

NOTE: A request form is available from the Deputy Town Clerk or on the Town's website; please fill it in and return it no later than the "Public Comment" section of the meeting if you would like to address the Town Council. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please mute or turn off your cell phone or electronic devices at the start of the meeting. Thank you.

**TOWN OF BAY HARBOR ISLANDS
MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET
BAY HARBOR ISLANDS, FL 33154**

REGULAR COUNCIL MEETING

REVISED

AGENDA

August 14, 2024
7:00 PM

STATEMENT OF DECORUM

All comments must be addressed to the Council as a body and not to individuals. Any person making a racial or slanderous remark or who becomes boisterous while addressing the Town Council, staff, etc. shall be barred from the audience by the presiding officer. No profanity, shouting, heckling, verbal outbursts, or disruptive behavior in support of or opposition to a speaker or his/her remarks is permitted. Please mute or turn off your cell phone or other electronic devices at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chambers shall do so quietly.

SPECIAL NOTICE

A Regular Meeting of the Town Council of the Town of Bay Harbor Islands will take place in-person and virtually through the Zoom platform, on Wednesday, August 14, 2024, at 7:00 p.m.

"In an effort to provide greater public access and comment on pending matters, the Town of Bay Harbor Islands is providing a Zoom link to enable members of the public to comment on pending items on the Town Council agenda. Zoom access is provided under the same terms and conditions as in-person access, including length of time and decorum. Anyone desiring to be heard may utilize the Zoom link. However, members of the public must understand that the provision of Zoom access for comments is a courtesy, not a vested right, and that access is provided subject to the availability and functionality of the Town's equipment. There is no guarantee that internet service will be reliable or that the Town's equipment will function as intended. In the event that the Zoom access is unavailable or interrupted for any reason, the Town Council meeting will still proceed forward, and will not be stopped or rescheduled in any regard. Those wishing to be absolutely certain that their comments are heard by the Town Council should present themselves in person at the Council meeting and seek recognition, or alternatively, should submit their comments in advance of the meeting in writing to the Town Clerk, and ask that they be read into the record, subject to the above terms and conditions, such as length and decorum. The validity of any actions taken by the Town Council will in no way be affected by the use or functionality of Zoom access for comments."

Zoom Meeting Link: <https://us06web.zoom.us/j/87332116465>
Meeting ID: 873 3211 6465

To request to speak during Public Comment, please utilize the "raise your hand" Zoom feature on your electronic device. You will be recognized at the direction of the Zoom Meeting Host.

In addition, any member of the public who does not wish, or is unable to participate through the Zoom video conferencing platform, but would still like to participate can do so by listening to the meeting as it happens by dialing the Toll-free numbers below:

US Toll Free Numbers: 877 853 5247 or 888 788 0099
For higher quality, dial a number based on your current location):
US: 1 312 626 6799 or 1 646 558 8656 or 1 301 715 8592

Meeting ID: 873 3211 6465
Participant ID: Press the # key.

To request to speak: Dial *9 on your telephone device to activate the "Raise your Hand" feature on the Zoom platform.

Members of the Public can also submit their request to speak and/or comments via email to the Office of the Town Clerk at yhamilton@bayharborislands-fl.gov prior to 4:00 p.m. on the day of the meeting.

CALL TO ORDER: at approximately 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

1. Army Command Sergeant Major Stuart Sword-Retired - Bay Harbor Islands Veteran's Outreach Event
2. Vice Mayor Isaac Salver - Florida League of Cities - 2024 Mayor John Land Years of Service Awards
3. BHI Bright Paths Youth Development Program Summer Camp - 2024 Dade County Battle of the Books Reading Literacy Competition Champions.
4. Presentation of the Town's Annual Comprehensive Financial Report (ACFR) for the year ended September 30, 2023 by the Town's Auditors managing partner Moises Ariza from Marcum LLP.
5. Award of Scholarship to Police Explorer Nicolaj Holm

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

COUNCIL REPORTS:

PUBLIC COMMENT

There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A request form is available from staff or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council. Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.

COMMITTEE REPORTS:

CONSENT AGENDA: Set for approximately 7:55 p.m. *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)*

6. Approval of Council Meeting Minutes:
 - A. Regular Council Meeting - January 10, 2024
 - B. Regular Council Meeting - February 21, 2024
 - C. Regular Council Meeting - March 20, 2024
 - D. Organizational Meeting - April 10, 2024
 - E. Regular Council Meeting - April 10, 2024
 - F. Regular Council Meeting - May 8, 2024
 - G. Town Council Retreat - May 28, 2024/May 29, 2024
 - H. Special Council Meeting - June 10, 2024
 - I. Town Council Budget Workshop - June 18, 2024
7. **Consideration and Approval** of a resolution updating the official signatories of the Town of Bay Harbor Islands for banking and depository purposes with Bank of America. Enclosed is the draft resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF BAY HARBOR ISLANDS, FLORIDA, UPDATING
AUTHORIZED SIGNATORIES FOR DEPOSITS AND
WITHDRAWALS OF TOWN FUNDS IN CERTAIN
ACCOUNTS; PROVIDING FOR INCORPORATION OF
RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

8. **Consideration and Approval** of a resolution ratifying and approving an emergency proposal from MTX Group One in the amount of \$39,800.00, in accordance with Section 2-1.3 of the Town's Emergency Procurements provisions, for repair of a caved-in portion of 95th Street and East Broadview Drive. Enclosed are the draft Resolution and proposal.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING
APPROVAL OF A PROPOSAL FROM MTX GROUP ONE FOR
EMERGENCY REPAIR OF A CAVED-IN AREA AT 95TH
STREET AND EAST BROADVIEW DRIVE; PROVIDING FOR
INCORPORATION OF RECITALS AND SETTING AN
EFFECTIVE DATE.**

9. **Consideration and Approval** of a resolution ratifying and approving proposals from MTX Group One in the amount of \$ 62,852.60, under the emergency procurement provision, in accordance with Section 2-1.3 of the Town Code, for repair of potholes on the Shepard Broad Causeway Bridge No. 875101, Project (BC-158). Enclosed are the draft Resolution and proposals.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING THE APPROVAL OF A PROPOSAL FROM MTX GROUP ONE FOR EMERGENCY REPAIR OF POT HOLES ON THE SHEPARD BROAD CAUSEWAY BRIDGE (BC-158/BC REHABILITATION BRIDGE NO. 875101 PROJECT); PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

10. **Consideration and Approval** of a Resolution for the Sixth Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to November 29, 2024, for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida. Enclosed are the draft Resolution and the Lease Extension agreement.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, PROVIDING FOR THE APPROVAL OF THE SIXTH LEASE EXTENSION AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND SUNSHINE GASOLINE DISTRIBUTORS, INC., A FLORIDA CORPORATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

11. **Consideration and Approval** of a resolution designating authorized signatories with Mellon Bank for the town investment accounts. Enclosed is the draft Resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, UPDATING THE AUTHORIZED SIGNATORIES FOR THE TOWN'S INVESTMENT ACCOUNTS HELD WITH MELLON BANK, N.A.; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

12. **Consideration and Approval** of a resolution approving an Interlocal Agreement between the Town of Bay Harbor Islands and Miami-Dade County to continue the services of the Civil Citation Program. Enclosed are the resolution and Interlocal Agreement.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR ENFORCEMENT OF SPECIFIED STATE MISDEMEANORS AS CIVIL CITATIONS THROUGH THE COUNTY'S CODE ENFORCEMENT AND DIVERSION PROGRAM, PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN THE INTERLOCAL AGREEMENT; PROVIDING FOR INCORPORATION OF RECITALS, AUTHORIZING EXECUTION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

13. **Consideration and Approval** of a resolution approving a proposal from Transcore in the amount of \$355,068.60 to upgrade all of the servers and software on the SunPass toll system. Enclosed is the draft resolution and proposal from Transcore.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A PROPOSAL FROM TRANSORE IN THE AMOUNT OF \$355,068, UNDER THE SOLE SOURCE PROVISION PURSUANT TO SECTION 2.1.2 OF THE TOWN CODE, TO UPGRADE THE SERVERS AND SOFTWARE ON THE SUNPASS TOLL SYSTEM; PROVIDING FOR INCORPORATION OF RECITALS, AUTHORIZING EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

14. **Consideration and Approval** of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Sweetwater and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE CITY OF SWEETWATER FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

15. **Consideration and Approval** of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of North Miami Beach and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE CITY OF NORTH MIAMI BEACH FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

16. **Consideration and Approval** of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Hialeah and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE CITY OF HIALEAH FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

17. **Consideration and Approval** of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Hialeah Gardens and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE CITY OF HIALEAH GARDENS FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

18. **Consideration and Approval** of a resolution amending Resolution No. 2269 to revise the fees for the Broad Causeway SunPass Toll. Enclosed are the draft resolution and a list of the proposed fees.

~~A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, REVISING RESOLUTION NO. 2269 REGARDING THE SCHEDULE OF TOLLS ON THE SHEPARD BROAD CAUSEWAY; REPEALING OTHER RESOLUTIONS; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.~~

19. **Consideration and Approval** of a resolution approving Memorandums of Understanding (MOU) with the School Board of Miami-Dade County and Surfside and Bal Harbour for School Resource Officers at Ruth K. Broad/K-8. Enclosed are the MOUs.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING MEMORANDUMS OF UNDERSTANDING WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY AND WITH THE TOWN OF SURFSIDE AND VILLAGE OF BAL HARBOUR FOR SCHOOL RESOURCE OFFICERS AT RUTH K. BROAD; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING EXECUTION OF THE AGREEMENTS; AND SETTING AN EFFECTIVE DATE.

- 19A. **Consideration and Approval** of the issuance of a Request for Proposals (RFP) for 96th Street New Park and Kayak Launch – Design Building Project. Sponsored by Mayor Joshua D. Fuller. Enclosed is a preliminary sketch of the kayak launch location.

STAFF RECOMMENDATION: Approve

POLL VOTE

PUBLIC HEARING

20. **Consideration and Approval** of a request by 1177 Bay Harbor Islands, LLC for modifications to the approved development plan for a new commercial mixed-use building to be located at 1177 Kane Concourse, Lots 5-8 / Block 21 & Lots 6-14, Bay Harbor Islands, Florida. Sponsored by Council Member Eric Rappaport. Enclosed are supporting documents.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON SECOND READING:

21. **Consideration and Approval** of an ordinance on Second Reading amending Sections 18-9 to Section 18-15 of the Town Code relating to regulation of bicycles, motorized, non-motorized and other similar devices. Sponsored by Council Member Eric Rappaport. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE REGULATION OF BICYCLES, MOTORIZED AND OTHER SIMILAR DEVICES; AMENDING CHAPTER 18, ARTICLE I, SECTION 18-9 "PROHIBITION OF THE RIDING OF BICYCLES AND MOTORIZED DEVICES", SECTION 18-11 "BICYCLES AND MOTORIZED DEVICES PARKING"; RETITLING FROM RESERVED TO SECTION 18-10 "REGULATION OF BICYCLES AND MOTORIZED DEVICES (EXCLUDING BRIDGES)", SECTION 18-12 "REQUIREMENT FOR OPERATORS UNDER SIXTEEN (16) YEARS OLD", SECTION 18-13 "ENFORCEMENT", SECTION 18-14 "SCHEDULE OF CIVIL PENALTIES", AND SECTION 18-15 "APPEALS"; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

22. **Consideration and Approval** of an ordinance on Second Reading amending Section 2-1.1 and Section 2-1.2 of the Town Code relating to procurement limitations. Sponsored by Council Member Eric Rappaport. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO PROCUREMENT LIMITATIONS; AMENDING CHAPTER 2, ARTICLE I, SECTION 2-1.1 PROCUREMENT LIMITATIONS; COMPETITIVE BIDDING AND SECTION 2-1.2 EXEMPTIONS AND WAIVERS FROM COMPETITIVE BIDDING; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

23. **Consideration and Approval** of an ordinance on Second Reading amending Section 5-5(h) of the Town Code to provide for maintenance of construction job sites twice daily within specific time frames from 9:00 a.m. to 11:00 a.m. and from 4:00 p.m. to 6:00 p.m., Monday through Friday, and once daily between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and Sundays. Sponsored by Council Members Stephanie Bruder and Robert Yaffe. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO JOB SITE MAINTENANCE, AMENDING CHAPTER 5, BUILDING AND CONSTRUCTION, ARTICLE I, CONSTRUCTION SITE OPERATIONS, SECTION 5-5(h), JOB SITE MAINTENANCE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

