

**ORDINANCE NO. 2023 - 1762**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING CHAPTER 73, "CAPITAL IMPROVEMENT PROJECTS DEPARTMENT", PROVIDING FOR A DEFINITION OF TOWN "CAPITAL IMPROVEMENT PROJECT"; PROVIDING FOR FUNCTIONS OF THE DEPARTMENT, PLANNING, BUDGETING AND IMPLEMENTATION; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.**

1           **WHEREAS**, Section 17 of the Charter provides that the Town of Surfside  
2 ("Town") Commission may create new departments by ordinance; and

3           **WHEREAS**, the Town Commission desires to create and include in the Town's  
4 Code of Ordinances (the "Code"), as Chapter 73 "Capital Improvement Projects  
5 Department" ("Department"), and provide for definitions, the functions of the  
6 Department, budgeting and implementation Town capital improvement projects; and

7           **WHEREAS**, it is the intent of the Town to proactively enhance its infrastructure  
8 development, and overall community well-being, through effective management and  
9 execution of capital improvement projects; and

10           **WHEREAS**, the Town acknowledges the integral role that public capital  
11 improvements play in shaping the Town's growth and prosperity, recognizing that these  
12 initiatives constitute a significant portion of all public expenditures within the Town's  
13 jurisdiction; and

14           **WHEREAS**, the Town aspires to establish a comprehensive and strategic  
15 approach to the planning, budgeting, and implementation of various capital  
16 improvement projects, with the Department under the oversight of the Town Manager  
17 and/or a newly appointed designee or director; and

18           **WHEREAS**, the Town Commission finds that this Ordinance is in the best  
19 interest and welfare of the Town.

20           **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
21 **TOWN OF SURFSIDE, FLORIDA AS FOLLOWS<sup>1</sup>:**

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

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**Section 1. Recitals.** The above Recitals are true and correct and incorporated herein by this reference.

**Section 2. Town Code Adopted.** Chapter 73 of the Town Code “Capital Improvements Projects Department” is hereby created to read as follows:

**CHAPTER 73. CAPITAL IMPROVEMENT PROJECTS DEPARTMENT.**

**Sec. 73-1. Purpose.**

The Town of Surfside recognizes that the progress and direction of community development are intricately linked to public capital improvements. These improvements represent a significant portion of the Town's expenditures, underscoring the need for strategic planning. The Town wishes to provide for the efficient preparation, budgeting, and integration of numerous public capital projects within a comprehensive program.

**Sec. 73-2. Creation of a Capital Improvement Projects Department; Functions.**

The Capital Improvement Projects Department is hereby established, under the supervision and coordination of the Town Manager and/or director appointed by the Town Manager, to implement and manage capital improvement projects. The functions of the Department shall include, but not be limited to:

- a) Administration and management of capital improvement and infrastructure projects for the Town;
  - (b) Identification of capital improvement and infrastructure projects and equipment purchases for the Town;
  - (c) Propose and implement capital improvement plan(s);
  - (d) Planning and implementation schedule for such projects, including a timetable for construction and completion of projects, under the direction of the Town Manager and/or director;
  - (e) Forecasting or planning for future development and growth within the Town, including facilities, utilities, infrastructure and equipment programs for implementation of the plans;
  - (f) Solicitation, compilation and evaluation of new projects requests;
  - (g) Evaluation of previously approved, unimplemented or incomplete projects;
  - (h) Prioritization of projects;
  - (i) Assist with the development of financing plans or options for the projects; and
  - (j) Monitoring and management of existing projects.
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58 **Sec. 73-3. Definitions.**

59 As used in this Chapter 73, the following terms shall have the following meanings:

60 (a) *Capital Improvement Project(s)*. "Capital Improvement Project(s)" means a  
61 planned undertaking of the Town that leads to the acquisition, construction, or  
62 extension of the useful life of capital assets. Capital assets include things such  
63 as land, buildings, parks, streets, utilities, and other items of value from which  
64 the community derives benefit. To constitute a capital improvement project, the  
65 project must:

- 66 1. Have a useful life of more than ten years.
- 67 2. Be a one-time outlay, which is non-recurring in nature.
- 68 3. Add to, enhance the value of, or extend the life of the Town's physical  
69 assets.
- 70 4. Major equipment purchases must be associated with a Capital  
71 Improvement Project and must meet the criteria in item 1 above in order to  
72 be included as a Capital Improvement Project.

73 Any project which meets the definition of a Capital Improvement Project  
74 must be included in the Capital Improvement Plan, regardless of funding  
75 source.

