tourist board activities.
- (2) To expend resort tax funds collected pursuant to Chapter 70 of the Town Code. Specifically, those amounts allocated by the commission during their annual budgetary process, the minimum being 34 percent of the resort tax collected, to advertising promotion and special events as part of the tourist bureau budget.
- (3) To employ or retain an advertising and/or public relations consultant and/or firm as it relates to specific tourist board activities. The tourist board shall designate a member to assist the town manager, upon request, in the process of selecting a director for the department.
- (4) To authorize placement of advertising in various media.
- (5) To organize special events for the promotion of Surfside as a tourist destination.
- (6) To create a formalized Budget Plan with staff in consultation with the Town Manager Designee and to submit an annual report the Budget Plan to the town commission Town Manager every May-year as part of the budgetary process.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission and Resort Tax Board, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED and ADOPTED on first reading this 13th day of October, 2015.

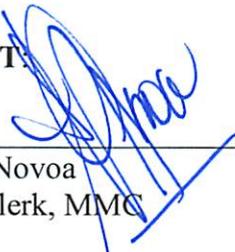
PASSED and ADOPTED on second reading this 12th day of January, 2016.



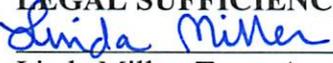
Daniel Dietch, Mayor



Sean McKeen, Chair, Resort Tax Board

ATTEST:


Sandra Novoa
Town Clerk, MMC

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**


Linda Miller, Town Attorney

On Final Reading Moved by: Commissioner Karukin

On Final Reading Seconded by: Commissioner Cohen

Vote by the Town Commission:

Commissioner Barry Cohen	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Michael Karukin	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	_____
Vice Mayor Eli Tourgeman	yes	<input type="checkbox"/>	no	<u>ABSENT</u>
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	_____

On Final Reading Moved by: Board Member Liss

On Final Reading Seconded by: Board Member Levison

Vote by the Resort Tax Board:

Member Joel Baum	yes	<input type="checkbox"/>	no	<u>ABSENT</u>
Member Jessica Levison	yes	<input checked="" type="checkbox"/>	no	_____
Member Sara Liss	yes	<input checked="" type="checkbox"/>	no	_____
Vice Chair Barbara Cohen	yes	<input checked="" type="checkbox"/>	no	_____
Chair Sean McKeen	yes	<input checked="" type="checkbox"/>	no	_____