24. **Consideration and Approval** of an ordinance on Second Reading amending Section 23-33 of the Town Code relating to loading zone regulations. Sponsored by Council Member Stephanie Bruder. Enclosed is the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO OFF-STREET LOADING; AMENDING CHAPTER 23, ARTICLE II, SECTION 23-33 RETITLING FROM RESERVED TO OFF-STREET LOADING ZONE PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON FIRST READING:

25. **Consideration and Approval** of an ordinance on First Reading amending Section 5-23.01 of the Town Code regarding appointments to the Design Review Board. Sponsored by Council Member Eric Rappaport. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTIONS 5-23.01 OF THE TOWN'S CODE OF ORDINANCES AS RELATED TO THE DESIGN REVIEW BOARD; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE II ENTITLED DESIGN REVIEW BOARD; SECTIONS 5-23.01 ENTITLED DESIGN REVIEW BOARD MEMBERSHIP; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

26. **Consideration and Approval** of an ordinance on first reading amending Chapter 15 of the Town Code, by adding Section 15-2 regarding appointments to the Parks & Recreation Committee. Sponsored by Council Member Eric Rappaport. Enclosed is the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO PARKS AND RECREATION BY AMENDING CHAPTER 15, ARTICLE 1, RETITLING FROM RESERVED TO SECTION 15-2 TO BE ENTITLED "PARKS AND RECREATION COMMITTEE"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

27. **Consideration and Approval** of an ordinance on first reading amending Section 12-26 of the Town Code regarding permissible hours for construction activity and landscaping and Section 12-27 regarding penalties. Enclosed is the draft ordinance and supporting documents. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-26 ENTITLED PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; AMENDING SECTION 12-27 ENTITLED PENALTIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

DEFERRED ITEMS:

TOWN MANAGER ITEMS: *(Town business items requiring Council approval)*

28. **Request for Approval** of the extension of a temporary Sales Center at 10301 East Bay Harbor Drive in connection with the development of the properties at 9781 and 9927-9955, 10190 & 10301 East Bay Harbor Drive, by 10301 Bay Harbor Development LLC. Enclosed is the applicant's Letter of Intent. **Sponsored by Council Member Molly Diallo.**

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

29. **Consideration and Approval** of a resolution granting the authority to the Town Manager to apply for a Line of Credit for emergency purposes, should the need arise. Enclosed is the proposed resolution. **Sponsored by Council Member Stephanie Bruder.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, GRANTING THE AUTHORITY TO THE TOWN MANAGER TO APPLY FOR A LINE OF CREDIT, WHEN NECESSARY, FOR EMERGENCY PURPOSES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

DISCUSSION ITEMS:

30. **Discussion and Possible** regarding a resolution to enter into an Employment Agreement with Town Manager Jenice Rosado. Enclosed are the draft resolution and proposed agreement. **Sponsored by Council Member Stephanie Bruder.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN EMPLOYMENT AGREEMENT WITH TOWN MANAGER JENICE ROSADO; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING EXECUTION OF THE AGREEMENT, AUTHORIZING EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

31. **Discussion and Possible** action regarding Shepard Broad Causeway Bridge Monitoring Device and Services. **Sponsored by Council Member Teri D'Amico.**
18. **Consideration and Approval** of a resolution amending Resolution No. 2269 to revise the fees for the Broad Causeway SunPass Toll. Enclosed are the draft resolution and a list of the proposed fees.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, REVISING RESOLUTION NO. 2269 REGARDING THE SCHEDULE OF TOLLS ON THE SHEPARD BROAD CAUSEWAY; REPEALING OTHER RESOLUTIONS; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

ADJOURNMENT: Approximately 11:00 p.m.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 1.

ITEM: Army Command Sergeant Major Stuart Sword-Retired - Bay Harbor Islands Veteran's Outreach Event

DESCRIPTION:

In an effort to bring the Town's veterans knowledge regarding services and assistance available to them, the Town has joined forces with the VA to provide two days, Friday, September 6th & Saturday, September 7th, with information and assistance for Veteran's in the community. This event will be held at the Morris Broad Community Center.

RECOMMENDED ACTION:

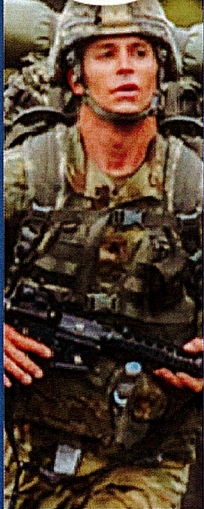
FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Veterans Outreach Event
----	-------------------------



Webex Webinar



August 28th @ 12pm



VADAYS ENROLLMENT FAIR

- ★ Miami VA Healthcare-Enrollment Onsite
- ★ Florida Dept Vet Affairs
Service Connection Claims Onsite
- ★ National Cemetery Administration Onsite
- ★ Pre-Burial Coordination Onsite
- ★ PACT Act toxic exposure
Lung Cancer Screening

★ **Date:** Friday, September 6th
Time: 8-4pm
Location: Morris N. Broad Community Center
Address: 1175 95th Street, Bay Harbor Islands, FL 33154

★ **Date:** Saturday September 7th
Time: 8-4pm
Location: Morris N. Broad Community Center
Address: 1175 95th Street, Bay Harbor Islands, FL 33154



AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 2.

ITEM: Vice Mayor Isaac Salver - Florida League of Cities - 2024 Mayor John Land Years of Service Awards

DESCRIPTION:

The Florida League of Cities will be presenting Vice Mayor Salver with the Mayor John Land Years of Service Award. Named in honor of long-time Apopka Mayor John Land, who served his city for over 60 years, the Mayor John Land Years of Service Award honors elected municipal officials for their extensive years of dedicated public service. The focus is a city, town, or village's legislative body members who have reached 20, 25, 30, 35, 40, or 50 years of municipal service.

Vice Mayor Salver has dedicated the last 25 years to serving the Town of Bay Harbor Islands.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

None

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 3.

ITEM: BHI Bright Paths Youth Development Program Summer Camp - 2024 Dade County Battle of the Books Reading Literacy Competition Champions.

DESCRIPTION:

Bright Paths Youth Services programming in partnership with the Children's Trust, FIU & Nova South Eastern, strives to continuously promote literacy and academic excellence. This year, to promote continued literacy improvement efforts, all campers were given books to read throughout the summer. Fifteen students were chosen to represent Bay Harbor Islands in a County-wide literacy competition, via Kahoot (live online question and answer platform). The teams were broken into Kindergarten & first grade, second & third-graders, and fourth & fifth graders. Kindergarten & first-graders read a 20-page book called "Splat the Cat", the second & third-graders read a 75-page book called "Sadiq and the Water Pollution Crew", and the fourth & fifth graders read a 230-page book called "Simon B. Rhyming". BHI Bright Paths Youth Development Program Summer Camp is the 2024 Dade County Battle of the Books Reading Literacy Competition CHAMPIONS! The 4-5 graders took home the Championship Title with a 2000-point differential compared to the other camps and programs throughout Dade County.

Congratulations to our literacy Rockstars!

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

None

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 4.

ITEM: Presentation of the Town's Annual Comprehensive Financial Report (ACFR) for the year ended September 30, 2023 by the Town's Auditors managing partner Moises Ariza from Marcum LLP.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Sandra Siefken, Assistant Finance Director

ATTACHMENTS

1.	Town of BHI - Issued ACFR FY2023
2.	Town of BHI - Issued Communication Letter FY2023
3.	BHI Pension - Issued FS FY2023

ANNUAL COMPREHENSIVE FINANCIAL REPORT

**FOR FISCAL YEAR
ENDED
SEPTEMBER 30, 2023**



Town of Bay Harbor
Islands, Florida



ANNUAL COMPREHENSIVE FINANCIAL REPORT

of the

TOWN OF BAY HARBOR ISLANDS, FLORIDA



For the fiscal year ended September 30, 2023

Prepared by the Finance Department

Town of Bay Harbor Islands, Florida
Annual Comprehensive Financial Report
For the Fiscal Year Ended September 30, 2023
Table of Contents

	Page
Introductory Section	
Letter of transmittal.....	i - iii
Certificate of achievement for excellence in financial reporting.....	iv
Town officials	v
Organizational chart.....	vi
Financial Section	
Independent Auditors' Report.....	1-4
Management's discussion and analysis (required supplementary information)	5-17
Basic financial statements	
Government-wide financial statements	
Statement of net position	18
Statement of activities.....	19
Fund financial statements	
Governmental fund financial statements	
Balance sheet	20
Statement of revenues, expenditures and changes in fund balances.....	21
Reconciliation of the statement of revenues, expenditures and changes in fund balances of governmental funds to the statement of activities	22
Proprietary fund financial statements	
Statement of net position	23
Statement of revenues, expenses and changes in net position.....	24
Statement of cash flows	25-26
Fiduciary fund financial statements	
Statement of fiduciary net position.....	27
Statement of changes in fiduciary net position.....	28
Notes to basic financial statements	29-72

Town of Bay Harbor Islands, Florida
Annual Comprehensive Financial Report
For the Fiscal Year Ended September 30, 2023
Table of Contents

	Page
Financial Section, continued	
Required Supplementary Information	
Budgetary comparison schedule – general fund	73
Note to budgetary comparison schedule	74
Schedule of changes in the town’s total OPEB liability and related ratios	75
Schedule of changes in the town’s net pension liability (asset) and related ratios	76
Schedule of town contributions	77
 Supplementary Information	
Combining and individual fund statements and schedules:	
Combining balance sheet – nonmajor governmental funds	78
Combining statement of revenues, expenditures, and changes in fund balances – nonmajor governmental funds	79
Budgetary comparison schedule – park impact fees fund	80
Budgetary comparison schedule – police forfeitures fund	81
Budgetary comparison schedule – youth development program	82
Statistical Section	
Schedule 1 - Net position by component	83
Schedule 2 - Changes in net position	84-85
Schedule 3 - Fund balances of governmental funds	86
Schedule 4 - Changes in fund balances of governmental funds	87
Schedule 5 - Program revenues by function/program.....	88
Schedule 6 - Assessed value of taxable property	89
Schedule 7 - Property tax rates, direct and overlapping governments.....	90
Schedule 8 - Principal property taxpayers	91
Schedule 9 - Property tax levies and collections	92
Schedule 10 - Causeway toll revenues.....	93
Schedule 11 - Ratios of outstanding debt by type.....	94
Schedule 12 - Direct and overlapping governments	95
Schedule 13 - Legal debt margin information	96
Schedule 14 - Pledged revenue coverage.....	97
Schedule 15 - Demographic and economic statistics.....	98
Schedule 16 - Full-time town employees by function	99
Schedule 17 - Operating indicators by function	100
Schedule 18 - Capital asset statistics by function	101

Town of Bay Harbor Islands, Florida
Annual Comprehensive Financial Report
For the Fiscal Year Ended September 30, 2023
Table of Contents

	Page
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 <i>Government Auditing Standards</i>	102-103
Independent Auditors' Report on Compliance for the Major Federal Program; Report on Internal Control Over Compliance; and Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance	104-106
Schedule of Expenditures of Federal Awards.....	107
Notes to Schedule of Expenditures of Federal Awards	108
Schedule of Findings and Questioned Costs.....	109-110
Management Letter in Accordance with the Rules of the Auditor General of the State of Florida.....	111-113
Independent Accountants’ Report on Compliance Pursuant to Section 218.415 Florida Statutes	114
Affidavit, F.S. Section 163.31801, Impact Fees	115

INTRODUCTORY SECTION



June 30, 2024

Town Council

Joshua D. Fuller
Mayor

Isaac Salver
Vice Mayor

Stephanie Bruder
Council Member

Molly Diallo
Council Member

Teri D'Amico
Council Member

Eric Rappaport
Council Member

Robert Yaffe
Council Member

Town Officials

Jenice Rosado
Town Manager

Yvonne Hamilton
Town Clerk

Joseph Geller
Town Attorney

To the Honorable Mayor Joshua D. Fuller, Vice Mayor Isaac Salver, members of the Town Council, and citizens of the Town of Bay Harbor Islands:

State law requires that all general-purpose local governments publish within nine months of the close of each fiscal year a complete set of financial statements presented in conformity with accounting principles generally accepted in the United States (GAAP) and audited in accordance with generally accepted auditing standards and government auditing standards by licensed certified public accountants. In addition, Section 31 of the Town Charter requires that qualified public accountants shall make an independent audit of accounts for submission to the Town Council. In fulfillment of these requirements, the Town's Annual Comprehensive Financial Report for the fiscal year ended September 30, 2023, is presented for your consideration and review.

