



Town of Surfside
Special Town Commission Meeting
AGENDA
Monday, May 16, 2022
9:00 AM
Commission Chambers

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once this capacity has been reached, people will be asked to watch the meeting from the first floor.

**** 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.***

1. Opening

1A. Call to Order

1B. Roll Call of Members

1C. Pledge of Allegiance

2. Resolutions

2A. RESOLUTION IN SUPPORT OF THE SETTLEMENT OF THE CHAMPLAIN TOWERS SOUTH (CTS) LITIGATION AND THE TOWN'S RATIFICATION OF THE TOWN'S INSURER'S PARTICIPATION IN THE SETTLEMENT. - Lillian Arango, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; IN SUPPORT OF THE SETTLEMENT OF THE CHAMPLAIN TOWERS SOUTH (CTS) LITIGATION AND THE TOWN'S RATIFICATION OF THE TOWN'S INSURER'S PARTICIPATION IN THE SETTLEMENT BY PAYMENT OF POLICY LIMITS TO THE FAMILIES AND VICTIMS OF THE CTS COLLAPSE ON JUNE 24, 2021; PROVIDING FOR IMPLEMENTATION AND TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

[3KQ5012-Reso In Support of Settlement CTS Litigation and Ratifying Insurer's Payment TAv1.DOCX](#)

3. Adjournment

Respectfully submitted,

Andrew Hayatt
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.



MEMORANDUM

ITEM NO. 2A.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Lillian Arango, Town Attorney

Date: May 16, 2022

Subject: **RESOLUTION IN SUPPORT OF THE SETTLEMENT OF THE CHAMPLAIN TOWERS SOUTH (CTS) LITIGATION AND THE TOWN'S RATIFICATION OF THE TOWN'S INSURER'S PARTICIPATION IN THE SETTLEMENT.**

Adopt the attached Resolution expressing the Town Commission's support of the settlement of the CTS Litigation and ratifying the Town's insurer's participation in the settlement by payment of policy limits to the Court directed Settlement Fund Account for the benefit and distribution to the families and victims who have suffered loss of life and property, and personal injury.

The Champlain Towers South (CTS) Building Collapse resulted in the tragic deaths of 98 people, injuries to many others and the unprecedented loss of life and property in the Town of Surfside. Since the CTS Building Collapse, the Town received numerous Notices of Claims pursuant to Section 768.28, Florida Statutes, indicating the intent to pursue potential claims against the Town in connection with the CTS Building Collapse. The parties in the case of In Re: Champlain Towers South Collapse Litigation, Case No. 2021-015089-CA-01 (the "CTS Litigation"), have reached a tentative settlement, and have and will collect certain funds through insurance settlements and other avenues in order to distribute shares of those funds to victims of different classes, such as those incurring loss to property, victims of wrongful death, and personal injury victims. The Town's insurance carrier, The Florida Municipal Insurance Trust, upon demand from the Plaintiffs' class attorneys, and without any finding of fault or liability on the part of the Town relating the CTS Building Collapse, authorized the payment of the Town's insurance limits in the amount of \$2,000,000 to settle the multiple claims potentially being asserted by the wrongful death class, economic class and personal injury claimants for any claims they have or may assert against the Town. The Town has not been formally served as a defendant party in the CTS Litigation and has not been found or adjudicated to have had any fault or wrongdoing in the CTS Building Collapse. The attached Resolution expresses the Town Commission's support of the settlement of the CTS Litigation and ratifies the Town's insurer's participation in the settlement by payment of policy limits to the Court directed Settlement Fund Account for the benefit and distribution to the families and victims who have suffered loss of life and property, and personal injury. The Town has not been formally served as a defendant party in the CTS Litigation and has not been found or adjudicated to have had any fault or wrongdoing in the CTS Building Collapse.

