



**Town of Surfside
Town Commission Meeting
AGENDA
July 8, 2014
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. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 7:30 p.m.*)

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the Consent Agenda and discussed separately.

Recommended Motion: To approve all consent agenda items as presented below.

**** Denotes agenda items as “must haves” which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.***

- A. Minutes** – June 10, 2014 Regular Commission Meeting **Page 1-22**
June 18, 2014 Special Commission Meeting – Proposed Ballot Questions
June 24, 2014 Special Town Commission Meeting – Town Manager
June 24, 2014 Special Town Commission Meeting – Quasi-Judicial
Hearing
- B. Budget to Actual Summary as of April 30, 2014** – Donald Nelson, Finance Director
Page 23-26
- *C. Town Manager’s Report** – Michael P. Crotty, Town Manager **Page 27-36**
- *D. Town Attorney’s Report** – Linda Miller, Town Attorney **Page 37-42**
- *E. Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page 43-44**
- F. Committee Reports** – Michael P. Crotty, Town Manager **Page 45-63**

- February 18, 2014 Pension Board Minutes
- May 5, 2014 Tourist Board Minutes
- May 19, 2014 Parks and Recreation Committee Minutes
- May 28, 2014 Downtown Vision Advisory Committee Minutes

- G. Mutual Aid Agreement between the Bal Harbour Village Police Department
and the Town of Surfside Police Department** – David Allen, Chief of Police **Page
64-74**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING
THE VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE
MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA
AND THE BAL HARBOUR VILLAGE, FLORIDA; AUTHORIZING THE TOWN
MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE
TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND
PROVIDING FOR AN EFFECTIVE DATE.**

4. Ordinances

(Set for approximately 8:00 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

1. Solar Panels – Sarah Sinatra, Town Planner **Page 75-80**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; AND
SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; AMENDING
SECTION 90-19.7 TO EXEMPT ROOFTOP PHOTOVOLTAIC SOLAR
SYSTEMS FROM PLANNING AND ZONING BOARD REVIEW AND TO
FOLLOW DESIGN GUIDELINES; AND CREATING SECTION 90-50.3**

“ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS” TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE SURFSIDE CODE OF ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

(Set for approximately 8:30 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

- 1. Sign Code** – Sarah Sinatra, Town Planner [*SET TIME CERTAIN 7:45 PM*]
Page 81-111

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA REPEALING AND REPLACING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

- 2. Parking Trust Fund** – Sarah Sinatra, Town Planner [*IMMEDIATELY AFTER ITEM 4B2*]
Page 112-119

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING PARKING TRUST FEES PAID IN LIEU OF OFF-STREET PARKING; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

(Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)

- A. Resolutions of the Town Commission of the Town of Surfside, Florida, Calling for The Town's November 4, 2014 Special Election to Present to the Town's Electorate Certain Proposed Amendments to the Town Charter**– Linda Miller, Town Attorney [*SET FOR TIME CERTAIN 9:15 PM*]
Page 120-121

- 1. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “QUALIFICATIONS FOR OFFICE”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. Page 122-126**

- 2. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “VACANCIES ON COMMISSION”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. Page 127-133**

3. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “VACANCY IN CANDIDACY”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. Page 134-139**

4. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “CANVASSING BOARD”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. Page 140-144**

5. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “QUALIFYING” (I.E., BECOMING A CANDIDATE FOR ELECTED OFFICE IN THE TOWN); PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. Page 145-150**

6. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “ESTABLISHING ELECTED OFFICIALS’ STAGGERED TERMS AND INCREASING TOWN COMMISSIONERS’ TERMS FROM TWO TO FOUR YEARS”;** PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. Page 151-156

7. **RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “RUNOFF ELECTION”;** PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. Page 157-161

B. Professional Services – Duncan Tavares, TEDACS Director

1. Professional General Architectural Services – RFQ # 2014-001
Page 162-182

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SELECTING FIVE (5) PROFESSIONAL GENERAL ARCHITECTURAL FIRMS TO PERFORM PROFESSIONAL GENERAL ARCHITECTURAL SERVICES FOR THE TOWN, IN RESPONSE TO RFQ NO. 14-001; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO NEGOTIATE A CONTINUING CONSULTANT AGREEMENT WITH THE SELECTED RANKED FIRMS; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

2. Professional General Engineering Services - RFQ # 2014-002
Page 183-204

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE RANKINGS OF THE SELECTION COMMITTEE FOR PROFESSIONAL GENERAL ENGINEERING SERVICES IN RESPONSE TO RFQ NO. 14-002; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO NEGOTIATE A CONTINUING CONSULTANT AGREEMENT WITH THE SELECTED RANKED FIRM; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

C. Town Hall Improvements – Joseph Kroll, Public Works Director Page 205-206

1. Town Hall Roof Repairs Page 207-208

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED BID TO UNLIMITED ROOFING SERVICE, INC. FOR ROOF REPAIRS TO TOWN HALL IN AN AMOUNT NOT TO EXCEED \$65,000.00; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO CAPITAL PROJECTS BUILDING TOWN HALL ACCOUNT NO. 301-4400-539-6220 APPROPRIATING THE FUNDS IN THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2013/2014; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Town Hall Air Conditioner Replacement with New Chiller System
Page 209-210

Note: This is attached as a DRAFT!

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED BID TO _____ TO CONVERT THE EXISTING A/C UNITS TO A CHILLER SYSTEM AT TOWN HALL IN AN AMOUNT NOT TO EXCEED \$_____; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO CAPITAL PROJECTS BUILDING TOWN HALL ACCOUNT NO. 301-4400-539-6220 APPROPRIATING THE FUNDS IN THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S

BUDGET FOR FISCAL YEAR 2013/2014; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Town Hall Mold Removal and Remediation Page 211-219

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN DECON ENVIRONMENTAL AND ENGINEERING, INC. TO PROVIDE MOLD REMEDIATION AND RESTORATION SERVICES FOR THE SURFSIDE TOWN HALL; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH DECON ENVIRONMENTAL AND ENGINEERING INC., BY PIGGYBACKING OFF OF A COMPETITELY BID AGREEMENT FOR THE SAME SERVICES AWARDED BY THE BROWARD COUNTY SCHOOL BOARD; AUTHORIZING THE AMENDMENT TO THE 2013/2014 BUDGET AND APPROPRIATION NOT TO EXCEED \$28,368.21 TO ACCOUNT 001-5000-539-4602; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Resolution Approving the Design of the 94th Street End Project – Michael P. Crotty, Town Manager [*SET FOR TIME CERTAIN 9:00 PM*] Page 220-228

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PURSUANT TO RESOLUTION NO. 13-Z-04, CONDITION NO. 25 REVIEWING AND APPROVING THE DESIGN PREPARED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94th STREET END PROJECT; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

E. Harding Avenue Business Improvement District (BID) Ballot Results – Duncan Tavares, TEDACS Director Page 229-232

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE BUSINESS IMPROVEMENT DISTRICT ELECTION HELD BETWEEN MAY 28, 2014 AND JUNE 12, 2014 FOR A SPECIAL ASSESSMENT DISTRICT KNOWN AND DESIGNATED AS THE SURFSIDE BUSINESS IMPROVEMENT DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Good and Welfare (Set for approximately 8:15 p.m.)

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- A. **Surfside Seawall Replacement Project Bid Opening Results and Recommendation** – Michael P. Crotty, Town Manager **Page 233-235**
- B. **Update on Community Center 2nd Floor Expansion (Verbal)** – Tim Milian, Parks and Recreation Director
- C. **Resort Tax Allocation to Tourist Board** – Commissioner Michael Karukin **Page 236-237**
- D. **Discussion on Tentative Budget Meetings** – Donald Nelson, Finance Director **Page 238**
- E. **Update on the Town Manager Transition and Discussion on Work Plan Priorities (Verbal)** – Michael P. Crotty, Town Manager
- F. **FY 12/13 Comprehensive Annual Financial Report (CAFR) Acceptance** – Finance Director Donald Nelson [*SET FOR TIME CERTAIN 7:30 PM*] **Page 239**
- G. **Policy Direction Regarding Ownership of Submerged Lands (Point Lake and North Canal)** – Michael P. Crotty, Town Manager **Page 240-243**

10. Adjournment

Respectfully submitted,



Michael P. Crotty
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.



**Town of Surfside
Town Commission Meeting
MINUTES
June 10, 2014
7 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:01 P.M

B. Roll Call of Members

Recording Clerk Frantza Duval called the roll with the following members present: Mayor Dietch, Vice Mayor Tourgeman, Commissioner Karukin, Commissioner Cohen and Commissioner Olchyk.

C. Pledge of Allegiance

Chief David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Olchyk feels that the food being provided for the Commissioners before the meeting is unnecessary, time consuming for the clerks who have to do the ordering, and is costly. She believes that just some fruit and a beverage is sufficient. Commissioner Karukin and Vice Mayor Tourgeman did not agree and Mayor Dietch thought the item should be put on the agenda as a discussion item and not be discussed at this meeting as there is a full agenda.

Commissioner Olchyk then addressed some of the remarks made by citizens that were overheard and said many of the statements were incorrect and that members of the Commission do their very best to attend all meetings and care very much about the town. She expressed that citizens should get more informed about an issue before commenting. Mayor Dietch concurred that the Commission only has the best interest of the town in its decision making. He further stated that the issue of the sand will be discussed in more detail as it is on the agenda.

E. Agenda and Order of Business Additions, deletions and linkages

Mayor Dietch said items linked were 4A.1, 4A.2 and 5A. Commissioner Olchyk made a motion to move item 9B and 9C after item 9G on the agenda. The motion received a second from Vice Mayor Tourgeman. The motion did not pass with Commissioners, Karukin, Cohen and Mayor Dietch voting in opposition.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. Commissioner Karukin gave an update on the recent American Cancer Relay for Life event and thanked all participants with special recognition to Joe Graubart, Yamileth Slate-McCloud and Dalizbel Batista-Batchelor as well as Team Action.

Vice Mayor Tourgeman gave an update on the Tourist Board.

- G. 2014 Hurricane Preparedness** – Chief of Police David Allen
Director Curtis Sommerhoff of Miami-Dade Emergency Management gave a presentation. Some of the items he spoke on were price gouging, evacuation order and assistance program, and points of distribution.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (Set for approximately 7:30 p.m.)

Commissioner Olchyk pulled item 3H Fireworks

Commissioner Karukin pulled item 3A May 13, 2014 minutes; item 3C Planning & Zoning H40 District; item 26 Online Bill Pay

Mayor Dietch pulled items: 3D Town Attorney Evaluation; item 6 Harding Ave Streetscape Plan; item 11 95th Street End Project; item 21 FEMA; item 27 Beach Management Agreement

Commissioner Karukin made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Olchyk and all voted in favor.

- A. Minutes** – May 13, 2014 Regular Town Commission Meeting
May 14, 2014 Special Commission Meeting – Community Dialogue – Community Center Expansion
May 22, 2014 Budget Workshop
May 22, 2014 Joint Workshop – Town Commission and Planning and Zoning Board
- B. Budget to Actual Summary as of March 31, 2014** – Donald Nelson, Finance Director
- *C. Town Manager's Report** – Michael P. Crotty, Town Manager
- *D. Town Attorney's Report** – Linda Miller, Town Attorney
- *E. Projects Progress Report** – Calvin, Giordano and Associates, Inc.
- F. Committee Reports** – Michael P. Crotty, Town Manager
- March 17, 2014 Parks and Recreation Committee Minutes
 - March 24, 2014 Downtown Vision Advisory Committee Minutes
 - April 28, 2014 Planning and Zoning Board Minutes
- G. Proclamations**
1. Toni Carraway – Mayor Daniel Dietch
 2. Jannet Dennard – Mayor Daniel Dietch
 3. Margarita Reyes - Mayor Daniel Dietch

4. Estela Egozi Berry – Mayor Daniel Dietch

Pulled Items:

--Item 3A May 13, 2014 Minutes - Commissioner Karukin said the minutes did not reflect the decision made regarding the artwork for the 95th Street End Project. The minutes are amended to reflect that artwork to be displayed are to be approved by the Town Commission.

--Item 6 - Mayor Dietch asked the Town Manager why the new benches are not in place as it has been several months waiting for them. Parks and Recreation Director Tim Milian said the benches have arrived and they are in the process of planning the placement of the benches. The Director was reminded to have magazine/paper racks put back in place.

--Item 11 95th Street End Project - Public Works Director, Joseph Kroll gave an update on the project.

--Item 3C - Commissioner Karukin is requesting the Town Manager to add the H40 District as a separate item.

--Item 30 National Flood Insurance Program – Mayor Dietch asked for an update and Building Official Ross Prieto provided an update on FEMA.

--Item 27 Beach Management Agreement – Mayor Dietch said that the State has twice rejected their request to administer concessions on the beach and more are popping up. The Mayor directed the Town Manager to come up with an action plan as this is not acceptable.

--Item 26 On Line Bill Pay – Finance Director Bill Nelson gave update and the item is complete.

Item 3D Town Attorney Evaluation. Mayor Dietch said the Town Attorney will be coming up for an annual evaluation and an evaluation form should be devised as was done for the Town Manager.

--Item 3H Fireworks – Commissioner Olchyk first expressed her appreciation of Tim Milian’s leadership but was upset with the cost of the fireworks without the approval of the Commission. There was discussion as to whether this needed approval or was already in the budget for community events. The Mayor suggested Commissioner Olchyk get together with the Town Manager and Town Attorney and discuss the item.

Commissioner Cohen left the meeting at 10:09 p.m.

Commissioner Karukin made a motion to approve the pulled items from the consent agenda. The motion received a second from Vice Mayor Tourgeman all voted in favor with Commissioner Cohen absent.

After passing the gavel, Mayor Dietch made a motion to hear Item 9C Enforcement Allowing Dogs in the Narrow Walk Path. The motion received a second from Commissioner Karukin and all voted in favor with Commissioner Cohen absent.

H. 4th of July Fireworks – Tim Milian, Parks and Recreation Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AFTER-THE-FACT AGREEMENT WITH ZABELLI FIREWORKS MANUFACTURING CO. FOR EXHIBITION AND DISPLAY OF FIREWORKS; APPROVING THE EXPENDITURE OF \$4,000.00 FROM THE RESORT TAX FUND, ACCOUNT NO. 102-8000-552-48-10 AND \$8,000.00 FROM THE GENERAL FUND, PARKS & RECREATION DEPARTMENT, ACCOUNT NO. 001-6000-572-4810; PROVIDING FOR AN EFFECTIVE DATE

Approved on consent.

4. Ordinances

(Set for approximately 8:00 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

- 1. An Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) by Repealing Civil Penalty Provisions Contained Therein - Joe Damien, Code Compliance Director [LINKED TO ITEMS 4A2 AND 5A]**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 “SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES”; 90-49.2 “AWNINGS AND CANOPIES”; 90-56 “FENCES, WALLS AND HEDGES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recording Clerk Frantza Duval read the Ordinance.

The Mayor opened the public hearing. No one wishing to speak the Mayor closed the public hearing.

Vice Mayor Tourgeman made a motion to accept the ordinance and the motion received a second from Mayor Dietch after passing the gavel. The motion passed 3-2 with Commissioner Karukin voting in opposition and Commissioner Cohen absent.

2. **An Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein** - Joe Damien, Code Compliance Director [LINKED TO ITEMS 4A1 AND 5A]

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTIONS OF THE CODE RELATING TO FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS; SPECIFICALLY AMENDING; CHAPTER 1 "GENERAL PROVISIONS" SECTION 1-8 "PENALTY FOR VIOLATIONS"; CHAPTER 10 "ANIMALS" SECTION 10-27 "PENALTY"; CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" SECTIONS 14-31 "REQUIRED ROOFING MATERIALS," 14-51 "ESTABLISHED," AND 14-55 "VACANT LOTS OR BUILDINGS"; CHAPTER 15 "CODE ENFORCEMENT" SECTIONS 15-6 "CIVIL INFRACTIONS AND PENALTIES," 15-11 "CIVIL PENALTIES AND RELATED TERMS CONSTRUED," AND 15-18 "VIOLATIONS; SCHEDULE OF CIVIL PENALTIES"; CHAPTER 18 "BUSINESSES" SECTIONS 18-85 "CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS," AND 18-88 "PERMITTED AREAS; CONDITIONAL PERMIT; TOWN MANAGER'S RIGHT TO REMOVE SIDEWALK CAFÉS"; CHAPTER 34 "ENVIRONMENT" SECTIONS 34-71 "VACANT LOTS," AND 34-80 "PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS"; CHAPTER 42 "FLOODS" SECTION 42-64 "PENALTIES [SIC] FOR VIOLATION"; AND CHAPTER 70 "TAXATION" SECTIONS 70-32 "DELINQUENCIES; ADDITIONAL PENALTIES" AND 70-36 "HEARING WHEN THE RECEIPT HOLDER FAILS TO COMPLY WITH NOTICE OR WHEN REQUESTED BY AGGRIEVED APPLICANT/RECEIPT HOLDER"; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE."
Recording Clerk Frantza Duval read the Ordinance.

The Mayor opened the public hearing. No one wishing to speak the Mayor closed the public hearing.

Vice Mayor Tourgeman made a motion to accept the ordinance and the motion received a second from Commissioner Olchyk. The motion passed with all in favor and Commissioner Cohen absent.

3. Dock Projection Ordinance (Dock on Biscayne Bay) – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 “MARINE STRUCTURE” TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recording Clerk Frantza Duval read the Ordinance.

The Mayor opened the public hearing. No one wishing to speak the Mayor closed the public hearing.

Vice Mayor Tourgeman made a motion to accept the ordinance and the motion received a second from Commissioner Olchyk. The motion passed with all in favor and Commissioner Cohen absent.

(Set for approximately 8:30 p.m.) (Note: Good and Welfare must begin at 8:15)

4. First Reading Ordinances

A. Solar Panels – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; AMENDING SECTION 90-19.7 TO EXEMPT ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS FROM PLANNING AND ZONING BOARD REVIEW AND TO FOLLOW DESIGN GUIDELINES; AND CREATING SECTION 90-50.3 “ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS” TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE SURFSIDE CODE OF ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

Recording Clerk Frantza Duval read the Ordinance.

The Mayor opened the public hearing. No one wishing to speak the Mayor closed the public hearing.

Vice Mayor Tourgeman made a motion to accept the ordinance and the motion received a second from Commissioner Karukin. The motion passed with all in favor with Commissioner Cohen absent.

5. Resolutions and Proclamations

(Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)

A. Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations – Joe Damien, Code Compliance Director [LINKED TO ITEMS 4A1 AND 4A2]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, AMENDING THE SCHEDULE OF CIVIL PENALTIES AND ADMINISTRATIVE FEES TO BE ASSESSED FOR VIOLATION OF THE CODE OF THE TOWN OF SURFSIDE, AS PROVIDED IN CHAPTER 1 “GENERAL PROVISIONS”, SPECIFICALLY SECTION 1-8 “PENALTY FOR VIOLATIONS”, AND CHAPTER 15 “CODE ENFORCEMENT” SPECIFICALLY SECTION 15-18 “VIOLATIONS; SCHEDULE OF CIVIL PENALTIES”; REPEALING ALL OTHERS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Cohen absent.

B. Resolution re: Moratorium on the Downtown Parking Trust Fund (“PTF”) –Commissioner Michael Karukin [SET FOR TIME CERTAIN 7:30PM]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE NEED FOR A MORATORIUM ON THE OPTION TO USE THE PARKING TRUST FUND FOR OFF-STREET PARKING AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; REQUESTING THAT THE PLANNING AND ZONING BOARD MAKE RECOMMENDATIONS REGARDING MODIFICATIONS TO THE PARKING TRUST FUND OPTION AND REGARDING SUCH MORATORIUM; DIRECTING THE TOWN CLERK TO PUBLISH A NOTICE OF ZONING IN PROGRESS AS

APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Karukin presented the item. Commissioners expressed their viewpoints and agreed there is a parking problem however they feel the item needs closer review as they do not wish to discourage new businesses or developers in the town. Special Land Use Attorney Nancy Stroud gave some input on the item.

Public Speaker Lou Cohen was in favor of a moratorium and feels developers should not have the option of buying public parking spaces.

Public Speaker Peter Glynn was in favor of a moratorium and said we are selling parking spaces that we do not have.

Mayor Dietch and Vice Mayor Tourgeman were against a moratorium and feel we can resolve some issues in a different way but not be as harsh which may hinder future development.

Commissioner Karukin requested that we direct administration to amend the 90-77 code with the following provisions:

1. commission approval on all ptf applications
2. add a nominal interest rate for no more than 20 years
3. limit the number of spaces available determined by the Town Manager

Commissioner Karukin asked that we start a noticing process as soon as possible for zoning in progress.

Public Speaker George Koosoulas spoke on parking garages and what it entails. Mr. Koosoulas builds parking garages and was asked to give some details as to cost, etc. to the Town Manager.

Commissioner Karukin withdrew his previous request to the administration and made a motion to direct the Town Attorney to prepare an ordinance to modify section 90-77 adding a requirement for town commission approval on ptf applications, add an interest rate, limit the number of spaces based on a percentage to be determined, and to start the zoning in progress process and terms and cost. The motion received a second from Commissioner Olchyk and all voted in favor.

6. Good and Welfare (*Set for approximately 8:15 p.m.*)

Mayor Dietch opened the meeting to Good and Welfare.

No one wishing to speak the Mayor closed the meeting to Good and Welfare.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Discussion on Operating Hours of Grand Beach Skybar (Verbal) – Commissioner Michael Karukin

Commissioner Karukin made a motion to allow the Skybar to stay open until midnight provisionally until the end of summer 2014 and then reviewed again. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Cohen absent.

B. Condition of the Plans Scanning Machine – Commissioner Marta Olchyk Ross Prieto gave an overview and update on the item.

C. Enforcement of Allowing Dogs in the Narrow Walk Path – Commissioner Marta Olchyk

Commissioner Olchyk had visuals of signs not allowing dogs and said these are not being enforced and wants to know what we are to do about it. Town Attorney Miller spoke on the legalities and what portion of land is owned by condominiums.

Public Speakers:

--Michael O'Hagan thinks the signs are illegal and should be removed but also said dog owners must be responsible and pick up after their animals. Roxanne Fontaine is in agreement with Mr. O'Hagan and expressed how important dogs are for many people.

--Monica Grandeze said the signs should be enforced and dogs do not belong to the beach. She also indicated that many owners do not pick up after their animals.

--Terry Cohen said more receptacles are needed for dog refuse.

Vice Mayor Tourgeman is a dog lover but agrees with Commissioner Olchyk that dogs should not be allowed on narrow walking paths.

Commissioner Olchyk made a motion to defer this item. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Cohen absent.

Commissioner Olchyk made a motion to extend the meeting to 11:15. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Cohen absent.

D. Town Hall: Roof, Air Conditioning Issues and Remediation – Joseph Kroll, Public Works Director

Commissioner Karukin made a motion to have the a/c and remediation done as soon as possible. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Cohen absent.

E. Approval of Budget Schedule for FY 14/ 15 – Donald Nelson, Finance Director Change of date for Special Budget Meeting now scheduled for Wednesday, July 16, 2014 (5:00-7:00 p.m.)

The Commission all approved the change in schedule with Commissioner Cohen absent.

- F. Community Center Expansion – Outreach and Planning Initiative – Michael P. Crotty, Town Manager**
- G. Sand Update after Town Hall Meeting – Michael P. Crotty, Town Manager [ITEM TO BE DELIVERED SEPARATLY DUE TO THE TOWN HALL MEETING BEING HELD ON MONDAY, JUNE 2, 2014]**

Mayor Dietch opened the meeting to the public.

Public speakers:

- Miguel Vainstein very unhappy with the beach that was once very pristine and is now dirty and unhealthy
- Alex Front did some testing of sand samplings and found levels of lead in some areas. The Commission asked Mr. Front if he would provide his report and previous reports to the Town Manager
- Scott Stripling said his concern was how could DERM allow sand coming from a construction site be allowed to be placed on the beach without a complete toxicology study done. He feels that State guidelines have failed the Administration and the citizens of the town.
- Renee Tischler thanked the Commission for being responsive to this issue. However she will not bring her children to the beach. After hearing the independent study done and other citizens who said they would not bring their children to the beach because it is unhealthy she would like a response from the Commission.
- George Koosoulas asked that we actively pursue removing the sand.
- Tina Paul shared some old photos of how beach restoration was done by piping in sand from the ocean. She also had current photos and asked why the dunes were destroyed.
- Barbara Woolverton displayed beach sand she had collected which contained plastics, wood, cement and other debris and was high in lead content. The sand was not sifted properly and the sand must be removed.
- Marianne Meischeild said research she has done indicates that the sand is unhealthy and the Commission must vote to remove the excavated sand from our beach
- Deborah Cimadavilla said the DERM background study is flawed and cannot be trusted. She pleaded with the Commission to take action and remove the sand.
- Larisa Alonso took her child to the beach and he became sick. The beach is unhealthy and children are especially vulnerable. She indicated she will no longer take her children to the beach.
- Monica Grandeze would like the sand to be tested for lead and asbestos
- Howard Weinberg feels the Commission has no other option but to remove the existing sand and must put health before wealth.
- Jeff Platt feels the Commission is not acting in the best interest of the citizens of the town and perhaps are siding more with developers. The citizens clearly want the sand removed.
- Roxanne Fontaine spoke how the beach and sand situation is affecting real estate and people now hesitating to invest.
- Stephanie Romani said she will not take her children to the beach until the sand is changed as the last time she was there with them they got an eye infection.

--Manellz Rosetto said although she likes the action plan it is more of a communication item and shows no action to be taken. She is very unhappy with the sand on the beach and not happy with the Commission allowing this to take place.

No one else wishing to speak the Mayor closed the public speaking. The Mayor thanked everyone for their time and effort regarding this issue.

Vice Mayor Tourgeman said his big concern is resident safety first. Commissioner Cohen said they relied on expert testing and there is a debate as to its accuracy and perhaps further testing should be done. Commissioner Olchyk expressed her love for the beach and said that the Commission has been following the advice of experts and perhaps now they have to look further into this issue and cannot vote on this tonight. Commissioner Karukin said that the town did not do this but the State gave the permission to go ahead. He further stated that the arsenic levels were not a health emergency but just found out about the lead levels. He believes the action plan they have will address many concerns. Mayor Dietch addressed some of the issues raised by the public speakers. He firmly stated that the Commission is only on the side of the citizens and their best interests. He also spoke on the composition of the sand and said the experts said it will bleach out, the dunes, and erosion. The Mayor said the Administration welcomes feedback from its citizens.

Town Manager Crotty gave a summary on the plan of action.

Commissioner Karukin made a motion that the action plan be approved with the friendly amendment made by Mayor Dietch with the Town crafting its own regulation that require chemical testing and additional testing for lead and asbestos. The motion received a second from Vice Mayor Tourgeman and all voted in favor.

H. Environmental Stewardship Policies and Procedures – Mayor Daniel Dietch
All members gave a vote of support on the issue with Commissioner Cohen absent.

I. 88th Annual Florida League of Cities (FLC) Conference Voting Delegate – Sandra Novoa, Town Clerk
The Mayor asked that the Town Clerk contact Commissioner Cohen and ask if he wanted to be on the FLC and to report back in the event they need to find another delegate. The Commission voted in agreement.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 11:15 p.m.

Accepted this _____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



**Town of Surfside
Town Special Commission Meeting
Proposed Charter Ballot Questions
MINUTES
June 18, 2014
7 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:01 P.M

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Tourgeman, Commissioner Karukin, Commissioner Olchyk and Commissioner Cohen.

C. Pledge of Allegiance

Hector Perez led the Pledge of Allegiance

D. Introduction by Linda Miller, Town Attorney

Town Attorney Linda Miller

**E. Presentation by Commissioner Michael Karukin - Charter Review Board Liaison
Commissioner Karukin**

Commissioner Karukin gave a power point presentation and said their job this evening was to select which items will be put on the ballot. He asked that the slide presentation be put on the website so the community has the opportunity to read each item as they are quite dense. He suggested that no more than eight items be considered for inclusion in the ballot but even less 3 or 4 focusing on high priority items. Commissioner Karukin identified the following items:

1. Qualifying for Office – After reading the qualifications which also specify that the candidate must be a resident for at least one year the Commission voted 5-0 to go forward.
2. Induction into Office – There was discussion as to when results are certified by Miami-Dade County and when candidates are inducted into office and the hold over period. Mayor Dietch had questions regarding as what happens if a candidate is contested after election. After much discussion the Commission voted 5-0 not to put this item on the ballot.
3. Vacancy on Commission – The Commission agreed to remove the paragraph “consistent with Charter Section 19” and voted 5-0 to move this item forward.

4. Vacancy in Candidacy – The Commission voted 5-0 to move this item forward.
5. Canvassing Board – Town Attorney Miller gave more insight on this item. The Commission voted 5-0 to move this item forward.
6. Qualifications for elected office – Town Clerk Novoa explained the qualifying procedure and timeline for petitions. There was some discussion regarding item 1 and 2 under qualifications and it was agreed that they will only deal with item 1 which was changing the qualifying period to a 45-65 day qualifying period. The Mayor is asking the Commission to not shorten the qualifying period from 20 days to 10 days as he does not want to give the perception that would make it seem more difficult to become a candidate. Questions arose as to how much time a candidate has to correct his application in the event Dade County finds a problem with some signatures on the petition. It was agreed that the qualifying period should reflect 45-65 days.
7. Staggered Terms (4yr Commission/2yr term Mayor) – There was some discussion as to how the Vice Mayor is appointed. The Vice Mayor selection shall be by the Town Commission. The staggered 4 year terms was clarified. The Commission voted 5-0 to move this item forward.
8. Runoffs – The Commission voted 5-0 to move this item forward.
9. November Election – Discussion changing the Commission election date to November would be cost efficient as well as getting a better voter turnout. If this is approved, then the regular schedule election of March 2016 will elect a Commission that will have an 8 month hold over until the new election date of November 2018.

Vice Mayor Tourgeman made a motion that the March 2016 election will have an 8 month hold over for the then seated Commission with the new election taking place in November 2018. The motion received a second from Commissioner Olchyk and all voted in favor.

F. Discussion and Selection of Proposed Charter Ballot Questions – Linda Miller, Town Attorney

Commissioner Olchyk brought to mind the cost of having a special attorney draft the new Charter and feels this was unnecessary and we should not go to the outside again. Commissioner Karukin said the end result was very good but agreed it was more costly than anticipated and next time they will look at this differently.

Commissioner Karukin recapped all the items and felt they have selected too many ballot questions. Vice Mayor Tourgeman thought all the items were fine to submit if we simplify the language so the voters have a clear understanding of the 8 items selected.

The Mayor has directed the Town Attorney to cross check for inconsistencies and bring back a plan moving forward at the July 8, 2014 Commission meeting.

Commissioner Olchyk made a motion to accept the Mayor's direction to the Town Attorney. The motion received a second from Vice Mayor Tourgeman and all voted in favor.

The Mayor thanked Anthony Blate, Member of the Charter Review Board for his work on the Board. Mr. Blate then thanked Town Manager Crotty, Town Attorney Miller, and Town Clerk Novoa for their dedication and hard work.

The Mayor asked for a vote to accept all 8 items to go forward and the Commission voted 5-0 in favor.

2. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 8:59 p.m.

Accepted this ____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



**Town of Surfside
Special Town Commission Meeting
MINUTES
June 24, 2014
6 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 6:02 P.M.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Tourgeman, Commissioner Karukin and Commissioner Olchyk. Commissioner Cohen was absent.

C. Pledge of Allegiance

Human Resources Director Yamileth Slate-McCloud led the Pledge of Allegiance

Commissioner Cohen arrived at 6:04 p.m.

D. Discussion of Town Manager Transition Plan – Michael P. Crotty, Town Manager

Town Manager Crotty spoke regarding the transition plan and his letter of resignation to the Commission dated June 20, 2014. He went over the terms of his contract which provide for at least sixty (60) days notification and said he would be available for additional meetings going forward until such time or if the Commission desires a shorter period of time or if the Commission wishes to extend the time until a replacement is found. Town Manager Crotty said the Mayor has been in contact with Rick Schnieder, Special Labor Council and has gone over the separation agreement. Manager Crotty said he would answer any questions the Commission may have regarding the separation agreement.

Commissioner Karukin made a motion to accept the resignation of Town Manager Crotty. The motion received a second from Commissioner Olchyk and all voted in favor.

Mayor Dietch expressed his appreciation for the service Manager Crotty has given to the community. Commissioner Cohen thanked Manager Crotty as being a wonderful guide for him in his newly appointed Commission seating. Commissioner Olchyk said she was very sorry that he was leaving as he has been a very good Manager, treated everyone fairly and in equal standing, was honest and has delivered the things he said he would for the town. She further indicated that she respected Manager

Crotty very highly, it was a pleasure working with him and wishes him well. Commissioner Tourgeman alluded to what Commissioner Olchyk said and added he hated to see him go and appreciated the time they have spent together and said he has done a fine job for the town. Commissioner Karukin reiterated all that was said and added that one of the characteristics Manager Crotty brought to the table was trust and the residents had seen that. Commissioner Karukin thanked him for his service to the town and wished him well.

Mayor Dietch went over some of the details of the separation agreement which were consistent with the Manager's contract and was suggesting that a payout in its entirety to include accrued vacation and sick time. The Mayor said when the Town Manager was hired there was a provision for financial support for relocation with the condition that if he left before two years it would have to be repaid. The Mayor does not feel that we need to recall the relocation expenses. The Mayor said in the separation agreement we would not invoke that provision. The Mayor said there was a confidentiality provision and non disparity agreement and the Town Manager has read the separation agreement and has agreed to it.

The Mayor asked the Commission if they had any questions and there were none and the Mayor asked for a motion.

Commissioner Karukin made a motion to accept the Separation Agreement. The motion received a second from Commissioner Olchyk and all voted in favor.

The Mayor then said we need a plan to move forward with the selection of a new Town Manager. He indicated there is a lot going on now in the town. The Mayor said there is an opportunity to consider someone who is well known to the Town and the Commission and that was former Public Works Director William Evans who left for professional advancement. The Mayor read some of Mr. Evans strengths and feels he has advanced even more in his qualifications for this job. The Mayor said he had been in contact with Mr. Evans and Mr. Evans would accept the position of Town Manager.

Commissioner Karukin concurred with the Mayor and thought Mr. Evans is totally the right person for the job and would like to bring him back to the town and is ready to make a motion.

Vice Mayor Tourgeman disagreed and felt we need to go through the public process as it needs to be transparent and would like to interview candidates.

Commissioner Olchyk said she very much likes Mr. Evans and has worked with him previously when he was Public Works Director. However, Commissioner Olchyk finds it very offensive that the Commission was not notified first that there was someone to be considered and that an offer was made and accepted. She strongly said that as a matter of principle and as a Commissioner she does not like to be presented with a fete de compli that someone has been contacted and offered the position with some members of the Commission having no voice in it. Because this was done in

this manner Commissioner Olchyk objects at this time. She would like to have a local search and find the best candidate.

Commissioner Cohen spoke and said he was sure the Mayor and Commissioner Karukin feel that Mr. Evans is highly qualified and having no knowledge of the candidate would go with the recommendation of the Mayor. However, he feels that we owe it to our constituencies to have a search and go through the process. He further stated that he has a vision of a town manager who would take the town of Surfside to the next level and would like to review resumes and interview candidates to assure we have found the right one. He concurs with Commissioner Olchyk that we should not make this a very costly process and advertise locally and perhaps through the Town Managers Association.

The Mayor responded to the Commission by stating that he never intended to offend anyone or deny them their rights and responsibilities as elected officials as that would be the furthest thing from his mind. He said that he sees that we are in a crisis because there is so much going on in the town and there are many challenges that have been going on for many months and challenges that come in every day. He presented the candidate as an option not as a fete de compli and he is not adverse to a public process. He further stated that he has always fought for transparency and honesty as that is what he stands for. He presented this option because he knows of Mr. Evans capabilities and felt this was an attractive consideration. However, if the Commission feels otherwise he will go along with their decision.

Vice Mayor Tourgeman said he has reservations about the issue as he came to the meeting, read a memo and someone was ready to make a motion to accept the candidate in question. He feels that this is not due process and agrees with Commissioner Olchyk and Commissioner Cohen. He said he has no negativity toward Mr. Evans but feels we owe ourselves due process and to interview candidates so we can compare.

Commissioner Karukin made it clear that he was the one who called Mr. Evans without consulting anyone when he heard that Manager Crotty was resigning. He felt that Mr. Evans would be perfect for the job. He called Mr. Evans and asked if he would be interested if his name was put in the hat as a candidate and Mr. Evans replied yes. That was the end of the conversation and things proceeded from there. He said this was not the Mayor's initiative. He feels that Mr. Evans is a perfect fit for the town.

Commissioner Cohen said he understands the positions of the Mayor and Commissioner Karukin but also that Manager Crotty indicated he would be there for the town through the transition period and is not jumping ship. Since he has no knowledge of Mr. Evans and never interviewed him he cannot vote either way at this time. One of the concerns he has is that Mr. Evans has been with Sunny Isles for only two years and is willing to leave for a better opportunity in such a short period of time and if that would happen again in Surfside and although this may not happen he would like to get someone who is in for a longer haul.

The Mayor asked the Commission what process they should like to follow. Commissioner Olchyk suggested we let Human Resources utilize all free avenues available for advertising the position and consult with Town Manager Crotty for organizations he is familiar with.

Human Resources Director Yamileth Slate-McCloud presented a chart showing the recruitment process. Director McCloud said in order to go forward she needs approval from the Commission as to the job description, salary and a cutoff date for acceptance of applications and who will review the applications to create a short list. These items should be finalized by the July 8th Commission Meeting. Director McCloud listed the publications where they would advertise the position and if there was a fee. Director McCloud detailed more of the process after applications are received. The Town Commission agreed to utilize the same job description, salary range and requirements used in the previous Town Manager's recruitment.

Commissioner Karukin feels that this process is too long and burdensome when we have an ideal candidate at our doorstep.

Commissioner Cohen said there is no reason why they cannot interview Mr. Evans now but still accept applications and interview others so they are sure they have the right candidate. He suggested we shorten some of the time frames on items and make a decision tonight to at least get the advertising out as he feels we will have a good response.

After some discussion it was agreed that as part of the criteria to create a short list, the applicant should have South Florida experience and that Manager Crotty be involved in the selection process. Mayor Dietch suggested that staff narrow the list to ten applicants and the Commission then narrow it down to five applicants.

Manager Crotty presented some options to move things up and said advertising could go out in July with applications coming in as soon as three weeks and the selection process could be done as early as August. The Commission agreed to this timeframe.

2. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 6:52p.m.

Accepted this _____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



**Town of Surfside
Special Town Commission Meeting
Quasi-Judicial Hearing
MINUTES
June 24, 2014
7 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:00 P.M.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Tourgeman, Commissioner Karukin, Commissioner Olchyk and Commissioner Cohen.

C. Pledge of Allegiance

Building Official Rosendo Prieto led the Pledge of Allegiance

2. Quasi-Judicial Hearings

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.

A. Shul – Michael P. Crotty, Town Manager *[This item will be deferred to a time certain to be determined at the June 24, 2014 Special Town Commission meeting]*

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, AND A SPECIAL EXCEPTION FOR A PRESCHOOL, PURSUANT TO SECTION 90-37 OF THE ZONING CODE TO PERMIT A 5,122.9 SQUARE FOOT MULTIPURPOSE ROOM AND A 51,850 SQUARE FOOT THREE STORY CLASSROOM FACILITY, INCLUDING AN EXPANSION OF THE EXISTING PRESCHOOL AND EXCLUDING A SCHOOL, AS SUBMITTED BY THE SHUL, SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Mayor Dietch explained the reasons why this item needed to be re-schedule. Mayor Dietch opened the meeting.

Town Clerk Sandra Novoa read the title of the resolution.

Mayor Dietch closed the meeting.

Vice Mayor Tourgeman made a motion to re-schedule this meeting to a time certain on August 26, 2014 at 7:00 p.m. The motion received a second from Commissioner Cohen. Town Clerk Sandra Novoa called the roll and the motion carried 5-0.

3. Adjournment

There being no further business to come before the Joint Meeting Workshop, the meeting adjourned at 7:03 p.m.

Accepted this _____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2013/2014

AS OF

April 30, 2014

58% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: JULY 8, 2014

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$ 8,196,478	\$12,197,616	67%
EXPENDITURES	6,202,481	\$12,197,616	51%
Net Change in Fund Balance	1,993,997		
Fund Balance-September 30, 2013 (Audited)	5,304,042 ^A		
Fund Balance-April 30, 2014 (Reserves)	<u>\$ 7,298,039</u>		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$ 163,354 ^B	\$287,471	57%
EXPENDITURES	186,299	\$287,471	65%
Net Change in Fund Balance	(22,945)		
Fund Balance-September 30, 2013 (Audited)	94,497		
Fund Balance-April 30, 2014 (Reserves)	<u>\$ 71,552</u>		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$ 32,704	\$46,000	71%
EXPENDITURES	29,977	\$46,000	65%
Net Change in Fund Balance	\$ 2,727		
Fund Balance-September 30, 2013 (Audited)	138,143		
Fund Balance-April 30, 2014 (Reserves)	<u>\$ 140,870</u>		
TRANSPORTATION SURTAX			
REVENUE	\$ 335,451	\$196,916	170%
EXPENDITURES	93,310	\$196,916	47%
Net Change in Fund Balance	242,141		
Fund Balance-September 30, 2013 (Audited)	131,475		
Fund Balance-April 30, 2014 (Reserves)	<u>\$ 373,616</u>		
CAPITAL PROJECTS			
REVENUE	\$ 564,865	\$1,054,770	54%
EXPENDITURES	1,268,661	\$1,054,770	120%
Net Change in Fund Balance	(703,796)		
Fund Balance-September 30, 2013 (Audited)	255,263		
Fund Balance-April 30, 2014 (Reserves)	<u>\$ (448,533)</u>		

NOTES:

* Many revenues are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.

A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$3,304,042 is unassigned fund balance (reserves).

B. Resort Tax Revenues for April 2014 are received in May 2014, the (Total collected through April 2014 is \$473,956) (\$163,354 is for TEDAC and \$310,602 is the General Fund).

ENTERPRISE FUNDS

ACTUAL

ANNUAL BUDGETED	% BUDGET
------------------------	-----------------

WATER & SEWER

REVENUE	\$ 1,586,807	\$3,190,000	50%
EXPENDITURES	1,167,603	\$3,190,000	37%
Change in Net Position	419,204		
Unrestricted Net Position-September 30, 2013 (Audited)	(5,261,333) C1		
Restricted Net Position	1,260,776 C2		
Capital Project Expenses to date for Water & Sewer	(100,959)	\$0	
Unrestricted Net Position-April 30, 2014 (Reserves)	\$ (3,682,312)		

MUNICIPAL PARKING

REVENUE	\$ 604,677	\$1,052,185	57%
EXPENDITURES	552,199	\$972,185	57%
Change in Net Position	52,478		
Unrestricted Net Position-September 30, 2013 (Audited)	1,066,574		
Capital Project Expenses to date for Municipal Parking	-	\$80,000	
Unrestricted Net Position-April 30, 2014 (Reserves)	\$ 1,119,052		

SOLID WASTE

REVENUE	\$ 913,999	\$1,336,241	68%
EXPENDITURES	749,492	\$1,336,241	56%
Change in Net Position	164,507		
Unrestricted Net Position-September 30, 2013 (Audited)	227,274		
Unrestricted Net Position-April 30, 2014 (Reserves)	\$ 391,781		

STORMWATER

REVENUE	\$ 289,187	\$505,000	57%
EXPENDITURES	169,964	\$505,000	34%
Change in Net Position	119,223		
Unrestricted Net Position-September 30, 2013 (Audited)	2,520,512		
Restricted Net Position	347,140 C3		
Capital Project Expenses to date for Storm Water	(49,379)	\$0	
Unrestricted Net Position-April 30, 2014 (Reserves)	\$ 2,937,496		

NOTES:(con't)

C1. The reserves balance of (\$3,682,312) is the result of a change in current net position as of April 2014 of \$419,204, net position as of September 30, 2013 of (\$5,261,333) includes \$651,144 for rate stabilization, plus Restricted Net Position of \$1,260,776, less Capital Project expenses of (\$100,959) paid through April 2014 on the Utility Project.

C2. The Restricted Net Position of \$1,260,776 includes \$1,017,776 for renewal and replacement, and \$243,000 for State Revolving Loan reserves.

C3. The Restricted Net Position of \$347,140 includes \$266,140 for renewal and replacement, \$81,000 for State Revolving Loan reserves.


Donald G. Nelson, Finance Director


Michael P. Crotty, Town Manager

**ATTACHMENT

Town of Surfside
Fund Balance (Reserves)
April 30, 2014

FUND	9/30/2011	9/30/2012	9/30/2013	4/30/2014
General	\$ 4,256,315	\$ 5,266,374	\$ 5,304,042	\$ 7,298,039
Resort Tax	184,867	171,496	94,497	71,552
Police Forfeiture	117,889	122,272	138,143	140,870
Transportation Surtax	239,760	122,302	131,475	373,616
Capital	399,754	132,783	255,263	(448,533)
Water & Sewer	2,692,379	(1,931,707)	(5,261,333)	(3,682,312)
Parking	1,385,581	1,258,325	1,066,574	1,119,052
Solid Waste	207,462	228,437	227,274	391,781
Stormwater	342,240	104,651	2,520,512	2,937,496
Total	\$ 15,301,180	\$ 9,951,380	\$ 4,476,447	\$ 8,201,561

TOWN OF SURFSIDE, FLORIDA

**STATEMENT OF NET POSITION
PROPRIETARY FUNDS**

SEPTEMBER 30, 2013

	Business-type Activities - Enterprise Funds				Totals
	Water and Sewer	Municipal Parking	Sanitation	Stormwater Utility	
Assets					
Current Assets					
Cash and cash equivalents	\$ 38,012	\$ 189,725	\$ 271,463	\$ --	\$ 499,200
Accounts receivable, net	647,746	15,661	80,505	96,705	840,617
Due from other funds	--	916,291	--	2,860,408	3,776,699
Due from other governments	--	--	7,105	--	7,105
Prepaid items	17,180	2,950	6,575	885	27,590
Total Current Assets	702,938	1,124,627	365,648	2,957,998	5,151,211
Noncurrent Assets					
Investments	5,873	--	--	--	5,873
Restricted cash and cash equivalents	1,906,402	--	--	1,526,621	3,433,023
Capital Assets					
Construction in progress	22,426,000	--	--	2,962,873	25,388,873
Land	--	1,358,011	--	--	1,358,011
Infrastructure	1,273,252	1,427,934	--	267,828	2,969,014
Equipment	157,215	468,019	378,200	--	1,003,434
	23,856,467	3,253,964	378,200	3,230,701	30,719,332
Less: accumulated depreciation	(1,299,278)	(894,544)	(312,432)	(100,278)	(2,606,532)
Total Capital Assets, Net	22,557,189	2,359,420	65,768	3,130,423	28,112,800
Total Noncurrent Assets	24,469,464	2,359,420	65,768	4,657,044	31,551,696
Total Assets	25,172,402	3,484,047	431,416	7,615,042	36,702,907
Liabilities					
Current Liabilities					
Accounts payable	407,449	29,678	28,006	23,365	488,498
Accrued liabilities	50,857	10,604	17,980	2,849	82,290
Due to other funds	3,776,699	--	--	--	3,776,699
Due to other governments	69,838	--	--	--	69,838
Interest payable	183,502	--	--	61,167	244,669
Retainage payable	355,474	--	--	36,485	391,959
Current portion note payable	--	80,000	--	--	80,000
Current portion of revenue bonds payable	410,055	--	--	136,685	546,740
Current portion of state revolving loan payable	158,987	--	--	52,996	211,983
Compensated absences	2,101	727	6,791	39	9,658
Customer deposits	188,664	6,860	8,611	--	204,135
Total Current Liabilities	5,603,626	127,869	61,388	313,586	6,106,469
Noncurrent Liabilities					
Net OPEB obligation	11,341	3,636	15,864	2,573	33,414
Compensated absences	18,917	6,548	61,122	353	86,940
Revenue bonds payable	7,781,967	--	--	2,656,641	10,438,608
State revolving loan payable	5,282,895	--	--	1,760,966	7,043,861
Total Noncurrent Liabilities	13,095,120	10,184	76,986	4,420,533	17,602,823
Total Liabilities	18,698,746	138,053	138,374	4,734,119	23,709,292
Deferred Inflows of Resources					
Unearned revenue	18,839	6,860	8,611	--	34,310
Net Position					
Net investment in capital assets	10,474,213	2,279,420	65,768	13,271	12,832,672
Restricted for renewal and replacement	1,017,776	--	--	266,140	1,283,916
Restricted for loan reserve	243,000	--	--	81,000	324,000
Unrestricted	(5,261,333)	1,066,574	227,274	2,520,512	(1,446,973)
Total Net Position	\$ 6,473,656	\$ 3,345,994	\$ 293,042	\$ 2,880,923	\$ 12,993,615

The accompanying notes are an integral part of these financial statements.



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

**TOWN MANAGER'S REPORT
 JULY 2014**

COMMUNITY PROGRAMS/INITIATIVES/ENHANCEMENTS

1. Bus Service

Discussions have now been completed with the Managers of Bal Harbour, Bay Harbor Islands and Sunny Isles Beach. Each municipality has expressed its desire to participate in this multi-jurisdictional transportation analysis in order to provide a bus transportation system that is more responsive to its residents ridership needs by attempting to provide a coordinated schedule and routes; expand designation options (Mount Sinai; Aventura Mall, etc.); reduce costs by eliminating overlapping routes and number of vehicles; and provide linkages to the Miami-Dade transportation system.

Miami-Dade CITT has agreed to organize the coordination of the three bus circulators (Surfside, Bal Harbour and Bay Harbor) in an attempt to identify a more efficient routing that would reduce the overall operating costs.

Each community will appoint a contact person to identify the stops that are necessary. Sunny Isles did not attend but will be asked to participate. Expected timeline for this effort is three (3) months, at which time a revised routing plan should be available for local review, ultimately leading to an interlocal agreement. Duncan Tavares will serve as the Town's representative.

2. Joint Skate Park with City of Miami Beach

The proposal of a skate park located between 86th and 87th streets through a partnership between the Town of Surfside and Miami Beach was presented by Miami Beach Parks and Recreation Department to the Miami Beach Commission on January 15, 2014. The Miami Beach Commission requested staff to prepare a comprehensive Master Plan for the considerable amount of land in the very extreme north area of Miami Beach owned by the City. The City Commissioners indicated that this area should be developed as part of an overall plan. Miami Beach staff reports that the recreational master planning process for the North Beach area is moving forward and a skate park is included in the project; however, the location will likely be several blocks to the south and incorporated near or in the development of a recreation complex at the Log Cabin site.

At the April 23 Miami Beach Commission meeting, follow-up discussion was held and the Commission did not support a skate park in this vicinity. Miami Beach Parks and Recreation Director John Rebar wrote following the April 23 meeting that, "at this time, Commission is not in support of a

skate park anywhere along the west lots 79th through 87th. These lots are now part of a much larger North Beach revitalization plan. The direction is to not invest any capital funds on these lots until the long range vision has been determined". Discussions will continue to explore these options with Miami Beach representatives.

3. Turtles Project – Art in Public Places

The resident who would like to see the Turtles removed was invited to approach the Tourist Board at the June 9, 2014 meeting. She declined to attend. Item completed.

DOWNTOWN BUSINESS DISTRICT AND TOURISM

4. Harding Avenue Streetscape Plan

The nine (9) street benches arrived on May 28 and were installed by Public Works. We have replaced (under warranty) four Medjool palms since the initial planting. The news rack is being repainted and will be placed on the sidewalk along the north side of the building at the southwest corner of 95th and Harding Avenue.

5. Downtown Vision Project

DVAC met on June 23 – the next meeting is October 27. Discussion items included the BID Ballot update, the Sign Code process update, and the Parking Trust Fund update. The Committee also brainstormed on possible parking structure options/ideas/features for the Abbott lot.

BID: The referendum ballot was mailed certified to the Surfside downtown business district property owners on May 28. The Town Clerk verified the results on June 13 as follows:

- 15 ballots in support of the BID
- 12 ballots against the BID
- 20 unreturned ballots

Therefore the BID failed. A report on this is provided to the Town Commission as part of the July 8, 2014 meeting. **(Action Item)**

6. Sidewalk Ordinance Implementation

The Town has received the signed copies of the Sidewalk Café Agreement with FDOT. The Building Department will oversee the roll out and management of this with the assistance of Code Compliance, Public Works and TEDACS. Door to door outreach to the downtown restaurants was conducted the week of February 24, 2014 and March 3, 2014:

- Letters on ADA Path of Travel: Code Compliance staff hand delivered letters signed by the Town Manager to all restaurants requesting their assistance in keeping the sidewalk open for pedestrians and informing them of their responsibility to clean their sidewalk each

evening. Code Compliance staff has been monitoring "Path of Travel" provisions and has witnessed a marked improvement and restaurants have mostly been observant, excepting minimal situations wherein patrons may have moved the furnishings themselves.

- **Sidewalk Furniture:** Once all applications for sidewalk cafes are received and processed, Code Compliance expects to follow the Ordinance requirements which have very specific enforcement procedures, including removal of furnishings if warranted. However, the Town has yet to begin enforcement associated with "leaving furniture on the sidewalk outside of business hours", as the new sidewalk café ordinance procedures, including application, have yet to be fully implemented.

A survey of the sidewalks, that includes the new downtown streetscape, has been completed. This will now enable the Building Department to meet with each business individually to assist with the Sidewalk Café Application and to determine what furniture can be accommodated and where it can be placed. Once these determinations are made, the businesses must comply or face stringent code enforcement that could result in removal of the furniture or closure of the outside seating.

Sidewalk Café permit applications will be included with the LBTR/CU renewals which will be sent to businesses the second week of July. Businesses, which have sidewalk cafés, will be required to submit their application with LBTR/CU renewal or cease the sidewalk café.

7. Parking Structure Feasibility Study

The report entitled "Parking Solution: The Next Step" was presented to the Commission on April 1, 2014 and was an agenda item for the April 8 Commission meeting.

At the May meeting, the Commission approved the proposal of Lambert Advisory to assist in the process of evaluating the Public Private Partnership (P3) recommendation contained in the April 1, 2014 report for the Post Office site. The initial work to be undertaken includes necessary economic/market analysis to ultimately determine feasibility of a P3 and identification of strategic opportunities to ensure a successful P3. Status meeting with Lambert Advisory is scheduled for July 3. Following this meeting, the final timeframe for the completion of Task 1 will be known.

8. Five Year Tourism Strategic Plan

The new Tourist Board Members have been provided with the Plan as well as the Resort Tax Ordinance (including the recommended changes), FY 13/14 Budget documents etc. The Tourist Board will focus on the FY 14/15 budget as identified in the Five Year Tourism Strategic Plan over the next couple of months.

INFRASTRUCTURE AND UTILITIES

9. 95th Street End Project

The Public Works Director is working as the General Contractor for phase 2 of this project (bulkhead to the hard pack). Luke's Landscaping will be the main sub-contractor (clearing, bringing in fill material, top soil, trees and ground cover and concrete sidewalks and stairs). Town staff will install the shower and benches. This will be on the August Commission agenda for approval with work scheduled to start mid-August.

10. Seawall Project

See report in Agenda packet (Agenda item 9A) for status report on bids and options available to undertake seawall improvements. **(Agenda Item)**

11. Community Center Expansion: Second Floor Addition

During the December 17, 2012 Parks and Recreation Committee meeting, the second floor of the Community Center was listed by the Committee as the top priority for the Parks and Recreation Infrastructure Plan. The FY 13/14 proposed budget contains \$100,000 funding from voluntary proffers to undertake conceptual planning and design of projects including the second story addition to the Community Center. This funding is subject to the Commission approving a Five Year Capital Parks and Recreation Plan. The Resolution adopting the Five Year Capital Parks and Recreation Plan was approved at the September 17 Commission meeting.

The Town Manager moderated a May 14 Community Discussion to kick-off this exciting community project. The objective of the discussion was to arrive at consensus of the process to be utilized. It was suggested that the process should appropriately be led by the Parks and Recreation Committee and the Tourist Board as their responsibilities are closely aligned with most aspects of the Community Center. A final process to facilitate outreach and initial planning of the expansion will be on the June agenda.

A joint meeting between the Parks and Recreation Committee and Tourist Board was held on May 19, 2014 to review the possibility of forming a joint community center expansion committee. This concept was approved and the first official meeting of the committee was held on June 9, 2014 at 7:00pm in the commission chambers. This meeting was televised on channel 77. Information was provided to the committee on past proposal for a second floor to the community center. The committee will review this information and start to formulate and provide a priority list of what should be included on the second floor.

The next scheduled meeting is July 7, 2014 7:00 pm in the commission chambers. These meetings will alternate between the regularly scheduled Parks and Recreation Committee and Tourist Board meetings monthly until the Fall. The goal is to have a recommendation for the Town Commission at that time. **(Agenda Item)**

12. Biscaya Drainage

A community meeting is scheduled with Biscaya residents on site for July 10, 2014 at 7:00 pm. This meeting is a pre-construction meeting set up to discuss the construction process, start date, length of job and to answer any questions before the start of the project. The Project is tentatively scheduled to start the first week in August.

13. Town Hall and Tennis Hut Improvements

TENNIS HUT

Decon Environmental is half way through the rehabilitation of the tennis center. The walls on the interior have been stripped down, cleaned, and re-inspected for mold. No mold was found. The process to move forward with closing up the walls has started. In order to move forward with the closing of the walls, an electrical inspection was requested. During the inspection process from the Town's electrical inspector, it was discovered that the existing main electrical panel, conduit, and outlets did not meet code and needed to be replaced prior to proceeding further. Decon submitted a proposal utilizing the Broward County School Board bid to do this electrical work. This would be Change Order 1 to this project. Cost to address electric code deficiencies is \$3,965.

TOWN HALL

Remediation and replacement - Decon Environmental Company, who is currently remediating the tennis center, has submitted a proposal to remediate Town Hall once the roof and A/C are replaced for a cost of \$ 28,368.21.

Roof - The roof bid opening was on June 20, 2014 and Unlimited Roofing was the low bidder with a cost of \$57,700.00. This item is on the July 8, 2014 Commission agenda for approval.

A/C – Bid opening for the A/C is scheduled for July 7. The information in the Agenda packet includes the Resolution and Commission Communication except for the successful bidder and bid amount.

The roof and A/C projects will run concurrently with an expected finish date at the end of August.
(Action Items)

PLANNING, ZONING AND DEVELOPMENT

14. The Shul Project

The Shul application was heard at the February 27, 2014 Planning and Zoning Board meeting and the Town Commission will consider at a special quasi-judicial public hearing in August. An independent traffic consultant has been retained to analyze the study submitted by the Shul as well as review existing conditions.

15. Massing and Zoning Discussion

At the May 15, 2013 meeting, the Town Commission directed the Town Manager to set up a Joint Workshop with the Planning and Zoning Board to discuss zoning issues. Those issues were clarified at the July 25, 2013 Planning and Zoning Board meeting and the Manager announced that the public is encouraged to provide comments regarding the zoning code on a form provided on the website. Vice Mayor Karukin clarified his concerns in a July, 2013 meeting with the Town Attorney and Staff and these specific issues have been discussed at the August, 2013 Planning and Zoning Board meeting. The Planning and Zoning Board has asked Staff to look at side setbacks as a percentage of the lot width to increase the current setbacks, removing the side setback requirement, require parking below grade, requiring building lengths to be no greater than 150 with 30 feet of separation, explore breezeways and consider building platforms no greater than 30 or 40 feet in height without a break similar to the conditions at the Surf Club.

A presentation with follow-up discussion was made at the October, 2013 Planning and Zoning meeting. Staff prepared a rendering for the December 19, 2013 Planning and Zoning Board meeting demonstrating three options for building length modification. The renderings demonstrated that the building separations were not adequate for meeting the intent of the Board, therefore Staff prepared additional revisions to the renderings and language for the ordinance, which was presented at the May 29, 2014 Planning and Zoning Board meeting. The Town Commission will be presented with an ordinance at an upcoming meeting.

16. Sign Code

The Town Commission authorized CGA to proceed with a re-write of the Sign Code. The content was discussed by DVAC in March and at a Joint Meeting of the Town Commission and Planning and Zoning Board. The sign code eliminates inconsistencies and unenforceable provisions to provide a user friendly document. The final draft was presented to the Planning and Zoning Board on June 26, 2014. The Planning and Zoning Board agreed to permit open/closed signs and TVs in the storefronts, with limitations on the brightness of the illumination. The Board also requested all wall signs to be illuminated. The Town Commission will review this ordinance on July 8, 2014 on first reading. See Agenda item for ordinance and Commission Communication on the sign code rewrite (Agenda item 4B1).

17. Historic Preservation

The staff of the Miami-Dade Historic Preservation Board (Board) have identified 9 buildings along the west side of Collins Avenue as potentially historic structures. These include 9016, 9024, 9025, 9033, 9040, 9048, 9054, 9064 and 9340 Collins Avenue. The property owners were notified of the Board's interest in these buildings through a letter each property owner received notifying them that their property is now subject to a moratorium on all building permits until the Board held a public hearing to determine if the structure would be designated historic. The property owners contacted the Town asking for assistance in this matter. At that time, the Town contacted the Board's staff requesting a

meeting to discuss the implications of this moratorium and inform them of the Town's ongoing plans, including the parking structure analysis and the discussion of development standards on the block between Collins and Harding. Based on our discussion with the Board's staff, we indicated that it would be appropriate to request a deferral of a decision by the Board. The Board meeting was held on June 18, 2014 and Town staff requested a six month deferral to provide for an opportunity to work with the Board's staff. An attorney for one of the affected property owners was also present and asked for a three month deferral. The Board granted a three month deferral of the decision to designate the properties historic. The Town will schedule meetings with the appropriate parties in the coming weeks to determine a position on this matter prior to the September Miami-Dade Historic Preservation Board.

18. Land Development Regulations – Block Between Harding and Collins Avenues

At the September 30, 2013, Joint Planning and Zoning and Town Commission meeting, there was a discussion about the block between Collins and Harding Avenues and the high interest in redevelopment of this corridor. In an effort to stay ahead of the new construction, there was interest from both boards to prepare criteria to help guide future development into the desired development pattern. Based on that, a budget item will be included for an analysis and preparation of zoning criteria which includes the following:

- Preparation of new zoning criteria and comparison of existing conditions
- A review of green book traffic engineering standards as well as Miami-Dade County and FDOT as it relates to mid-block accessibility, walkways, pedestrian activity
- Impacts to existing buildings and strategies for potential non-conformities such as if there is a modification to an existing building, under what circumstances would the entire development need to be brought up to the proposed code
- Consistency of new criteria with comprehensive plan, including the 1989 Comprehensive Plan, which provided for a study of this corridor
- Consistency of new criteria with other sections of the zoning code such as off-street parking, signs, accessory structures, conditional uses, landscaping
- Requirements for open space in terms of landscaping, public space
- Coordination with legal in terms of vested rights, reduced density or intensity resulting from new zoning criteria
- Design criteria for pedestrian walkways

At the June, 2014 Planning and Zoning meeting, the Board voted unanimously to establish this as a top priority and recommended that a program modification be included in the FY 14/15 budget approving funding for this planning effort. The Commission will consider this during the budget review.

TOWN COMMISSION

19. Charter Review Board (CRB)

The Town Commission held a Special Meeting on June 18, 2014 and directed the Town Attorney to prepare Resolutions and Ballot Questions on the proposed Charter Amendments to be included with the July 8, 2014 Town Commission Agenda.

TOWN DEPARTMENTS

Building Department

20. FEMA National Flood Insurance Program (NFIP)

On June 27, 2014, the Town received a letter from Susan Wilson, Chief Floodplain Management and Insurance Branch, FEMA Office (Atlanta) informing us that FEMA has determined that Surfside's flood management program is compliant with the floodplain management criteria of the NFIP and that our CAV is now closed.

Also on June 27, we requested to immediately begin participating in the Community Rating System (CRS) so that our residents will be able to qualify for discounted flood insurance premiums. Ms. Wilson responded that the FEMA office will start the CRS application process.

21. Community Rating System (CRS)

Upon successfully completing the second and final meeting of the PPI Committee the application for ranking under the Community Rating System will continue as scheduled.

22. Forty Year Building Certification for Collins, Harding, Abbott Avenues and Surfside Blvd.

The 40 Year Building Certification Program is progressing as follows:

Reported certifications: 121 in present case file
Completed certifications: 40
Time extensions granted: 3
Exempt from Certification: 3
Vacant commercial properties: 11
Sent to Code Enforcement for non-compliance: 8
150 day repair order: 2
On hold: 4

Code Compliance Department

23. Code Compliance Priorities

The priorities for code compliance have been established by the Town Commission. The Administration was asked to bring the compliance periods and fine schedule back in the form of a resolution. The Town Commission approved, on first reading, Ordinance amendments that will remove fines from the Town Code and provide for all fines and compliance periods to be reflected in a newly proposed resolution that will be presented at the June 2014 Commission meeting. Said resolution will be accompanied by the second reading of the Ordinances that were approved at the May 2014 Commission meeting. **(Agenda Item)**

24. Sight Triangle (Hedges) and Corner Visibility

At the June 19, 2014, Special Commission Meeting, the Commission: 1) directed the Administration and Town Attorney to prepare an ordinance amending the sight triangle provisions reflecting a reduction in the sight triangle from 25 feet to 15 feet provided we do not go into private property; 2) provided policy direction to enforce planting restrictions and keep public easements and right-of-ways clear of hedges and shrubs; 3) consider relocation of certain stop signs and stop bars restrictions when possible in keeping with County and Police regulations; 4) paint curbs to keep vehicles from parking too close to the intersections; 5) establish a process to provide relief to those properties identified as "true hardship" cases. The Administration and Town Attorney will bring forth an ordinance amendment and proposed policy for the Commission's consideration in the coming months.

Parks and Recreation

25. Beach Management Agreement

Progress on a Town/Miami-Dade County Beach Management Agreement is dependent upon the County receiving specific authorization from FDEP permitting the County to assign certain management responsibilities to local municipalities. The County sent a letter to FDEP on March 17 requesting a determination that the County can assign maintenance/regulations to local governments. The County once again has received a denial from the State to move forward with this request.

26. Pool Tot Lot Repairs - Community Center

Work is still in progress on the final Phase of the repairs and work continues to move forward. The water playground continues to remain open. Due to the complexity of the playground apparatuses, special issue items are in need of minor repairs and will be replaced as the parts are received. The amount anticipated and budgeted for this project remains the same, not to exceed the retainer amount of \$22,600. Some minor repairs are still pending and will not be completed till the fall to keep from closing the tot lot during the summer months.

27. Tennis Programing

The Parks and Recreation Department will present options for operations including court rentals. The proposed budget did not include the funding request for the recreational software for the tennis facility. Due to budget constraints and the cost of the requested recreation software, other options will be explored.

28. Security Cameras at 96th Street Park

Parks and Recreation and the Police Department presented an option of placing security cameras in strategic areas at the park that will help identify/deter issues that arise at the park. Over the past 6 months, there has been a rash of cell phone thefts that cameras would have helped identify the person(s) involved. The cameras would also monitor patrons coming in and out of the park.

The cost of the cameras is \$7,744. Staff is researching the best alternative to make a recommendation on funding at the August Commission meeting.

Police Department

29. Women's Self Defense Class

The Surfside Police Department will host ongoing Women's Self Defense Classes from 6:00 pm to 8:00 pm in the police training room. The training shows how to resist and how to escape a sexual assault. The techniques are easy-to-learn and easy-to-use. The training also shows how to escape a standing assault and what to do if the attacker has you pinned on the ground. These techniques do not require strength, speed or coordination and are perfect for women of all ages and physical types. Classes are free of charge. Residents should contact Dina Goldstein, 305-861-4862 for dates of the classes.

Respectfully submitted

by: 
Michael P. Crotty, Town Manager



TOWN OF SURFSIDE
Office of the Town Attorney
 MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009
 Telephone (305) 993-1065

TO: Town Commission

FROM: Linda Miller, Town Attorney *DM*

CC: Michael P. Crotty, Town Manager

DATE: July 8, 2014

SUBJECT: Office of the Town Attorney Report for July 2014

This Office attended/prepared and/or rendered advice for the following Public Meetings:

June 10, 2014	Town Commission Meeting
June 16, 2014	Parks and Recreation Committee Meeting
June 18, 2014	Special Town Commission Meeting - Charter Ballot Questions
June 19, 2014	Special Town Commission Meeting - Hedges & Visibility
June 23, 2014	DVAC Meeting
June 24, 2014	Special Town Commission Meeting – Town Manager
June 26, 2014	Planning and Zoning and Design Review Board Meeting
July 1, 2014	Sand Project Community Monitoring Committee
July 7, 2014	Tourist Board Meeting
July 7, 2014	Community Center Advisory Committee
July 7, 2014	Parks and Recreation Committee

Ordinances prepared and reviewed for Second Reading:

- Rooftop Photovoltaic Solar Systems Ordinance

Ordinances prepared and reviewed for First Reading:

- Sign Code Ordinance
- Parking Trust Fund Ordinance

Resolutions prepared and reviewed:

- Charter Ballot Questions Resolutions:
 - Qualifications for Office
 - Vacancy on Commission
 - Vacancy in Candidacy
 - Canvassing Board
 - Qualifying for Elected Office
 - Establishing Elected Officials' Staggered Terms and Increasing Town Commissioners' Terms from Two Years to Four Years
 - RunOff Election
- Approving Professional General Engineering Services
- Approving Professional General Architectural Services
- Town Hall Remediation
- Town Hall Roof
- Town Hall A/C
- 94th Street End Resolution
- BID Election Results

Town Manager:

- Coordinate and follow up with the Town Manager and the Town Clerk for presentation of proposed Charter Ballot questions for June 18, 2014 Town Commission meeting
- Follow-up regarding RFQs for Architectural and Engineering Services
- Continued follow-up with Building Official regarding on-site parking space requirements
- Review of conditions of approval on all ongoing development projects
- Ongoing review and research for Public-Private Partnership
- Follow-up with Town Manager and Code Enforcement from post- Hedge/Sight Triangle Special Meeting for preparation of amendments to code.
- Continued follow-up with Code Enforcement regarding code compliance issues

- Ongoing research for dock and dredging permit issue and ownership of Pointe Lake and North Canal
- Revisions to proposed Agreement between Miami Beach and Surfside for Miami Beach to provide sewage conveyance for disposal services and to memorialize the new rate of compensation to be paid by Surfside
- On-going follow-up research and analysis of Planning & Zoning Board priority for land development regulations for future development of the Harding and Collins Avenue corridor

Town Clerk:

- Follow-up regarding BID Election Results
- Opined on Notice requirements
- Review updated Ethics Law requirements
- Review and follow up for Public Records requests and exemptions
- Follow-up research for Sunshine Law issues
- Follow-up Charter Ballot Questions

June 26, 2014 Planning and Zoning and Design and Review Board:

Design Review Board Applications:

- A. Request of the Owner of Property located at 908 - 88th Street to demolish the existing house and build a new two story single family residence.
- B. Request of the Owner of Property located at 9494 Harding Avenue to install a new permanent sign.