Responsibility for the accuracy and fairness of the presentation, including all disclosures, rests with the Town. We believe the information as presented is accurate in all material respects, that it is presented in a manner designed to fairly set forth the financial position and results of operations of the Town, and that all disclosures necessary to enable the reader to gain general understanding of the Town's financial activity have been included. To provide a reasonable basis for making these representations, management of the Town has established a comprehensive internal control framework that is designed both to protect the Town's assets from loss, theft, or misuse and to compile sufficient reliable information for the preparation of the Town of Bay Harbor Islands' financial statements in conformity with GAAP. Because the cost of internal controls should not outweigh their benefits, the Town's comprehensive framework of internal controls has been designed to provide reasonable rather than absolute assurance that the financial statements will be free from material misstatement.

Marcum LLP, a licensed certified public accounting firm, has audited the Town's financial statements. The goal of the independent audit was to provide reasonable assurance that the financial statements of the Town of Bay Harbor Islands for the fiscal year ended September 30, 2023, are free of material misstatement. The independent audit involved examining on a test basis, evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and significant estimates made by management; and evaluating the overall financial statement presentation. The independent auditor concluded, based upon their audit, that there was a reasonable basis for rendering unmodified opinions that the Town's financial statements for the fiscal year ending September 30, 2023, are fairly presented in accordance with GAAP. The independent auditors' report is presented as the first component of the financial section of this report.

Management's Discussion and Analysis (MD&A) is a narrative introduction, overview, and analysis provided by management accompanying the basic financial statements. This letter of transmittal is complementary to the MD&A and should be read in conjunction with it. The Town of Bay Harbor Islands' MD&A can be found immediately following the report of the independent auditors.

Profile of the Government

The Town of Bay Harbor Islands has 5,679 residents according to the latest available estimate in 2023 from the U.S. Census Bureau. Located in northeastern Miami-Dade County, it is comprised of two islands in the Intracoastal Waterway. The Broad Causeway provides access from the Town to the mainland and to the beaches of the barrier island. The Town has a very low crime rate and enjoys moderate subtropical temperatures and weather.

The Town was incorporated in 1947 and operates under a council-manager form of government. The seven-member Town Council establishes policies, enacts legislation, and adopts budgets. The Town provides a full range of services: public safety (police, building and zoning), transportation and the construction and maintenance of roads, infrastructure, and recreation facilities, operation and maintenance of a causeway, water and sewer utilities, sanitation (refuse collection), operation and maintenance of parking facilities, and general government and administrative services. Fire protection, education, and welfare services are provided by units of other local governments whose activities are not included in the accompanying financial statements.

The annual budget serves as the foundation for the Town's financial planning and control. The Town Manager presents a proposed budget to the Town Council, after having reviewed and revised budget requests from all departments. The Council holds two public hearings to receive public comment prior to adopting the final budget and tax millage rate. The budget must be adopted prior to September 30th. The department is the legal level of budgetary control. The Town Council must approve all supplemental appropriations and any transfers of appropriations between departments. Budget-to-actual comparisons are provided for the General Fund in the Required Supplementary Information section following the notes to the financial statements.

Information Relevant to an Assessment of Financial Condition

The information presented in the financial statements is best understood when it is considered from the broader perspective of the specific environment within which the Town of Bay Harbor Islands operates.

The Town has a convenient location within easy driving distance of the cities of Miami, Miami Beach, and Fort Lauderdale, with all their commercial and employment opportunities and cultural, recreational, and other amenities. The Miami and Fort Lauderdale airports, Port Everglades, and the Port of Miami are all easily accessible.

Based on 2023 estimates from the U.S. Census Bureau, the median age for Town residents is 35.9, and median household income is \$73,587.

Property values have increased in the last ten years. However, according to the Miami-Dade County property appraiser, existing property values increased 18.8% as of January 1, 2023. However, redevelopment of older properties is continuing to give a more modern look to the Town and to strengthen the tax base. Continuing improvement in property values and in the economy is expected to have a positive impact on the Town's ability to generate revenues.

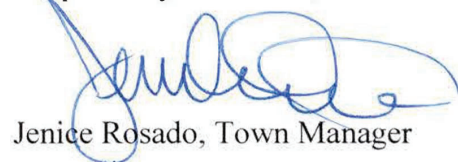
Long-term Financial Planning

Redevelopment of commercial and residential properties continues to enhance the Town's tax base, and several significant multi-family projects should be added to the Town's tax rolls for upcoming fiscal years. Sales of transferable development rights needed for development of larger multi-family projects have continued but since those receipts are from the sales of limited assets, they are not budgeted nor used to support ongoing operations.

Acknowledgements

As always, we would like to thank the Mayor, Vice Mayor and members of the Town Council for their support and endorsement of sound accounting, financial management, and financial reporting practices and to express our appreciation to our independent certified public accountants, Marcum LLP, for their cooperation, assistance, and professionalism. We would also like to express our appreciation to everyone on the Finance Department team for their dedication and hard work.

Respectfully submitted,



Jenice Rosado, Town Manager



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

**Town of Bay Harbor Islands
Florida**

For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

September 30, 2022

Christopher P. Morill

Executive Director/CEO

TOWN OF BAY HARBOR ISLANDS, FLORIDA

TOWN OFFICIALS

COUNCIL-MANAGER FORM OF GOVERNMENT

TOWN COUNCIL

Joshua D. Fuller, Mayor

Isaac Salver, Vice Mayor

Teri D'Amico
Stephanie Bruder
Eric Rappaport
Molly Diallo
Robert H. Yaffe

TOWN MANAGER

Jenice Rosado

TOWN CLERK

Yvonne Hamilton

TOWN ATTORNEY

Greenspoon Marder LLP
Joseph Geller

TOWN FINANCE DIRECTOR

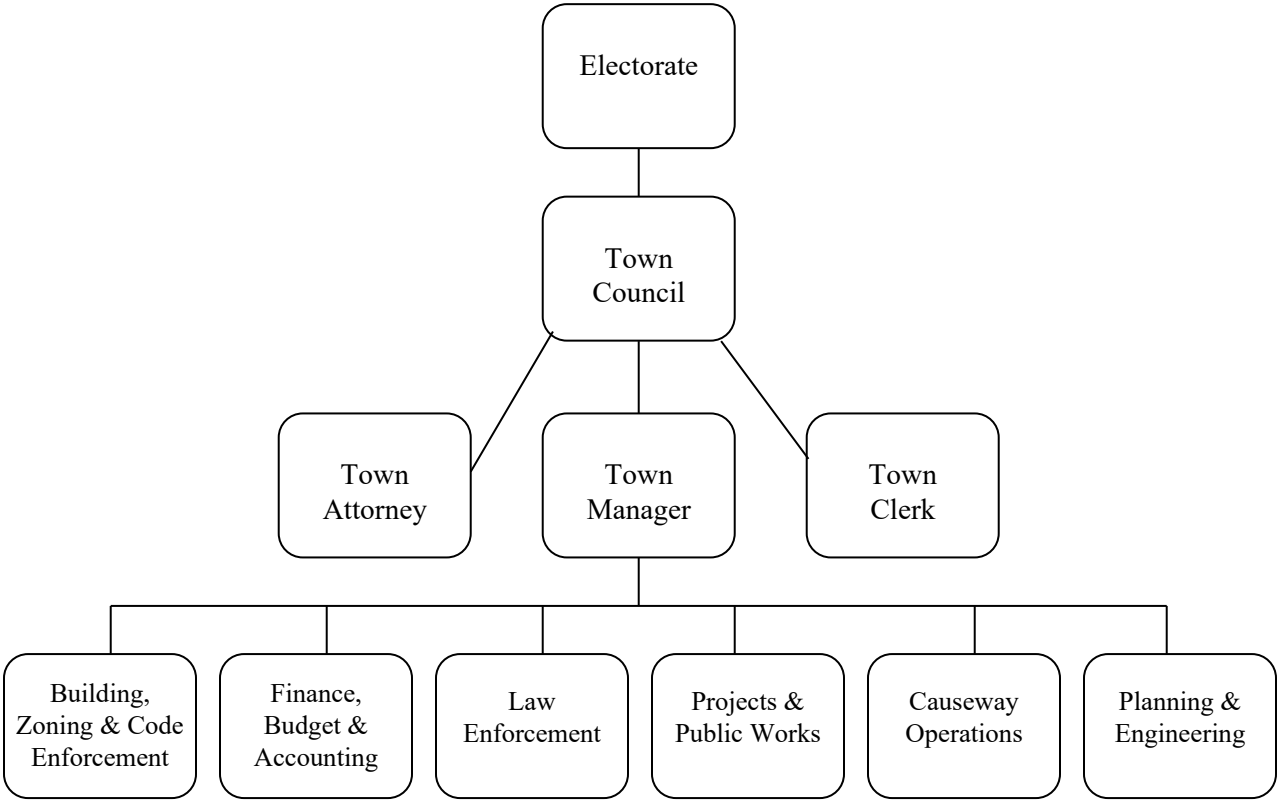
Brian Stewart

INDEPENDENT AUDITORS

Marcum LLP

TOWN OF BAY HARBOR ISLANDS, FLORIDA

ORGANIZATIONAL CHART



FINANCIAL SECTION

INDEPENDENT AUDITORS' REPORT

INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor, Town Council and Town Manager
Town of Bay Harbor Islands, Florida

Report on the Audit of the Financial Statements

Opinions

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 Bay Harbor Islands, Florida (the "Town"), as of and for the fiscal year ended September 30, 2023, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

In our opinion, the accompanying 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, 2023, and the respective changes in financial position, and, where applicable, cash flows thereof for the fiscal year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*). Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for 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.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit 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, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 5 through 17, the budgetary comparison schedule and related notes on pages 73 and 74, and the required supplementary information for the pensions and OPEB on pages 75 to 77, 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 have applied certain limited procedures to the required supplementary information in accordance with GAAS, 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 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 combining and individual fund statements and schedules are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The 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 GAAS. In our opinion, the combining and individual fund financial statements and schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the annual report. The other information comprises the introductory and statistical sections, but does not include the basic financial statements and our auditors' report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated June 28, 2024, 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 solely 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 the effectiveness of the Town's 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 28, 2024

MANAGEMENT'S DISCUSSION AND ANALYSIS

MD&A

MANAGEMENT'S DISCUSSION AND ANALYSIS

As management of the Town of Bay Harbor Islands, we offer readers of the Town's financial statements this narrative overview and analysis of the financial activities of the Town for the fiscal year ended September 30, 2023. We encourage readers to consider the information presented here in conjunction with the additional information that we have furnished in our letter of transmittal, which can be found on pages i - iii of this report.

Financial Highlights

- The assets plus deferred outflows of resources of the Town of Bay Harbor Islands exceeded its liabilities plus deferred inflows of resources at the close of the most recent fiscal year by \$103,043,954 (net position). Of this amount, \$54,965,996 (unrestricted net position) may be used to meet the Town's ongoing obligations to citizens and creditors.
- The Town's total net position increased by \$10,285,448.
- As of the close of the current fiscal year, the Town's governmental funds reported combined ending fund balances of \$20,749,337 an increase of \$2,976,365 in comparison with the prior year. Approximately \$19,099,513 or 92.05% is available in the Town's general fund for spending at the government's discretion (unassigned fund balance). The \$204,474 assigned fund balance of the capital projects fund is intended to provide resources for planned infrastructure capital projects and is not available for general discretionary spending.
- The Town's total debt decreased by \$590,241 or 4.2% during the current fiscal year primarily due to scheduled repayment of existing debt.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the Town of Bay Harbor Islands' basic financial statements. The Town's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the basic financial statements.

Government-wide Financial Statements

The *government-wide financial statements* are designed to provide readers with a broad overview of the Town's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all the Town's assets, liabilities, and deferred inflows/outflows 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 is improving or deteriorating.

The *statement of activities* presents information showing how the Town's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will result in cash flows in future fiscal periods.

Both of the government-wide financial statements distinguish functions of the Town of Bay Harbor Islands that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the Town include general government, public safety (law enforcement, building inspections and code enforcement), transportation (street maintenance and bus service), support for the local library, and parks and recreation. The business-type activities of the Town include operation of a causeway and toll facility, as well as sewer, water, parking, solid waste disposal, and stormwater management systems.

The government-wide financial statements can be found on pages 18-19 of this report.

Fund Financial Statements

A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town of Bay Harbor Islands, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the Town of Bay Harbor Islands can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

Governmental Funds. *Governmental funds* are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the Town's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate the comparison between *governmental funds* and *governmental activities*.

The Town of Bay Harbor Islands maintains five governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund and the capital projects fund (two major funds). There is one new nonmajor funds, which represents youth development grants. The Town also has two additional nonmajor funds representing impact fees and police forfeitures. Individual fund data for each of these nonmajor governmental funds is provided in the form of combining statements in the combining and individual fund statements and schedules section of this report.