3KQ5012-Reso In Support of Settlement CTS Litigation and Ratifying Insurer's Payment
TAv1.DOCX

RESOLUTION NO. 2022-

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; IN SUPPORT OF THE SETTLEMENT OF THE CHAMPLAIN TOWERS SOUTH (CTS) LITIGATION AND THE TOWN'S RATIFICATION OF THE TOWN'S INSURER'S PARTICIPATION IN THE SETTLEMENT BY PAYMENT OF POLICY LIMITS TO THE FAMILIES AND VICTIMS OF THE CTS COLLAPSE ON JUNE 24, 2021; PROVIDING FOR IMPLEMENTATION AND TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the early morning hours of June 24, 2021, the residential condominium building Champlain Towers South Condominium located at 8777 Collins Avenue in the Town of Surfside ("Town") experienced an unprecedented major structural collapse of a substantial portion of the building ("CTS Building Collapse"); and

WHEREAS, the CTS Building Collapse resulted in the tragic deaths of 98 people, injuries to many others and the unprecedented loss of life and property in the Town of Surfside ("Town"); and

WHEREAS, since the CTS Building Collapse, the Town received numerous Notices of Claims pursuant to Section 768.28, Florida Statutes, indicating the intent to pursue potential claims against the Town in connection with the CTS Building Collapse; and

WHEREAS, the parties in the case of *In Re: Champlain Towers South Collapse Litigation*, Case No. 2021-015089-CA-01 (the "CTS Litigation"), have reached a tentative settlement, and have and will collect certain funds through insurance settlements and other avenues in order to distribute shares of those funds to victims of different classes, such as those incurring loss to property, victims of wrongful death, and personal injury victims; and

WHEREAS, the Town's insurance carrier, The Florida Municipal Insurance Trust, upon demand from the Plaintiffs' class attorneys, and without any finding of fault or liability on the part

of the Town relating the CTS Building Collapse, authorized the payment of the Town's insurance limits in the amount of \$2,000,000 to settle the multiple claims potentially being asserted by the wrongful death class, economic class and personal injury claimants for any claims they have or may assert against the Town; and

WHEREAS, the Town has not been formally served as a defendant party in the CTS Litigation and has not been found or adjudicated to have had any fault or wrongdoing in the CTS Building Collapse; and

WHEREAS, the Town Commission wishes to set forth its support of the settlement of the CTS Litigation and ratify the Town's insurer's participation in the settlement by payment of policy limits to the Court directed Settlement Fund Account for the benefit and distribution to the families and victims who have suffered loss of life and property, and personal injury; and

WHEREAS, the Town Commission finds that this Resolution is in the best interests of the Town and its residents, and all families and victims affected by the CTS Building Collapse.

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

SECTION 1. RECITALS. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.

SECTION 2. IN SUPPORT OF SETTLEMENT OF THE CTS LITIGATION AND RATIFYING THE TOWN'S INSURER'S PARTICIPATION IN THE SETTLEMENT BY PAYMENT OF POLICY LIMITS TO THE FAMILIES AND VICTIMS OF THE CTS COLLAPSE. The Town Commission hereby sets forth its support of the settlement of the CTS Litigation and ratifies the Town's insurer's participation in the settlement by payment of policy limits to the Court directed Settlement Fund Account for the benefit and distribution to the families and victims who have suffered loss of life and property, and personal injury.

SECTION 3. IMPLEMENTATION AND TRANSMITTAL. The Town Manager and Town Attorney are authorized to take all action necessary to implement the purposes of this Resolution, and transmit a copy of this Resolution to all individuals as required or deemed appropriate in connection with the settlement of the CTS Litigation and payment of the Town's policy limits.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this ____ day of May, 2022.

Motion by:_____ ,

Second by:_____ .

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman	_____
Commissioner Marianne Meisheid	_____
Commissioner Nelly Velasquez	_____
Vice Mayor Jeff Rose	_____
Mayor Shlomo Danzinger	_____

Shlomo Danzinger, Mayor

ATTEST:

Sandra N. McCready, MMC, Town Clerk

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

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