Planning and Zoning Board Discussion Items:

- Rooftop Photovoltaic Solar Systems Ordinance
- Discussion items:
 - A. Sign Code
 - B. Ten percent windows on each story
 - C. Parking Trust Fund
 - D. Future Agenda Items (including massing and land development regulations)

Building Department/Code Enforcement/Planning:

- Continued research and follow-up re: dock and Class 1 Permit
- Research on jurisdiction on beach/sand issues
- Follow up for 1268 Biscaya Drive Stipulated Order
- Research and review development permit language for compliance

Finance Department:

- Department updates for FY 14/15 Budget documents

Parks and Recreation:

- On-going analysis of status of Florida Department of Environmental Protection and Miami-Dade County for Beach Management Agreement
- Review Specific Use Agreement for Life Sports Fitness and Surfside

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Research allowable expenditures from resort tax revenues
- Analysis of spending authority of Tourist Board and implementation of cap
- Follow-up (“BID”) Election Results
- Continued follow-up re: post Tourist Board requests
- On-going follow-up regarding issues related to parking solution

Public Works:

- Revisions to draft Miami Beach- Surfside -Sewage Conveyance Agreement
- Follow up with Public Works for Town Hall repairs
- Review for revisions to the Stormwater Utility Fees Ordinance
- On-going preparation for Agreement with Bal Harbour for Force Main Project

Police Department:

- Review Ipfone contract for Termination for default/prepare Default Notice Letter (Town Phone Services)
- Review and draft contract proposals for Momentum (Town Phone Services)
- Review ATS Agreement for potential extension in January 2015

Legal Matter Not Covered by Florida Municipal Insurance Trust (FMIT):

Pieter Bakker and Shirley Bakker vs. Town of Surfside. Case No. 14-1026, Division of Administrative Hearings, State of Florida (“DOAH”). Mr. and Mrs. Bakker filed a Petition for Formal Administrative Hearing and seek to have the Comprehensive Plan Amendment adopted by Ordinance No. 2014-1613 rejected as failing to be “in compliance” with Chapter 163, Florida Statutes. The Administrative Law Judge heard this matter on April 17, 2014 in the Town Hall Chambers. Both parties submitted proposed recommended orders to the Administrative Law Judge, D.R. Alexander. On June 17, 2014, Judge Alexander issued a Recommended Order and recommended that the Department of Economic Opportunity enter a Final Order determining that the comprehensive plan amendments adopted by Ordinance No. 2014-1613 are in compliance. The Town awaits the Final Order from the Department of Economic Opportunity. The Town’s legal fees and costs from March 7, 2014 to June 30, 2014 are approximately \$36,200.

Florida Municipal Insurance Trust (“FMIT”) investigates claims and provides legal representation for the Town on the following claims:

1. On September 1, 2013, a resident was walking on the north most sidewalk in the 200 block of 93rd Street when she tripped on a raised portion of the sidewalk and fell to the ground. The Surfside Police Incident Report indicates the resident sustained a contusion on her right elbow and abrasions to her chin and both knees. FMIT currently is analyzing the issue of comparative negligence and continues its investigation.
2. On August 28, 2013, a resident fell in the rear of CVS (9578 Harding Avenue). The resident claims she tripped on an uneven section of the sidewalk behind the store and hurt her right knee and right hand. Resident completed therapy. FMIT advised that the resident’s attorney is still waiting on final medical billings. FMIT is waiting on a demand to determine the merits of the injury. Investigation on-going.
3. A Notice of Intent to file suit (Alfonso v. Surfside Police) regarding an incident on November 3, 2013 with the police and Mr. Alfonso. FMIT continues its on-going investigation to determine liability.

Legal representation is provided by the (“FMIT”) in the following matters:

1. Donald McGavern vs. Surfside, State of Florida Office of the Judge of Compensation Claims, OJCC Case NO. 14-007583RJH. Claimant, McGavern filed an appeal of a denial of his Workers’ Compensation Claim. Discovery is on-going.

2. Pieter Bakker vs. Town Of Surfside, a municipal corporation of the State of Florida and Young Israel of Bal Harbour, Inc. On May 30, 2012, Pieter Bakker filed a complaint in State Court against the Town which alleges counts against the Town including contract zoning, Charter violations, and a request for a writ of certiorari to quash Resolution 12-Z-2078 approving a Site Plan Application to permit Young Israel to build a synagogue on 9580 Abbott Avenue. On September 30, 2013, the Court ordered this matter to be transferred to the Appellate Division. Petitioner, Mr. Bakker filed an Amended Petition for Writ of Certiorari and De Novo Complaint and a Motion for Summary Judgment. The Appellate Division issued an order for the Town and Young Israel to show cause why the Petition for Writ should not be granted. The Town filed a Motion to Dismiss the Amended Petition for Writ of Certiorari and De Novo Complaint. The Court issued an order for Respondents (the Town and Young Israel) to address various jurisdictional issues. The Town filed a jurisdictional brief and responded that Mr. Bakker failed to invoke the Circuit Court’s Appellate jurisdiction in a proper fashion with respect to the claim for certiorari relief and that the Appellate Division of the Circuit Court is entirely without jurisdiction to consider evidence and adjudicate the claims. Mr. Bakker filed a motion seeking leave to amend and proposed a new Count III directed against the Town. The new Count III seeks to invalidate Resolution 12-Z-2078 on grounds that the Town's approval of the Young Israel site plan violated Section 4 of the Town Charter. Young Israel and the Town filed a motion requesting that Mr. Bakker's request for leave to amend the pleadings be denied. The Court has entered an Order indicating that it would not be expediting its review of the pending matters. Accordingly, the parties are now waiting for the Court to issue an Order on all pending claims and all pending defenses.

Special Matters: Continued monitoring of new case law and legislation on Federal, State, and County.



TOWN OF SURFSIDE
 PROJECTS PROGRESS REPORT
 CALVIN, GIORDANO & ASSOCIATES, INC.
 July, 2014

1. **Planning and Community Development** – Planning and Community Development – In August 2012, the Shul submitted a site plan application for an expansion. The application was heard and unanimously approved at the February 27, 2014 Planning and Zoning Board meeting and will be heard at a Special Town Commission meeting on August 26, 2014. Per the discussion at the Planning and Zoning Board meeting, staff has requested that an independent traffic engineer review the package. Results of the analysis will be reported in the site plan report. The draft sign code was presented to DVAC in March and to a joint meeting of the Planning and Zoning Board/Town Commission in May. The sign code eliminates inconsistencies and unenforceable provisions to provide a user friendly document. The draft was presented to the Planning and Zoning Board on June 26, 2014 and the Town Commission will review this item at their July 8, 2014 meeting on first reading. Staff has also prepared a modification to the parking trust fund which institutes a cap on the number of spaces a business may buy into the fund. The Miami-Dade Historic Preservation Board notified property owners along Collins Avenue that its staff have identified properties with potential historic significance. The Board instituted a moratorium on building permits until the Board could have a hearing and determine if the structures would be deemed historic. If a designation is instituted, then the property owners will have limited options for their properties. Furthermore, the County staff was not aware of any of the projects the Town is exploring, such as new zoning criteria for the block between Collins and Harding Avenues or the potential for a parking structure. Town planning staff attended the Historic Board meeting on June 18, 2014 to request a six month deferral of a decision by the Board so that the Town could work with County staff. The Board granted a three month deferral. Staff continues to answer approximately 85-100 zoning questions monthly and reviews permit applications.

2. **Information Technology & TV Broadcasts** - IT is awaiting approval from the Town Manager for a surveillance camera to be installed at the Surfside Park located on 96th Street. Licensing has been purchased for Microsoft Office 2013 for the new police laptops and IT is beginning the process of deploying the new laptops next week. IT staff are working on setting up the Automated Arrest Form for the Police Department. AT&T is now proceeding with the fiber installation for the new internet circuit. IT has created new name templates for the Commissioners to be used on Channel 77. Due to a maintenance outage that occurred on May 23rd, a failover phone solution has been provided to the Town by IPFone in order to avoid future downtime. IT Staff is working with Town Staff to switch phone service providers to a tier 3 provider (increased redundancy). IT is also setting up new phones for Emergency Management purposes.

3. **Public Utilities / Engineering – Public Utilities / Engineering** – The 1 year warranty video of the sanitary sewer mains is currently scheduled to commence in July 2014.

Funding Summary –

<u>Funding Status:</u>	<u>Amount</u>	<u>Amount Received</u>
FDEP Grant	\$873,500	\$873,500
FDEP Grant	\$125,000	\$125,000
FDEP Grant	\$100,000	\$100,000
FDEP State Revolving Fund Loan	\$9,312,881	\$7,339,928 ***
BBC Bond	\$859,000	\$817,500 *
TOTAL	\$11,270,381	\$9,225,928

***The final request has been submitted.**

*****Request # 3 has been submitted for the full \$9,312,881**

4. **Town-Owned Seawall Repair** – Three bids were received by the Town Clerk and read publically on June 17, 2014 at 10:00am. CGA has reviewed the three competitive bids and have included a detailed analysis as part of your Commission Agenda.
5. **Biscaya Drainage Project** – All permits have been obtained and 100% plans have been provided to the Town. The Town has contacted a precast/pipe company and has begun the procurement and shop drawing process. A community outreach meeting is scheduled with the residents of Biscaya for 7:00PM on Thursday, July 10, 2014.



**TOWN OF SURFSIDE
PENSION BOARD MEETING**
Tuesday, February 18, 2014 – 2:00 p.m.
9293 Harding Avenue - Town Hall - Chambers

MINUTES

Due to technical difficulties the following minutes are limited.

Pension Board Members

Michael K. Feldman, Chairman
Abraham Issa
Michael P. Crotty
Sgt. Julio E. Torres
Yamileth Slate-McCloud

Town of Surfside Consultants

Alyce Jones, A.M. Jones – C.P.A., P.A.
Burgess Chambers, Burgess Chambers & Associates
Grant McMurry, ICC Capital Management
Adam Levinson, Esq, Klausner & Kaufman
Donald Nelson, Finance Director
Mayte Gamiotea, Third Party Administrator
Jenorgen Guillen, Recording Clerk

1. Call to Order and Roll Call

The meeting was called to order at 2:04pm by the Chairman
Pension Board members and consultants noted above were present. Member, Sgt. Julio E. Torres arrived at 2:07pm.

2. Approval of Minutes

a. Regular Pension Board Meeting – *November 19, 2013*

MOTION:

The Town of Surfside Pension Board recommended approval of the November 19, 2013 minutes of the Regular Pension Board meeting. Yamileth Slate-McCloud moved; Michael Crotty seconded. Michael Feldman voted in favor, Michael Crotty voted in favor, Sgt. Julio E. Torres voted in favor, Yamileth Slate-McCloud voted in favor, Abraham Issa voted against because he was not present in that meeting.

3. Agenda Additions and Deletions

Mayte Gamiotea brought to the Board's attention an additional invoice from Klausner & Kaufman in the amount of \$28.50 (included in the Approval of Invoices).

4. Public Participation

None

5. Reports and Updates

a. Burgess Chambers & Associates

- Reports: Investment Performance Quarter Ending December 31, 2013
Burgess Chambers discussed the Investment performance report for quarter ending December 31, 2013. The Board requested that at the next board meeting a discussion be held on reallocation of fixed assets in bonds and new assets classifications to be considered.

b. ICC Capital Management

- Reports: Investment Review for Quarter Ending: December 31, 2013
Grant McMurry discussed the ICC Investment review report for the quarter ending December 31, 2013.

c. Klausner & Kaufman

- Public Participation Rules
Adam Levinson discussed the procedures of public participation at Board meetings from Senate Bill 50. Michael Feldman requested a special meeting to discuss the Investment Policy.

MOTION:

The Town of Surfside Pension Board recommended adopting the procedure for public participation rules at Board meeting based on Senate Bill 50. Yamileth Slate-McCloud moved; Abraham Issa seconded. The motion passed unanimously.

d. A.M. Jones, C.P.A., P.A.

Alyce Jones informed the Board of an overpayment to Gabriel, Roeder, Smith & Co, Actuarial consultant, in the amount of \$1,545.00 and a refund has been requested. There is an outstanding balance of \$3,680.00 to Gabriel, Roeder, Smith & Company.

e. Gabriel Roeder Smith & Company

- Drop Administration for Quarterly Interest Calculations
A letter was presented to inform the Board that the Actuarial will prepare the DROP interest calculations on a quarterly basis, after the report for the quarter is presented by Burgess Chambers showing the percentage of net investment return for the quarter.

MOTION:

The Town of Surfside Pension Board recommended using Gabriel, Roeder, Smith & Company to prepare quarterly DROP statements. Abraham Issa moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

- Updated Summary Plan Description (update December 12, 2013)

MOTION:

The Town of Surfside Pension Board recommended approval of the updated Summary Plan Description updated December 12, 2013 with changes. Michael Crotty moved; Yamileth Slate-McCloud seconded. Board Member Abraham Issa was absent from vote. The motion passed.

6. Administrator

- a. **DROP Presentation for Employees**
Mayte Gamiotea informed the Board there was a presentation held to the Town employees to inform them of the DROP program.
- b. **Entered DROP**
 - Gaspar Matos – Effective January 1, 2014 (30 years 9 months)
 - Alfred Cooper – Effective January 1, 2014 (27 ½ years)
 - Hector Perez – Effective January 1, 2014 (29 years 2 months)
- c. **Affidavit of Life for Retiree – SunTrust Bank**

MOTION:

The Town of Surfside Pension Board recommended adopting the SunTrust letter to confirm living Retirees. Abraham Issa moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

7. Approval of Invoices

- a. A.M. Jones, C.P.A., P.A. \$7,700.00

MOTION:

The Town of Surfside Pension Board recommended approval of A.M. Jones, C.P.A., P.A. invoice. Yamileth Slate-McCloud moved; Abraham Issa seconded. The motion passed unanimously.

- b. **Burgess Chambers & Associates, Inc.**
 - Invoice 13-335 (12/3/2013) \$5,000.00

MOTION:

The Town of Surfside Pension Board recommended approval of Burgess Chambers & Associates, Inc. invoice 13-335. Yamileth Slate-McCloud moved; Michael Crotty seconded. The motion passed unanimously.

- c. Gabriel Roeder Smith & Company (December, 2013)
 - Invoice 122427 \$5,041.00
 - Clarification of overpayment in 2011

MOTION:

The Town of Surfside Pension Board recommended approval of Gabriel, Roeder, Smith & Company invoice for the amount of \$5,041.00. Yamileth Slate-McCloud moved; Michael Crotty seconded. The motion passed unanimously.

MOTION

The Town of Surfside Pension Board recommended approval of Gabriel, Roeder, Smith & Company outstanding balance of \$3,680.20 for FY 2013. Michael Crotty moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

- d. ICC Capital Management (December, 2013) \$8,254.94

MOTION:

The Town of Surfside Pension Board recommended approval of ICC Capital Management invoice. Michael Crotty moved; Sgt. Julio E. Torres seconded. The motion passed unanimously.

- e. Klausner & Kaufman
 - Invoice 15279 (September, 2013) \$1,596.00
 - Invoice 15367 (December, 2013) \$ 769.50
 - Invoice 15453 (January, 2014) \$ 28.50
- \$2,394.00

MOTION:

The Town of Surfside Pension Board recommended approval of Klausner & Kaufman invoices. Abraham Issa moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

- f. SunTrust Bank (Custodial) (December, 2013) \$4,724.05

MOTION:

The Town of Surfside Pension Board recommended approval of SunTrust Bank invoice. Sgt. Julio E. Torres moved; Abraham Issa seconded. The motion passed unanimously.

- g. Mayte D Gamiotea (February, 2014) \$3,060.00

MOTION:

The Town of Surfside Pension Board recommended approval of Mayte Gamiotea invoice. Michael Crotty moved; Yamileth-Slate McCloud seconded. The motion passed unanimously.

- h. Florida Municipal Insurance Trust (FMIT) \$5,179.47

MOTION:

The Town of Surfside Pension Board recommended approval of invoice in the amount of \$4,824.92 to FMIT. Abraham Issa moved; Michael Crotty seconded. The motion passed unanimously.

MOTION:

The Town of Surfside Pension Board recommended approval of invoice in the amount of \$101.30 to FMIT. Sgt. Julio Torres moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

MOTION:

The Town of Surfside Pension Board recommended approval of invoice in the amount of \$253.25 to FMIT. Yamileth Slate-McCloud moved; Sgt. Julio Torres seconded. The motion passed unanimously.

- i. Reimbursement to the Town of Surfside \$1,283.39

MOTION:

The Town of Surfside Pension Board recommended approval of the Reimbursement to the Town of Surfside for expenses of office supplies and Peachtree software. Abraham Issa moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

- j. Jenorgen Guillen (February, 2014) \$315.00

MOTION:

The Town of Surfside Pension Board recommended approval of Jenorgen Guillen invoice. Michael Crotty moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

8. New Business

None

9. Trustees' Comments/Concerns

Yamileth Slate-McCloud informed the Board of the presentation she conducted to the Town's employees about the DROP program.

10. Next Meeting Dates

- Special Meeting (CAFR) – TBD
- Tuesday, May 20, 2014


11. Adjournment

There being no further business to come before the Committee, the meeting adjourned at 5:20 p.m.

Accepted this 19 day of June, 2014


Michael Feldman, Chairman

Attest:


Mayte D Gamiotea
Third Party Administrator



TOWN OF SURFSIDE
Tourist Board Meeting
Monday May 5, 2014 – 6:00 p.m.
Town Hall Commission Chambers
9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

Tourist Board Members

Sandra Argow
Joel Baum, CPA
Barbara Cohen
Michelle Kligman
Dr. Elizabeth Levine

Town of Surfside

Duncan Tavares, TEDACS Director
Frantza Duval, Recording Secretary

**** Out of respect for the Board, Town Staff and the Public please turn off your electronic devices****

- I. **Call to Order and Roll Call**
The meeting was called to order by Michael Crotty, Town Manager at 6:03pm.

Also in attendance: Michael Crotty, Town Manager, Linda Miller, Town Attorney, Sarah Johnston, Assistant Town Attorney

Eli Tourgeman, Commission Liaison is absent with regrets.
- II. **Welcome ~ Vice Mayor Tourgeman / Commission Liaison**
N/A
- III. **Welcome ~ Michael P. Crotty, Town Manager**
Michael Crotty, Town Manger welcomed everyone to the Tourist Board and expressed his appreciation to those who answered the call to become members.
- IV. **Welcome ~ Linda Miller, Town Attorney**
Linda Miller welcomed the newly appointed Board and advised that the Attorney's office is available for any questions the members may have.
- V. **Board Member Introductions**
Duncan Tavares, TEDACS Director, welcomed all the Tourist Board members. He advised the Board of the requirements of the Sunshine Law. He asked the members to provide a personal background and to express what interested them in joining the Tourist Board.

Barbara Cohen, previous Tourist Board member, has had an interest in Town for many years. She would like to see the Town progressively get better.

Michelle Kligman, former Town Commissioner, is happy to be a part of the Tourist Board. She would like to see the downtown flourish. She wants to see more tourism that balances with the needs of the residents.

Sandra Argow wants to give back to Surfside.

Joel Baum is coming back to his roots. Surfside is his home and where he grew up.

Elizabeth Levine and her husband's family have resided and worked in Surfside for years. She is happy to be a part of the Tourist Board.

VI. Orientation ~ Duncan Tavares, TEDACS Director

- Form 1 / Contact Information / Confirming Meeting Attendance

Duncan Tavares advised of required forms that need to be filled out by each member and asked that members inform him if they are not able to attend meetings. He also stressed the need to respond to his emails and phone calls.

- Resort Tax Ordinance / Tourist Board (Election of Chair & Vice Chair)

Thirty four percent of the resort tax collected is allocated to the Tourist Board for promotional activities and sixty six percent goes into the general fund. The tax helps to lower the ad-valorem tax burden on the residents through the covering of the Community Center operational costs.

Michelle Kligman wanted to know where we stand with the amendments to the resort tax ordinance. Duncan Tavares advised that the former Town Commission deferred voting on the recommendation presented by the former Tourist Board and that this item will need to be addressed by the new Board at some point in the near future.

Sandra Argow inquired if the money in the reserves gains interest. As it resides in the Town's accounts, it does.

Duncan Tavares advised that all resort taxes collections are current and all of the merchants are up to date on their payments – including those that were delinquent since 2013.

Michael Crotty advised that he has directed the Finance Department to no longer set up payment plans for businesses that are behind on their resort tax payments as this tax is a pass through for them and does not affect their bottom line.

Michelle Kligman inquired as to what is the mission of the Tourist Board.

Duncan Tavares advised that the Board should review the mission established for the department, the charter and ordinance before attempting to craft a mission statement.

- Department Descriptions / Objectives

Duncan Tavares advised that the objectives are presented as a "wish list" for the Board.

- **Approval of Minutes:** April 7, 2014
Barbara Cohen made a motion to approve the minutes; Elizabeth Levine seconded the motion. The motion passed unanimously. The minutes were approved.
- **A/R Update (Resort Tax)**
Duncan Tavares advised that there is an ongoing auditing process of businesses which submit resort tax.
- **Status of Projects / Initiatives**
Duncan Tavares briefly spoke about the Sister City program. The previous Commission was interested in the program and brought it before the Tourist Board to assist with spearheading the program.
- **A/P Update (FY 13/14 Budget) This will be discussed at a future meeting along with the FY 14/15 Budget Process**

The Board agreed that the meetings will continue to commence at 6:00pm on the first Monday of the month and that the light supper will no longer be required. The Board would like popcorn and various other snacks.

- **Election of Chair/Vice Chair**
Sandra Argow nominated Barbara Cohen as Chair.
Elizabeth Levine nominated Michelle Kligman as Chair.

The vote was 3:2 in support of Michelle Kligman as the new Chair of the Tourist Board.

Joel Baum nominated himself for Vice-Chair.
Michelle Kligman nominated Elizabeth Levine for Vice-Chair.
Sandra Argow nominated Barbara Cohen for Vice-Chair.

A vote was 3:2 in support of Elizabeth Levine as the new Chair for the Tourist Board.

VII. Next Meeting: Monday June 2, 2014 at 6:00pm

VIII. Public Comment – none.

IX. Adjournment

Barbara Cohen made a motion to adjourn the meeting; Elizabeth Levine seconded the motion. The motion passed unanimously. The meeting ended at 7:24pm.

Accepted this 9 day of June, 2014

Michelle Kligman
Member (Print)

Michelle Kligman
Signature

Attest:
Frantza Duval
Frantza Duval
Recording Clerk



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

7:00 pm
Monday May 19, 2014
Community Center
9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

The meeting was called to order by Retta Logan at 7:08pm.

Also in attendance: Retta Logan, Veronica Lupinacci, Shlomo Danzinger, Alberto Aguirre, Eliana Salzhauer (Entered 7:11pm), Tim Milian, Parks and Recreation Director, Marta Olchyk, Parks and Recreation Commission Liaison (Exited at 8:04pm), Michael Crotty, Town Manager, Duncan Tavares, TEDACS Director Michelle Kligman (Tourist Board), Elizabeth Levine (Tourist Board), Barbara Cohen (Tourist Board), Linda Miller, Town Attorney, Vice-Mayor Eli Tourgeman, Tourist Board Commission Liaison, Louisa Agresti, Jason Nevader, Barbara McLaughlin

2. Community Center Expansion Committee (Parks and Recreation Committee & Tourist Board)

Michael Crotty presented the idea of an ad-hoc advisory committee for the Community Center expansion that consist of both Parks and Recreation Committee and the Tourist Board.

Vice-Mayor Tourgeman wants the committee to think outside the box for the expansion with regards to the design features.

Eliana Salzhauer advised that the Town originally had a committee and money/time was put into place originally for the 2nd/3rd story of the community center. She doesn't want to delay the process if the funds and plans are available.

Barbara Cohen stated that changes to the community center are really needed.

Vice-Mayor Tourgeman stated that better and futuristic ideas are needed for the community center.

Eliana Salzhauer doesn't want to spend additional money if the plan is available.

Michael Crotty advised that the Town would revisit the old plans to see if the community is still interested in them. His recommendation is a dual committee that would meet within a 3-5 month period

Marta Olchyk inquired on the cost being spent on the study. The Town Manager advised that it would be determined as we moved forward.

Michelle Kligman wants the Town to look at what was done before in terms of existing plans.

Elizabeth Levine inquired as to how is it that they are now re-thinking the project. Michael Crotty advised that it was listed under Parks and Recreation five year capital plan.

Elizabeth Levine inquired as to how long would the community center be closed and it was advised that it would be stated in the process.

Barbara Cohen stated that during construction the cost of mobile units are another factored to be considered.

Veronica Lupinacci inquired as to how many times would the committee meet aside from the regularly scheduled Parks and Recreation meetings and it was advised that an additional meeting per month may be held.

Vice Mayor Tourgeman also recommended looking at the original plans.

Barbara Cohen suggested that since the Parks and Recreation meetings aren't televised a summary at the beginning of the Tourist Board meetings should be given of what is discussed in relation to the community center expansion.

The recommendation is to do a joint meeting every other month for each Board.

Eliana Salzhauer inquired as to what would be the best time to close the community center and Tim Milian advised that the fall/winter time would be ideal.

Michael Crotty advised that the goal is to take the names of willing participants and schedule back to the Commission for the June meeting.

It was suggested that the Boards will meet every other meeting. The first meeting will be held under Parks and Recreation at the June 16, 2014 meeting.

Eliana Salzhauer suggested having someone who is in the construction business to help assist with the cost.

Barbara Cohen, Eliana Salzhauer, Retta Logan, Veronica Lupinacci, Michelle Kligman all have decided to be a part of the Ad-Hoc Committee for the Community Center expansion.

The next meeting will be held on June 16, 2014.

3. Approval of minutes from 3/17/14

Veronica Lupinacci made a motion to approve the minutes; Eliana Salzhauer seconded the motion. The motion passed unanimously. The minutes were approved.

4. Introduction of new committee members and returning committee members

The two new members elected to the Parks and Recreation Committee Shlomo Danzinger and Alberto Aguirre introduced themselves.

5. Committee Member Elections (Chair, Vice Chair and Secretary)

Eliana Salzhauer made a motion to have Retta Logan as Chair; Veronica Lupinacci seconded the motion. The motion passed unanimously.

Retta Logan is the Chair for the Parks and Recreation Committee.

Veronica Lupinacci made a motion to have Eliana Salzhauer as Vice-Chair; Shlomo Danzinger seconded the motion. The motion passed unanimously.

Eliana Salzhauer is the Vice-Chair for the Parks and Recreation Committee.

Retta Logan made a motion to have Veronica Lupinacci as Secretary; Eliana Salzhauer seconded the motion. The motion passed unanimously. Veronica Lupinacci is the Secretary for the Parks and Recreation Committee.

6. Higher Education Scholarship review

Veronica Lupinacci made a motion to award the scholarships to both Cora Coleman and Bryan Corcoran; Eliana Salzhauer seconded the motion. The motion passed unanimously.

7. Community Input

Jason Nevader of 9048 Bay Drive provided input on the following:

1. Jason wants to see the renovation of tot lot moved up on the priority list and wants it to move forward with other projects.

Parks and Recreation should look at spending 5-10% on a space plan.

Jason wants to see more imaginative equipment.

He wants to be included with the input of the equipment.

2. Parks and Recreation should consider building an additional structure for squash and racquet ball.

He suggested that the Committee look at the little lot in Miami Beach and partnering with Miami Beach to do a racquet ball court in that lot. (It was advised that the lot is being considered for a skate park)

Eliana Salzhauer would see the racquet ball court/squash center at 96th street Park.

Eliana Salzhauer suggested that he find out who else within the Town is interested in racquet ball and squash.

Veronica Lupinacci inquired as to where do Parks and Recreation fall under the sand issue. It was stated that the issue does not fall under Parks and Recreation.

Eliana Salzhauer that the sea turtle conservancy has provided her information regarding turtle friendly lighting, which she'll have available at the next meeting.

8. Meeting Adjournment

Veronica Lupinacci made a motion to adjourn the meeting; Eliana Salzhauer seconded the motion. The motion passed unanimously. The meeting ended at 8:32pm.

Accepted this 16 day of June, 2014

Retta Logan

Member (Print)

Retta Logan

Signature

Attest:

Frantza Duval

Frantza Duval
Recording Clerk



**TOWN OF SURFSIDE
DVAC**

**Wednesday May 28, 2014 – 7:00 p.m.
Commission Chambers**

Town Hall 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

I. Call to Order and Roll Call

The meeting was called to order by Michael Crotty, Town Manager at 7:00pm.

Also in attendance:

Chief David Allen, Jessie Flax, Ken Arnold, Lou & Barbara Cohen; Duncan Tavares, TEDACS Director, Lt. Richard Williams, Elinor Joseph, Parking Operations Manager, Sandra Argow, Marty Oppenheimer, Linda Miller, Town Attorney, Peter Filiberto, Gil Katzman, Sergio Castenera, Jessica Weiss, Robert Andai, Joseph Graubart

II. Approval Meeting Minutes: March 24, 2014

Lou Cohen made a motion to approve the minutes; Marty Oppenheimer seconded the motion. The motion passed unanimously. The minutes were approved.

III. Town Manager Parking Solution Report

The report on the parking solution was completed and submitted to the Town Commission in April. The purpose of the study was to identify structure locations that were achievable. The study identifies realistic options to address the parking shortage.

The report recommends the following:

The Abbott lot as a two-story facility with rooftop parking.
A possible Public/Private Partnership to include the Post Office building.

The Commission directed staff to proceed with the Public/Private Partnership option and hire a consultant to assist with the process. This will be paid out of the parking revenue fund. The first meeting with the consultant will be held next week.

For the Abbott option, Ken Arnold would like the building to be linear with the façade looking like town homes camouflaging the parking. Marty Oppenheimer would like to see some rendering of what the parking structure would look like. Lou Cohen advised that a paseo is very important to the success of this location. Ken Arnold would like the best possible option for the site. Sergio Castenera would like to see a long term investment.

Robert Andai inquired about the ability for the Post Office to function if this option moves forward.

Peter Filiberto inquired about parallel parking feature, but the Town manager advised that it is still to be determined.

Barbara Cohen inquired if the contribution from a possible Shul expansion project would be a one-time payment to the Town. The Town Manager advised that the payments would be made in installments over a number of years.

Ken Arnold proposed a workshop on options for the Abbott lot before the next meeting.

IV. BID Process Update

Duncan Tavares advised that the ballot went out to 47 properties. The deadline for the ballot to be returned is June 12, 2014. A meeting is scheduled on June 3 for the business owners (voters). The results will be presented to Town Commission in July with a decision on whether or not to move forward with the BID to be made at that time.

V. Bal Harbour Shops Enhancements Update

The Bal Harbour Shops are looking at two options for their enhancements:

1. Working within the confines of their current footprint (the existing Bal Harbour shops and the church) .
2. Maximizing the potential by utilizing adjacent properties with the development including a new municipal complex and parks.

Both options open the entire complex up to both Collins Avenue and 96th Street. The SunTrust bank is being considered as a site for a new municipal complex or a park. The Church by the Sea, through its agreement will be in the middle of the shops.

MISC:

Sandra Argow inquired if the benches are in. Duncan Tavares advised that the benches recently arrived and are awaiting installation.

Lou Cohen wants an update on the sidewalk cafe ordinance. The Building, Code Compliance, and Public Works Departments, along with Duncan Tavares, have been diligently working on this item.

Sergio Castenera advised that the restaurant sidewalks entrances are filthy. He feels that Code Compliance should enforce the cleaning of the sidewalks by the merchants. He was advised that this is an ongoing compliance issue being addressed by the Town.

The Town Manager advised that he has even send out a letter to the merchants regarding sidewalk maintenance.

VI. Sign Code Process Update

The recommended Sign Ordinance changes go before Planning and Zoning in July.

Sergio Castenera does not approve of the illuminated open/close signs. He believes that businesses should keep their lights on at night so that people can view the merchandise while they walk the street at night.

Duncan Tavares advised that the Town cannot force businesses to keep their internal lights on in order to create an ambiance however there has been outreach to the businesses to ask them to assist with this matter.

Lou Cohen advised that the Town is very limited on the variety of businesses available. There is not enough of a mixture of stores to sustain a vibrant downtown.

Robert Andai advised that traffic in the alley on the west side between the businesses and The Shul creates a major problem and there should be someone there to direct traffic on 95th.

Sergio Castenera suggested eliminating the two parking spaces in front of HSBC in order to create room for moving traffic going west that is not turning onto Harding. The area gets congested due to the pedestrian crossing.

Peter Filiberto suggested extending the light on 95th street in front HSBC to assist with the traffic flow.

VII. Action Item ~ TBD
N/A

VIII. Public Comment
N/A

IX. Next meeting: Monday June 23, 2014 (Summer Hiatus Until October)

X. Adjournment

Lou Cohen made a motion to adjourn the meeting; Peter Filiberto seconded the motion. The motion passed. The meeting ended at 9:00pm.

Accepted this 23 day of June, 2014

Ken Arnold

Member (Print)

[Signature]

Signature

Attest.

[Signature]

Frantz Duval
Recording Clerk



Town of Surfside Commission Communication

Agenda Item # 3G

Agenda Date: July 8, 2014

Subject: Mutual Aid Agreement between the Bal Harbour Village Police Department and the Town of Surfside Police Department

Objective: To extend mutual aid in the form of law enforcement services and resources between the Bal Harbour Village and Surfside Police Departments for requesting operational assistance in law enforcement intensive situations and emergencies and for assistance of a routine law enforcement nature that crosses jurisdictional lines

Background: The Town of Surfside Police has mutual aid agreements with many Miami-Dade County law enforcement agencies. The Town of Surfside and Bal Harbour Village are so located in relation to each other that it is an advantage of each to receive and extend mutual aid in the form of law enforcement services and resources. The Mutual Aid Agreement (attachment A) between the Town of Surfside Police Department and Bal Harbour Village Police Department would be in effect from July 8, 2014 to December 31, 2019.

Budget Impact: N/A

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission approve the resolution authorizing the Mutual Aid Agreement between the Town of Surfside Police Department and the Bal Harbour Village Police Department.

David Allen, Chief of Police

Michael Crotty, Town Manager

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND THE BAL HARBOUR VILLAGE, FLORIDA; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, law enforcement agencies can only benefit when they work in close cooperation with each other and in partnership with each other; and

WHEREAS, in the interest of encouraging mutual cooperation between local Miami-Dade County municipal police departments; and

WHEREAS, the Town of Surfside and Bal Harbour Village are located in relation to each other; and

WHEREAS, it is an advantage of both the Police Departments of the Town Surfside and Bal Harbour Village to extend mutual aid in the form of law enforcement services and resources; and

WHEREAS, in response to the continued need of providing the highest level of public safety, and

WHEREAS, the Commission of the Town of Surfside considers it is in the best interest of the Town to enter with the Bal Harbour Village Police Department on behalf of Bal Harbour Village into the Voluntary Cooperation and Operational Assistance Mutual Aid Agreement (attached hereto as Exhibit "A") due to the indispensable need for public safety.

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

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

Section 2. Authorization and Approval. The Town Commission authorizes and approves the Town Manager and Chief of Police to execute and implement this Mutual Aid Agreement.

Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this _____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

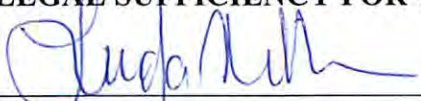
Commissioner Barry Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney



BAL HARBOUR POLICE DEPARTMENT

June 13, 2014

Chief David Allen
Surfside Police Department
9293 Harding Avenue
Town of Surfside, Florida 33154

Dear Chief Allen:

In the interest of encouraging mutual cooperation between local Miami-Dade County municipal police departments, I would like to enter into a Voluntary Cooperation and Operational Assistance Mutual Aid Agreement with the Surfside Police Department on behalf of the Bal Harbour Village and the Bal Harbour Police Department. Enclosed is our preferred format for a Voluntary Cooperation and Operational Assistance Mutual Aid Agreement.

Law enforcement agencies can only benefit when they work in close cooperation with each other and in partnership with the community. If you are amenable to this arrangement, please have a member of your staff contact Quality Assurance Coordinator Mr. Michael Gruen to work out the specific information for an agreement. Mr. Gruen can be contacted at 305.866.5000 extension 161.

We look forward to working with your agency in matters of mutual concern.

Sincerely,

Mark N. Overton, Chief
Bal Harbour Village Police Department

Enclosure(1)

**VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE
MUTUAL AID AGREEMENT
BETWEEN THE TOWN OF SURFSIDE AND
THE BAL HARBOUR VILLAGE, FLORIDA**

This Voluntary Cooperation and Operational Assistance Mutual Aid Agreement ("Cooperation Agreement") is made as of this ____ day of _____, 2014 (Effective Date), by and between the BAL HARBOUR VILLAGE, FLORIDA, a municipal corporation having its principal office at 655 96 Street, Bal Harbour Village, Florida 33154, and the Town of Surfside, having its principal office at 9293 Harding Avenue, Town of Surfside, FL 33154, state as follows:

WHEREAS, it is the responsibility of the governments of the Town of Surfside, and the Bal Harbour Village, Florida, to ensure the public safety of their respective citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment, or facilities of the Town of Surfside Police Department or the Bal Harbour Village Police Department; and

WHEREAS, in order to ensure that preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the Town of Surfside and the Bal Harbour Village, Florida; and

WHEREAS, it is to the advantage of each law enforcement agency to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

- (1) Continuing, multi jurisdiction law enforcement problems, so as to protect the public peace and safety, and preserve the lives and property of the people; and
- (2) Intensive situations including but not limited to emergencies as defined under Section 252.34 of the Florida Statutes, or requests for certain law enforcement services specified herein and as defined under Section 23.1225 of the Florida Statutes; and

WHEREAS, the Town of Surfside and the Bal Harbour Village have the voluntary cooperation and assistance authority under the Florida Mutual Aid Act, Sections 23.12-23.127 of the Florida Statutes, to enter into this Voluntary Cooperation and Operational Assistance Mutual Aid Agreement ("Cooperation Agreement") for law enforcement service which:

- (1) Permits voluntary cooperation and operational assistance of a routine law enforcement nature across jurisdictional lines as allowed under Section 23.1225, of the Florida Statutes; and
- (2) Provides for rendering of assistance in a law enforcement emergency as defined in Section 252.34 of the Florida Statutes.

NOW THEREFORE, BE IT KNOWN that the Town of Surfside and the Bal Harbour Village, Florida, in consideration for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

SECTION I. PROVISIONS FOR VOLUNTARY COOPERATION

Each of the aforesaid law enforcement agencies hereby approve and enter into this Cooperation Agreement whereby each of the agencies may request and render law enforcement assistance to the other in dealing with any violations of Florida Statutes to include, but not necessarily be limited to, investigating sex offenses, robberies, assaults, batteries, burglaries, larcenies, gambling, motor vehicle thefts, drug violations pursuant to Chapter 893 of the Florida Statutes, backup services during patrol activities, and interagency task forces and/or joint investigation as set forth pursuant to, and under the authority of Chapter 23 of the Florida Statutes.

SECTION II. PROVISIONS FOR OPERATIONAL ASSISTANCE

The aforesaid law enforcement agencies hereby approve and enter into this Cooperation Agreement whereby each of the agencies may request and render law enforcement assistance to the other to include, but not necessarily be limited to dealing with, the following:

1. Joint multi-jurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations and assemblies, controversial trials, political conventions, labor disputes, and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from, or disturbances within, prisoner processing facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing person calls.
9. Enemy attack.
10. Transportation of evidence requiring security.
11. Major events, e.g., sporting events, concerts, parades, fairs, festivals, and conventions.
12. Security and escort duties for dignitaries.
13. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene and police information.
14. Emergency situations in which one agency cannot perform its functional objective.
15. Joint training in areas of mutual need.
16. Joint multi-jurisdictional marine interdiction operations.

The following procedures will apply in mutual aid operations:

1. Mutual aid requested or rendered will be approved by the Chief of Police, or designee.
2. Specific reporting instructions for personnel rendering mutual aid will be included in the request for mutual aid. In the absence of such instructions, personnel will report to the ranking on-duty supervisor on the scene.
3. Communications instructions will be included in each request for mutual aid and each agency's communications centers will maintain radio contact with each other until the mutual aid situation has ended.
4. Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures of the requesting agency, or directors involved.

SECTION III. PROCEDURE FOR REQUESTING ASSISTANCE AND LIMITATIONS OF ASSISTANCE

In the event that a party to this Cooperation Agreement is in need of assistance as set forth above, the Chief of Police or his/her designee, shall notify the Chief of Police or his/her designee from whom such assistance is requested. The Chief of Police or authorized agency representative whose assistance is sought shall evaluate the situation and the agency's available resources, consult with his/her supervisors, if necessary, and will respond in a manner he/she deems appropriate.

The Chief of Police in whose jurisdiction assistance is being rendered may determine who is authorized to lend assistance in his/her jurisdiction, for how long such assistance is authorized, and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.

Should a law enforcement officer be in another subscribed agency's jurisdiction for matters of a routine nature, such as traveling through the area on routine business, attending a meeting or going to or from work, and a violation of Florida Statutes occurs in the presence of said party, representing his/her respective agency, **HE/SHE SHALL ONLY BE EMPOWERED TO RENDER ENFORCEMENT ASSISTANCE AND ACT IN ACCORDANCE WITH FLORIDA LAW.** Should enforcement assistance be taken, said party shall notify the agency having normal jurisdiction, and upon the latter's arrival, turn the situation over to them and offer any assistance requested, including but not limited to, a follow-up written report documenting the event and the actions taken. This provision, so prescribed in this paragraph, shall not grant general authority to conduct investigations, serve warrants, and/or subpoenas or to respond without request to emergencies already being addressed by the agency of normal jurisdiction, but is intended to address critical, life-threatening or public safety situations, prevent bodily injury to citizens, or secure apprehension of criminals whom the law enforcement officer may encounter and such encounter results in a breach of the peace.

The parties acknowledge that the policy of the Florida Mutual Aid Act is to provide a means to deal with disasters, emergencies, and other major law enforcement problems. This Cooperation Agreement shall not extend police powers beyond the specific additional authority granted by the Legislature in Chapter 23 of the Florida Statutes, which intent was to assure the continued functioning of law enforcement in times of emergencies or in areas where major law

enforcement efforts were being thwarted by jurisdictional barriers, and the respective parties, police officers and authority are limited to those instances where the subject matter of the investigation originates inside the municipal city limits.

SECTION IV. COMMAND AND SUPERVISORY RESPONSIBILITY

The personnel and equipment that are assigned by the assisting Agency shall be under the immediate command of a supervising officer designated by the assisting Agency. Such supervising officer shall be under the direct supervision and command of the Chief of Police or his/her designee of the agency requesting assistance.

SECTION V. CONFLICTS

Whenever an officer is rendering assistance pursuant to this Cooperation Agreement, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his/her own employer. If any such rule, regulation, personnel policy general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the requesting agency, then such rule, regulation, policy, general order or procedure shall control and shall supersede the direct order.

SECTION VI. HANDLING COMPLAINTS

Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this Cooperation Agreement, the Chief of Police or his/her designee of the requesting agency shall be responsible for the documentation of said complaint to ascertain at a minimum:

1. The identity of the complainant.
2. An address where the complaining party can be contacted.
3. The specific allegation
4. The identity of the employees accused without regard as to agency affiliation.

If it is determined that the accused is an employee of the assisting agency, the above information, with all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded without delay to the agency for administrative review. The requesting agency may conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the employees of the requesting agency violated any of their agency's policies or procedures.

SECTION VII. LIABILITY

Each party engaging in any mutual cooperation and assistance, pursuant to this Cooperation Agreement, agrees to assume full and final responsibility for the acts, omissions or conduct of such party's own employees while engaged in rendering such aid pursuant to this Cooperation Agreement, subject to the provisions of Section 768.28 of the Florida Statutes, where applicable.

SECTION VIII. POWERS, PRIVILEGES, IMMUNITIES AND EXPENDITURES

(a) Employees of the Town of Surfside and the Bal Harbour Village, when actually engaging in mutual cooperation and assistance outside of their normal jurisdictional limits but inside this State, under the terms of this Agreement, shall pursuant to the provisions of Section 23.127(1) of the Florida Statutes (as amended), have the same powers, duties, rights, privileges and immunities as if the employee was performing duties inside the employee's political subdivision in which normally employed.

(b) Each party agrees to furnish necessary personnel equipment, resources and facilities and to render services to each other party to this Cooperation Agreement as set forth above; provided however, that no party shall be required to deplete unreasonably its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.

(c) A party that furnishes equipment pursuant to this Cooperation Agreement must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment.

(d) The agency furnishing aid pursuant to this Cooperation Agreement shall compensate its appointees/employees during the time such aid is rendered and shall defray the actual travel and maintenance expenses of its employees while they are rendering such aid, including any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid.

(e) To the extent provided by applicable law, ordinance, or rule, the privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits that apply to the activity of an employee of an agency when performing the employee's duties within the territorial limits of the employee's agency apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties extraterritorially under the provisions of this Cooperation Agreement. The provisions of this section shall apply to paid, volunteer, and reserve employees.

(f) Nothing herein shall prevent the requesting agency from requesting supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.

(g) Should the Town of Surfside receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the Bal Harbour Village shall be eligible to receive an equitable reimbursement share for any actual costs or expenses incurred that are directly attributable to the event, provided such costs and expenses are authorized by the third party for reimbursement purposes.

(h) Should the Bal Harbour Village receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the Town of Surfside shall be eligible to receive an equitable reimbursement share for any actual costs or expenses incurred that are directly attributable to the event, provided such costs and expenses are authorized by the third party for reimbursement purposes.

(i) The Parties acknowledge that the Bal Harbour Village is authorized to pursue any property seized pursuant to the Florida Contraband Forfeiture Act for any mutual aid event occurring in the Bal Harbour Village. The Bal Harbour Village shall have the exclusive authority to initiate forfeiture proceedings under the Florida Contraband Forfeiture Act for any matters which arise from a mutual aid event occurring in the Bal Harbour Village that is covered by this Cooperation Agreement. The Bal Harbour Village upon successfully prosecuting a forfeiture action, shall equitably share in those proceeds seized, with the Town of Surfside, as acceptable by the Chief of Police for the Bal Harbour Village and the Chief of Police for the Town of Surfside.

Additionally, the Parties acknowledge that the Town of Surfside is authorized to pursue any property seized pursuant to the Florida Contraband Forfeiture Act for any event occurring in the Town of Surfside. The Town of Surfside shall have the exclusive authority to initiate forfeiture proceedings under the Florida Contraband Forfeiture Act for any matters which arise from a mutual aid event occurring in the Town of Surfside that is covered by this Cooperation Agreement. The Town of Surfside, upon successfully prosecuting a forfeiture action, shall equitably share in those proceeds seized, with the Bal Harbour Village, as acceptable by the Chief of Police for the Bal Harbour Village and the Chief of Police for the Town of Surfside.

SECTION IX. INSURANCE

Each party shall provide satisfactory proof of liability insurance by one or more of the means specified in Section 768.28(16)(a) of the Florida Statutes (2010), in an amount which is, in the judgment of the governing body of that party, at least adequate to cover the risk to which that party may be exposed. Should the insurance coverage, however provided, of any party be canceled or undergo material change, that party shall notify all parties to this agreement of such change within ten (10) days of receipt of notice or actual knowledge of such change.

SECTION X. EFFECTIVE DATE

This Agreement shall take effect upon execution and approval by both parties and shall continue in full force and effect until December 31, 2019. Under no circumstances may this agreement be renewed, amended, or extended except in writing.

SECTION XI. CANCELLATION

Either party may cancel its participation in this Agreement at any time upon delivery of written notice to the other party.

In witness whereof, the parties hereto cause to these presents to be signed on the date specified.

AGREED TO AND ACKNOWLEDGED this _____ day of _____, 2014

BAL HARBOUR VILLAGE, FLORIDA

TOWN OF SURFSIDE, FLORIDA

MARK N. OVERTON
POLICE CHIEF

DAVID ALLEN
POLICE CHIEF

Date: _____

Date: _____

JORGE M. GONZALEZ
CITY MANAGER

MICHAEL CROTTY
CITY MANAGER

Date: _____

Date: _____

MAYOR JEAN ROSENFELD

MAYOR DANIEL DIETCH

Date: _____

Date: _____

ATTEST:

ELLISA HORVATH, VILLAGE CLERK

SANDRA NOVOA, CITY CLERK



Town of Surfside Commission Communication

Agenda #: 4A1
Agenda Date: June 10, 2014
Subject: Solar Panels
From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the September 30, 2013 Town Commission and Planning and Zoning Board Joint meeting, there was a discussion regarding solar panels. Staff presented the proposed code amendment at the March 27, 2014 Planning and Zoning Board meeting where the ordinance was recommended for approval to the Town Commission.

Analysis: The code is currently silent on solar panels. Broward County has created a model ordinance that many municipalities are utilizing to make it easier for the public to move forward with solar panels. Staff used this ordinance text as a base for the following proposed changes:

Sec. 90-2. Definitions.

Rooftop photovoltaic solar system: A system which uses one (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface- or rack-mounted on a flat roof, to convert sunlight into electricity.

90-19.7 The following shall be exempt from planning and zoning board review; however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.

- (6) Re-roofs
- (7) Trellis.
- (8) Rooftop Photovoltaic Solar Systems

Sec. 90-50.3 Rooftop Photovoltaic Solar Systems

(1) Intent. The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and encourage the installation of rooftop photovoltaic solar systems.

(2) Permitted accessory equipment. Rooftop photovoltaic solar systems shall be deemed permitted accessory equipment to conforming and nonconforming buildings and structures in all zoning categories. Nothing contained in this chapter shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming buildings, including buildings containing nonconforming uses.

(4) Height. The height of rooftop photovoltaic solar systems shall not be greater than five (5) feet above the roof and shall not exceed the Town's maximum height limitation described in Section 90-44.1.

(6) Tree removal. Any removal of trees shall require a tree removal permit from Miami-Dade County.

(7) Maintenance. The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Staff Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

ORDINANCE NO. 14 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; AMENDING SECTION 90-19.7 TO EXEMPT ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS FROM PLANNING AND ZONING BOARD REVIEW AND TO FOLLOW DESIGN GUIDELINES; AND CREATING SECTION 90-50.3 “ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS” TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE SURFSIDE CODE OF ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 30, 2013 at a Joint Meeting of the Town Commission and Planning and Zoning Board there was a discussion regarding solar panels; and

WHEREAS, the Town Code is currently silent on solar panels; and

WHEREAS, Broward County has created a model ordinance that many municipalities are utilizing to make it easier for the public to move forward with solar panels; and

WHEREAS, the Town Commission held its first public reading on June 10, 2014 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 Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the district regulations on June 26, 2014 with due public notice and input; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on July 8, 2014; and

WHEREAS, the Town Commission finds that the proposed Ordinance to the Code is in the best interest of the community.

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

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. 90-2. Definitions.

Rooftop photovoltaic solar system: A system which uses one (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface- or rack-mounted on a flat roof, to convert sunlight into electricity.

* * *

90-19.7 The following shall be exempt from planning and zoning board review; however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs
- (7) Trellis.
- (8) Rooftop Photovoltaic Solar Systems

* * *

Sec. 90-50.3 Rooftop Photovoltaic Solar Systems

(1) Intent. The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and encourage the installation of rooftop photovoltaic solar systems.

(2) Permitted accessory equipment. Rooftop photovoltaic solar systems shall be deemed permitted accessory equipment to conforming and nonconforming buildings and structures in all zoning categories. Nothing contained in this chapter shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming buildings, including buildings containing nonconforming uses.

(4) Height. The height of rooftop photovoltaic solar systems shall not be greater than five (5) feet above the roof and shall not exceed the Town’s maximum height limitation described in Section 90-44.1.

(6) Tree removal. Any removal of trees shall require a tree removal permit from Miami-Dade County.

(7) Maintenance. The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

* * *

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 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 final adoption on second reading.

PASSED and ADOPTED on First Reading the _____ day of _____, 2014.

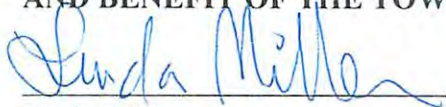
PASSED and ADOPTED on Second Reading this _____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller
Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes	_____	no	_____
Commissioner Michael Karukin	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Eli Tourgeman	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



Town of Surfside Commission Communication

Agenda #: 4B1
Agenda Date: July 8, 2014
Subject: Sign Code
From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Planning and Zoning Board has requested the Town update its Sign Code. This request is a result of the Board reviewing signage that meets code requirements, but is not the quality desired in the business district. Staff was authorized to proceed in January 2014. The Downtown Vision Advisory Committee (DVAC) reviewed the conceptual changes of the code in March 2014 and joint Planning and Zoning Board/Town Commission meeting was held in May 2014. This was further discussed at the June 26, 2014 Planning and Zoning Board Meeting.

The joint meeting and the following Planning & Zoning Board meeting resulted in a number of discussion topics. The following analysis provides a full summary of changes in the code, however, due to certain topics of interest at the joint meeting, here is a brief synopsis of modifications resulting from that meeting. The *italicized* is the code language and the bulleted section is the explanation of staff's analysis.

1. *National flags shall not exceed twenty (20%) of the window glass area.*
 - Flags are exempt from permit requirements and the 20% limitation is the same as other window signage requirements.
2. *Open/Closed sign suspended behind a glass window or door provided the sign does not exceed one (1) square foot are permitted and may be illuminated by white internal illumination.*
 - It was requested at the meeting that open/closed signs be limited to one color. Staff researched this and found that typical open/closed signs are blue and red. Requiring these signs to be one color will result in a custom open/closed sign. Therefore, staff did not limit the color, only the illumination.

3. *Temporary window signs of any nature may be attached to glass window or doors, or mounted within 12 inches of a glass window or door.*
 - The existing code required any temporary signage to be placed no closer than 12 inches to a window or door. It has been observed that this requirement is continually violated, therefore, staff is recommending that the 12 inch restriction be removed and temporary signage be permitted to be attached to the glass.

4. *Illumination.* All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn.
 - This requirement will assist with keeping the business district lit at night. The illumination may be either internal or external. The maximum illumination proposed is 10 foot candles measured from the centerline of the adjacent sidewalk. Based on the June 26, 2014 Planning and Zoning Board meeting, the Board has requested that staff test the foot candles by measuring foot candles of TV screens in the business district to determine if 10 is too high. Staff will conduct this analysis prior to the July 31, 2014 Planning and Zoning Board meeting and adjust the foot candles in the ordinance if necessary.
 - There was discussion of requiring either the business owner or the tenant to come into compliance. The property owner, not the tenant, has the responsibility to make certain their property is in compliance with the Town's codes.
 - The Planning and Zoning board requested that all businesses provide lighting to the wall behind the store area. This will be accomplished through requiring LED wall washers. Staff is contacting a lighting company to prepare a demonstration and get initial cost estimates prior to code codification. This will be finalized prior to the July 31, 2014 Planning and Zoning Board meeting and staff will adjust the proposed ordinance as necessary.

5. *Television screen or similar.* *Television screens or similar electronic features may be located inside the storefront and project out to the sidewalk. These features shall be oriented towards the pedestrian and angled to be parallel to the sidewalk. Television screens or similar electronic features shall not exceed twenty (20%) percent of the area of the glass window if the feature is within thirty-six (36) inches of the window. Television screens or similar electronic features located within greater than thirty-six (36) inches of the window shall not be required to be no greater than twenty (20%) percent of the window area. A maximum of 10 foot candles of illumination shall be permitted from any television screens or similar electronic features to be measured at the centerline of the adjacent sidewalk.*

- Staff is recommending permitting TV screens or similar features, but they shall be limited to 20% of the storefront and limited to 10 foot candles as measured from the centerline of the adjacent sidewalk.



6. *Offset.* Signs shall be off-set from the wall a minimum of one quarter inch to a maximum of two inches to permit rain water to flow down the wall face. This is not applicable to push-through or raceway mounted lettering.

7. *Prohibit cabinet signs.*

8. *Signage for upper floor tenants.* Each upper floor tenant shall be entitled to erect permanent signage which does not exceed 80% of the allowable signage square footage for the first floor signage, provided such sign meets all of the requirements of this subsection. In addition, each upper floor tenant shall be entitled to erect a single sign, not over one-hundred and eight (108) square inches in size, at the entrance or lobby of the building which provides egress to the upper floor.

- Staff is recommending permitting signage for second floor tenants which does not exceed 80% of the signage for the first floor tenant. Requiring the signage to be the same materials for the first floor tenant as the second floor was analyzed, but it is not recommended.
- Staff does not recommend permitting a projecting sign for the second floor tenants.

9. *Sign amortization.* All legally permitted signs which become non-conforming by the provisions of this Code shall be replaced with a conforming sign within three years of the effective date of this ordinance.

Non-conforming signs shall be immediately replaced if any of the following conditions exist during the amortization period.

- (1) There is additional development of a site
- (2) There is a change in use, occupancy, or tenant

- (3) There is a change in sign copy (with the exception of window signs)
 - (4) There is a structural sign alteration or repair
 - (5) There is sign damage by any cause which exceeds 50% of the sign as determined by the Building Official
 - (6) There is removal of a sign
- Provided an amortization of non-conforming sign of 3 years, but shall be immediately replaced if certain actions described above occur. The Town will provide information to the businesses regarding grant opportunities to assist in sign compliance.

Summary of changes:

The following summary is a comparison of changes in the code by section.

General and miscellaneous provisions

- (b) Deleted language related to Supreme Court case studies and legal references
- (e) Removed “Definitions” from this section and created a new section solely containing terms and definitions

Definitions

Removed	Removed and Replaced	Amended
Directory & upper floor sign	Blade sign <i>(see Projecting sign)</i>	“Cabinet sign” definition
Murals	Community interest sign <i>(see Special Event Banner)</i>	“Changeable copy” definition
V-box	Grand opening banner <i>(see Special Event Banner)</i>	“Monument sign” definition
	Menu holders <i>(see Menu sign)</i>	“Non-conforming sign” definition
	Pedestrian sign <i>(see Projecting sign)</i>	“Sign” definition
	Primary occupancy sign <i>(see Primary Business sign)</i>	“Temporary sign” definition

	Sandwich or "A" frame <i>(see Portable Sign)</i>	"Window sign" definition
	Sidewalk café signage <i>(see Portable Sign)</i>	
	Sign area <i>(see Area)</i>	
	Pest control warning sign <i>(see Fumigation warning sign)</i>	

Added		
Area	Frontage, Building and Street	Pole mounted sign
Awning sign	Fumigation warning sign	Portable sign
Bandit sign	Home business sign	Primary business sign
Balloon sign	Individually mounted letter sign	Push-through sign
Banner sign	Illuminated	Raceway
Billboard sign	Marquee	Reverse channel sign
Business hours sign	Menu sign	Sign Face
Commercial sign	Non-commercial sign	Secondary business sign
Conforming sign	Non-complying sign	Umbrella sign
Copy	Open/Closed sign	Wall sign
Frontage	Pan Channel Letter	
Freestanding sign	Permanent sign	

Sign Design Parameters

- Changed section heading to “Sign Design and Appearance”
- (b) (c) Use of streets, waterways, sidewalks, public property and vacant lots language moved to a new section entitled “Prohibited Sign Locations”
- (d) Sign removal language moved to a new section entitled “Sign Removal” which outlines the time limitations and parameters for removal of both permanent and temporary signs
- (e) Moved “Pest control warning sign” language to the “Sign Permit” section under “Exempt Signs.” Renamed “Pest control warning sign” “Fumigation Warning sign” as it is officially referenced by the Department of Agriculture and Consumer Services. Under Florida State Administrative Code “Fumigation Warning signs” already have specific design and placement requirements; as such, all references to design parameters for this type of sign were removed. (See RULE 5E-14.122 of the Florida State Administrative Code: “Fumigation Requirements – Pre-fumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities.”)
- Added new language to this section which speaks more directly to design parameters and sign appearance such as appropriate scale, size, sensitivity to surrounding buildings and street context, incorporating complementary colors in sign design, use of weather resistant materials and proper sign maintenance and upkeep
- Extended time frame within which damaged or defective conforming signs must be removed and repaired from 30 days to 90 days.
- Required any damaged or defective non-conforming signs to be replaced with a sign that meets the requirement of the most current sign code.
- Added a list of exempt signs which do not require a permit including temporary signs, national flag, Town banners, numerical address sign, menu sign, hours of operation sign, management sign, open/closed sign, and fumigation warning sign.
- Limited the size of a national flag in the business district to 20% of the window glass area of the storefront.
- Added a requirement that all illuminated signs shall require a separate electrical permit
- Added a “Local Business Tax Receipt” requirement which says no such receipts shall be issued for a new business until all signs associated with the former business are removed.
- Added evaluation criteria for permit review
- Extended the time period for failure to commence from 90 days to 2 years.



National Flag



Town Banners



Numeric Address Sign



Open/Closed Sign



Business Hours Sign



Menu Sign



Property Management Sign



Fumigation Warning Sign

Permanent Signs by District

- The following sign types were **added** to the permanent signs list:



▪ *Projecting Sign*



Reverse Channel (Halo effect)



Raceway



Push through lettering



Pan channel letter

SD-B40 Zoning District

- (d) "Miscellaneous" 'Managed by..' sign type moved to the exempt signs list under "Sign Permits"
- (e) "Location" language moved to a new section entitled "Prohibited Sign Locations"
- (f)(1)(2)(3)(4) Temporary "Window Signs" moved to the "Temporary Signs" section
- (f)(5) Menu sign, hours of operation, and open/closed sign moved to exempt signs list under "Sign Permits".
- (f)(5) List of acceptable materials added to description of permanent "Window Signs" including painted gold leaf or silver leaf, silk screen, cut or polished metal, cut or frosted vinyl and etched glass
- (i) Permitted upper floor tenants to have wall signage no greater than 80% of the lower floor tenants but no signage above the eave line of the building.
- Required internal or external illumination for signs from dusk to dawn.
- Require buildings facing the alley to provide a reflective emergency address sign
- Permit illuminated Open/Closed signs.



Painted Gold Leaf



Painted Silver Leaf



Silk-Screen



Cut Vinyl



Frosted Vinyl



Etched Glass



Cut or Polished Metal

H30C, H40, MU and H120 Districts

- (b)(3) Edited acceptable wording/lettering for “Supplemental Sign”
- (e)(4) Edited acceptable wording/lettering for “Parking Sign” section
- (e)(6) Added a requirement that “Monument Signs” be landscaped at the base and that internal or external illumination be permitted.

H30A and H30B Districts

- (a)(b)(c) Redefined permitted permanent sign type within this district as “Wall Sign”

Sec 90-73 of original sign code Prohibited Signs

- In addition to Home Business sign and signs which emit smoke, vapor, or noise the following sign types were **added** to the list of prohibited sign types:





Temporary Signs

- Required all temporary signs to be professionally lettered
- Added Construction Sign to the list of allowable temporary signs
- Added Temporary Window Sign to the list of allowable temporary signs
- Added Special Event Banner Sign to the list of allowable temporary signs
- Permit temporary signage to be placed in the window rather than only 12 inches from the glass.

Construction Sign

Temporary Window Sign

Special Event Banner



Real Estate Sign

- (a) Added a timeframe for sign removal
- (b) Revised the maximum sign area within the SD-B40 District
- (d) Revised the area and height requirement for signs within the residential district in addition to allowing for sign riders
- (e) Allowed for signs to be black and white and to permit logos or symbols
- Added the requirement that signs be made of rigid, weatherproof materials

Political Sign

- Replaced requirement that sign be "...no closer than ten (10) from any lot line," with "No portion of the sign shall extend across the property line."

- Placed a prohibition on illumination of such signs
- Added language prohibiting placement of political signs on public property
- Placed a maximum height limitation of forty-two (42) inches from the ground for such signs

Non-conforming Signs

- Provided a three year amortization period.
- Added language that prohibits relocation of non-conforming signs
- Added a section on non-complying signs

Sign Construction and Maintenance

- This section was deleted and language moved to the "Sign Design and Appearance" section

Next Steps

- July 31, 2014 Planning and Zoning Board meeting
- August 12, 2014 Town Commission second reading

Budget Impact: This task was conducted under a separate work authorization for \$15,000.

Growth Impact: N/A

Staff Impact: N/A

Staff Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

ORDINANCE NO. 14 - _____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA REPEALING AND REPLACING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the “Town”) revised and replaced its sign code in its entirety by Ordinance No. 10-1558; and

WHEREAS, the Town after study has determined that further updating and revisions to the Town sign code are advisable; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the revisions to the sign code at a duly noticed hearing on July 31, 2014 and determined that it is consistent with the Town’s comprehensive plan and recommended its adoption; and

WHEREAS, the Town Commission has reviewed this Ordinance and the recommendations of the Planning and Zoning Board at a duly noticed hearing; and

WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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

Section 1. Recitals. Each of the above stated recitals is true and correct and the recitals are incorporated herein by this reference.

Section 2. Adoption of the Sign Code. The Town Commission hereby repeals the existing sign code in Article VI of Chapter 90 “Zoning” and replaces it with the sign code as follows:

ARTICLE VI. SIGNS

Table of Contents

- Sec. 90-68 General and miscellaneous provisions
- Sec. 90-69 Definitions
- Sec. 90-70 Sign permits
- Sec. 90-71 Sign design and appearance
- Sec. 90-72 Sign removal
- Sec. 90-73 Permanent signs by district
- Sec. 90-74 Temporary signs by district
- Sec. 90-75 Prohibited signs
- Sec. 90-76 Prohibited sign locations
- Sec. 90-77 Non-conforming signs
- Sec. 90-78 Non-complying signs

Sec. 90-68. General and miscellaneous provisions.

- (a) *Scope:* The provisions of this article shall govern the number, size, location, and character of all signs which may be permitted either as a main or accessory use under the terms of this article. No signs shall be permitted on a plot or parcel either as a main or accessory use except in accordance with the provisions of this article.
- (b) *Purpose:* This article shall be known as the "Town of Surfside Sign Code." The purpose of the code is to improve and advance the governmental purpose of aesthetics, quality of life, and safety of the Town and its residents, while meeting the need for signage that clearly identifies locations, advertises businesses, and otherwise communicates commercial and noncommercial messages.
- (c) *Substitution of non-commercial speech for commercial speech:* Notwithstanding any provisions of this article to the contrary, to the extent that this article permits a sign containing commercial copy, it shall permit a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to non-commercial, or from one non-commercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this article.

(d) *Severability:*

- (1) *Generally:* If any part, division, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, division, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.
- (2) *Severability where less speech results:* This article shall not be interpreted to limit the effect of subsection 90-68(d)(1), or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the Town, whether by subjecting currently exempt signs to permitting or by some other means.
- (3) *Severability of provisions pertaining to prohibited signs:* This division shall not be interpreted to limit the effect of subsection 90-68(d)(1) above, or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to 90-75, "Prohibited signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.
- (4) *Severability of prohibition on off-premises signs:* This division shall not be interpreted to limit the effect of subsection 90-68(d)(1) above, or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance.

Sec. 90-69. Definitions.

Words and terms not defined shall be interpreted in accord with the normal dictionary meaning and the customary usage of the word shall apply.

Area: The entire perimeter of a sign which encloses visually communicative copy such as letters, symbols, or logos, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Awning sign: a sign that is a part of or attached to an awning, canopy, or other material or structural protective cover mounted over a door, entrance, window, or outdoor service area.

Bandit sign: A sign made of corrugated cardboard or similar material placed on wire support poles typically placed within right-of-ways or on private property.

Balloon sign: An inflatable sign which may be tethered.

Banner sign: A sign composed of lightweight, flexible material suspended between two points.

Billboard sign: A significantly large sign designed to dramatically attract the attention of the travelling public. Such signs are used to advertise or communicate goods or services typically not sold, generated, or provided on the site where the sign is located.

Business hours sign: A small sign indicating the hours during the day in which business is commonly conducted.

Cabinet sign: Any sign, the face of which is enclosed, bordered, or contained within a hinged box-like structure, frame, or other device.

Changeable copy: A sign or portion thereof on which letters, illustrations or symbols are replaced automatically or manually.

Commercial sign: A sign that identifies, advertises or otherwise attracts attention to a product or business.

Conforming sign: A sign that is legally installed in accordance with local ordinances.

Construction sign: A temporary sign identifying those engaged in construction or remodeling on a building site, including the developer, contractor, subcontractor, architect, engineer or artisans involved in the project.

Copy: The content of a sign including words, letters, numbers, figures, designs, logos, graphics, colors, or other symbolic representation incorporated into a sign for the purpose of attracting attention.

Flag: A piece of fabric or bunting with a color or pattern that represents a government, or other non-commercial organization or idea.

Freestanding sign: a sign mounted on one or more supports including uprights, braces, columns, poles, posts, or other similar structural components which are placed on or into the ground, and not attached to a building.

Frontage, Building: The length of the exterior building wall of a single premise oriented towards the public way or other properties it faces.

Frontage, Street: The distance along which the lot line of a property adjoins a public street.

Fumigation warning sign: A sign indicating a lethal gas to exterminate pests is in use in a building, residence or premise. Warning signs are posted in plainly visible locations or the immediate vicinity of all entrances. Absolutely no people or pets may enter a structure with a posted warning sign.

Home business sign: A sign indicating a small business operating from the owner's home office or residence.

Individually-mounted letter sign: A wall sign using letter forms which are singularly affixed to the sign surface.

Illuminated: A sign which is lighted by either an internal electrical source, an external source separate from the sign itself, or back-lit.

Marquee: A roof-like sign structure commonly placed over the entrance to a hotel or theater often identifiable by a surrounding cache of intermittent or chasing lights.

Menu sign: A sign indicating food items or products served on the premises.

Monument sign: A free-standing sign generally having a low profile where the base of the sign structure is on the ground independent of the building, but does not include a pole sign.

Non-commercial sign: A sign that does not contain copy that advertises or promotes the availability of any merchandise, service, institution, residential area, entertainment, or activity. Such sign typically conveys an opinion, idea, or concept; or displays a civic, political, religious, seasonal or personal message.

Non-complying sign: Any unlawful sign that has not been erected in accordance with one (1) or more standards or regulations of the Code.

Non-conforming sign: A sign or advertising structure which was lawfully erected and maintained prior to the enactment or amendment of the Code, which by its height, type, square foot area, location, use or structural support does not conform to the current standards or regulations in effect.

Off-premise sign: Any sign advertising a commercial establishment, activity, product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which the sign is located.

Open/Closed sign: a small sign usually hung in a storefront window announcing a place of business is open or closed for business.

Permanent sign: A sign attached to a building, structure, or the ground that is entirely constructed out of durable materials designed to resist environmental loads, such as wind, and is fixed in place in such a manner as to inhibit easy removal or movement of the sign.

Pole-mounted sign: A free-standing sign mounted on a pole, post, or other vertical support.

Political sign: Any sign which indicates the name, cause or affiliation of anyone seeking public office or which references a ballot issue.

Portable sign: Any sign mounted on or supported by a moveable frame or object of any kind including A-frame, sandwich board, signs attached to mannequins, signs

mounted on tables or chairs or any other similar type of signage primarily designed to attract the attention of sidewalk traffic.

Projecting Sign: Small pedestrian sign typically supported by a decorative chain or bracket that projects perpendicular from the face of the building, located above the storefront entry and oriented to the pedestrian

Primary business sign: An establishment's principal sign which identifies the business to a passerby, communicating the most pertinent information.

Push-through sign: lettering or logo image cut through the sign face and backing material which is mounted or inlaid in such a way that the sign looks as if the lettering or image has been pushed through, up, and out of the sign.

Raceway: a horizontal or vertical structural element on which sign letters are mounted that houses electrical conduit for illumination.

Real estate sign: A temporary sign erected by the owner or agent indicating property which is for rent, sale or lease, including signs pointing to a property which is open for inspection by a potential purchaser (open house sign) or a sign indicating "shown by appointment only" or "sold."

Reverse channel sign: A sign comprised of individual letters or images that are independently mounted to a wall or other surface, with lights mounted behind the letters. The lights face the wall behind the letters illuminating the space around the letters rather than the letters themselves, creating a "reverse" lighting effect or "halo" effect.

Roof sign: A sign erected over, across or on the roof of any building, which is dependent on the roof, parapet or upper walls of a building for support.