The Town of Bay Harbor Islands adopts an annual appropriated budget for its general fund. A budgetary comparison schedule has been provided for the general fund to demonstrate compliance with this budget (page 73).

The governmental fund financial statements can be found on pages 20-22 of this report.

Proprietary Funds. The Town of Bay Harbor Islands maintains one type of proprietary fund. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The Town uses enterprise funds to account for its causeway and toll facility, as well as its sewer, water, parking, solid waste, and stormwater management operations.

The proprietary fund financial statements can be found on pages 23-26 of this report.

Fiduciary Funds. Fiduciary funds are used to account for resources held for the benefit of parties outside the Town. Fiduciary funds are not reflected in the government-wide financial statements because the resources of those funds are not available to support the Town's own programs. The accounting used for fiduciary funds is much like that used for proprietary funds. The Pension Trust Fund is the Town's only fiduciary fund.

The basic fiduciary fund financial statements can be found on pages 27-28 of this report.

Notes to Basic Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 29-72 of this report.

Other Information

In addition to the basic financial statements and the accompanying notes, this report also presents certain required supplementary information including the budgetary comparison for the general fund, information concerning the Town's contributions to provide pension benefits to its employees, and the funding status of the pension and OPEB plans. Required supplementary information can be found on pages 73-77 of this report.

The combining statements referred to earlier in connection with nonmajor governmental funds are presented immediately following the required supplementary information. Combining and individual fund statements and schedules can be found on pages 77-82 of this report.

Government-wide Financial Analysis

Net Position

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the Town of Bay Harbor Islands, assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$103,043,954 at the close of the most recent fiscal year.

Summary of Net Position

	Governmental Activities		Business-type Activities		Total	
	2023	2022	2023	2022	2023	2022
Current and other assets	\$ 21,613,067	\$ 20,589,970	\$ 41,153,383	\$ 38,668,054	\$ 62,766,450	\$ 59,258,024
Capital assets	<u>21,290,036</u>	<u>21,276,088</u>	<u>38,888,874</u>	<u>36,616,788</u>	<u>60,178,910</u>	<u>57,892,876</u>
Total assets	<u>42,903,103</u>	<u>41,866,058</u>	<u>80,042,257</u>	<u>75,284,842</u>	<u>122,945,360</u>	<u>117,150,900</u>
Total deferred outflows	<u>3,601,148</u>	<u>1,134,006</u>	<u>1,858,738</u>	<u>328,184</u>	<u>5,459,886</u>	<u>1,462,190</u>
Long-term liabilities	6,545,763	6,472,038	8,416,674	8,716,400	14,962,437	15,188,438
Other liabilities	<u>893,700</u>	<u>753,012</u>	<u>2,625,984</u>	<u>1,594,029</u>	<u>3,519,684</u>	<u>2,347,041</u>
Total liabilities	<u>7,439,463</u>	<u>7,225,050</u>	<u>11,042,658</u>	<u>10,310,429</u>	<u>18,482,121</u>	<u>17,535,479</u>
Total deferred inflows	<u>222,197</u>	<u>1,105,968</u>	<u>6,656,974</u>	<u>7,213,137</u>	<u>6,879,171</u>	<u>8,319,105</u>
Net position:						
Net investment in						
capital assets	15,664,059	15,949,213	31,004,653	28,306,127	46,668,712	44,255,340
Restricted	1,409,246	4,555,906	-	2,183,635	1,409,246	6,739,541
Unrestricted	<u>21,769,286</u>	<u>14,163,927</u>	<u>33,196,710</u>	<u>27,599,698</u>	<u>54,965,996</u>	<u>41,763,625</u>
Total net position	<u>\$ 38,842,591</u>	<u>\$ 34,669,046</u>	<u>\$ 64,201,363</u>	<u>\$ 58,089,460</u>	<u>\$ 103,043,954</u>	<u>\$ 92,758,506</u>

\$46,668,712, which is 45.3% of the Town's reported net position is composed of its investment in capital assets (e.g., land, building, and equipment) less any related debt and any deferred inflows/outflows used to acquire those assets that are still outstanding. The Town uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Town's investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

As of September 30, 2023, leases receivable amounted \$6,669,379.

Only \$1,409,246, which is 1.4% of the Town's net position is subject to external restrictions on use.

\$54,965,996, which is 53.3% of the Town's net position may be used to meet the Town's ongoing obligations to citizens and creditors.

At the end of the current fiscal year, the Town of Bay Harbor Islands is able to report positive balances in all reported categories of net position, for the Town as a whole, as well as for its separate governmental and business-type activities.

Summary of Changes in Net Position

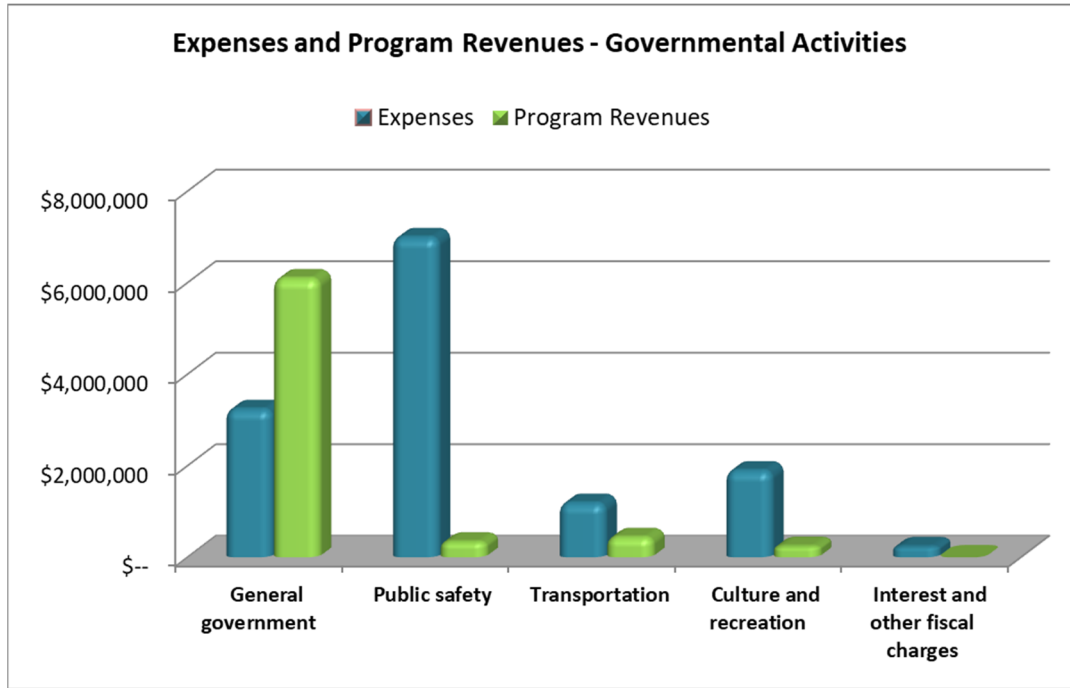
	Governmental Activities		Business-type Activities		Total	
	<u>2023</u>	<u>2022</u>	<u>2023</u>	<u>2022</u>	<u>2023</u>	<u>2022</u>
Revenues:						
Program revenues:						
Charges for services	\$ 6,570,708	\$ 4,751,899	\$ 18,918,612	\$ 15,521,766	\$ 25,489,320	\$ 20,273,665
Operating grants and contributions	88,054	1,505,556	-	-	88,054	1,505,556
Capital grants and contributions	433,188	399,937	-	-	433,188	399,937
General revenues:						
Property taxes	5,023,811	4,766,371	-	-	5,023,811	4,766,371
Franchise fees & utility taxes	1,362,201	1,261,731	-	-	1,362,201	1,261,731
Impact fees	740,190	-	-	-	740,190	-
Intergovernmental revenue	921,608	940,809	-	-	921,608	940,809
Investment earnings (losses)	48,751	(313,408)	56,273	(363,910)	105,024	(677,318)
Miscellaneous	126,609	209,178	412,588	361,763	539,197	570,941
Total revenues	<u>15,315,120</u>	<u>13,522,073</u>	<u>19,387,473</u>	<u>15,519,619</u>	<u>34,702,593</u>	<u>29,041,692</u>
Expenses:						
General government	3,232,678	2,166,259	-	-	3,232,678	2,166,259
Public safety	6,990,131	4,740,370	-	-	6,990,131	4,740,370
Transportation	1,182,018	1,130,853	-	-	1,182,018	1,130,853
Culture and recreation	1,892,160	1,467,405	-	-	1,892,160	1,467,405
Interest on long-term debt	228,648	156,359	-	-	228,648	156,359
Causeway	-	-	5,607,322	4,713,142	5,607,322	4,713,142
Sewer	-	-	2,115,617	1,797,116	2,115,617	1,797,116
Water	-	-	1,185,523	979,874	1,185,523	979,874
Parking	-	-	821,203	641,145	821,203	641,145
Solid Waste	-	-	905,360	841,525	905,360	841,525
Stormwater	-	-	256,485	234,816	256,485	234,816
Total expenses	<u>13,525,635</u>	<u>9,661,246</u>	<u>10,891,510</u>	<u>9,207,618</u>	<u>24,417,145</u>	<u>18,868,864</u>
Increase in net assets						
before transfers	1,789,485	3,860,827	8,495,963	6,312,001	10,285,448	10,172,828
Transfers	<u>2,384,060</u>	<u>2,085,060</u>	<u>(2,384,060)</u>	<u>(2,085,060)</u>	<u>-</u>	<u>-</u>
Change in net position	4,173,545	5,945,887	6,111,903	4,226,941	10,285,448	10,172,828
Net position, beginning	<u>34,669,046</u>	<u>28,723,159</u>	<u>58,089,460</u>	<u>53,862,519</u>	<u>92,758,506</u>	<u>82,585,678</u>
Net position, ending	<u>\$ 38,842,591</u>	<u>\$ 34,669,046</u>	<u>\$ 64,201,363</u>	<u>\$ 58,089,460</u>	<u>\$ 103,043,954</u>	<u>\$ 92,758,506</u>

Governmental Activities

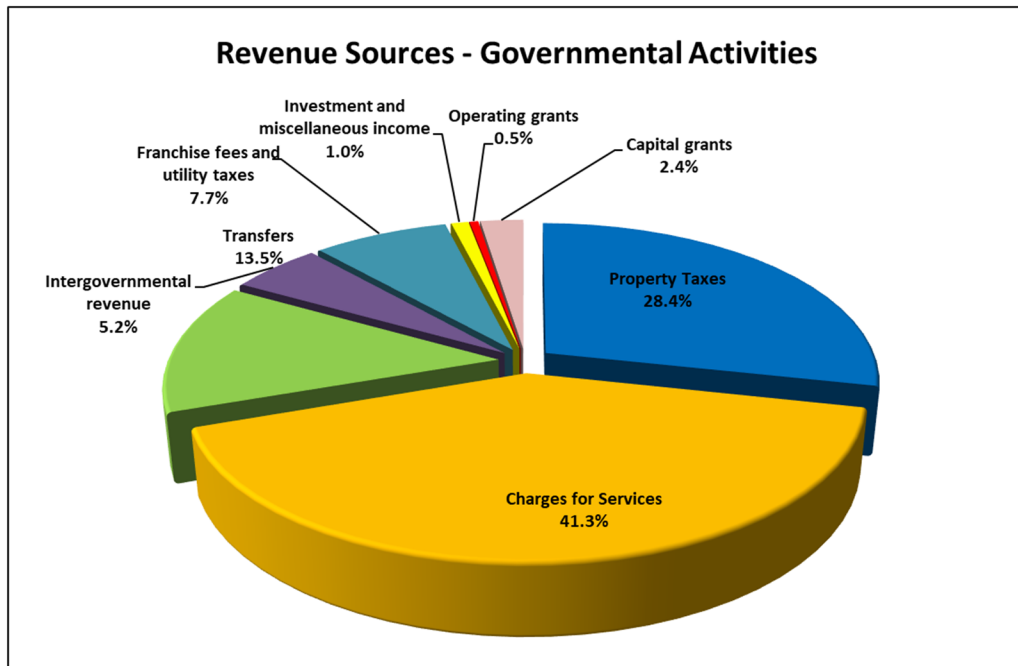
The Town's governmental activities net position increased by \$4,173,545 or 12.04% to \$38,842,591 at the end of the year. The increase overall in net position is mainly due to an increase in revenues by approximately \$1.8 million in addition to transfers from business-type activities of approximately \$2.4 million to pay for services provided.

During FY2023, there was an increase in charges for services, franchise fees and utility taxes, property taxes, capital grants and contributions, transfers in and an increase in investment earnings, along with a combination in expenditures within the general government, public safety, transportation, and culture and recreation. Additionally, the Town had a decrease in operating grants and contributions of approximately \$1.4 million mostly offset by an increase in charges for services of approximately \$1.8 million.