- 76 5. Excluded from the definition of Capital Improvement Projects are:
- 77 i. Town vehicular equipment purchases. Fleet appropriations are to be  
78 considered within the operating budget.
- 79 ii. Expenditures for repair, maintenance, supplies and materials or  
80 replacement items which shall be budgeted as operating items.

81 (b) *Capital Improvement Plan*. The Capital Improvement Plan (CIP) is a  
82 comprehensive five-year plan of proposed capital improvement projects,  
83 updated annually, intended to identify and balance the capital needs of the  
84 community within the fiscal capabilities and limitations of the Town budget.

85 (c) *Capital Improvement Plan Budget*. Capital Improvement Plan Budget shall be  
86 submitted annually with the Town Annual Budget and is the first year of the  
87 Capital Improvement Plan.

88 **Sec. 73-4. Capital Improvement Plan and Capital Improvement Plan Budget;**  
89 **Contents.**

90 (a) *Capital Improvement Plan*. The overall Capital Improvement Plan is formulated to  
91 reflect Town's capital priorities and needs for the ensuing five-year period. The  
92 Capital Improvement Plan shall include a brief summary of each project with  
93 sufficient detail to define the basic scope of the project and show the proposed  
94 level of funding and the timing thereof for the various stages of each project,  
95 including the date of inception of the project. Each project shall include the  
96 projected comprehensive budget necessary to complete the project in its entirety,  
97 all prior funds appropriated by the Town or otherwise received for or contributed to

98 the project and anticipated funding by source from all anticipated sources on a  
99 project-by-project basis. For each project included in the CIP, the funding source  
100 and amount of funding for the anticipated post-construction operation costs shall  
101 also be included. Years two through five of the plan may be subject to change as  
102 emergencies arise or projects are delayed by circumstances beyond the Town's  
103 control, including removal of projects from the CIP or delayed from the CIP or the  
104 scope or budget of such project substantially changed. The annual focus primarily  
105 will be on the fifth year of the plan as new projects are added.

106 (b) *Capital Improvement Plan Budget.* The Capital Improvement Plan Budget is the first  
107 year of the Capital Improvement Plan. The Capital Improvement Plan Budget shall  
108 be adopted annually as a separate budget or a separate section within the annual  
109 budget to be known as the "Capital Improvement Plan Budget" separate and apart  
110 from the operating budget of the Town or any other budget required by law.

111 **Sec. 73-5. Preparation and submission of the Capital Improvement Plan Budget.**

112 On or before July 1 of each year, the Capital Improvement Projects Department  
113 shall meet with all departments of the Town to develop a proposed Capital  
114 Improvements Plan Budget for the succeeding fiscal year. The Town Manager shall  
115 submit the proposed Capital Improvements Plan Budget to the Town Commission in  
116 conjunction with the submission of the annual budget.

117 **Sec. 73-6. Progress and Closure of Capital Improvement Projects.**

118 Progress of Capital Improvement Projects is to be tracked by the Town Manager's  
119 and/or Department Director. The Town Manager may hire a Director to assist in the  
120 implementation and oversight of the Department.

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122 **Section 3. Severability.** If any section, part of section, paragraph, clause,  
123 phrase or word of this Ordinance is declared invalid, the remaining provisions of this  
124 Ordinance shall not be affected.

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126 **Section 4. Conflicts.** To the extent that this Ordinance conflicts wholly or  
127 partially with any existing provision in the Town Code, the terms of this Ordinance shall  
128 prevail.

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130 **Section 5. Effective Date.** This Ordinance shall be effective immediately  
131 upon adoption.

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133 **PASSED** on first reading this 10th day of October, 2023.

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135 **PASSED and ADOPTED** on second reading this 14th day of November, 2023.

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**First Reading:**

Motion by: Vice Mayor Rose

Second by: Commissioner Landsman

**Second Reading:**

Motion by: Vice Mayor Rose

Second by: Commissioner Landsman

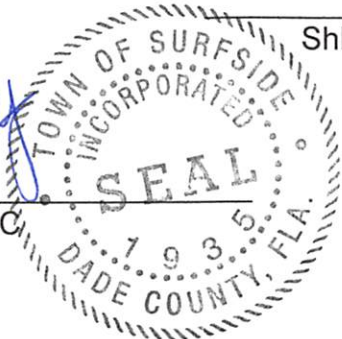
**FINAL VOTE ON ADOPTION**

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meisheid	<u>Absent</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Jeffrey Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>

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Shlomo Danzinger, Mayor

**ATTEST:**

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Sandra N. McCready, MMC,  
TOWN CLERK



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

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