Secondary business sign: A sign which communicates or identifies accessory information or uses other than the primary business or use.

Sign: Any structure and all parts composing the same, together with the frame, background or support, or any other object used for display or advertising purpose designed to attract the attention of the public.

Sign Face: The portion of a sign on which copy is intended to be placed, exclusive of any supporting structures.

Snipe sign: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, walls, trash receptacles or fences, or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located. Legal notices required by law are exempt.

Temporary sign: A sign which is allowed for a limited amount of time such as a special event banner sign, construction sign, political sign or real estate sign.

Umbrella sign: A sign located on an umbrella commonly used as shelter for sidewalk tables.

Wall sign: A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in such a way as to be substantially parallel to such exterior building wall to which it is attached or supported by.

Window sign: Any sign that is visible from the exterior of a building through an open or closed window or door including signs attached to, suspended behind, placed on or near, or painted upon such window or door.

Sec. 90-70. Sign permits.

(a) *Sign permit required.* Except as otherwise provided in this Code, no permanent shall be erected, constructed, posted, painted, altered, maintained, or relocated until a sign permit has been issued by the Town.

(1) *Exempt Signs.* The following signs are allowed and exempt from permit requirements:

- i. National flag. A flag displayed in a window shall not exceed twenty (20%) of the window glass area.
- ii. Banners erected by the Town including street pole banners.
- iii. Non-illuminated numerical address.
- iv. Open/Closed sign suspended behind a glass window or door provided the sign does not exceed one (1) square foot. The sign may be illuminated by white internal illumination. Illuminated signs shall not be allowed to blink intermittently.
- v. Non-illuminated business hours sign suspended behind a glass window or door provided the sign does not exceed one (1) square foot.
- vi. All temporary signs as provided in Section 90-74.
- vii. Menu sign not exceeding two (2) square feet displayed on the wall, window, or front door of a sit-down restaurant within the SD-B40 district only.
- viii. Plastic or metal wall sign not larger than sixteen (16) inches in width and five (5) inches in height stating "Managed by _____" with the name of the individual, partnership or corporation that manages a building.
- ix. Fumigation warning sign as required by the Department of Agriculture and Consumer Services.

- (2) *Application.* Before any permit is issued, a written application, in the form provided by the Town, shall be filed, together with such drawings and specifications as may be necessary to fully advise the Town with the location, construction, materials, manner of illuminating, method of securing or fastening, the number of signs applied for, the consent of the property owner, and the wording of the sign. Upon the submission of an application, staff shall have ten (10) working days to determine whether it is complete. If staff finds that the application is not complete, they shall provide the applicant with written notice of the deficiencies within the ten (10) working days period. Upon resubmission of the application, staff shall have five (5) additional working days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, staff will again inform the applicant of any remaining deficiencies in writing. This process shall continue until the applicant has submitted a complete application, or demands that the application be reviewed "as is."
- (3) *Building code requirements.* Structural and safety features and electrical systems shall be in accordance with the requirements of the Town's adopted building code. No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of this chapter and applicable Codes.
- (4) *Electrical permit requirements.* All signs that are electrically illuminated shall require a separate electrical permit and inspection.
- (5) *Local Business Tax Receipt requirements.* No Local Business Tax Receipt shall be issued for a new business until all signs associated with the former business have been removed.
- (6) *Permit review.* All signs, unless otherwise exempt, shall be subject to review by the design review board. In evaluating an application for a sign permit the board shall consider the following:
 - i. Whether or not the sign complies with the requirements of the code.
 - ii. The quality of materials used and their relationship to the architecture of the structure and streetscape.
 - iii. The overall concept associated with the proposed sign.
 - iv. The detail of the design including text and graphics proposed.
 - v. The illumination, surface colors, finish, width, depth, and dimensions of the proposed sign.
 - vi. The appropriateness of the sign to the spirit and intent of the Code.
- (7) *Failure to commence.* Every sign permit issued by the Town shall become null and void if installation is not commenced within two (2) years from the issue date of such permit. If work authorized by such permit is suspended or abandoned for one-hundred

and eighty (180) calendar days any time after the work is commenced, a new permit must be obtained and approved by the design review board. The fee will be the full amount required for a new permit for such work.

- (8) *Revocation.* The Town may suspend or revoke, in writing, a permit issued under provisions of this code, whenever the permit is issued on the basis of a misstatement of fact or fraud. The written revocation shall describe the appeal process. The Town shall send the revocation by certified mail, return receipt requested, to the sign owner. Any person having an interest in the sign or property may appeal the revocation, by filing a written notice of appeal with the Town commission within fifteen (15) calendar days after receipt of the written notice of revocation. The Town commission shall hear the appeal within thirty (30) calendar days after the date of receiving the written notice of appeal.

Sec. 90-71. Sign design and appearance.

- (a) Signs shall be professional in appearance.
- (b) Signs shall not be the dominant feature of a location and shall be scaled in accordance with the size of conforming signs on adjacent and nearby properties.
- (c) Signs shall be well designed, unique, and integrated into the building façade so as not to detract from the architectural character of the building or the context of the surrounding streetscape.
- (d) Sign colors shall be complementary to or enhance the main color of the building façade. The use of established business colors or company logos or trademarks shall not be prohibited by this requirement.
- (e) Signs shall have a proportional and dimensional relationship between the building, text, graphics, and spacing.
- (f) Sign copy shall be simple and concise without excessive description of goods, services, products. Unless otherwise provided in this Code commercial copy shall be limited to the trade name or franchise name of the business or the primary product or service.
- (g) Signs shall be weather resistant and professionally constructed of high-quality, durable material in accordance with the Florida Building Code unless otherwise exempt.
- (h) All exterior electrical outlets for signs shall terminate in a galvanized or plastic box with a blank cover, which shall be flush with and not protrude beyond the finished surface of the exterior wall. Transformer boxes and other accessory equipment for any sign shall be placed so as not to be visible from the street level.
- (i) Signs shall be properly maintained and kept in proper working order. Any damaged or defective conforming signs shall be removed and repaired within ninety (90) calendar

days. Damaged or defective non-conforming signs shall be replaced with a conforming sign that meets the requirements of this Code.

Sec. 90-72. Sign removal.

- (a) *Permanent signs.* Upon the vacation of a premise, any sign associated with the previous owner or lessee including letters, numbers, logos, or any other visual communication associated with the vacated premise, shall be removed by the current owner or lessee within thirty (30) days of the transfer of ownership or cessation of the previous business activity. Any visible holes shall be painted and filled. Sign structure may remain in place provided no identifying features of the previous business activity are visible and the sign structure is conforming per the requirements of the code.
- (b) *Temporary signs.* Notwithstanding the time limitations set forth in Section 90-74, all outdoor temporary signs shall be removed immediately upon the issuance of a hurricane warning by a recognized government agency.

Sec. 90-73. Permanent signs by district.

(a) *SD-B40 Zoning District.*

- (1) *Content.* Commercial signs may only include the trade name, logo of the establishment, the nature of business or services rendered, or products sold on the premises. Signs may not include phone numbers or any reference to price.
- (2) *Signage for upper floor tenants.* Each upper floor tenant shall be entitled to erect permanent signage. The total square footage of all second floor signage shall not exceed eighty percent (80%) of the allowable signage square footage for the first floor signage, provided such sign meets all of the requirements of this subsection. In addition, each upper floor tenant shall be entitled to erect a single sign, not over one-hundred and eight (108) square inches in size, at the entrance or lobby of the building which provides egress to the upper floor.
- (3) *Permitted signs.*
 - a. *Projecting sign.* Projecting signs on either the ground level or upper floors shall not be permitted for upper floor tenants. The maximum sign area for projecting signs shall be eight (8) square feet. The maximum lettering height shall be six (6) inches unless otherwise integrated into a creative graphic design as approved by the design review board. Signs shall not project more than five feet from any main building wall nor shall they be mounted above ground level tenant space. Encroachment into the right-of-way including sidewalks shall only be permitted where it can be

demonstrated that there is a minimum vertical clearance of eight (8) feet. Decorative bracket treatments are encouraged. Projecting signs shall not have electric lights, attached electric fixtures, or any manner of illumination.

b. *Individually-mounted letter sign.* The total area of all individually-mounted letter signs shall be one (1) square foot for each lineal foot of frontage of the lot or portion of the lot upon which the operating enterprise is located. For frontages less than twenty-five (25) feet, a total sign area up to twenty-five (25) square feet maximum shall be permitted. In no case shall the total sign area on any single operating enterprise exceed one-hundred and fifty (150) square feet and no single sign shall exceed forty-five (45) square feet.

1. *Types.* The following types of individually-mounted letter signs shall be permitted. No open face channel letters shall be permitted.

i. Reverse channel letter

ii. Push-through letter

iii. Pan channel letter

iv. Raceway mounted letter. All exposed raceways must be painted to match finish of wall face of the building.

2. *Offset.* Signs shall be off-set from the wall a minimum of one quarter inch to a maximum of two inches to permit rain water to flow down the wall face. This is not applicable to push-through or raceway mounted lettering.

3. *Illumination.* All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn. The illumination may be either internal illumination or external illumination, however, all walls below the sign shall be illuminated with white wall wash LED lighting. It shall be located and directed solely at the sign. The light source shall not be visible from or cast into the right-of-way, or cause glare hazards to pedestrians, motorists, or adjacent properties. Lighting shall meet all applicable electrical codes. Intensities of illumination shall be approved by the Building Official of the Town before issuance of a sign permit. A maximum of ten (10) foot candles is permitted on any portion of a sign to be measured at the centerline of the adjacent sidewalk. A foot candle is defined as a unit of illuminance or light falling onto a surface. It stands for the light level on a surface one foot from a standard candle. One foot candle is equal to one lumen per square foot. A Lumen is the basic measure of the quantity of light emitted by a source.

c. *Permanent window sign.* One (1) primary sign may be applied to the inside or outside surface of any one glass window or door or displayed within twelve (12) inches of a glass window or door. Such signs shall only be permitted on primary

and side street level frontages. Sign area inclusive of logos or trademarks shall not exceed twenty (20%) percent of the area of the glass window or door in which the sign is displayed. Lettering shall not exceed eight (8) inches in height. Acceptable materials include painted gold leaf or silver leaf, silk-screened, cut or polished metal, cut or frosted vinyl, and etched glass.

d. Television screen or similar. Television screens or similar electronic features may be located inside the storefront and project out to the sidewalk. These features shall be oriented towards the pedestrian and angled to be parallel to the sidewalk. Television screens or similar electronic features shall not exceed twenty (20%) percent of the area of the glass window if the feature is within thirty-six (36) inches of the window. Television screens or similar electronic features located greater than thirty-six (36) inches away from a window shall be permitted to exceed twenty (20%) percent of the area of the glass window. A maximum of 10 foot candles of illumination shall be permitted from any television screens or similar electronic features to be measured at the centerline of the adjacent sidewalk.

e. Emergency address sign. Commercial buildings in Blocks number 3, 4, 5, and 6 of Altos Del Mar Subdivision Number 6 shall be required to provide an emergency address sign on the alley side of the building clearly identifying the address of the establishment. Signage may be wall mounted or posted on a rear door. Sign material shall consist of weatherproof reflective 3-inch or 4-inch address panels.

(b) *H30C, H40, MU and H120 Zoning Districts.*

(1) Signage on the outside of a hotel, multifamily building, or other similar structure which identifies a secondary business within the same structure is prohibited. Supplemental signs as permitted in this subsection shall be exempt from this requirement.

(2) *Content.* Commercial signs may only include the trade name, logo of the establishment, the nature of business or services rendered, or the products sold on the premises, except as otherwise provided in this Code. Signs may not include any reference to rates.

(3) *Permitted signs.*

- a. *Individually-mounted letter sign.* Permitted as under the requirements of Section 90.73 (a)(3)(b.), except total sign area for multi-family dwellings within the H30C and H40 districts shall not exceed seventy-five (75) square feet.
- b. *Monument Sign.* One monument sign shall be permitted per street frontage. The maximum sign area shall not exceed twenty-five (25) square feet. The maximum height shall not exceed five (5) feet from the ground. Signs shall maintain a five (5) feet setback from all property lines and no portion shall be permitted to project within this five (5) feet setback area. Signs are required to be landscaped at the base. Signs may be internally or externally illuminated.
- c. *Supplemental sign.* A sign for any establishment reading "Office," "Vacancy," "Private Beach," "Swimming Pool," "Cabanas," "Coffee Shop," "Restaurant," or other such wording shall be considered a supplemental sign. Such signs shall be limited to three (3) square feet in size; except in the H120 district, a hotel with a restaurant may display an individual sign not to exceed five (5) square feet in size containing the name of the restaurant. The total combined square footage of individual supplemental signs shall not exceed eight (8) square feet per main building. Such signs shall not be included in calculating the total maximum sign area for the lot. Signs shall be dignified in character and shall be restricted to the wording described above.
- d. *Parking sign.* Parking signs not over four (4) square feet in size may be erected at each exit or entrance of parking lots serving buildings in these zoning districts. Such signs may be illuminated by indirect lighting only. Lettering on these signs shall be limited to the name and address of the primary business, multifamily building or hotel, and the words "Entrance" or "Entrance Only," "Exit" or "Exit Only," "Parking," "Resident Parking," "Guest Parking," "Visitor Parking," "Private Parking," "Valet Parking," or "Customer Parking."
- e. *Emergency address sign.* Buildings on the east side of Collins Avenue abutting the beach walking path shall be required to provide an emergency address sign identifying the name and address of the building. Sign shall be mounted on a free-standing post not to exceed eighteen (18) inches in height and twenty-four (24) inches in width. Address letters and numbers shall not exceed two (2) inches in height and name shall not exceed one (1) inch in height. Sign material shall be weatherproof and reflective so as to be clearly visible at night.

(c) *H30A and H30B Zoning Districts.*

- (1) *Wall sign.* Sign shall be attached to the main façade of the building and shall not exceed four (4) square feet. Sign shall be installed and secured tightly to the

building. No loose, non-secure attachments shall be allowed. Sign shall be rigid and weatherproof. Sign shall not be illuminated in any manner.

Sec. 90-74. Temporary signs.

(a) *Real estate sign.*

- (1) *SD-B40 District.* One (1) professionally lettered real estate sign shall be permitted per building frontage. The maximum sign area shall be three (3) square feet. The sign shall be mounted flat against the building wall or a minimum of twelve (12) inches from a window, and shall not project above the eave line of the building.
- (2) *All Other Zoning Districts.* One (1) professionally lettered real estate sign shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign panel area shall be eighteen (18) inches by twenty-four (24) inches. Up to two (2) riders shall be permitted above and/or below the main sign panel not to exceed six (6) inches by twenty-four (24) inches per rider for in-ground signs. The maximum sign height for in-ground signs including support frame shall not exceed forty-two (42) inches from the ground to the top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.
- (3) All real estate signs shall be black and white and may include a trademarked logo or symbol.
- (4) Sign shall be constructed of rigid, weather proof materials.
- (5) Sign shall not be lighted or illuminated in any manner.
- (6) Sign shall be removed within seven (7) days of a lot, building, residence or tenant space being leased, rented or sold.

(b) *Political sign.*

- (1) *SD-B40 District.* One (1) professionally lettered political sign shall be permitted per building frontage. The maximum sign area shall be three (3) square feet. The sign shall be mounted flat against the building wall or a minimum of twelve (12) inches from a window, and shall not project above the eave line of the building.
- (2) *All Other Zoning Districts.* One (1) professionally lettered political sign shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign area shall be three (3) square feet. Sign face shall be constructed of metal, plastic, wood, pressed wood or cardboard. The maximum sign

height for in-ground signs including support frame shall not exceed forty-two (42) inches from the ground to the top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.

- (3) Signs shall be not be erected more than 90 days prior to the subject election date or ballot vote and shall be removed no later than seven (7) days after the subject election date or ballot vote.
- (4) Sign shall not be lighted or illuminated in any manner.
- (5) It shall be unlawful for any person to paste, glue, print, paint, affix, or attach by any means whatsoever to the surface of any public street, right-of-way, easement, sidewalk, curb, or to any property of any governmental body or public utility, any political sign, poster, placard, or sticker designed or intended to advocate or oppose any ballot issue or the nomination or election of any candidate.

(c) *Construction sign.*

- (1) One (1) professionally lettered construction sign shall be permitted per site or development subject to the issuance of a building permit for the project. Such sign shall be removed immediately if the building permit for the project expires and construction has not commenced, and/or the permit is not renewed.
- (2) Sign content is limited to the following:
 - a. Project name
 - b. Parties involved in construction and financing
 - c. Contact information such as phone number, email address or website
 - d. Unit prices not to exceed ten (10%) percent of the total sign area. Numbers shall not exceed six (6) inches in height.
- (3) Maximum sign area is sixteen (15) square feet.
- (4) Sign may be freestanding affixed to posts, a flat wall sign, or mounted to a construction fence. Freestanding signs shall be a minimum of ten (10) feet from the property line and shall be a maximum of five (5) feet in height from the ground to the top of the sign. Wall signs shall not extend above the floor of the second story, parapet wall, or eave line of the building.
- (5) Rigid weatherproof board is required.
- (6) Such sign must be removed within seventy-two (72) hours of the issuance of a certificate of occupancy.

(d) *Temporary window sign.*

- (1) Temporary window signs of any nature may be attached to glass window or doors, or mounted within 12 inches of a glass window or door.
- (2) One (1) professionally lettered temporary sign shall be permitted per window.
- (3) Sign may not be displayed more than sixty (60) calendar days unless otherwise provided in this subsection.
- (4) The total area for temporary signs shall not exceed twenty (20%) percent of the glass window they are facing unless otherwise provided in this subsection.
- (5) Temporary signs pertaining to a going-out-of-business sale or everything-must-go clearance event shall be permitted to be displayed within a window for a period not to exceed ninety (90) calendar days.
- (6) A temporary sign not exceeding one (1) square foot may be affixed to any window or glass door stating special hours or closing days due to holidays, or bona fide business or personal emergencies. There shall not be more than one (1) such sign per window or door. Sign shall not be maintained for more than fourteen (14) calendar days.
- (7) Signs not in excess of six (6) square inches, listing merchandise price, may be attached to items displayed in display windows.
- (8) Temporary signs which are removed and redisplayed within thirty (30) calendar days of removal shall be deemed in violation of this subsection. Display merchandise signs listing price not exceeding six (6) square inches shall be exempt from this requirement.

(e) *Special event banner sign*

- (1) One (1) professionally lettered temporary banner advertising a grand opening associated with a commercial building or business enterprise is permitted.
- (2) Permitted content shall be limited to “Grand Opening” “Coming Soon” “Now Open” or “Under New Management” and the date and time of the event where applicable.
- (3) No banner shall exceed thirty-two (32) square feet or five (5%) percent of the building façade that faces a public street, whichever is less.
- (4) Banners may only be displayed within sixty (60) calendar days from the date an occupational license is issued.
- (5) No banner shall be displayed for more than thirty (30) consecutive calendar days.
- (6) Banner shall not include changeable copy.
- (7) Banner shall be made of durable materials such as canvas or vinyl. Non-durable material such as butcher-type paper is not permitted.

(8) Banner shall be securely attached to a supporting structure such as a street frontage wall and capable of withstanding continuous wind without deflections or rotations that would cause deformation or damage.

(9) No banner shall be attached to a roof structure or above the eave line of the building.

Sec. 90-75. Prohibited signs.

No sign shall be erected, constructed, or affixed in violation of the provisions of these regulations, and any sign not specifically provided for and permitted by these regulations shall be prohibited. None of the following signs shall be erected, constructed, or affixed in the Town except as otherwise permitted by Code:

- (a) Awning signs or any sign printed on or attached to an awning or canopy.
- (b) Balloon signs or other inflatable signs. Balloons may be permitted for a period not to exceed 24-hours for a temporary, non-commercial event such as a special occasion at a residence.
- (c) Banner signs except as otherwise permitted by code.
- (d) Billboards.
- (e) Cabinet signs.
- (f) Changeable copy signs or marquees.
- (g) Home business signs.
- (h) Flags except as otherwise permitted by code.
- (i) Lighted signs including strings of lights or lights framing a window
- (j) Mirror devices used as part of a sign.
- (k) Off-premise signs including persons wearing costumes and/or holding temporary signs with commercial copy.
- (l) Pole-mounted signs.
- (m) Portable signs including A-frame, sandwich board, and moveable make-shift signs such as signs attached to a mannequin or mounted on a table or chair, or any other similar type of portable sign or moveable object primarily designed for display purposes or to attract the attention of sidewalk traffic.
- (n) Roof signs.
- (o) Signs whose face is designed or constructed to be placed or transported on wheels
- (p) Snipe or bandit signs except political signs and real estate signs.
- (q) Temporary signs including posters and handbills except as otherwise permitted by code.

- (r) Umbrella signs.
- (s) Signs containing wording which constitutes fraudulent or misleading advertising.
- (t) Signs containing obscene matter or wording which violates any federal, state or county statute, ordinance or rule.
- (u) Signs which have spinning devices, or strings of spinning devices, streamers, fluttering or other similar advertising devices.
- (v) Signs which emit smoke, visible vapors, particles, sound, or odors.
- (w) Signs not erected by a public authority which simulate, copy, or imply any official traffic sign, signal or police caution device.
- (x) Signs that display lights which are intermittent, blinking, moving, revolving, flashing or similar, except decorative or flashing illumination may be used between December 10 and January 5.

Sec. 90-76 Prohibited sign locations.

Except as otherwise permitted by Code no temporary, permanent, or exempt sign shall be permissible in the following locations:

- (a) Signs which prevent free ingress or egress from any door, window, or fire escape shall be prohibited.
- (b) Signs shall not be placed in any location which obstructs a motorist's vision of an intersection, traffic control signal, other vehicular traffic, or view of pedestrian or bicycle traffic.
- (c) Signs shall not be placed on or near the rear of a lot or building so as to face a designated zoning district other than the one in which the sign is located except as otherwise permitted by Code. Provided however, that signs may be installed on the rear walls of commercial buildings in Blocks number 3, 4, 5, and 6 of Altos Del Mar Subdivision Number 6, in accordance with Section 90-73(a) and Section 90-74. Such signs shall be limited to a maximum area of twenty-five 25 square feet. These signs shall not be included in computing total sign area for a given operating enterprise.
- (d) No sign of any type shall be suspended across any vacant lot, unoccupied building or temporary structure nor shall any sign of any description be stenciled, written, painted, posted, printed, nailed or otherwise affixed to any vacant lot, unoccupied building or to any temporary structure within the Town except as otherwise permitted by Code.

- (e) Except as otherwise authorized by the Town Manager or designee, no sign of any type shall be suspended across any public street, right-of-way, sidewalk, easement, alley or waterway; nor shall any sign of any description be stenciled, written, painted, posted, printed, nailed or otherwise affixed to any curb, sidewalk, tree, light standard, utility pole, hydrant, traffic signal device, street sign and its pole, bridge, wall, or any other structure, which is within the property lines of any street, right-of-way, easement, alley, waterway or other public property within the Town.
- (f) Signs placed without the express permission of the property owner or agent.

Sec. 90-77. Non-conforming signs.

- (a) *Sign amortization.* All legally permitted signs which become non-conforming by the provisions of this Code shall be replaced with a conforming sign within three years of the effective date of this ordinance.
- (b) Non-conforming signs shall be immediately replaced if any of the following conditions exist during the amortization period.
 - (1) There is additional development of a site
 - (2) There is a change in use, occupancy, or tenant
 - (3) There is a change in sign copy (with the exception of window signs)
 - (4) There is a structural sign alteration or repair
 - (5) There is sign damage by any cause which exceeds 50% of the sign as determined by the Building Official
 - (6) There is removal of a sign
- (c) *Sign relocation.* Non-conforming signs shall not be permitted to be relocated.

Sec. 90-78. Non-complying signs.

Signs not in compliance with the code or those installed without a permit shall be considered non-complying. Such signs shall be removed or replaced immediately or shall otherwise be subject to code enforcement action, forfeiture to the public, confiscation or removal by the Town at the cost of the owner.

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 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 final adoption on second reading.

PASSED and ADOPTED on First Reading the _____ day of _____, 2014.

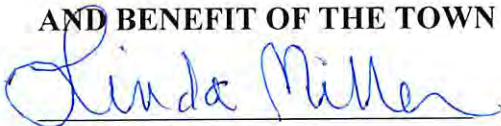
PASSED and ADOPTED on Second Reading this _____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller
Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes	_____	no	_____
Commissioner Michael Karukin	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Eli Tourgeman	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



Town of Surfside Commission Communication

Agenda # 4B2
Agenda Date: July 8, 2014
Subject: Parking Trust Fund
From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Planning and Zoning Board and the Town Commission have expressed concern over the Parking Trust Fund and the lack of requirements, such as a cap on the number an applicant may pay into the fund and the payment spread out over 30 years without interest.

Analysis:

Staff reviewed other local municipalities and found that Coral Gables has a very specific parking trust fund ordinance which is a good base for Surfside's revised ordinance. The proposed ordinance provides for a cap of 10 spaces plus no more than 10% of the overall required off-street parking spaces, over and above the 10 spaces. The intent of allowing a business to pay for the first 10 spaces is to provide more options for small businesses looking to expand.

For instance, if 100 spaces were needed for a new project, under this scenario they would only be able to pay for 20 spaces into the fund and the rest would need to be constructed. In another example, if a building needed 25 spaces, they would only be able to pay for 12 spaces into the fund.

Staff has included a one-time payment prior to building permit rather than options for annual payment, which is consistent with Coral Gables.

Lastly, the Town Commission would have discretion whether an applicant could use the parking trust fund as an option to satisfy their parking requirements. The Town Commission would evaluate the use of the fund on

the availability of parking, current parking occupancies and planned parking expansions.

Staff Recommendation: Staff recommends the Town Commission approve on first reading.

Budget Impact: Could impact potential payment into the parking trust fund.

Growth Impact: Properties will need to provide more onsite parking or reduce their overall development program to meet their parking needs.

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

ORDINANCE NO. 14-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING PARKING TRUST FEES PAID IN LIEU OF OFF-STREET PARKING; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida (“Town Commission”) has provided in Section 90-77 of the Town of Surfside Code of Ordinances for the payment of parking fees as an option to satisfy off-street parking requirements of the Zoning Code as a means of fostering a pedestrian-friendly mixed-use downtown environment within the Town of Surfside (“Town”); and

WHEREAS, the Town’s Future Land Use Element of the Town of Surfside Comprehensive Plan supports the use of a Parking Trust Fund as a method for funding the construction of public parking garages and other facilities and programs to provide needed parking within the Town; and

WHEREAS, the Town Commission finds that the Parking Fees and Parking Trust Fund provisions of Section 90-77 should be amended to better effectuate the purposes of the Town; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the district regulations on July 31, 2014 with due public notice and input and made its recommendation to the Town Commission regarding consistency with the Comprehensive Plan; and

WHEREAS, the Town Commission having conducted duly noticed public hearings on these regulations as required by law, having considered the input of the public, the Planning and Zoning Board and town staff; and

WHEREAS, the Town Commission finds that this Ordinance is consistent with the Town’s Comprehensive Plan and furthers the public health, safety and welfare.

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

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. 90-77. Off-street parking requirements.

(a) Except as otherwise provided herein, when any building or structure is hereafter constructed; or structurally altered so as to increase the number of dwelling units or hotel rooms to increase its total commercial floor area, including provision of outdoor seating; or when any building or structure is hereafter converted to any of the uses listed in subsection 90-77(c), off- street parking spaces shall be provided in accordance with the requirements of subsection 90-77(c). or as required in subsequent sections of this article. The requirement for an increase in the number of required parking spaces shall be provided on the basis of the enlargement or change of use.

(b) Parking compliance for properties and uses located in SD-B40 zoning district and for religious places of public assembly in other areas of the town.

(1) *Off-street parking applicability.* This section applies to:

- a. Uses within the SD-B40 zoning district where changes of use from service businesses to restaurant or retail occur; and
- b. Religious places of public assembly located within the area depicted on the Public Assembly Places as set forth in subsection 90-41(d)(23) hereinabove.

(2) *Options to satisfy parking requirements for uses specified in (1) above.* Satisfaction of the off-street parking requirements ~~of this subsection (b)~~ may be achieved with the permission of the town commission through compliance with any combination of the following options:

- a. On site provision of required parking spaces as more specifically set forth in subsection 90-77(c);
- b. Tandem parking as more specifically set forth in subsection 90-77(d);
- c. Joint use and off-site facilities as more specifically described in section 90-80. If parking is satisfied by agreement with a private third party, the town shall require an agreement in writing for an effective period of no less than five years. No less than 60 days prior to the expiration of such agreement, either a new agreement shall be in place or the owner of the property for which the parking is being provided shall receive the town's approval of the employment of one of the other prescribed options contained in this subsection. Failure to secure the town's approval of one or a combination of the prescribed options shall result in revocation of the owner's certificate of occupancy and certificate of use;
- d. Shared parking; or
- e. Payment of parking trust fee that can be used to finance the provision of parking whether through the purchase, construction or modification of parking facilities or to otherwise provide for additional parking as more specifically set forth in subsection 90-77(b)(4).

* * *

(4) *Parking trust fee.* The off-street parking requirements may be complied with by paying into the downtown parking trust fund the sum of money that is the product of the number of parking spaces required but not provided, multiplied times the amount of the established fee per parking space. The parking fee amount shall be calculated on a "per parking space" standard, based upon a portion of the cost of the land, combined with the cost of design and construction, for a single structured off-street parking space. The established fee per parking space shall be determined by the town manager and approved by resolution of the town commission, as may be amended from time to time. All required parking fees shall be paid by a one-time payment prior to the issuance of a building permit.

Parking fees collected pursuant to this subsection shall be deposited into the parking trust fund established in subsection 90-77(b)(5). The fund shall be used to facilitate the provision of public off-street parking and infrastructure improvements related to parking including, but not limited to, the following activities:

- a. Acquire fee simple or other interests in land, and other real property for parking purposes;
- b. Construct, maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities for public use including all labor and materials, cost of interest and financing, and all other such reasonable costs;
- c. Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;
- d. Coordinate plans for parking facility improvements and expansion with public transportation plans and operations in the vicinity;
- e. Provide accessibility to off-street parking facilities by suitable means such as public shuttle, tram or trolley service and related physical improvements such as bus shelters and right-of-way modifications; and
- f. Perform such other related activities as may be necessary to carry out the intent of this subsection.

The success and financial feasibility of providing any such shuttle, tram, bus, or trolley service, as provided herein, shall be subject to annual evaluation by the town commission. Funds deposited in the Parking Trust Fund shall be made available to the town commission for the purposes set forth in this subsection, after review and recommendation by the town manager to the town commission and approval by the town commission.

(5) *Parking trust fund.* There is hereby established a trust fund to be entitled the "Town of Surfside Parking Trust Fund," to be maintained and administered by the Town Manager. Any new construction, addition, alteration or rehabilitation on property within the SD-B40 district or religious place of public assembly or any that creates an increase in off-street parking requirements under Section 90-77 (c) may propose satisfying those requirements for off-street parking by providing a payment-in-lieu as established in the most current fee resolution approved by the Town Commission as follows:

- a. Where the new construction, addition, alteration or rehabilitation creates a demand for off-street parking of 10 or fewer parking spaces;
- b. For new construction, additions, alterations or rehabilitations that create an off-street parking demand greater than 10 spaces, a developer may propose a payment-in-lieu to satisfy the requirement for 10 percent of the overall required off-street parking spaces, over and above the 10 spaces permitted in subsection (a). Acceptance of the payment-in-lieu to satisfy the parking requirement is at the discretion of the Town Commission. When reviewing development plans that propose a payment-in-lieu, the Town Commission will consider any relevant information including, the existing supply of public parking spaces supporting the use, current parking occupancies and plans for construction or expansion of public parking facilities.

~~Parking fees collected pursuant to subsection 90-77(b)(4) shall and any other monies may be deposited into this fund. The fund shall be used to facilitate the provision of public off-street parking and infrastructure improvements related to parking including, but not limited to, the following activities:~~

- ~~a. Acquire fee simple or other interests in land, and other real property for parking purposes;~~
- ~~b. Construct, maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities for public use including all labor and materials, cost of interest and financing etc;~~
- ~~c. Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;~~
- ~~d. Coordinate plans for parking facility improvements and expansion with public transportation plans and operations in the vicinity;~~
- ~~e. Provide accessibility to off-street parking facilities by suitable means such as public shuttle, tram or trolley service and related physical improvements such as bus shelters and right-of-way modifications; and~~
- ~~f. Perform such other related activities as may be necessary to carry out the intent of this subsection.~~

~~The success and financial feasibility of providing any such shuttle, tram, bus, or trolley service, as provided in subsection (b)(5)e., shall be subject to annual evaluation by the town commission. Funds deposited in the downtown parking trust fund shall be made available to the town commission for the purposes set forth in this subsection, after review and recommendation by the town manager to the town commission and approval by the town commission.~~

* * *

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 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 final adoption on second reading.

PASSED and **ADOPTED** on first reading this ____ day of _____, 2014.

PASSED and **ADOPTED** on second reading this ____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller
Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

VOTE ON ADOPTION:


Commissioner Barry R. Cohen	yes	_____	no	_____
Commissioner Michael Karukin	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Eli Tourgeman	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



TOWN OF SURFSIDE
Office of the Town Attorney
 MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009
 Telephone (305) 993-1065

COMMISSION COMMUNICATION MEMORANDUM

TO: Town Commission

FROM: Linda Miller, Town Attorney 
 Jean Olin, Special Counsel

CC: Michael P. Crotty, Town Manager

DATE: July 8, 2013

SUBJECT: Resolutions of The Town Commission of The Town of Surfside, Florida, Calling for The Town's November 4, 2014 Special Election to Present to the Town's Electorate Certain Proposed Amendments to the Town Charter.

Pursuant to this year's Charter Review process during which the Town Commission conducted several public meetings discussing the Charter Review Board's suggested amendments to the Surfside Charter (as embodied in the Board's Final Report dated March 11, 2014), the attached Resolutions have been prepared calling for Surfside's November 4, 2014 Special Election for the purpose of presenting to the Town's electorate the following seven ballot measures¹:

Qualifications for Office.

Shall Charter Section 6 be amended to:

- *Delete requirement that members of Town Commission be at least 21 years old, thereby requiring members to be registered voters at least 18 years old consistent with Charter requirement that members be "qualified electors";*
- *Require that Commission members be Town residents for at least one year immediately preceding qualifying for elected office instead of one year prior to registering to vote; and*
- *Delete language regarding dual-office holding?*

Vacancy on Commission.

Shall Charter language governing "Vacancies on Commission" be amended to:

- *Clarify when vacancies occur and establish process for filling vacancies;*
- *Conform related election dates;*

¹ The above measures incorporate all prior related directives of the Town Commission.

- *Expand definition of “vacancy” to include when Commission seats remain unfilled after qualifying ends; and*
- *Grant Commission “good cause” power excusing Commission member’s failure to attend meetings resulting in possible vacancy.*

Vacancy in Candidacy.

Per Charter Section 105(8), if more than five candidates qualify but said number is reduced before election date, election is postponed and supplemental qualifying occurs.

Shall the Charter be amended to delete this Section and establish a revised supplemental qualifying process for vacancy in candidacy due to death, withdrawal or removal from ballot of candidates, said process including term commencement and Vice Mayor selection, and establish conditions for candidate(s) election by operation of law?

Canvassing Board.

Shall Charter Section 108 governing canvassing of election returns by the Town’s Canvassing Board be deleted from the Town Charter and incorporated into Town Code Chapter 26 governing “Elections”?

Qualifying for Elected Office.

Shall Charter language governing “Qualifying” (i.e., becoming a candidate) for elected office be amended to change time period for filing a qualifying petition from 55-35 days before election to 65-45 days before election while retaining Citizens’ rights to obtain signatures on petition prior to said time period, clarify related filing requirements, and clarify procedure related to determination of petition’s sufficiency?

Establishing Elected Officials’ Staggered Terms and Increasing Town Commissioners’ Terms from Two to Four Years.

The Charter establishes two year, unstagged terms for the Mayor and Town Commissioners. Shall the Charter be amended to provide that commencing with Town’s General Election in 2016, terms of Town Commissioners shall be increased from two years to four years while retaining Mayor’s two year term, all Commission members’ terms shall be staggered, Vice-Mayor selection shall be by Commission, and related provisions regarding Runoff Election shall be conformed to reflect staggered terms?

Runoff Election.

Charter Section 105(5) requires a Runoff Election if General Election results in a tie vote between candidates for Town’s fifth Commission seat.

Shall the Charter be amended to clarify requirement for Runoff Election when a tie vote occurs for any Commission seat (not only the fifth Commission seat) wherein candidates receiving tie votes have not received highest number of votes for purposes of election, and establish process for determination of Runoff Election outcome?

FINAL NOTE: Inasmuch as the Miami-Dade County Elections Department must receive measures for the November 4, 2014 election ballot by no later than August 5, 2014 these matters are timely presented to the Town Commission and adoption of the attached Resolutions may take place at today’s meeting.

RESOLUTION NO. 14 -

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “QUALIFICATIONS FOR OFFICE”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”) referencing Section 6.03 of Article 6 of the Home Rule Charter for Miami-Dade County provides the manner in which charter amendments shall be proposed; and

WHEREAS, in accordance with provisions of the Charter of the Town of Surfside, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the Town of Surfside, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 4, 2014, for the purpose of submitting to the electorate the question as set forth hereinafter; and

WHEREAS, the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk of the Town of Surfside as soon as the ballots from the precinct has been tabulated; and

WHEREAS, the voting precinct in the Town of said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Florida 33154. All Town electors shall vote at this polling place for this Special Election, and

WHEREAS, not less than thirty days notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and the Code of the Town of Surfside.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Notice of Election

The Notice of Election shall be substantially in the following form:

THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AND WILL BE HELD IN SAID TOWN FROM 7:00A.M. UNTIL 7:00P.M. ON THE 4TH DAY OF NOVEMBER, 2014, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE TOWN OF SURFSIDE THE FOLLOWING QUESTION:

Qualifications for Office

Shall Charter Section 6 be amended to:

- Delete requirement that members of Town Commission be at least 21 years old, thereby requiring members to be registered voters at least 18 years old consistent with Charter requirement that members be “qualified electors”;
- Require that Commission members be Town residents for at least one year immediately preceding qualifying for elected office instead of one year prior to registering to vote; and
- Delete language regarding dual-office holding?

_____ Yes
_____ No

Said Notice shall further set forth that Surfside Town Hall is the applicable polling place as set forth above, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

Section 3. Form of Ballot.

- A. That the official ballot to be used in the Special Election to be held on November 4, 2014, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

Qualifications for Office

Shall Charter Section 6 be amended to:

- Delete requirement that members of Town Commission be at least 21 years old, thereby requiring members to be registered voters at least 18 years old consistent with Charter requirement that members be “qualified electors”;

- **Require that Commission members be Town residents for at least one year immediately preceding qualifying for elected office instead of one year prior to registering to vote; and**
- **Delete language regarding dual-office holding?**

_____ Yes

_____ No

B. The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

Section 4. Registration to vote. Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the Town Clerk, Town Hall, 9293 Harding Avenue, Florida 33154, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on Monday, October 6, 2014. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 8th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

Section 5. Absentee Voters. That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

Section 6. Election Expenses. That the Town of Surfside shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

Section 7. Available for Public Inspection/Town Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections. The place, information and the full text of the proposed Charter amendments are available at the Office of the Town Clerk located at 9293 Harding Avenue, Surfside, Florida. Copies of this Resolution providing for this Charter amendment subject to this referendum approval is on file in the Office of the Town Clerk and available for public inspection during regular business hours. Furthermore, the Town Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

Section 8. Severability. If any section, sentence, clause or phrase of the ballot measure or proposed Charter text is held to be invalid or unconstitutional by any court of competent

jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure or Charter text.

Section 9. Authorization of Town Officials. The Town Manager, Town Attorney and Town Clerk are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

Section 10. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

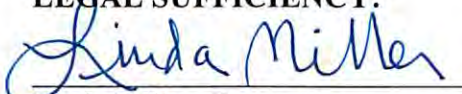
Commissioner Barry Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

TOWN OF SURFSIDE
NOVEMBER 4, 2014 SPECIAL ELECTION:
BALLOT QUESTION AND PROPOSED AMENDED TOWN CHARTER TEXT RE:
“QUALIFICATIONS FOR OFFICE”

I. BALLOT QUESTION:

Qualifications for Office

Shall Charter Section 6 be amended to:

- Delete requirement that members of Town Commission be at least 21 years old, thereby requiring members to be registered voters at least 18 years old consistent with Charter requirement that members be “qualified electors”;
- Require that Commission members be Town residents for at least one year immediately preceding qualifying for elected office instead of one year prior to registering to vote; and
- Delete language regarding dual-office holding?

II. PROPOSED AMENDED TOWN CHARTER TEXT:

RELATED CHARTER SECTION:

Section 6 “Qualifications”

The ~~commissioners~~ members shall be qualified electors of Dade County each being at least 18 years of age and a registered voter whose legal residence is in the Town of Surfside who shall be citizens of the United States, ~~at least twenty-one years of age~~ and residents of the State of Florida and Town of Surfside for at least one year immediately preceding qualifying for elected office next preceding registration, and ~~who shall have no other public office except notary public, local civilian defense or war emergency appointments, membership in the National Guard, naval or military reserve, or membership or memberships on State of Florida or National Boards providing that the duties of the members of such board shall not interfere with the duties of the town commissioners.~~

RESOLUTION NO. 14 -

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “VACANCIES ON COMMISSION”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”) referencing Section 6.03 of Article 6 of the Home Rule Charter for Miami-Dade County provides the manner in which charter amendments shall be proposed; and

WHEREAS, in accordance with provisions of the Charter of the Town of Surfside, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the Town of Surfside, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 4, 2014, for the purpose of submitting to the electorate the question as set forth hereinafter; and

WHEREAS, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk of the Town of Surfside as soon as the ballots from the precinct has been tabulated; and

WHEREAS, the voting precinct in the Town of said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Florida 33154. All Town electors shall vote at this polling place for this Special Election, and

WHEREAS, not less than thirty days notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and the Code of the Town of Surfside.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Notice of Election

The Notice of Election shall be substantially in the following form:

THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AND WILL BE HELD IN SAID TOWN FROM 7:00A.M. UNTIL 7:00P.M. ON THE 4TH DAY OF NOVEMBER, 2014, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE TOWN OF SURFSIDE THE FOLLOWING QUESTION:

Vacancies on Commission

Shall Charter language governing “Vacancies on Commission” be amended to:

- Clarify when vacancies occur and establish process for filling vacancies;
- Conform related election dates;
- Expand definition of “vacancy” to include when Commission seats remain unfilled after qualifying ends; and
- Grant Commission “good cause” power excusing Commission member’s failure to attend meetings resulting in possible vacancy.

_____ Yes

_____ No

Said Notice shall further set forth that Surfside Town Hall is the applicable polling place as set forth above, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

Section 3. Form of Ballot.

- A. That the official ballot to be used in the Special Election to be held on November 4, 2014, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

Vacancies on Commission

Shall Charter language governing “Vacancies on Commission” be amended to:

- Clarify when vacancies occur and establish process for filling vacancies;
- Conform related election dates;
- Expand definition of “vacancy” to include when Commission seats remain unfilled

after qualifying ends; and

- Grant Commission “good cause” power excusing Commission member’s failure to attend meetings resulting in possible vacancy.

_____ Yes

_____ No

B. The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

Section 4. Registration to vote. Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the Town Clerk, Town Hall, 9293 Harding Avenue, Florida 33154, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters until 5:00 p.m. on Monday, October 6, 2014. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 8th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

Section 5. Absentee Voters. That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

Section 6. Election Expenses. That the Town of Surfside shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

Section 7. Available for Public Inspection/Town Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections. The place, information and the full text of the proposed Charter amendments are available at the Office of the Town Clerk located at 9293 Harding Avenue, Surfside, Florida. Copies of this Resolution providing for this Charter amendment subject to this referendum approval is on file in the Office of the Town Clerk and available for public inspection during regular business hours. Furthermore, the Town Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

Section 8. Severability. If any section, sentence, clause or phrase of the ballot measure or proposed Charter text is held to be invalid or unconstitutional by any court of competent

jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure or Charter text.

Section 9. Authorization of Town Officials. The Town Manager, Town Attorney and Town Clerk are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

Section 10. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Linda Miller, Town Attorney

TOWN OF SURFSIDE
NOVEMBER 4, 2014 SPECIAL ELECTION:
BALLOT QUESTION AND PROPOSED AMENDED TOWN CHARTER TEXT RE:
“VACANCIES ON COMMISSION”

I. BALLOT QUESTION:

Vacancies on Commission

Shall Charter language governing “Vacancies on Commission” be amended to:

- Clarify when vacancies occur and establish process for filling vacancies;
- Conform related election dates;
- Expand definition of “vacancy” to include when Commission seats remain unfilled after qualifying ends; and
- Grant Commission “good cause” power excusing Commission member’s failure to attend meetings resulting in possible vacancy.

II. PROPOSED AMENDED TOWN CHARTER TEXT:

RELATED CHARTER SECTIONS:

Section 10 “Duties of the ~~v~~Vice ~~m~~Mayor”

The ~~v~~Vice ~~m~~Mayor shall act as ~~m~~Mayor during the absence or disability of the ~~m~~Mayor, and, if a vacancy occurs in the office of ~~m~~Mayor, shall succeed to that office for the remainder of the unexpired term. ~~Council~~ The Commission shall then elect from among its members, as soon thereafter as practicable, ~~an assistant~~ a Vice ~~m~~Mayor to fill the vacancy thereby created in that office.

Section 15 “Vacancies on commission—When deemed to exist”

Vacancies on the commission ~~may~~ shall be created and deemed to exist by reason of upon any one of the following circumstances:

- (1) By death or resignation of a member.
- (2) By recall or other removal from office in any manner authorized by law.
- (3) By a member ceasing to possess the qualification of qualified elector for the office prescribed in section 6 of this Charter, ~~or by disqualification as provided in clause (c) of this section~~ and/or by ceasing to be a resident of the Town.
- (4) By a member being convicted of a felony or crime involving moral turpitude.
- (5) By legal declaration of mental incompetence of a member.
- (6) When there are unfilled Commission seats as a result of no candidate(s) having qualified to fill such seats after the end of applicable qualifying periods for the General Election.

~~(a) A vacancy on the commission shall be deemed to exist from the date of death of a member, or, in the event of the oral or written resignation of a member, from the date of the announcement of such resignation at the first regular commission meeting following its receipt unless it has previously been withdrawn.~~

~~(b) A vacancy on the commission shall be deemed to exist on the date a commissioner is recalled under the provisions of Article VII of this Charter.~~

~~(c) A vacancy on the commission shall be deemed to exist on the date a commissioner has maintained and resided in, a regular place of abode outside the corporate limits of the Town of Surfside for a longer period of time than thirty days; or a vacancy shall exist on the commission on the date a member ceases to be a qualified elector as defined in section 6 of this Charter; or a vacancy on the commission shall be deemed to exist on the date a commissioner ceases to be a resident of the Town of Surfside; or~~

(7) Subject to determination by the Town Commission, a vacancy on the Commission shall be deemed to exist on the date a commissioner has been absent without good cause from three consecutive regular monthly meetings of the commission, or has been absent without good cause from five regular monthly meetings of the commission within a calendar year. The Commission shall determine the issue of good cause¹ at a hearing to be publicly noticed in a newspaper of general circulation in the Town at least one week prior thereto, at which hearing the Commissioner in question shall have the burden of establishing good cause and shall be afforded the opportunity to present his position thereon but shall otherwise abstain from Commission vote and/or related deliberation by the Commission on the final determination of good cause. The final determination by the Commission that a Commissioner has forfeited his office by virtue of this subsection shall be by Resolution, and all votes and other acts of the Commissioner in question prior to the effective date of such Resolution shall be valid and otherwise unaffected by the subject Resolution.

~~(d) A vacancy on the commission shall be deemed to exist on the date a commissioner is convicted of a felony or a crime involving moral turpitude, or on the date he is declared mentally incompetent by a court of proper jurisdiction.~~

Section 16 “Same—Procedure in filling”

Vacancies on the commission shall be filled for the remainder of the subject unexpired term as follows, unless otherwise specifically provided in the Charter:

Vacancies on the commission shall be filled within twenty (20) days by the remaining members of the commission if for an unexpired term of six (6) months or less. If a majority of the remaining members of the commission are unable to agree within the said twenty-day period on a commissioner to fill such vacancy, then an election to fill the vacancy shall be held within ~~thirty (30)~~ sixty (60) days thereafter.

Vacancies on the commission, if for an unexpired term of more than six (6) months, shall be filled by a special election called within ninety (90) days, or for vacancies other than as set forth in Charter section 15(6) shall be filled in a regular election if one is scheduled to be held within one hundred twenty (120) days of such vacancy, subject to Charter section 105(2).

In the event the election has not been held due to said Commission member having been elected by operation of law pursuant to this Charter, such Official’s term shall commence thereafter upon the earlier of, the immediately following Commission meeting or the immediately following third business day, whereupon said Official shall be administered the oath of office.

Should the eCommission fail or refuse to order an election as herein provided within the

¹ See, Town Code section 109 “Commission to judge qualifications, etc., of members”.

time required, such election may be ordered by any court of competent jurisdiction.

The qualifying of candidates for a ~~s~~Special ~~e~~Election to fill a vacancy shall be the same as provided for regular elections in Article VI of this Charter, and any RunOff Election, if needed, shall be held two weeks from the Special Election date.

Section 105 “General and special elections of commission members”

* * * *

(2) Should a vacancy on the commission be filled at a ~~g~~General municipal election, pursuant to ~~Article II, section 13, [codified as Charter section 16],~~ the term of such vacancy shall be considered to have expired and the candidate elected ~~to fill such vacancy~~ shall be elected for a two year term. The commission may implement the provisions of this section or other provisions of this Charter governing the filling of vacancies, by ordinance, not inconsistent with the provisions of this Charter.

(3) If two or more vacancies occur at approximately the same time they shall be filled separately in the order in which they occur. If all the places on the commission shall become vacant at once, or should a majority of the places on the commission ~~shall~~ become vacant ~~at once,~~ the ~~€~~Town ~~m~~Manager shall within sixty days call a ~~s~~Special ~~e~~Election of members to serve for the remainder of the unexpired terms; the candidates receiving the highest number of votes shall be elected for the longest unexpired terms and the candidates receiving the next highest number of votes shall be elected for the shortest unexpired terms. Should the ~~€~~Town ~~m~~Manager fail or refuse to order an election as herein provided within the time required, such election may be ordered by any court of competent jurisdiction. * * *

RESOLUTION NO. 14 -

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “VACANCY IN CANDIDACY”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”) referencing Section 6.03 of Article 6 of the Home Rule Charter for Miami-Dade County provides the manner in which charter amendments shall be proposed; and

WHEREAS, in accordance with provisions of the Charter of the Town of Surfside, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the Town of Surfside, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 4, 2014, for the purpose of submitting to the electorate the question as set forth hereinafter; and

WHEREAS, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk of the Town of Surfside as soon as the ballots from the precinct has been tabulated; and

WHEREAS, the voting precinct in the Town of said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Florida 33154. All Town electors shall vote at this polling place for this Special Election, and

WHEREAS, not less than thirty days notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and the Code of the Town of Surfside.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Notice of Election

The Notice of Election shall be substantially in the following form:

THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AND WILL BE HELD IN SAID TOWN FROM 7:00A.M. UNTIL 7:00P.M. ON THE 4TH DAY OF NOVEMBER, 2014, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE TOWN OF SURFSIDE THE FOLLOWING QUESTION:

Vacancy in Candidacy

Per Charter Section 105(8), if more than five candidates qualify but said number is reduced before election date, election is postponed and supplemental qualifying occurs. Shall the Charter be amended to delete this Section and establish a revised supplemental qualifying process for vacancy in candidacy due to death, withdrawal or removal from ballot of candidates, said process including term commencement and Vice Mayor selection, and establish conditions for candidate(s) election by operation of law?

_____ **Yes**

_____ **No**

Said Notice shall further set forth that Surfside Town Hall is the applicable polling place as set forth above, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

Section 3. Form of Ballot.

A. That the official ballot to be used in the Special Election to be held on November 4, 2014, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

Vacancy in Candidacy

Per Charter Section 105(8), if more than five candidates qualify but said number is reduced before election date, election is postponed and supplemental qualifying occurs. Shall the Charter be amended to delete this Section and establish a revised supplemental qualifying process for vacancy in candidacy due to death, withdrawal or removal from ballot of candidates, said process including term commencement and Vice Mayor selection, and establish conditions for candidate(s) election by operation of law?

_____ Yes
_____ No

B. The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

Section 4. Registration to vote. Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the Town Clerk, Town Hall, 9293 Harding Avenue, Florida 33154, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters until 5:00 p.m. on Monday, October 6, 2014. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 8th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

Section 5. Absentee Voters. That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

Section 6. Election Expenses. That the Town of Surfside shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

Section 7. Available for Public Inspection/Town Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections. The place, information and the full text of the proposed Charter amendments are available at the Office of the Town Clerk located at 9293 Harding Avenue, Surfside, Florida. Copies of this Resolution providing for this Charter amendment subject to this referendum approval is on file in the Office of the Town Clerk and available for public inspection during regular business hours. Furthermore, the Town Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

Section 8. Severability. If any section, sentence, clause or phrase of the ballot measure or proposed Charter text is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure or Charter text.

Section 9. Authorization of Town Officials. The Town Manager, Town Attorney and Town Clerk are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

Section 10. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

TOWN OF SURFSIDE
NOVEMBER 4, 2014 SPECIAL ELECTION:
BALLOT QUESTION AND PROPOSED AMENDED TOWN CHARTER TEXT RE:
“VACANCY IN CANDIDACY”

I. BALLOT QUESTION:

Vacancy in Candidacy

Per Charter Section 105(8), if more than five candidates qualify but said number is reduced before election date, election is postponed and supplemental qualifying occurs.

Shall the Charter be amended to delete this Section and establish a revised supplemental qualifying process for vacancy in candidacy due to death, withdrawal or removal from ballot of candidates, said process including term commencement and Vice Mayor selection, and establish conditions for candidate(s) election by operation of law?

II. PROPOSED AMENDED TOWN CHARTER TEXT:

RELATED CHARTER SECTIONS:

Section 105 “General and special elections of commission members”

* * *

~~(8) If more than five (5) candidates qualify for the general Commission election, and if after the last date for qualifying and before the date of the election the number of candidates is reduced for any lawful reason to five (5) or less, the election shall be postponed by the Commission to a date not less than twenty eight (28) days nor more than thirty five (35) days from the scheduled date. Qualifying of candidates shall be reopened until fourteen (14) days before the new election date. The terms of all incumbent Commissioners shall be extended until their successors are duly elected.~~

A. If not more than one candidate has qualified for Mayor and/or the number of qualified candidates for Town Commissioner are equal to or less than the number of seats to be filled, then said candidates shall be elected by operation of law and no election for said Office(s) shall be conducted. Any remaining unfilled seats on the commission shall be filled in accordance with the supplemental qualifying process set forth in subsection B below, as applicable.

B. If more than one candidate has qualified for Mayor and/or the number of qualified candidates for Town Commissioner are greater than the number of seats to be filled, then the election shall be held for purposes of electing said officials. If however, following the qualifying period a qualified candidate withdraws, dies, or is removed from the ballot, leaving fewer than two qualified candidates for Mayor and/or a number of qualified candidates for Town Commissioner which are equal to or less than the number of seats to be filled, then a vacancy in candidacy shall have occurred, and there shall be one supplemental qualifying period of five (5) business days beginning on the first business day immediately following the vacancy. The Town shall by ordinance establish the number of days (no less in number than as advised by the Miami-Dade County Elections Department) prior to the election date by which no further supplemental qualifying period shall occur.

(a) If after the end of all applicable qualifying periods there are two or more

qualified candidates for Mayor and/or the number of qualified candidates for Town Commissioner are greater than the number of seats to be filled, then the election shall be held for purposes of electing said officials.

(b) If after the end of all applicable qualifying periods there is only one qualified candidate for Mayor and/or the number of qualified candidates for Town Commissioner are equal in number or less than the number of seats to be filled, then said candidates shall be deemed elected by operation of law and no election for said Office(s) shall be conducted.

(c) Any unfilled Commission seats remaining after the end of all applicable qualifying periods for the General Election as a result of no candidates having qualified to fill such seats shall be deemed a vacancy on the commission, which shall be filled in accordance with the procedure set forth in section 16 of the Town Charter.

C. The terms of all newly-elected commissioners from the General/RunOff Election shall commence in accordance with Charter section 19 except in the event the election has not been held due to all said commission members having been elected by operation of law as set forth hereinabove, in which case all such officials' terms shall commence on the first business day immediately following the subject scheduled election date, whereupon they shall be administered the oath of office. Moreover, in the event at least one of the Town Commissioners has been elected by operation of law, the selection of Vice Mayor shall be made by the new Town Commission.

Section 8 "Presiding officers"

The mMayor shall be elected separately from his/her own group. The four eCommissioners shall run at-large and the eCommissioner receiving the highest number of votes in the gGeneral eElection shall, for a term of two years immediately following thereafter, have the title of vVice-mMayor, subject to the limited exception provided for in Charter section 105(8)C. The eCommissioners receiving the second, third and fourth highest number of votes in the gGeneral eElection shall, for a term of two years immediately following thereafter, serve as the remaining eCommissioners.

RESOLUTION NO. 14 -

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “CANVASSING BOARD”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”) referencing Section 6.03 of Article 6 of the Home Rule Charter for Miami-Dade County provides the manner in which charter amendments shall be proposed; and

WHEREAS, in accordance with provisions of the Charter of the Town of Surfside, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the Town of Surfside, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 4, 2014, for the purpose of submitting to the electorate the question as set forth hereinafter; and

WHEREAS, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk of the Town of Surfside as soon as the ballots from the precinct has been tabulated; and

WHEREAS, the voting precinct in the Town of said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Florida 33154. All Town electors shall vote at this polling place for this Special Election, and

WHEREAS, not less than thirty days notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and the Code of the Town of Surfside.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Notice of Election

The Notice of Election shall be substantially in the following form:

THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AND WILL BE HELD IN SAID TOWN FROM 7:00A.M. UNTIL 7:00P.M. ON THE 4TH DAY OF NOVEMBER, 2014, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE TOWN OF SURFSIDE THE FOLLOWING QUESTION:

Canvassing Board

Shall Charter Section 108 governing canvassing of election returns by the Town’s Canvassing Board be deleted from the Town Charter and incorporated into Town Code Chapter 26 governing “Elections”?

_____ Yes

_____ No

Said Notice shall further set forth that Surfside Town Hall is the applicable polling place as set forth above, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

Section 3. Form of Ballot.

- A. That the official ballot to be used in the Special Election to be held on November 4, 2014, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

Canvassing Board

Shall Charter Section 108 governing canvassing of election returns by the Town’s Canvassing Board be deleted from the Town Charter and incorporated into Town Code Chapter 26 governing “Elections”?

_____ Yes

_____ No

- B.** The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

Section 4. Registration to vote. Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the Town Clerk, Town Hall, 9293 Harding Avenue, Florida 33154, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on Monday, October 6, 2014. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 8th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

Section 5. Absentee Voters. That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

Section 6. Election Expenses. That the Town of Surfside shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

Section 7. Available for Public Inspection/Town Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections. The place, information and the full text of the proposed Charter amendments are available at the Office of the Town Clerk located at 9293 Harding Avenue, Surfside, Florida. Copies of this Resolution providing for this Charter amendment subject to this referendum approval is on file in the Office of the Town Clerk and available for public inspection during regular business hours. Furthermore, the Town Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

Section 8. Severability. If any section, sentence, clause or phrase of the ballot measure or proposed Charter text is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure or Charter text.

Section 9. Authorization of Town Officials. The Town Manager, Town Attorney and Town Clerk are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

Section 10. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

TOWN OF SURFSIDE
NOVEMBER 4, 2014 SPECIAL ELECTION:
BALLOT QUESTION AND PROPOSED AMENDED TOWN CHARTER TEXT RE:
“CANVASSING BOARD”

I. BALLOT QUESTION:

Canvassing Board

Shall Charter Section 108 governing canvassing of election returns by the Town’s Canvassing Board be deleted from the Town Charter and incorporated into Town Code Chapter 26 governing “Elections”?

II. PROPOSED AMENDED TOWN CHARTER TEXT:

RELATED CHARTER SECTION:

Section 108 “Canvass of returns”

The result of the voting, when ascertained, shall be certified by returns in duplicate, signed by the Clerks and a majority of the inspectors of the election, one copy being retained by the Town Clerk and the other being delivered to the Canvassing Board. The Canvassing Board shall consist of the Town Manager, Town Clerk and one Commissioner, who shall be selected by the Town Commission at the time the election is called. If any of the foregoing are unable or unwilling to serve on the Canvassing Board, the Town Attorney shall serve as an alternate. However, two members of the Canvassing Board shall constitute a quorum for all purposes hereunder. The Canvassing Board shall meet after the polls close. At such meeting, the Canvassing Board shall canvass the returns and shall declare the results of the election as shown by the returns made by the clerk and inspectors of said election.

RESOLUTION NO. 14 -

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “QUALIFYING” (I.E., BECOMING A CANDIDATE FOR ELECTED OFFICE IN THE TOWN); PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”) referencing Section 6.03 of Article 6 of the Home Rule Charter for Miami-Dade County provides the manner in which charter amendments shall be proposed; and

WHEREAS, in accordance with provisions of the Charter of the Town of Surfside, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the Town of Surfside, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 4, 2014, for the purpose of submitting to the electorate the question as set forth hereinafter; and

WHEREAS, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk of the Town of Surfside as soon as the ballots from the precinct has been tabulated; and

WHEREAS, the voting precinct in the Town of said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Florida 33154. All Town electors shall vote at this polling place for this Special Election, and

WHEREAS, not less than thirty days notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and the Code of the Town of Surfside.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Notice of Election

The Notice of Election shall be substantially in the following form:

THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AND WILL BE HELD IN SAID TOWN FROM 7:00A.M. UNTIL 7:00P.M. ON THE 4TH DAY OF NOVEMBER, 2014, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE TOWN OF SURFSIDE THE FOLLOWING QUESTION:

Qualifying for Elected Office

Shall Charter language governing “Qualifying” (i.e., becoming a candidate) for elected office be amended to change time period for filing a qualifying petition from 55-35 days before election to 65-45 days before election while retaining Citizens’ rights to obtain signatures on petition prior to said time period, clarify related filing requirements, and clarify procedure related to determination of petition’s sufficiency?

_____ Yes

_____ No

Said Notice shall further set forth that Surfside Town Hall is the applicable polling place as set forth above, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

Section 3. Form of Ballot.

- A. That the official ballot to be used in the Special Election to be held on November 4, 2014, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

Qualifying for Elected Office

Shall Charter language governing “Qualifying” (i.e., becoming a candidate) for elected office be amended to change time period for filing a qualifying petition from 55-35 days before election to 65-45 days before election while retaining Citizens’ rights to obtain signatures on petition prior to said time period, clarify related filing requirements, and clarify procedure related to determination of petition’s sufficiency?

_____ Yes

- B. The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

Section 4. Registration to vote. Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the Town Clerk, Town Hall, 9293 Harding Avenue, Florida 33154, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on Monday, October 6, 2014. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 8th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

Section 5. Absentee Voters. That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

Section 6. Election Expenses. That the Town of Surfside shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

Section 7. Available for Public Inspection/Town Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections. The place, information and the full text of the proposed Charter amendments are available at the Office of the Town Clerk located at 9293 Harding Avenue, Surfside, Florida. Copies of this Resolution providing for this Charter amendment subject to this referendum approval is on file in the Office of the Town Clerk and available for public inspection during regular business hours. Furthermore, the Town Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

Section 8. Severability. If any section, sentence, clause or phrase of the ballot measure or proposed Charter text is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure or Charter text.

Section 9. Authorization of Town Officials. The Town Manager, Town Attorney and Town Clerk are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

Section 10. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

TOWN OF SURFSIDE
NOVEMBER 4, 2014 SPECIAL ELECTION:
BALLOT QUESTION AND PROPOSED AMENDED TOWN CHARTER TEXT RE:
“QUALIFYING FOR ELECTED OFFICE”

I. BALLOT QUESTION:

Qualifying for Elected Office

Shall Charter language governing “Qualifying” (i.e., becoming a candidate) for elected office be amended to change time period for filing a qualifying petition from 55-35 days before election to 65-45 days before election while retaining Citizens’ rights to obtain signatures on petition prior to said time period, clarify related filing requirements, and clarify procedure related to determination of petition’s sufficiency?

II. PROPOSED AMENDED TOWN CHARTER TEXT:

RELATED CHARTER SECTIONS:

Section 101. ~~Nomination of mayor and commission members~~ Generally. Qualifying for Elected Office

Any citizen who ~~can qualify~~ has the qualifications for the office of mayor or commissioner of the town, as provided in section 6 of this Charter, may ~~nominate himself or herself or may be nominated for the commission~~ seek to qualify for office by paying twenty five dollars as a qualifying fee simultaneously with the filing of all qualifying documents including a petition for this purpose signed by not less than twenty-five qualified electors and filed with the Town Clerk not more than ~~fifty-five~~ sixty-five days and not less than ~~thirty-five~~ forty-five days prior to the election date, unless said forty-fifth day falls on a legal holiday, Saturday or Sunday, in which event the qualifying period shall be extended to the immediately following business day terminating at 12:00 noon. The format of the petition shall be prescribed by the Town and made available in the Town Clerk’s Office. Signatures may not be obtained until said Petitioner has filed the appointment of campaign treasurer and designation of campaign depository pursuant to state law, and are valid only for the qualifying period immediately following such filings. However, if a special election is held and a candidate decides not to participate in the special election, any petition signatures obtained prior to the special election qualifying period will remain valid for the regularly scheduled general election.

~~No elector shall sign nominating petitions for more than one person for each office or group, and should an elector do so, his or her signature shall be void except as to the petition or petitions first filed.~~

~~The signatures on the nominating petition need not all be subscribed to one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each~~

~~signature, including the signature of the circulator, shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it.~~

~~The form of the nominating petition shall be substantially as follows:~~

~~We, the undersigned electors of the Town of Surfside, hereby nominate _____
for the office of commissioner.~~

~~Name _____~~

~~Street and Address _____~~

~~Date of signing _____~~

~~_____ (spaces for signatures and required data)~~

Statement of Circulator

~~The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be.~~

	Signature of Circulator _____
	Address _____

~~Within five one business days after the filing of a nominating petition, the the Town Clerk shall notify through the United States mail the candidate and the person who filed the petition whether or not it is found to be signed by the required number of qualified electors deliver the petition to the Miami Dade County Department of Elections for purposes of determining the number of valid signatures on the petition. Upon the Clerk's receipt of the Miami Dade County Elections Department's certificate as to the petition's sufficiency, the Town Clerk shall then promptly forward the certificate on to the candidate, along with the petition if it has been found to be If a petition is found insufficient the town clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate, not less than twenty five forty days before the election. Such petitions shall be preserved by the town clerk for two years from the date such petitions are filed. The name of each person who has filed a sufficient petition as prescribed above and satisfied qualifying requirements shall be printed on the ballot as a candidate for the office he/she has qualified for. No candidate may qualify for the Office of Mayor and Town Commissioner in the same election.~~

~~**Section 102. Same Qualifying, fee.** The name of each nominee for commission, who has complied with all the requirements hereinbefore prescribed, shall be printed on the ballot as a candidate for the office of commissioner of the Town of Surfside upon such nominee paying to the Town of Surfside simultaneously with the filing of his nominating petition the sum of twenty five dollars as a qualifying fee, and upon submitting concurrently therewith a sworn statement of his or her name, address, occupation and willingness to serve if elected. No refund shall be made of the qualifying fee.~~

RESOLUTION NO. 14 -

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “ESTABLISHING ELECTED OFFICIALS’ STAGGERED TERMS AND INCREASING TOWN COMMISSIONERS’ TERMS FROM TWO TO FOUR YEARS”; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”) referencing Section 6.03 of Article 6 of the Home Rule Charter for Miami-Dade County provides the manner in which charter amendments shall be proposed; and

WHEREAS, in accordance with provisions of the Charter of the Town of Surfside, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the Town of Surfside, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 4, 2014, for the purpose of submitting to the electorate the question as set forth hereinafter; and

WHEREAS, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk of the Town of Surfside as soon as the ballots from the precinct has been tabulated; and

WHEREAS, the voting precinct in the Town of said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Florida 33154. All Town electors shall vote at this polling place for this Special Election, and

WHEREAS, not less than thirty days notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and the Code of the Town of Surfside.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Notice of Election

The Notice of Election shall be substantially in the following form:

THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AND WILL BE HELD IN SAID TOWN FROM 7:00A.M. UNTIL 7:00P.M. ON THE 4TH DAY OF NOVEMBER, 2014, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE TOWN OF SURFSIDE THE FOLLOWING QUESTION:

**Establishing Elected Officials’ Staggered Terms
and Increasing Town Commissioners’ Terms from Two to Four Years**

The Charter establishes two year, unstaggrered terms for the Mayor and Town Commissioners.

Shall the Charter be amended to provide that commencing with Town’s General Election in 2016, terms of Town Commissioners shall be increased from two years to four years while retaining Mayor’s two year term, all Commission members’ terms shall be staggered, Vice-Mayor selection shall be by Commission, and related provisions regarding Runoff Election shall be conformed to reflect staggered terms?

_____ Yes

_____ No

Said Notice shall further set forth that Surfside Town Hall is the applicable polling place as set forth above, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

Section 3. Form of Ballot.

- A. That the official ballot to be used in the Special Election to be held on November 4, 2014, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

**Establishing Elected Officials’ Staggered Terms
and Increasing Town Commissioners’ Terms from Two to Four Years**

The Charter establishes two year, unstaggrered terms for the Mayor and Town Commissioners.

Shall the Charter be amended to provide that commencing with Town’s General Election in 2016, terms of Town Commissioners shall be increased from two years to four years while retaining Mayor’s two year term, all Commission members’ terms shall be staggered, Vice-Mayor selection shall be by Commission, and related provisions regarding Runoff Election shall be conformed to reflect staggered terms?

_____ Yes
_____ No

B. The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

Section 4. Registration to vote. Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the Town Clerk, Town Hall, 9293 Harding Avenue, Florida 33154, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on Monday, October 6, 2014. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 8th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

Section 5. Absentee Voters. That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

Section 6. Election Expenses. That the Town of Surfside shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

Section 7. Available for Public Inspection/Town Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections. The place, information and the full text of the proposed Charter amendments are available at the Office of the Town Clerk located at 9293 Harding Avenue, Surfside, Florida. Copies of this Resolution providing for this Charter amendment subject to this referendum approval is on file in the Office of the Town Clerk and available for public inspection during regular business hours. Furthermore, the Town Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

Section 8. Severability. If any section, sentence, clause or phrase of the ballot measure or proposed Charter text is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure or Charter text.

Section 9. Authorization of Town Officials. The Town Manager, Town Attorney and Town Clerk are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

Section 10. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

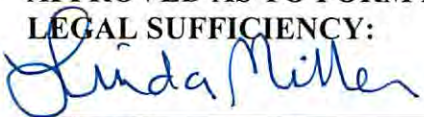
Commissioner Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

TOWN OF SURFSIDE
NOVEMBER 4, 2014 SPECIAL ELECTION:
BALLOT QUESTION AND PROPOSED AMENDED TOWN CHARTER TEXT RE:
“ESTABLISHING ELECTED OFFICIALS’ STAGGERED TERMS AND INCREASING
TOWN COMMISSIONERS’ TERMS FROM TWO TO FOUR YEARS”

I. BALLOT QUESTION:

Establishing Elected Officials’ Staggered Terms
and Increasing Town Commissioners’ Terms from Two to Four Years

The Charter establishes two year, unstagged terms for the Mayor and Town Commissioners. Shall the Charter be amended to provide that commencing with Town’s General Election in 2016, terms of Town Commissioners shall be increased from two years to four years while retaining Mayor’s two year term, all Commission members’ terms shall be staggered, Vice-Mayor selection shall be by Commission, and related provisions regarding Runoff Election shall be conformed to reflect staggered terms?