In FY2023, the Town recognized lease revenue of \$103,936.



- Program revenues, comprised of charges for services, operating grants and contributions, and capital grants and contributions, were 40.1% of total governmental activities revenues (including transfers). In addition, property taxes, which represents 28.4% of total revenues for governmental activities, are non-program specific and are used to fund all activities not covered by program revenues. There are also other revenues that the Town collects that have other uses and restrictions based on the source.

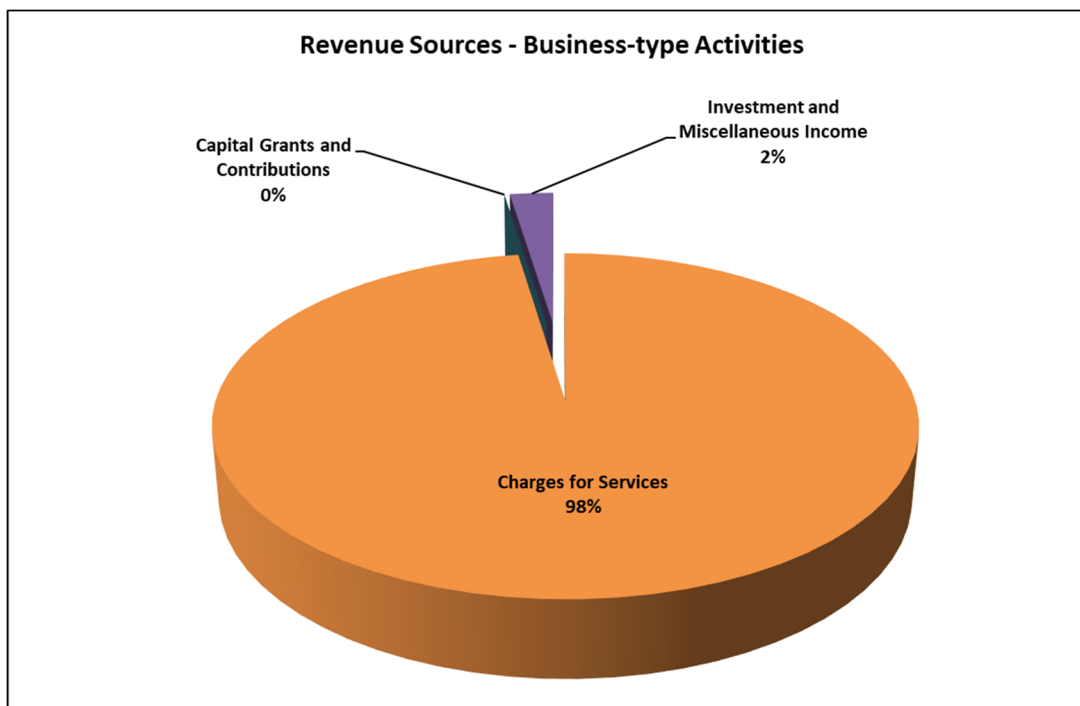
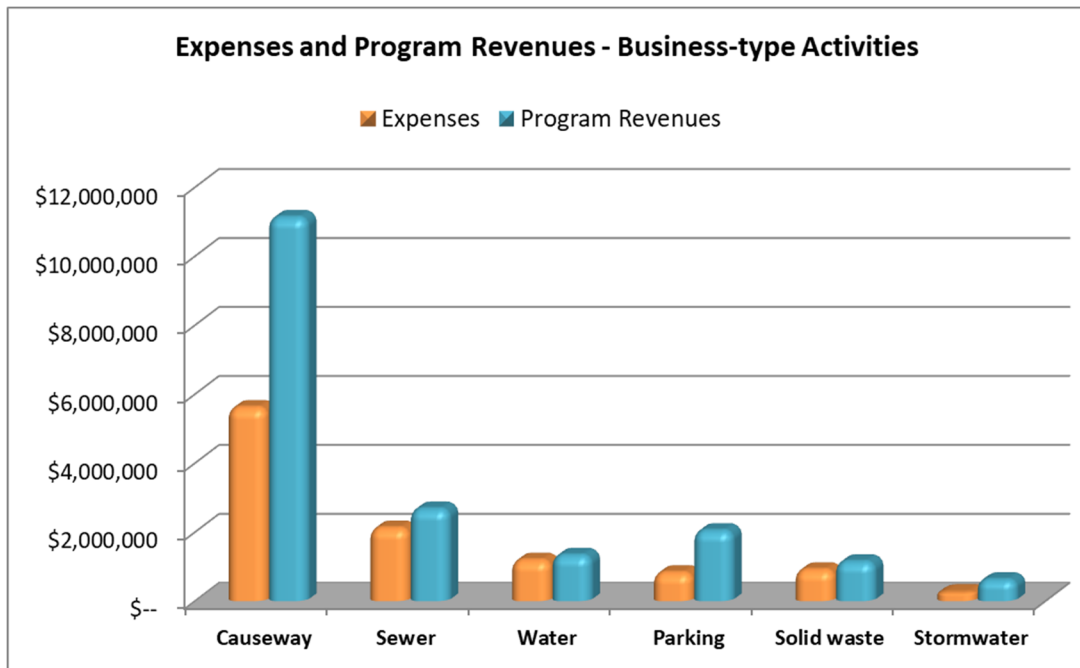


Business-type Activities

Business-type activities increased the Town of Bay Harbor Islands' net position by \$6,111,903. The causeway, sewer, water, parking, and solid waste funds generated substantial operating income. The solid waste fund operated at a profit for the sixth time since 2013. In 2022, the Town adjusted the solid waste revenues, which also included a build-in CPI adjustment. Net transfers from the Town's business-type activities to its governmental activities increased by about 14.3% to \$2,384,060 over the prior year, including planned transfers to fund debt service on debt related to the community enhancements project.

- Causeway Fund revenues inclusive of capital contributions increased by \$1,947,997 or 21.2% compared to the FY2022 due to an increase in causeway traffic. Expenses increased by \$894,180 or 19%, which was to accommodate repairs and maintenance. The change in net position of approximately \$4.0 million increased ending net position compared to the prior year.
- Sewer Fund revenue decreased slightly for charges for services by \$41,186 or 1.5% as the sewer rates in FY2023 increased compared to the FY2022 sewer rates. The rate increase was due to increases in City of Miami Beach sewer services rates. The Town passed this increase of sewer service rates to the Town's residents since the Town does not own its own sewer plant. Sewer Fund expenses increased by \$318,501 or 17.7% in FY2023 due to increase in City of Miami Beach sewer service rates and inflationary maintenance and operational cost to maintain required Level of Service (LOS). Overall, this increased ending net position by \$94,589 over the prior year.
- Water Fund revenue decreased by \$15,594 or approximately 1.1% which is attributed to the Town increasing water service rates to offset Miami-Dade County increase in water service rates to the Town. The Town of Bay Harbor Islands does not currently have an alternative source to purchase water and to maintain proper fiscal discipline had to pass-through the County's increase in water rates to its residents. Water Fund operating expenses increased by \$205,649 or approximately (21%) compared to the FY2022.
- Parking Fund revenues increased by \$1,164,066 or 132.7% due to an increase in parking permit sales, meter collections, and parking fines. Parking Fund expenses increased by \$180,058 or 28.1% compared to the FY2022. Parking Fund expenses are difficult to lower since Parking Garage bonds are fixed and not easily conducive to the cost control measures that might be available to control other costs. Overall, the increase in charges for services and rental income impacted ending net position with an increase of \$1,321,767 over the prior year.
- Solid Waste Fund revenues increased by \$73,545 or 6.9% due to the Town increasing solid waste collection fees to its residents in FY2022. The Town's solid waste contractor has increased solid waste collection fees allowed contractually and based on Consumer Price Index (CPI) increase. Since the Town does not own its own fleet of waste collection vehicles, accordingly, to maintain the proper fiscal discipline, the Town passed the increase in solid waste collection fees to its residents. As expected, Solid Waste Fund expenses increased by \$63,835 or 7.6% which is attributed to the solid waste contractor increased solid waste collection fees and increased operational costs in Solid Waste Fund. Overall, the fund ended positively with an increase to ending net position over the prior year by \$234,379.

- Stormwater Fund revenues increased by \$352,525 or 133.9%, which is attributed to an increase in stormwater fees and a slight increase in Town's resident and business population. Stormwater Fund expenses increased by \$21,669 or 9.2% compared to the FY2022.



Financial Analysis of the Government's Funds

As noted earlier, the Town of Bay Harbor Islands uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds

The focus of the Town's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the Town's financing requirements. Unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the Town of Bay Harbor Islands' governmental funds reported combined ending fund balance of \$20,749,337 an increase of \$4,724,622 in comparison with the prior year. Increased revenues were the net result of a slightly higher property tax receipts, and higher utility taxes receipts, franchise fees receipts, intergovernmental receipts, charges for services, licenses and permits, grants and miscellaneous revenues, offset by losses in investment earnings. Total transfers from the Town's proprietary funds increased by 14.3% to \$2,384,060 over the prior year to the government funds. General fund expenditures increased, with the bulk of the increase due to increased general government, public safety, culture and recreation and capital outlays spending.

The General Fund experienced increased general government, public safety, transportation, and culture and recreation expenditures as a result of an increase in salaries, increase in personnel overall, vehicle purchases, and move of town hall building, consulting expenditures. Total governmental fund balance is \$20,749,337, of which, 92.75% or \$19,244,784, is assigned to the general fund. In addition, the general fund unassigned fund balance is \$19,099,513, without restrictions and is available for spending at the Town's discretion. The remainder of fund balance is either non-spendable to indicate that it is not available for new spending because it is associated with inventories \$24,658, or prepaid items \$8,446, restricted for specific uses by law enforcement agreement \$57,474, restricted for debt service \$64,525, restricted for park impact fees \$1,287,247, or is assigned such as the fund balance of the capital projects fund intended to fund capital projects \$207,474.

General Fund

The general fund is the main operating fund of the Town of Bay Harbor Islands. At the end of the current fiscal year, unassigned fund balance of the general fund was \$19,099,513 while total fund balance was \$19,244,784. As a measure of the general fund's liquidity, it may be useful to compare both unassigned fund balance and total general fund balance to total general fund expenditures. Unassigned fund balance represents 154.60% of total general fund expenditures, while total general fund balance represents 155.77% of total general fund expenditures.

Fund balance of the Town of Bay Harbor Islands' general fund increased by approximately \$4.4 million during the current fiscal year. The increase is mostly due to the receipt of a Transfer of Development Rights during FY2023. Overall general fund revenues increased more than 7.9% combined over the prior year, while expenditures only increased by 5.2% for general fund expenditures. This is net increase of 2.7% and a positive impact to the fund balance for the general fund.

The amount of General Fund revenues by type, each revenue line presented as a percentage of total revenues and the amount of change compared to last fiscal year are shown in the following schedule:

	2023	% of	2022	% of	Increase/ (Decrease)	% of Increase/ (Decrease)
	<u>Amount</u>	<u>Total</u>	<u>Amount</u>	<u>Total</u>	<u>from 2022</u>	<u>(Decrease)</u>
Revenues:						
Property taxes	\$ 5,023,811	34.5%	\$ 4,766,371	35.4%	\$ 257,440	5.4%
Utility taxes	649,486	4.5%	572,296	4.3%	77,190	13.5%
Communications						
services taxes	200,048	1.4%	174,894	1.3%	25,154	14.4%
Franchise fees	512,667	3.5%	466,503	3.5%	46,164	9.9%
Licenses and permits	5,701,135	39.2%	3,663,084	27.2%	2,038,051	55.6%
Intergovernmental	1,352,848	9.3%	1,340,320	10.0%	12,528	0.9%
Transfer development fees	390,000	2.7%	2,000	0.0%	388,000	19400.0%
Charges for services	234,459	1.6%	550,348	4.1%	(315,889)	-57.4%
Fines and forfeitures	245,114	1.7%	536,467	4.0%	(291,353)	-54.3%
Investment earnings (losses)	48,751	0.3%	(313,408)	-2.3%	362,159	-115.6%
Grants	58,608	0.4%	1,505,556	11.2%	(1,446,948)	-96.1%
Miscellaneous	126,609	0.9%	209,178	1.6%	(82,569)	-39.5%
Total revenues	<u>\$ 14,543,536</u>	<u>100.0%</u>	<u>\$ 13,473,609</u>	<u>100.0%</u>	<u>\$ 1,069,927</u>	<u>7.9%</u>

- Property tax revenue collections were slightly higher compared to FY2022 mostly due to conditions in real estate market. The Town FY2023 millage rate to remained consistent at 3.1728% as compared to FY2022.
- Utility tax revenues remitted from County and State were slightly higher compared to FY2022 due to higher consumption of utilities by residents.
- Licenses and permits increased 55.6% compared to the FY2022. This was a significant increase to the Town's revenues; the construction and remodeling permits that were submitted in FY2022 or prior years have been issued in FY2023.
- Grants decreased by 96.1% compared to FY2022 mostly due to a decrease in ARPA grant revenues and related expenditures.

