

ORDINANCE NO. 2024-1775

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTIONS 70-124 AND 70-126, OF DIVISION 2.—“RESORT TAX BOARD”, OF ARTICLE IV.—“RESORT TAX”, CHAPTER 70 OF THE TOWN CODE, TO AMEND THE POWER AND DUTIES AND DELETE ANY REQUIREMENT FOR SPECIFIC, MINIMUM ALLOCATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the “Town”) created the Resort Tax Board (the “Board”) to explore, create, and organize events and activities that enhance Town tourism; and

WHEREAS, Section 70-126 of the Town Code establishes the power and duties of the Board; and

WHEREAS, the Town Commission desires to align the powers and duties of the Board consistent with other Town boards such that it will be advisory in nature and subject to Town Commission approval, including the deletion of any required minimum allocation directed to advertising, promotion and special events; and

WHEREAS, in order to achieve the Town’s objectives, the Town Commission seeks to amend Section 70-126 to provide for the Board’s recommendations to the Town Commission of enumerated items and delete any specific allocation directed to particular activities; and

WHEREAS, the Town Commission finds that amending Section 70-124 of the Town Code is required to conform to amendments to Section 70-126.

WHEREAS, the Town Commission finds that amending Section 70-126 of the Town Code is in the best interest and welfare of the Town.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. **Recitals Adopted.** The above-stated recitals are hereby adopted and confirmed.

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 2. Town Code Amended. The Code of Ordinances of the Town of Surfside, Florida is hereby amended by amending Section 70-124 "Composition; appointment; vacancies; compensation; removal from office, etc." and Section 70-126, "Power and duties.", as follows:

Chapter 70 – Taxation

Article IV. – Resort Tax

Division 2. – Resort Tax Board

Sec. 70-124. Composition; appointment; vacancies; compensation; removal from office, etc.

- (a) *Number, term and qualification of members.* The board shall consist of five members. Each commissioner shall appoint one board member. All appointed board members must be ratified by a vote of the town commission. Any newly elected commissioner has the right to appoint a resort tax board member unless the corresponding appointment has yet to reach the end of their two-year term. Each of the five members shall be persons who reside in Surfside and at least three of the five members shall be persons who have experience in any of the following areas: tourism, public relations, marketing, event planning and/or tourism related activities. One town commissioner shall serve as a non-voting ex-officio member of the board.
- (b) *Resiliency member.* One board member shall also possess education and/or experience in sustainability and resiliency, which may include environmental science.
- (c) *Vacancies.* Any vacancies occurring on the board shall be filled at the earliest possible date by the town commission for the remainder of the unexpired term.
- (d) *Reappointment.* Board members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.
- (e) *Compensation of members.* Members of the board shall serve without compensation but shall be reimbursed for necessary expenses occurred in the performance of the official duties, as shall be determined and pre-approved by the town commission.
- (f) *Acceptance of appointment.* Before serving on the board ~~entering upon the duties of office,~~ each board member shall file a written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the Town Clerk. Each appointed member ~~is required to~~ shall comply with the State requirements for the ~~provide the town clerk with a~~ Form 1-Statement of Financial Interests, within three business days of being appointed ~~ment~~ to the board.

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- 80 (g) *Removal of members from office; attendance.* A board member may be removed
81 from office only by a majority vote of the entire membership of the town commission;
82 however, whenever a board member shall fail to attend three consecutive meetings
83 without prior notification to the director or town manager, the chairman shall certify
84 such non-attendance to the town commission, and, upon such certification, the board
85 member shall be deemed to have been removed and the Town Commission shall fill
86 the vacancy pursuant to paragraph (c) above.

87 Sec. 70-126. – Power and duties.

88
89 The board shall have the following enumerated powers and duties.

- 90
91 (1) To ~~adopt and/or recommend procedures as it related to~~ recommend to the Town
92 Commission the adoption and/or amendment procedures as they relate to
93 publicity, advertising, promotional events, ~~tourist board~~ and ~~this board's~~ activities.
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95 (2) To ~~recommend to the Town Commission any expenditure of~~ expend resort tax
96 funds collected pursuant to Chapter 70 of the Town Code, as budgeted by the
97 Town Commission. Specifically, ~~these amounts allocated by the commission~~
98 ~~during their annual budgetary process, the minimum being 34 percent of the resort~~
99 ~~tax collected, to advertising promotion and special events as part of the tourist~~
100 ~~bureau budget.~~
101
102 (3) To ~~recommend to the Town Commission any~~ employ or retain an advertising
103 and/or public relations consultant and/or firm as it relates to specific ~~tourist board~~
104 ~~activities.~~ The tourist board shall designate a member to assist the town manager,
105 upon request, in the process of selecting its a director for the department.
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107 (4) To ~~recommend to the Town Commission the~~ authorize placement of advertising in
108 various media.
109
110 (5) To organize special events to promote the Town ~~for the promotion of Surfside as~~
111 ~~a tourist destination, as approved by the Town Commission.~~
112
113 (6) To create a formalized timely budget plan, ~~in form and substance approved by the~~
114 ~~town manager,~~ for consideration by the Town Commission during its annual with
115 staff in consultation with the town manager or designee and to submit the budget
116 plan to the town manager every year as part of the budgetary process.
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121 **Section 3. Severability.** If any section, sentence, clause or phrase of this
122 ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
123 then said holding shall in no way affect the validity of the remaining portions of this
124 ordinance.

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Section 4. Inclusion in the Code. 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 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. That this Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this 14th day of May, 2024.

PASSED AND ADOPTED on second reading this 18th day of June, 2024.

First Reading:

Motion by: Commissioner Velasquez

Second by: Vice Mayor Paul


Second Reading:

Motion by: Vice Mayor Paul

Second by: Commissioner Vildostegui

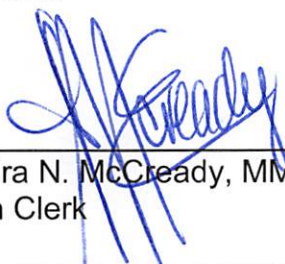
FINAL VOTE ON ADOPTION

Commissioner Ruben A. Coto	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Commissioner Gerardo Vildostegui	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>

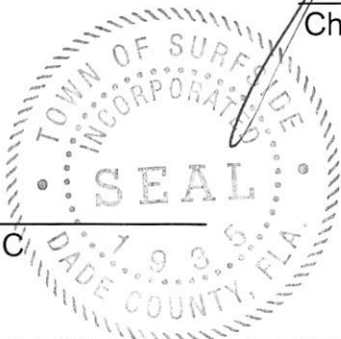


Charles W. Burkett, Mayor

ATTEST:



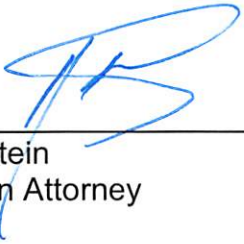
Sandra N. McCreedy, MMC
Town Clerk



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

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Mark Blumstein
Interim Town Attorney

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