II. PROPOSED AMENDED TOWN CHARTER TEXT:

RELATED CHARTER SECTIONS:

Section 8 “Presiding officers”

Subject to Charter section 105, candidates receiving the highest number of votes shall be elected as follows: The mMayor shall be elected separately from his/her own group. The four Town eCommissioners shall run at-large. and the commissioner receiving the highest number of votes in the general election shall, for a term of two years immediately following thereafter, have the title of vice mayor. The commissioners receiving the second, third and fourth highest number of votes in the general election shall, for a term of two years immediately following thereafter, serve as the remaining commissioners. The Town Commission shall at its first meeting after each General Election (or after RunOff election, if held) elect from its membership a Vice Mayor.

Section 10 “Duties of the vVice mMayor”

The Town Commissioner serving as vVice mMayor shall act as mMayor during the absence or disability of the mMayor, and, if a vacancy occurs in the office of mMayor, shall succeed to that office for the remainder of the unexpired term until the next succeeding General Election, at which time in which event the following shall occur:

- (1) The Council Commission shall then elect from among its members, as soon thereafter as practicable, an assistant a Vice mMayor to fill the vacancy thereby created in that office.
- (2) The resulting vacancy in the office of Town Commissioner shall be filled by a person serving for that limited portion of the remainder of the subject Town Commissioner’s unexpired term until the next succeeding General Election, and the Vice Mayor who has succeeded to the office of Mayor shall serve for any unexpired remainder of his term that may exist as of said General

Election date.

Section 105 “General and sSpecial eElections of eCommission members”

(1) ~~On the third Tuesday in March in every even numbered calendar year, all members of the Town Commission shall be elected~~ the election of the Mayor and Town Commissioners shall be conducted as follows in order to provide for their four year staggered terms: Commencing with the General Election in 2016, the Mayor shall be elected for a term of two years therein and at each General Election each two years thereafter, the two Town Commissioners receiving the highest number of votes shall each be elected for a term of four years therein and at each General Election each four years thereafter, and the remaining two Town Commissioners receiving the third and fourth highest number of votes shall each be elected for a term of two years until the 2018 General Election at which time said two Town Commissioner seats shall each be elected for a term of four years therein and at each General Election each four years thereafter, for terms of TWO (2) years, provided, however, that Commission members elected for FOUR (4) year terms at the 1974 Election pursuant to the Charter provisions in existence prior to the adoption of this Amendment, shall remain in office until the expiration of the term to which they were elected under such prior provisions. At the Election to be held in the year 1976, and biennially thereafter, all members of the Town Commission shall be elected for terms of TWO (2) years; begin at 8 o'clock P.M. on the day following the Election terms to commence as provided in Charter Section 19. In the event any one or more of the four Town Commissioners are deemed elected by method other than popular vote at the general election in 2016, the determination of two or four year terms for each of the four Town Commissioners shall be determined by lot immediately prior to the induction of officers.

(2) ~~Should a vacancy on the Commission be filled at a General Municipal Election, pursuant to Article II, section 13, [codified as Charter section 16], the term of such vacancy shall be considered to have expired and the candidate elected to fill such vacancy shall be elected for a two year term any remainder of the subject unexpired term as of said General Election shall be filled by the candidate elected to fill such vacancy. The commission may implement the provisions of this section or other provisions of this Charter governing the filling of vacancies, by ordinance, not inconsistent with the provisions of this Charter.~~

* * *

(5) ~~At the election held in 2010, except for the mayor who shall run in a separate group, aAll other members of the Commissioners receiving the highest number of votes shall be elected in accordance with Charter Section 8 hereinabove. A tie between two or more candidates for the fifth Commission seat shall be decided in a A RunOff election to shall be held the first Tuesday of April following the gGeneral eElection for those candidates receiving the following tie votes: --tie vote among all candidates for Mayor and/or among all candidates for Town Commissioner; --tie vote between two or more candidates for Town Commissioner after one Town Commissioner seat is filled.~~

A seat shall be considered “filled” as referenced hereinabove when a candidate receives the highest number of votes cast, in accordance with Charter section 8.

Should the highest votes in the run-off election result in a tie result, the outcome shall be determined by lot. The RunOff election shall be held in the same manner and form as the General Municipal Election.

* * *

RESOLUTION NO. 14 -

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “RUNOFF ELECTION”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”) referencing Section 6.03 of Article 6 of the Home Rule Charter for Miami-Dade County provides the manner in which charter amendments shall be proposed; and

WHEREAS, in accordance with provisions of the Charter of the Town of Surfside, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the Town of Surfside, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 4, 2014, for the purpose of submitting to the electorate the question as set forth hereinafter; and

WHEREAS, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk of the Town of Surfside as soon as the ballots from the precinct has been tabulated; and

WHEREAS, the voting precinct in the Town of said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Florida 33154. All Town electors shall vote at this polling place for this Special Election, and

WHEREAS, not less than thirty days notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and the Code of the Town of Surfside.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Notice of Election

The Notice of Election shall be substantially in the following form:

THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AND WILL BE HELD IN SAID TOWN FROM 7:00A.M. UNTIL 7:00P.M. ON THE 4TH DAY OF NOVEMBER, 2014, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE TOWN OF SURFSIDE THE FOLLOWING QUESTION:

RunOff Election

Charter Section 105(5) requires a RunOff Election if General Election results in a tie vote between candidates for Town’s fifth Commission seat.

Shall the Charter be amended to clarify requirement for RunOff Election when a tie vote occurs for any Commission seat (not only the fifth Commission seat) wherein candidates receiving tie votes have not received highest number of votes for purposes of election, and establish process for determination of RunOff Election outcome?

_____ Yes

_____ No

Said Notice shall further set forth that Surfside Town Hall is the applicable polling place as set forth above, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

Section 3. Form of Ballot.

- A. That the official ballot to be used in the Special Election to be held on November 4, 2014, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

RunOff Election

Charter Section 105(5) requires a RunOff Election if General Election results in a tie vote between candidates for Town’s fifth Commission seat.

Shall the Charter be amended to clarify requirement for RunOff Election when a tie vote occurs for any Commission seat (not only the fifth Commission seat) wherein candidates receiving tie votes have not received highest number of votes for purposes of election, and establish process for determination of RunOff Election outcome?

_____ Yes

- B. The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

Section 4. Registration to vote. Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the Town Clerk, Town Hall, 9293 Harding Avenue, Florida 33154, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on Monday, October 6, 2014. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 8th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

Section 5. Absentee Voters. That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

Section 6. Election Expenses. That the Town of Surfside shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

Section 7. Available for Public Inspection/Town Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections. The place, information and the full text of the proposed Charter amendments are available at the Office of the Town Clerk located at 9293 Harding Avenue, Surfside, Florida. Copies of this Resolution providing for this Charter amendment subject to this referendum approval is on file in the Office of the Town Clerk and available for public inspection during regular business hours. Furthermore, the Town Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

Section 8. Severability. If any section, sentence, clause or phrase of the ballot measure or proposed Charter text is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure or Charter text.

Section 9. Authorization of Town Officials. The Town Manager, Town Attorney and Town Clerk are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

Section 10. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

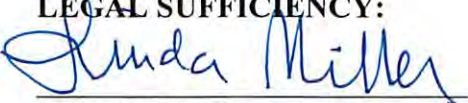
Commissioner Barry Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

TOWN OF SURFSIDE
NOVEMBER 4, 2014 SPECIAL ELECTION:
BALLOT QUESTION AND PROPOSED AMENDED TOWN CHARTER TEXT RE:
"RUNOFF ELECTION"

I. BALLOT QUESTION:

RunOff Election

Charter Section 105(5) requires a RunOff Election if General Election results in a tie vote between candidates for Town's fifth Commission seat.

Shall the Charter be amended to clarify requirement for RunOff Election when a tie vote occurs for any Commission seat (not only the fifth Commission seat) wherein candidates receiving tie votes have not received highest number of votes for purposes of election, and establish process for determination of RunOff Election outcome?

II. PROPOSED AMENDED TOWN CHARTER TEXT:

RELATED CHARTER SECTIONS:

Section 105 "General and special elections of commission members"

* * *

~~(5) At the election held in 2010, except for the mayor who shall run in a separate group, a~~All other members of the Commissioners receiving the highest number of votes shall be elected in accordance with Charter Section 8 hereinabove. A tie between two or more candidates for the fifth Commission seat shall be decided in a A RunOff election to shall be held the first Tuesday of April following the general election for those candidates receiving the following tie votes:

--tie vote among all candidates for Mayor and/or among all candidates for Town Commissioner;

--tie vote among four or more candidates for Town Commissioner after one Town Commissioner seat is filled;

--tie vote among three or more candidates for Town Commissioner after two Town Commissioner seats are filled;

--tie vote between two or more candidates for Town Commissioner after three Town Commissioner seats are filled.

A seat shall be considered "filled" as referenced hereinabove when a candidate receives the highest number of votes cast, in accordance with Charter section 8.

Should the highest votes in the RunOff election result in a tie result, the outcome shall be determined by lot. The RunOff election shall be held in the same manner and form as the General municipal election.

Section 8 "Presiding officers"

Subject to Charter section 105, candidates receiving the highest number of votes shall be elected as follows: The mayor shall be elected separately from his/her own group. The four commissioners shall run at-large and the commissioner receiving the highest number of votes in the general election shall, for a term of two years immediately following thereafter, have the title of vice-mayor. The commissioners receiving the second, third and fourth highest number of votes in the general election shall, for a term of two years immediately following thereafter, serve as the remaining commissioners.



Town of Surfside Commission Communication

Agenda Item # 5B1

Agenda Date: July 8, 2014

Subject: Professional General Architectural Services – RFQ #14-001

Background: A Request for Qualifications (RFQ) was issued for architectural firms and advertised on February 14, 2014 (Attachment 1) as a previous Town Commission approved agreement with a number of qualified firms had expired. This RFQ provides the Town with a number of firms to utilize for any current or future architectural needs. By retaining a roster of qualified firms, the Town has immediate access to more specialized expertise. Eight firms responded by the April 4, 2014 deadline. Copies of individual submittals are on file with the Town Clerk.

Analysis: A four person Selection Committee was formed comprising of the Public Works Director, Joseph Kroll, the Building Official, Ross Prieto, the Comptroller, Mayte Gamiotea and resident / Miami-Dade Assistant Director Regulatory Compliance & Planning, Bertha Goldenberg.

After reviewing all eight submittals on June 18, 2014 the Selection Committee arrived at a short list of five firms per the RFQ. These firms provided brief presentations to the Selection Committee on June 24, 2014. After evaluating both the written and oral presentations, the Selection Committee recommends the following firms for the Town Commission to approve:

Synalovski Romanik Saye	1
BEA Architects, Inc.	2
Stantec Consultings Svc.	3
Ferguson, Glasgow, Shuster, Soto, Inc.	4
URS	5

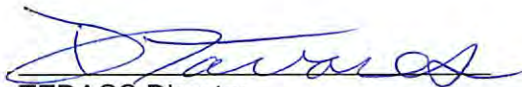
Upon the Town Commission acceptance of the recommendation of the Selection Committee, the Town will enter into continuing consulting agreements with each of the five firms on an as-needed, project-by-project basis under the terms of a continuing contract for a three year period with up to two additional consecutive one year renewal clauses.

While the above five firms are ranked, the Town will enter into agreement with each one individually. Any subsequent services will not necessarily be awarded in any order or in the order as presented above. All five firms will be retained as part of a roster. Their services will be utilized as the need arises.

Budget Impact: To be determined and brought back before the Town Commission as need arises for architectural services.

Staff Impact: None.

Recommendation: It is recommend that the Town Commission approve the attached resolution accepting the recommendation of the Selection Committee and authorize the Town Manager and Town Attorney to enter into continuing consulting agreements for architectural services per the RFQ with each of the five firms.


TEDACS Director


Town Manager



REQUEST FOR QUALIFICATIONS (RFQ)

PROFESSIONAL GENERAL ARCHITECTURAL SERVICES

The Town of Surfside (Town), Miami-Dade County, Florida, hereby gives notice that it is seeking qualifications for Professional General Architectural services to the Town on an as-needed, project-by-project basis under the terms of a Continuing Contract. Selection of the firm(s) or individual(s) will be made in accordance with Fla. Stat. §287.055 - Consultants Competitive Negotiations Act.

Submittals shall be accepted until **10:00 a.m.** on **April 4th, 2014**. A total of six (6) copies (one (1) of the six (6) copies shall be an electronic copy) of the submittal must be submitted and clearly marked on the front of the envelope:

"SEALED QUALIFICATIONS"
RFQ # 14- 001 PROFESSIONAL ARCHITECTURAL SERVICES
OPENING DATE AND TIME: April 4, 2014, 10:30 A.M.

Sealed submittals will be received by the Town Clerk until **10:00 a.m. on April 4, 2014, at Town of Surfside, Town Hall located at 9293 Harding Avenue, Surfside, Florida, 33154**. Submittals received after this time will not be accepted. Submittals will be opened publicly at this time.

A mandatory pre-submittal conference will be held in the Commission Chambers of the Town of Surfside, 9293 Harding Avenue, Surfside, FL 33154 at 10:30 a.m. on March 14, 2014.

Only those firms with representatives in the room at 10:30 a.m. on March 14, 2014 will be allowed to submit a Response on April 4, 2014.

Deadline to submit requests for clarification will be 10:00 a.m. on March 28, 2014.

Consultants are responsible for making certain that their submittal is received at the location specified by the due date and time. The Town is not responsible for delays caused by any mail, package or courier service, including the U.S. mail, or caused by any other occurrence or condition.

RFQ packages may be obtained from the Office of the Town Clerk, Town of Surfside, 9293 Harding Avenue, Surfside, Florida 33154, at no cost, and are also available on line at www.townofsurfsidefl.gov.

The Town reserves the right to reject any or all submittals, with or without cause, and to waive technical errors and informalities, and to accept the submittal which best serves the interest of the Town.

Sandra Novoa, CMC, Town Clerk
Town of Surfside

**Town of Surfside, Florida
Request for Qualifications No. 14- 001**

PROFESSIONAL GENERAL ARCHITECTURAL SERVICES

The Town of Surfside (Town) is accepting Submittals from qualified and properly licensed firms or individuals (all respondents shall hereinafter be referred to as “consultants” and/or “firms”) interested in providing Professional General Architectural services.

The chosen consultants will provide these services on a non-exclusive basis. The Town does not guarantee that any or all of the services identified in this Request for Qualifications (“RFQ”) will be assigned to the chosen consultant during the term of their agreement.

SUBMITTAL REQUIREMENTS:

1. **SELECTION PROCESS:** Selection of the firm or individual will be made in accordance with Fla. Stat. §287.055 – Consultants’ Competitive Negotiations Act.
2. **ELIGIBILITY:** In addition to the other requirements stated in this document, to be eligible to respond to this RFQ, the consultants must have successfully provided, within the past five years, services similar to those outlined in the Scope of Work presented in this RFQ. Each consultant shall meet all legal, technical, and professional requirements for providing the requested services. The consultants shall furnish such additional information as the Town may reasonably require. This includes information that indicates financial resources as well as the ability to provide and maintain the requested services. The consultants shall have no record of judgments, pending lawsuits against the Town or criminal activities involving moral turpitude.
3. **SUBMITTAL:** Submittals must be received by the Town Clerk’s Office at the date and time stated in the Notice to Consultants at the Surfside Commission Chambers, 9293 Harding Avenue, Surfside, FL 33154. A total of ten (10) copies of the submittal must be submitted at the date and time stated in the Notice to Consultants at the Surfside Commission Chambers, 9293 Harding Avenue, Surfside, FL 33154.
4. **SUBMITTAL REQUIREMENTS:** All submittals shall contain no more than ten (10) pages and a total of six (6) copies shall be submitted, with one (1) marked “Original” containing all original documents of the required response to the Request for Qualifications (RFQ) and one (1) electronic copy (in PDF format) on electronic media (CD-R/flash drive). The submittal should include as a minimum guideline at least the following:
 - a. Name, address and company, including but not limited to, a business overview, financial state of the business, annual revenue for the past two years, and names and addresses of persons having financial interest in the firm.
 - b. Details of your qualifications and capabilities to provide services under this solicitation.
 - c. Composition and experience of the project team that will be assigned under this solicitation. Resumes of key personnel should be included. Location of the project team members should be clearly identified as well as projects where the proposed team has worked together for a municipal client.
 - d. The number of all projects (including government projects) completed or in process for the past 5 (five) years, and a synopsis of those projects most relevant to the services sought in herein. Include a list of client references with contact names and telephone numbers.

- e. Disclosure of any potential conflict of interest that your firm may have due to other clients, contracts or property interests in the Town's projects under this solicitation.
- f. A current GSA SF 254 and 255 should be furnished, i.e. firm's capabilities, adequacy of personnel, past performance record and experience. *(Note: These forms will NOT be counted as part of the 10 page maximum.)*
- g. Sworn statement pursuant to Fla. Stat. §287.133(3)(A), Public Entity Crime, a copy of which is attached hereto. *(Note: These forms will NOT be counted as part of the 10 page maximum.)*
- h. Non-Collusive Affidavit, a copy of which is attached hereto. *(Note: These forms will NOT be counted as part of the 10 page maximum.)*
- i. Evidence of recent, current and projected person-hour workload should be provided for the proposed project team members. The candidate firm must have at least one (1) registered professional engineer under Fla. Stat. Chapter 471, as principal officer or partner of the firm. The candidate firm must comply with Fla. Stat. Chapter 471.
- j. Proof of authorization to transact business in Florida from the Florida Secretary of State, from the prime as well as supporting firms.

The attached Scope of Services provides more detail as to actual tasks involved within the scope of this submittal. Failure to satisfy the requirements contained herein may result in the submittal being deemed non-responsive.

5. **PUBLIC ENTITY CRIMES STATEMENT:** All submittals must be accompanied by an executed form PUR 7068, SWORN STATEMENT PURSUANT TO FLA. STAT. §287.133 on Public Entity Crimes. (Copy enclosed)
6. **DRUG-FREE WORKPLACE:** In accordance with Fla. Stat. §287.087, preference will be given to businesses with drug-free workplace programs; whenever submittals are similar in all other respects, award will be made to the entity having a Drug-Free Workplace Program if a Drug-Free Workplace Certification is submitted with the response.

TERMS AND CONDITIONS:

1. **STATUTORY REQUIREMENTS:** Selection of the consultant will be made in accordance with Fla. Stat. §287.055, "Consultants' Competitive Negotiation Act". Pursuant to Fla. Stat. Chapter 119, Public Records Law, §119.071, Inspection and examination of records; exemptions (b): "Sealed bids or proposals received by an agency pursuant to invitations to bid or request for proposals are exempt from Fla. Stat. §119.07(1) and Fla. Const. §24(a), Art. 1 until such time as the agency provides notice of the decision or intended decision pursuant to Fla. Stat. §120.57(3)(a) or within 10 days after bid or proposal opening, whichever is earlier."
2. **RESERVATION OF RIGHTS:** While pursuing this RFQ process, the Town reserves the right to:
 - accept any or all responses, and the right, in its sole discretion, to accept the consultants it considers most favorable to the Town's interests;
 - reject any and all qualifications and to seek new qualifications when such a procedure is reasonably in the best interest of the Town at any time during the process;
 - investigate the financial capability, integrity, experience, and quality of performance of each consultant, including officers, principals, senior

- management, and supervisors, as well as staff identified in the response to RFQ;
- investigate the consultants' qualifications or any of its agents, as it deems appropriate;
- conduct personal interviews of any or all prospective consultants prior to selection (the Town shall not be liable for any costs incurred by the consultant in connection with such interviews);
- waive any of the conditions or criteria set forth in this RFQ.

3. **PROOF OF INSURANCE:** The consultant shall secure and maintain throughout the duration of this Agreement insurance of such types and in such amounts not less than those specified below as satisfactory to the Town, naming the Town as an Additional Insured, underwritten by a firm rated A-X or better by A.M. Best and qualified to do business in the State of Florida. The insurance coverage shall be primary insurance with respect to the Town, its officials, employees, agents and volunteers naming the Town as additional insured. Any insurance maintained by the Town shall be in excess of the consultant's insurance and shall not contribute to the consultant's insurance. The insurance coverage's shall include at a minimum the following amounts set forth herein:

- a. Commercial General Liability coverage with limits of liability of not less than a \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. This Liability Insurance shall also include Completed Operations and Product Liability coverages and eliminate the exclusion with respect to property under the care, custody and control of consultant. The General Aggregate Liability limit (including Products/Completed Operations) shall be in the amount of \$2,000,000.
- b. Workers' Compensation and Employer's Liability insurance, to apply for all employees for statutory limits as required by applicable State and Federal laws. The policy(ies) must include Employer's Liability with minimum limits of \$1,000,000 each accident. No employee, subcontractor or agent of the consultant shall be allowed to provide work pursuant to this Agreement who is not covered by Workers' Compensation insurance.
- c. Business Automobile Liability with minimum limits of \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability policy, without restrictive endorsements, as filed by the Insurance Service Office, and must include Owned, Hired, and Non-Owned Vehicles.
- d. Builder's Risk property insurance upon the entire work to the full replacement cost value thereof. This insurance shall include the interest of the Town and the consultant and shall provide All-Risk coverage against loss by physical damage including, but not limited to, Fire, Extended Coverage, Theft, Vandalism and Malicious Mischief, Windstorm and Flood.

The consultant acknowledges that it shall bear the full risk of loss for any portion of the work damaged, destroyed, lost or stolen until final completion has been achieved for a Project, and all such work shall be fully restored by the consultant, at its sole cost and expense, in accordance with the Agreement Documents.

Certificate of Insurance. On or before the Effective Date of this and prior to commencing of any work, Certificates of Insurance shall be provided to the Town, reflecting the Town as an Additional Insured. Each certificate shall include no less than a (30) thirty-day advance written notice to the Town prior to cancellation, termination, or material alteration

of said policies or insurance. The consultant shall be responsible for assuring that the insurance certificates required by this Section remain in full force and effect for the duration of this Agreement, including any extensions or renewals that may be granted by the Town. The Certificates of Insurance shall not only name the types of policy(ies) provided, but also shall refer specifically to this Agreement and shall state that such insurance is as required by this Agreement. The Town reserves the right to inspect and return a certified copy of such policies, upon written request by the Town. If a policy is due to expire prior to the completion of the work, renewal Certificates of Insurance shall be furnished thirty (30) calendar days prior to the date of their policy expiration. Acceptance of the Certificate(s) is subject to approval of the Town.

Additional Insured. The Town is to be specifically included as an Additional Insured for the liability of the Town resulting from work performed by or on behalf of the consultant in performance of this Agreement. The consultant's insurance, including that applicable to the Town as an Additional Insured, shall apply on a primary basis and any other insurance maintained by the Town shall be in excess of and shall not contribute to the consultant's insurance. The consultant's insurance shall contain a severability of interest provision providing that, except with respect to the total limits of liability, the insurance shall apply to each Insured or Additional Insured (for applicable policies) in the same manner as if separate policies had been issued to each.

Deductibles. All deductibles or self-insured retentions must be declared to and be reasonably approved by the Town. The consultant shall be responsible for the payment of any deductible or self-insured retention in the event of any claim.

The provisions of this section shall survive termination of this Agreement.

4. **COMPLIANCE WITH LAWS:** The consultant shall be licensed and certified by all appropriate federal, state, county and local agencies. Prior to the commencement of the work and at all times during the Term of this Agreement, the consultant shall procure and maintain, at its sole cost and expense, and provide copies to the Town, all required licenses and certifications for the performance of the work and the operations set forth in this Agreement.

The consultant shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, age, marital status, national origin, physical or mental disability in the performance of the work under this Agreement. The consultant shall comply with all equal employment opportunity requirements and any and all applicable requirements established by state and federal law.

5. **PUBLIC RECORDS:** Upon award, recommendation, or ten (10) days after the RFQ submittal opening, whichever is earlier, any material submitted in response to this RFQ will become a "public record" and shall be subject to public disclosure consistent with Fla. Stat. Chapter 119, (Public Records Law). Consultants must claim the applicable exemptions to disclosure, provided by law, in their response to the RFQ by identifying materials to be protected, and must state the reasons why such exclusion from public disclosure is necessary and legal. The Town reserves the right to make all final determination(s) of the applicability of the Florida Public Records Law.

6. **CONFLICT OF INTEREST:** The consultant agrees to adhere to and be governed by the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance Section 2-11.1, as amended; and by Town of Surfside Ordinance No.07-1474, which are incorporated by reference herein as if fully set forth herein, in connection with the Agreement conditions hereunder. The consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirectly that should conflict in any manner or degree with the performance of the services.
7. **INDEPENDENT CONTRACTOR:** The consultant is an Independent Contractor under this Agreement. Personnel provided by the consultant shall be employees of the consultant and subject to supervision by the consultant, and not as officers, employees, or agents of the Town. Personnel policies, tax responsibilities, social security, health insurance, worker's compensation insurance, employee benefits, purchasing policies and other similar administrative procedures applicable to the work rendered under this Agreement shall be those of the consultant.
8. **TERMINATION OF AGREEMENT**

Termination. The Town has the right to terminate this Agreement for convenience and for any reason or no reason, in whole or in part, upon thirty (30) days written notice to consultant. Upon termination of this Agreement, and final payment of any undisputed outstanding amounts due for the work rendered by the consultant prior to and through the date of the notice of termination, copies of all records, charts, sketches, studies, plans, drawings, and other documents related to the work performed under this Agreement, whether finished or not, shall be turned over to the Town within ten (10) days.

Termination for Default. If the consultant fails to timely begin the work, or fails to perform the work with sufficient workers and equipment or with sufficient materials to insure the prompt completion of the work according to the work order and/or this Agreement, or shall perform the work unsuitably, or cause it to be rejected as defective and unsuitable, or shall discontinue the prosecution of the work pursuant to the accepted schedule, or if the consultant shall fail to perform any material term set forth in the Agreement Documents/Work Order, or if the consultant shall become insolvent or be declared bankrupt, or commit any act of bankruptcy or insolvency, or shall make an assignment for the benefit of creditors, or from any other cause whatsoever shall not carry on the work in an acceptable manner, the Town may, upon seven (7) days written notice of termination, terminate the work of the consultant, exclude the consultant from the Project sites, provide for alternate prosecution of the work, appropriate or use any or all materials and equipment on the Project site as may be suitable and acceptable, and may perform the work by whatever methods it may deem expedient. In such case, the consultant shall not be entitled to receive any further payment. All damages, costs and charges incurred by the Town, together with the costs of completing the work, shall be deducted from any monies due or which may become due to the consultant. In case the damages and expenses so incurred by the Town shall exceed monies due to the consultant from the Town, consultant shall be liable and shall pay to the Town the amount of said excess promptly upon demand therefore by the Town. In the event it is adjudicated that the Town was not entitled to terminate the Agreement as described hereunder for default, the Agreement shall automatically be deemed terminated by the Town for convenience as described below.

Payment after Termination. Provided that the consultant has performed in accordance with the terms of this Agreement as of the date of termination pursuant to the provision provided for herein, the consultant shall receive all payments due to the consultant for work rendered and accepted prior to and up to the date of termination.

9. **ASSIGNMENT; AMENDMENTS:** This Agreement or the work shall not be assigned, sold, transferred or otherwise encumbered, under any circumstances, in whole or in part, by the consultant, without the prior written consent of the Town, in its sole and absolute discretion.

No modification, amendment or alteration in the terms or conditions of this Agreement shall be effective unless contained in a written document executed with the same formality as this Agreement by both parties.

10. **CONSENT TO JURISDICTION:** The parties submit to the jurisdiction of any Florida state or federal court in any action or proceeding arising out of and/or relating to this Agreement. Venue of any action to enforce this Agreement shall be proper exclusively in Miami-Dade County, Florida.

11. **GOVERNING LAW:** This Agreement shall be construed in accordance with and governed by the laws of the State of Florida.

12. **NO WAIVER OF BREACH:** The failure of a party to insist on strict performance of any provision of this Agreement shall not be construed to constitute a waiver of a breach of any other provision or of a subsequent breach of the same provision.

13. **STANDARD OF CARE:** Consultant shall exercise the same degree of care, skill, and diligence in the performance of the work as is ordinarily provided by a professional under similar circumstances and consultant shall, at no additional cost to the Town, re-perform services which fail to satisfy the foregoing standard of care.

14. **INDEMNIFICATION:** The consultant shall at all times indemnify and hold harmless and, at the Town Attorney's option, defend or pay for an attorney selected by the Town Attorney to defend the Town of Surfside, its officers, agents, and employees from and against all causes of action, demands, claims, losses, liabilities, damages, and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the acts, omissions, negligence, recklessness, wrongful conduct, acts, errors or omissions of the consultant or any subcontractors or other persons employed or utilized by the consultant in the performance of the work pursuant to this Agreement. The consultant's obligation under this paragraph shall not be limited in any way by the agreed upon cost of services/contract price, or the consultant's limit of, or lack of, sufficient insurance protection.

The indemnification obligations under this clause shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the consultant or any subcontractor or other persons employed or utilized by the consultant in the performance of this Agreement, under worker's compensation acts, disability benefit nets, or other employee benefit acts.

The consultant shall not specify or allow any subcontractor or other persons employed or utilized by the consultant in the performance of this Agreement to specify a particular

design, process or product that infringes upon any patent. The consultant shall indemnify and hold the Town and its officers and employees harmless from any loss, cost or expense, including reasonable attorney's fees and costs incurred, on account thereof if the consultant violates the requirements of this section.

15. OTHER ISSUES

The Town reserves the right to determine whether the consultant's responses are adequate or inadequate, complete or incomplete, and to determine what constitutes the grounds for disqualification of a consultant who may submit inadequate or incomplete responses. The Town reserves the right to determine if a submittal is unresponsive. The Town may disqualify a consultant who submits a submittal determined by the Town to be unresponsive or which contains insufficient, inadequate, or incomplete responses to be deemed unresponsive. The Town Manager shall make such determinations and will rely on the staff selection committee for input in this matter.

The Town reserves the right to request clarification of information submitted and to request additional information from consultants after the deadline for receipt of qualifications.

Any submittal may be withdrawn until the date and time set above for submission of the submittals.

Costs of preparation of a response to this RFQ are solely those of the consultant and the Town assumes no responsibility for any such costs incurred by the consultant.

The consultant understands that this RFQ does not constitute an agreement or contract with the Town.

Any consultant, who submits in its response to the Town, any information that is determined by the Town to be substantially inaccurate, misleading, exaggerated, or incorrect, may be disqualified from consideration. The Town Manager will determine if a consultant will be disqualified.

16. EVALUATION CRITERIA

The qualifications will be reviewed and evaluated in accordance with the following criteria:

<u>Criteria</u>	<u>Points</u>
Ability of Professional Personnel	25
Past Performance and Experience – Firm	25
Past Performance and Experience – Individual/Project Team	25
Location	10
Approach to the Project	<u>15</u>
TOTAL	100

NOTE TO CONSULTANTS: Labor rates will not be a factor at this stage of the process and should not be provided.

17. SELECTION PROCESS

- a. An evaluation committee comprised of appropriate Town staff and/or members of the community, as deemed necessary with the appropriate technical expertise and/or knowledge shall be appointed by the Town Manager to assist in the necessary evaluation.
- b. The committee shall have a minimum of three (3) members. All meetings of the selection committee shall be conducted in a manner consistent with the Sunshine Law and all applicants shall receive notice by mail, fax, or email. A quorum shall be a majority of members except that if there are only three members all three members must be present. All members shall be free of any conflicts of interest as set forth in Fla. Stat. Chapter 112. The selection committee shall then set forth the procedure for reviewing the consultant submittals. The selection committee shall reduce the number of firms to a short list of a minimum of five (provided at least five members responded.) In short-listing firms, the committee shall use the criteria set forth in the RFQ and attempt to select the best qualified firms for the particular project. The committee shall then hold discussion with all short-listed firms. This may be undertaken at the same meeting or a separate meeting scheduled by the committee.
- c. After discussions are held with the short-listed firms, the voting members of the selection committee may discuss the presentations and the qualifications of each firm further and shall rank the firms based upon which firms will best serve the Town based upon the factors set forth in the RFQ. The firms shall be ranked in order of preference. The ranking shall be reported to the Town Commission who shall make the final decision with regard to the firms that should be chosen. The Town Commission may approve the rankings as set forth by the selection committee or, re-rank the applicants based upon the criteria. Prior to re-ranking the consultants based upon the criteria set forth in the RFQ, the Town Commission must undertake a 4/5 vote to indicate that it may wish to rank the consultants in an order different from those established by the selection committee.
- d. Upon the Town Commission approving a ranking, negotiations shall be undertaken with the top ranked firms. The Town Manager or his/her designee shall undertake said negotiations. Upon the successful negotiation of a contract or, if the Town Manager or his/her designee is unable to negotiate a satisfactory contract with the first ranked firm, negotiations with that firm shall be completed or formerly terminated in a writing sent to the firm. Upon termination or completion of said negotiations, negotiations shall then be undertaken with the second ranked firm, with this process being repeated until agreements are reached with the desired number of consultants; the agreements are then approved by the negotiator and formally approved by the Town Commission. If the desired amounts of agreements are not entered into by the Town and if the short-list is exhausted, a new request for qualifications shall be undertaken. The Town reserves the right to award to less than five firms.

18. Protest Procedures

Standing - Parties that are not actual proposers, including, but not limited to, subcontractors, material and labor suppliers, manufacturers and their representatives, shall not have standing to protest or appeal any determination made pursuant to this Section.

Protest of Failure to Qualify - Upon notification by the Town that a proposer is deemed non-responsive and/or non-responsible, the proposer who is deemed non-responsive and/or non-responsible may file a protest with the Town Clerk by close of business on the third Business Day after notification (excluding the day of notification) or any right to protest is forfeited. (Town Hall hours are as follows: Monday-Friday from 9:00 a.m. to 5:00 p.m.)

Protest of Award of Agreement - After a Notice of Intent to Award an Agreement is posted, any proposer who is aggrieved in connection with the pending award of the agreement or any element of the process leading to the award of the agreement may file a protest with the Town Clerk by close of business on the third Business Day after posting (excluding the day of posting) or any right to protest is forfeited. A Notice of Intent to Reject all Submittals is subject to the protest procedure.

Content and Filing - The protest shall be in writing, shall identify the name and address of the protester, and shall include a factual summary of, and the basis for, the protest. Filing shall be considered complete when the protest and the Protest Bond are received by the Town Clerk. The official clock at the Town Hall reception desk shall govern.

Protest Bond - Any consultant filing a protest shall simultaneously provide a Protest Bond to the Town in the amount of ten thousand dollars (\$10,000). If the protest is decided in the protester's favor, the entire Protest Bond shall be returned to the protester. If the protest is not decided in the protester's favor, the Protest Bond shall be forfeited to the Town. The Protest Bond shall be in the form of a cashier's check.

Protest Committee - The Protest Committee shall review all protests. The Town Manager shall appoint the members of the Protest Committee. The Town Attorney or designee shall serve as counsel to the Committee. The meeting of the Protest Committee shall be opened to the public and all of the actual proposers shall be notified of the date, time and place of the meeting. If the Protest Committee determines that the protest has merit, the Town Manager shall direct that all appropriate steps be taken. If the Protest Committee denies the protest, the protester may appeal to the Town Commission. All of the actual proposers shall be notified of the determination by the Protest Committee. The Protest Committee shall terminate upon the award of the contract, or such other time as determined by the Town Commission.

Stay of Ranking in the RFQ Process - In the event of a timely protest, the Town Manager shall stay the ranking of qualified consultants in the RFQ process unless the Town Manager determines that the award of the Agreement without delay or the continuation of the RFQ process is necessary to protect any substantial interest of the Town. The continuation of the RFQ process or award under these circumstances shall not preempt or otherwise affect the protest.

Appeals to Town Commission - Any actual consultant who is aggrieved by a determination of the Protest Committee may appeal the determination to the Town Commission by filing an appeal with the Town Clerk by close of business on the third Business Day after the protester has been notified (excluding the day of notification) of the determination by the Protest Committee. The appeal shall be in writing and shall include a factual summary of, and the basis for, the appeal. Filing of an appeal shall be considered complete when the appeal is received by the Town Clerk.

Failure to File Protest - Any actual proposer that does not formally protest or appeal in accordance with this Section shall not have standing to protest the Town Commission's award.

19. ADDITIONAL INFORMATION

Questions regarding this RFQ must be directed to:

Michael Crotty
Town Manager
Tel: (305) 993-1052
Email: mcrotty@townofsurfsidefl.gov

Responses to this RFQ must be delivered by the date and time specified in the Notice to Architects, and addressed to:

Sandra Novoa, CMC
Town Clerk
Town Clerk's Office
9293 Harding Avenue
Surfside, FL 33154

- The Town is under no obligation to return the submittals.
- The Town will not be liable for any cost incurred in the preparation of the response to the RFQ.
- The submittal shall be prima facie evidence that the consultant has full knowledge of the scope, nature, quantity and quality of work to be performed; the detailed requirements of the specifications; and the conditions under which the work is to be performed.
- The consultants shall furnish the Town with such additional information as the Town may reasonably require.
- Under no circumstance should any prospective consultant, or anyone acting on their behalf, seek to influence or to gain the support of any member of the Town Commission or the Town Staff favorable to the interest of the prospective consultant. Likewise, contact with the Town Commission or Town Staff against the interest of other prospective consultants is prohibited. Any such activities may result in the exclusion of the prospective consultant from consideration by the Town.

**Town of Surfside, Florida
Request for Qualifications No. 14-**

SCOPE OF SERVICES

Section I. General Objectives

The Town of Surfside is soliciting professional architectural services of an individual(s) or firm(s) qualified to serve as the Town's Consulting Architect. The selected consultant(s) shall provide professional architectural services on an as-needed, project-by-project basis, under the terms of a Continuing Contract for a three (3) year period with up to two additional consecutive one (1) year renewal clauses, subject to mutual agreement. The Town reserves the right to also have other professional architectural consultants perform assignments or related architectural work tasks during the contract period.

The Town is soliciting professional architectural services and related work which may include, but not limited to, the tasks identified below:

- Design/Programming, Schematic
- Reports
- Analysis
- Graphic conceptual drawings
- Color selection and coordination
- Inspection
- General design work
- Preparation of complete construction contract plans, specifications for permitting and special provisions for the assigned projects
- Submission of plans for building permits prior to selection of contractor
- Procurement and negotiation services
- Construction administration
- Interior layout and design including furniture
- Public engagement and public agencies interface
- Post design services (e.g., submittal review, responses to Request for Information and services during construction)
- Landscaping layout and design
- Assist and Propose - Design Build Services

The Town does not guarantee that any or all of the services identified in this Request for Qualifications ("RFQ") will be assigned to the selected consultant(s) during the term of their agreements.

DRUG-FREE WORKPLACE CERTIFICATION

IDENTICAL TIE BIDS/SUBMITTALS - In accordance with Fla. Stat. §287.087, preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Fla. Stat. Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

VENDOR'S SIGNATURE

**SWORN STATEMENT PURSUANT TO FLA. STAT. §287.133(3)(a)
PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to: _____
By: _____
For: _____
whose business address is: _____

and (if applicable,) its Federal Employer Identification Number (FEIN) is: _____
(IF the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement:

2. I understand that a “public entity crime” as defined in Fla. Stat. §287.133(l)(g), means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that “convicted” or “conviction” as defined in Fla. Stat. §287.133(l)(b), means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an “affiliate” as defined in Fla. Stat. §287.133(l)(a), means:
- a. A predecessor or successor of a person convicted of a public entity crime; or
 - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term “affiliate” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a “person” as defined in Fla. Stat. § 287.133(l)(e), means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term

“person” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of any entity.

6. Based on information and belief, the statement which I have marked below is true in a relation to the entity submitting this sworn statement. (Please indicate which one (1) of the following three (3) statements is applicable.)

____ (1) Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months.

____ (2) The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months.

____ (3) The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or agents who are active in management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months. However, there has been a subsequent proceeding before a Hearing Officers of the State of Florida, Division of Administrative Hearings and the Final Order by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attached is a copy of the final order.)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THE PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED AND FOR THE PERIOD OF THE CONTRACT ENTERED INTO, WHICHEVER PERIOD IS LONGER. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN FLA. STAT. §287.017, FOR THE CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

SIGNATURE OF AFFIANT

(Printed or Typed Legal Name of Affiant)

State of _____ County of _____
Sworn to and subscribed before me this _____ day of _____, 2014 by _____.

Notary Seal:

Notary's Name Printed, Stamped or Typed

Personally Known: _____ or Produced Identification _____
Identification Produced _____

NON-COLLUSIVE AFFIDAVIT

State of _____)

County of _____)

_____ being first duly sworn deposes and says that:

- (1) He/she is the (Owner, Partner, Officer, Representative or Agent) of the Bidder that has submitted the attached Bid/Submittal;
- (2) He/she is fully informed respecting the preparation and contents of the attached Bid/Submittal and of all pertinent circumstances respecting such Bid/Submittal;
- (3) Such Bid/Submittal is genuine and is not a collusive or sham Bid/Submittal;
- (4) Neither the said bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Bidder, firm, or person to submit a collusive or sham Bid/Submittal in connection with the work for which the attached Bid/Submittal has been submitted; or to refrain from bidding in connection with such work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Bidder, firm, or person to fix the price or prices in the attached Bid/Submittal or of any other Bidder, or to fix any overhead, profit, or cost elements of the Bid/Submittal price or the Bid/Submittal price of any other Bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the Town of Surfside, Florida, or any person interested in the proposed work;
- (5) The price or prices quoted in the attached Bid/Submittal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any other of its agents, representatives, owners, employees or parties in interest, including this Affiant.

SIGNATURE OF AFFIANT (Printed or Typed Legal Name of Affiant)

State of _____ County of _____

Sworn to and subscribed before me this _____ day of _____, 2014 by _____.

Notary Seal:

Notary's Name Printed, Stamped or Typed

Personally Known: _____ or Produced Identification _____

Identification Produced _____

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SELECTING FIVE (5) PROFESSIONAL GENERAL ARCHITECTURAL FIRMS TO PERFORM PROFESSIONAL GENERAL ARCHITECTURAL SERVICES FOR THE TOWN, IN RESPONSE TO RFQ NO. 14-001; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO NEGOTIATE A CONTINUING CONSULTANT AGREEMENT WITH THE SELECTED RANKED FIRMS; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside, Florida issued Request for Qualifications No. #14-001 to provide professional general architectural services on an as-needed, project-by-project basis, under the terms of a continuing contract for a three (3) year period with up to two additional consecutive one (1) year renewal clauses, subject to mutual agreement; and

WHEREAS, eight (8) firms responded to said RFQ, which have been reviewed by the Selection Committee comprised of the Town Public Works Director, Joseph Kroll, the Town Building Official, Ross Prieto, the Town Comptroller, Mayte Gamiotea and Surfside Resident/ Miami-Dade Assistant Director of Regulatory Compliance & Planning, Bertha Goldenberg; and

WHEREAS, after reviewing all eight submittals, the Selection Committee arrived at a short list of five firms. After evaluating both the written and oral presentations, the Selection Committee ranked the firms as follows:

Synalovski Romanik Saye, LLC	1
BEA Architects, Inc.	2
Stantec Consultings Services, Inc.	3
Ferguson, Glasgow, Shuster, Soto, Inc.	4
URS Corporation Southern	5

WHEREAS, in accordance with Fla. Stat. §287.055 – Consultants’ Competitive Negotiations Act, the Town wishes to enter into a continuing consulting agreement with the selected architectural firms for the purpose of providing on-call services for as needed projects in the Town; and

WHEREAS, the selected architectural firms shall submit proposals to the Town for any architectural services to be performed, prior to the delivery of such services.

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

Section 1. Approval of Firm Rankings. The Town Commission hereby approves the following rankings of the general architectural firms to perform general architectural services for the Town:

Synalovski Romanik Saye, LLC	1
BEA Architects, Inc.	2
Stantec Consultings Service, Inc.	3
Ferguson, Glasgow, Shuster, Soto, Inc.	4
URS Corporation Southern	5

Section 2. Authorization of Town Manager. The Town Commission hereby authorizes the Town Manager or his designee to enter into a continuing consulting agreement with the selected ranked general architectural firms.

Section 3. Further Authorization of Town Manager. The Town Manager is hereby authorized to do all things necessary to effectuate this Resolution.

Section 4. Effective Date. This Resolution will become effective upon adoption.

PASSED AND ADOPTED this ____ day of ____ 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen _____
 Commissioner Michael Karukin _____
 Commissioner Marta Olchyk _____
 Vice Mayor Eli Tourgeman _____
 Mayor Daniel Dietch _____

 Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Item # 5B2

Agenda Date: July 8, 2014

Subject: Professional General Engineering Services – RFQ #14-002

Background: A Request for Qualifications (RFQ) was issued for Professional Engineering Services for the Town and advertised on February 14, 2014 (Attachment 1). The Town Commission directed the Administration to issue this RFQ as a means of evaluating present day options for the Town. Twelve firms responded by the April 4, 2014 deadline. Copies of individual submittals are on file with the Town Clerk.

Analysis: A four person Selection Committee was formed comprising of the Public Works Director, Joseph Kroll, the Building Official, Ross Prieto, the Comptroller, Mayte Gamiotea and resident / Miami-Dade Assistant Director Regulatory Compliance & Planning, Bertha Goldenberg.

After reviewing all twelve submittals on June 18, 2014, the Selection Committee ranked a short list of five firms per the RFQ. These five firms provided brief presentations to the Selection Committee on June 24, 2014. After evaluating both the written and oral presentations, the Selection Committee ranked the firms as follows:

Company Name	Ranking
Calvin, Giordano & Associates	1
R.J. Behar & Company, Inc	2
Stantec Consulting Services, Inc	3
Bemello, Ajamil & Partners, Inc	4
CPH	5

Upon the Town Commission acceptance of the recommendation of the Selection Committee, the Town Manager, or his designee, will enter into a continuing consultant agreement with Calvin, Giordano and Associates (CGA) as the top ranked and most qualified firm to provide consulting engineering services as outlined in the RFQ.

CGA provides professional general engineering service for civil engineering work that the Town requires which may include, but is not limited to, the following tasks: survey; geotechnical; structural; environmental; traffic; landscape architecture; construction management; construction inspection; construction testing; electrical; hurricane recovery and debris monitoring services; general design work; preparation of complete construction contract plans and special provisions for the assigned projects; public involvement; post design services (shop drawing review, responses to request for information and services during construction); and bid administration (selection and letting).

If negotiations with CGA are unsuccessful, per Fla. Stat. 287.055 – Consultants' Competitive Negotiations Act, the Town Manager, or his designee, is able to enter into negotiations with the remaining firms in ranking order until a suitable agreement is met.

Budget Impact: To be determined once a continuing contract agreement is negotiated and brought back before the Town Commission. CGA will submit work authorizations to the Town for any engineering services to be performed prior to the delivery of such services.

Staff Impact: None.

Recommendation: It is recommended that the Town Commission approve the attached resolution accepting the recommendation of the selection committee and authorize the Town Manager, or his designee, to negotiate a continuing consultant agreement for engineering services with CGA.


TEDACS Director


Town Manager



REQUEST FOR QUALIFICATIONS (RFQ)

PROFESSIONAL GENERAL ENGINEERING SERVICES

The Town of Surfside (Town), Miami-Dade County, Florida, hereby gives notice that it is seeking qualifications for professional general engineering services to the Town on a continuing and/or consulting contract basis. Selection of the firm(s) or individual(s) will be made in accordance with Fla. Stat. §287.055-Consultants' Competitive Negotiations Act.

Submittals shall be accepted until **10:00 a.m. on April 4th 2014**. A total of six (6) copies (one (1) of the six (6) copies shall be an electronic copy) of the submittal must be submitted and clearly marked on the front of the envelope:

"SEALED QUALIFICATIONS"

RFQ # 14-002 PROFESSIONAL ENGINEERING SERVICES

OPENING DATE AND TIME: April 4, 2014, 10:15 A.M.

Sealed submittals will be received by the Town Clerk until **10:00 a.m. April 4, 2014, at Town of Surfside, Town Hall located at 9293 Harding Avenue, Surfside, Florida, 33154**. Submittals received after this time will not be accepted. Submittals will be opened publicly at this time.

A mandatory pre-submittal conference will be held in the Commission Chambers of the Town of Surfside, 9293 Harding Avenue, Surfside, FL 33154 at 10:00 a.m. on March 14, 2014.

Only those firms with representatives in the room at 10:00 a.m. will be allowed to submit a Response on April 4, 2014.

Deadline to submit requests for clarification will be 10:00 a.m., March 28, 2014.

Proposers are responsible for making certain that their submittal is received at the location specified by the due date and time. The Town of Surfside is not responsible for delays caused by any mail, package or courier service, including the U.S. mail, or caused by any other occurrence or condition.

RFQ packages may be obtained from the Office of the Town Clerk, Town of Surfside, 9293 Harding Avenue, Surfside, Florida 33154, at no cost, and are also available on line at www.townofsurfsidefl.gov.

The Town reserves the right to reject any or all submittals, with or without cause, and to waive technical errors and informalities, and to accept the submittal which best serves the interest of the Town.

Sandra Novoa, CMC, Town Clerk
Town of Surfside

**Town of Surfside, Florida
Request for Qualifications No. 14-002**

PROFESSIONAL GENERAL ENGINEERING SERVICES

The Town of Surfside (Town) is accepting Submittals from qualified and properly licensed firms or individuals (all respondents shall hereinafter be referred to as “consultants” and/or “firms”) interested in providing professional general engineering services. The Town is soliciting professional engineering services for civil engineering related work which may include, but not limited to, the following tasks: Survey; Geotechnical; Structural; Environmental; Traffic; Landscape Architecture; Construction Management; Construction Inspection; Construction Testing; Electrical; Hurricane Recovery and Debris Monitoring Services; General Design Work; Preparation of Complete Construction Contract Plans and Special Provisions for the Assigned Projects; Public Involvement; Post Design Services (shop drawing review, responses to Request for Information and services during construction); and Bid Administration (selection and letting).

SUBMITTAL REQUIREMENTS:

1. **SELECTION PROCESS:** Selection of the firm or individual will be made in accordance with Fla. Stat. §287.055 –Consultants’ Competitive Negotiations Act.
2. **ELIGIBILITY:** In addition to the other requirements stated in this document, to be eligible to respond to this RFQ, the consultants must have successfully provided within the past five years services similar to those outlined in the Scope of Work (included herein) of this RFQ. Each consultant shall meet all legal, technical, and professional requirements for providing the requested services. The consultants shall furnish such additional information as the Town may reasonably require. This includes information that indicates financial resources as well as the ability to provide and maintain the requested services. The consultants shall have no record of judgments, pending lawsuits against the Town or criminal activities involving moral turpitude.
3. **SUBMITTAL:** Submittals must be received by the Town Clerk’s Office at the date and time stated in the Notice to Consultants at the Surfside Commission Chambers, 9293 Harding Avenue, Surfside, FL 33154. A total of ten (10) copies of the submittal must be submitted at the date and time stated in the Notice to Consultants at the Surfside Commission Chambers, 9293 Harding Avenue, Surfside, FL 33154.
4. **SUBMITTAL REQUIREMENTS:** All submittals shall contain no more than ten (10) pages and a total of six (6) copies shall be submitted, with one (1) marked “Original” containing all original documents of the required response to the Request for Qualifications (RFQ) and one (1) electronic copy (in PDF format) on electronic media (CD-R/flash drive). The submittal should include as a minimum guideline at least the following:
 - a. Name, address and company, including but not limited to, a business overview, financial state of the business, annual revenue for the past two years, and names and addresses of persons having financial interest in the firm.
 - b. Details of your qualifications and capabilities to provide services under this solicitation.
 - c. Composition and experience of the project team that will be assigned under this solicitation. Resumes of key personnel should be included. Location of the project team members should be clearly identified.

- d. The number of all projects (including government projects) completed or in process for the past 5 (five) years, and a synopsis of those projects most relevant to the services sought in herein. Include a list of client references with contact names and telephone numbers.
- e. Disclosure of any potential conflict of interest that your firm may have due to other clients, contracts or property interests in the Town's projects under this solicitation.
- f. A current GSA SF 254 and 255 should be furnished, i.e. firm's capabilities, adequacy of personnel, past performance record and experience. *(Note: These forms will NOT be counted as part of the 10 page maximum.)*
- g. Sworn statement pursuant to Fla. Stat. §287.133(3)(A), Public Entity Crime, a copy of which is attached hereto. *(Note: These forms will NOT be counted as part of the 10 page maximum.)*
- h. Non-Collusive Affidavit, a copy of which is attached hereto. *(Note: These forms will NOT be counted as part of the 10 page maximum.)*
- i. Evidence of recent, current and projected person-hour workload should be provided for the proposed project team members. The candidate firm must have at least one (1) registered professional engineer under Fla. Stat. Chapter 471, as principal officer or partner of the firm. The candidate firm must comply with Fla. Stat. Chapter 471.
- j. Proof of authorization to transact business in Florida from the Florida Secretary of State, from the prime as well as supporting firms.

The attached Scope of Service provides more detail as to actual tasks involved within the scope of this submittal. Failure to satisfy the requirements contained herein may result in the submittal being deemed non-responsive.

5. **PUBLIC ENTITY CRIMES STATEMENT:** All submittals must be accompanied by an executed form PUR 7068, SWORN STATEMENT PURSUANT TO FLA. STAT. §287.133, ON PUBLIC ENTITY CRIMES. (Copy enclosed)
6. **DRUG-FREE WORKPLACE:** In accordance with Fla. Stat. §287.087, preference will be given to businesses with drug-free workplace programs; whenever bids are similar in all other respects, award will be made to the entity having a Drug-Free Workplace Program if a Drug-Free Workplace Certification is submitted with the response.

TERMS AND CONDITIONS:

1. **STATUTORY REQUIREMENTS:** Selection of the consultant will be made in accordance with the Fla. Stat. §287.055, "Consultants' Competitive Negotiation Act". Pursuant to Fla. Stat. Chapter 119, Public Records Law, §119.071, Inspection and examination of records; exemptions (b): "Sealed bids or proposals received by an agency pursuant to invitations to bid or request for proposals are exempt from Fla. Stat. §119.07(1) and Fla. Const. §24(a), Art. 1 until such time as the agency provides notice of the decision or intended decision pursuant to Fla. Stat. §120.57(3)(a) or within 10 days after bid or proposal opening, whichever is earlier."
2. **RESERVATION OF RIGHTS:** While pursuing this RFQ process, the Town reserves the right to:
 - accept any or all responses, and the right, in its sole discretion, to accept the consultants it considers most favorable to the Town's interests;

- reject any and all qualifications and to seek new qualifications when such a procedure is reasonably in the best interest of the Town at any time during the process;
- investigate the financial capability, integrity, experience, and quality of performance of each consultant, including officers, principals, senior management, and supervisors, as well as staff identified in the response to RFQ;
- investigate the consultants' qualifications or any of its agents, as it deems appropriate;
- conduct personal interviews of any or all prospective consultants prior to selection (the Town shall not be liable for any costs incurred by the consultant in connection with such interviews); and
- waive any of the conditions or criteria set forth in this RFQ.

3. **PROOF OF INSURANCE:** The consultant shall secure and maintain throughout the duration of this Agreement insurance of such types and in such amounts not less than those specified below as satisfactory to the Town, naming the Town as an Additional Insured, underwritten by a firm rated A-X or better by A.M. Best and qualified to do business in the State of Florida. The insurance coverage shall be primary insurance with respect to the Town, its officials, employees, agents and volunteers naming the Town as additional insured. Any insurance maintained by the Town shall be in excess of the consultant's insurance and shall not contribute to the consultant's insurance. The insurance coverage shall include at a minimum the following amounts set forth in this Section 16:

- a. Commercial General Liability coverage with limits of liability of not less than a \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. This Liability Insurance shall also include Completed Operations and Product Liability coverages and eliminate the exclusion with respect to property under the care, custody and control of consultant. The General Aggregate Liability limit (including Products/Completed Operations) shall be in the amount of \$2,000,000.
- b. Workers' Compensation and Employer's Liability insurance, to apply for all employees for statutory limits as required by applicable State and Federal laws. The policy(ies) must include Employer's Liability with minimum limits of \$1,000,000 each accident. No employee, subcontractor or agent of the consultant shall be allowed to provide work pursuant to this Agreement who is not covered by Workers' Compensation insurance.
- c. Business Automobile Liability with minimum limits of \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability policy, without restrictive endorsements, as filed by the Insurance Service Office, and must include Owned, Hired, and Non-Owned Vehicles.
- d. Builder's Risk property insurance upon the entire work to the full replacement cost value thereof. This insurance shall include the interest of the Town and the consultant and shall provide All-Risk coverage against loss by physical damage including, but not limited to, Fire, Extended Coverage, Theft, Vandalism and Malicious Mischief, Windstorm and Flood.

The consultant acknowledges that it shall bear the full risk of loss for any portion of the work damaged, destroyed, lost or stolen until final completion has been achieved for a

Project, and all such work shall be fully restored by the consultant, at its sole cost and expense, in accordance with the Agreement Documents.

Certificate of Insurance. On or before the Effective Date of this Agreement and prior to commencing of any work, Certificates of Insurance shall be provided to the Town, reflecting the Town as an Additional Insured. Each certificate shall include no less than a (30) thirty-day advance written notice to the Town prior to cancellation, termination, or material alteration of said policies or insurance. The consultant shall be responsible for assuring that the insurance certificates required by this Section remain in full force and effect for the duration of this Agreement, including any extensions or renewals that may be granted by the Town. The Certificates of Insurance shall not only name the types of policy(ies) provided, but also shall refer specifically to this Agreement and shall state that such insurance is as required by this Agreement. The Town reserves the right to inspect and return a certified copy of such policies, upon written request by the Town. If a policy is due to expire prior to the completion of the work, renewal Certificates of Insurance shall be furnished thirty (30) calendar days prior to the date of their policy expiration. Acceptance of the Certificate(s) is subject to approval of the Town.

Additional Insured. The Town is to be specifically included as an Additional Insured for the liability of the Town resulting from work performed by or on behalf of the consultant in performance of this Agreement. The consultant's insurance, including that applicable to the Town as an Additional Insured, shall apply on a primary basis and any other insurance maintained by the Town shall be in excess of and shall not contribute to the consultant's insurance. The consultant's insurance shall contain a severability of interest provision providing that, except with respect to the total limits of liability, the insurance shall apply to each Insured or Additional Insured (for applicable policies) in the same manner as if separate policies had been issued to each.

Deductibles. All deductibles or self-insured retentions must be declared to and be reasonably approved by the Town. The consultant shall be responsible for the payment of any deductible or self-insured retention in the event of any claim.

The provisions of this section shall survive termination of this Agreement.

4. **COMPLIANCE WITH LAWS:** The consultant shall be licensed and certified by all appropriate federal, state, county and local agencies. Prior to the commencement of the work and at all times during the Term of this Agreement, the consultant shall procure and maintain, at its sole cost and expense, and provide copies to the Town, all required licenses and certifications for the performance of the work and the operations set forth in this Agreement.

The consultant shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, age, marital status, national origin, physical or mental disability in the performance of the work under this Agreement. The consultant shall comply with all equal employment opportunity requirements and any and all applicable requirements established by state and federal law.

5. **PUBLIC RECORDS:** Upon award, recommendation or ten (10) days after RFQ submittal opening, whichever is earlier, any material submitted in response to this RFQ will become a "public record" and shall be subject to public disclosure consistent with Fla. Stat. Chapter 119 (Public Record Law). Proposers must claim the applicable exemptions to disclosure provided by law in their response to the RFQ by identifying materials to be protected, and must state the reasons why such exclusion from public disclosure is necessary and legal. The Town reserves the right to make all final determination(s) of

the applicability of the Florida Public Records Law.

6. **CONFLICT OF INTEREST:** The consultant agrees to adhere to and be governed by the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance Section 2-11.1, as amended; and by Town of Surfside Ordinance No.07-1474, which are incorporated by reference herein as if fully set forth herein, in connection with the Agreement conditions hereunder. The consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirectly that should conflict in any manner or degree with the performance of the services.
7. **INDEPENDENT CONTRACTOR:** The consultant is an Independent Contractor under this Agreement. Personnel provided by the consultant shall be employees of the consultant and subject to supervision by the consultant, and not as officers, employees, or agents of the Town. Personnel policies, tax responsibilities, social security, health insurance, worker's compensation insurance, employee benefits, purchasing policies and other similar administrative procedures applicable to the work rendered under this Agreement shall be those of the consultant.
8. **TERMINATION OF AGREEMENT**

Termination. The Town has the right to terminate this Agreement for convenience and for any reason or no reason, in whole or in part, upon thirty (30) days written notice to consultant. Upon termination of this Agreement, and final payment of any undisputed outstanding amounts due for the work rendered by the consultant prior to and through the date of the notice of termination, copies of all records, charts, sketches, studies, plans, drawings, and other documents related to the work performed under this Agreement, whether finished or not, shall be turned over to the Town within ten (10) days.

Termination for Default. If the consultant fails to timely begin the work, or fails to perform the work with sufficient workers and equipment or with sufficient materials to insure the prompt completion of the work according to the work order and this Agreement, or shall perform the work unsuitably, or cause it to be rejected as defective and unsuitable, or shall discontinue the prosecution of the work pursuant to the accepted schedule, or if the consultant shall fail to perform any material term set forth in the Agreement Documents/Work Order, or if the consultant shall become insolvent or be declared bankrupt, or commit any act of bankruptcy or insolvency, or shall make an assignment for the benefit of creditors, or from any other cause whatsoever shall not carry on the work in an acceptable manner, the Town may, upon seven (7) days written notice of termination, terminate the work of the consultant, exclude the consultant from the Project sites, provide for alternate prosecution of the work, appropriate or use any or all materials and equipment on the Project site as may be suitable and acceptable, and may perform the work by whatever methods it may deem expedient. In such case, the consultant shall not be entitled to receive any further payment. All damages, costs and charges incurred by the Town, together with the costs of completing the work, shall be deducted from any monies due or which may become due to the consultant. In case the damages and expenses so incurred by the Town shall exceed monies due to the consultant from the Town, consultant shall be liable and shall pay to the Town the amount of said excess promptly upon demand therefore by the Town. In the event it is adjudicated that the Town was not entitled to terminate the Agreement as described hereunder for default, the Agreement shall automatically be deemed terminated by the Town for convenience as described below.

Payment after Termination. Provided that the consultant has performed in accordance with the terms of this Agreement as of the date of termination pursuant to the provision provided for herein, the consultant shall receive all payments due to the consultant for work rendered and accepted prior to and up to the date of termination.

9. **ASSIGNMENT; AMENDMENTS:** This Agreement or the work shall not be assigned, sold, transferred or otherwise encumbered, under any circumstances, in whole or in part, by the consultant, without the prior written consent of the Town, in its sole and absolute discretion.

No modification, amendment or alteration in the terms or conditions of this Agreement shall be effective unless contained in a written document executed with the same formality as this Agreement by both parties.

10. **CONSENT TO JURISDICTION:** The parties submit to the jurisdiction of any Florida state or federal court in any action or proceeding arising out of and/or relating to this Agreement. Venue of any action to enforce this Agreement shall be proper exclusively in Miami-Dade County, Florida.

11. **GOVERNING LAW:** This Agreement shall be construed in accordance with and governed by the laws of the State of Florida.

12. **NO WAIVER OF BREACH:** The failure of a party to insist on strict performance of any provision of this Agreement shall not be construed to constitute a waiver of a breach of any other provision or of a subsequent breach of the same provision.

13. **STANDARD OF CARE:** Consultant shall exercise the same degree of care, skill, and diligence in the performance of the work as is ordinarily provided by a professional under similar circumstances and consultant shall, at no additional cost to the Town, re-perform services which fail to satisfy the foregoing standard of care.

14. **INDEMNIFICATION:** The consultant shall at all times indemnify and hold harmless and, at the Town Attorney's option, defend or pay for an attorney selected by the Town Attorney to defend the Town of Surfside, its officers, agents, and employees from and against all causes of action, demands, claims, losses, liabilities, damages, and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the acts, omissions, negligence, recklessness, wrongful conduct, acts, errors or omissions of the consultant or any subcontractors or other persons employed or utilized by the consultant in the performance of the work pursuant to this Agreement. The consultant's obligation under this paragraph shall not be limited in any way by the agreed upon cost of services/contract price, or the consultant's limit of, or lack of, sufficient insurance protection.

The indemnification obligations under this clause shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the consultant or any subcontractor or other persons employed or utilized by the consultant in the performance of this Agreement, under worker's compensation acts, disability benefit nets, or other employee benefit acts.

The consultant shall not specify or allow any subcontractor or other persons employed or utilized by the consultant in the performance of this Agreement to specify a particular design, process or product that infringes upon any patent. The consultant shall indemnify and hold the Town and its officers and employees harmless from any loss, cost or

expense, including reasonable attorney's fees and costs incurred, on account thereof if the consultant violates the requirements of this section.

15. OTHER ISSUES

The Town reserves the right to determine whether the consultant's responses are adequate or inadequate, complete or incomplete, and to determine what constitutes the grounds for disqualification of a consultant who may submit inadequate or incomplete responses. The Town reserves the right to determine if a submittal is unresponsive. The Town may disqualify a consultant who submits a submittal determined by the Town to be unresponsive or which contains insufficient, inadequate, or incomplete responses to be deemed unresponsive. The Town Manager shall make such determinations and will rely on the staff selection committee for input in this matter.

The Town reserves the right to request clarification of information submitted and to request additional information from consultants after the deadline for receipt of qualifications.

Any submittal may be withdrawn until the date and time set above for submission of the submittals.

Costs of preparation of a response to this RFQ are solely those of the consultant and the Town assumes no responsibility for any such costs incurred by the consultant.

The consultant understands that this RFQ does not constitute an agreement or contract with the Town.

Any consultant, who submits in its response to the Town, any information that is determined by the Town to be substantially inaccurate, misleading, exaggerated, or incorrect, may be disqualified from consideration. The Town Manager will determine if a consultant will be disqualified.

16. EVALUATION CRITERIA

The qualifications will be reviewed and evaluated in accordance with the following criteria:

<u>Criteria</u>	<u>Points</u>
Ability of Professional Personnel	25
Past Performance and Experience – Firm	25
Past Performance and Experience – Individual/Project Team	25
Location	10
Approach to the Project	<u>15</u>
TOTAL	100

NOTE TO CONSULTANTS: Price will not be a factor at this stage of the process and no prices should be quoted.

17. SELECTION PROCESS

- a. An evaluation committee comprised of appropriate Town staff and/or members of the community, as deemed necessary with the appropriate technical expertise and/or knowledge, shall be appointed by the Town Manager to assist in the necessary evaluation.
- b. The committee shall have a minimum of three (3) members. All meetings of the selection committee shall be conducted in a manner consistent with the Sunshine Law and all applicants shall receive notice by mail, fax, or email. A quorum shall be a majority of members except that if there are only three members all three members must be present. All members shall be free of any conflicts of interest as set forth in Fla. Stat. Chapter 112. The selection committee shall then set forth the procedure for reviewing the applicants. The selection committee shall reduce the number of firms to a short list of a minimum of five (provided at least five members responded.) In short-listing firms, the committee shall use the criteria set forth in the RFQ and attempt to select the best qualified firms for the particular project. The committee shall then hold discussion with all short-listed firms. This may be undertaken at the same meeting or a separate meeting scheduled by the committee.
- c. After discussions are held with the short-listed firms, the voting members of the selection committee may discuss the presentations and the qualifications of each firm further and shall rank the firms based upon which firms will best serve the Town based upon the factors set forth in the RFQ. The firms shall be ranked in order of preference. The ranking shall be reported to the Town Commission who shall make the final decision with regard to the firms that should be chosen. The Town Commission may approve the rankings as set forth by the selection committee or, re-rank the consultants based upon the criteria. Prior to re-ranking the consultants based upon the criteria set forth in the RFQ, the Town Commission must undertake a 4/5 vote to indicate that it may wish to rank the consultants in an order different from those established by the selection committee.
- d. Upon the Town Commission approving a ranking, negotiations shall be undertaken with the top three (3) ranked firms. The Town Manager or his/her designee shall undertake said negotiations. If the Town Manager or his/her designee is unable to negotiate a satisfactory contract with the first ranked firm, negotiations with that firm shall be formally terminated in a writing sent to the firm. Upon termination of said negotiations, negotiations shall then be undertaken with the second ranked firm, with this process being repeated until an agreement is reached which is then approved by the negotiator and formally approved by the Town Commission or until the short-list is exhausted in which case a new request for qualifications shall be undertaken. The Town reserves to award to more than one firm.

18. PROTEST PROCEDURES

Standing - Parties that are not actual proposers, including, but not limited to, subcontractors, material and labor suppliers, manufacturers and their representatives, shall not have standing to protest or appeal any determination made pursuant to this Section.

Protest of Failure to qualify - Upon notification by the Town that a proposer is deemed non-responsive and/or non-responsible, the proposer who is deemed non-responsive and/or non-responsible may file a protest with the Town Clerk by close of business on

the third Business Day after notification (excluding the day of notification) or any right to protest is forfeited. (Town Hall hours are as follows: Monday-Friday from 9:00 a.m. to 5:00 p.m.)

Protest of Award of Agreement. After a Notice of Intent to Award an Agreement is posted, any proposer who is aggrieved in connection with the pending award of the agreement or any element of the process leading to the award of the agreement may file a protest with the Town Clerk by close of business on the third Business Day after posting (excluding the day of posting) or any right to protest is forfeited. A Notice of Intent to Reject all Submittals is subject to the protest procedure.

Content and Filing - The protest shall be in writing, shall identify the name and address of the protester, and shall include a factual summary of, and the basis for, the protest. Filing shall be considered complete when the protest and the Protest Bond are received by the Town Clerk. The official clock at the Town Hall reception desk shall govern.

Protest Bond - Any consultant filing a protest shall simultaneously provide a Protest Bond to the Town in the amount of ten thousand dollars (\$10,000). If the protest is decided in the protester's favor, the entire Protest Bond shall be returned to the protester. If the protest is not decided in the protester's favor, the Protest Bond shall be forfeited to the Town. The Protest Bond shall be in the form of a cashier's check.

Protest Committee - The Protest Committee shall review all protests. The Town Manager shall appoint the members of the Protest Committee. The Town Attorney or designee shall serve as counsel to the Committee. The meeting of the Protest Committee shall be opened to the public and all of the actual proposers shall be notified of the date, time and place of the meeting. If the Protest Committee determines that the protest has merit, the Town Manager shall direct that all appropriate steps be taken. If the Protest Committee denies the protest, the protester may appeal to the Town Commission. All of the actual proposers shall be notified of the determination by the Protest Committee. The Protest Committee shall terminate upon the award of the contract, or such other time as determined by the Town Commission.

Stay of Ranking in the RFQ Process - In the event of a timely protest, the Town Manager shall stay the ranking of qualified consultants in the RFQ process unless the Town Manager determines that the award of the Agreement without delay or the continuation of the RFQ process is necessary to protect any substantial interest of the Town. The continuation of the RFQ process or award under these circumstances shall not preempt or otherwise affect the protest.