Expenditures in the General Fund are shown in the following schedule:

	2023	% of	2022	% of	Increase/ (Decrease)	% of Increase/ (Decrease)
	<u>Amount</u>	<u>Total</u>	<u>Amount</u>	<u>Total</u>	<u>from 2022</u>	<u>(Decrease)</u>
Expenditures						
General government	\$ 2,868,731	23.1%	\$ 2,278,502	19.4%	\$ 590,229	25.9%
Public safety	6,125,934	49.6%	5,812,541	49.5%	313,393	5.4%
Transportation	744,834	6.0%	648,935	5.5%	95,899	14.8%
Culture and recreation	1,600,656	13.0%	1,210,266	10.3%	390,390	32.3%
Capital outlay	312,660	2.5%	1,211,091	10.3%	(898,431)	-74.2%
Debt service	701,483	5.7%	580,207	4.9%	121,276	20.9%
Total expenditures	<u>\$ 12,354,298</u>	<u>99.9%</u>	<u>\$ 11,741,542</u>	<u>100.0%</u>	<u>\$ 612,756</u>	<u>5.2%</u>

The General Fund expenditures increased as a result of improvements in the economy after the COVID-19 pandemic, and additional spending in operations, including an emergency move from the Town Hall and salary increases. There were increases in Culture and Recreation which was attributed to some social gatherings and scheduled Town events being conducted to encourage community. Capital outlay within the general fund decreased by 74.2% compared to the FY2022 due to a decrease in spending for the Town Hall renovation project, paving project for East Island, and solar lighting. Additionally, GASB 87 was implemented during FY 2022 which contributed to a decrease in capital outlay for operating leases.

General Fund Budgetary Highlights

For total General Fund revenues, there was a favorable budget variance of \$4,935,820, due to greater than anticipated property tax receipts, utility taxes, franchise fees, licenses and permits, intergovernmental receipts, transfer development right fees, grants revenues and miscellaneous receipts offset by lower than anticipated charges for services and investment earnings.

Total expenditures were \$1,671,801 less than budgeted due to unspent appropriations for General Government, Public Buildings, Public Safety, Transportation and Culture and Recreation.

Proprietary Funds

Statements for the Town's proprietary funds provide the same type of information found in the business-type activities sections of the government-wide financial statements but in more detail. As noted above in the discussion of business-type activities, all of the Town's major enterprise funds generated income before transfers besides Stormwater Fund.

For the proprietary funds as a whole, net position increased by \$6,111,903.

Capital Assets and Debt Administration

Capital Assets

The Town of Bay Harbor Islands' investment in capital assets for its governmental and business-type activities as of September 30, 2023, amounts to \$60,178,910 (net of accumulated depreciation/amortization expense). This investment in capital assets includes land, construction in progress, buildings, improvements other than buildings, furniture, fixtures and equipment, causeway system, toll collection system, water system, sewer system, as well as parking garage. Capital assets do not include governmental infrastructure assets prior to 2004, as GASB 34 did not require Phase III governments to report infrastructure retroactively. In addition, the Town implemented GASB 96 to account for software subscriptions in accordance with the accounting standards, see note 8, page 59. The Town's net investment in capital assets for the current fiscal year increased by \$2,413,372 over the prior year.

Additions to capital assets for governmental activities before depreciation/amortization expense and net of transfers from construction in progress were \$1,227,638, with no disposals, for net additions of \$1,227,638.

Business-type activities' capital asset additions before depreciation/amortization expense and net of transfers from construction in progress totaled \$4,472,072, with no disposals, for net additions of \$4,472,072.

	<u>Governmental Activities</u>		<u>Business-type Activities</u>		<u>Total</u>	
	2023	2022	2023	2022	2023	2022
Capital assets, net of depreciation						
Land	\$ 3,806,254	\$ 3,806,254	\$ 671,273	\$ 671,273	\$ 4,477,527	\$ 4,477,527
Construction in progress	431,458	74,628	2,531,708	294,268	2,963,166	368,896
Buildings	1,855,924	1,990,307	-	-	1,855,924	1,990,307
Improvements other than buildings	13,945,899	14,502,723	22,925,087	22,929,974	36,870,986	37,432,697
Furniture, fixtures, and equipment	564,323	570,744	1,004,788	321,365	1,569,111	892,109
Leases (right-of-use asset)	524,243	331,432	41,005	70,661	565,248	402,093
Subscription asset	161,935	-	-	-	161,935	-
Toll collection system	-	-	193,620	387,185	193,620	387,185
Sewer system	-	-	3,238,436	3,422,498	3,238,436	3,422,498
Water system	-	-	921,169	955,620	921,169	955,620
Parking garage	-	-	7,361,788	7,563,944	7,361,788	7,563,944
Total	<u>\$ 21,290,036</u>	<u>\$ 21,276,088</u>	<u>\$ 38,888,874</u>	<u>\$ 36,616,788</u>	<u>\$ 60,178,910</u>	<u>\$ 57,892,876</u>

Additional information on the Town's capital assets can be found in note 7 on pages 52-53 of this report.

Long-Term Debt

At the end of the current fiscal year, the Town of Bay Harbor Islands had long-term debt outstanding of \$13,321,055, which incorporates the reporting of lease liabilities and software subscriptions in accordance with GASB 87 and GASB 96 implementation by the Town.

	<u>Governmental Activities</u>		<u>Business-type Activities</u>		<u>Total</u>	
	2023	2022	2023	2022	2023	2022
Refunding Note, Series 2012	\$ 1,808,000	\$ 2,147,000	\$ -	\$ -	\$ 1,808,000	\$ 2,147,000
Revenue Bonds, Series 2016	3,113,283	3,131,113	-	-	3,113,283	3,131,113
Causeway Promissory Note, 2012	-	-	6,167,000	6,167,000	6,167,000	6,167,000
Parking Refunding Note, 2012	-	-	1,676,000	2,073,000	1,676,000	2,073,000
Leases (right-of-use asset)	515,551	322,360	41,221	70,823	556,772	393,183
Total	<u>\$ 5,436,834</u>	<u>\$ 5,600,473</u>	<u>\$ 7,884,221</u>	<u>\$ 8,310,823</u>	<u>\$ 13,321,055</u>	<u>\$ 13,911,296</u>

The Town of Bay Harbor Islands' total debt decreased by \$590,241 primarily as a result of scheduled repayments and refunding activity for debt services, this is the primary factor for the change and reduction of debt. Additional information on the Town's long-term debt can be found in note 8 on pages 53-59 of this report.

Economic Factors and Next Year's Budgets and Rates

The following are major considerations included in the preparation of the Town of Bay Harbor Islands' budget for the FY2024 fiscal year.

- The Town's millage remained consistent with 3.1728 in FY2023. The Town's taxable property values increased by 18.8% over the prior year.
- Sewer charges that are based upon water usage will have a rate increase in FY2024, at a rate of \$9.25 to offset Miami-Dade County increase of its water and City of Miami Beach increase in its surcharge.

Requests for Information

This financial report is designed to provide a general overview of the Town of Bay Harbor Islands' finances for all those with an interest in the Town's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Town Manager, Town of Bay Harbor Islands, 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154.

BASIC FINANCIAL STATEMENTS

TOWN OF BAY HARBOR ISLANDS, FLORIDA

**STATEMENT OF NET POSITION
SEPTEMBER 30, 2023**

	Governmental Activities	Business-type Activities	Total
Assets			
Cash	\$ 8,970,244	\$ 38,157,116	\$ 47,127,360
Investments	2,966,246	3,453,159	6,419,405
Receivables, net	306,790	983,764	1,290,554
Internal balances	8,901,603	(8,901,603)	--
Due from employees	5,336	--	5,336
Due from other governments	229,607	313,788	543,395
Leases receivable	--	6,600,819	6,600,819
Inventory	24,658	50,717	75,375
Prepaid items	8,446	8,674	17,120
Restricted cash	200,137	486,949	687,086
Capital assets not being depreciated	4,237,712	3,202,981	7,440,693
Capital assets being depreciated/amortized, net	17,052,324	35,685,893	52,738,217
Total assets	42,903,103	80,042,257	122,945,360
Deferred outflows of resources			
Pension	3,601,737	1,845,071	5,446,808
OPEB	(589)	13,667	13,078
Total deferred outflows of resources	3,601,148	1,858,738	5,459,886
Liabilities			
Accounts payable and accrued liabilities	695,993	1,912,511	2,608,504
Due to other governments	--	1,882	1,882
Unearned revenue	104,657	224,642	329,299
Customer deposits	93,050	486,949	579,999
Noncurrent liabilities:			
Due within one year			
Notes payable	355,000	965,000	1,320,000
Compensated absences	75,306	37,008	112,314
Leases (right-of-use asset)	148,562	26,215	174,777
Subscription liability	68,329	--	68,329
Due in more than one year			
Net pension liability	76,926	47,725	124,651
Notes payable	4,566,283	6,878,000	11,444,283
Compensated absences	677,754	333,071	1,010,825
Leases (right-of-use asset)	366,989	15,006	381,995
Subscription liability	76,485	--	76,485
Total OPEB liability	134,129	114,649	248,778
Total liabilities	7,439,463	11,042,658	18,482,121
Deferred inflows of resources			
Leases	--	6,412,087	6,412,087
Parking trust receipts	--	132,065	132,065
Deferred gain on bond refunding	44,329	--	44,329
Pension	152,622	94,685	247,307
OPEB	25,246	18,137	43,383
Total deferred inflows of resources	222,197	6,656,974	6,879,171
Net position			
Net investment in capital assets	15,664,059	31,004,653	46,668,712
Restricted for:			
Law enforcement	57,474	--	57,474
Debt service	64,525	--	64,525
Park impact	1,287,247	--	1,287,247
Unrestricted	21,769,286	33,196,710	54,965,996
Total net position	\$ 38,842,591	\$ 64,201,363	\$ 103,043,954

See notes to basic financial statements.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

**STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023**

Functions/Programs	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Position		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business- type Activities	Total
Governmental activities							
General government	\$ 3,232,678	\$ 6,091,185	\$ --	\$ --	\$ 2,858,507	\$ --	\$ 2,858,507
Public safety	6,990,131	245,114	88,054	--	(6,656,963)	--	(6,656,963)
Transportation	1,182,018	--	--	433,188	(748,830)	--	(748,830)
Culture and recreation	1,892,160	234,409	--	--	(1,657,751)	--	(1,657,751)
Interest and other fiscal charges	228,648	--	--	--	(228,648)	--	(228,648)
Total governmental activities	13,525,635	6,570,708	88,054	433,188	(6,433,685)	--	(6,433,685)
Business-type activities							
Causeway	5,607,322	11,125,875	--	--	--	5,518,553	5,518,553
Sewer	2,115,617	2,668,706	--	--	--	553,089	553,089
Water	1,185,523	1,326,903	--	--	--	141,380	141,380
Parking	821,203	2,041,524	--	--	--	1,220,321	1,220,321
Solid waste	905,360	1,139,739	--	--	--	234,379	234,379
Stormwater	256,485	615,865	--	--	--	359,380	359,380
Total business-type activities	10,891,510	18,918,612	--	--	--	8,027,102	8,027,102
Total	\$ 24,417,145	\$ 25,489,320	\$ 88,054	\$ 433,188	(6,433,685)	8,027,102	1,593,417
General revenues							
Property taxes					5,023,811	--	5,023,811
Franchise fees based on gross receipts					512,667	--	512,667
Utility taxes					649,486	--	649,486
Communications services tax					200,048	--	200,048
Impact fees					740,190	--	740,190
Unrestricted intergovernmental revenue					921,608	--	921,608
Unrestricted investment income					48,751	56,273	105,024
Miscellaneous					126,609	412,588	539,197
Net transfers					2,384,060	(2,384,060)	--
Total general revenues and transfers					10,607,230	(1,915,199)	8,692,031
Change in net position					4,173,545	6,111,903	10,285,448
Net position - Beginning					34,669,046	58,089,460	92,758,506
Net Position - Ending					\$ 38,842,591	\$ 64,201,363	\$ 103,043,954

See notes to basic financial statements.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