Appeals to Town Commission - Any actual consultant who is aggrieved by a determination of the Protest Committee may appeal the determination to the Town Commission by filing an appeal with the Town Clerk by close of business on the third Business Day after the protester has been notified (excluding the day of notification) of the determination by the Protest Committee. The appeal shall be in writing and shall include a factual summary of, and the basis for, the appeal. Filing of an appeal shall be considered complete when the appeal is received by the Town Clerk.

Failure to File Protest - Any actual proposer that does not formally protest or appeal in accordance with this Section shall not have standing to protest the Town Commission's award.

19. ADDITIONAL INFORMATION

Questions regarding this RFQ must be directed to:

Michael Crotty

Town Manager

Tel: (305) 993-1052

Email: mcrotty@townofsurfsidefl.gov

Responses to this RFQ must be delivered by the date and time specified in the Notice to Engineers, and addressed to:

Sandra Novoa, CMC

Town Clerk

Town Clerk's Office

9293 Harding Avenue

Surfside, FL 33154

- The Town is under no obligation to return the submittals.
- The Town will not be liable for any cost incurred in the preparation of the response to RFQ.
- The submittal shall be prima facie evidence that the consultant has full knowledge of the scope, nature, quantity and quality of work to be performed; the detailed requirements of the specifications; and the conditions under which the work is to be performed.
- The consultants shall furnish the Town with such additional information as the Town may reasonably require.
- Under no circumstance should any prospective consultant, or anyone acting on their behalf, seek to influence or to gain the support of any member of the Town Commission or the Town Staff favorable to the interest of the prospective consultant. Likewise, contact with the Town Commission or Town Staff against the interest of other prospective consultants is prohibited. Any such activities may result in the exclusion of the prospective consultant from consideration by the Town.

**Town of Surfside, Florida
Request for Qualifications No. 14-**

SCOPE OF SERVICES

Section I. General Objectives

The Town of Surfside is soliciting professional engineering services of an individual or firm qualified to serve as the Town's Consulting Engineer as detailed below in Sections II and III. The consultant(s) selected shall provide professional engineering services under the terms of a Continuing Contract for a three (3) year period with up to two additional consecutive one (1) year renewal clauses, subject to mutual agreement. The Town may also have other consultants perform engineering assignments or related engineering work tasks during the contract period as determined exclusively by the Town.

Section II. Public Works Department Staff Augmentation

The Town's Consulting Engineer shall provide continuing engineering services to augment existing staff in the Public Works Department related to the planning, design, review and/or construction of projects, which may include, but are not limited to the following services:

- Contract administration for maintenance of public rights-of-way, landscaping and irrigation systems to provide safe and aesthetically attractive public spaces for the benefit of the Town
- Contract administration for the construction, operation and maintenance of public facilities
- Contract administration and coordination of sidewalk and streetlight maintenance for all public roadways to ensure safe passage throughout Surfside
- Contract administration and assistance with local, state and federal grants for improvements to public works facilities and services within the Town
- Contract administration and oversight of the Town's solid waste management operations and regulatory compliance
- Recommend, develop and implement a capital improvement plan for the Town
- Administer the Town's NPDES/Stormwater Master Plan programs and provide associated regulatory monitoring and compliance services
- Oversee the operation and maintenance of water, wastewater and stormwater utilities and provide associated regulatory monitoring and compliance services
- Manage traffic management/improvement projects and contracts implemented by the Town
- Disaster recovery and debris monitoring oversight services
- Public Engagement
- Procurement Administration
- Attend all regular monthly meetings of the Town Commission
- Attend other public meetings as-requested by the Town Manager or his designee
- Perform related services as-requested by the Town Manager or his designee
- Prepare proposal, specifications, plans, contract documents and overall assistance and coordination of Design Build Services

Section III. Consulting Engineering Services

The below description of services the Consultant may be called upon to perform is not all-inclusive and is given as a guide for submittal preparation. The Town and its selected

engineering consultant(s) on a project-by-project basis will prepare detailed scopes of work for specific projects. Services required for projects may be provided by other consultants, at the discretion of the Town. The Town may also have other consultants perform engineering assignments or related engineering work tasks during the contract period. The Town's Consulting Engineer may be required to review the work of other Professional Engineers. The scope of services shall include, but are not necessarily limited to the following disciplines:

- Mechanical, Electrical, Plumbing Engineering
- Landscape Architecture
- Environmental Engineering
- Traffic Engineering
- Construction/Project Management
- Engineering Code Development
- Plan and Development Review
- Civil Engineering
- Geotechnical Engineering
- Value Engineering
- Sampling and Testing Services
- Inspection Services
- Engineering Studies
- Cost Estimating
- Oversight, coordination, and preparation of Design Build Services

The Town does not guarantee that any or all of the services identified in this Request for Qualifications ("RFQ") will be assigned to the selected consultant(s) during the term of their agreements.

DRUG-FREE WORKPLACE CERTIFICATION

IDENTICAL TIE BIDS/SUBMITTALS - In accordance with Fla. Stat. §287.087, preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Fla. Stat. Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

VENDOR'S SIGNATURE

**SWORN STATEMENT PURSUANT TO FLA. STAT. §287.133(3)(a)
ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to: _____
By: _____
For: _____
whose business address is: _____

and (if applicable,) its Federal Employer Identification Number (FEIN) is: _____
(IF the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement:

2. I understand that a “public entity crime” as defined in Fla. Stat. §287.133(l)(g), means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that “convicted” or “conviction” as defined in Fla. Stat. §287.133(l)(b), means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an “affiliate” as defined in Fla. Stat. §287.133(l)(a), means:
- a. A predecessor or successor of a person convicted of a public entity crime; or
 - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term “affiliate” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a “person” as defined in Fla. Stat. §287.133(l)(e), means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term

“person” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of any entity.

6. Based on information and belief, the statement which I have marked below is true in a relation to the entity submitting this sworn statement. (Please indicate which one (1) of the following three (3) statements is applicable.)

____ (1) Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months.

____ (2) The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months.

____ (3) The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or agents who are active in management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months. However, there has been a subsequent proceeding before a Hearing Officers of the State of Florida, Division of Administrative Hearings and the Final Order by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attached is a copy of the final order.)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THE PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED AND FOR THE PERIOD OF THE CONTRACT ENTERED INTO, WHICHEVER PERIOD IS LONGER. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN FLA. STAT. §287.017 FOR THE CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

SIGNATURE OF AFFIANT

(Printed or Typed Legal Name of Affiant)

State of _____ County of _____

Sworn to and subscribed before me this _____ day of _____, 2014 by _____.

Notary Seal:

Notary's Name Printed, Stamped or Typed

Personally Known: _____ or Produced Identification _____
Identification Produced _____

NON-COLLUSIVE AFFIDAVIT

State of _____)

County of _____)

_____ being first duly sworn, deposes and says that:

- (1) He/she is the (Owner, Partner, Officer, Representative or Agent) of the Bidder that has submitted the attached Bid/Submittal;
- (2) He/she is fully informed respecting the preparation and contents of the attached Bid/Submittal and of all pertinent circumstances respecting such Bid/Submittal;
- (3) Such Bid/Submittal is genuine and is not a collusive or sham Bid Bid/Submittal;
- (4) Neither the said bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Bidder, firm, or person to submit a collusive or sham Bid in connection with the work for which the attached Bid/Submittal has been submitted; or to refrain from bidding in connection with such work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Bidder, firm, or person to fix the price or prices in the attached Bid/Submittal or of any other Bidder, or to fix any overhead, profit, or cost elements of the Bid/Submittal price or the Bid/Submittal price of any other Bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the Town of Surfside, Florida, or any person interested in the proposed work;
- (5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any other of its agents, representatives, owners, employees or parties in interest, including this Affiant.

SIGNATURE OF AFFIANT (Printed or Typed Legal Name of Affiant)

State of _____ County of _____

Sworn to and subscribed before me this _____ day of _____, 2014 by

_____.

Notary's Name Printed, Stamped or Typed Notary Seal:

Personally Known: _____ or Produced Identification _____

Identification Produced _____

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE RANKINGS OF THE SELECTION COMMITTEE FOR PROFESSIONAL GENERAL ENGINEERING SERVICES IN RESPONSE TO RFQ NO. 14-002; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO NEGOTIATE A CONTINUING CONSULTANT AGREEMENT WITH THE SELECTED RANKED FIRM; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside, Florida issued Request for Qualifications No. 14-002 to provide professional general engineering services for civil engineering related work which may include, but not limited to, the following tasks: survey; geotechnical; structural; environmental; traffic; landscape architecture; construction management; construction inspection; construction testing; electrical; hurricane recovery and debris monitoring services; general design work; preparation of complete construction contract plans and special provisions for the assigned projects; public involvement; post design services (shop drawing review, responses to request for information and services during construction); and bid administration (selection and letting); and

WHEREAS, twelve firms responded to said RFQ, which have been reviewed by the Selection Committee comprised of the Town Public Works Director, Joseph Kroll, the Town Building Official, Ross Prieto, the Town Comptroller, Mayte Gamiotea and Surfside Resident/ Miami-Dade Assistant Director of Regulatory Compliance & Planning, Bertha Goldenberg; and

WHEREAS, after reviewing all twelve submittals, the Selection Committee arrived at a short list of five firms. After evaluating both the written and oral presentations, the Selection Committee ranked the firms as follows:

Company Name	Ranking
Calvin, Giordano & Associates, Inc.	1
R.J. Behar & Company, Inc.	2
Stantec Consulting Services, Inc.	3
Bemello, Ajamil & Partners, Inc.	4
CPH, Inc.	5

WHEREAS, in accordance with Fla. Stat. §287.055 – Consultants’ Competitive Negotiations Act, the Town wishes to enter into a continuing consulting agreement with the selected engineering firm for the purpose of providing general engineering services.

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

Section 1. Approval of Firm Rankings. The Town Commission hereby approves the following rankings of the engineering firms to perform general engineering services for the Town:

Company Name	Ranking
Calvin, Giordano & Associates, Inc.	1
R.J. Behar & Company, Inc.	2
Stantec Consulting Services, Inc.	3
Bemello, Ajamil & Partners, Inc.	4
CPH, Inc.	5

Section 2. Authorization of Town Manager. The Town Commission hereby authorizes the Town Manager or his designee to enter into contract negotiations with Calvin, Giordano and Associates, Inc. as the top ranked and most qualified firm to provide general engineering services as outlined in the RFQ No. 14-002.

Section 3. Contract Approval. The negotiated contract shall be submitted to Town Commission for final approval.

Section 4. Effective Date. This Resolution will become effective upon adoption.

PASSED AND ADOPTED this ____ day of ____ 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION


Commissioner Barry Cohen _____
 Commissioner Michael Karukin _____
 Commissioner Marta Olchyk _____
 Vice Mayor Eli Tourgeman _____
 Mayor Daniel Dietch _____

 Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney



**Town of Surfside
Commission Communication**

Agenda #: 5C1, 5C2 and 5C3

Agenda Date: July 08, 2014

Subject: Approval and award of contract for roof repairs, Air Conditioner replacement with new chiller system and Mold Removal and Remediation for Town Hall.

Background: Town Hall had a major renovation in 2001 which only included minor roof repairs to the main center roof and painting with roof sealer, which was again done in 2012. The existing roof drains through the middle of Town Hall with a series of pipes which convey the rain water through the building down to ground level. The proposed roof will utilize the existing down spouts which will be replaced with new PVC pipe thus eliminating any leakage. Additionally, insulation will be added making Town Hall more energy efficient, in which there is no insulation currently.

In conjunction to the roof, the existing A/ C units (5) are due for replacement over the next two years and in addition, these units have extensive decay from the elements we encounter here in South Florida. During rain events, water leaks thru the bottom of these units into the Commission Chambers, Code Compliance Office and training room leaving large amounts of water damaged ceiling tiles and puddled carpet.

As a result of the aforementioned items, in December 2013, Public Works contracted CIH Environmental Solutions to evaluate air quality and mold growth throughout Town Hall due to many years of roof leaks. The results came back in a report dated December 17, 2013 which outlined different areas throughout Town Hall which needed to be addressed through mold remediation, water damage repair and cleanup.

Analysis:

The roof and air conditioner system have been leaking for some time, performing minor repairs as needed. It has been determined that a built up roof system would be the most economical and efficient way to fix the roof problem. With a built up roof system you are able to move the rain water from a high point to a low point, draining the roof off thru engineered relief points at the lower end. This system will also insulate the roof adding to the economical and efficiency of the project. The engineered chiller system will afford the town the ability to cool and heat the building in an economical and efficient manner. Typical payback for a system of this type is 5 to 7 years. Once the roof and chiller system are complete we can address the parts of the building that were affected by the continuous water intrusion from the leaks over the years. Utilizing a piggy back bid through the Broward County School Board for mold remediation allows the Town to get this needed work done quickly and cost effectively.

In Town Hall it is recommended to remove baseboards, remove the wallboard of the east, north and west walls of the police chiefs office. Replace affected carpet and ceiling tiles in the Commission Chambers, training room and code officer's offices. Clean and sanitize the walls in the police chief's office before replacement.

All affected surfaces should be HEPA vacuumed. Additionally, indoor air scrubbing utilizing HEPA filters should be conducted in the areas described above for a period of at least 48 hours with a minimum of 20 air exchanges per hour.

A qualified contractor with experience in microbial and licensed by the State of Florida is recommended to conduct the material removal. It is also recommended by the NYCDOH guidelines, a health and safety professional with mold remediation experience should oversee the removal to document the conditions and assess areas not previously visible during the initial assessment.

Budget Impact: The A/C replacement project was not a budgeted item. Reserves will have to be used for this necessary project.

The roof project was not a budgeted item and reserves will have to be used for this necessary project. The budget impact is \$65,000.00.

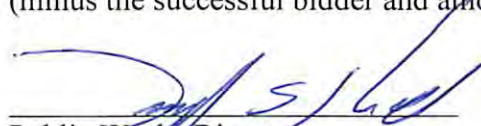
The budget impact for Town Hall remediation is \$28,368.21 utilizing a Broward County School Board piggy back bid.

Staff Impact: Public Works staff will inspect and monitor with the Building Department.

Recommendation: Staff recommends the Town Commission approve and award a contract to Unlimited Roofing Services, Inc. in the amount of \$65,000.00. It is recommended that the Town Commission authorize the Town Manager to execute the agreement with Unlimited Roofing Services, Inc. to commence the roofing project for the sum not to exceed \$65,000 which includes a \$7,300 contingency utilizing Account # 301-4400-539-6220.

Staff also recommends the Town Commission approve and award a contract for mold remediation and restoration for Town Hall to DECON Environmental in the amount not to exceed \$28,368.21 utilizing a Broward County School Board piggy back bid. Funding for this remediation and replacement project will be financed utilizing Account # 001-5000-539-4602.

Bids will be opened on Monday, July 7 for the A/C replacement. Enclosed is the Resolution (minus the successful bidder and amount) for the acceptance for the A/C bid.


Public Works Director


Town Manager


Finance Director

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED BID TO UNLIMITED ROOFING SERVICE, INC. FOR ROOF REPAIRS TO TOWN HALL IN AN AMOUNT NOT TO EXCEED \$65,000.00; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO CAPITAL PROJECTS BUILDING TOWN HALL ACCOUNT NO. 301-4400-539-6220 APPROPRIATING THE FUNDS IN THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2013/2014; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside solicited bids for the emergency repairs and to the roof at Town Hall; and

WHEREAS, five (5) proposals were received on June 20, 2014 pursuant to the project bid as follows:

WHEREAS, following a review of the proposals received pursuant to the solicitation, and upon recommendation of the Public Work Director, the Town Commission wishes to award the bid to Unlimited Roofing Service, Inc. for roof repairs to Town Hall in an amount of \$57,700.00, with contingency of \$7,300.00, and

WHEREAS, the project was not budgeted in the 2013/2014 Fiscal Year Budget, the cost of the project requires transfer of Fund Balance (reserves) in the total amount of \$65,000.00 from the General Fund Balance to the Capital Projects Building Town Hall Account No. 301-4400-539-6220, amending the 2013/2014 budget to appropriate the funds in the Capital Projects Fund.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Award of Project. The Town Commission hereby awards the bid to Unlimited Roofing Service, Inc. for roof repairs to Town Hall in an amount not to exceed \$65,000.00.

Section 3. Authorization. The Town Manager or his designee are hereby authorized to execute an agreement with the vendor on behalf of the Town, once approved as to form and legal sufficiency by the Town Attorney.

Section 4. Budget Amendment. The Town Commission authorizes the Town Manager to amend the budget previously adopted by Resolution No. 13-2191 to transfer the contract amount described in Section 2 hereinabove from the General Fund Balance to Capital Projects Building Town Hall Account No. 301-4400-539-6220.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

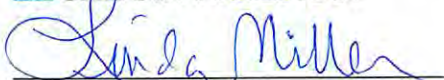
Commissioner Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED BID TO _____ TO CONVERT THE EXISTING A/C UNITS TO A CHILLER SYSTEM AT TOWN HALL IN AN AMOUNT NOT TO EXCEED \$ _____; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO CAPITAL PROJECTS BUILDING TOWN HALL ACCOUNT NO. 301-4400-539-6220 APPROPRIATING THE FUNDS IN THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2013/2014; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside solicited bids for the emergency repairs for the air conditioner system at Town Hall; and

WHEREAS, _____ proposals were received on July 7, 2014 pursuant to the project bid as follows:

WHEREAS, following a review of the proposals received pursuant to the solicitation, and upon recommendation of the Public Work Director, the Town Commission wishes to award the bid to _____ to convert the existing A/C units to a chiller system at Town Hall in an amount of \$ _____, with contingency of \$ _____, and

WHEREAS, the project was not budgeted in the 2013/2014 Fiscal Year Budget, the cost of the project requires transfer of Fund Balance (reserves) in the total amount of \$ _____ from the General Fund Balance to the Capital Projects Building Town Hall Account No. 301-4400-539-6220, amending the 2013/2014 budget to appropriate the funds in the Capital Projects Fund.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Award of Project. The Town Commission hereby awards the bid to _____ for the conversion of A/C units to a chiller system in an amount not to exceed \$ _____.

Section 3. Authorization. The Town Manager or his designee are hereby authorized to execute an agreement with the vendor on behalf of the Town, once approved as to form and legal sufficiency by the Town Attorney.

Section 4. Budget Amendment. The Town Commission authorizes the Town Manager to amend the budget previously adopted by Resolution No. 13-2191 to transfer the contract amount described in Section 2 hereinabove from the General Fund Balance to Capital Projects Building Town Hall Account No. 301-4400-539-6220.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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

Linda Miller, Town Attorney

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN DECON ENVIRONMENTAL AND ENGINEERING, INC. TO PROVIDE MOLD REMEDIATION AND RESTORATION SERVICES FOR THE SURFSIDE TOWN HALL; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH DECON ENVIRONMENTAL AND ENGINEERING INC., BY PIGGYBACKING OFF OF A COMPETITELY BID AGREEMENT FOR THE SAME SERVICES AWARDED BY THE BROWARD COUNTY SCHOOL BOARD; AUTHORIZING THE AMENDMENT TO THE 2013/2014 BUDGET AND APPROPRIATION NOT TO EXCEED \$28,368.21 TO ACCOUNT 001-5000-539-4602; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in December, 2013, the Town conducted air quality and mold infiltration tests at Town Hall; and

WHEREAS, the laboratory results confirmed the presence of fungal growth requiring mitigation; and

WHEREAS, as a result of the required mitigation work, the Town has determined that it is appropriate to address other necessary improvements, including ceiling replacement, carpet replacement and wall painting; and

WHEREAS, following completion of the proposed work at Town Hall will have the affected rooms cleared from mold infestation per High-Efficiency Particulate Air ("HEPA") standards and replace all remediated areas with new ceilings, tiles, carpet and wallboards, and

WHEREAS, the Town Commission has determined that it is in the best interests of the Town to complete the required mitigation and other necessary improvements to Town Hall.

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

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

Section 2. Authorization and Approval. The Town Commission hereby authorizes the Town Manager to execute the Proposal by Decon Environmental and Engineering, Inc. dated May 28, 2014 (attached hereto as Exhibit "A").

Section 3. Authorization to Expend Funds. The total cost of the required remediation and other improvements will be \$28,368.21. The Town Commission authorizes the Town Manager to expend funds not to exceed \$28,368.21 and to amend the 2013/2014 Budget to Account No. 001-5000-539-4602.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

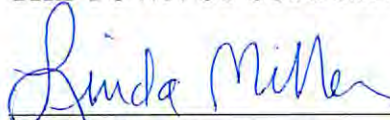
Commissioner Barry Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR
THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney

**DECON ENVIRONMENTAL
&
ENGINEERING, INC.**

2652 NW 31ST. Ave. Ft. Lauderdale – Ph. (954) 485-8800 Fax (954) 485-8809

ASBESTOS CONTRACTOR -CJC056715 •GENERAL CONTRACTOR- CGC044418 •MOLD REMEDIATOR- MRSR173

May 28, 2014

Town of Surfside
Municipal Building
9293 Harding Avenue
Surfside, FL 33154

Attention: Joseph Kroll - Public Work Director

RE: Restoration at: Town of Surfside City Hall
9293 Harding Avenue
Surfside, FL 33154

Dear, Joseph Kroll,

Pursuant to your request, we are pleased to submit, for your review and consideration, our proposal for the work you requested.

This proposal is firm, however, it may be subject to change, and should the *Scope of Work* or the description of work be altered or redefined.

We appreciate the opportunity to submit our proposal and look forward to hearing your reply soon.

Should you have any questions, please contact our office and we will be happy to assist you.

Sincerely,

Jay Saelinger
Project Manager
Prop 7017

PROPOSAL

Per Term Contract # 533-11210 *Water Extraction and Remediation of Water Damage and Mold Impact Services, between City of Fort Lauderdale and DECON, dated September 27, 2013* and Contract # 2012-06-FC *Construction Services Emergency Projects, between the School Board of Broward County and DECO, dated November 5th, 2013.*

FOR:

RESTORATION

TO:

Town of Surfside
Municipal Building
9293 Harding Avenue
Surfside, FL 33154
Tel: 305-861-4863 Ext 235
Cell: 786-509-1164
Fax: 305-861-1302

PROJECT SITE:

Town of Surfside
City Hall
9293 Harding Avenue
Surfside, FL 33154

BY

DECON ENVIRONMENTAL & ENGINEERING, INC.

May 28, 2014

Scope of Work

1st Floor – Police Department

- Remove all drywall and insulation on all walls.
- Supply and install new bat insulation in all walls.
- Install 5/8" drywall taped and finished to match existing.
- Install new window sills.
- Paint all walls.
- Install vinyl cove base.
- Install new window treatment (supplied by owner)
- Final cleaning of space.

Commissioners Chamber – 2nd Floor

- Remove and replaced damaged ceiling tiles.
- Remove existing carpet and base.
- Prep floor and install new carpet tile and vinyl base.
- Contents manipulation.
- Final cleaning of space.

Room 226

- Remove carpet and base.
- Remove all ceiling tile and insulation.
- Install new insulation and ceiling tiles.
- Paint all walls.
- Install new carpet tile.
- Install vinyl cove base.
- Contents manipulation
- Final cleaning of space.

Room 227

- Remove carpet and base.
- Remove ceiling tile and insulation.
- Install new ceiling tiles and insulation.
- Paint all walls.
- Install new carpet tiles and vinyl cove base.
- Final cleaning of space.

Break Room

- Remove and replace ceiling tiles and insulation.

Total price for this project including all labor and materials. \$28,368.21

See attached unit cost estimate for details

ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified.

ACCEPTANCE OF PROPOSAL # 7017 \$28,368.21:

Signature of Approval by Client, Title

Date

THIS PROPOSAL MAY BE WITHDRAWN OR REVISED IF NOT ACCEPTED WITHIN 30 DAYS OF ABOVE DATE.

STATE OF FLORIDA ASBESTOS ABATEMENT CONTRACTOR'S LICENSE: CJC056715
STATE OF FLORIDA GENERAL CONTRACTOR LICENSE: CGCO44418
STATE OF FLORIDA MOLD REMEDIATOR: MRSR173

The following insurance policies are held by DECON ENVIRONMENTAL & ENGINEERING, INC. If you have different, or additional, insurance requirements, please advise us.

General Liability – Full Occurrence Type Coverage Effective 10/20/13 – 10/20/14	ARCH SPECIALTY INS. COMPANY \$1 Million per occurrence \$ 2 Million aggregate
Mold Remediation Liability - Claims Made Asbestos/Lead Abatement - Occurrence Effective 10/20/13 – 10/20/14	ARCH SPECIALTY INS. COMPANY \$1 Million per occurrence \$2 Million aggregate
Professional Liability - Claims Made Effective 10/20/13 – 10/20/14	ARCH SPECIALTY INS. COMPANY \$1 Million per occurrence \$2 Million aggregate
Workers' Compensation Employer's Liability Effective 10/20/13 – 10/20/14	ARCH INSURANCE CO. EMPLOYER'S LIABILITY \$1 Million / \$1 Million / \$1 Million
Excess Liability - Umbrella Form GL, Professional and Pollution Effective 10/20/13 – 10/20/14	ARCH SPECIALTY INS. COMPANY \$ 5 Million Limits

If you have any questions concerning the insurance coverage's listed above, please call our office. Our Insurance company is Greyling Insurance Brokerage at (770) 552-4225 – contact person Jerry Noyola.

BONDING INFORMATION:
Security Bond Associates, Inc.
Contact: Mr. Burton Harris
10131 Southwest 40th Street
Miami, Florida 33165

UNDERWRITER: Westchester Fire Insurance Company.

IF A BOND IS REQUIRED FOR YOUR PROJECT, PLEASE VERIFY THAT OUR ESTIMATOR HAS BEEN SO INFORMED BEFORE PRESENTING PRICES FOR YOUR CONSIDERATION; OTHERWISE BOND PREMIUMS WILL BE ADDED TO THE PRICE QUOTED ON THIS PROPOSAL.

Town of Surfside, City Hall Restoration

9293 Harding Avenue, Surfside FL. 33154

RS Means, Facilities and Commercial Renovation - Unit Cost Estimate

Quantity	Line Number	Description	Unit	Ext. Total O&P	Labor Type	Data Release	CCI Location	Notes
0.75	013113200260	Field personnel, superintendent, average	Week	\$ 2,512.50	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	
1	072116200186	Overhead, general Contractors mark-up on total, including O&P for handling sub-contracts, 15%	%	\$ 0.11	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	
1430	028533500220	Demolition in mold contaminated area, ceiling, suspended acoustical tile	S.F.	\$ 1,716.00	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	All Locations
1380	070505100670	Selective demolition, thermal and moisture protection, insulation, batts or blankets	C.F.	\$ 386.40	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	All Locations
1380	072116200186	Blanket insulation, for walls or ceilings, kraft faced fiberglass, 6" thick, R19, 23" wide	S.F.	\$ 1,602.87	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	[Adjusted by 072116200186]
480	72116200130	Blanket insulation, for walls or ceilings, fiberglass, paper or foil backing, 1 side, 3-1/2" thick, R13	S.F.	\$ 350.40	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	[Adjusted by 072116200186]
2310	090505200400	Flooring demolition, carpet, bonded, includes surface scraping	S.F.	\$ 762.30	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	All Locations
305	090505200850	Flooring demolition, vinyl or rubber cove base, straight section	L.F.	\$ 100.65	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	All Locations
480	092910302150	Gypsum wallboard, on walls, fire resistant, taped & finished (level 4 finish), 5/8" thick	S.F.	\$ 717.60	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	[Adjusted by 072116200186]
1430	095123101125	Suspended acoustic ceiling tiles, mineral fiber tile, lay-in, fine texture, 2' x 2' or 2' x 4', 3/4" thick	S.F.	\$ 4,061.90	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	[Adjusted by 072116200186]

355	096513130700	Wall base, vinyl, straight or cove, standard colors, 4" high, 1/8" thick	L.F.	\$ 1,134.92	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	[Adjusted by 072116200186]	All Locations
269	096813100100	Carpet tile, tufted nylon, hard back, 20" x 20"	S.Y.	\$ 10,267.33	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	[Adjusted by 072116200186]	All Locations
1810	099123720240	Paints & coatings, walls & ceilings, interior, concrete, drywall or plaster, latex paint, primer or sealer coat, smooth finish, roller	S.F.	\$ 707.71	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	[Adjusted by 072116200186]	All Locations
1810	099123720840	Paints & coatings, walls & ceilings, interior, concrete, drywall or plaster, latex paint, 2 coats, smooth finish, roller	S.F.	\$ 1,228.09	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)	[Adjusted by 072116200186]	All Locations
		2 - Common laborers, 32 man hours to stock building materials to rooms, Furniture manipulation and remove trash from site.	Hours	\$ 1,580.16	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)		All Locations
		1 - skilled worker to install window sills and window treatments	Hours	\$ 449.19	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)		Captain's Office
		2 - Common laborers, 16 man hours to perform finale cleaning of all work areas.	Hours	\$ 790.08	RR	Year 2014 Quarter 1	FLORIDA / FORT LAUDERDALE(333)		All Locations
		Total	Total	\$ 28,368.21					



**Town of Surfside
Commission Communication**

Agenda Item # 5D

Agenda Date: July 8, 2014

Subject: Resolution Approving the Design of the 94th Street End Project

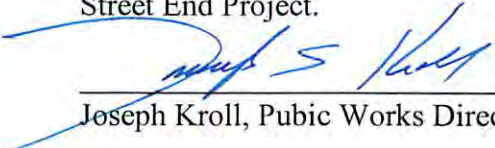
BACKGROUND: The Town Commission adopted Resolution No. 13-Z-04 on January 24, 2013 and approved the conditional use and site plan application by Chateau Ocean, LLC to permit a multifamily residential condominium known as “Chateau Ocean.”

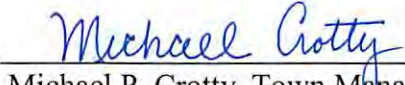
Condition No. 25 of Resolution No. 13-Z-04 requires Chateau Ocean, LLC to fund a total not to exceed \$400,000, including up to \$32,000 for architectural, engineering and permitting services, for the 94th Street End Project which includes landscape, hardscape and streetscape improvements (the “Work”) from Collins Avenue to the 94th Street beach access point west of the “hard pack.” Chateau Ocean LLC is required to submit a design prepared by Arquitectonica which is mutually acceptable to the Town and to Chateau Ocean LLC. Resolution No. 13-Z-04 requires the Town Commission to review and approve the design within 60 days after its submittal to the Town.

Following approval of the design, Chateau Ocean, LLC has sixty days to determine if they will perform the work or if they will submit the required payment to the Town for said improvements. Chateau Ocean, LLC has made the determination that they desire to perform the work necessary to implement the design for the 94th Street End Project.

ANALYSIS: The applicant presented an initial design to the Town Commission at the May 13, 2014 Commission meeting. The Commission shared concerns with the applicant including the aesthetics of the curvilinear path potential maintenance costs of a wooden pathway. The Public Works Director indicates that both the wood walkway and pavers require on-going maintenance which do differ in life cycle costs. Following the Town Commission meeting, representatives of Chateau Ocean, LLC held a meeting with the Town Planner, Public Works Director, Building Official and Town Manager. The plans demonstrated a simplified approach to the street end, including a straight view from to the ocean and pavers. Still to be considered/approved is the required sculpture at the east end of 94th Street. Staff is available to coordinate briefings on the plans.

RECOMMENDATION: The Town Commission adopt the attached Resolution approving the 94th Street End Project design and authorizing Chateau Ocean to undertaken the construction of the 94th Street End Project.


Joseph Krull, Public Works Director


Michael P. Crotty, Town Manager

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PURSUANT TO RESOLUTION NO. 13-Z-04, CONDITION NO. 25 REVIEWING AND APPROVING THE DESIGN PREPARED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94th STREET END PROJECT; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission adopted Resolution No. 13-Z-04 on January 24, 2013 and approved the conditional use application and the site plan application by “Applicant” Chateau Ocean, LLC to permit a multifamily residential condominium known as “Chateau Ocean”; and

WHEREAS, pursuant to Condition No. 25 of Resolution No. 13-Z-04, the Applicant shall fund a total not to exceed \$400,000, including up to \$32,000 for architectural, engineering and permitting services, for the 94th Street End Project which includes landscape, hardscape and streetscape improvements (the “Work”) from Collins Avenue to the 94th Street beach access point west of the “hard pack” in the following manner:

Within six months from the date of issuance of the initial building permit, Applicant shall submit a design prepared by Arquitectonica and mutually acceptable to Town and to Applicant, for the 94th Street End Project. The Town Commission shall review and approve the design within 60 days after its submittal to Town, after which date of approval Applicant shall have a period of 60 days to elect whether to contribute the amount of \$368,000, or to do the Work. Applicant and Town Manager shall then have 30 days from date of Applicant’s decision to agree upon a construction schedule for the completion of the 94th Street End Project. If Applicant elects not to do the Work, the remaining amount of \$368,000 shall be paid to the Town within five days of its decision. If no building permit has been issued for Chateau Project within 24 months from date of adoption of this Resolution, the remaining amount of \$368,000 shall not be due until a building permit is issued for the Chateau Project, or an alternate development project is approved by Town Commission. Unless the 94th Street End Project has been completed, the unpaid balance of the \$400,000 shall be paid to Town by Applicant prior to transfer of more than twenty percent (20%) interest in the Chateau Project; and

WHEREAS, Chateau Ocean, LLC has submitted Attachment “A” for the design of 94th Street End Project which includes landscape, hardscape and streetscape improvements (the

“Work”) from Collins Avenue to the 94th Street beach access point west of the “hard pack”; and

WHEREAS, it is in the best interest of the Town to accept and approve the design for the 94th Street End Project.

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

Section 1. Recitals Incorporated. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution upon adoption hereof.

Section 2. Approval and Authorization. The Town Commission approves the design prepared by Chateau Ocean, LLC for the 94th Street End Project and authorizes the Town Manager in consultation with Chateau Ocean, LLC to finalize a construction schedule for the same project within 30 days of the adoption of the Resolution. Chateau Ocean, LLC is authorized to undertake said improvements and shall be required to obtain all necessary permits to undertake said project.

Section 3. Effective Date. This Resolution becomes effective upon adoption.

PASSED and ADOPTED on this ____ day of _____, 2014.

Motion by Commissioner _____, Second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Barry R. Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

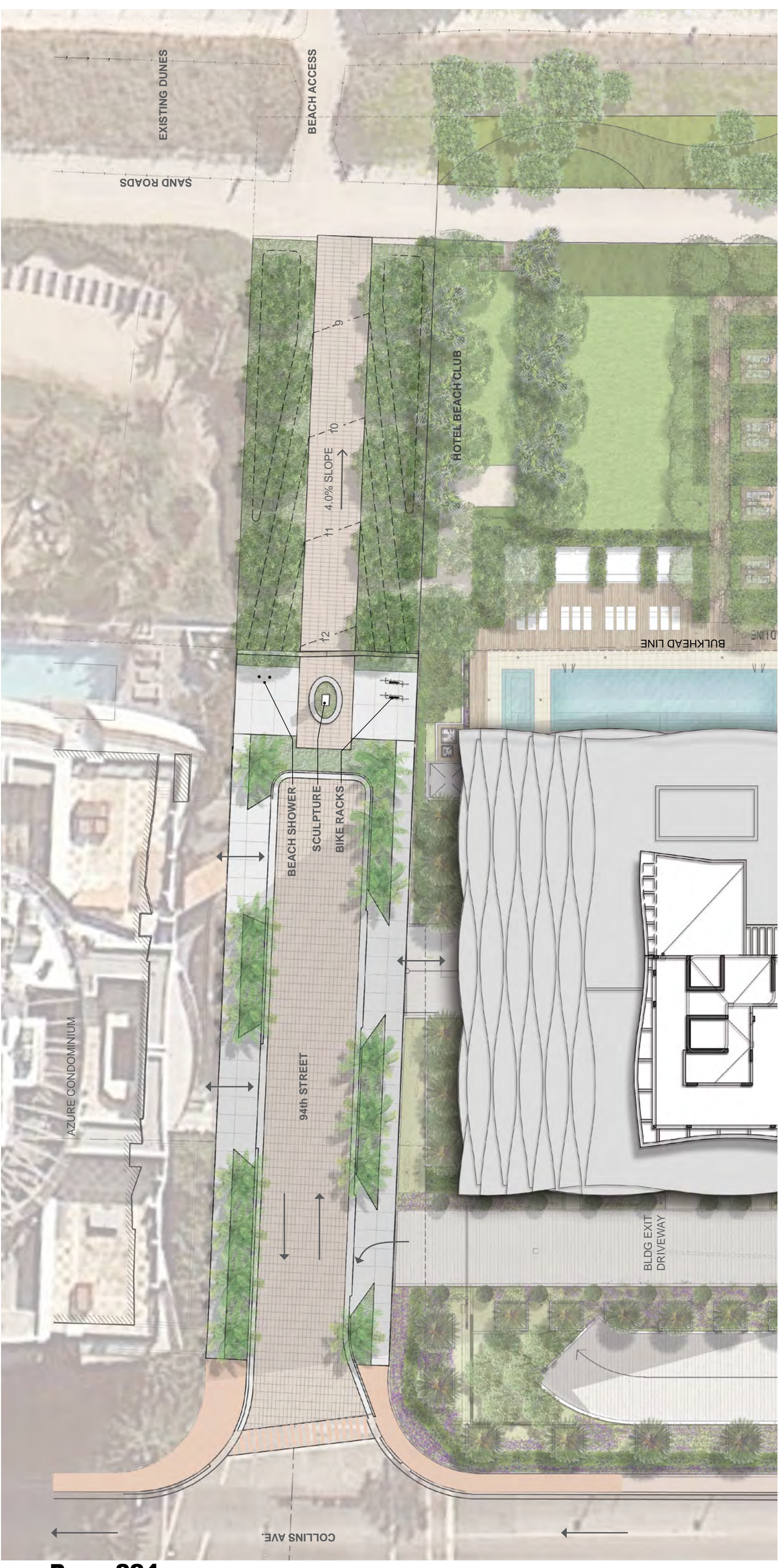
ATTEST:

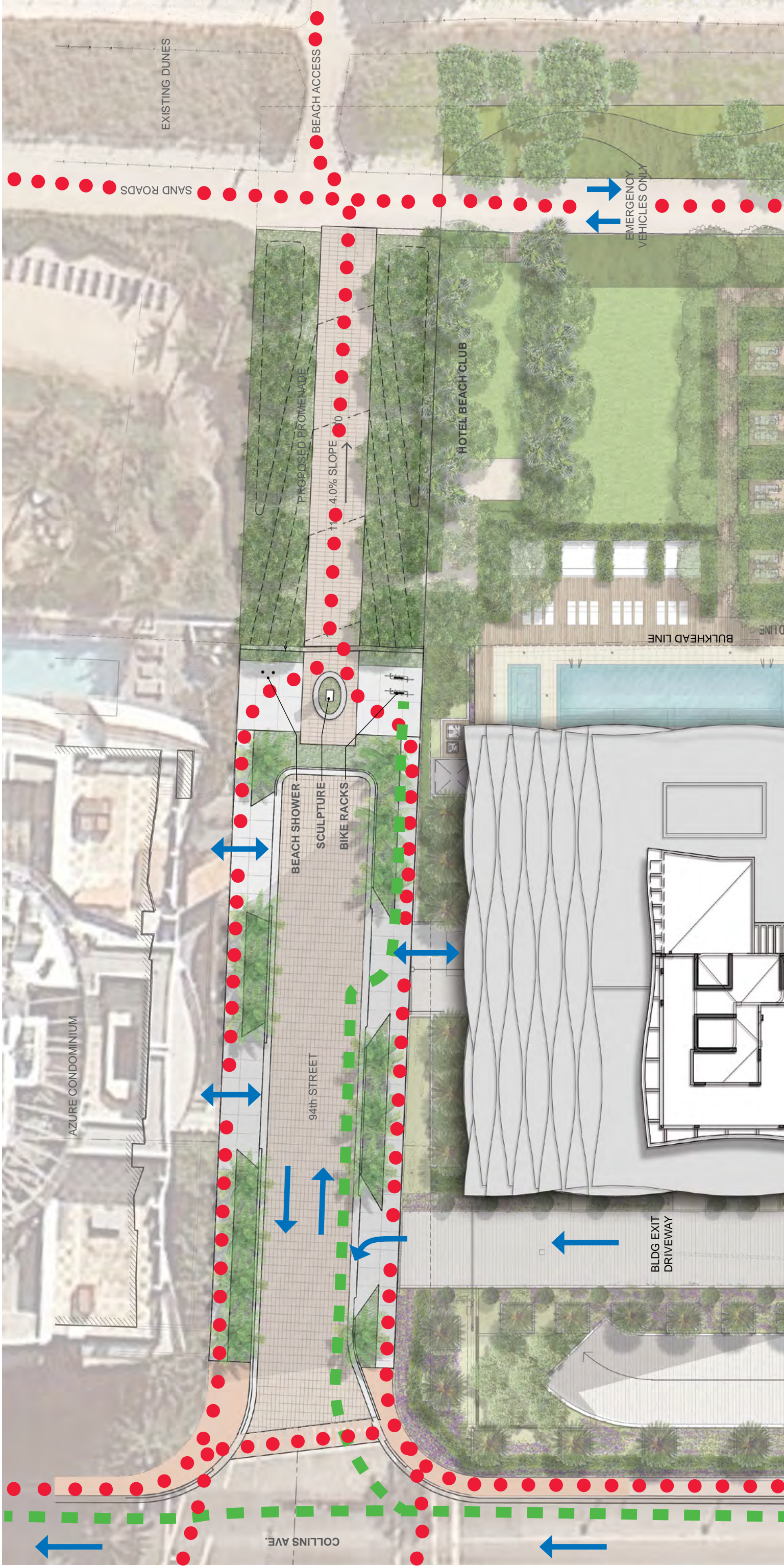
Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

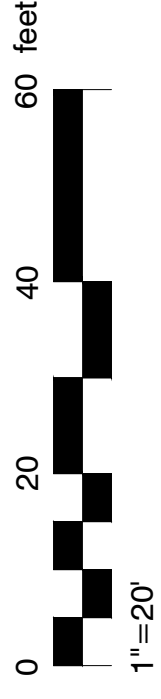
Linda Miller

Linda Miller, Town Attorney



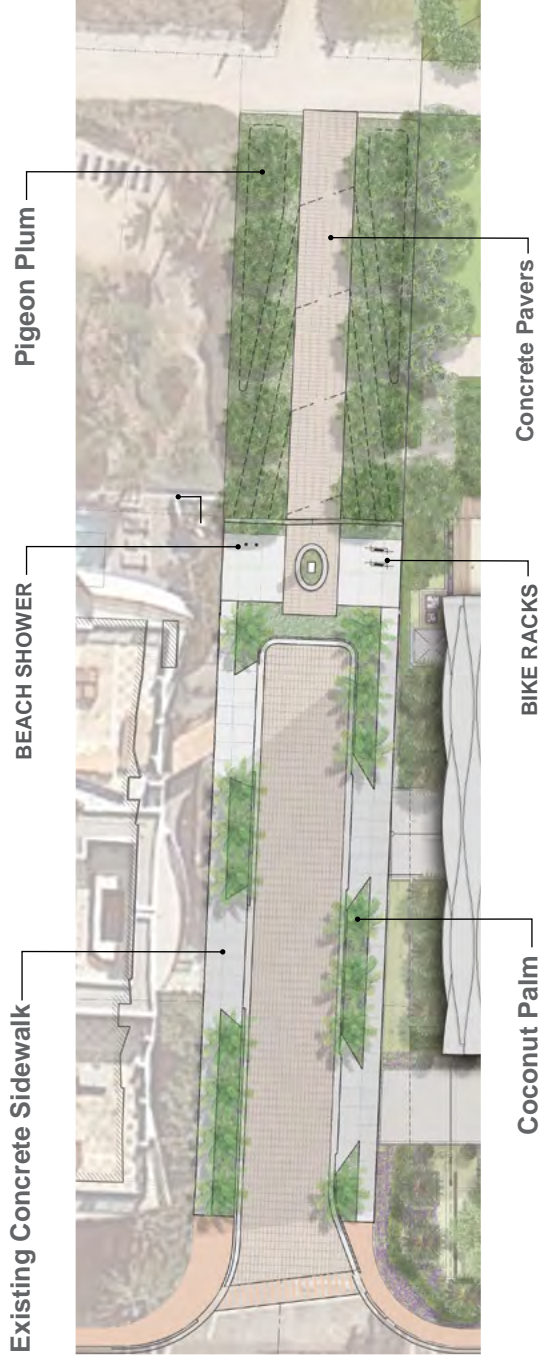


- VEHICULAR CIRCULATION →
- PEDESTRIAN CIRCULATION ●
- BICYCLE CIRCULATION ■









Proposed Plan



Coccoloba diversifolia - Pigeon Plum



Cocos nucifera - Coconut Palm



Bike Rack



Concrete Paver



Existing Concrete Sidewalk



Beach Shower



ARQUITECTONICA GEO

94TH STREET PROMENADE
TOWN OF SURFSIDE, FL

PROMENADE

2014.06.26

L0-03



Town of Surfside Commission Communication

Agenda Item # 5E

Agenda Date: July 8, 2014

Subject: Harding Avenue Business Improvement District (BID) Ballot Results

Background: The accompanying resolution certifies and declares the results of the Business Improvement District election. The referendum for the affected property owners was held between May 28, 2014 and June 12, 2014. Forty seven (47) ballots were mailed via certified mail – one for each downtown property. Twenty four (24) ballots in support of a BID were needed for formation

Analysis: The Town Clerk issued an email announcing the results on June 13, 2014 (Attachment 1):
14 ballots in support of the BID
12 ballots against forming the BID
20 unreturned ballots

As a majority of the affected business district property owners did not approve forming this special assessment district, the BID cannot be formed at this time.

The Town could revisit the formation of a BID, and therefore a new referendum, upon direction from the Town Commission.

Budget Impact: N/A

Staff Impact: N/A

Recommendation: Staff recommends that the Town Commission ratify the resolution as a required step in the BID process.


TEDACS Director


Town Manager

Duncan Tavares

From: Sandra Novoa
Sent: Friday, June 13, 2014 10:48 AM
To: Elected Officials; Michael Crotty; Linda Miller
Cc: Department Heads & Key Staff
Subject: Business Improvement District (BID) Election Results

Good morning Mayor, Vice Mayor, members of the Town Commission, Town Manager and Town Attorney,

The submission of the ballots for the Business Improvement District (BID) election were due yesterday, Thursday June 12, 2014 in my office by 5:00 p.m. The official results are as follows:

A total of 47 ballots were issued and mailed via certified mail (one for each Downtown property).

15 ballots in support of the BID
12 ballots against the BID
20 unreturned ballots

Therefore, the Business Improvement District (BID) failed and cannot be established at this time due to the fact that 24 supporting ballots were required to form a BID. A full report will be provided as part of your July 8, 2014 Town Commission Agenda Packet.

Thank you,



Sandra Novoa, CMC
Town Clerk
MDCMCA President

Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154
Phone (305) 861-4863 Ext. 226
Fax (305) 861-1302
snovoa@townofsurfsidefl.gov

RESOLUTION NO. 2014 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE BUSINESS IMPROVEMENT DISTRICT ELECTION HELD BETWEEN MAY 28, 2014 AND JUNE 12, 2014 FOR A SPECIAL ASSESSMENT DISTRICT KNOWN AND DESIGNATED AS THE SURFSIDE BUSINESS IMPROVEMENT DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission authorized the Town Clerk to conduct an election for the special assessment district know and designated as the Surfside Business Improvement District; and

WHEREAS, the property owners had from Wednesday, May 28, 2014 to Thursday, June 12, 2014 to submit their ballots; and

WHEREAS, a total of forty seven (47) ballots were issued and mailed certified mail; and

WHEREAS, fifteen (15) ballots were in support of the Business Improvement District; and

WHEREAS, twelve (12) ballots were against the Business Improvement District; and

WHEREAS, twenty (20) ballots were unreturned and counted as no votes; and

WHEREAS, the Town Clerk has canvassed the returns, has tabulated the ballots and has determined the total number of votes at such election for the Business Improvement District.

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

Section 1. That the above and foregoing recitals are true and correct.

Section 2. That the Commission finds, declares and certifies the results of the Business Improvement District election finalized on Thursday, June 12, 2014.

Section 4. That the Town Clerk is hereby authorized and directed to perform any and all incidental duties in connection herewith as required by law.

Motion by Commissioner _____, second by Commissioner _____.

PASSED AND ADOPTED this 8th day of July, 2014.

FINAL VOTE ON ADOPTION


Commissioner Barry Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Item #: 9A

Agenda Date: July 8, 2014

Subject: Surfside Seawall Replacement Project Bid Opening Results and Recommendation

Objective: To present the seawall demolition and reconstruction bid results, provide recommended next steps and receive direction from The Commission.

Background: The Town owned seawalls were observed by Town Staff from the landside and were determined to be in varying states of disrepair. Town Staff estimated that each seawall was installed at least 40 years ago, which is the typical life expectancy for a seawall structure. In order to obtain a full report of both land and water side structural and aesthetic issues, the Town began negotiations with CGA via the Competitive Consultants Negotiation Act (CCNA). The price proposal which was generated via the negotiations was presented and approved by Town Commission at the May 8, 2012 Regular Commission Meeting.

On June 19-21, 2012, CGA staff members completed in water and land side inspections of each Town owned seawall. The findings documented via photographs and a complete report was submitted to the Town for review.

Concurrently, CGA worked to obtain the USACE, FDEP, County (DRER) and Local Town Permits. CGA also secured \$494,500 in FIND Grant Funding with a 50% match from the Town.

In April 2014, the Surfside Seawall Replacement Contract Documents were advertised for bidding purposes. A mandatory pre-bid meeting was held on May 20, 2014. Questions were received from potential Contractors up until June 10, 2014 and written responses were distributed to all attendees of the mandatory pre bid in the form of addenda (2 total). On June 17, 2014, three (3) bids were received by the Town Clerk and publically read out loud. The results of the three bids are shown below:

	PAC COMM, INC Miami, FL	Ferreira Construction Stuart, FL	Ebsary Foundation Miami, FL
General Condition	\$587,500	\$302,177	\$767,932
Civil Subtotal	\$186,004	\$303,246	\$282,296
Grading Subtotal	\$77,000	\$66,173	\$111,595
Seawall Subtotal	\$1,324,804	\$1,887,986	\$1,423,456
Total Bid	\$2,175,308	\$2,559,582	\$2,585,280
Bid Guarantee	5%	5%	5%
Bonding Company	Travelers Casualty	Fidelity & Deposit Co	Travelers Casualty

Analysis: The engineer's estimate conformed to and was prepared by utilizing industry standards, and recently submitted bid prices for similar work. In fact, the draft plan locations were submitted to three (3) marine contractors approximately one year ago and each of their bids fell within the \$1.06M construction estimate. The submitted bids exceed the construction estimate by over \$1.1M. For this reason, we do not recommend awarding the contract to the apparent low bidder at this time.

Recommendation(s):

Option 1: Direct staff to enter into negotiations with the apparent low bidder (PAC COMM INC) but only for the seawalls which were categorized as "Severe" and "Moderate" damage, thus reducing the total construction price, which includes the following walls:

1. "Severe"
 - a. Carlyle Avenue and 88th Street
 - b. End of 88th Street on Isle of Biscaya
 - c. 95th Street and Bay Drive
2. "Moderate"
 - a. Froude Avenue and 88th Street
 - b. 90th Street and Bay Drive
 - c. 93rd Street and Bay Drive
 - d. Surfside Park

By removing the seawalls listed as "Minor Damage" the total construction cost could be reduced by approximately \$600,000, for a total construction cost of \$1,575,308 and requiring an increase in the budget of \$515,308.

Option 2: Direct staff to enter into Value Engineering (VE) negotiations with the apparent low bidder (PAC COMM, INC). The VE discussions would review the following items currently included in the Construction Set Drawings:

1. Preconstruction Seismic Survey & Video
2. Seismic Monitoring of Adjacent Structures
3. Pile Splices Reduction by Increasing the Length of Piling at Surfside Park
4. Reduce/Modify the Concrete Return End-walls

5. Removal of Anti-corrosive Reinforcement Steel (replace with anticorrosive additive mixture concrete)

The VE discussions would result in a reduction in the cost per linear foot of seawall that is to be constructed. This reduction in per linear foot construction cost coupled with not including the "Minor" damaged seawalls may allow the Town to complete the project for the "Severe" and "Moderate" damaged seawalls without the \$515,308 increase to the budget.

Option 3: Direct staff to continue meeting with surrounding municipal engineers to review recently awarded competitively public bid projects of similar scope and size. It is currently believed that there is a possibility to utilize a public competitive bid price for a seawall project of similar size and duration. After investigating the previously bid projects and determination that the size and scope are of similar nature, CGA will then work with staff and the Town Attorney to ensure that the use of this contract to "piggy back" for the Surfside Seawall Restoration Project would not violate any local, state or Federal procurement laws. The utilization of a "piggy back" contract may allow a greater number of seawalls to be completed within the established budget.

Budget Impact: The impact to the previously approved budget varies based on the direction received from the Commission and is outlined in the three options above.


Growth Impact: N/A

Staff Impact: The additional work required will be completed by CGA staff at no additional professional costs to the Town. The impact to the Town staff will be minimal.

Recommendation: It is recommended that the Town Commission enter into discussions regarding the three (3) options listed above. Option 2 and 3 both allow the Town the opportunity to construct the most seawall per capital dollar spent. It is for this reason, we would recommend the Commission voting on Option 2 or 3.



Department Head



Town Manager

Sandra Novoa

From: Michael Karukin
Sent: Sunday, June 29, 2014 2:14 PM
To: Michael Crotty
Cc: Linda Miller; Sandra Novoa; Donald Nelson; Duncan Tavares
Subject: discussion item for July 8 2014 TC meeting

Discussion item for July 8th TC Agenda

Submitted by Michael Karukin on June 29th 2014

Topic: Resort Tax allocation to Tourist Board (TB)

This purpose of this discussion item is to modify section 70 and any other relevant section of the town code to create language that maximizes the amount of money that can be reasonably retained from total resort tax revenue for allowable general fund expenditures.

Direction was given at the March 11 2014 TC meeting to submit revised legislation that addressed a number of concerns with what was proposed at that time (see section 4A4, page 131 of the March Agenda Book). At that time, I asked about 1) placing a cap on how much is allocated to the tourist board if total revenues exceed an amount to be negotiated; 2) consider combining TB and DVAC to create operational efficiencies due to overlapping interests of the two committees; and 3) removing the requirement to perform an annual review of the TB Chair, something not done for any other committee chair.

In addition, at the May 22nd budget workshop, where we were asked to provide our feedback on budget issues to the town; placing a cap on how much is allocated to the tourist board if total revenues exceed a certain amount was submitted as one of my priorities.

At present, the code says the TC is required to allocate a minimum of 34% of the total resort tax collections to the Tourist Board but there is no maximum amount in the code. In my opinion, this is too open ended. If there is an opportunity to use the expected increases in resort tax revenue for projects allowed by section 69-A of the Charter (such as expanding and operating the community center and beach management), it is reasonable to consider how that can be accomplished. In my opinion placing a cap on the TB allocation if the total revenue exceeds a certain amount is a practical and efficient way to help fill the gap created by losing the non recurring revenue stream in upcoming fiscal years and still pay for planned and unplanned projects.

I propose we amend the code so the maximum the TB can receive is the lesser of \$350,000 per year or 34% of the total resort tax revenue.

For example, according to the finance director the "The total annual budgeted revenue for 2013-14 in the Tourist Resort Fund is \$287,471 (34 percent) and the General Fund \$491,209 (66 percent)." That means, with a total resort tax revenue of 778,680 (287,471 plus 491,209), the TB was allocated \$287,471. Under my proposal for example, if resort tax revenue reaches 1 million dollars (which it is expected to do very quickly), the TB will receive \$340,000, an 18 percent increase. I think that is plenty of money to cover the programs recommended by the TB.

Therefore, I would like to ask staff to map out the legislative process so this can be in place by October 1, 2014: the start of the next fiscal year. If approved, we will be able to retain more of the resort tax revenue into the general fund in a manner consistent with our charter and state law while still providing ample funding to the tourist board.

Thank you for your consideration.

Thank you,

Michael Karukin

Commissioner

Town of Surfside

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Surfside, FL 33154

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Email: mkarukin@townofsurfsidefl.gov

www.townofsurfsidefl.gov



Town of Surfside
2014/2015 Proposed Budget
BUDGET PREPARATION CALENDAR

Distribution of Department Budget Package to Department Directors	February 13 (Thursday)
Submission of Department Budget Requests to Finance Department	March 13 (Thursday)
Department Budget Meetings with the Town Manager	March 17 - March 28
First Budget Workshop	May 22 (Thursday)
Miami Dade Property Appraiser 2014 Assessment Roll Estimate	May 30 (Friday)
2014/2015 Proposed Budget Delivered to the Town Commission	July 1 (Tuesday)
Miami-Dade Property Appraiser Certified Taxable Value	July 1 (Tuesday)
Town Commission Budget Meeting and Preliminary Millage Rate Adoption at Special Commission Meeting	July 22 (Tuesday 5:00pm)
First Public Hearing	September 9 (Tuesday 6:30pm)*
Budget Summary and Notice of Hearing Published	September 18 and September 19
Second Public Hearing	September 23 (Tuesday 6:30pm)**
2014/2015 Fiscal Year Begins	October 1

*Date to be determined based on Public Hearing dates of:
Miami-Dade County (September 4)
Miami Dade County School Board (July 24)

**Date to be determined based on Public Hearing dates of:
Miami-Dade County (September 18)
Miami Dade County School Board (September 3)



Town of Surfside Commission Communication

Agenda Item #: 9F

Agenda Date: July 8, 2014

Subject: Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2013.

Background: The Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2013 was audited by the independent auditing firm of Marcum, LLP and have issued an unmodified opinion dated June 30, 2014. The independent auditors' opinion is located in the front of the CAFR. The Town's Management Discussion and Analysis immediately follows the independent auditors report and provides a narrative introduction overview and analysis of the basic financial statements. Additionally, Marcum provided the Town Commission with a Communication Letter dated June 30, 2014 located in the back of the CAFR. The Financial Statements were prepared in conformity with generally accepted accounting principles in accordance with the Governmental Accounting Standards Board.

Recommendation: It is recommended that the Town Commission accept the Comprehensive Annual Financial Report, as audited by Marcum LLP for the fiscal year ended September 30, 2013, including the communication letter dated June 30, 2014. It is further recommended that the Town Commission join me in expressing gratitude and congratulations to the Finance Director Donald Nelson and his staff, Mayte Gamiotea, Front Office Manager/ Controller, Marisol Rodriguez, Accounting Clerk, and Andria Meiri, Budget Officer for their diligence and hard work and effort leading up to the production of the CAFR.

Donald G. Nelson
Finance Director

Michael P. Crotty
Town Manager

June 30, 2014

To the Honorable Mayor, Town Commission, Town Manager
Town of Surfside, Florida

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Surfside, Florida (the Town) for the year ended September 30, 2013. We did not audit the financial statements of the Town of Surfside Employees Retirement System; those financial statements were audited by other auditors. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards* and the Florida Single Audit Act as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated May 17, 2013. Professional standards also require that we communicate to you the following information related to our audit.

Our Responsibilities under U.S. Generally Accepted Auditing Standards and the Florida Single Audit Act

As stated in our engagement letter dated May 17, 2013, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

In planning and performing our audit, we will consider the Town's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We will also consider internal control over compliance with requirements that could have a direct and material effect on a major state project in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the Florida Single Audit Act.

As part of obtaining reasonable assurance about whether the Town's financial statements are free of material misstatement, we will perform tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions is not an objective of our audit. Also in accordance with the Florida Single Audit Act, we will examine, on a test basis, evidence about the Town's

compliance with the types of compliance requirements described in the Catalog of State Financial Assistance Compliance Supplement applicable to each of its major state projects for the purpose of expressing an opinion on the Town's compliance with those requirements. While our audit will provide a reasonable basis for our opinion, it will not provide a legal determination on the Town's compliance with those requirements.

Our responsibility for the supplementary information accompanying the financial statements, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

Our responsibility is to plan and perform the audit to obtain reasonable, but not absolute, assurance that the financial statements are free of material misstatement.

As part of our audit, we will consider the internal control of the Town. Such considerations will be solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures specifically to identify such matters.

Planned Scope and Timing of the Audit

We performed the audit according to the planned scope and timing previously communicated to in our meeting about planning matters on October 21, 2013.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Town are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2013. The Town did however implement Governmental Accounting Standards Board (GASB) Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position* and Statement No. 65, *Items Previously Reported as Assets and Liabilities*, during the current fiscal year which had an impact on the financial statements. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and

assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the Town's financial statements was:

Management's estimate of the allowance for uncollectible receivables is based on historical trend information. We evaluated the key factors and assumptions used to develop the allowance in determining that it is reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. There were no sensitive disclosures.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit other than the delays in receiving financial data more specifically related to the separate pension audit which caused a delay in the overall issuance of the Town's financial statements.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, there were certain misstatements detected as a result of audit procedures that were material to the financial statements.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated June 30, 2014.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a

To the Honorable Mayor, Town Commission, Town Manager
Town of Surfside, Florida
June 30, 2014
Page 4

consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

The schedule of findings and questioned costs included in the Town's Comprehensive Annual Financial Report, in our report dated June 30, 2014 notes a material weakness in internal control over financial reporting.

Other Matters

With respect to the supplementary information (combining and individual fund statements and schedules and schedules and the schedule of expenditures of state financial assistance) accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the use of the Mayor, Town Commission and Town Manager and management of the Town of Surfside, Florida and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

Marcum LLP

Marcum LLP

TOWN OF SURFSIDE, FLORIDA
COMPREHENSIVE ANNUAL
FINANCIAL REPORT



FOR THE FISCAL YEAR ENDING
SEPTEMBER 30, 2013



TOWN OF SURFSIDE, FLORIDA
Comprehensive Annual Financial Report
Fiscal Year Ended September 30, 2013



Prepared by
Finance Department

TOWN OF SURFSIDE, FLORIDA

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INTRODUCTORY SECTION





TOWN OF SURFSIDE

9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154
(305) 861-4863 • FAX: (305) 861-1302
WWW.TOWNOFSURFSIDEFL.GOV

June 30, 2014

To the Honorable Mayor and Vice Mayor, Town Commissioners, and the Citizens of the Town of Surfside, Florida:

We are pleased to submit the Comprehensive Annual Financial Report (CAFR) of the Town of Surfside, Florida (the Town), for the fiscal year ended September 30, 2013. Florida Statutes requires that every general-purpose local government publish within nine months of the close of each fiscal year a complete set of audited financial statements. In addition to meeting this legal requirement, the report continues to present the Town's strong tradition of full financial disclosure. This philosophy is reflected by the informative financial analysis provided by the Town's Finance Department and the exhibits and statistical tables included herein.

The CAFR's role is to assist in making economic, social and policy decisions and to assist in assessing accountability to the citizenry by:

- Comparing actual financial results with the legally adopted budget, where appropriate;
- Assessing financial condition and results of operations;
- Assisting in determining compliance with finance related laws, rules and regulations; and
- Assisting in evaluating the efficiency and effectiveness of Town operations.

Responsibility for both the accuracy of the presented data and the completeness and fairness of the presentation, including all disclosures, rests with the management of the Town. We believe the data, as presented, is accurate in all material respects; that it is presented in a manner designed to fairly present the financial position and results of operations of the Town; and that all disclosures necessary to enable the reader to gain an understanding of the Town's financial activity have been included.

Marcum LLP, independent auditors, has issued an unmodified opinion on the Town of Surfside financial statements for the fiscal year ended September 30, 2013. The

independent auditors' report is located at the front of the financial section of this report. The Town's Financial Statements have been prepared in conformity with generally accepted accounting principles as promulgated by the Governmental Accounting Standard Board (GASB). The Town's Management Discussion and Analysis document (the MD&A) immediately follows the independent auditors' report and provides a narrative introduction, overview and analysis of the basic financial statements. MD&A compliments the letter of transmittal and should be read in conjunction with it.

ACCOUNTING AND INTERNAL CONTROLS

Management of the Town is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the Town are protected from loss, theft or misuse and to ensure that adequate accounting data is compiled to allow for the preparation of financial statements in conformity with accounting principles generally accepted in the United States of America. The internal control structure is designed to provide reasonable, but not absolute, assurance that these objectives are met. The concept of reasonable assurance recognizes that:

- The cost of a control should not exceed the benefits likely to be derived: and
- The valuation of costs and benefits requires estimates and judgments by management.

PROFILE OF THE GOVERNMENT

The Town is a beautiful oceanfront community located in the tropical paradise of South Florida. The Town was incorporated in 1935, celebrated its 75th anniversary during FY 2010, and is home to approximately 5,800 residents. The Town of Surfside includes a tranquil, attractive, residential neighborhood, multi-family residences, a traditional "home town" business district and tourist facilities that welcome visitors year round.

The Town is a Commission-Manager form of government. The Town is governed by a part-time Mayor, Vice-Mayor and three Town Commissioners, elected Town wide to two-year terms. Collectively known as the Town Commission, they appoint a full-time Town Manager, who is responsible for the administration of the Town operations. The Town Commission establishes policy for the operation of the government, enacts ordinances for the safety, welfare, and orderly interaction of the citizens of the Town, adopts a millage rate and annual budget, appoints the Town Attorney, as well as members to various boards, agencies, and authorities within the Town, and engages an independent auditor.

SERVICES PROVIDED

The Town provides a full range of municipal services. These services include police, parks and recreation programs, tourism, public works, human resources, code compliance, finance, town clerk, town attorney, building, and planning and zoning. The Town also provides water and sewer utility, municipal parking, sanitation services and stormwater utility services to its citizens.

FACTORS AFFECTING FINANCIAL CONDITION

The information presented in the financial statements is best understood when it is considered from the broader perspective of the specific environment. Surfside has maintained a strong financial position through prudent long-term financial planning, additional non ad-valorem revenue generation and fiscal actions to reduce or contain fixed costs.

The real estate property values have increased 4.4% from the previous 2011-12 fiscal year. The Town of Surfside also enjoys a robust favorable commercial, residential and economic environment. All indicators point to increased growth from large scale commercial developments. We anticipate a continued upward trend in taxable value growth as new developments come on line.

Surfside is a tourist destination point in southeast Florida. In fact, with over 37 acres of beach frontage. There is no industrial area in the Town. Thanks to the Town's tax rate, diversified commercial business base, a Town-sponsored shuttle system, and an active community of involved citizens who take a genuine interest in the social, business, cultural and governing aspects of life, the Town of Surfside continues to flourish.

The Town Commission has adopted financial policies. Management has made every effort to comply with adopted policies. During FY12/13, a newly developed Five Year long-range financial plan was adopted by the Town Commission. This document forecasts the General Fund and several other fund operations for the next five (5) years and is used to guide the development of the annual operating budget. The plan is in the process of being updated.

The Town has also recognized the long-term financial cost implications of its pension benefits and for FY 12/13 continued to fund 100% of the actuarially determined employer contribution. Accordingly, the Actuarial Valuation Date of October 1, 2013 has a funded ratio of 89.6%, well above funded percentages considered to be financially healthy. The Town continues to monitor its pension costs for sustainability and to provide cost containment so as not to shift the costs to future taxpayers.

The Capital Improvements Program (CIP) is prepared and presented to the Town Commission as part of the annual budget process. The projects represent the Town's plan for infrastructure improvement and major equipment acquisition for the next five years.

AWARDS

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the Town for its CAFR for the fiscal year ended September 30, 2012. This was the second year that the Town has submitted and received this prestigious award. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and

efficiently organized comprehensive annual financial report. This report must satisfy both generally accepted accounting principles and applicable legal requirements.

It should be noted that the Certificate of Achievement is a prestigious national award, presented to less than 4,000 of approximately 90,000 governmental units nationwide, which recognizes conformance with the highest standards for preparation of state and local government financial reports.

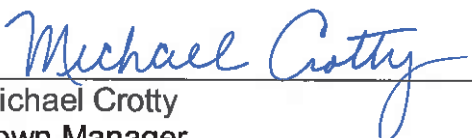
A Certificate of Achievement is valid for a period of one year only. We believe that our current fiscal year 2013 CAFR continues to meet the Certificate of Achievement requirements and we will submit it to GFOA to determine its eligibility for another certificate.

ACKNOWLEDGEMENTS


The preparation of this CAFR would not have been possible without the efficient and dedicated service of the Finance Department. The accounting staff consisting of Mayte Gamiotea, Front Office Manager/Controller, Marisol Rodriguez, Accounting Clerk and Andria Meiri, Budget Officer are to be especially thanked for preparing this report. Thank you to our Department heads who assisted and contributed to the preparation of this report and who worked diligently to provide quality service. We also wish to extend our appreciation to the auditing firm of Marcum LLP for their professionalism in conducting the audit of the Town's basic financial statements and related note disclosures.

Finally, credit also must be given to the Town Commission for their unfailing support for maintaining the highest standards of professionalism and transparency in the management of the Town's finances.