BALANCE SHEET GOVERNMENTAL FUNDS SEPTEMBER 30, 2023

	General	Capital Projects	Nonmajor Governmental Funds	Total Governmental Funds
Assets				
Cash	\$ 6,867,466	\$ 840,012	\$ 1,262,766	\$ 8,970,244
Investments	2,966,246	--	--	2,966,246
Receivables, net	286,961	--	--	286,961
Interest receivable	19,829	--	--	19,829
Due from other funds	9,564,369	--	95,976	9,660,345
Due from employees	5,336	--	--	5,336
Due from other governments	229,607	--	--	229,607
Inventory	24,658	--	--	24,658
Prepaid items	8,446	--	--	8,446
Restricted cash	200,137	--	--	200,137
Total assets	\$ 20,173,055	\$ 840,012	\$ 1,358,742	\$ 22,371,809
Liabilities				
Accounts payable and accrued liabilities	\$ 559,871	\$ 66,994	\$ 2,180	\$ 629,045
Due to other funds	177,176	565,544	16,022	758,742
Unearned revenue	61,196	--	43,461	104,657
Customer deposits	93,050	--	--	93,050
Total liabilities	891,293	632,538	61,663	1,585,494
Deferred inflows of resources				
Unavailable revenue	36,978	--	--	36,978
Fund balances				
Non-spendable:				
Inventory	24,658	--	--	24,658
Prepaid items	8,446	--	--	8,446
Restricted:				
Law enforcement	47,642	--	9,832	57,474
Debt Service	64,525	--	--	64,525
Park Impact	--	--	1,287,247	1,287,247
Assigned:				
Capital projects fund	--	207,474	--	207,474
Unassigned	19,099,513	--	--	19,099,513
Total fund balances	19,244,784	207,474	1,297,079	20,749,337
Total liabilities, deferred inflows of resources, and fund balances	\$ 20,173,055	\$ 840,012	\$ 1,358,742	

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	21,290,036
Deferred outflows and inflows of resources related to pensions are recorded in the statement of net position	3,449,115
Deferred outflows and inflows of resources related to OPEB are recorded in the statement of net position	(25,835)
Revenues in the statement of activities that do not provide current financial resources are reported as unavailable revenue in the governmental funds financial statements	36,978
Deferred inflows of resources related to deferred charges on refunding of revenue bonds	(44,329)
Accrued interest related to long-term debt is recorded in the statement of net position	(66,948)
Long-term liabilities are not due and payable in the current period and therefore are not reported in the funds (see Note 2)	(6,545,763)
Net position of governmental activities	\$ 38,842,591

See notes to basic financial statements.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES GOVERNMENTAL FUNDS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

	General	Capital Projects	Nonmajor Governmental Funds	Total Governmental Funds
Revenues				
Property taxes	\$ 5,023,811	\$ --	\$ --	\$ 5,023,811
Utility taxes	649,486	--	--	649,486
Communications services tax	200,048	--	--	200,048
Franchise fees	512,667	--	--	512,667
Licenses and permits	5,701,135	--	--	5,701,135
Intergovernmental	1,352,848	--	--	1,352,848
Transfer development right fees	390,000	--	--	390,000
Impact fees	--	--	740,190	740,190
Charges for services	234,459	--	--	234,459
Fines and forfeitures	245,114	--	--	245,114
Investment income	48,751	--	--	48,751
Grants	58,608	--	29,446	88,054
Miscellaneous	126,609	--	--	126,609
Total revenues	14,543,536	--	769,636	15,313,172
Expenditures				
Current:				
General government	2,868,731	--	--	2,868,731
Public safety	6,125,934	89,055	34,321	6,249,310
Transportation	744,834	--	--	744,834
Culture and recreation	1,600,656	--	35,058	1,635,714
Capital outlay	312,660	914,979	--	1,227,639
Debt service:				
Principal payments	478,729	124,571	--	603,300
Interest and other fiscal charges	222,754	12,633	--	235,387
Total expenditures	12,354,298	1,141,238	69,379	13,564,915
Excess (deficiency) of revenues over expenditures	2,189,238	(1,141,238)	700,257	1,748,257
Other financing sources (uses)				
Leases (right-of-use asset) acquired	--	353,655	--	353,655
Subscription arrangements issued	170,067	68,583	--	238,650
Transfers out	(342,000)	--	--	(342,000)
Transfers in	2,384,060	342,000	--	2,726,060
Total other financing sources	2,212,127	764,238	--	2,976,365
Net change in fund balances	4,401,365	(377,000)	700,257	4,724,622
Fund balances - beginning	14,843,419	584,474	596,822	16,024,715
Fund balances - ending	\$ 19,244,784	\$ 207,474	\$ 1,297,079	\$ 20,749,337

See notes to basic financial statements.

TOWN OF BAY HARBOR ISLANDS, 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, 2023

Amounts reported for governmental activities in the statement of activities
are different because:

Net change in fund balances - total governmental funds (Page 21) \$ 4,724,622

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/amortization expense. This is the amount by which depreciation/amortization exceeded capital outlays in the current period.

The details of the difference are as follows:

Capital outlay	\$ 1,227,639	
Depreciation/amortization expense	<u>(1,213,691)</u>	13,948

Repayment of long-term debt is reported as an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net position.

The details of the difference are as follows:

Leases (right-of-use asset) acquired	(353,655)	
Leases (right-of-use asset) principal payments	160,464	
Subscription arrangements issued	(238,650)	
Subscription arrangements principal payments	93,836	
Revenue bonds principal payment	349,000	
Amortization of gain on bond refunding	4,433	
Amortization of bond premium	<u>7,830</u>	23,258

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 details of the difference are as follows:

Accrued interest payable	2,306	
Compensated absences payable	(7,788)	
Pension related deferred outflows and inflows of resources	(589,627)	
Total OPEB liability and related deferred outflows and inflows of resources	<u>4,878</u>	(590,231)

Net effect of revenues reported in the statement of activities are not reported in the funds because they have no effect on current financial resources.

1,948

Change in net position of governmental activities (Page 19) \$ 4,173,545

See notes to basic financial statements.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

STATEMENT OF NET POSITION PROPRIETARY FUNDS SEPTEMBER 30, 2023

	Business-type Activities - Enterprise Funds						Total
	Causeway	Sewer	Water	Parking	Solid Waste	Stormwater (a Nonmajor Fund)	
Assets							
Current assets:							
Cash	\$ 27,317,079	\$ 2,997,365	\$ 3,736,902	\$ 2,146,805	\$ 1,083,726	\$ 875,239	\$ 38,157,116
Investments	1,674,584	--	1,778,575	--	--	--	3,453,159
Leases receivable	12,824	--	--	6,587,995	--	--	6,600,819
Receivables, net	--	--	828,927	124,339	--	--	953,266
Interest receivable	10,999	--	11,772	7,727	--	--	30,498
Due from other funds	65,973	1,512,856	73,863	15,227	624,274	392,258	2,684,451
Due from other governments	313,788	--	--	--	--	--	313,788
Inventory	--	--	50,717	--	--	--	50,717
Prepaid items	8,674	--	--	--	--	--	8,674
Restricted cash	10,653	233,108	167,304	--	75,884	--	486,949
Total current assets	29,414,574	4,743,329	6,648,060	8,882,093	1,783,884	1,267,497	52,739,437
Noncurrent assets							
Capital assets not being depreciated	2,506,806	--	--	671,274	--	24,901	3,202,981
Capital assets being depreciated/amortized, net	22,372,157	4,060,192	1,012,579	7,453,746	--	787,219	35,685,893
Total noncurrent assets	24,878,963	4,060,192	1,012,579	8,125,020	--	812,120	38,888,874
Total assets	54,293,537	8,803,521	7,660,639	17,007,113	1,783,884	2,079,617	91,628,311
Deferred outflows of resources							
Pension	1,181,839	237,163	247,303	147,640	--	31,126	1,845,071
OPEB	7,481	1,621	3,380	1,047	--	138	13,667
Total deferred outflows of resources	1,189,320	238,784	250,683	148,687	--	31,264	1,858,738
Liabilities							
Current liabilities:							
Accounts payable and accrued liabilities	799,024	637,196	361,648	8,416	74,595	31,632	1,912,511
Due to other funds	5,538,253	1,913,329	3,159,230	345,427	452,339	177,476	11,586,054
Due to other governments	--	--	1,882	--	--	--	1,882
Unearned revenue	224,642	--	--	--	--	--	224,642
Customer deposits (payable from restricted cash)	10,653	233,108	167,304	--	75,884	--	486,949
Current portion of lease liability	21,302	--	--	4,913	--	--	26,215
Current portion of notes payable	965,000	--	--	--	--	--	965,000
Current portion of compensated absences	21,204	4,720	4,117	3,604	1,777	1,586	37,008
Total current liabilities	7,580,078	2,788,353	3,694,181	362,360	604,595	210,694	15,240,261
Noncurrent liabilities:							
Lease liabilities	6,324	--	--	8,682	--	--	15,006
Notes payable	5,202,000	--	--	1,676,000	--	--	6,878,000
Total OPEB liability	70,179	14,694	19,163	9,330	--	1,283	114,649
Net Pension Liability	31,444	5,643	6,140	3,792	--	706	47,725
Compensated absences	190,835	42,471	37,060	32,438	15,992	14,275	333,071
Total noncurrent liabilities	5,500,782	62,808	62,363	1,730,242	15,992	16,264	7,388,451
Total liabilities	13,080,860	2,851,161	3,756,544	2,092,602	620,587	226,958	22,628,712
Deferred inflows of resources							
Parking trust receipts	--	--	--	132,065	--	--	132,065
Pension	62,385	11,196	12,181	7,524	--	1,399	94,685
OPEB	11,640	2,194	2,964	995	--	344	18,137
Leases	--	--	--	6,412,087	--	--	6,412,087
Total deferred inflows of resources	74,025	13,390	15,145	6,552,671	--	1,743	6,656,974
Net position							
Net investment in capital assets	18,684,337	4,060,192	1,012,579	6,435,425	--	812,120	31,004,653
Unrestricted	23,643,635	2,117,562	3,127,054	2,075,102	1,163,297	1,070,060	33,196,710
Total net position	\$ 42,327,972	\$ 6,177,754	\$ 4,139,633	\$ 8,510,527	\$ 1,163,297	\$ 1,882,180	\$ 64,201,363

See notes to basic financial statements.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION PROPRIETARY FUNDS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

	Business-type Activities - Enterprise Funds						Total
	Causeway	Sewer	Water	Parking	Solid Waste	Stormwater (a Nonmajor Fund)	
Operating revenues							
Charges for services	\$ 11,125,875	\$ 2,668,706	\$ 1,326,903	\$ 1,909,078	\$ 1,139,739	\$ 615,865	\$ 18,786,166
Miscellaneous revenue	2,407	66,500	144,873	375	--	--	214,155
Total operating revenues	11,128,282	2,735,206	1,471,776	1,909,453	1,139,739	615,865	19,000,321
Operating expenses							
Operation and maintenance	3,822,682	1,898,207	1,120,792	527,973	905,360	215,180	8,490,194
Depreciation and amortization	1,628,410	217,410	64,731	248,130	--	41,305	2,199,986
Total operating expenses	5,451,092	2,115,617	1,185,523	776,103	905,360	256,485	10,690,180
Operating income	5,677,190	619,589	286,253	1,133,350	234,379	359,380	8,310,141
Nonoperating revenues (expenses)							
Investment income	27,488	--	28,785	--	--	--	56,273
Lease interest income	--	--	--	132,446	--	--	132,446
Rental income	97,362	--	--	101,071	--	--	198,433
Interest expense and other debt costs	(156,230)	--	--	(45,100)	--	--	(201,330)
Total nonoperating revenues (expenses)	(31,380)	--	28,785	188,417	--	--	185,822
Income before transfers	5,645,810	619,589	315,038	1,321,767	234,379	359,380	8,495,963
Transfers out	(1,659,060)	(525,000)	(200,000)	--	--	--	(2,384,060)
Change in net position	3,986,750	94,589	115,038	1,321,767	234,379	359,380	6,111,903
Net position - beginning	38,341,222	6,083,165	4,024,595	7,188,760	928,918	1,522,800	58,089,460
Net position - ending	\$ 42,327,972	\$ 6,177,754	\$ 4,139,633	\$ 8,510,527	\$ 1,163,297	\$ 1,882,180	\$ 64,201,363

See notes to basic financial statements.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