Respectfully Submitted,



Michael Crotty
Town Manager



Donald G. Nelson
Finance Director

TOWN OF SURFSIDE, FLORIDA

LISTING OF ELECTED OFFICIALS AND ADMINISTRATIVE PERSONNEL

FISCAL YEAR ENDED SEPTEMBER 30, 2013

TOWN COMMISSION

Daniel Dietch, Mayor

Michael Karukin, Vice Mayor

Joe Graubart, Commissioner

Michelle Kligman, Commissioner

Marta Olchyk, Commissioner

OFFICIALS

Michael P. Crotty, Town Manager

David Allen, Chief of Police

Sandra Novoa, Town Clerk

Linda Miller, Town Attorney

Tim Milian, Parks and Recreation Director

Joseph Kroll, Public Works Director

Duncan Tavares, Tourism, Economic Dev, & Community Svs. Director

Rosendo Prieto, Building Official

Joe Damien, Code Compliance Director

Sarah Sinatra Gould, AICP, Planning/Zoning Manager

Yamileth Slate-McCloud, Human Resource Director

Donald G. Nelson, Finance Director

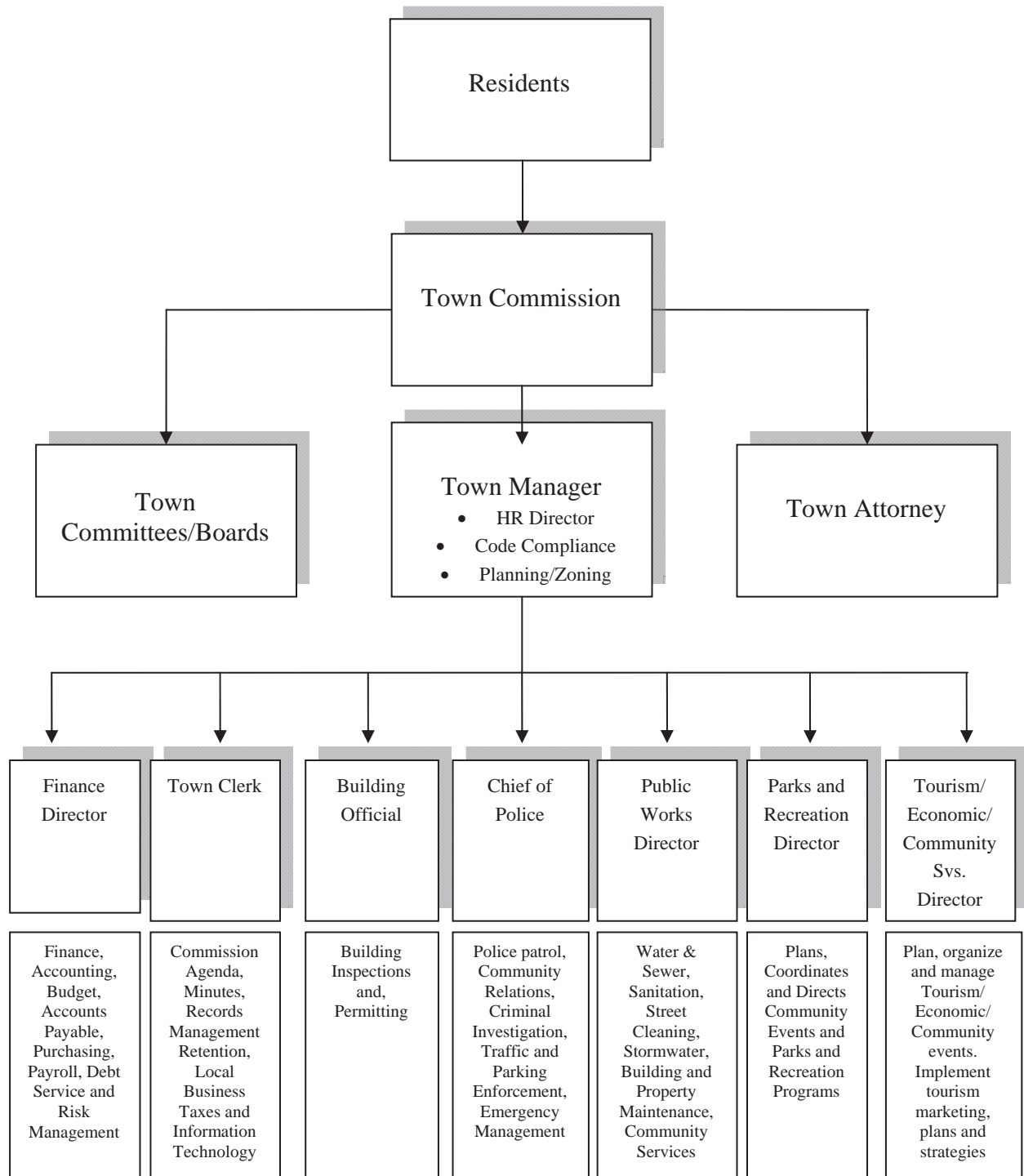
INDEPENDENT AUDITORS

Marcum LLP

TOWN OF SURFSIDE, FLORIDA

ORGANIZATION CHART

FISCAL YEAR ENDED SEPTEMBER 30, 2013





Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**Town of Surfside
Florida**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

September 30, 2012

Executive Director/CEO

FINANCIAL SECTION



INDEPENDENT AUDITORS' REPORT

INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor, Town Commission and Town Manager
Town of Surfside, Florida

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Surfside, Florida (the Town), as of and for the year ended September 30, 2013, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the financial statements of the Retirement Plan for the Employees of the Town of Surfside, Florida (the Pension Trust Fund) which represents 94%, 98% and 85%, respectively, of the assets, net position/fund balance and revenues/additions of the aggregate remaining fund information. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion on the financial statements, insofar as it relates to the amounts included for the Pension Trust Fund, is based solely on the report of the other auditors. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Town's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, based on our audit and the report of the other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town as of September 30, 2013, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of a Matter

As discussed in Note 1 to the financial statements, the Town implemented Governmental Accounting Standards Board (GASB) Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position* and Statement No. 65, *Items Previously Reported as Assets and Liabilities* as of October 1, 2012. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 through 15, the budgetary comparison information on pages 59 and 60, and the schedules of funding progress and employer contributions on pages 61 through 63 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We and the other auditors have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of

preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary and Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town's basic financial statements. The introductory and statistical sections, the combining and individual fund financial statements and schedules and schedule of expenditures of State financial assistance, as required by Chapter 10.550, Rules of the Auditor General, are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining and individual fund financial statements and schedules and the schedule of expenditures of State financial assistance, as required by Chapter 10.550, Rules of the Auditor General, are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America by us and the other auditors. In our opinion, based on our audit, the combining and individual fund financial statements and schedules and the schedule of expenditures of State financial assistance, as required by Chapter 10.550, Rules of the Auditor General are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated June 30, 2014 on our consideration of the Town's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control over financial reporting and compliance.

Marcum LLP

Miami, FL

June 30, 2014

MANAGEMENT'S DISCUSSION AND ANALYSIS

Within this section of the comprehensive annual financial report for the Town of Surfside (the Town), the Town's management is pleased to provide this narrative discussion and analysis of the financial activities of the Town for the fiscal year ended September 30, 2013. The Town's financial performance is discussed and analyzed within the context of the accompanying financial statements and disclosures following this section.

2013 FINANCIAL HIGHLIGHTS

- The Town's assets exceeded its liabilities plus deferred inflows of resources by \$32,266,101 (total net position) as of September 30, 2013.
- Total net position increased \$2,336,073 and is comprised of the following:
 - (1) Capital assets, net of related debt, of \$26,395,129 include property and equipment, net of accumulated depreciation, and reduced by related outstanding debt.
 - (2) Net position of \$1,972,031 are restricted by constraints imposed from outside the Town such as grantors, laws, or regulations.
 - (3) Unrestricted net position consists of \$3,898,941 that may be used to meet the Town's ongoing obligations to citizens and creditors.
- The Town's governmental funds reported total ending fund balance of \$5,923,420 at September 30, 2013. This compares to the prior year restated total ending fund balance of \$5,988,878, showing a decrease of \$65,458 during the current year. This increase includes the prior period adjustment. Unassigned fund balance is \$3,151,275 at September 30, 2013.
- At the end of the current fiscal year, the unassigned and unrestricted fund balance for the General Fund was \$5,151,275, or 50.2% of total General Fund expenditures. The unrestricted fund balance for the General fund was \$3,151,275 or 30.7% of total General Fund expenditures.
- Overall, the Town continues to maintain a strong financial position.

The above financial highlights are explained in more detail in the "financial analysis" section of this document.

OVERVIEW OF THE FINANCIAL STATEMENTS

This Management Discussion and Analysis document introduces the Town's basic financial statements. The basic financial statements include: (1) government-wide financial statements, (2) fund financial statements, and (3) notes to the basic financial statements. The Town also includes in this report additional information to supplement the basic financial statements. Comparative data is presented to allow comparison to the prior fiscal year.

Government-wide Financial Statements

The Town's annual report includes two government-wide financial statements. These statements provide both long-term and short-term information about the Town's overall financial status. Financial reporting at this level uses a perspective similar to that found in the private sector with its basis in accrual accounting and elimination or reclassification of activities between funds.

The first of these government-wide statements is the *Statement of Net Position*. This is the government-wide statement of position presenting information that includes all of the Town's assets plus deferred outflows of resources and liabilities plus deferred inflows of resources, with the difference reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town as a whole is improving or deteriorating. Evaluation of the overall health

of the Town would extend to other nonfinancial factors such as diversification of the taxpayer base or the condition of the Town's infrastructure, in addition to the financial information provided in this report.

The second government-wide statement is the *Statement of Activities*, which reports how the Town's net position changed during the current fiscal year. All current year revenues and expenses are included regardless of when cash is received or paid. An important purpose of the design of the statement of activities is to show the financial reliance of the Town's distinct activities or functions on revenues provided by the Town's taxpayers.

Both government-wide financial statements distinguish governmental activities of the Town principally supported by taxes from business-type activities intended to recover all or a significant portion of their costs through user fees and charges. Governmental activities include general government, public safety, public works, leisure services and transportation. Business-type activities include water and sewer, municipal parking, sanitation and storm water utilities activities.

The government-wide financial statements are presented on pages 16 and 17 of this report.

Fund Financial Statements

A fund is an accountability unit used to maintain control over resources segregated for specific activities or objectives. The Town uses funds to ensure and demonstrate compliance with finance-related laws and regulations. Within the basic financial statements, fund financial statements focus on the Town's most significant funds rather than the Town as a whole. Major funds are separately reported while all others are combined into a single, aggregated presentation. Individual fund data for nonmajor funds is provided in the form of combining statements in a later section of this report.

The Town has three types of funds:

Governmental funds are reported in the fund financial statements and encompass the same functions reported as governmental activities in the government-wide financial statements. However, the focus is very different with fund statements providing a distinctive view of the Town's governmental funds. These statements report short-term fiscal accountability focusing on the use of spendable resources and balances of spendable resources available at the end of the year. They are useful in evaluating annual financing requirements of governmental programs and the commitment of spendable resources for the near-term.

Since the government-wide focus includes the long-term view, comparisons between these two perspectives may provide insight into the long-term impact of short-term financing decisions. Both the governmental fund balance sheet and the governmental fund operating statement provide a reconciliation to assist in understanding the differences between these two perspectives.

The basic governmental fund financial statements are presented on pages 18 - 19 of this report.

Individual fund information for nonmajor governmental funds is found in combining statements in a later section of this report.

Proprietary funds are reported in the fund financial statements and generally report services for which the Town charges customers a fee. The Town's proprietary funds are classified as enterprise funds. The enterprise funds essentially encompass the same function reported as business-type activities in the government-wide statements.

The basic proprietary fund financial statements are presented on pages 21 - 24 of this report.

The Town's *Fiduciary fund* is reported in the fiduciary fund financial statements, but is excluded from the government-wide reporting. Fiduciary fund financial statements report resources that are not available to fund the Town's programs. The Town's fiduciary fund reports the Town's single employer pension plan balances and activities.

The basic fiduciary fund financial statements are presented on pages 25 and 26 of this report.

Notes to the Basic Financial Statements

The accompanying notes to the basic financial statements provide information essential to a full understanding of the government-wide and fund financial statements. The notes to the basic financial statements begin on page 27 of this report.

Required Supplementary Information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary. A budgetary comparison schedule is included as "required supplementary information" for the General Fund. Budgetary comparison schedules for all other governmental funds can be found in the supplementary information section of this report. These schedules demonstrate compliance with the Town's adopted and final revised budget. In addition, some required trend information for the Town's pension trust fund and other post employment benefits (OPEB) plan are presented in this section. Required supplementary information can be found on pages 59 - 63 of this report.

Supplementary Information

As discussed, the Town reports major funds in the basic financial statements. Combining and individual fund statements and schedules for nonmajor funds are presented in a supplementary information section of this report beginning on page 64.

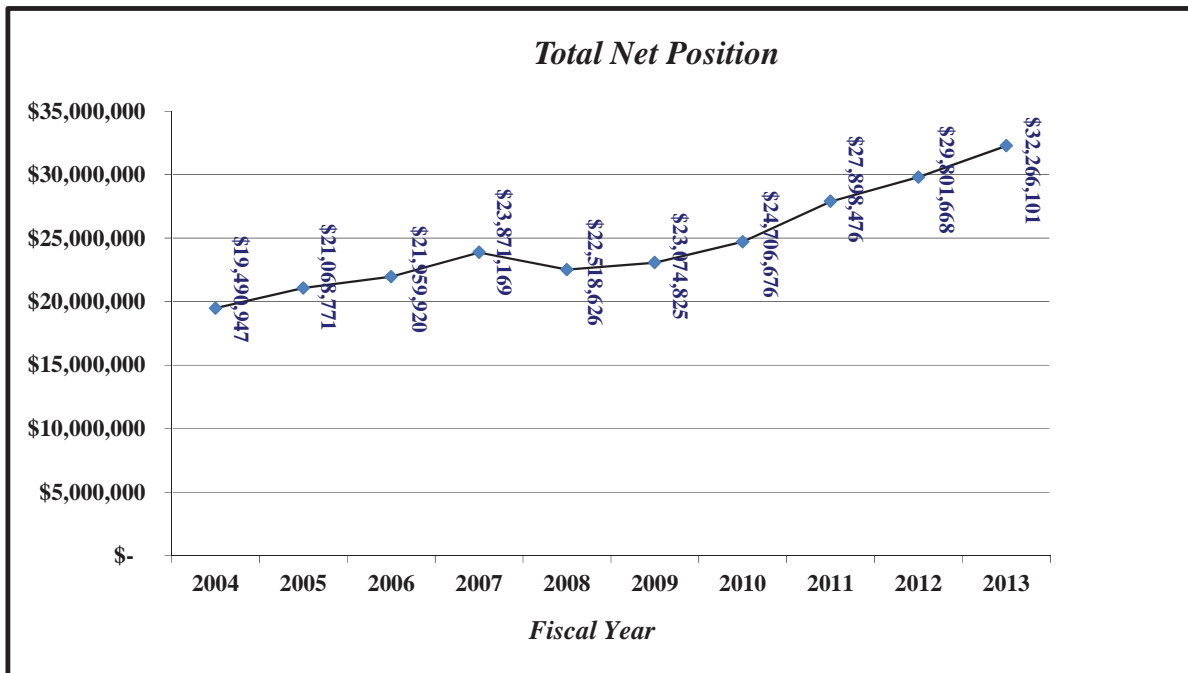
FINANCIAL ANALYSIS OF THE TOWN AS A WHOLE

The Town's net position at fiscal year-end is \$32,266,101. The following table provides a summary of the Town's net position:

Summary of Net Position

	Governmental Activities		Business-type Activities		Total	
	2013	2012	2013	2012	2013	2012
Assets:						
Current assets	\$ 6,881,276	\$ 6,965,075	\$ 1,380,385	\$ 2,858,944	\$ 8,261,661	\$ 9,824,019
Non-current assets						
Other	189,706	207,392	3,433,023	5,859,707	3,622,729	6,067,099
Capital assets	13,866,206	14,095,832	28,112,800	20,132,159	41,979,006	34,227,991
Total assets	20,937,188	21,268,299	32,926,208	28,850,810	53,863,396	50,119,109
Liabilities:						
Current liabilities	1,086,852	1,609,879	2,329,770	6,796,626	3,416,622	8,406,505
Long-term liabilities	554,574	627,762	17,602,823	11,154,814	18,157,397	11,782,576
Total liabilities	1,641,426	2,237,641	19,932,593	17,951,440	21,574,019	20,189,081
Deferred inflows of resources	23,276	-	-	-	23,276	-
Net position:						
Net investment in capital assets	13,562,457	13,528,097	12,832,672	11,239,664	26,395,129	24,767,761
Restricted	364,115	416,070	1,283,916	1,283,916	1,648,031	1,699,986
Unrestricted	5,345,914	5,086,491	(1,122,973)	(1,624,210)	4,222,941	3,462,281
Total net position	\$ 19,272,486	\$ 19,030,658	\$ 12,993,615	\$ 10,899,370	\$ 32,266,101	\$ 29,930,028

The following chart reports the Town's total net position balances from fiscal year 2004 - 2013.



Note over the last ten years, the total net position have increased \$12,775,154 or 65.5%.

Current assets in governmental activities and business-type activities decreased in fiscal year September 30, 2013. Unrestricted cash for governmental activities increased approximately \$97,689. For business-type activities, restricted cash decreased approximately \$1.5 million.

The Town continues to maintain high current ratios. The current ratio compares current assets to current liabilities and is an indication of the ability to pay current obligations. The current ratio for governmental activities is 6.3 to 1 as compared to 4.3 to 1 at September 30, 2012. The current liabilities exceed the current assets. Overall, the total current ratio at September 30, 2013 was 2.4 to 1 as compared to 1.2 to 1 at September 30, 2012 or an improvement.

The Town reported positive balances in net position for both governmental and business-type activities. During 2013, net position increased \$241,828 for governmental activities and increased \$2,094,245 for business-type activities. The Town's overall financial position improved during fiscal year 2013. The Town remains in a strong financial position, in spite of a continued depressed economy.

Note that 66.2% of the governmental activities' total assets are tied up in capital assets. The Town uses these capital assets to provide services to its citizens. Approximately, 85.4% of the business-type activities total assets are included in capital assets. These capital assets provide utility and parking services to the Town's citizens. By combining governmental activities with business-type activities, the Town has invested approximately 77.9% of its total assets in capital assets, as presented in the government-wide statement of net position.

The following table provides a summary of the Town's changes in net position:

Summary of Changes in Net Position

	Governmental Activities		Business-type Activities		Total	
	2013	2012	2013	2012	2013	2012
Revenues:						
Program:						
Charges for services	\$ 2,446,239	\$ 2,288,488	\$ 5,427,160	\$ 5,401,035	\$ 7,873,399	\$ 7,689,523
Operating grants and contributions	271,588	245,305	-	-	271,588	245,305
Capital grants	350,000	-	1,086,000	276,844	1,436,000	276,844
General:						
Property taxes	5,257,726	5,264,387	-	-	5,257,726	5,264,387
Other taxes	1,539,957	1,540,780	-	-	1,539,957	1,540,780
Unrestricted intergovernmental	638,944	639,582	-	-	638,944	639,582
Unrestricted investment earnings	30,399	62,782	(13,811)	14,790	16,588	77,572
Miscellaneous	241,930	205,832	-	-	241,930	205,832
Total revenues	10,776,783	10,247,156	6,499,349	5,692,669	17,276,132	15,939,825
Program Expenses:						
General government	3,555,197	3,117,750	-	-	3,555,197	3,117,750
Public safety	4,404,897	4,418,680	-	-	4,404,897	4,418,680
Public works	1,034,890	980,590	-	-	1,034,890	980,590
Leisure services	1,767,787	1,691,572	-	-	1,767,787	1,691,572
Transportation	168,417	138,815	-	-	168,417	138,815
Interest	6,045	4,754	-	-	6,045	4,754
Water and sewer	-	-	1,837,645	1,730,300	1,837,645	1,730,300
Municipal parking	-	-	888,502	622,208	888,502	622,208
Sanitation	-	-	1,131,680	1,073,281	1,131,680	1,073,281
Stormwater utility	-	-	144,999	130,323	144,999	130,323
Total expenses	10,937,233	10,352,161	4,002,826	3,556,112	14,940,059	13,908,273
Changes in net position before transfers	(160,450)	(105,005)	2,496,523	2,136,557	2,336,073	2,031,551
Transfers	402,278	26,329	(402,278)	(26,329)	-	-
Changes in net position after transfers	241,828	(78,676)	2,094,245	2,110,228	2,336,073	2,031,552
Beginning net position	19,030,658	19,109,334	10,899,370	8,789,142	29,930,028	27,898,476
Ending net position	\$ 19,272,486	\$ 19,030,658	\$ 12,993,615	\$ 10,899,370	\$ 32,266,101	\$ 29,930,028

Governmental Activities Revenues

The Town is heavily reliant on property taxes to support governmental operations. Property taxes provided 48.8% of the Town's total revenues as compared to 51.4% in fiscal year 2012. Other taxes, which includes resort, franchise, utility and communications taxes provided 14.3% of the Town's total revenues as compared to 15% in fiscal year 2012. The charges for services increased \$157,751, due primarily to building permit activity and from Recreation Camp programs. Because of the Town's healthy financial position, we have been able to earn \$30,399 in unrestricted investment earnings to support governmental activities. The \$350,000 capital contribution relates to a contribution from developers of large-scale commercial developments.

Note that program revenues covered 28% of governmental operating expenditures as compared to 24.5% in fiscal year 2012. This means that the government's taxpayers and the Town's other general revenues

normally fund 72% of the governmental activities, primarily from property taxes, other taxes and unrestricted intergovernmental revenue. As a result, the general economy and the success of local businesses have a major impact on the Town's revenue streams.

Governmental Activities Expenses

The following table presents the cost of each of the Town's services, including the net costs (i.e., total cost less program revenues generated by the activities). The net costs illustrate the financial burden that is placed on the Town's taxpayers by each of these services.

	Governmental Activities			
	Total Cost of Services	Percentage of Total	Net Cost of Services	Percentage of Total
General government	\$ 3,555,197	32.5%	\$ 2,159,204	27.2%
Public safety	4,404,897	40.3%	3,693,453	46.5%
Physical environment	1,034,890	9.5%	684,890	8.6%
Leisure services	1,767,787	16.2%	1,363,344	17.2%
Transportation	168,417	1.5%	37,530	0.5%
Interest	6,045	0.0%	6,045	0.0%
Total	\$ 10,937,233	100.0%	\$ 7,944,466	100.0%

The public safety expenditures, both gross and net of program revenues total over 40% of total costs. As noted, total cost and net costs do not differ substantially by percentage for each service.

Business-Type Activities

The Town reports four major enterprise funds.

Overall Analysis of Major Funds – Total operating revenues increased just \$26,125 or ½ of 1%. Operating expenses increased \$383,374 or 10.8%. In total, the operating income decreased \$357,294. The total increase in net position for all enterprise funds was \$2,094,245.

The operating income for each major enterprise fund was as follows for fiscal years 2013 and 2012:

	2013	2012	Increase (Decrease)
Water and sewer	\$ 843,785	\$ 1,055,048	\$ (211,263)
Municipal parking	167,965	270,818	(102,853)
Sanitation	107,262	146,408	(39,146)
Stormwater	368,662	372,649	(3,987)
Total	\$ 1,487,674	\$ 1,844,923	\$ (357,249)

The following includes an analysis of the fiscal year 2013 financial activities for each fund.

Water and Sewer Fund - The total assets increased \$5,266,090, due primarily to \$7 million increase in the cost of capital assets and a decrease in restricted cash of \$1.7 million. Total liabilities and deferred

inflows of resources increased about \$4,469,100. Operating revenues decreased \$153,302 or 5.5%. This decrease occurred due to the installation of new Town wide water and sewer system and customer credits.

There was a \$100,000 capital improvement reimbursement from Indian Creek Village for public right of way improvements to Surfside Boulevard.

In total, operating expenses increased \$57,961 or 3.3%. Net position decreased \$538,872 or 9.5% in fiscal year 2013, resulting in ending net position of \$6,473,656.

Municipal Parking Fund – The total assets decreased \$139,665. Capital assets costs increased \$220,018 and the accumulated depreciation increased approximately \$87,574.

Operating revenues increased \$163,441 or 18.3% due to increased parking demand from all the large commercial construction projects. In total, operating expenses increased \$266,294 or 42.8%. The cost of personal services increased \$117,119 or 46.5%. Salary and benefit costs increased from additional full time staff, the effect of a compensation study and health/life insurance costs.

In total, operating income decreased \$102,853 in fiscal year 2013 from fiscal year 2012. Net position increased \$20,693 or 6/10 of 1% in fiscal year 2013, resulting in an ending net position of \$3,345,994.

Sanitation Fund - The total assets increased \$28,806. Total liabilities increased \$40,276. Operating revenues were \$19,253 above the fiscal year 2012 amount. In total, operating expenses increased \$58,399 or 5.4%. Personal costs increased \$65,476 or 12.7%. Salary and benefit cost increase from the effect of a compensation study and Health/Life insurance cost increase.

Operating income decreased \$39,146 or 26.7%. Net position decreased \$4,931 or 1.7% in fiscal year 2013, resulting in an ending net position of \$293,042.

Stormwater Fund - The total assets increased \$2,696,866, due primarily to an interfund receivable of approximately \$2.9 million due from the general fund.

Total liabilities increased \$1,434,212 due to an increase in the new state revolving loan. Both the operating revenues and operating expenses were almost identical to those of fiscal year 2012. As a result, operating income was \$368,662, or down \$3,987 from fiscal year 2012. This fund received a \$986,000 capital grant from the Florida Department of Environmental Protection for storm water improvements.

Net position increased \$1,262,654 or 78% in fiscal year 2013, resulting in ending net position of \$2,880,923.

FUND ANALYSIS

Governmental Funds

Governmental funds are reported in the fund statements with a short-term, inflow and outflow of spendable resources focus. This information is useful in assessing resources available at the end of the year in comparison with upcoming financing requirements. Governmental funds reported ending fund balances of \$5,923,420 compared to a restated \$ 5,988,878 at September 30, 2012.

The total governmental expenditures exceeded revenues by \$467,736. This difference results primarily from the activity of our two major funds. The general fund's expenditures exceeded its revenues by \$313,892. The capital projects fund's expenditures exceeded total revenue, by \$111,171.

Governmental funds report total fund balance of \$5,923,420. Of this year-end total, \$364,115 is restricted. \$2 million is assigned in the General Fund for emergencies and disasters since we are a coastal community subject to hurricane risk and \$255,263 is assigned in the Capital Projects Fund for future capital projects. \$152,767 is considered nonspendable and \$3,151,275 is unassigned and available for future appropriation within the General Fund.

The total ending fund balances of governmental funds show an adjusted increase of \$108,193 or 1.8% over the prior year.

Major Governmental Funds

The Town reports two major governmental funds, the General Fund and the Capital Projects Fund.

General Fund - The General Fund is the Town's primary operating fund and the largest source of day-to-day service delivery. The General Fund's fund balance increased just \$37,668 or 7/10 of 1% as compared to a 23.7% decrease in 2012. The ending assigned and unassigned fund balance is considered adequate, representing the equivalent of 30.7% of annual expenditures. This compares to 53% at September 30, 2012.

Utility tax revenue increased \$31,598 or 6.7% for electric and gas from customer demand. All other revenue streams were consistent with the 2012 amounts.

Total General Fund expenditures increased \$608,251 or 6.3% above the fiscal year 2012 level. The most significant changes, by department, from fiscal year 2012 are described below.

General government costs were \$405,652 over the 2012 amount due to increases in salaries, retirement funding and benefits for additional staff in 2012-2013. Public safety expenditures increased \$508,502 or 12.9% due to police personnel, benefit cost increases from the collective bargaining wage increase, and police capital equipment leases.

Public works and Leisure services costs were similar to the prior year.

Capital Projects Fund - This fund reported revenue from investment earnings totaling \$5,735 and the \$350,000 developer contribution explained above. This fund spent \$466,808 on capital items. At September 30, 2013, this fund reported approximately \$510,000 in cash and investments. At year-end, this fund reported fund balance of \$255,263.

Proprietary Funds

Proprietary fund statements share the same focus as the government-wide statements, reporting both short-term and long-term information about financial status. The business-type activities analysis above discusses the Town's enterprise funds.

GENERAL FUND BUDGETARY HIGHLIGHTS

The General Fund's revenue budget was amended upward in this fiscal year, by just \$37,592. An increase of \$15,000 in miscellaneous revenue was the largest amendment. In total, actual revenues exceeded the final budget by just \$45,392 or 1/2 of 1%. The largest revenue stream over budget was miscellaneous revenue by \$119,768. Because of the variety of revenue streams included in miscellaneous, this budget is very difficult to project. Fines and forfeiture revenue was over the budget by \$99,712 due to conservative budgeting.

Property taxes were below budget by \$90,523 or 1.7% because of adjustments to property values approved by the Miami-Dade County Value Adjustment Board from taxpayer request for adjustment hearings.

Licenses and permits were over budget by \$51,472.

The General Fund's expenditure (excluding transfers) budget was increased \$1,088,905 or 10.8%. In total, actual expenditures were below the budget by \$893,589.

The executive, finance and administration final budget was underspent by \$284,506 due to cost savings throughout the departments within this function.

The public works budget was underspent by \$112,058 from reduced expenditures for salaries, benefits, repairs and maintenance of buildings, operating cost and utility services. The leisure services budget was underspent by \$206,153 due to various cost saving within this function. The general fund's capital outlay budget was underspent by \$131,508 because some budgeted equipment was not expended and the purchase of police vehicles was financed over five years.

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets

The Town's net investment in capital assets, for governmental and business-type activities as of September 30, 2013, was \$13,866,206 and \$28,112,800 respectively. The change in this net investment was a 1.6% decrease for governmental activities and a 39.6% increase for business-type activities. See Note 6 for additional information about changes in capital assets during the fiscal year and outstanding at the end of the year.

The following table provides a summary of capital asset activity:

	Capital Assets					
	Governmental Activities		Business-type Activities		Total	
	2013	2012	2013	2012	2013	2012
Non-depreciable assets:						
Land	\$ 1,461,229	\$ 1,461,229	\$ 1,358,011	\$ 1,358,011	\$ 2,819,240	\$ 2,819,240
Construction in progress	434,878	411,606	25,388,873	17,600,215	25,823,751	18,011,821
Total non-depreciable	1,896,107	1,872,835	26,746,884	18,958,226	28,642,991	20,831,061
Depreciable assets:						
Buildings	10,384,409	10,551,831	-	-	10,384,409	10,551,831
Machinery, equipment and furniture	2,955,794	3,024,117	1,003,434	940,410	3,959,228	3,964,527
Infrastructure	2,808,646	2,315,800	2,969,014	2,718,195	5,777,660	5,033,995
Total depreciable assets	16,148,849	15,891,748	3,972,448	3,658,605	20,121,297	19,550,353
Less accumulated depreciation	4,178,750	3,668,751	2,606,532	2,484,672	6,785,282	6,153,423
Book value - depreciable assets	11,970,099	12,222,997	1,365,916	1,173,933	13,336,015	13,396,930
Percentage depreciated	26%	23%	66%	68%	34%	31%
Total net capital assets	\$ 13,866,206	\$ 14,095,832	\$ 28,112,800	\$ 20,132,159	\$ 41,979,006	\$ 34,227,991

At September 30, 2013, the depreciable capital assets for governmental activities were 26% depreciated. This compares to the 23% at September 30, 2012. With the Town's business-type activities, 66% of the asset values were depreciated at September 30, 2013 compared to 68% at September 30, 2012. These percentages indicate that the Town is replacing their capital assets at the same rate, as they are being depreciating, which is a positive financial indicator. However, about two-third of the business-type activities are depreciation which means are Town needs to be reviewing asset replacement.

The increase of \$492,846 in governmental activities infrastructure included traffic calming pavers, stamped cross walks, bus shelters and wayfarer signs. The additions to construction in progress of \$434,878 relate to the Harding Avenue and 95th Street Streetscape improvements and seawall improvements.

The additions to construction in progress of \$8,020,510 for business-type activities relate to Town wide new water, sewer and storm water line replacement. The increase to the infrastructure of \$250,810 included Improvements to the Abbott Avenue and 94th Street parking lots and new parking wayfarer signs.

Debt

In this fiscal year, the Town borrowed \$7,361,834.in a state revolving loan for construction of wastewater and storm water improvements.

The following table reports long-term debt balances at September 30, 2013 and 2012:

	Outstanding Long-term Debt					
	Governmental Activities		Business-type Activities		Totals	
	2013	2012	2013	2012	2013	2012
Revenue bonds	\$ -	\$ -	\$ 10,985,348	\$ 11,507,445	\$ 10,985,348	\$ 11,507,445
Capital lease	303,749	427,130	-	-	303,749	427,130
Notes	-	-	80,000	160,000	80,000	160,000
State revolving loan	-	-	7,255,844	-	7,255,844	-
Compensated absences	281,316	296,509	96,598	73,872	377,914	370,381
Net OPEB obligation	121,781	89,352	33,414	22,981	155,195	112,333
Total	<u>\$ 706,846</u>	<u>\$ 812,991</u>	<u>\$ 18,451,204</u>	<u>\$ 11,764,298</u>	<u>\$ 19,158,050</u>	<u>\$ 12,577,289</u>

See Note 8 for additional information about the Town's long-term debt.

A SUMMARY OF THE ECONOMIC CONDITIONS AFFECTING THE TOWN

The State of Florida, by constitution, does not have a state personal income tax and therefore the State operates primarily using sales, gasoline and corporate income taxes. Local governments (towns and cities, counties, school boards) primarily rely on property and an array of permitted other taxes (utility taxes, franchise fees and local business taxes) as well as intergovernmental revenues for their governmental activities.

For business-type activities and certain governmental activities (building/construction services and recreational programs), the user pays a related fee or charge associated with the service. The

unemployment rate for Miami-Dade County/Fort Lauderdale is currently 9.5%, which is a decrease from a rate of 10.3% a year ago. The Town's residents would expect to have a lower unemployment rate than is reported for the county. In the 2012–2013 adopted budget, we continued operating in a tight economic environment.

Some of the key elements affecting the fiscal year 2012-2013 budget include:

- An increase in taxable property values
- No increase in the Solid Waste collection rates to customer.
- Large-scale commercial developments will continue for the next three years.
- Building permit activity for residential and commercial construction will increase.
- The General Fund balance is projected to increase over the next three years.

All of these factors result in many budget challenges in fiscal year 2012-2013 and beyond.

The millage rate for fiscal year 2013 was decreased from 5.500 to 5.300. This slight decrease was possible through an increase in property values as well as a strict control over expenditures.

CONTACTING THE TOWN'S FINANCIAL MANAGEMENT

This financial report is designed to provide a general overview of the Town's finances, comply with finance-related laws and regulations, and demonstrate the Town's commitment to public accountability. Questions concerning any of the information provided in this report or request for additional information should be addressed to the Finance Director, Town of Surfside, 9293 Harding Avenue, Surfside, FL 33154.

BASIC FINANCIAL STATEMENTS

**These basic financial statements contain
Government-wide Financial Statements, Fund Financial
Statements and Notes to the Financial Statements.**

TOWN OF SURFSIDE, FLORIDA

STATEMENT OF NET POSITION

SEPTEMBER 30, 2013

	Governmental Activities	Business- type Activities	Total
Assets			
Cash and cash equivalents	\$ 6,001,684	\$ 499,200	\$ 6,500,884
Investments	107,636	5,873	113,509
Receivables	619,189	847,722	1,466,911
Prepaid items	152,767	27,590	180,357
Restricted assets:			
Cash and cash equivalents	--	3,433,023	3,433,023
Net pension asset	189,706	--	189,706
Capital assets not being depreciated	1,896,107	26,746,884	28,642,991
Capital assets being depreciated, net	<u>11,970,099</u>	<u>1,365,916</u>	<u>13,336,015</u>
Total Assets	<u>20,937,188</u>	<u>32,926,208</u>	<u>53,863,396</u>
Liabilities			
Accounts payable	243,174	488,498	731,672
Accrued liabilities	542,859	82,290	625,149
Due to other governments	--	69,838	69,838
Interest payable	--	244,669	244,669
Retainage payable	--	391,959	391,959
Customer deposits	148,547	204,135	352,682
Noncurrent liabilities:			
Due within one year	152,272	848,381	1,000,653
Due in more than one year	<u>554,574</u>	<u>17,602,823</u>	<u>18,157,397</u>
Total Liabilities	<u>1,641,426</u>	<u>19,932,593</u>	<u>21,574,019</u>
Deferred Inflows of Resources			
Unearned revenue	<u>23,276</u>	<u>--</u>	<u>23,276</u>
Net Position			
Net investment in capital assets	13,562,457	12,832,672	26,395,129
Restricted for:			
Tourism	94,497	--	94,497
Transportation	131,475	--	131,475
Police forfeiture	138,143	--	138,143
Renewal and replacement	--	1,283,916	1,283,916
Loan reserve	--	324,000	324,000
Unrestricted	<u>5,345,914</u>	<u>(1,446,973)</u>	<u>3,898,941</u>
Total Net Position	<u>\$ 19,272,486</u>	<u>\$ 12,993,615</u>	<u>\$ 32,266,101</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF SURFSIDE, FLORIDA

STATEMENT OF ACTIVITIES

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

Functions/Programs	Program Revenues			Net (Expense) Revenue and Changes in Net Position			
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities	Total
Governmental Activities							
General government	\$ 3,555,197	\$ 1,395,993	\$ --	\$ --	\$ (2,159,204)	\$ --	\$ (2,159,204)
Public safety	4,404,897	645,803	65,641	--	(3,693,453)	--	(3,693,453)
Public works	1,034,890	--	--	350,000	(684,890)	--	(684,890)
Leisure services	1,767,787	404,443	--	--	(1,363,344)	--	(1,363,344)
Transportation	168,417	--	205,947	--	37,530	--	37,530
Interest on long-term debt	6,045	--	--	--	(6,045)	--	(6,045)
Total Governmental Activities	10,937,233	2,446,239	271,588	350,000	(7,869,406)	--	(7,869,406)
Business-type Activities							
Water and sewer	1,837,645	2,632,046	--	1,086,000	--	1,880,401	1,880,401
Municipal parking	888,502	1,056,467	--	--	--	167,965	167,965
Sanitation	1,131,680	1,238,942	--	--	--	107,262	107,262
Stormwater utility	144,999	499,705	--	--	--	354,706	354,706
Total Business-type Activities	4,002,826	5,427,160	--	1,086,000	--	2,510,334	2,510,334
Total	\$ 14,940,059	\$ 7,873,399	\$ 271,588	\$ 1,436,000	(7,869,406)	2,510,334	(5,359,072)
General Revenues							
Taxes							
Property taxes					5,257,726	--	5,257,726
Resort taxes					343,733	--	343,733
Franchise fees based on gross receipts					394,613	--	394,613
Utility taxes					503,592	--	503,592
Communications services tax					298,019	--	298,019
Unrestricted intergovernmental revenues					638,944	--	638,944
Unrestricted investment earnings					30,399	(13,811)	16,588
Miscellaneous revenues					241,930	--	241,930
Transfers					402,278	(402,278)	--
Total General Revenues and Transfers					8,111,234	(416,089)	7,695,145
Change in Net Position					241,828	2,094,245	2,336,073
Net Position - Beginning					19,030,658	10,899,370	29,930,028
Net Position - Ending					\$ 19,272,486	\$ 12,993,615	\$ 32,266,101

The accompanying notes are an integral part of these financial statements.

TOWN OF SURFSIDE, FLORIDA

**BALANCE SHEET
GOVERNMENTAL FUNDS**

SEPTEMBER 30, 2013

	General	Capital Projects	Nonmajor Governmental Funds	Total Governmental Funds
Assets				
Cash and cash equivalents	\$ 4,568,098	\$ 585,721	\$ 847,865	\$ 6,001,684
Investments	78,984	24,850	3,802	107,636
Receivables	465,941	100,200	53,048	619,189
Due from other funds	958,685	--	--	958,685
Prepaid items	152,767	--	--	152,767
Total Assets	<u>\$ 6,224,475</u>	<u>\$ 710,771</u>	<u>\$ 904,715</u>	<u>\$ 7,839,961</u>
Liabilities, Deferred Inflows of Resources and Fund Balances				
Liabilities				
Accounts payable	\$ 209,069	\$ 18,388	\$ 15,717	\$ 243,174
Accrued liabilities	540,941	--	1,918	542,859
Due to other funds	--	437,120	521,565	958,685
Customer deposits	148,547	--	--	148,547
Total Liabilities	<u>898,557</u>	<u>455,508</u>	<u>539,200</u>	<u>1,893,265</u>
Deferred Inflows of Resources				
Unavailable revenue	21,876	--	1,400	23,276
Fund Balances				
Non-spendable:				
Prepaid items	152,767	--	--	152,767
Restricted for:				
Tourism	--	--	94,497	94,497
Transportation surtax	--	--	131,475	131,475
Police forfeiture	--	--	138,143	138,143
Assigned for:				
Hurricanes and emergencies	2,000,000	--	--	2,000,000
Capital projects	--	255,263	--	255,263
Unassigned	3,151,275	--	--	3,151,275
Total Fund Balances	<u>5,304,042</u>	<u>255,263</u>	<u>364,115</u>	<u>5,923,420</u>
Total Liabilities, Deferred Inflows of Resources and Fund Balances	<u>\$ 6,224,475</u>	<u>\$ 710,771</u>	<u>\$ 904,715</u>	

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.	13,866,206
A net pension asset is not considered to represent a financial asset and therefore is not reported in the governmental funds.	189,706
Long-term liabilities are not due and payable in the current period and therefore are not reported in the funds.	
Compensated absences	(281,316)
Capital lease	(303,749)
Net OPEB obligation	(121,781)
Net Position of Governmental Activities	<u>\$ 19,272,486</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF SURFSIDE, FLORIDA

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES GOVERNMENTAL FUNDS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

	General	Capital Projects	Nonmajor Governmental Funds	Total Governmental Funds
Revenues				
Property taxes	\$ 5,257,726	\$ --	\$ --	\$ 5,257,726
Resort taxes	343,733	--	180,266	523,999
Utility taxes	503,592	--	--	503,592
Communications services tax	298,019	--	--	298,019
Franchise fees	394,613	--	--	394,613
Licenses and permits	1,395,993	--	--	1,395,993
Intergovernmental	638,944	--	205,947	844,891
Charges for services	224,177	--	--	224,177
Fines and forfeitures	645,803	--	65,641	711,444
Developer fees	--	350,000	--	350,000
Investment earnings	23,833	5,735	831	30,399
Miscellaneous	230,219	--	14,015	244,234
Total Revenues	<u>9,956,652</u>	<u>355,735</u>	<u>466,700</u>	<u>10,779,087</u>
Expenditures				
Current:				
General government	3,116,668	98	271,280	3,388,046
Public safety	4,457,239	--	50,601	4,507,840
Public works	925,189	--	--	925,189
Leisure services	1,581,992	--	--	1,581,992
Transportation	--	--	123,254	123,254
Capital outlay	60,031	466,808	64,238	591,077
Debt service:				
Principal	123,380	--	--	123,380
Interest and fiscal charges	6,045	--	--	6,045
Total Expenditures	<u>10,270,544</u>	<u>466,906</u>	<u>509,373</u>	<u>11,246,823</u>
Deficiency of Revenues over Expenditures	<u>(313,892)</u>	<u>(111,171)</u>	<u>(42,673)</u>	<u>(467,736)</u>
Other Financing Sources (Uses)				
Transfers in	351,560	60,000	--	411,560
Transfers out	--	--	(9,282)	(9,282)
Total Other Financing Sources (Uses)	<u>351,560</u>	<u>60,000</u>	<u>(9,282)</u>	<u>402,278</u>
Net Change in Fund Balances	37,668	(51,171)	(51,955)	(65,458)
Fund Balances - Beginning, as Previously Reported	5,266,374	132,783	416,070	5,815,227
Prior Period Adjustment	--	173,651	--	173,651
Fund Balances - Beginning, as Restated	<u>5,266,374</u>	<u>306,434</u>	<u>416,070</u>	<u>5,988,878</u>
Fund Balances - Ending	<u>\$ 5,304,042</u>	<u>\$ 255,263</u>	<u>\$ 364,115</u>	<u>\$ 5,923,420</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF SURFSIDE, FLORIDA

**RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCES OF
GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES**

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

Amounts reported for governmental activities in the statement of activities (Page 16) are different because:

Net change in fund balances - total governmental funds (Page 18)	\$ (65,458)
--	-------------

Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation exceeded capital outlays in the current period.

The details of the difference are as follows:

Cost of assets	\$ 585,759	
Depreciation and amortization	<u>(636,140)</u>	
Net adjustment		(50,381)
Loss on disposal of capital assets		(5,593)

The issuance of long-term debt (e.g., bonds, leases) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources to governmental funds. Neither transaction, however, has any effect on net position. Also, governmental funds report the effect of issuance costs, premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. This detail of the difference is as follows:

Repayment of principal	123,380
------------------------	---------

Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.

The detail of the difference is as follows:

Claim settlement	274,802	
Compensated absences	15,193	
Net OPEB obligation	<u>(32,429)</u>	
Net adjustment		257,566

Governmental funds report pension contributions as expenditures. However, contributions in excess of annual pension cost is reported as a net pension asset in the statement of net position.

Change in net position of governmental activities (Page 16)	<u>\$ 241,828</u>
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The accompanying notes are an integral part of these financial statements.

TOWN OF SURFSIDE, FLORIDA

**STATEMENT OF NET POSITION
PROPRIETARY FUNDS**

SEPTEMBER 30, 2013

	Business-type Activities - Enterprise Funds				Totals
	Water and Sewer	Municipal Parking	Sanitation	Stormwater Utility	
Assets					
Current Assets					
Cash and cash equivalents	\$ 38,012	\$ 189,725	\$ 271,463	\$ --	\$ 499,200
Accounts receivable, net	647,746	15,661	80,505	96,705	840,617
Due from other funds	--	916,291	--	2,860,408	3,776,699
Due from other governments	--	--	7,105	--	7,105
Prepaid items	17,180	2,950	6,575	885	27,590
Total Current Assets	<u>702,938</u>	<u>1,124,627</u>	<u>365,648</u>	<u>2,957,998</u>	<u>5,151,211</u>
Noncurrent Assets					
Investments	5,873	--	--	--	5,873
Restricted cash and cash equivalents	1,906,402	--	--	1,526,621	3,433,023
Capital Assets					
Construction in progress	22,426,000	--	--	2,962,873	25,388,873
Land	--	1,358,011	--	--	1,358,011
Infrastructure	1,273,252	1,427,934	--	267,828	2,969,014
Equipment	157,215	468,019	378,200	--	1,003,434
	23,856,467	3,253,964	378,200	3,230,701	30,719,332
Less: accumulated depreciation	<u>(1,299,278)</u>	<u>(894,544)</u>	<u>(312,432)</u>	<u>(100,278)</u>	<u>(2,606,532)</u>
Total Capital Assets, Net	<u>22,557,189</u>	<u>2,359,420</u>	<u>65,768</u>	<u>3,130,423</u>	<u>28,112,800</u>
Total Noncurrent Assets	<u>24,469,464</u>	<u>2,359,420</u>	<u>65,768</u>	<u>4,657,044</u>	<u>31,551,696</u>
Total Assets	<u>25,172,402</u>	<u>3,484,047</u>	<u>431,416</u>	<u>7,615,042</u>	<u>36,702,907</u>
Liabilities					
Current Liabilities					
Accounts payable	407,449	29,678	28,006	23,365	488,498
Accrued liabilities	50,857	10,604	17,980	2,849	82,290
Due to other funds	3,776,699	--	--	--	3,776,699
Due to other governments	69,838	--	--	--	69,838
Interest payable	183,502	--	--	61,167	244,669
Retainage payable	355,474	--	--	36,485	391,959
Current portion note payable	--	80,000	--	--	80,000
Current portion of revenue bonds payable	410,055	--	--	136,685	546,740
Current portion of state revolving loan payable	158,987	--	--	52,996	211,983
Compensated absences	2,101	727	6,791	39	9,658
Customer deposits	188,664	6,860	8,611	--	204,135
Total Current Liabilities	<u>5,603,626</u>	<u>127,869</u>	<u>61,388</u>	<u>313,586</u>	<u>6,106,469</u>
Noncurrent Liabilities					
Net OPEB obligation	11,341	3,636	15,864	2,573	33,414
Compensated absences	18,917	6,548	61,122	353	86,940
Revenue bonds payable	7,781,967	--	--	2,656,641	10,438,608
State revolving loan payable	5,282,895	--	--	1,760,966	7,043,861
Total Noncurrent Liabilities	<u>13,095,120</u>	<u>10,184</u>	<u>76,986</u>	<u>4,420,533</u>	<u>17,602,823</u>
Total Liabilities	<u>18,698,746</u>	<u>138,053</u>	<u>138,374</u>	<u>4,734,119</u>	<u>23,709,292</u>
Deferred Inflows of Resources					
Unearned revenue	18,839	6,860	8,611	--	34,310
Net Position					
Net investment in capital assets	10,474,213	2,279,420	65,768	13,271	12,832,672
Restricted for renewal and replacement	1,017,776	--	--	266,140	1,283,916
Restricted for loan reserve	243,000	--	--	81,000	324,000
Unrestricted	<u>(5,261,333)</u>	<u>1,066,574</u>	<u>227,274</u>	<u>2,520,512</u>	<u>(1,446,973)</u>
Total Net Position	<u>\$ 6,473,656</u>	<u>\$ 3,345,994</u>	<u>\$ 293,042</u>	<u>\$ 2,880,923</u>	<u>\$ 12,993,615</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF SURFSIDE, FLORIDA

**STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
PROPRIETARY FUNDS**

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

	Business-type Activities - Enterprise Funds				
	Water and Sewer	Municipal Parking	Sanitation	Stormwater Utility	Totals
Operating Revenues					
Charges for services:					
Water sales	\$ 1,348,490	\$ --	\$ --	\$ --	\$ 1,348,490
Sewer charges	1,278,483	--	--	--	1,278,483
Parking fees	--	1,056,467	--	--	1,056,467
Solid waste fees	--	--	1,125,947	--	1,125,947
Recycling fees	--	--	85,151	--	85,151
Drainage fees	--	--	--	499,705	499,705
Miscellaneous	5,073	--	27,844	--	32,917
Total Operating Revenues	<u>2,632,046</u>	<u>1,056,467</u>	<u>1,238,942</u>	<u>499,705</u>	<u>5,427,160</u>
Operating Expenses					
Personal services	279,292	369,214	579,253	67,348	1,295,107
Administrative	50,783	431,712	134,515	50,199	667,209
Water system	483,868	--	--	--	483,868
Sewer system	971,156	--	--	--	971,156
Solid waste system	--	--	400,285	--	400,285
Depreciation and amortization	3,162	87,576	17,627	13,496	121,861
Total Operating Expenses	<u>1,788,261</u>	<u>888,502</u>	<u>1,131,680</u>	<u>131,043</u>	<u>3,939,486</u>
Operating Income	<u>843,785</u>	<u>167,965</u>	<u>107,262</u>	<u>368,662</u>	<u>1,487,674</u>
Nonoperating Revenues (Expenses)					
Interest earnings	2,605	--	--	264	2,869
Interest expense	(16,623)	--	--	(57)	(16,680)
Debt related costs	(49,384)	--	--	(13,956)	(63,340)
Total Nonoperating Revenues (Expenses)	<u>(63,402)</u>	<u>--</u>	<u>--</u>	<u>(13,749)</u>	<u>(77,151)</u>
Income Before Capital					
Contributions and Transfers	780,383	167,965	107,262	354,913	1,410,523
Capital contributions and grants	100,000	-	--	986,000	1,086,000
Transfers	(64,554)	(147,272)	(112,193)	(78,259)	(402,278)
Total Contributions and Transfers	<u>35,446</u>	<u>(147,272)</u>	<u>(112,193)</u>	<u>907,741</u>	<u>683,722</u>
Change in Net Position	815,829	20,693	(4,931)	1,262,654	2,094,245
Net Position - Beginning	<u>5,657,827</u>	<u>3,325,301</u>	<u>297,973</u>	<u>1,618,269</u>	<u>10,899,370</u>
Net Position - Ending	<u>\$ 6,473,656</u>	<u>\$ 3,345,994</u>	<u>\$ 293,042</u>	<u>\$ 2,880,923</u>	<u>\$ 12,993,615</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF SURFSIDE, FLORIDA

**STATEMENT OF CASH FLOWS
PROPRIETARY FUNDS**

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

	Business-type Activities - Enterprise Funds				Totals
	Water and Sewer	Municipal Parking	Sanitation	Stormwater Utility	
Cash Flows from Operating Activities					
Receipts from customers	\$ 2,622,779	\$ 1,046,754	\$ 1,241,146	\$ 497,271	\$ 5,407,950
Payments to suppliers	(511,140)	(517,683)	(523,863)	(511,414)	(2,064,100)
Payments to employees	(273,905)	(365,793)	(554,088)	(66,162)	(1,259,948)
Cash paid to other funds	--	(916,291)	--	(2,860,408)	(3,776,699)
Net Cash Provided by Operating Activities	<u>1,837,734</u>	<u>(753,013)</u>	<u>163,195</u>	<u>(2,940,713)</u>	<u>(1,692,797)</u>
Cash Flows from Noncapital Financing Activities					
Transfers out	(64,554)	(147,272)	(112,193)	(78,259)	(402,278)
Net Cash Provided (Used) by Noncapital and Financing Activities	<u>(64,554)</u>	<u>(147,272)</u>	<u>(112,193)</u>	<u>(78,259)</u>	<u>(402,278)</u>
Cash Flows from Capital and Related Financing Activities					
Acquisition and construction of capital assets	(8,578,025)	(220,020)	(13,859)	(654,861)	(9,466,765)
Capital contributions and grants	100,000	--	--	986,000	1,086,000
Principal payments	(518,055)	(80,000)	--	(110,032)	(708,087)
Interest expense and debt related costs	(62,250)	--	--	(57)	(62,307)
Proceeds of loans payable	5,521,375	--	--	1,840,459	7,361,834
Net Cash Used by Capital and Related Financing Activities	<u>(3,536,955)</u>	<u>(300,020)</u>	<u>(13,859)</u>	<u>2,061,509</u>	<u>(1,789,325)</u>
Cash Flows from Investing Activities					
Interest earnings	2,605	--	--	264	2,869
Sale of investments	4,877	--	--	--	4,877
Net Cash Provided by Investing Activities	<u>7,482</u>	<u>--</u>	<u>--</u>	<u>264</u>	<u>7,746</u>
Net Increase (Decrease) in Cash and Cash Equivalents	(1,756,293)	(1,200,305)	37,143	(957,199)	(3,876,654)
Cash and Cash Equivalents - Beginning	<u>3,700,707</u>	<u>1,390,030</u>	<u>234,320</u>	<u>2,483,820</u>	<u>7,808,877</u>
Cash and Cash Equivalents - Ending	<u>\$ 1,944,414</u>	<u>\$ 189,725</u>	<u>\$ 271,463</u>	<u>\$ 1,526,621</u>	<u>\$ 3,932,223</u>
Cash and Cash Equivalents per Statement of Net Position					
Unrestricted	\$ 38,012	\$ 189,725	\$ 271,463	\$ --	\$ 499,200
Restricted	1,906,402	--	--	1,526,621	3,433,023
	<u>\$ 1,944,414</u>	<u>\$ 189,725</u>	<u>\$ 271,463</u>	<u>\$ 1,526,621</u>	<u>\$ 3,932,223</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF SURFSIDE, FLORIDA

**STATEMENT OF CASH FLOWS
PROPRIETARY FUNDS
(Continued)**

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

	Business-type Activities - Enterprise Funds				
	Water and Sewer	Municipal Parking	Sanitation	Stormwater Utility	Totals
Reconciliation of Operating Income to Net Cash Provided (Used) by Operating Activities					
Operating income	\$ 843,785	\$ 167,965	\$ 107,262	\$ 368,662	\$ 1,487,674
Adjustments to reconcile operating income to net cash provided by (used) operating activities					
Depreciation and amortization	3,162	87,576	17,627	13,496	121,861
Changes in assets and liabilities:					
(Increase) decrease in:					
Accounts receivable	(16,589)	(9,713)	9,309	(2,434)	(19,427)
Prepaid items	(12,596)	(2,192)	2,365	(279)	(12,702)
Due from other funds	--	(916,291)	(7,105)	(2,860,408)	(3,783,804)
Increase (decrease) in:					
Accounts payable	(2,134,240)	(87,916)	3,544	(462,703)	(2,681,315)
Accrued liabilities	(26,757)	4,137	4,747	1,767	(16,106)
Due to other funds	3,776,699	--	--	--	3,776,699
Other liabilities	(608,439)	--	--	--	(608,439)
Compensated absences	2,195	375	19,764	392	22,726
Net OPEB obligation	3,192	1,046	5,401	794	10,433
Unearned revenue	(7,813)	2,000	281	--	(5,532)
Customer deposits	15,135	--	--	--	15,135
Total adjustments	993,949	(920,978)	55,933	(3,309,375)	(3,180,471)
Net Cash Provided (Used) by Operating Activities	\$ 1,837,734	\$ (753,013)	\$ 163,195	\$ (2,940,713)	\$ (1,692,797)

The accompanying notes are an integral part of these financial statements.

TOWN OF SURFSIDE, FLORIDA

**STATEMENT OF FIDUCIARY NET POSITION
PENSION TRUST FUND**

SEPTEMBER 30, 2013

Assets

Cash and Cash Equivalents \$ 506,582

Receivables

Plan members' contributions 39,564
Due from broker for unsettled investment sales 84,559
Accrued investment income 38,710

Total Receivables 162,833

Prepaid Expenses 9,533

Investments, at Fair Value

U.S. Government securities 918,851
U.S. Government agency bonds 738,272
Mortgage backed securities 307,965
Corporate bonds 2,816,043
Municipal obligations 32,744
Common stocks 2,117,088
DROP Plan Assets 20,621
Mutual funds - I shares 7,029,002

Total Investments 13,980,586

Total Assets 14,659,534

Liabilities and Net Position

Liabilities

Accounts payable 11,796
Due to broker for unsettled investment purchases 119,654
DROP Plan Liability 20,621
Refunds payable 1,108

Total Liabilities 153,179

Net Position Held in Trust for Pension Benefits \$ 14,506,355

The accompanying notes are an integral part of these financial statements.

TOWN OF SURFSIDE, FLORIDA

**STATEMENT OF CHANGES IN FIDUCIARY NET POSITION
PENSION TRUST FUND**

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

Additions

Contributions

Employer's contributions	\$ 664,394
Plan members' contributions	375,275
Buy back of contributions	<u>108,273</u>

Total Contributions 1,147,942

Investment Earnings

Interest	112,203
Dividends	207,056
Net appreciation in fair value of investments	<u>1,222,215</u>
	1,541,474
Less: investment expenses	<u>72,517</u>

Net Investment Earnings 1,468,957

Total Additions 2,616,899

Deductions

Benefits paid	533,907
Refunds of contributions	63,484
Administrative expenses	<u>69,278</u>

Total Deductions 666,669

Net Increase 1,950,230

Net Position Held in Trust for Pension Benefits

Net position - beginning	<u>12,556,125</u>
Net position - ending	<u><u>\$ 14,506,355</u></u>

The accompanying notes are an integral part of these financial statements.

**NOTES TO BASIC
FINANCIAL STATEMENTS**

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Town of Surfside, Florida (The Town) was incorporated on May 19, 1935. The Town of Surfside's Charter was adopted under the provisions of Chapter 27914, Laws of Florida, 1951. The Town is governed by an elected five-member Town Commissioners and operates under a commissioner-manager form of government. The Town provides services to its approximately 5,800 residents in many areas including general government and administrative services, public safety (police), physical environment, solid waste collection, transportation (maintenance of roads and streets), culture and recreation, tourism development, water/sewer and stormwater utilities.

The summary of the Town's significant accounting policies is presented to assist the reader in interpreting the financial statements and other data in this report. These policies are considered essential and should be read in conjunction with the accompanying financial statements.

The financial statements of the Town have been prepared in conformity with accounting principles generally accepted in the United States (GAAP) as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the Town's accounting policies are described below:

A. FINANCIAL REPORTING ENTITY

In accordance with accounting principles generally accepted in the United States of America, these financial statements present the Town and its organizations for which the Town is considered financially accountable. Financial accountability includes 1) the appointment of a voting majority of the organization's governing body, 2) the ability of the primary government to impose its will on the organization, or 3) if there is a financial benefit/burden relationship. In addition, an organization, which is fiscally dependent on the primary government, should be included in its reporting entity. Based on the application of these criteria, there were no organizations that met the criteria described above.

B. GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the Town. The effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

B. GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS (CONTINUED)

The statement of activities demonstrates the degree to which the direct expenses of a function or segment are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or identifiable activity. *Program revenues* include 1) charges to customers or applicants who purchase, use or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*. The Town does not employ an indirect cost allocation system.

Separate financial statements are provided for governmental funds, proprietary funds, and the fiduciary fund, even though the latter is excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements. All remaining nonmajor governmental funds are aggregated and reported as other governmental funds.

Since the governmental fund financial statements are presented on a different measurement focus and basis of accounting than the government-wide financial statements, reconciliations are provided to briefly explain the adjustments necessary to reconcile the governmental fund financial statements to the government-wide governmental activities financial statements.

C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING AND FINANCIAL STATEMENT PRESENTATION

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the proprietary fund and fiduciary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of the related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Town considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

TOWN OF SURFSIDE, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING AND FINANCIAL STATEMENT PRESENTATION (CONTINUED)

Expenditures generally are recorded when a liability is incurred, as required by accrual accounting, except for expenditures related to compensated absences, which are recorded when payment is due.

Property taxes and other taxes (such as franchise taxes, utilities taxes, and sales tax), charges for services, intergovernmental revenue, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Revenues for expenditure driven grants are recognized when the qualifying expenditures are incurred. All other revenue items are considered to be measurable and available only when cash is received by the Town.

The reporting practices of the proprietary fund types closely parallel comparable commercial financial reporting, which recognize revenue when earned and expenses when incurred (the accrual basis) including, in the case of the enterprise funds, depreciation on its exhaustible capital assets. Earned, but unbilled service receivables have been accrued as revenue in the enterprise funds.

GAAP sets forth minimum criteria (percentage of the assets and deferred outflows of resources, liabilities and deferred inflows of resources, revenue or expenditures/expenses of either fund category or the governmental and enterprise combined) for the determination of major funds. The nonmajor funds are presented in the combining and individual fund financial statements and schedules section.

The Town reports the following major governmental funds:

The *General Fund* is the Town's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The *Capital Projects Fund* is used to account for the capital projects of the Town which have received the approval of the Town Commission. Transfers from the general and other funds are made to this fund to cover such expenditures.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. *MEASUREMENT FOCUS, BASIS OF ACCOUNTING AND FINANCIAL STATEMENT PRESENTATION (CONTINUED)*

The Town reports the following major proprietary funds:

The *Water and Sewer Fund* is used to account for water and sewer utility operations, which are financed and operated in manner similar to private business enterprises. The intent of the Town is that the costs (expenses including depreciation) of providing services to the general public on a continuing basis be financed or recovered primarily through user charges.

The *Municipal Parking Fund* accounts for all parking revenues and expenses. Parking citation revenue is allocated to the General Fund.

The *Sanitation Fund* is used to account for the activities of the Town residential, multi-family, and commercial refuse and recycling.

The *Stormwater Utility Fund* is used to account for the stormwater utility fees, which are collected to construct, operate, and maintain a stormwater management system.

Additionally, the government reports the following fund type:

The *Pension Trust Fund* is used to account for the Town's single-employer defined benefit pension plan covering substantially all of its employees.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are charges between the Town's enterprise functions and various other functions of the Town for services rendered. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Amounts reported as *program revenues* include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as *general revenues* rather than *program revenues*. The general revenues include all taxes.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING AND FINANCIAL STATEMENT PRESENTATION (CONTINUED)

Proprietary Funds distinguish *operating revenues* and *expenses* from *nonoperating* items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues and expenses of the Town's enterprise fund are charges to customers for services, administrative expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

D. ASSETS, LIABILITIES DEFERRED INFLOWS OF RESOURCES AND NET POSITION/FUND BALANCE

1. Deposits and Investments

The Town utilizes a pooled cash account for cash of all Town funds other than those that are required to be physically segregated. The pooled cash account concept allows each participating fund to benefit from the economies of scale and improved yield which are inherent to a larger investment pool. Formal accounting records detail the individual equities of the participating funds. The pooled cash system utilizes a single checking account for Town receipts and disbursements with a separate checking account for payroll disbursements.

The Town's cash and cash equivalents, for purposes of the statement of cash flows, are considered to be cash and short-term investments with original maturities of three months or less from the date of acquisition. The Town's cash and cash equivalents include cash on hand, demand deposits, and investments with Florida PRIME administered by the State Board of Administration. Fund B, which is also administered by the State Board of Administration, is classified as an investment.

The Town's investment policy follows the requirements of Florida Statutes Chapter 218.415, *Local Government Investment Policies*, and attempts to promote, in order of priority, safety of principal, adequate liquidity, and maximization of total return. Investments in the Town of Surfside's local government surplus funds are governed by the provisions of Florida Statutes Section 218.415. Investments in the Town's retirement plan are governed by the Plan's investment policy. All investments of the Town, except Florida PRIME and Fund B, are reported at fair value using quoted market prices. The Florida PRIME is recorded at its value of the pool shares (2a-7 like pool), which is fair value. Fund B is a fluctuating NAV pool and is reported based on a fair value factor. Income or loss is recorded in the respective funds as it is earned.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. ASSETS, LIABILITIES DEFERRED INFLOWS OF RESOURCES AND NET POSITION/FUND BALANCE (CONTINUED)

2. Interfund Receivables and Payables

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either “due to/from other funds” (i.e., the current portion of interfund loans) or “advances to/from other funds” (i.e., the non-current portion of the interfund loans). Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as “internal balances”.

3. Receivables

Receivables include amounts due from other governments and others for services provided by the Town. Receivables are recorded and revenues are recognized as earned or as specific program expenditures/expenses are incurred. Allowances for uncollectible receivables are based upon historical trends and the periodic aging of receivables.

4. Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in the fund financial statements. Prepaid items are accounted for under the purchases method.

5. Restricted Assets

Certain resources set aside for the repayment of certain obligations are classified as restricted assets on the statement of net position because they are maintained in separate bank accounts and/or their use is limited such as bond proceeds restricted for debt service and renewal and replacement under the terms of the revenue bonds. Additionally, the Town reports amounts paid for water and sewer development fees as restricted assets.

6. Capital Assets

Capital assets include property, buildings, machinery, furniture and equipment, intangible and infrastructure assets (e.g., sidewalks and other similar items), and are reported in the applicable governmental or business-type activities columns in the government-wide financial statements.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. ASSETS, LIABILITIES DEFERRED INFLOWS OF RESOURCES AND NET POSITION/FUND BALANCE (CONTINUED)

6. Capital Assets (continued)

Capital assets are defined by the Town as assets with an initial, individual cost of more than \$1,000 and an estimated useful life in excess of one year, except for infrastructure and intangible assets for which the Town utilizes a \$25,000 capitalization threshold. Capital assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized. The Town was not required to and did not retroactively report infrastructure assets acquired prior to the implementation of GASB Statement No. 34 during the fiscal year ended September 30, 2004.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of capital assets of business-type activities is included as part of the capitalized value of the assets constructed. The Town’s business-type activities incurred interest costs of \$456,919 in the current fiscal year, all of which was capitalized.

Capital assets of the Town are depreciated using the straight-line method over the estimated useful lives:

Assets	Years
Buildings	15-50
Machinery, furniture and equipment	5-10
Infrastructure	10-30
Intangibles	10-30

7. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/ expenditure) until then. The Town has no items that qualify for reporting in this category.

In addition to liabilities, the statement of net position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. There are two types of items that qualify for reporting in this category:

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. ASSETS, LIABILITIES DEFERRED INFLOWS OF RESOURCES AND NET POSITION/FUND BALANCE (CONTINUED)

7. Deferred Outflows/Inflows of Resources (continued)

Business tax receipts that are received by the Town prior to the period for which the taxes are levied are reported as deferred inflows on both the government-wide statement of net position, and on the governmental funds balance sheet.

At September 30, 2013, the Town had reported unearned revenue for business tax licenses as deferred inflows of resources in the Governmental Funds Balance Sheet.

8. Compensated Absences

The Town's policy is to permit employees to accumulate earned but unused sick as well as vacation pay benefits, limited to certain maximums. All vacation and sick pay is accrued when incurred in the government-wide and proprietary fund financial statements. A liability for these amounts is reported in governmental funds only if they have matured, for example, as a result of employee resignations and retirements. Compensated absences of the governmental funds are typically liquidated from the general fund.

9. Long-Term Obligations

In the government-wide financial statements and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable business-type activities or proprietary fund type statement of net position.

10. Fund Equity

The Town follows the criteria for classifying governmental fund balances into specifically defined classifications. Classifications are hierarchical and are based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in the funds may be spent. The Town's accounting and financial policies are used to interpret the nature and/or requirements of the funds and their corresponding classification of nonspendable, restricted, committed, assigned or unassigned.

The following are the fund balance classifications:

Nonspendable fund balance. Nonspendable fund balances are amounts that are (a) not in spendable form or (b) legally or contractually required to be maintained intact.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. ASSETS, LIABILITIES DEFERRED INFLOWS OF RESOURCES AND NET POSITION/FUND BALANCE (CONTINUED)

10. Fund Equity (continued)

Restricted fund balance. Restricted fund balances are amounts that can be spent only for specific purposes stipulated by (a) external resource providers such as creditors (by debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

Committed fund balance. These amounts can only be used for the specific purposes determined by a formal action (Ordinance or resolution, which are equally binding) of the Town Commission, the Town's highest level of decision making authority. Commitments may be changed or lifted only by the Town Commission taking the same formal action (Ordinance or resolution) that imposed the constraint originally. Resources accumulated pursuant to stabilization arrangements sometimes are reported in this category.

Assigned fund balance. Assigned fund balances are amounts that are constrained by the Town's intent to be used for specific purposes, but are neither restricted nor committed. Intent is established by management of the Town to which the Commission has delegated the authority to assign, modify or rescind amounts to be used for specific purposes. There is no formal policy through which this authority has been established. This balance includes (a) all remaining amounts that are reported in governmental funds (other than the General Fund) that are not classified as nonspendable, restricted, or committed, and (b) amounts in the General Fund that are intended to be used for a specific purpose. Specific amounts that are not restricted or committed in a special revenue or capital projects fund are assigned for the purposes in accordance with the nature of their fund type. Assignment within the General Fund conveys that the intended use of those amounts is for a specific purpose that is narrower than the general purposes of the Town itself.

Unassigned fund balance. This fund balance is the residual classification for the General Fund. It is also used to report negative fund balances in other governmental funds.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. ASSETS, LIABILITIES DEFERRED INFLOWS OF RESOURCES AND NET POSITION/FUND BALANCE (CONTINUED)

11. Fund Balance Flow Assumptions

Sometimes the government will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements a flow assumption must be made about the order in which the resources are considered to be applied. It is the Town's policy to consider restricted fund balance to have been depleted before using any of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last, unless the Town Commission has provided otherwise in its commitment or assignment actions by either ordinance or resolution.

12. Net Position

Net position of the government-wide and proprietary funds is categorized as net investment in capital assets, restricted or unrestricted. The net investment in capital assets consists of capital assets reduced by accumulated depreciation and by any outstanding debt and deferred inflows/outflows of resources incurred to acquire, construct or improve those assets, excluding unexpended proceeds. Restricted net position is that portion of net position that has been restricted for general use by external parties (creditors, grantors, contributors, or laws or regulations of other governments) or imposed by law through constitutional provisions or enabling legislation. Unrestricted net position consists of net position that does not meet the definition of either of the other two components. When expenditures are incurred for purposes for which both restricted and unrestricted net position is available, the Town considers restricted funds to have been spent first.

13. Net Position Flow Assumption

Sometimes the government will fund outlays for a particular purpose from both restricted and unrestricted resources. In order to calculate the amounts to report as restricted – net position and unrestricted – net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. When both restricted and unrestricted resources are available for use, it is the Town's policy to consider restricted – net position to have been depleted before unrestricted – net position is applied.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. ASSETS, LIABILITIES DEFERRED INFLOWS OF RESOURCES AND NET POSITION/FUND BALANCE (CONTINUED)

14. Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures/expenses during the reporting period. Actual results may differ from management's estimates.

15. Implementation of Governmental Accounting Standards Board Statements

The Town implemented the following GASB Statements during the year ended September 30, 2013:

GASB Statement No. 61, The Financial Reporting Entity: Omnibus; an amendment of GASB Statements No. 14 and No. 34.

This statement modifies existing requirements for the assessment of potential component units in determining what should be included in the financial reporting entity, the display of component units (blending vs. discrete presentation), and certain requirements. The requirements of this statement are effective for financial statements for periods beginning after June 15, 2012. The Town has applied the requirements, as applicable, of Statement No. 61 effective October 1, 2012 and it had no impact on the Town's financial statements.

GASB Statement No. 62 Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements.

This statement incorporates into GASB literature certain accounting and financial reporting guidance contained in the Pre-November 30, 1989 FASB and AICPA Pronouncements which does not conflict with GASB pronouncements which had no impact on the financial information in the current year.

GASB Statement No. 63 Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position.

This statement provides financial reporting guidance for deferred outflows of resources and deferred inflows of resources. It further identifies net position as the residual of all other elements presented in a statement of net position. This statement had an impact by adding new terminology in the current year.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. ASSETS, LIABILITIES DEFERRED INFLOWS OF RESOURCES AND NET POSITION/FUND BALANCE (CONTINUED)

15. Implementation of Governmental Accounting Standards Board Statements (continued)

GASB Statement No. 65, Items Previously Reported as Assets and Liabilities.

This statement provides additional guidance for the items listed in GASB 63 and includes additional changes in accounting and financial reporting standards that reclassify, as deferred outflows of resources or deferred inflows of resources, certain items that were previously reported as assets and liabilities.

NOTE 2 – DEPOSITS AND INVESTMENTS

DEPOSITS

In addition to insurance provided by the Federal Depository Insurance Corporation, all deposits are held in banking institutions approved by the State Treasurer of the State of Florida to hold public funds. Under Florida Statutes Chapter 280, *Florida Security for Public Deposits Act*, the State Treasurer requires all Florida qualified public depositories to deposit with the Treasurer, or any other banking institution, eligible collateral of the depository. In the event of a failure of a qualified public depository, the remaining public depositories would be responsible for covering any resulting losses. Accordingly, all amounts reported as deposits are insured or collateralized.

INVESTMENTS – TOWN

The Town's Investment Policy authorizes Town officials to invest in those instruments authorized by the Florida Statutes and the Town's Investment Policy, including the certificates of deposit and money market funds (placed with "qualified public depositories"); U.S. Treasury and Government Agency securities; corporate bonds; commercial paper; mutual funds; repurchase agreements; and the Florida PRIME administered by the Florida State Board of Administration.

Florida PRIME and Fund B are both governed by Chapter 19-7 of the Florida Administrative Code and Chapters 215 and 218 of the Florida Statutes. These rules provide guidance and establish the policies and general operating procedures for the administration of the Florida PRIME and Fund B. The Florida PRIME is not a registrant with the Securities and Exchange Commission (SEC); however, the Board has adopted operating procedures consistent with the requirements for a 2a-7 fund, which permits money market funds to use amortized cost to maintain a constant net asset value (NAV) of \$1 per share. The fair value of the position in the Florida PRIME is equal to the value of the pool shares.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 2 – DEPOSITS AND INVESTMENTS (CONTINUED)

INVESTMENTS – TOWN (CONTINUED)

The Fund B does not meet the requirements of an SEC 2a-7 like fund and therefore is accounted for as a fluctuating NAV pool. As of September 30, 2013, the fair value factor for Fund B was \$1.1326 per share. The Fund B is not subject to participant withdrawal requests. Distributions from Fund B, as determined by the SBA, are effected by transferring eligible cash or securities to the Florida PRIME, consistent with the pro rata allocation of pool shareholders of record at the creation of Fund B. One hundred percent of such distributions from Fund B are available as liquid balance within the Florida PRIME. The investments in the Florida PRIME and Fund B are not insured by FDIC or any other governmental agency.

As of September 30, 2013, the Town had the following investments:

	Fair Value	Weighted Average Maturity
Investments		
Florida PRIME	\$ 3,351,675	44 days
Fund B	<u>113,509</u>	4.04 years
Total Investments - Town	<u>\$ 3,465,184</u>	

Florida PRIME is presented as cash and cash equivalents in the financial statements.

Interest Rate Risk

The Town has an investment policy to invest in a manner that is consistent with sound business practices in order to protect the assets of the Town residents, provide effective cash management to meet anticipated obligations and earn a rate of return consistent with these inherent restraints. Safety of capital and liquidity are also inherent in the Town's policy. The policy is structured to provide sufficient liquidity to pay obligations as they come due. The Town's investment policy limits the maturities to no more than 7 years for direct United States obligations and to no more than 5 years for United States agency obligations and corporate obligations. Term repurchase agreements are limited to maturities of 90 days or less and certificate of deposits are limited to 2 years or less.

Credit Risk

The Town's investment policy limits investments to the highest ratings issued by a nationally recognized statistical rating organization (NRSRO). The Florida PRIME is rated AAAM by Standard and Poor's. The Fund B is not rated by an NRSRO.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 2 – DEPOSITS AND INVESTMENTS (CONTINUED)

INVESTMENTS – TOWN (CONTINUED)

Concentration of Credit Risk

The Town's investment policy states that assets shall be diversified to control the risk of loss resulting from concentration of assets to a specific maturity, instrument, issue, dealer, or bank through which these securities are bought and sold. As of September 30, 2013, the Town's portfolio did not have any investments subject to a concentration of credit risk.

INVESTMENTS – PENSION TRUST FUND

The investment activity of the Plan is directed by an investment advisory firm. All investments made or held by the Fund shall be limited to the following:

1. Cash equivalents.
2. Obligations issued by the United States Government or obligations guaranteed as to principal and interest by the United States Government or by an agency of the United States Government.
3. Bonds issued by the State of Israel.
4. Bonds or other evidences of indebtedness issued or guaranteed by a corporation organized under the laws of the United States or any state, organized territory of the United States, or District of Columbia provided the corporation is listed on the recognized national stock exchanges or on the National Market System of the NASDAQ stock market, the issuer has an investment quality rating within the top three rating classifications by at least two major services (Standard and Poor's, Moody's or Fitch). Up to 10% of the bond portfolio may be invested in the fourth rating classification (by two of the above rating services).
5. Equity investments (common stock, convertible bonds and preferred stocks) in a corporation listed on one or more of the recognized national exchanges or on the National Market System of the NASDAQ stock market and ETF exchange-traded funds.
6. Commingled equity, bond or money market funds whose investments are restricted to securities meeting the criteria of this section. Investments in equities are not to exceed 70% of the Fund assets at market, and no more than 5% at cost of the equities may be invested in a single company.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 2 – DEPOSITS AND INVESTMENTS (CONTINUED)

INVESTMENTS – PENSION TRUST FUND (CONTINUED)

As of September 30, 2013, the percentage of investment in equities, excluding the cash, ETF and IShares funds totaled 15.2% of the total investments. The ETF and IShares Funds are not under management. The cost and fair value of Fiduciary Net Position held in trust for Plan benefits at September 30 follows:

	2013	
	Cost	Fair Value
Cash and Cash Equivalents:		
U.S. Treasury portfolio	\$ 506,582	\$ 506,582
Investments:		
U.S. Government Securities	895,755	918,851
Government Agency bonds	739,708	738,272
Mortgage backed securities	294,362	307,965
Corporate bonds	2,860,110	2,816,043
Municipal bonds	30,000	32,744
Mutual funds	6,293,160	7,029,002
Common stocks	1,718,657	2,117,088
DROP Plan Assets	20,621	20,621
	12,852,373	13,980,586
Total	\$ 13,358,955	\$ 14,487,168

As of September 30, 2013, the Plan had the following investment types subject to interest rate risk:

Investment Type	Fair Value	Weighted Average Maturity (Years)
U.S. Treasuries	\$ 918,851	4.81
Government Agency bonds	738,272	2.00
Mortgage backed securities	307,965	2.00
Corporate bonds	2,816,043	5.21
Build America bonds (Municipal obligations)	32,744	6.89
Total Fair Value	\$ 4,813,875	
Portfolio Weighted Average Maturity		4.25

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 2 – DEPOSITS AND INVESTMENTS (CONTINUED)

INVESTMENTS – PENSION TRUST FUND (CONTINUED)

Interest Rate Risk

In accordance with its investment policy, the Plan manages its exposure to declines in the fair market value of its securities through a conservative approach of managing portfolio exposure to duration, maturity and sector relative to market indices.

Credit Risk

State law limits investments in commercial paper to the two top ratings issued by nationally recognized statistical rating organizations (NRSROs). It is the Plan's policy to limit its investments in this investment type to the top two ratings issued by NRSROs. As of September 30, 2013, the Plan's investments in the U.S. Treasury Portfolio (cash and cash equivalents) were rated AAA by Standard & Poor's, and Aaa by Moody's Investors Service. The Investment Policy of the Plan states it is permitted to invest in corporate bonds with an investment quality rating with the top three rating classifications by at least two major rating services (Standards & Poor, Moody's or Fitch). The corporate bonds held by the Plan were in the top three rating classifications. The mortgage backed securities were ranked AAA and Aaa by Standard & Poor's, and Moody's, respectively.

Concentration of Credit Risk

The Town's investment policy does not allow for an investment in any one issuer, other than U.S. Government securities, that is in excess of five percent of the government's total investments. No investment in any one organization represents five percent or more of total investments.

Custodial Credit Risk

For an investment, this is the risk that, in the event of the failure of the counterparty, the Town will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. All of the securities, whether fixed or equities are held in the name of the Plan.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 3 – RECEIVABLES

Receivables as of September 30, 2013 for the Town’s major and nonmajor funds, including the applicable allowances for uncollectible accounts, are as follows:

	General	Capital Projects	Nonmajor Governmental	Water and Sewer	Municipal Parking	Sanitation	Stormwater Utility	Total
Receivables								
Property taxes	\$ 86,095	\$ --	\$ --	\$ --	\$ --	\$ --	\$ --	\$ 86,095
Intergovernmental	193,480	100,200	53,048	41,451	--	7,105	--	395,284
Other	186,366	--	--	18,747	15,661	--	--	220,774
Accounts - billed	--	--	--	123,248	--	94,710	14,656	232,614
Accounts - unbilled	--	--	--	472,377	--	--	82,049	554,426
Gross receivables	465,941	100,200	53,048	655,823	15,661	101,815	96,705	1,489,193
Less: allowance for uncollectibles	--	--	--	(8,077)	--	(14,205)	--	(22,282)
Total Receivables, Net	<u>\$ 465,941</u>	<u>\$ 100,200</u>	<u>\$ 53,048</u>	<u>\$ 647,746</u>	<u>\$ 15,661</u>	<u>\$ 87,610</u>	<u>\$ 96,705</u>	<u>\$ 1,466,911</u>

NOTE 4 – PROPERTY TAXES

Under Florida law, the assessment of all properties and the collection of all county, municipal and school board taxes are consolidated in the offices of the County Property Appraiser and County Tax Collector. The laws of the State regulating tax assessments, also, are designed to assure a consistent property valuation method statewide. State statutes permit municipalities to levy property taxes at a rate of up to 10.0 mils. The millage rate assessed by the Town for the fiscal year ended September 30, 2013, was 5.3000. The tax levy of the Town is established by the Town Commission prior to October 1 each year, and the County Property Appraiser incorporates the millage into the total tax levy, which includes Miami-Dade County, Miami-Dade County School Board and special taxing districts.

All property is reassessed according to its fair market value as of January 1 each year. Each assessment roll is submitted to the Executive Director of the State Department of Revenue for review to determine if the rolls meet all of the appropriate requirements of State Statutes.

All real and tangible personal property taxes are due and payable on November 1 of each year or as soon thereafter as the assessment roll is certified by the County Property Appraiser. Miami-Dade County mails to each property owner on the assessment roll a notice of taxes due and Miami-Dade County collects the taxes for the Town. Taxes may be paid upon receipt of such notice from Miami-Dade County, with discounts at the rate of four percent (4%) if paid in the month of November, three percent (3%) if paid in the month of December, two percent (2%) if paid in the month of January, and one percent (1%) if paid in the month of February. Taxes paid during the month of March are without

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 4 – PROPERTY TAXES (CONTINUED)

discount and all unpaid taxes on real and tangible personal property become delinquent and liens are placed on April 1 of the year following the year in which the taxes were assessed. Procedures for the collection of delinquent taxes by Miami-Dade County are provided for in the laws of the State of Florida. As of September 30, 2013, there were no material delinquent taxes.

NOTE 5 – INTERFUND RECEIVABLES, PAYABLES AND TRANSFERS

The composition of the interfund balances as of September 30, 2013 is as follows:

DUE TO/FROM OTHER FUNDS

Fund	Due From	Due To
General Fund	\$ 958,685	\$ --
Municipal Parking	916,291	--
Stormwater Utility	2,860,408	--
Water and Sewer	--	3,776,699
Capital Projects	--	437,120
Transportation Surtax	--	427,660
Police Forfeiture	--	93,905
Total Due From/To	\$ 4,735,384	\$ 4,735,384

Amounts receivable noted above represent short-term loans made to cover temporary negative cash balances in each fund's equity in pooled cash at year end.

INTERFUND TRANSFERS

Fund	Transfers In	Transfers Out
General Fund	\$ 351,560	\$ --
Capital Projects Fund	60,000	--
Transportation Surtax Fund (Nonmajor Fund)	--	9,282
Water and Sewer Fund	--	64,554
Municipal Parking Fund	--	147,272
Sanitation Fund	--	112,193
Stormwater Utility Fund	--	78,259
Total Interfund Transfers	\$ 411,560	\$ 411,560

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 5 – INTERFUND RECEIVABLES, PAYABLES AND TRANSFERS (CONTINUED)

INTERFUND TRANSFERS (CONTINUED)

General Fund Transfers In consisted entirely of \$351,560 from the Town’s other funds providing cost reimbursement to recover general fund management, human resource utilization, payroll/accounts payable functions, pension/benefits management, billing, collection as well as legal recovery services.

Capital Projects Fund Transfers In consisted of \$60,000 transferred from the Stormwater Fund to provide funding for on-going construction projects

Stormwater Utility Fund Transfers Out consisted of \$78,259. \$60,000 was transferred to Capital Projects Fund for the reasons previously mentioned in the Capital Projects Fund. \$18,259 was transferred out to the General Fund for the reasons previously mentioned in the General Fund Transfers In above.

All of the Transfers Out pertaining to the Transportation Surtax (a nonmajor fund), Water and Sewer, Municipal Parking, and Sanitation Funds were transferred to reimburse the General Fund as previously mentioned.

NOTE 6 – CAPITAL ASSETS

Capital asset activity for the year ended September 30, 2013 was as follows:

	Beginning Balances	Increase	Decrease	Ending Balances
Governmental Activities				
Capital Assets Not Being Depreciated				
Land	\$ 1,461,229	\$ --	\$ --	\$ 1,461,229
Construction in progress	411,606	426,879	403,607	434,878
Total Capital Assets Not Being Depreciated	<u>1,872,835</u>	<u>426,879</u>	<u>403,607</u>	<u>1,896,107</u>
Capital Assets Being Depreciated				
Buildings	10,551,831	6,231	173,653	10,384,409
Machinery, furniture and equipment	3,024,117	63,413	131,736	2,955,794
Infrastructure	2,315,800	492,846	--	2,808,646
Total Capital Assets Being Depreciated	<u>15,891,748</u>	<u>562,490</u>	<u>305,389</u>	<u>16,148,849</u>
Less: Accumulated Depreciation for				
Buildings	1,439,199	217,637	--	1,656,836
Machinery, furniture and equipment	1,581,593	305,444	126,141	1,760,896
Infrastructure	647,959	113,059	--	761,018
Total Accumulated Depreciation	<u>3,668,751</u>	<u>636,140</u>	<u>126,141</u>	<u>4,178,750</u>
Total Capital Assets Being Depreciated, Net	<u>12,222,997</u>	<u>(73,650)</u>	<u>179,248</u>	<u>11,970,099</u>
Governmental Activities Capital Assets, Net	<u>\$ 14,095,832</u>	<u>\$ 353,229</u>	<u>\$ 582,855</u>	<u>\$ 13,866,206</u>

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 6 – CAPITAL ASSETS (CONTINUED)

	Beginning Balances	Increase	Decrease	Ending Balances
Business-type Activities				
Capital Assets Not Being Depreciated				
Land	\$ 1,358,011	\$ --	\$ --	\$ 1,358,011
Construction in progress	17,600,215	8,020,510	231,852	25,388,873
Total Capital Assets Not Being Depreciated	<u>18,958,226</u>	<u>8,020,510</u>	<u>231,852</u>	<u>26,746,884</u>
Capital Assets Being Depreciated				
Equipment	940,410	63,024	--	1,003,434
Infrastructure	2,718,195	250,819	--	2,969,014
Total Capital Assets Being Depreciated	<u>3,658,605</u>	<u>313,843</u>	<u>--</u>	<u>3,972,448</u>
Less: Accumulated Depreciation for				
Equipment	536,610	66,408	--	603,018
Infrastructure	1,948,062	55,452	--	2,003,514
Total Accumulated Depreciation	<u>2,484,672</u>	<u>121,860</u>	<u>--</u>	<u>2,606,532</u>
Total Capital Assets Being Depreciated, Net	<u>1,173,933</u>	<u>191,983</u>	<u>--</u>	<u>1,365,916</u>
Business-type Activities Capital Assets, Net	<u>\$ 20,132,159</u>	<u>\$ 8,212,493</u>	<u>\$ --</u>	<u>\$ 28,112,800</u>

Depreciation expense was charged to functions/programs of the Town as follows:

Governmental Activities

General government	\$ 123,622
Public safety	171,859
Public works	109,701
Leisure services	185,795
Transportation	45,163

Total Depreciation and Amortization Expense –

Governmental Activities \$ 636,140

Business-type Activities

Water and sewer	\$ 3,163
Municipal parking	87,573
Sanitation	17,627
Stormwater utility	13,497

Total Depreciation and Amortization Expense –

Business-type Activities \$ 121,860

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 7 – LONG TERM LIABILITIES

GOVERNMENTAL ACTIVITIES

The following is summary of changes in long-term liabilities of the Town for governmental activities for the fiscal year ended September 30, 2013:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Governmental Activities					
Capital lease	\$ 427,130	\$ -	\$ 123,381	\$ 303,749	\$ 124,140
Compensated absences	296,509	21,353	36,546	281,316	28,132
Net OPEB obligation	<u>89,352</u>	<u>44,928</u>	<u>12,499</u>	<u>121,781</u>	<u>--</u>
	<u>\$ 812,991</u>	<u>\$ 66,281</u>	<u>\$ 172,426</u>	<u>\$ 706,846</u>	<u>\$ 152,272</u>

BUSINESS-TYPE ACTIVITIES

The following is summary of changes in long-term liabilities of the Town for business-type activities for the fiscal year ended September 30, 2013:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Business-type Activities					
Revenue bonds series 2011	\$ 11,507,445	\$ --	\$ 522,097	\$ 10,985,348	\$ 546,740
Note payable	160,000	--	80,000	80,000	80,000
State Revolving Loan		7,361,834	105,990	7,255,844	211,983
Compensated absences	73,872	23,063	337	96,598	9,658
Net OPEB obligation	<u>22,981</u>	<u>10,862</u>	<u>429</u>	<u>33,414</u>	<u>--</u>
	<u>\$ 11,764,298</u>	<u>\$ 7,395,759</u>	<u>\$ 708,853</u>	<u>\$ 18,451,204</u>	<u>\$ 848,381</u>

The General Fund is typically used to liquidate the compensated absences and the Net OPEB obligation.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 7 – LONG TERM LIABILITIES (CONTINUED)

UTILITY SYSTEM REVENUE BONDS SERIES 2011

On April 28, 2011, the Town issued a \$16,000,000 Utility System Revenue Bonds, Series 2011 to finance the cost of certain construction projects, including improvements for the existing facilities for the water, sewer, and storm water systems. Principal and interest is to be paid from the pledge of Water/Sewer and Storm Water fund revenues. Principal is paid annually. The Note bears interest of 4.720% payable semi-annually, and it matures on May 1, 2026. Total principal and interest remaining on the bond is \$15,319,887. For the current year, debt service which is comprised of accrued interest and principal payments is \$1,067,829. Pledged revenues were \$3,126,678.

Fiscal Year Ending September 30	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2014	\$ 546,740	\$ 518,508	\$ 1,065,248
2015	572,546	492,702	1,065,248
2016	599,571	465,678	1,065,249
2017	627,870	437,378	1,065,248
2018	657,506	407,743	1,065,249
2019-2023	3,783,395	1,542,847	5,326,242
2024-2026	<u>4,197,720</u>	<u>469,682</u>	<u>4,667,402</u>
	<u>\$ 10,985,348</u>	<u>\$ 4,334,539</u>	<u>\$ 15,319,887</u>

NOTE PAYABLE

On March 24, 2011, the Town signed two non-interest bearing promissory notes for \$120,000 each, proceeds of which were used to acquire property to be used for municipal parking. As of September 30, 2013, the outstanding balance was \$80,000. Payments are due on February 1st of each year. Payments are \$40,000 per year, per note, for a total payment of \$80,000 per year for 3 years to be paid from parking revenues.

STATE REVOLVING LOAN FUND

The Town executed a Clean Water State Revolving Fund Construction Loan Agreement #WW131710 with the State of Florida Department of Environmental Protection on August 24, 2012 in the amount of \$9,310,000 for the construction of Wastewater and Stormwater improvements. The loan bearing an interest rate of 1.87% matures on January 15, 2033. Proceeds in the amount of \$7,361,834 were received during the 2013 fiscal year.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 7 – LONG TERM LIABILITIES (CONTINUED)

STATE REVOLVING LOAN FUND (CONTINUED)

The principal total outstanding at September 30, 2013 is \$7,255,844. The loan is secured by the net water, sewer and stormwater revenues after payment of debt service on the Town's existing series obligations. Total debt service for fiscal year 2013 was \$162,000 and the pledged revenue was \$3,126,698. The loan is payable in semi-annual payments over 20 years beginning on July 15, 2013 and is payable each January 15 and July 15. The final repayment of the loan by the Town will be computed after the final disbursement of loan proceeds from the State based on the actual project costs, the actual loan service fee and capitalized interest, and actual dates and amounts of disbursements by the State.

CAPITAL LEASES

The Town entered into two separate lease agreements, at different dates, totaling approximately \$500,000 for the purpose of financing the acquisition of Police vehicles for the Town. Both lease agreements qualify as capital leases for accounting purposes and, therefore, have been recorded at the present value of its future minimum lease payments as of the inception date.

The first lease agreement was entered in to on September 26, 2011. The lease agreement was for the amount of \$300,000 with an applicable annual interest rate of 1.5848%. The second lease agreement was entered into on March 23, 2012. The lease agreement was for the amount of \$200,000 with an applicable annual interest rate of 1.5640%. Both are payable every six months.

Asset Acquired Under the Capital Lease

Machinery and equipment	\$ 444,176
Accumulated depreciation	<u>(133,250)</u>
	<u>\$ 310,926</u>

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 7 – LONG TERM LIABILITIES (CONTINUED)

CAPITAL LEASES (CONTINUED)

The future minimum lease obligations and the net present value of these minimum lease payments as of September 30, 2013 were as follows:

Fiscal Year Ending September 30,	Amount
2014	\$ 129,425
2015	129,425
2016	<u>52,090</u>
Total minimum lease payments	310,940
Less: interest portion	<u>7,191</u>
Present Value of Future Minimum Lease Payments	<u>\$ 303,749</u>

NOTE 8 – EMPLOYEE RETIREMENT PLAN

The following brief description of the Retirement Plan is provided for general information purposes only. Participants should refer to the Plan documents for more complete information.

PLAN DESCRIPTION

The Retirement Plan is a contributory defined benefit single-employer retirement plan covering substantially all employees of the Town of Surfside. All full-time employees are eligible to participate in the Plan immediately upon employment. The administration of the Plan is under the responsibility of a five-member Board of Trustees, which is subject to the ultimate authority of the Town Commission.

The Retirement Plan was established by a Town ordinance approved by the Commissioners and effective January 1, 1962. The Plan is also subject to certain provisions of Chapter 112, Florida Statutes. The benefit provisions and all other requirements, and amendments are established by Town Ordinance. The benefits provided to the Fraternal Order of Police (FOP) members are subject to collective bargaining.

Financial statements for the Retirement Plan for Employees of the Town are separately issued and are available at the Town Hall location at 9293 Harding Avenue, Surfside, Florida.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 8 – EMPLOYEE RETIREMENT PLAN (CONTINUED)

CONTRIBUTIONS AND FUNDING POLICY

Funding of the Plan is provided by contributions from the Town and the employees. The Town's funding policy provides for annual actuarially determined periodic contributions at rates that, for individual employees, increase gradually over time so that sufficient assets will be available to pay benefits when due. The Town contributions to the Plan totaled \$534,209 for the year ended September 30, 2013. Additionally, the Town made a contribution of \$130,185 for a Police Officer who was reinstated during the year ended December 31, 2013. The Actuarial Report advised the Town its minimum required contribution to the Plan for the year ending September 30, 2015 is \$727,022.

General Employees

Initially employees were required to contribute either 5% of their salary or after October 1, 1979, members as of that date had the irrevocable option to contribute either 5% or 7% of their compensation. Effective July 1, 1996, each member had the irrevocable option to increase his or her contribution rate from 5% to 7% or 8% of compensation.

Police Officers

Certified law enforcement members of the plan contribute eight percent (8%) of earnable compensation to the Plan.

The Town maintains a five-year Deferred Retirement Option (DROP) Program for Police Officers. The eligibility requirement is attainment of normal retirement date. The maximum period of participation in the DROP is five years. A Police Officer's account shall be credited with interest based upon the actual Fund investment return. No payments may be made from the DROP until the employee actually separates from service with the Town.

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting

The Retirement Plan for Employees of the Town of Surfside's financial statements are prepared on the accrual basis of accounting, reflecting income when earned and contributions for the year (regardless of when received) and expenses and other obligations when incurred (regardless of when paid). Benefit payments and refunds of contributions are recorded as they become due, and payable in accordance with the terms of the Plan. Plan member contributions are recognized in the period in which the contributions are due. Employer contributions are recognized when due and payable, and the employer has made a formal commitment to provide the contributions.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 8 – EMPLOYEE RETIREMENT PLAN (CONTINUED)

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Method Used to Value Investments

The Retirement Plan investments are reported at fair value, and are managed by third-party money managers. The Retirement Plan's custodian and individual money manager price each instrument (using various third party pricing sources) and reconcile material differences. Investments that do not have an established market are reported at estimated value. Performance reporting, manager fees, and the retirement's asset valuation are based on the custodian's determination of value.

The net position of the Retirement Fund is the difference between the total plan assets and the total plan liabilities, and are held in trust for pension benefits.

Both realized and unrealized gains/losses are recognized under the Net Appreciation (in the Fair Value of Investments).

Investment and administrative expenses of the Plan may be paid either by the Town or by the Plan. It is the policy of the Town that these expenses are to be paid by the Plan.

ANNUAL PENSION COST AND NET PENSION ASSET

The Town's annual pension cost and net pension asset (NPA) for the current year are as follows:

Annual Required Contribution	\$ 549,888
Interest on Net Pension Asset	(15,554)
Adjustment to ARC	<u>17,561</u>
Annual Pension Cost	551,895
Town Contributions	<u>(534,209)</u>
Decrease in NPA	17,686
Net Pension Asset:	
Beginning of year	<u>(207,392)</u>
End of year	<u>\$ (189,706)</u>

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 8 – EMPLOYEE RETIREMENT PLAN (CONTINUED)

ANNUAL PENSION COST AND NET PENSION ASSET (CONTINUED)

Annual Pension Cost (APC) is a measure of the periodic cost of an employer’s participation in a defined benefit pension plan. The APC for the last three fiscal years follows:

Fiscal Year End	Three-Year Trend Information		
	Annual Pension Cost (APC)	Percentage of APC Contributed	Net Pension Obligation (Asset)
September 30, 2011	\$ 628,266	100%	\$ (217,686)
September 30, 2012	525,734	98%	(207,392)
September 30, 2013	551,891	97%	(189,706)

FUNDED STATUS AND FUNDING PROGRESS

The funded status of the Plan as of October 1, 2013, the date of the most recent actuarial valuation date, is as follows:

Actual Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) - Entry Age (b)	Unfunded AAL (UAAL) (b) - (a)	Funded Ratio (a) / (b)	Annual Covered Payroll (c)	UAAL As % of Covered Payroll (b - a) / c
* October 1, 2013	\$ 14,125,280	\$ 15,732,302	\$ 1,607,022	89.8%	\$ 5,181,920	31.0%
** October 1, 2013	14,125,280	15,767,546	1,642,266	89.6%	5,181,920	31.7%

* Prior to Plan Amendment and update in actuarial assumptions

** After Plan Amendment and update in actuarial assumptions

The schedule of funding progress, presented as required supplementary information (RSI) following the notes to the financial statements, presents multiyear trend information about whether the actuarial value of plan assets are increasing or decreasing over time relative to the AAL for benefits.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 8 – EMPLOYEE RETIREMENT PLAN (CONTINUED)

FUNDED STATUS AND FUNDING PROGRESS (CONTINUED)

Additional information as of the October 1, 2011, Actuarial Valuation Report, which was used to compute the annual required contribution for the year ended September 30, 2013, as well as information as of the latest Actuarial Valuation Report dated October 1, 2012 is as follows:

Actuarial valuation date	October 1, 2011	October 1, 2012
Contribution rates:		
Employer	13.0%	14.0%
Plan members	7.0%	6.8%
Actuarial cost method	Entry age	Entry age
Amortization method	Level dollar amount, closed	Level dollar amount, closed
Remaining amortization	30 years	30 years
Asset valuation method	Five-year smoothed market	Five-year smoothed market
Actuarial assumptions		
Investment rate of return*	7.5%	7.5%
Projected salary increases*	3.0% - 13.5%	3.0% - 13.5%
Cost of living adjustments	1.5%	1.5%
*Includes inflation at	4.0%	4.0%

NOTE 9 – OTHER POST-EMPLOYMENT BENEFITS

The Town follows the standards for *Accounting and Financial Reporting by Employers for Postemployment Benefits Other than Pensions* (OPEB). The standard does not require funding of OPEB expense, but any difference between the annual required contribution (ARC) and the amount funded during the year is required to be recorded in the employer's Statement of Net Position as an increase (or decrease) in the Net OPEB obligation.

PLAN DESCRIPTION

The Town provides an optional single employer defined benefit post-employment healthcare plan to eligible individuals. The plan allows its employees and their beneficiaries, at their own cost, to continue to obtain health and dental insurance benefits upon retirement. The benefits of the plan conform to Florida Statutes, which are the legal authority for the plan. The plan has no assets and does not issue a separate financial report.

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 9 – OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

FUNDING POLICY AND ANNUAL OPEB COST

The Town does not directly make a contribution to the plan on behalf of retirees. Retirees and their beneficiaries pay the same group rates as are charged to the Town for active employees by its healthcare provider. However, the Town's actuaries, in their actuarial valuation, calculate an offset to the cost of these benefits as an Employer Contribution, based upon an implicit rate subsidy. This offset equals the total age-adjusted costs paid by the Town or its active employees for coverage of the retirees and their dependents for the year net of the retiree's own payments for the year.

The annual other post employment benefit (OPEB) cost is calculated based on the annual required contribution of the employer, an amount actuarially determined. The annual required contribution represents a level of funding that, if paid on an ongoing basis, is projected to cover normal cost each year and to amortize any unfunded actuarial liabilities over a period not to exceed thirty years.

The annual OPEB cost for the Town for the current year and the related information is as follows:

	<u>Pay-as-you-go</u>
Required contribution rates:	
Employer	N/A
Plan members	
Annual required contribution	\$ 56,187
Interest on normal cost	4,423
Adjustment to the annual required contribution	<u>(12,801)</u>
Annual OPEB cost	47,809
Estimated employer contribution	<u>(4,947)</u>
Increase in net OPEB obligation	42,862
Net OPEB obligation - Beginning of Year	<u>112,333</u>
Net OPEB Obligation - End of Year	<u>\$ 155,195</u>

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 9 – OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

THREE YEAR TREND INFORMATION

The annual OPEB cost, the percentage of annual OPEB cost contributed to the plan and the net OPEB obligation is as follows:

	2013	2012	2011
Annual OPEB cost	\$ 47,809	\$ 51,252	\$ 48,494
Percentage of OPEB cost contributed	10.3%	25.2%	18.8%
Net OPEB obligation	155,195	112,333	73,983

FUNDED STATUS AND FUNDING PROGRESS

The funded status of the plan as of October 1, 2012, the latest actuarial valuation, was as follows:

Actuarial Value of Assets (a)	Actuarial Liability (AAL) - (b)	Unfunded AAL (UAAL) (b) - (a)	Funded Ratio (a) / (b)	Covered Payroll (c)	UAAL as a % of Covered Payroll ((b - a) / c)
\$ --	\$ 271,313	\$ 271,313	0.0%	\$ 4,359,957	6.2%

The actuarial valuation for the calculation of OPEB involves estimates of the value of reported amounts and assumptions about the probability of events in the future. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared to past expectations and new estimates are made about the future. The required schedule of funding progress presented as required supplementary information is designed to provide multi-year trend information to show whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability for benefits. However, the Town has not contributed assets to the plan at this time.

ACTUARIAL METHODS AND ASSUMPTIONS

Projections of benefits are based on the substantive plan (the plan as understood by the employer and plan members) and include the types of benefits in force at the valuation date and the pattern of sharing benefit costs between the Town and the plan members to that point. Actuarial calculations reflect a long-term perspective and employ methods and assumptions that are designed to reduce short-term volatility in actuarial accrued liabilities and the actuarial value of assets. Significant methods and assumptions were as follows:

TOWN OF SURFSIDE, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 9 – OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

ACTUARIAL METHODS AND ASSUMPTIONS (CONTINUED)

Actuarial valuation date	10/1/2012
Actuarial cost method	Entry Age
Amortization method	Level percent, open
Remaining amortization	30 years
Asset valuation method	Unfunded
Actuarial assumptions:	
Investment rate of return*	4.0%
Projected salary increases*	4.0% - 13.5%
Payroll growth assumptions	3.0%
Initial trend rate	9.0%
Ultimate trend rate	4.5%
* Includes inflation at	4.0%

NOTE 10 – COMMITMENTS AND CONTINGENCIES

RISK MANAGEMENT

The Town is exposed to various risks and losses related to torts, theft of or damage to and destruction of assets, errors and omissions, injuries to employees, and natural disasters. The Town participates with other municipalities and governmental units in a public entity risk pool administered by the Florida League of Cities Public Risk Services known as the Florida Municipal Insurance Trust (FMIT). The Town pays annual premiums to the FMIT for its general liability insurance, commercial real and personal property, including electronic data processing equipment, automobile, liability, and physical damage insurance coverage.

The Town also participates in the Florida League of Cities public risk pool known as the Florida Municipal Self Insurers Fund (FMSIF) to which it pays annual premiums for its workers compensation insurance. The agreement with these public risk pools provides that the pools will be self-sustaining through member premiums and will reinsure through commercial companies for workers' compensation and liability insurance for claims in excess of \$1,000,000. All policies are issued by FMIT and FMSIF on a non-assessable basis.

TOWN OF SURFSIDE, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 10 – COMMITMENTS AND CONTINGENCIES (CONTINUED)

RISK MANAGEMENT (CONTINUED)

The Town maintains commercial insurance for corporate fiduciary liability, flood, and windstorm coverage. There were no reductions, only increases in insurance coverage from the prior year and there were no settlements that exceeded insurance coverage for each of the past three years.

LITIGATION

The Town is a defendant in various lawsuits incidental to its operations. It is the opinion of Town Management and Town Legal Counsel, that the ultimate resolution of these matters will not have a material adverse effect on the financial position and results of operations of the Town.

CONSTRUCTION COMMITMENTS

During the fiscal year 2012, the Town entered into agreements for water/sewer and stormwater improvements for approximately \$15.6 million. As of September 30, 2013, the remaining obligation was approximately \$304,000.

**REQUIRED SUPPLEMENTARY
INFORMATION
(OTHER THAN MANAGEMENT'S DISCUSSION AND
ANALYSIS)**

TOWN OF SURFSIDE, FLORIDA

**REQUIRED SUPPLEMENTARY INFORMATION
BUDGETARY COMPARISON SCHEDULE
GENERAL FUND**

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

	Budgeted Amounts		Actual Amounts	Variance with Final Budget - Positive (Negative)
	Original	Final		
Revenues				
Property taxes	\$ 5,348,249	\$ 5,348,249	\$ 5,257,726	\$ (90,523)
Resort taxes	378,500	383,277	343,733	(39,544)
Utility taxes	459,000	459,000	503,592	44,592
Communications services tax	345,903	345,903	298,019	(47,884)
Franchise taxes	436,000	436,000	394,613	(41,387)
Licenses and permits	1,439,650	1,447,465	1,395,993	(51,472)
Intergovernmental	627,119	627,119	638,944	11,825
Charges for services	197,705	197,705	224,177	26,472
Fines and forfeitures	546,091	546,091	645,803	99,712
Interest earnings	10,000	10,000	23,833	13,833
Miscellaneous	85,451	110,451	230,219	119,768
Total Revenues	9,873,668	9,911,260	9,956,652	45,392
Expenditures				
Current:				
General government:				
Legislative	64,900	73,622	66,473	7,149
Legal services	538,609	626,002	553,639	72,363
Executive, finance and administration	2,652,128	2,781,062	2,496,556	284,506
Total general government	3,255,637	3,480,686	3,116,668	364,018
Public safety	4,263,390	4,666,516	4,586,664	79,852
Public works	881,849	1,037,247	925,189	112,058
Leisure services	1,659,352	1,788,145	1,581,992	206,153
Capital outlay	15,000	191,539	60,031	131,508
Total Expenditures	10,075,228	11,164,133	10,270,544	893,589
Excess (Deficiency) of Revenues over Expenditures	(201,560)	(1,252,873)	(313,892)	938,981
Other Financing Sources (Uses)				
Capital lease transaction	-	100,000	-	100,000
Transfers in	351,560	351,560	351,560	--
Transfers out	(150,000)	(34,152)	--	(34,152)
Total Other Financing Sources (Uses)	201,560	417,408	351,560	65,848
Net Change in Fund Balances	\$ --	\$ (835,465)	\$ 37,668	
Appropriated Beginning Fund Balance	\$ --	\$ 835,465		

See notes to budgetary comparison schedule.

TOWN OF SURFSIDE, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
NOTE TO BUDGETARY COMPARISON SCHEDULE
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – BUDGETS AND BUDGETARY ACCOUNTING

The Town follows these procedures to establish the budgetary data reflected in the financial statements:

Annual appropriated budgets for the governmental (except for the capital projects fund) and proprietary funds are adopted on a basis consistent with accounting principles generally accepted in the United States.

1. Prior to August 1, the Town Manager submits to the Town Commission a proposed operating budget for the fiscal year commencing the following October 1. The budget includes proposed expenditures and the means of financing them.
2. The Town Commission holds a public workshop on the proposed budget. Formal public hearings are conducted in September to obtain taxpayers' comments.
3. Prior to October 1, the budget is legally adopted by resolution.

Budgets are monitored at the department level. Budgetary control over expenditures, including capital outlay and transfers, is maintained at the fund level whereby management cannot transfer or over expend appropriations at the individual fund level. Beginning fund balances, available for financing current appropriations, are considered in the budgetary process but have not been included in the financial statements of the governmental fund types as budgeted revenues.

The Town Manager is authorized to transfer part or all of an encumbered appropriation balance within a particular department or fund; however, any revisions that alter the total appropriations of any fund must be approved by the Town Commission.

If during the course of the fiscal year, it becomes evident that a particular fund is unable to provide the required level of services to the Town because of higher costs of providing services, or unforeseen circumstances, the budget may be amended. The Town Manager submits to the Town Commission a request to amend the budget. The request contains explanations, and includes a proposal for financing if additional appropriations are requested. The amendment requires the Town Commission approval and adoption. All necessary supplemental appropriations are adopted by the Town Commission as part of the budget review process and are included in the "Final Budget" columns on the schedule of revenues, expenditures and changes in fund balance – budget and actual. There was \$1,088,905 of supplemental appropriations in the General Fund.

Budgets in governmental funds are encumbered upon issuance of purchase orders, contracts or other forms of legal commitments. While appropriations lapse at the end of each year, the succeeding year's budget ordinance specifically provides for the reappropriation of year end encumbrances.

TOWN OF SURFSIDE, FLORIDA

RETIREMENT PLAN FOR EMPLOYEES

REQUIRED SUPPLEMENTARY INFORMATION

SCHEDULE OF FUNDING PROGRESS

Actual Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) - Entry Age (b)	Unfunded AAL (UAAL) (b) - (a)	Funded Ratio (a) / (b)	Annual Covered Payroll (c)	UAAL As % of Covered Payroll (b - a) / c
10/1/08	\$ 11,701,487	\$ 10,971,286	\$ (730,201)	106.7%	\$ 4,568,544	(16.0)%
10/1/09	11,697,998	11,662,297	(35,701)	100.3%	4,059,522	(0.9)%
10/1/10	12,304,770	12,414,859	110,089	99.1%	4,016,852	2.7%
10/1/11	12,487,404	13,272,023	784,619	94.1%	4,053,208	19.4%
10/1/12	* 12,768,869	14,165,870	1,397,001	90.1%	4,359,957	32.0%
10/1/12	** 12,768,869	14,671,617	1,902,748	87.0%	4,359,957	43.6%
10/1/13	* 14,125,280	15,732,302	1,607,022	89.8%	5,181,920	31.0%
10/1/13	** 14,125,280	15,767,546	1,642,266	89.6%	5,181,920	31.7%

* Prior to Plan Amendment and update in actuarial assumptions

** After Plan Amendment and update in actuarial assumptions

TOWN OF SURFSIDE, FLORIDA

RETIREMENT PLAN FOR EMPLOYEES

REQUIRED SUPPLEMENTARY INFORMATION

SCHEDULE OF EMPLOYER CONTRIBUTIONS

Fiscal Year Ended September 30,	Annual Required Contribution (ARC)	Percentage Contributed
2008	\$ 384,905	100%
2009	423,747	100%
2010	553,919	100%
2011	625,963	100%
2012	515,440	100%
2013	539,209	100%

TOWN OF SURFSIDE, FLORIDA

REQUIRED SUPPLEMENTARY INFORMATION

**SCHEDULE OF FUNDING PROGRESS*
POST EMPLOYMENT BENEFITS**

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (UAAL) (b) - (a)	Funded Ratio (a) ÷ (b)	Covered Payroll (c)	UAAL as a % of Covered Payroll ((b - a) ÷ c)
October 1, 2009	\$ --	\$ 315,926	\$ 315,926	0.0%	\$ 4,364,293	7.2%
October 1, 2012	--	271,313	271,313	0.0%	4,359,957	6.2%

*GASB Statement No. 45, Other Post Employment Benefits (OPEB), was implemented for the fiscal year ended September 30, 2010.

**COMBINING AND INDIVIDUAL FUND
STATEMENTS AND SCHEDULES**

NONMAJOR GOVERNMENTAL FUNDS

SPECIAL REVENUE FUNDS

Special revenue funds are used to account for specific revenues that are legally restricted to expenditures for particular purposes.

Tourism Fund – This fund is used to account for the 34 percent portion of the resort tax collections, which are restricted to promote tourism related activities of the Town which are restricted to approved functions and activities.

Transportation Surtax Fund – This fund is used to account for the restricted proceeds of the Town's allocable share of the Miami-Dade County Transit System Surtax. The expenditures from this fund are restricted to specific purposes.

Police Forfeiture Fund – This fund is used to account for the restricted proceeds of police forfeitures and confiscations, and expenditures, which are restricted to approved functions and activities.

TOWN OF SURFSIDE, FLORIDA

**COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS**

SEPTEMBER 30, 2013

	Special Revenue Funds			Total Nonmajor Governmental Funds
	Tourism	Transportation Surtax	Police Forfeiture	
Assets				
Cash and cash equivalents	\$ 94,619	\$ 521,363	\$ 231,883	\$ 847,865
Investments	--	--	3,802	3,802
Receivables	7,746	45,302	--	53,048
Total Assets	\$ 102,365	\$ 566,665	\$ 235,685	\$ 904,715
 Liabilities, Deferred Inflows of Resources and Fund Balances				
Liabilities				
Accounts payable	\$ 4,550	\$ 7,530	\$ 3,637	\$ 15,717
Accrued liabilities	1,918	--	--	1,918
Due to other funds	--	427,660	93,905	521,565
Total Liabilities	6,468	435,190	97,542	539,200
 Deferred Inflows of Resources				
Unavailable revenue	1,400	--	--	1,400
 Fund Balances				
Restricted for:				
Tourism	94,497	--	--	94,497
Transportation surtax	--	131,475	--	131,475
Police forfeiture	--	--	138,143	138,143
Total Fund Balances	94,497	131,475	138,143	364,115
 Total Liabilities, Deferred Inflows of Resources and Fund Balances	\$ 102,365	\$ 566,665	\$ 235,685	\$ 904,715

TOWN OF SURFSIDE, FLORIDA

**COMBINING STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES**

NONMAJOR GOVERNMENTAL FUNDS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

	Special Revenue Funds			Total Nonmajor Governmental Funds
	Tourism	Transportation Surtax	Police Forfeiture	
Revenues				
Resort taxes	\$ 180,266	\$ --	\$ --	\$ 180,266
Intergovernmental	--	205,947	--	205,947
Forfeitures	--	--	65,641	65,641
Interest	--	--	831	831
Miscellaneous	14,015	--	--	14,015
Total Revenues	<u>194,281</u>	<u>205,947</u>	<u>66,472</u>	<u>466,700</u>
Expenditures				
General government	271,280	--	--	271,280
Public safety	--	--	50,601	50,601
Transportation	--	123,254	--	123,254
Capital outlay	--	64,238	--	64,238
Total Expenditures	<u>271,280</u>	<u>187,492</u>	<u>50,601</u>	<u>509,373</u>
Excess (Deficiency) of Revenues Over Expenditures	(76,999)	18,455	15,871	(42,673)
Other Financing Uses				
Transfers out	--	(9,282)	--	(9,282)
Net Change in Fund Balances	(76,999)	9,173	15,871	(51,955)
Fund Balances - Beginning	<u>171,496</u>	<u>122,302</u>	<u>122,272</u>	<u>416,070</u>
Fund Balances - Ending	<u>\$ 94,497</u>	<u>\$ 131,475</u>	<u>\$ 138,143</u>	<u>\$ 364,115</u>

TOWN OF SURFSIDE, FLORIDA

**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES -
BUDGET AND ACTUAL
TOURISM FUND**

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

	<u>Budgeted Amounts</u>		Actual Amounts	Variance with Final Budget - Positive (Negative)
	Original	Final		
Revenues				
Resort taxes	\$ 175,092	\$ 175,092	\$ 180,266	\$ 5,174
Miscellaneous	<u>28,530</u>	<u>28,530</u>	<u>14,015</u>	<u>(14,515)</u>
Total Revenues	<u>203,622</u>	<u>203,622</u>	<u>194,281</u>	<u>(9,341)</u>
Expenditures				
Current:				
General government	<u>230,811</u>	<u>304,661</u>	<u>271,280</u>	<u>33,381</u>
Total Expenditures	<u>230,811</u>	<u>304,661</u>	<u>271,280</u>	<u>33,381</u>
Net Change in Fund Balance	<u>\$ (27,189)</u>	<u>\$ (101,039)</u>	<u>\$ (76,999)</u>	<u>\$ 24,040</u>
Appropriated Beginning Fund Balance	<u>\$ 27,189</u>	<u>\$ 101,039</u>		

TOWN OF SURFSIDE, FLORIDA

**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES -
BUDGET AND ACTUAL
TRANSPORTATION SURTAX FUND**

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

	Budgeted Amounts		Actual Amounts	Variance with Final Budget - Positive (Negative)
	Original	Final		
Revenues				
Intergovernmental	\$ 185,650	\$ 185,650	\$ 205,947	\$ 20,297
Interest	180	180	--	(180)
Total Revenues	<u>185,830</u>	<u>185,830</u>	<u>205,947</u>	<u>20,117</u>
Expenditures				
Current:				
General government	176,548	165,080	123,254	41,826
Capital outlay	--	113,500	64,238	49,262
Total Expenditures	<u>176,548</u>	<u>278,580</u>	<u>187,492</u>	<u>91,088</u>
Excess of Revenues over Expenditures	<u>9,282</u>	<u>(92,750)</u>	<u>18,455</u>	<u>(111,205)</u>
Other Financing Uses				
Transfers out	(9,282)	(9,282)	(9,282)	--
Net Changes in Fund Balance	<u>\$ --</u>	<u>\$ (102,032)</u>	<u>\$ 9,173</u>	<u>\$ (111,205)</u>
Appropriated Beginning Fund Balance	<u>\$ --</u>	<u>\$ 102,032</u>		

TOWN OF SURFSIDE, FLORIDA

**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES -
BUDGET AND ACTUAL
POLICE FORFEITURE FUND**

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

	<u>Budgeted Amounts</u>		Actual Amounts	Variance with Final Budget - Positive (Negative)
	Original	Final		
Revenues				
Forfeitures	\$ 94,031	\$ 94,031	\$ 65,641	\$ (28,390)
Interest earnings	<u>100</u>	<u>100</u>	<u>831</u>	<u>731</u>
Total Revenues	<u>94,131</u>	<u>94,131</u>	<u>66,472</u>	<u>(27,659)</u>
Expenditures				
Current:				
Public safety	<u>162,490</u>	<u>162,490</u>	<u>50,601</u>	<u>111,889</u>
Total Expenditures	<u>162,490</u>	<u>162,490</u>	<u>50,601</u>	<u>111,889</u>
Net Change in Fund Balance	<u>\$ (68,359)</u>	<u>\$ (68,359)</u>	<u>\$ 15,871</u>	<u>\$ 84,230</u>
Appropriated Beginning Fund Balance	<u>\$ 68,359</u>	<u>\$ 68,359</u>		

STATISTICAL SECTION



Town of Surfside, Florida
Introduction to Statistical Section
(Unaudited)

This part of the 's Town of Surfside, Florida' comprehensive annual financial report presents detailed information as a context for understanding this year's financial statements, note disclosures, and supplementary information. This information is unaudited.

Contents

Exhibits

Financial Trends

These tables contain trend information that may assist the reader in assessing the Town's current financial performance by placing it in historical perspective.

I - XII

Revenue Capacity

These tables contain information that may assist the reader in assessing the viability of the Town's most significant "own-source" revenue source, property taxes.

XIII-XVII

Debt Capacity

These tables present information that may assist the reader in analyzing the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future. However, the Town does not have any outstanding general obligation bonded debt.

Demographic and Economic Information

These tables present demographic and economic information intended (1) to assist users in understanding the socioeconomic environment within which the Town operates and (2) to provide information that facilitates comparisons of financial statement information over time and among towns.

XIX-XXI

Operating Information

These tables contain service and infrastructure indicators that can inform one's understanding how the information in the Town's financial statements relates to the services the Town provides and the activities it performs.

XXII-XXIII

Data Source:

Unless otherwise noted, the information in these tables is derived from the comprehensive annual financial report for the applicable year. The Town implemented GASB Statement No. 34 in fiscal year 2004, therefore exhibits presenting government-wide financial data include only nine years of information.

Town of Surfside, Florida
Changes in Net Position - Governmental Activities (Unaudited)
Last Ten Fiscal Years¹
(accrual basis of accounting)

	For the Fiscal Year Ended September 30,									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Expenses:										
General government	\$ 2,423,644	\$ 2,464,164	\$ 4,016,141	\$ 3,586,294	\$ 3,933,155	\$ 2,844,246	\$ 2,404,067	\$ 2,791,917	\$ 3,117,750	\$ 3,555,197
Public safety	2,388,141	2,664,931	3,029,368	3,599,072	3,703,961	4,094,093	3,786,485	4,099,678	4,418,680	4,404,897
Physical environment	736,607	909,393	1,161,599	959,705	848,334	961,381	803,147	829,383	980,590	1,034,890
Culture and recreation	992,699	1,247,493	1,460,284	1,238,174	1,748,556	1,558,000	1,086,071	1,139,460	1,691,572	1,767,787
Tourism development	147,451	131,335	146,885	89,635	-	-	-	-	-	-
Transportation	28,845	37,034	53,941	-	173,759	114,121	105,682	124,500	138,815	168,417
Interest	-	-	-	-	-	-	-	-	4,754	6,045
Total Expenses	6,717,387	7,454,350	9,868,218	9,472,880	10,407,765	9,571,841	8,185,452	8,984,938	10,352,161	10,937,233
Program Revenues:										
Charges for services:										
General government	869,361	370,259	257,767	340,597	169,749	198,504	374,556	459,549	1,274,946	1,395,993
Public safety	130,614	180,367	150,781	205,692	287,324	199,614	-	479,795	626,372	645,803
Leisure services	307,693	359,731	391,914	162,549	125,120	123,327	144,757	166,570	387,170	404,443
Tourism development	1,277	-	-	-	-	-	-	-	-	-
Transportation	-	-	-	-	-	-	-	516	-	-
Operating grants and contributions	10,625	-	350,165	316,547	325,309	269,317	382,635	401,300	245,305	271,588
Capital grants and contributions	-	-	-	-	-	-	-	1,275	-	350,000
Total Program Revenues	1,319,570	910,357	1,150,627	1,025,385	907,502	790,762	901,948	1,509,005	2,533,793	3,067,827
Net (Expense) Revenue	(5,397,817)	(6,543,993)	(8,717,591)	(8,447,495)	(9,500,263)	(8,781,079)	(7,283,504)	(7,475,933)	(7,818,368)	(7,869,406)
General Revenues:										
Taxes:										
Property taxes	3,952,662	4,735,259	5,846,079	7,377,056	6,292,755	6,325,721	5,323,728	5,619,494	5,264,387	5,257,726
Resort taxes	534,731	505,346	546,264	477,563	424,279	366,867	390,873	435,175	344,063	343,733
Franchise fees based on gross receipts	401,532	385,984	470,541	453,901	463,823	416,728	414,835	416,277	399,621	394,613
Utility taxes	698,599	717,418	446,933	457,905	438,335	66,825	120,307	470,350	471,994	503,592
Communications services tax	-	-	281,143	272,870	337,348	385,486	343,440	353,667	325,102	298,019
Unrestricted intergovernmental revenues	685,798	590,402	662,034	584,219	519,837	862,137	905,255	657,120	639,582	638,944
Unrestricted investment earnings (losses)	127,922	263,603	563,494	639,616	194,695	(36,049)	98,208	37,368	62,782	30,399
Miscellaneous	227,295	58,743	544,216	57,941	49,503	81,280	56,481	138,283	205,832	241,930
Total General Revenues	6,628,539	7,256,755	9,360,704	10,321,071	8,720,575	8,468,995	7,653,127	8,127,734	7,713,363	7,708,956
Net Transfers In (Out)	(55,000)	(258,833)	(284,134)	-	(110,940)	121,893	208,502	212,172	26,329	402,278
Total General Revenues	6,573,539	6,997,922	9,076,570	10,321,071	8,609,635	8,590,888	7,861,629	8,339,906	7,739,692	8,111,234
Net Transfers	\$ 1,175,722	\$ 453,929	\$ 358,979	\$ 1,873,576	\$ (890,628)	\$ (190,191)	\$ 578,125	\$ 863,973	\$ (78,676)	\$ 241,828

Data Source:

Applicable years' comprehensive annual financial report.

Note: Terminology for all years presented has been updated with the implementation of GASB Statement No. 63.

Town of Surfside, Florida
Changes in Net Position- Governmental Activities - Percentage of Total (Unaudited)
Last Ten Fiscal Years ¹
(accrual basis of accounting)

	For the Fiscal Year Ended September 30,									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Expenses:										
General government	36.1%	33.1%	40.7%	37.9%	37.8%	29.7%	29.4%	31.1%	30.1%	32.5%
Public safety	35.6%	35.8%	30.7%	38.0%	35.6%	42.8%	46.3%	45.6%	42.7%	40.3%
Physical environment	11.0%	12.2%	11.8%	10.1%	8.2%	10.0%	9.8%	9.2%	9.5%	9.5%
Culture and recreation	14.8%	16.7%	14.8%	13.1%	16.8%	16.3%	13.3%	12.7%	16.3%	16.2%
Tourism development	2.2%	1.8%	1.5%	0.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Transportation	0.3%	0.5%	0.5%	0.0%	1.7%	1.2%	1.3%	1.4%	1.4%	1.5%
Total Expenses	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Program Revenues:										
Charges for services:										
General government	65.9%	40.7%	22.4%	33.2%	18.7%	25.1%	41.5%	30.5%	50.3%	45.5%
Public safety	9.9%	19.8%	13.1%	20.1%	31.7%	25.2%	0.0%	31.8%	24.7%	21.1%
Leisure services	23.3%	39.5%	34.1%	15.9%	13.8%	15.6%	16.0%	11.0%	15.3%	13.2%
Tourism development	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Operating grants and contributions	0.8%	0.0%	30.4%	30.9%	35.8%	34.1%	42.5%	26.7%	9.7%	8.9%
Capital grants and contributions	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	11.4%
Total Program Revenues	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
General Revenues:										
Taxes:										
Property taxes	59.6%	65.3%	62.5%	71.5%	72.2%	74.7%	69.6%	69.1%	68.3%	68.2%
Resort taxes	8.1%	7.0%	5.8%	4.6%	4.9%	4.3%	5.1%	5.4%	4.5%	4.5%
Franchise fees based on gross receipts	6.1%	5.3%	5.0%	4.4%	5.3%	4.9%	5.4%	5.1%	5.2%	5.1%
Utility taxes	10.5%	9.9%	4.8%	4.4%	5.0%	0.8%	1.6%	5.8%	6.1%	6.5%
Communications services tax	0.0%	0.0%	3.0%	2.6%	3.9%	4.6%	4.5%	4.4%	4.2%	3.9%
Unrestricted intergovernmental revenues	10.3%	8.1%	7.1%	5.7%	6.0%	10.2%	11.8%	8.1%	8.3%	8.3%
Unrestricted investment earnings (losses)	1.9%	3.6%	6.0%	6.2%	2.2%	-0.4%	1.3%	0.5%	0.8%	0.4%
Miscellaneous	3.5%	0.8%	5.8%	0.6%	0.5%	0.9%	0.7%	1.6%	2.6%	3.1%
Total General Revenues	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Data Source:
 Applicable years' comprehensive annual financial report.

Town of Surfside, Florida
Changes in Net Position - Business-type Activities
Last Ten Fiscal Years¹
(accrual basis of accounting)

	For the Fiscal Year Ended September 30,									
Source	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Expenses:										
Water and sewer	\$ 1,379,880	\$ 1,178,986	\$ 1,360,734	\$ 1,428,258	\$ 1,788,324	\$ 1,669,477	\$ 1,990,702	\$ 1,818,762	\$ 1,730,300	\$ 1,837,645
Municipal parking	134,292	143,472	107,555	176,715	188,086	174,680	222,108	368,497	622,208	888,502
Sanitation	875,509	920,923	1,412,283	1,172,075	1,139,619	1,018,579	949,505	1,022,897	1,073,281	1,131,680
Stormwater utility	57,044	62,268	82,940	100,970	115,723	128,910	114,086	122,207	130,323	144,999
Total Expenses	2,446,725	2,305,649	2,963,512	2,878,018	3,231,752	2,991,646	3,276,401	3,332,363	3,556,112	4,002,826
Program Revenues:										
Charges for services:										
Water and sewer	1,569,718	1,555,453	1,521,173	1,512,757	1,352,247	1,966,915	2,518,218	2,876,010	2,785,348	2,632,046
Municipal parking	336,475	335,327	282,430	288,959	296,600	394,975	404,293	679,970	893,026	1,056,467
Sanitation	785,509	750,510	806,053	798,028	782,024	1,251,695	1,244,547	1,231,887	1,219,689	1,238,942
Stormwater utility	115,504	115,407	115,324	114,134	114,219	243,775	247,002	501,655	502,972	499,705
Operating grants and contributions	-	12,952	333,674	-	-	-	-	-	-	-
Capital grants and contributions	-	-	-	761	12,500	-	-	567,710	276,844	1,086,000
Total Program Revenues	2,807,206	2,769,649	3,058,654	2,714,639	2,557,590	3,857,360	4,414,060	5,857,232	5,677,879	6,513,160
Net (Expense) Revenue	360,481	464,000	95,142	(163,379)	(674,162)	865,714	1,137,659	2,524,869	2,121,767	2,510,334
General Revenues:										
Investment earnings	30,820	82,036	151,372	201,052	101,307	2,569	15,622	15,130	14,790	(13,811)
Capital contributions	-	-	-	-	-	-	108,947	-	-	-
Net Transfers	55,000	258,833	285,656	-	110,940	(121,893)	(208,502)	(212,172)	(26,329)	(402,278)
Total General Revenues	85,820	340,869	437,028	201,052	212,247	(119,324)	(83,933)	(197,042)	(11,539)	(416,089)
Change in Net Position	\$ 446,301	\$ 804,869	\$ 532,170	\$ 37,673	\$ (461,915)	\$ 746,390	\$ 1,053,726	\$ 2,327,827	\$ 2,110,228	\$ 2,094,245

Data Source:

Applicable years' comprehensive annual financial report.

Note: Terminology for all years presented has been updated with the implementation of GASB Statement No. 63.

Town of Surfside, Florida
Changes in Total Net Position
*Last Ten Fiscal Years*³
(accrual basis of accounting)

	For the Fiscal Year Ended September 30,									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Expenses:										
Governmental activities ¹	\$ 6,717,387	\$ 7,454,350	\$ 9,868,218	\$ 9,472,880	\$ 10,407,765	\$ 9,571,841	\$ 8,185,452	\$ 8,984,938	\$ 10,352,161	\$ 10,937,233
Business-type activities ²	2,446,725	2,305,649	2,963,512	2,878,018	3,231,752	2,991,646	3,276,401	3,332,363	3,556,112	4,002,826
Total Expenses	9,164,112	9,759,999	12,831,730	12,350,898	13,639,517	12,563,487	11,461,853	12,317,301	13,908,273	14,940,059
Program Revenues:										
Governmental activities ¹	1,319,570	910,357	1,150,627	1,025,385	907,502	790,762	901,948	1,509,005	2,533,793	3,067,827
Business-type activities ²	2,807,206	2,769,649	3,058,654	2,714,639	2,557,590	3,857,360	4,414,060	5,857,232	5,677,879	6,513,160
Total Program Revenues	4,126,776	3,680,006	4,209,281	3,740,024	3,465,092	4,648,122	5,316,008	7,366,237	8,211,672	9,580,987
Net (Expense) Revenue	(5,037,336)	(6,079,993)	(8,622,449)	(8,610,874)	(10,174,425)	(7,915,365)	(6,145,845)	(4,951,064)	(5,696,601)	(5,359,072)
General Revenues and Transfers:										
Governmental activities ¹	6,573,539	6,997,922	9,076,570	10,321,071	8,609,635	8,590,888	7,861,629	8,339,906	7,739,692	8,111,234
Business-type activities ²	85,820	340,869	437,028	201,052	212,247	(119,324)	(83,933)	(197,042)	(11,539)	(416,089)
Total General Revenues	6,659,359	7,338,791	9,513,598	10,522,123	8,821,882	8,471,564	7,777,696	8,142,864	7,728,153	7,695,145
Change in Net Position	\$ 1,622,023	\$ 1,258,798	\$ 891,149	\$ 1,911,249	\$ (1,352,543)	\$ 556,199	\$ 1,631,851	\$ 3,191,800	\$ 2,031,552	\$ 2,336,073

Notes:

¹ See Exhibit I

² See Exhibit III

Note: Terminology for all years presented has been updated with the implementation of GASB Statement No. 6:

Town of Surfside, Florida
Government-wide Net Position by Category 1
Last Ten Fiscal Years
(accrual basis of accounting)

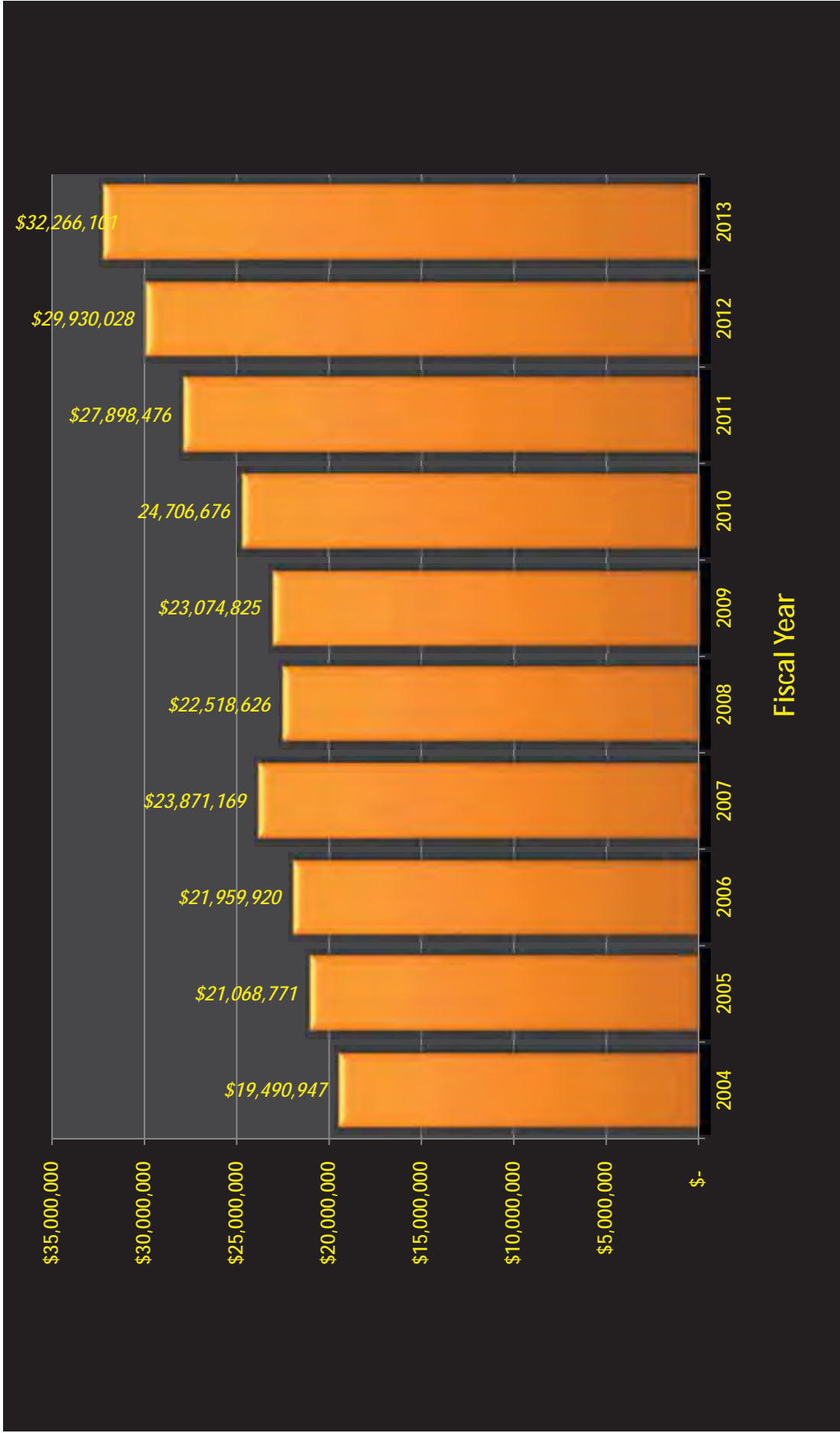
	September 30,									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Governmental Activities										
Net investment in capital assets	\$ 6,469,295	\$ 6,583,160	\$ 8,204,180	\$ 8,014,197	\$ 9,102,085	\$ 9,205,412	\$ 9,596,672	\$ 14,039,238	\$ 13,528,097	\$ 13,562,457
Restricted	3,327,718	3,538,145	822,422	788,412	819,427	724,122	667,360	542,516	416,070	364,115
Unrestricted	5,945,532	6,394,195	7,847,877	9,945,446	7,935,915	7,737,702	7,981,329	4,527,580	5,086,491	5,345,914
Subtotal Governmental Activities Net Position	15,742,545	16,515,500	16,874,479	18,748,055	17,857,427	17,667,236	18,245,361	19,109,334	19,030,658	19,272,486
Business-type Activities										
Net investment in capital assets	771,812	778,258	921,947	740,133	963,195	1,278,825	2,037,308	4,102,675	11,239,664	12,832,672
Restricted	340,824	342,346	343,868	343,868	1,689,815	1,358,811	1,822,858	1,822,858	1,283,916	1,607,916
Unrestricted	2,635,766	3,432,667	3,819,626	4,039,113	2,008,189	2,769,953	2,601,149	2,863,609	(1,624,210)	(1,446,973)
Subtotal Business-type Activities Net Position	3,748,402	4,553,271	5,085,441	5,123,114	4,661,199	5,407,589	6,461,315	8,789,142	10,899,370	12,993,615
Primary Government										
Net investment in capital assets	7,241,107	7,361,418	9,126,127	8,754,330	10,065,280	10,484,237	11,633,980	18,141,913	24,767,761	26,395,129
Restricted	3,668,542	3,880,491	1,166,290	1,132,280	2,509,242	2,082,933	2,490,218	2,365,374	1,699,986	1,972,031
Unrestricted	8,581,298	9,826,862	11,667,503	13,984,559	9,944,104	10,507,655	10,582,478	7,391,189	3,462,281	3,898,941
Total Primary Government Net Position	\$ 19,490,947	\$ 21,068,771	\$ 21,959,920	\$ 23,871,169	\$ 22,518,626	\$ 23,074,825	\$ 24,706,676	\$ 27,898,476	\$ 29,930,028	\$ 32,266,101

Notes:

¹ Accounting standards require that net position be reported in three components in the financial statements: net investment in capital assets; restricted; and unrestricted. Net position is considered restricted only when (1) an external party, such as the State of Florida or the federal government, places a restriction on how the resources may be used, or (2) enabling legislation is enacted by the Town. There are no restrictions currently reported as a result of enabling legislation.

Note: Terminology for all years presented has been updated with the implementation of GASB Statement No. 63.

Town of Surfside, Florida
Chart-Total Government-wide Net Position
Last Ten Fiscal Years
(accrual basis of accounting)



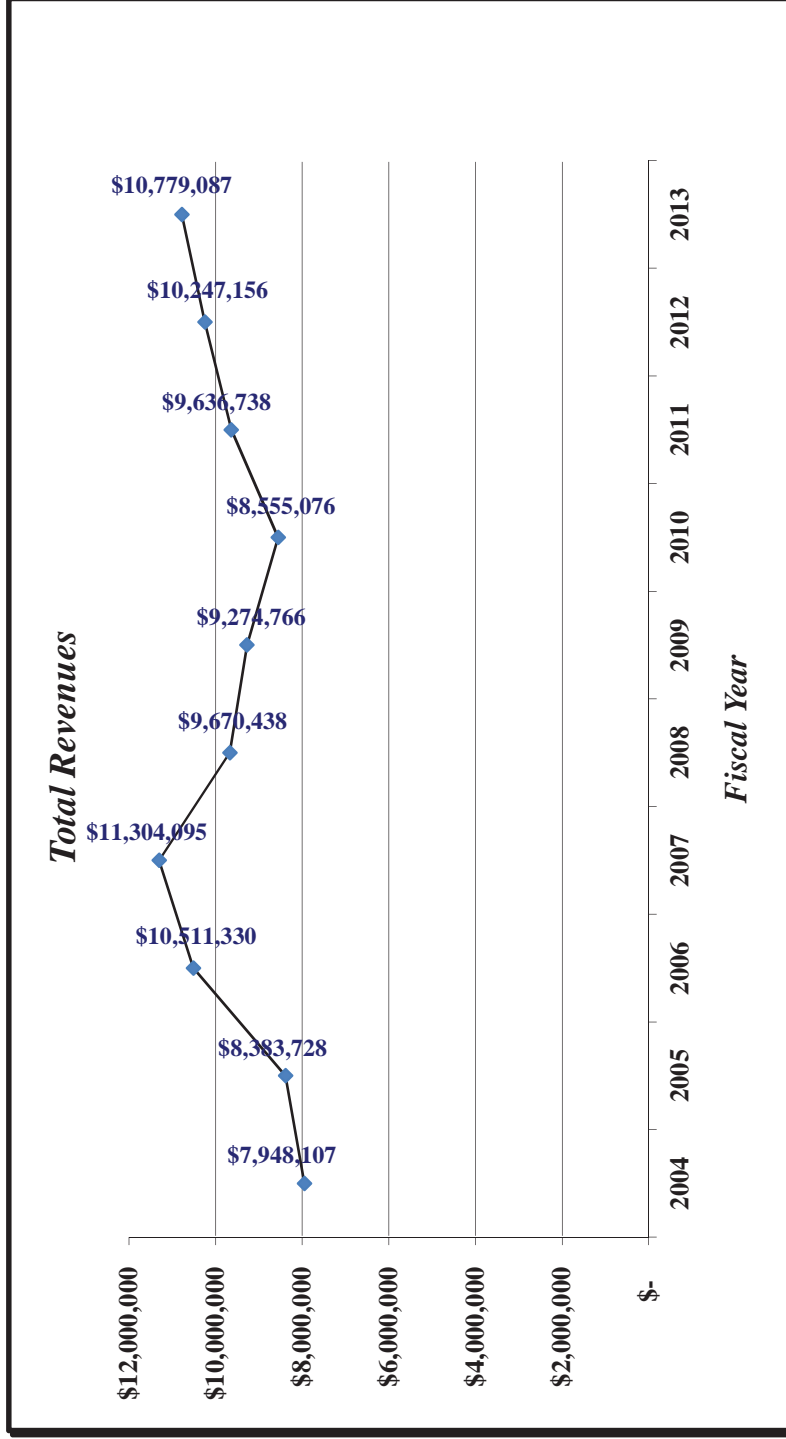
Town of Surfside, Florida
General Governmental Revenues by Source (Unaudited) ¹
Last Ten Fiscal Years
(modified accrual basis of accounting)

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Revenue Source	Amounts									
Taxes	\$ 5,587,524	\$ 6,344,007	\$ 7,590,960	\$ 9,039,295	\$ 7,956,540	\$ 7,561,627	\$ 6,936,623	\$ 7,294,963	\$ 6,984,747	\$ 6,977,949
Intergovernmental	685,798	788,467	1,008,198	858,405	887,507	1,131,454	745,540	967,988	830,878	844,891
Licenses and permits	365,350	259,024	256,007	340,597	169,749	198,504	374,556	459,549	1,274,946	1,395,993
Charges for services	301,923	356,725	391,537	162,549	125,120	123,327	144,757	166,183	207,563	224,177
Fines and forfeitures	636,673	311,961	156,755	205,692	287,324	199,614	190,243	570,227	678,567	711,444
Developer fees	-	-	-	-	-	-	-	-	-	350,000
Investment earnings	127,922	263,603	563,494	639,616	194,695	(36,049)	103,576	39,545	58,819	30,399
Miscellaneous	242,917	59,941	544,379	57,941	49,503	96,289	59,781	138,283	211,636	244,234
Total Revenues	\$ 7,948,107	\$ 8,383,728	\$ 10,511,330	\$ 11,304,095	\$ 9,670,438	\$ 9,274,766	\$ 8,555,076	\$ 9,636,738	\$ 10,247,156	\$ 10,779,087
% change from prior year	18.3%	5.5%	25.4%	7.5%	-14.5%	-4.1%	-7.8%	12.6%	6.3%	5.2%
	Percentages									
Taxes	70.3%	75.7%	72.2%	80.0%	82.3%	81.5%	81.1%	75.7%	68.2%	64.7%
Intergovernmental	8.6%	9.4%	9.6%	7.6%	9.2%	12.2%	8.7%	10.0%	8.1%	7.8%
Licenses and permits	4.6%	3.1%	2.4%	3.0%	1.8%	2.1%	4.4%	4.8%	12.4%	13.0%
Charges for services	3.8%	4.3%	3.7%	1.4%	1.3%	1.3%	1.7%	1.7%	2.0%	2.1%
Fines and forfeitures	8.0%	3.7%	1.5%	1.8%	3.0%	2.3%	2.2%	5.9%	6.6%	6.6%
Developer fees	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	3.2%
Investment earnings	1.6%	3.1%	5.4%	5.7%	2.0%	-0.4%	1.2%	0.4%	0.6%	0.3%
Miscellaneous	3.1%	0.7%	5.2%	0.5%	0.4%	1.0%	0.7%	1.4%	2.1%	2.3%
Total Revenues	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Notes:
¹ Includes all governmental fund types.

Data Source:
 Applicable years' comprehensive annual financial report.

Town of Surfside, Florida
Chart-Total General Governmental Revenues (Unaudited)
Last Ten Fiscal Years
(modified accrual basis of accounting)

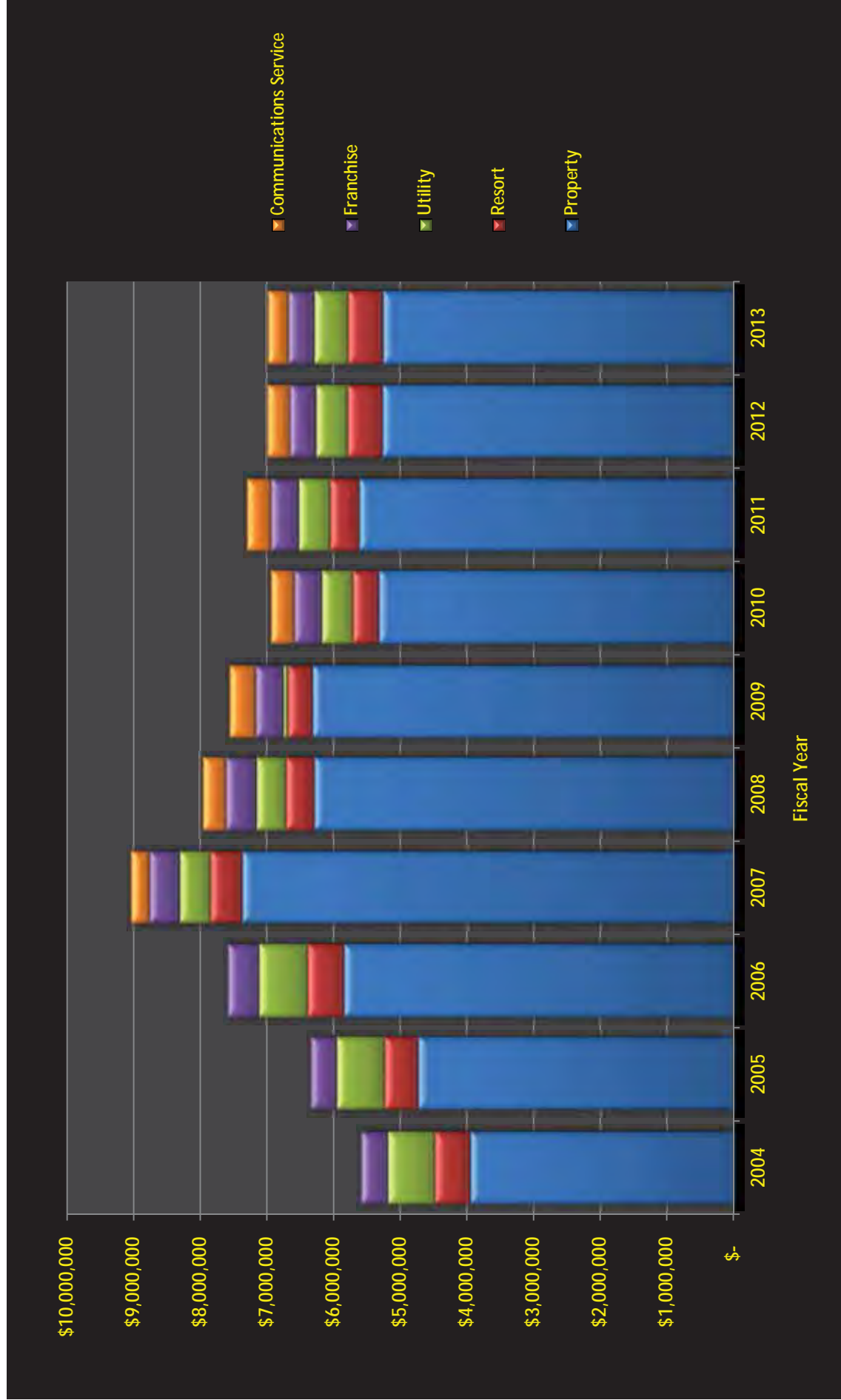


Town of Surfside, Florida
Tax Revenues by Source - Governmental Funds (Unaudited)
Last Ten Fiscal Years
(modified accrual basis of accounting)

For The Fiscal Year Ended September 30,	Amounts				Total
	Property	Resort	Utility	Franchise	
2004	\$ 3,952,662	\$ 534,731	\$ 698,599	\$ 401,532	\$ 5,587,524
2005	4,735,259	505,346	717,418	385,984	6,344,007
2006	5,846,079	546,264	728,076	470,541	7,590,960
2007	7,377,056	477,563	457,905	453,901	9,039,295
2008	6,292,755	424,279	438,335	463,823	7,956,540
2009	6,325,721	366,867	66,825	416,728	7,561,627
2010	5,323,728	390,873	463,747	414,835	6,936,623
2011	5,619,494	435,175	470,350	416,277	7,294,963
2012	5,264,387	523,643	471,994	399,621	6,984,747
2013	5,257,726	523,999	503,592	394,613	6,977,949
% Change in Dollars Over 10 Years	33.0%	-2.0%	-27.9%	-1.7%	24.9%
	Percentage of Total				
2004	70.7%	9.6%	12.5%	7.2%	100.0%
2005	74.6%	8.0%	11.3%	6.1%	100.0%
2006	77.0%	7.2%	9.6%	6.2%	100.0%
2007	81.6%	5.3%	5.1%	5.0%	100.0%
2008	79.1%	5.3%	5.5%	5.8%	100.0%
2009	83.7%	4.9%	0.9%	5.5%	100.0%
2010	76.7%	5.6%	6.7%	6.0%	100.0%
2011	77.0%	6.0%	6.4%	5.7%	100.0%
2012	75.4%	7.5%	6.8%	5.7%	100.0%
2013	75.3%	7.5%	7.2%	5.7%	100.0%

Data Source:
 Applicable years' comprehensive annual financial report.

Town of Surfside, Florida
Chart-Tax Revenues by Source - Governmental Funds (Unaudited)
Last Ten Fiscal Years
(modified accrual basis of accounting)



Town of Surfside, Florida
General Governmental Expenditures by Function (Unaudited) ¹
Last Ten Fiscal Years
(modified accrual basis of accounting)

	For the Fiscal Year Ended September 30,									
Function	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Current:										
General government	\$ 2,604,325	\$ 2,763,146	\$ 4,556,094	\$ 3,549,729	\$ 3,828,840	\$ 2,703,868	\$ 2,315,554	\$ 2,303,523	\$ 2,917,765	\$ 3,388,046
Public safety	2,292,629	2,537,447	2,870,994	3,501,367	3,584,295	3,928,491	3,648,766	3,957,265	3,990,274	4,507,840
Physical environment	716,840	882,428	869,936	833,631	749,358	855,526	695,642	720,888	873,549	925,189
Culture and recreation	778,698	982,374	1,127,950	1,144,262	1,287,622	1,451,163	977,449	1,123,446	1,529,608	1,581,992
Transportation	-	-	-	76,722	159,979	99,476	91,037	106,292	117,044	123,254
Total Current	6,392,492	7,165,395	9,424,974	9,105,711	9,610,094	9,038,524	7,728,448	8,211,414	9,428,240	10,526,321
% Change From Prior Year	24.7%	12.1%	31.5%	-3.4%	5.5%	-5.9%	-14.5%	6.2%	14.8%	11.6%
Capital Outlay	712,975	474,141	1,979,702	321,287	1,903,727	611,486	877,372	5,157,666	650,979	591,077
% Change From Prior Year	12.1%	-33.5%	317.5%	-83.8%	492.5%	-67.9%	43.5%	487.9%	-87.4%	-9.2%
Debt Service										
Principal	-	-	-	-	-	-	-	-	72,944	123,380
Interest	-	-	-	-	-	-	-	-	4,754	6,045
Total Debt Service	-	-	-	-	-	-	-	-	77,698	129,425
% Change From Prior Year	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
Total Expenditures	\$ 7,105,467	\$ 7,639,536	\$ 11,404,676	\$ 9,426,998	\$ 11,513,821	\$ 9,650,010	\$ 8,605,820	\$ 13,369,080	\$ 10,156,917	\$ 11,246,823
% Change From Prior Year	30.6%	7.5%	49.3%	-17.3%	22.1%	-16.2%	-10.8%	55.3%	-24.0%	10.7%
Debt Service as a % of Noncapital Expenditures ⁶	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.8%	1.2%

Notes:
¹ Includes all governmental fund types.

Data Source:
 Applicable years' comprehensive annual financial report.

Town of Surfside, Florida
General Governmental Current Expenditures by Function (Unaudited) ¹
Last Ten Fiscal Years
(modified accrual basis of accounting)

Function	For the Fiscal Year Ended September 30,									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
	Amounts									
Current:										
General government	\$ 2,604,325	\$ 2,763,146	\$ 4,556,094	\$ 3,549,729	\$ 3,828,840	\$ 2,703,868	\$ 2,315,554	\$ 2,303,523	\$ 2,917,765	\$ 3,388,046
Public safety	2,292,629	2,537,447	2,870,994	3,501,367	3,584,295	3,928,491	3,648,766	3,957,265	3,990,274	4,507,840
Physical environment	716,840	882,428	869,936	833,631	749,358	855,526	695,642	720,888	873,549	925,189
Culture and recreation	778,698	982,374	1,127,950	1,144,262	1,287,622	1,451,163	977,449	1,123,446	1,529,608	1,581,992
Transportation	-	-	-	76,722	159,979	99,476	91,037	106,292	117,044	123,254
Total Current	\$ 6,392,492	\$ 7,165,395	\$ 9,424,974	\$ 9,105,711	\$ 9,610,094	\$ 9,038,524	\$ 7,728,448	\$ 8,211,414	\$ 9,428,240	\$ 10,526,321
	Percentage of Total									
Current:										
General government	40.7%	38.6%	48.3%	39.0%	39.8%	29.9%	30.0%	28.1%	30.9%	32.2%
Public safety	35.9%	35.4%	30.5%	38.5%	37.3%	43.5%	47.2%	48.2%	42.3%	42.8%
Physical environment	11.2%	12.3%	9.2%	9.2%	7.8%	9.5%	9.0%	8.8%	9.3%	8.8%
Culture and recreation	12.2%	13.7%	12.0%	12.6%	13.4%	16.1%	12.6%	13.7%	16.2%	15.0%
Transportation	0.0%	0.0%	0.0%	0.7%	1.7%	1.0%	1.2%	1.3%	1.3%	1.3%
Total Current	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

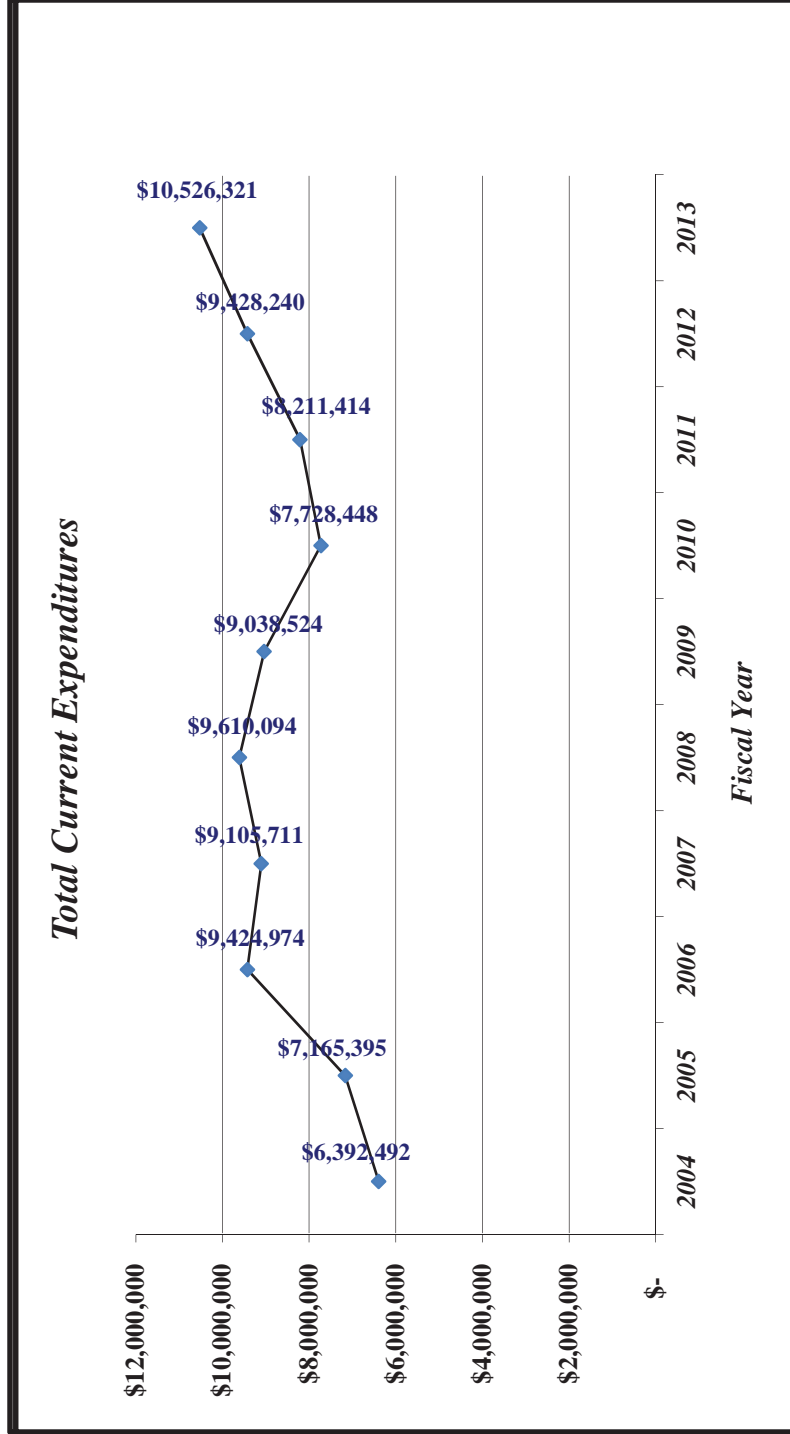
Notes:

¹ Includes all governmental fund types.

Data Source:

Applicable years' comprehensive annual financial report.

Town of Surfside, Florida
Chart-Total General Governmental Current Expenditures (Unaudited)
Last Ten Fiscal Years
(modified accrual basis of accounting)



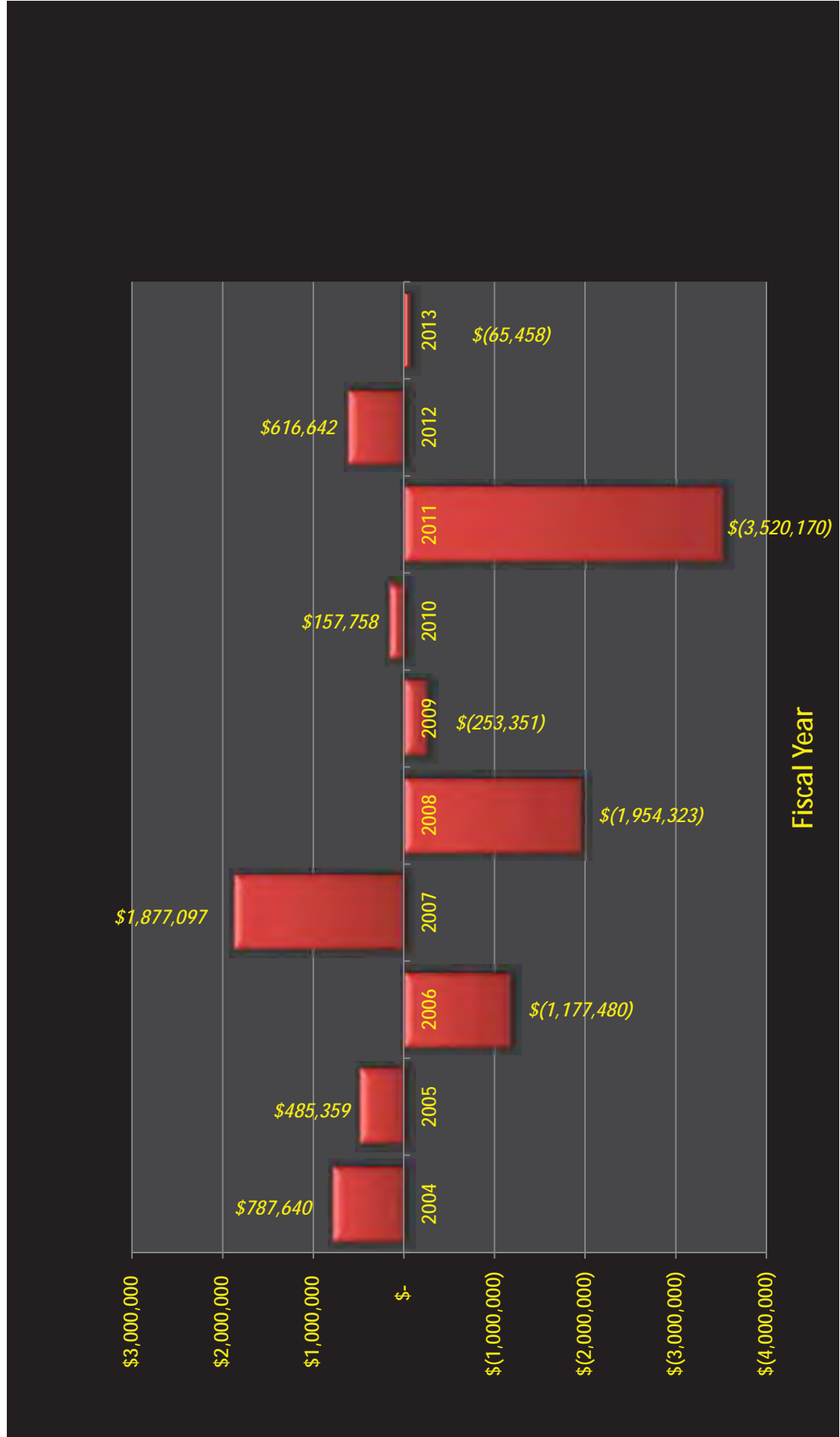
Town of Surfside, Florida
Summary of Changes in Fund Balances - Governmental Funds (Unaudited)
Last Ten Fiscal Years
(modified accrual basis of accounting)

	For the Fiscal Year Ended September 30,									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Total Revenues	\$ 7,948,107	\$ 8,383,728	\$ 10,511,330	\$ 11,304,095	\$ 9,670,438	\$ 9,274,766	\$ 8,555,076	\$ 9,636,738	\$ 10,247,156	\$ 10,779,087
Total Expenditures	7,105,467	7,639,536	11,404,676	9,426,998	11,513,821	9,650,010	8,605,820	13,369,080	10,156,917	11,246,823
Excess (Deficiency) of Revenues Over (Under) Expenditures	842,640	744,192	(893,346)	1,877,097	(1,843,383)	(375,244)	(50,744)	(3,732,342)	90,239	(467,736)
Other Financing Sources (Uses)										
Inception of capital leases	-	-	-	-	-	-	-	-	500,074	-
Transfers in	575,483	56,926	-	161,738	2,665,101	232,878	5,239,461	356,532	394,565	411,560
Transfers out	(630,483)	(315,759)	(284,134)	(161,738)	(2,776,041)	(110,985)	(5,030,959)	(144,360)	(368,236)	(9,282)
Total Other Financing Sources (Uses)	(55,000)	(258,833)	(284,134)	-	(110,940)	121,893	208,502	212,172	526,403	402,278
Net Change in Fund Balances	\$ 787,640	\$ 485,359	\$ (1,177,480)	\$ 1,877,097	\$ (1,954,323)	\$ (253,351)	\$ 157,758	\$ (3,520,170)	\$ 616,642	\$ (65,458)

Data Source:

Applicable years' comprehensive annual financial report.

Town of Surfside, Florida
Chart-Changes in Fund Balances - Governmental Funds (Unaudited)
Last Ten Fiscal Years
(modified accrual basis of accounting)



Town of Surfside, Florida
Fund Balances - Governmental Funds (Unaudited)
Fiscal Years 2004 - 2009
(modified accrual basis of accounting)

	September 30,					
	2004	2005	2006	2007	2008	2009
General Fund						
Reserved	\$ -	\$ -	\$ -	\$ 104,240	\$ 101,996	\$ 117,013
Unreserved	6,234,808	6,508,243	5,336,016	7,223,228	6,786,540	7,178,522
Total General Fund	6,234,808	6,508,243	5,336,016	7,327,468	6,888,536	7,295,535
General Fund % Change From Prior Year	12.3%	4.4%	-18.0%	37.3%	-6.0%	5.9%
All Other Governmental Funds						
Reserved ¹	-	-	-	3,919	8,590	-
Unreserved	538,085	549,326	2,276,754	1,023,426	783,701	724,122
Special Revenue Funds	2,281,356	2,320,130	520,194	2,413,858	1,133,521	541,340
Total All Other Governmental Funds	2,819,441	2,869,456	2,796,948	3,441,203	1,925,812	1,265,462
All Other Governmental Funds % Change From Prior Year	-13.0%	1.8%	-2.5%	23.0%	-44.0%	-34.3%
Total Governmental Funds						
Reserved	-	-	-	108,159	110,586	117,013
Unreserved	9,054,249	9,377,699	8,132,964	10,660,512	8,703,762	8,443,984
Total Governmental Funds	\$ 9,054,249	\$ 9,377,699	\$ 8,132,964	\$ 10,768,671	\$ 8,814,348	\$ 8,560,997
All Governmental Funds % Change From Prior Year	2.9%	3.6%	-13.3%	32.4%	-18.1%	-2.9%

Notes:

The Town implemented GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Definitions*, in Fiscal Year 2010 (see Exhibit XII). The Town did not restate the prior years.

Data Source:

Applicable years' comprehensive annual financial report.

Town of Surfside, Florida
Fund Balances - Governmental Funds (Unaudited)
Fiscal Years 2010 - 2013
(modified accrual basis of accounting)

	September 30,			
	2010	2011	2012	2013
General Fund:				
Assigned to:				
Emergencies and cash flows	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000
Subsequent years' expenditures	-	95,175	-	-
Nonspendable:				
Prepaid items	107,171	109,532	144,738	152,767
Asset held for resale	188,000	-	-	-
Unassigned	867,867	2,051,608	3,121,636	3,151,275
Total General Fund	3,163,038	4,256,315	5,266,374	5,304,042
General Fund % Change From Prior Year	-56.5%	34.6%	23.7%	0.7%
All Other Governmental Funds:				
Restricted for:				
Tourism	179,035	184,867	171,496	94,497
Transportation surtax	416,500	239,760	122,302	131,475
Police forfeiture	71,825	117,889	122,272	138,143
Committed to:				
Capital projects	4,201,479	-	-	-
Assigned to:				
Capital projects	686,878	399,754	132,783	255,263
Total All Other Governmental Funds:	5,555,717	942,270	548,853	619,378
All Other Governmental Funds % Change From Prior Year	339.0%	-100.0%	-41.8%	12.8%
Total Governmental Funds	\$ 8,718,755	\$ 5,198,585	\$ 5,815,227	\$ 5,923,420
All Governmental Funds % Change From Prior Year	1.8%	-100.0%	11.9%	1.9%

Notes:

The Town implemented GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Definitions*, in Fiscal Year 2010. The Town did not restate the prior years.

Data Source:

Applicable years' comprehensive annual financial report.

Town of Surfside, Florida
Taxable Assessed Value - Real and Personal Property (Unaudited) ¹
Last Ten Fiscal Years

Fiscal Year	Real Property		Personal Property		Total Taxable Assessed Value ¹	Total Direct Tax Rate ²	Total Annual Percentage Change
	Amount	Percentage Change	Amount	Percentage Change			
2004	\$ 789,958,828	11.1%	\$ 13,889,674	3.6%	\$ 803,848,502	5.6030	10.8%
2005	922,780,341	16.8%	13,798,601	-0.7%	936,578,942	5.6030	16.5%
2006	1,130,237,073	22.5%	16,959,267	22.9%	1,147,196,340	5.6030	22.5%
2007	1,434,501,842	26.9%	15,720,579	-7.3%	1,450,222,421	5.6000	26.4%
2008	1,644,730,371	14.7%	15,702,111	-0.1%	1,660,432,482	4.2500	14.5%
2009	1,513,235,324	-8.0%	18,434,095	17.4%	1,531,669,419	5.3580	-7.8%
2010	1,270,680,301	-16.0%	12,720,930	-31.0%	1,283,401,231	4.7332	-16.2%
2011	1,050,695,131	-17.3%	12,264,492	-3.6%	1,062,959,623	5.9499	-17.2%
2012	1,005,246,014	-4.3%	12,412,260	1.2%	1,017,658,274	5.5000	-4.3%
2013	1,049,846,041	4.4%	12,350,185	-0.5%	1,062,196,226	5.3000	4.4%
*	\$ 1,195,785,025		\$ 14,655,779		\$ 1,210,440,804		
**	32.9%		-11.1%		32.1%		

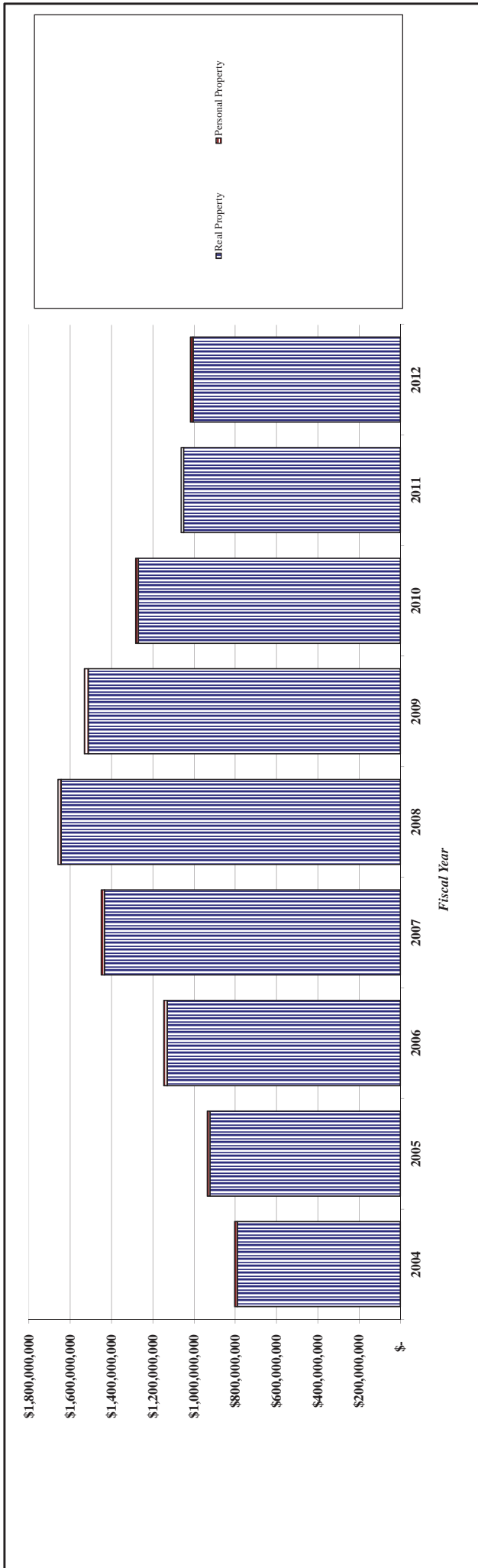
* Dollar average for ten years.
 ** Percentage change in dollars over ten years.

Notes:

¹ All property is assessed at 100% of fair market value.
² Tax rates expressed in rate per \$1,000

Data Source:
 Miami-Dade County Property Appraiser

Town of Surfside, Florida
Chart-Total Assessed Value (Unaudited)
Last Ten Calendar Years
(modified accrual basis of accounting)



Town of Surfside, Florida
Direct and Overlapping Property Tax Rates (Unaudited)
Last Ten Fiscal Years
(rate per \$1,000 of assessed taxable value)

Fiscal Year	Overlapping Rates ¹														Total Direct and Overlapping Millage				
	Direct		Miami-Dade County				Miami-Dade County School Board				Environmental Project					Special District	Children's Trust	Fire and Rescue	Fire Debt
	City Operating Millage	Total County Millage	Operating Millage	Debt Service Millage	Total School Millage	Water Management District	Environmental Project	Special District	Children's Trust	Fire and Rescue	Fire Debt								
2004	5.6030	6.2540	8.4180	0.2850	9.1000	0.5970	0.1000	0.0385	0.5000	2.5820	0.0790	24.8535							
2005	5.6030	6.2200	8.0900	0.2850	8.6870	0.5970	0.1000	0.0385	0.4442	2.5920	0.0690	24.3507							
2006	5.6030	6.1200	7.9470	0.2850	8.4380	0.5970	0.1000	0.0385	0.4288	2.6090	0.0520	23.9863							
2007	5.6000	5.9000	7.6910	0.2850	8.1050	0.5970	0.1000	0.0385	0.4223	2.6090	0.0420	23.4138							
2008	4.2500	4.8646	7.5700	0.2850	7.9480	0.5346	0.0894	0.0345	0.4223	2.2067	0.0420	20.3921							
2009	4.7332	5.1229	7.5330	0.2850	7.7970	0.5346	0.0894	0.0345	0.4212	2.1851	0.0420	20.9599							
2010	4.7332	5.1229	7.6980	0.2850	7.9950	0.5346	0.0894	0.0345	0.5000	2.1851	0.0420	21.2367							
2011	5.5000	5.0900	7.7650	0.2850	8.0050	0.3739	0.0624	0.0345	0.5000	2.4496	0.0131	22.0285							
2012	5.3000	4.9885	7.7650	0.2850	7.9980	0.3676	0.0613	0.0345	0.5000	2.4496	0.0131	21.7126							
2013	5.4000	8.4310	7.6440	0.8162	7.9770	0.3523	0.0587	0.0345	0.5000	2.4496	0.1310	25.3341							

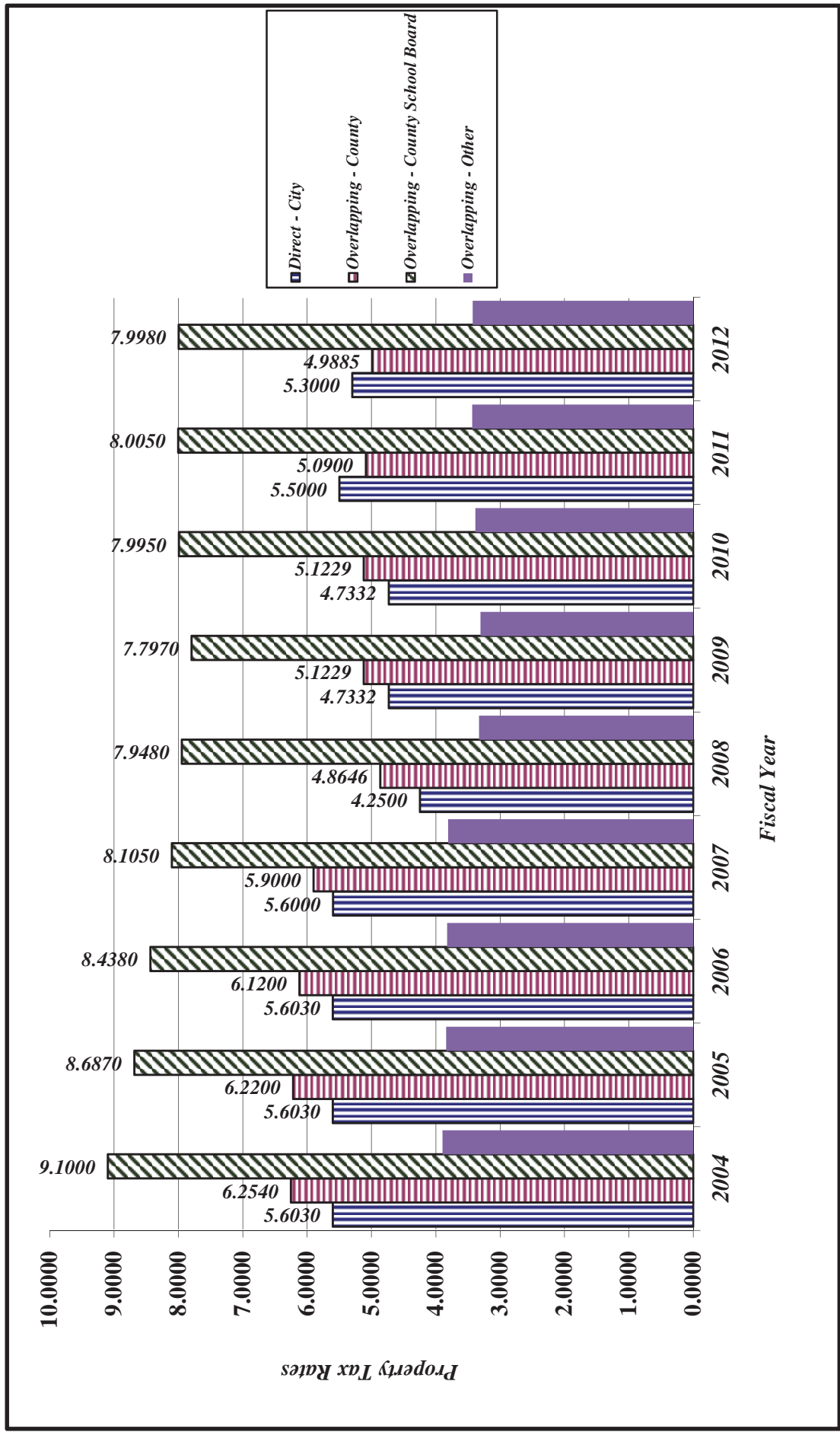
Notes:

¹ Overlapping rates are those of governments that overlap the Town's geographic boundaries.

Data Source:

Miami-Dade County Property Appraiser Office, http://www.miamidadade.gov/pa/millage_tables.asp

Town of Surfside, Florida
 Chart-Direct and Overlapping Property Tax Rates (Unaudited)
 Last Ten Fiscal Years
 (rate per \$1,000 of assessed taxable value)



Town of Surfside, Florida
Total Property Tax Levies and Collections (Unaudited)
Last Ten Fiscal Years

Fiscal Year	Taxes Levied for the Fiscal Year	Total Taxes Collected		Total Uncollected Taxes	
		Amount	Percentage of Levy	Amount	Percentage of Levy
2004	\$ 4,197,694	\$ 3,952,662	94.16%	\$ 245,032	5.84%
2005	4,914,637	4,735,259	96.35%	179,378	3.65%
2006	6,013,274	5,846,079	97.22%	167,195	2.78%
2007	7,675,734	7,377,056	96.11%	298,678	3.89%
2008	6,702,904	6,292,755	93.88%	410,149	6.12%
2009	7,503,530	6,325,721	84.30%	1,177,809	15.70%
2010	5,550,925	5,323,728	95.91%	227,197	4.09%
2011	6,364,758	5,619,494	88.29%	745,264	11.71%
2012	5,597,121	5,264,387	94.06%	332,734	5.94%
2013	5,348,249	5,257,726	98.31%	90,523	1.69%

Notes:

Currently, the tax collections are not available for the year to which they apply.

Data Source:

Town Finance Department

Town of Surfside, Florida
Principal Real Property Taxpayers (Unaudited)
Fiscal Years Ended September 30, 2013 and 2010

		2013			2010		
Principal Taxpayer	Taxable Assessed Value	Rank	Percentage of Total Taxable Assessed Value	Principal Taxpayer	Taxable Assessed Value	Rank	Percentage of Total Taxable Assessed Value
The Surf Club	\$ 27,081,604	1	2.58%	The Surf Club	\$ 40,373,960	1	3.18%
Chateau Ocean LLC	12,294,260	2	1.17%	9379 Realty Group	13,970,000	2	1.10%
Beach House Hotel LLC	11,409,795	3	1.09%	Beach House Property, LLC	9,000,000	3	0.71%
Publix Super Markets, Inc.	7,108,833	4	0.68%	Publix Super Markets, Inc.	8,380,000	4	0.66%
New York Community Bank	4,837,701	5	0.46%	Ohio Savings Bank	5,736,360	5	0.45%
Greystone Residential LLC	3,289,000	6	0.31%	Transactaa Lanai Development LTD	5,695,000	6	0.45%
Kelvim Escobar	2,499,294	7	0.24%	Collins Avenue Investment Group	3,800,000	7	0.30%
Collins Ave Invest Grp	2,432,753	8	0.23%	9501 Collins Avenue, LLC	3,289,000	8	0.26%
Dayna Lindenfield	2,422,489	9	0.23%	Robert and Rita Swedroe	2,993,148	9	0.24%
Robert Swedroe & W Rita	2,291,424	10	0.22%	Yoram and Yleana Izhak	2,614,259	10	0.21%
Total Principal Taxpayers	75,667,153		7.21%	Total Principal Taxpayers	95,851,727		7.54%
All Other Taxpayers	974,178,888		92.79%	All Other Taxpayers	1,174,828,574		92.46%
Total	\$ 1,049,846,041		100.00%	Total	\$ 1,270,680,301		100.00%

Data Source:
Town records.

Note: Principal taxpayer not available prior to 2010.

Town of Surfside, Florida
Principal Personal Property Taxpayers (Unaudited)
Fiscal Years Ended September 30, 2013 and 2010

		2013			2010		
Principal Taxpayer	Taxable Assessed Value	Rank	Percentage of Total Taxable Assessed Value	Principal Taxpayer	Taxable Assessed Value	Rank	Percentage of Total Taxable Assessed Value
Florida Power and Light Company	\$ 6,468,423	1	49.21%	Florida Power and Light Company	\$ 5,242,893	1	41.21%
Atlantic Broadband	904,119	2	6.88%	Atlantic Broadband	1,209,127	2	9.51%
Bell South Telecommunications, Inc.	896,653	3	6.82%	Bell South Telecommunications, Inc.	857,154	3	6.74%
People's Gas System	787,920	4	5.99%	Publix Super Markets, Inc.	814,421	4	6.40%
The Surf Club	594,624	5	4.52%	People's Gas System	652,838	5	5.13%
Publix Super Markets, Inc.	518,109	6	3.94%	The Surf Club	332,063	6	2.61%
Holiday CVS LLC	390,153	7	2.97%	Café Ragazzi	258,972	7	2.04%
Yudah Ari Benmergui DDS	196,008	8	1.49%	CVS	196,807	8	1.55%
Cine Cirita Grill	146,700	9	1.12%	Modular Space Corporation	148,275	9	1.17%
AT&T Mobility LLC	127,984	10	0.97%	Food Gang Restaurant	147,000	10	1.16%
Total Principal Taxpayers	11,030,693		83.92%	Total Principal Taxpayers	9,859,550		77.51%
All Other Taxpayers	2,114,057		16.08%	All Other Taxpayers	2,861,380		22.49%
Total	\$ 13,144,750		100.00%	Total	\$ 12,720,930		100.00%

Data Source:
Town records.

Note: Principal taxpayer not available prior to 2010.

Town of Surfside, Florida
Ratios of Total Debt Outstanding by Type
Last Ten Fiscal Years

Fiscal Year	Governmental Activities		Revenue		Business-type Activities		Grand Total		Population ¹	Total Debt Per Capita
	Capital Leases		Bonds		Notes Payable	Loans Payable	Total	Total		
2004	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
2005	-	-	-	-	-	-	-	-	-	-
2006	-	-	-	-	-	-	-	-	-	-
2007	-	-	-	-	-	-	-	-	5,775	-
2008	-	-	-	-	-	-	-	-	5,789	-
2009	-	-	-	-	-	-	-	-	5,838	-
2010	-	-	-	-	-	-	-	-	5,744	-
2011	-	16,000,000	-	16,000,000	240,000	-	16,240,000	16,240,000	5,760	2,819
2012	427,130	11,507,445	11,507,445	160,000	160,000	-	11,667,445	12,094,575	5,776	2,094
2013	303,749	10,985,348	10,985,348	80,000	80,000	7,255,844	18,321,192	18,624,941	5,924	3,144

Data Sources:
¹ Exhibit XXI

Notes:
 Information not presented, not readily available
 There are no public schools located within the Town.
 There is no personal income data for the Town to calculate "debt as a percentage of personal income."

Town of Surfside, Florida
Pledged Revenue Coverage
Fiscal Year 2013 ¹

Fiscal Year	Revenues ²	Less Operating Expenses ³	Net Available Revenues	Principal ⁵	Interest	Total	Coverage Ratio ⁴	Coverage Required	Excess Coverage
2011	\$ 3,389,732	\$ 1,985,169	\$ 1,404,563	\$ -	\$ 320,960	\$ 320,960	4.38	1.10	3.28
2012	3,303,943	1,834,360	1,469,583	492,555	761,493	1,254,048	1.17	1.10	0.07
2013	3,134,620	1,902,646	1,231,974	522,097	620,245	1,142,342	1.08	1.10	-0.02

Notes:

¹ Bonds first issued in fiscal year 2011.

² Includes, water, sewer and wastewater revenues.

³ Excludes depreciation expense.

⁴ Combined ratio requirements are 1.1000.

⁵ Excludes \$4 million bond payment.

Town of Surfside, Florida
Overlapping Governmental Activities Debt (Unaudited)
September 30, 2013

<u>Governmental Unit</u>	<u>Debt Outstanding</u>	<u>Estimated Percentage Applicable ¹</u>	<u>Estimated Share of Underlying Debt</u>
Overlapping Debt			
Miami-Dade County ²	\$ 1,179,986,000	0.56%	\$ 6,607,922
Miami-Dade County School Board ³	123,345,000	0.56%	<u>690,732</u>
Total Overlapping Debt			<u><u>\$ 7,298,654</u></u>

Notes:

¹ Applicable percentage was estimated by determining the portion of the Town's assessed value of \$1,062,214,226 for 2012-13 that is within the County's geographic boundaries.

² As of September 30, 2013

³ As of June 30, 2013

Data Source:

Each specific government

Town of Surfside, Florida
Demographic and Economic Statistics (Unaudited)
Last Ten Calendar Years

Calendar Year	Population ¹	Per Capita Personal Income ²	Unemployment Rate		
			County ³	State of Florida ³	United States ⁴
2004	-	\$ 29,817	5.5%	4.7%	5.4%
2005	-	31,867	4.6%	3.8%	5.0%
2006	-	34,709	4.1%	3.3%	4.5%
2007	5,775	35,791	4.5%	4.0%	4.7%
2008	5,789	37,264	6.4%	6.2%	6.1%
2009	5,838	37,909	10.6%	10.2%	9.8%
2010	5,744	37,219	12.6%	11.8%	9.5%
2011	5,760	37,849	11.5%	10.6%	9.0%
2012	5,776	38,449	8.9%	8.4%	8.7%
2013	5,924	46,424	6.8%	6.9%	7.2%

Notes:

Information not presented, not readily available
 There are no public schools located within the Town.

Data Sources:

- ¹ Bureau of Economic and Business Research, University of Florida, April 1 of each year
- ² 2003-2009, Miami-Dade County comprehensive annual financial report
 2010 - 2012 estimated by management.
- ³ 2003-2010, Miami-Dade County comprehensive annual financial report
 2011 estimated by management.
- ⁴ Real Estate Center, <http://recenter.tamu.edu/data/emp/emp/st12.asp>
- ⁵ U.S. Department of Labor, Bureau of Labor Statistics.

Town of Surfside, Florida
Principal Employers (Unaudited) ¹
For the Fiscal Years Ended September 30, 2013 and 2007 ²

		2013	
Employer	Type of Business	Number of Employees	Rank
Beach House Hotel D/B/A Grand Beach	Hotel	130	1
Publix Super Market, Inc.	Supermarket	97	2
Town of Surfside	Government	96	3
Flanigan's Seafood Bar & Grill	Restaurant	51	4
The Surf Club	Resort	50	5
M. Kotler Realty	Real Estate Agency	30	6
Holiday CVS, LLC.	Pharmacy	27	7
Harding Realty	Real Estate Agency	25	8
Harbor Pita D/B/A Harbor Grill	Restaurant	20	9
Gray & Sons South FL Gold & Silver Excl Jewelry		18	10
Total Principal Employers		544	
		2007	
Employer	Type of Business	Number of Employees	Rank
Public Supermarkets	Retail	159	1
Surf Club	Resort	132	2
Town of Surfside	Government	117	3
CVS Pharmacy	Retail	19	4
Best Western Hotels	Hotel	35	5
Solara	Apartment Rentals	28	6
Flanigans	Restaurant	68	7
Wachovia	Bank	7	8
Rolling Pin Bakery	Retail	7	9
Emergency Dental Center	Retail	4	10
Total Principal Employers		576	

Notes:

¹ The total number of employees in the Town is not available

² Information only available back to 2007

Data Source:

³ Town records.

Town of Surfside, Florida
City Full-time Funded Positions by Function/Program (Unaudited)
Last Ten Fiscal Years

Function/program	Fiscal Year									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
General Government										
Legislative	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
Town Attorney	1.00	1.00	1.00	1.00	1.00	2.00	2.00	2.00	2.00	2.00
Executive	9.00	9.00	10.00	10.00	6.00	5.00	4.00	4.00	4.00	5.00
Financial Support Services	-	-	-	-	3.00	3.00	3.00	3.00	4.00	4.00
Town Clerk	1.00	1.00	1.00	1.00	1.00	1.00	2.00	2.00	2.00	2.00
Building Services	2.00	2.00	2.00	3.00	3.00	3.00	2.00	3.00	3.00	4.00
Total General Government	18.00	18.00	19.00	20.00	19.00	19.00	18.00	19.00	20.00	22.00
Public Safety										
Public Safety	39.00	35.00	41.00	42.00	44.00	44.00	34.50	33.00	31.75	32.25
Municipal Parking	1.00	1.00	1.00	2.00	2.00	2.00	2.50	3.00	5.00	6.75
Total Public Safety	40.00	36.00	42.00	44.00	46.00	46.00	37.00	36.00	36.75	39.00
Public Works										
Public Works	9.00	10.00	9.00	9.00	8.00	7.25	5.25	6.25	5.25	6.25
Water/Sewer	5.00	5.00	5.00	5.00	5.00	5.25	5.25	5.25	5.75	5.25
Solid Waste	10.00	11.00	12.00	12.00	12.00	12.25	10.25	10.25	10.25	10.25
Stormwater	1.00	1.00	1.00	1.00	1.00	1.25	1.25	1.25	1.25	1.25
Total Public Works	25.00	27.00	27.00	27.00	26.00	26.00	22.00	23.00	22.50	23.00
Leisure Services										
Leisure Services	16.00	18.00	23.00	23.00	17.00	17.00	7.00	10.00	10.75	11.32
Tourism	2.00	2.00	2.00	1.00	1.00	2.00	1.00	1.00	1.00	0.68
Library Services	4.00	4.00	4.00	3.00	3.00	3.00	-	-	-	-
Total Leisure Services	22.00	24.00	29.00	27.00	21.00	22.00	8.00	11.00	11.75	12.00
Total	105.00	105.00	117.00	118.00	112.00	113.00	85.00	89.00	89.00	96.00
Percentage Change From Prior Year	6.1%	0.0%	11.4%	0.9%	-5.1%	0.9%	-24.8%	5.3%	5.3%	7.9%

Data Source:
Town Administration

Surfside, Florida
Operating Statistics by Function/Program (Unaudited)
Last Ten Fiscal Years ¹

Function/program	Fiscal Year									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Public safety:										
Police										
Uniformed employees	24	21	32	32	32	28	27	27	27	27
Non-uniformed employees	11	10	12	14	15	11	7	9	9	12
Dispatched responses	10,716	25,144	29,039	18,109	23,640	19,751	16,545	19,800	23,097	31,337
Traffic citations issued	-	-	-	-	7,968	6,782	5,752	5,289	4,814	5,475
Traffic warnings issued	-	-	-	-	-	-	4,333	4,067	5,139	3,867
Parking violations issued	4,974	5,111	3,422	4,304	6,863	7,407	6,060	9,833	11,884	19,607
Building permits:										
Permits issued	1,120	1,098	1,261	1,177	779	700	923	1,073	931	1,072
Estimated values (in millions)	\$45,654	\$36,930	\$33,416	\$40,045	\$5,797	\$6,559	\$16,147	\$84,806	\$	\$71,790
Utility:										
Municipal water system										
Active water accounts	1535	1539	1542	1544	1547	1549	1551	1,551	1,647	1,680
New active accounts	102	130	75							
Meter sales (in million gallons)	343,061	351,766	374,956	335,789	298,102	314,304	307,723	328,519	276,650	2,631,277
Municipal sewer system										
Active accounts/units	-	-	4055	4058	4059	4059	4061	4061	4061	4061
Solid waste services										
Active accounts	-	-	1342	1345	1346	1348	1349	1344	1344	1344
General government:										
Tax rates										
Utility services:										
Electric	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%
Communication service	5.22%	5.22%	5.22%	5.22%	5.22%	5.22%	5.22%	5.22%	5.22%	5.22%
Gas	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
Franchises:										
Electric	6%	6%	6%	6%	6%	6%	5.90%	5.90%	5.90%	5.90%
Communication service	**	**	**	**	**	**	**	**	**	**
Gas	6%	6%	6%	6%	6%	6%	6%	6%	6%	6%
Cable television	3%	3%	5%	5%	5%	5%	5%	5%	5%	5%
Surfside Bus Service										
Total number of passengers	-	-	-	-	-	16,173	18,813	21,543	12,947	21,514
Average number of passengers per month	-	-	-	-	-	1,348	1,568	1,795	1,079	1,792
Total number of miles driven	-	-	-	-	-	23,648	29,260	32,401	30,775	34,805
Average number of miles driven per month	-	-	-	-	-	1,971	2,438	2,700	2,565	2,900
Culture and recreation:										
Participation:										
Youth programs	-	-	258	650	403	551	658	960	1,005	1,043
Adult programs	-	-	339	455	228	234	463	555	781	1,232
Special events	-	-	2,500	2,990	3,390	3,300	3,340	4,280	4,630	5,727
Community Center	-	-	-	-	-	-	-	17,517	29,028	24,830

Notes:
 Data not available for items not presented.

Data Source
 Various Town Departments

Town of Surfside, Florida
Capital Asset Statistics by Function/Program (Unaudited)
Last Ten Fiscal Years

Function/Program	Fiscal Year									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Area:										
Land excluding airport (sq. miles)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Water	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14
Infrastructure:										
Paved streets	10	10	10	10	10	10	10	10	10	25
Sidewalks	1 mile	1 mile	1 mile	1 mile	1 mile	1 mile	1 mile	1 mile	1 mile	6 mile
Canals & waterways	0	0	0	0	0	0	0	0	0	0
Storm Drainage (catch basins)	388	388	388	388	388	388	388	388	388	388
Town owned street lights	37	37	37	37	37	37	37	37	37	37
FP&L owned street lights	293	293	293	293	293	293	293	293	293	293
Public Safety:										
Fire Stations	0	0	0	0	0	0	0	0	0	0
Police Stations	1	1	1	1	1	1	1	1	1	1
Recreation:										
Public Beach (miles)	1	1	1	1	1	1	1	1	1	1
Municipal Parks	3	3	3	3	3	3	3	3	3	3
Municipal Swimming Pool	1	1	1	1	0	0	0	0	0	2
Recreation Acres (without-with Beach)	53-90	53-90	53-90	53-90	53-90	53-90	53-90	53-90	53-90	53-90
Community Center	1	1	1	1	-	-	-	1	1	1
Municipal Water/Sewer System:										
Water mains (miles)	15.7	15.7	15.7	15.7	15.7	15.7	15.7	15.7	15.7	25
Reuse water mains (miles)	0	0	0	0	0	0	0	0	0	0
Fire hydrants	84	84	84	84	84	84	84	84	84	84
Fire hydrants (reuse water)	0	0	0	0	0	0	0	0	0	0
Gravity Sewer (miles)	9.25	9.25	9.25	9.25	9.25	9.25	9.25	9.25	9.25	9.25
Wastewater force main (miles)	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	1
Wastewater lift stations	2	2	2	2	2	2	2	2	2	2
Municipal Parking:										
Parking lots			6	6	6	6	6	6	6	7
Metered/Pay Station Parking Spaces		572	572	572	572	572	572	572	572	572

REPORTING SECTION



**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED
ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH GOVERNMENT AUDITING STANDARDS**

To the Honorable Mayor, Town Commission and Town Manager
Town of Surfside, Florida

We have audited in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Surfside, Florida (the Town) as of and for the year ended September 30, 2013, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements, and have issued our report thereon dated June 30, 2014. Our report includes a reference to other auditors who audited the financial statements of the Retirement Plan for the Employees of the Town of Surfside, Florida (Pension Trust Fund), as described in our report of the Town's financial statements. This report does not include the results of the other auditors' testing of internal control over financial reporting or compliance and other matters that are reported on separately by those auditors.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Town's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying schedule of findings and questioned costs, we identified certain deficiencies in internal control that we consider to be material weaknesses and significant deficiencies.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Town's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiency described in the accompanying schedule of findings and questioned costs as item 2013-01 to be a material weakness.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Town's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

The Town's Response to Finding

The Town's written responses to the finding identified in our audit are described in the accompanying schedule of findings and questioned costs. The Town's responses were not subjected to auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of the Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Marcum LLP

Miami, FL
June 30, 2014

**REPORT ON COMPLIANCE FOR EACH MAJOR STATE PROJECT AND REPORT
ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY CHAPTER 10.550,
RULES OF THE AUDITOR GENERAL**

To the Honorable Mayor, Town Commission and Town Manager
Town of Surfside, Florida

Report on Compliance for Each Major State Project

We have audited Town's compliance with the types of compliance requirements described in the *Department of Financial Services' State Projects Compliance Supplement* that could have a direct and material effect on the Town's major State project for the year ended September 30, 2013. The Town's major State project is identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its State projects.

Auditors' Responsibility

Our responsibility is to express an opinion on compliance for the Town's major State project based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and Chapter 10.550, Rules of the Auditor General. Those standards and Chapter 10.550, Rules of the Auditor General, require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major State project occurred. An audit includes examining, on a test basis, evidence about the Town's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for the major State project. However, our audit does not provide a legal determination of the Town's compliance.

Unmodified Opinion on Major State Project

In our opinion, the Town complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major state projects for the year ended September 30, 2013.

Report on Internal Control Over Compliance

Management of the Town is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Town's internal control over compliance with the types of requirements that could have a direct and material effect on each major State project to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major State project and to test and report on internal control over compliance in accordance with Chapter, 10.550, Rules of the Auditor General, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a State project on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a State project will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a State project that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Purpose of this Report

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of Chapter 10.550, Rules of the Auditor General. Accordingly, this report is not suitable for any other purpose.

Marcum LLP

Miami, FL
June 30, 2014

TOWN OF SURFSIDE, FLORIDA

SCHEDULE OF EXPENDITURES OF STATE FINANCIAL ASSISTANCE

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

State Grantor Agency State Project	CSFA No.	Contract / Grant No.	Total Expenditures
Florida Department of Environmental Protection			
Direct Project			
Clean Water State Revolving Fund			
Construction Loan	37.077	WW131710 2013	<u>\$ 7,339,928</u>
Total Expenditures of State Financial Assistance			<u>\$ 7,339,928</u>

See notes to schedule of expenditures of state financial assistance.

TOWN OF SURFSIDE, FLORIDA

NOTES TO SCHEDULE OF EXPENDITURES OF STATE FINANCIAL ASSISTANCE

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

NOTE 1 – BASIS OF PRESENTATION

The accompanying schedule of expenditures of state financial assistance (the schedule) includes the state grant activity of the Town of Surfside (the Town) under programs of the state of Florida for the fiscal year ended September 30, 2013. The information in this schedule is presented in accordance with the requirements of Chapter 10.550, Rules of the Auditor General of the State of Florida. Because the schedule presents only a selected portion of the operations of the Town, it is not intended to and does not present the financial position, changes in net assets or cash flows of the Town.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Expenditures reported in the schedule are reported on the accrual basis of accounting. Such expenditures are recognized following the cost principles contained in the Florida Single Audit Act, where certain types of expenditures are not allowable or are limited as a reimbursement.

TOWN OF SURFSIDE, FLORIDA

SCHEDULE OF FINDINGS AND QUESTIONED COSTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

SECTION I – SUMMARY OF AUDITOR’S RESULTS

Financial Statements

Type of auditor’s report issued:

Unmodified Opinion

Internal control over financial reporting:

Material weakness(es) identified?

X Yes ___ No

Significant deficiency(ies) identified not considered to be material weakness?

___ Yes X None reported

Non-compliance material to financial statements noted?

___ Yes X No

State Financial Assistance Projects

Internal control over major State projects:

Material weakness(es) identified?

___ Yes X No

Significant deficiency(ies) identified not considered to be material weakness?

___ Yes X None reported

Type of auditor’s report issued on compliance for major State projects:

Unmodified Opinion

Any audit findings disclosed that are required to be reported in accordance with Chapter 10.550

___ Yes X No

Identification of major State project:

State Financial Assistance Project

CSFA No.

Florida Department of Environmental Protection – Clean Water State Revolving Fund Construction Loan

37.077

Dollar threshold used to distinguish between Type A and Type B programs:

Not Applicable

TOWN OF SURFSIDE, FLORIDA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

SECTION II – FINANCIAL STATEMENT FINDINGS

MATERIAL WEAKNESS

2013-01 Review and Recording of Financial Transactions

Criteria

Prudent policies include a formal review and reconciliation during the year and during the closing process with supervisory Finance Department personnel being responsible for the review of transactions and balances recorded. Timeliness of closing procedures is crucial to proving accurate accounting data and financial information including interim and year-end financial statements.

Condition

During the course of our audit procedures there were numerous auditor adjusting journal entries proposed to correct account balances such as negative cash, principal payments improperly presented on the statement of revenues, expenses and changes in net position, retainage payable was overstated, state revolving loan proceeds improperly presented as other financing sources in the statement of revenues, expenses and changes in net positions and unrealized gain on the Fund B was not properly recorded. In addition, the Town provided to the auditors many of their own adjusting journal entries after the initial trial balances were provided at the commencement of the audit (i.e., start of audit fieldwork) which necessitated additional procedures and delayed the completion of the audit. In addition, in several instances, supporting schedules provided by the Town did not agree or reconcile to the general ledger.

Cause

Lack of adequate internal controls over the timely review and reconciliation and closing process.

Effect

The general ledger, which are the books and records used to prepare the financial statements, were not accurate.

TOWN OF SURFSIDE, FLORIDA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

SECTION II – FINANCIAL STATEMENT FINDINGS (CONTINUED)

MATERIAL WEAKNESS (CONTINUED)

2013-01 Review and Recording of Financial Transactions (continued)

Recommendation

We recommend a detailed general ledger account analysis of all accounts be performed on a monthly or quarterly basis in a timely manner. These analyses should be reviewed by supervisory Finance Department staff to ensure accurate recording of transactions. We further recommend that employees responsible for the books and records and approval of journal entries consult with the auditors or others for unusual or difficult to record transactions especially given the complexities associated with the accounting standards.

Views of Responsible Officials and Planned Corrective Actions

A report that compares budget to actual of revenues and expenditures is prepared each month and presented to the Town Commission. A detailed general ledger account analysis of all accounts will be prepared and reviewed quarterly to ensure accurate recording of transactions. The Finance Department employees will also consult with the auditors on unusual or difficult transactions before recording the journal entries.

SECTION III – STATE PROJECTS FINDINGS AND QUESTIONED COSTS

None.

CITY OF SUNRISE, FLORIDA

SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

I. PRIOR YEAR FINANCIAL STATEMENT FINDINGS

The following addresses the status of financial statement findings reported in the fiscal year ended September 30, 2012 schedule of findings and questioned costs.

MATTERS THAT ARE NOT REPEATED IN THE ACCOMPANYING SCHEDULE OF FINDINGS AND QUESTIONED COSTS

- ***2012-01 Internal Control over Financial Reporting – Capital Assets***
- ***2012-02 Internal Control over Financial Reporting – Bank Reconciliations***

II. PRIOR YEAR STATE PROJECTS FINDINGS AND QUESTIONED COSTS

The Town did not meet the requirements for a Florida Single Audit during fiscal year ended September 30, 2012.

**MANAGEMENT LETTER IN ACCORDANCE WITH THE RULES OF THE
AUDITOR GENERAL OF THE STATE OF FLORIDA**

To the Honorable Mayor, Town Commission and Town Manager
Town of Surfside, Florida

We have audited the financial statements of the Town of Surfside, Florida (the Town), as of and for the fiscal year ended September 30, 2013, and have issued our report thereon dated June 30, 2014.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States and Chapter 10.550, Rules of the Florida Auditor General. We have issued our Independent Auditors' Report on Internal Control over Financial Reporting and Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards*, Independent Auditors' Report on Compliance for Each Major State Project and on Internal Control over Compliance Required by Chapter 10.550 Rules of the Florida Auditor General; and a Schedule of Findings and Questioned Costs. Disclosures in those reports and schedule, which are dated June 30, 2014, should be considered in conjunction with this management letter.

Additionally, our audit was conducted in accordance with Chapter 10.550, Rules of the Auditor General, which governs the conduct of local governmental entity audits performed in the State of Florida. This letter includes the following information, which is not included in the aforementioned auditors' reports or schedule:

- Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. Corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report.
- Section 10.554(1)(i)2., Rules of the Auditor General, requires our audit to include a review of the provisions of Section 218.415, Florida Statutes, regarding the investment of public funds. In connection with our audit, we determined that the Town complied with Section 218.415, Florida Statutes.
- Section 10.554(1)(i)3., Rules of the Auditor General, requires that we address in the management letter any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

- Section 10.554(1)(i)4., Rules of the Auditor General, requires that we address noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.
- Section 10.554(1)(i)5., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this management letter, unless disclosed in the notes to the financial statements. The Town was established by the Town's charter, which was adopted under the provisions of Chapter 279.14, Laws of the State of Florida in 1951. There were no component units related to the Town.
- Section 10.554(1)(i)6.a., Rules of the Auditor General, requires a statement be included as to whether or not the local governmental entity has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition(s) met. In connection with our audit, we determined that the Town did not meet any of the conditions described in Section 218.503(1), Florida Statutes.
- Section 10.554(1)(i)6.b., Rules of the Auditor General, requires that we determine whether the annual financial report for the Town for the fiscal year ended September 30, 2013, filed with the Florida Department of Financial Services pursuant to Section 218.32(1)(a), Florida Statutes, is in agreement with the annual financial audit report for the fiscal year ended September 30, 2013. In connection with our audit, we determined that these two reports were in agreement.
- Pursuant to Sections 10.554(1)(i)6.c. and 10.556(7), Rules of the Auditor General, we applied financial condition assessment procedures. It is management's responsibility to monitor the Town's financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same. This assessment was done as of the fiscal year end.

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.

Marcum LLP

Miami, FL
June 30, 2014



Town of Surfside Commission Communication

Agenda Item # 9G

Agenda Date: July 8, 2014

Subject: Policy Direction Regarding Ownership of Submerged lands (Point Lake and North Canal)

BOTTOM LINE

The Town has been investigating various options to resolve the issues surrounding North Canal/Point Lake and has identified its recommended path forward that is contained herein and will be presented to the Town Commission for policy direction on July 8, 2014.

PURPOSE

The purpose of this memorandum is to provide an update and path forward to resolve the following North Canal/Point Lake issues:

- Ownership/Designation (submerged lands)
- Dredging Canal and Burying Pipe
- Future Dock Regulations
- Recommendation to be presented to Town Commission (July 8)

BACKGROUND

On March 11, a meeting was held with residents abutting North Canal and Point Lake at Town Hall. At this meeting, Staff presented the following status report:

1. Examination of title and instruments indicates that the ownership of Point Lake and the canal is private.
2. The submerged lands are not vested in the State of Florida or the Town.
3. Ownership may still be with the original developer--Normandy Beach Development Company (dissolved in 1957) or its heirs and assigns; or could be owned by the property owners in the plat abutting the water; or all property owners within the plat.
4. Questions remain to be addressed regarding permitting and building regulations in the canal and Point Lake by the various agencies that approve permits in the canal and Point Lake due to the requirement to document upland property ownership and rights to submerged lands.

5. A review of permitting requirements for a Class IV permit (necessary for maintenance dredging), it is uncertain who has standing to receive a permit for the proposed maintenance dredge.

On April 9, a status report was provided that addressed issues identified at the March 9 meeting. The purpose of the June 23 update is to inform you of activities undertaken since April 9 and to provide you with the Staff recommendation regarding submerged lands which will be presented to the Town Commission on July 8.

STATUS UPDATE

The following is an update on the various issues since the April 9 report:

- **Submerged Lands - North Canal and Point Lake** – The ownership of the canal and lake are private and still rests with the Ohio Corporation entitled Normandy Beach Development Company, which was dissolved in 1957.

It is usual that when a plat is dedicated that it specifically delineates the use of the waterways within the plat – such as the canals/lake are dedicated to the public for a specific purpose such as navigation or, in the alternative, the waterways are private. The plat does not address the ownership/use of the waterway.

Considerable research and discussion has taken place on the available public options to address the submerged lands status including initiating legal action in the Ohio court system as the dissolved Normandy Beach Development Company was an Ohio corporation (time consuming and costly); amendment to the original 1920's plat (determined not to be a legally viable option as a waiver of plat is not applicable where property has been previously subdivided and platted); quit claim deed (least reliable option; could be challenged); and a deed/dedication/conveyance from the directors and heirs of the Normandy Beach Development Company.

As the result of this research, the Town's special counsel has recommended a deed/dedication/conveyance as the best approach to resolve the ownership of the submerged lands.

- **Dredging Canal and Burying Pipe** – A meeting was held on April 9, 2014 with Christine Hopps of DERM Coastal. Staff (Building Official Ross Prieto, Chris Giordano, CGA and Town Manager Mike Crotty) met with Ms. Hopps to determine if the Town would be an eligible applicant due to the above issues relating to the ownership of the submerged lands. The ownership issues outlined above were explained in detail. Based on initial discussion at this meeting, it was discussed that the Town would probably have

standing to be an applicant for a maintenance dredge and the removal of the existing exposed pipe (and burying a new pipe through a directional bore). As a point of information, a preliminary application was submitted for a permit which when approved would be effective for 2 years with up to a 2 year annual renewal for up to 10 years.

Following the April 9 meeting, DERM staff further reviewed the legal issues discovered relating to the submerged lands and a County Attorney indicated that for the Town to be an eligible applicant for dredging or pipe burying, ownership of interest in the submerged lands needed to be resolved. Further, DERM staff indicated that this opinion applies to applications from owners of abutting the canal/Point Lake as well.

Therefore, the first priority is to resolve the ownership issue as it relates to the submerged lands. However, staff has been working with DERM staff to identify permitting issues; required mitigation and preliminary costs. Our next meeting with the residents will detail the process and costs associated with these improvements.

- **Proposed Ordinance – Dock Regulations** – The Town’s special counsel on this issue has reviewed the ordinance regulating docks in the North Canal prepared by the Town Attorney’s office. The special counsel indicated that this ordinance is:
 1. Valid exercise of the Town’s regulatory power; and serves public purpose;
 2. The terms of the proposed ordinance address a unique situation in the North Canal and that there are not other similarly situated canals in Town;
 3. The provisions of the proposed ordinance allow all properties abutting the canal to have opportunities to construct at least one dock whether it is on the canal, Point Lake or Indian Creek.

NEXT STEPS

1. Present policy options to Town Commission regarding the submerged lands ownership:
 - Dedicate to public (allows future permitting of eligible activities for Town and abutting property owners)
 - Remain with dissolved corporation (retains current status of the inability of the Town and abutting property owners to secure permits)
 - Dedicate to abutting property owners or owners in subdivision (ownership vested in private ownership; Town retains permitting responsibility; property owners responsible for most other issues including maintenance; responsibility of property owners to resolve ownership issues)
2. Staff believes that the optimal solution is to undertake a “public” dedication of the canal/Point Lake to resolve the submerged land issues.
3. At the July 8, 2014 Commission meeting, Staff will present its recommendation to proceed with a deed/dedication/conveyance from the directors and heirs of the dissolved

Normandy Beach Development Company to resolve the ownerships of the submerged lands as the most viable public option.

4. Establish follow up meeting with residents to discuss issues and costs associated with dredging and burying the pipe.



Michael P. Crotty
Town Manager