STATEMENT OF CASH FLOWS PROPRIETARY FUNDS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

	Business-type Activities - Enterprise Funds						Total
	Causeway	Sewer	Water	Parking	Solid Waste	Stormwater (a Nonmajor Fund)	
Cash flows from operating activities							
Cash received from customers	\$ 11,169,544	\$ 1,668,749	\$ 1,472,526	\$ 1,928,246	\$ 1,140,438	\$ 615,865	\$ 17,995,368
Cash received from other operations	2,407	66,500	--	375	--	--	69,282
Cash payments to employees for services	(2,397,531)	(376,176)	(320,968)	(377,232)	--	(44,644)	(3,516,551)
Cash payments to suppliers for goods and services	(717,284)	(1,114,991)	(431,346)	(237,010)	(909,901)	(117,332)	(3,527,864)
Payments from (to) other funds	5,534,885	1,851,961	533,623	387,860	(32,473)	446,251	8,722,107
Net cash provided (used) by operating activities	13,592,021	2,096,043	1,253,835	1,702,239	198,064	900,140	19,742,342
Cash flows from noncapital financing activities							
Transfers from other funds	--	--	--	--	--	--	--
Transfers to other funds	(1,659,060)	(525,000)	(200,000)	--	--	--	(2,384,060)
Net cash provided (used) by noncapital financing activities	(1,659,060)	(525,000)	(200,000)	--	--	--	(2,384,060)
Cash flows from capital and related financing activities							
Acquisition of capital assets	(3,694,393)	(755,900)	--	--	--	(24,901)	(4,475,194)
Principal paid on leases	(24,724)	--	--	(4,878)	--	--	(29,602)
Principal paid on capital debt	--	--	--	(397,000)	--	--	(397,000)
Interest paid on leases	(293)	--	--	(116)	--	--	(409)
Interest paid on capital debt	(155,937)	--	--	(44,984)	--	--	(200,921)
Net cash provided (used) by capital and related financing activities	(3,872,222)	(755,900)	--	(446,978)	--	(24,901)	(5,100,001)
Cash flows from investing activities							
Sales and maturities of investments	404,599	--	433,767	--	--	--	838,366
Purchases of investments	(440,378)	--	(464,791)	--	--	--	(905,169)
Lease interest income received	--	--	--	132,446	--	--	132,446
Rental income received	97,362	--	--	101,071	--	--	198,433
Investment earnings received	33,749	--	35,738	--	--	--	69,487
Net cash provided (used) by investing activities	95,332	--	4,714	233,517	--	--	333,563
Net increase (decrease) in cash	8,156,071	815,143	1,058,549	1,488,778	198,064	875,239	12,591,844
Cash - beginning (including restricted cash)	19,171,661	2,415,330	2,845,657	658,027	961,546	--	26,052,221
Cash - ending (including restricted cash)	\$ 27,327,732	\$ 3,230,473	\$ 3,904,206	\$ 2,146,805	\$ 1,159,610	\$ 875,239	\$ 38,644,065

(Continued)

See notes to basic financial statements.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

STATEMENT OF CASH FLOWS PROPRIETARY FUNDS (Continued) FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

	Business-type Activities - Enterprise Funds						Total
	Causeway	Sewer	Water	Parking	Solid Waste	Stormwater (a Nonmajor Fund)	
Reconciliation of cash to the statement of net position							
Cash	\$ 27,317,079	\$ 2,997,365	\$ 3,736,902	\$ 2,146,805	\$ 1,083,726	\$ 875,239	\$ 38,157,116
Restricted cash	10,653	233,108	167,304	--	75,884	--	486,949
	<u>\$ 27,327,732</u>	<u>\$ 3,230,473</u>	<u>\$ 3,904,206</u>	<u>\$ 2,146,805</u>	<u>\$ 1,159,610</u>	<u>\$ 875,239</u>	<u>\$ 38,644,065</u>
Reconciliation of operating income (loss) to net cash provided by operating activities							
Operating income	\$ 5,677,190	\$ 619,589	\$ 286,253	\$ 1,133,350	\$ 234,379	\$ 359,380	\$ 8,310,141
Adjustments to reconcile operating income to net cash provided (used) by operating activities							
Depreciation and amortization	1,628,410	217,410	64,731	248,130	--	41,305	2,199,986
Changes in assets, liabilities and deferred inflows/outflows:							
(Increase) decrease in:							
Receivables	--	--	69,805	25,269	--	--	95,074
Lease receivable	93,420	--	--	(9,721)	--	--	83,699
Interest receivable	--	--	--	3,620	--	--	3,620
Due from other funds	3,605	(1,002,107)	(66,837)	45,868	(501,259)	1,340,884	(179,846)
Due from other governments	(81,318)	--	--	--	--	--	(81,318)
Inventory	--	--	--	--	--	--	--
Prepaid items	(5,382)	--	--	--	--	--	(5,382)
Net pension asset	1,414,528	252,104	303,969	164,249	--	48,785	2,183,635
Deferred outflows - OPEB	(101)	(16)	(12)	(13)	--	(1)	(143)
Deferred outflows - pension	(1,008,340)	(180,959)	(196,886)	(121,616)	--	(22,610)	(1,530,411)
Increase (decrease) in:							
Accounts payable and accrued liabilities	551,869	366,416	316,477	(12,128)	(4,541)	27,043	1,245,136
Due to other governments	--	--	(241,777)	--	--	--	(241,777)
Due to other funds	5,534,885	1,851,961	775,400	341,992	451,017	(894,633)	8,060,622
Customer deposits	1	2,150	(2,218)	--	699	--	632
Parking trust receipts	--	--	--	(24,762)	--	--	(24,762)
Net pension liability	31,444	5,643	6,140	3,792	--	706	47,725
Total OPEB liability	2,663	427	318	309	--	34	3,751
Compensated absences	19,077	17,445	(5,457)	13,939	17,769	12,627	75,400
Deferred inflows - OPEB	(4,220)	--	(505)	--	--	(54)	(4,779)
Deferred inflows - pension	(208,975)	(54,020)	(55,566)	(26,807)	--	(13,326)	(358,694)
Deferred inflows - leases receivable	(84,696)	--	--	(83,232)	--	--	(167,928)
Unearned revenues	27,961	--	--	--	--	--	27,961
Total adjustments	7,914,831	1,476,454	967,582	568,889	(36,315)	540,760	11,432,201
Net cash provided (used) by operating activities	<u>\$ 13,592,021</u>	<u>\$ 2,096,043</u>	<u>\$ 1,253,835</u>	<u>\$ 1,702,239</u>	<u>\$ 198,064</u>	<u>\$ 900,140</u>	<u>\$ 19,742,342</u>
Noncash investing and financing activities							
Decrease in fair value of investments	\$ 10,320	\$ --	\$ 9,821	\$ --	\$ --	\$ --	\$ 20,141
Total noncash investing and financing activities	<u>\$ 10,320</u>	<u>\$ --</u>	<u>\$ 9,821</u>	<u>\$ --</u>	<u>\$ --</u>	<u>\$ --</u>	<u>\$ 20,141</u>

See notes to basic financial statements.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

STATEMENT OF FIDUCIARY NET POSITION

PENSION TRUST FUND

SEPTEMBER 30, 2023

Assets

Cash	\$ 541,137
------	------------

Investments

Money market funds	150,234
U.S. treasuries and government obligations	5,242,975
Corporate bonds	1,413,721
Common stock and equity funds	2,151,631
Commingled trust fund	9,729,222
Real estate fund	<u>3,462,828</u>

Total investments	<u>22,150,611</u>
--------------------------	-------------------

Receivables

Contributions receivable	116,874
Due from broker for investments sold	3,956
Accrued interest and dividends	<u>32,978</u>

Total receivables	<u>153,808</u>
--------------------------	----------------

Prepaid expenses	<u>5,292</u>
------------------	--------------

Total assets	<u>22,850,848</u>
---------------------	-------------------

Liabilities and Net Position

Accounts payable	7,030
Due to broker for investments purchased	<u>3,909</u>

Total liabilities	<u>10,939</u>
--------------------------	---------------

Net Position Restricted for Pension Benefits	<u><u>\$ 22,839,909</u></u>
---	-----------------------------

See notes to basic financial statements.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

STATEMENT OF CHANGES IN FIDUCIARY NET POSITION PENSION TRUST FUND FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

Additions to Net Position

Contributions

Town (including state)	\$ 585,810
Employees	<u>425,093</u>

Total Contributions 1,010,903

Investment Income

Net appreciation in fair value of investments	1,250,007
Interest	240,343
Dividends	<u>52,382</u>
	1,542,732
Less investment expense	<u>(39,723)</u>

Net Investment Income 1,503,009

Total Additions 2,513,912

Deductions

Benefits paid and refunds	2,193,131
Administrative expenses	<u>48,935</u>

Total Deductions 2,242,066

Change in Net Position 271,846

Net Position Restricted for Pension Benefits

Beginning of year	<u>22,568,063</u>
End of year	<u><u>\$ 22,839,909</u></u>

See notes to basic financial statements.

NOTES TO BASIC FINANCIAL STATEMENTS

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Town of Bay Harbor Islands, Florida, (the Town) is a municipal corporation which was incorporated in 1947 and adopted its first charter June 15, 1953, under the provisions of the Laws of Florida Acts of 1953, Chapter 2889. The Town operates under a “Council-Manager” form of government with the Town’s Mayor serving as the head of the Town government and the Town’s Manager serving as the chief administrative official.

The Town provides the following services: public safety (police), building and zoning, transportation and maintenance of roads and streets, recreation facilities, operation and maintenance of a causeway, water and sewer utilities, physical environment (refuse collection), parking facilities, and general government and administrative services. Fire protection, education, and welfare services are provided by units of other local governments whose activities are not included in 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

The financial statements were prepared in accordance with GASB Statements related to *The Financial Reporting Entity*, which establishes standards for defining and reporting on the financial reporting entity. The definition of the financial reporting entity is based upon the concept that elected officials are accountable to their constituents for their actions. One of the objectives of financial reporting is to provide users of financial statements with a basis for assessing the accountability of the elected officials. The financial reporting entity consists of the Town, organizations for which the Town is financially accountable, and other organizations for which the nature and significance of their relationship with the Town are such that exclusion would cause the reporting entity’s financial statements to be misleading or incomplete. The Town is financially accountable for a component unit if it appoints a voting majority of the organization’s governing board and it is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or impose specific financial burdens on the Town or has operational responsibility. Based upon 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. For the most part, the effect of interfund activity has been removed from these statements.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

B. GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS (CONTINUED)

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 services.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *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*.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, even though the latter are 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. The Town reports three (3) nonmajor governmental funds (the Park Impact Fund, Police Forfeiture Fund and Youth Development Fund) and one nonmajor proprietary fund (the Stormwater Fund).

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 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. Expenditures are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION (CONTINUED)

Property taxes, franchise fees and other taxes, 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 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* accounts for the acquisition or construction of various major capital projects.

The Town's special revenue funds are used to account for the restricted proceeds of specific revenue sources (other than major capital projects) requiring separate accounting because of legal or regulatory provisions or administrative action. The Town reports the following governmental nonmajor special revenue funds:

The *Park Impact Fees Fund* accounts for the fees that are collected in order to pay for the capital costs to construct, expand or improve public park facilities which are necessary to accommodate land development in the Town.

The *Police Forfeitures Fund* accounts for revenue from lawful seizures of property associated with criminal activities.

The *Youth Development Program Fund* accounts for programs that will provide a daily schedule of literacy, physical fitness, social skills and family involvement.

The Town reports the following major proprietary funds:

The *Causeway Fund* accounts for the collection of tolls and the operation and maintenance of the causeway, including the bascule bridge over the Intercoastal Waterway and the entire traffic corridor.

The *Sewer Fund* accounts for the provision of sewer services to Town residents and businesses.

The *Water Fund* accounts for the distribution of water to Town residents and businesses.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION (CONTINUED)

The *Parking Fund* accounts for the collection of parking fees, parking trust arrangements, and the operation and maintenance of lots and meters.

The *Solid Waste Fund* accounts for the provision of solid waste disposal services to Town residents and businesses.

The Town reports the following nonmajor proprietary fund:

The *Stormwater Fund* accounts for the provision of a stormwater management system.

Additionally, the Town reports the following fund type:

The *Pension Trust Fund* is used to account for the Town of Bay Harbor Islands Employee Retirement System (the Plan), a 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 payments-in-lieu of taxes and other charges between the Town's various utility functions and various other functions of the Town. 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. Internally dedicated resources are reported as *general revenues* rather than as program revenues. Likewise, general revenues include all taxes.

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 of the Town's funds are charges to customers for services. Operating expenses for enterprise funds include the costs of services, administrative expenses, and depreciation/amortization on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. IMPLEMENTATION OF GASB STATEMENTS

The GASB has issued new Statements effective in the current year and future years that may apply to the Town. Management has not completed its analysis of the effects, if any, of the GASB statements which become effective in future years of the financials statements of the Town:

- GASB Statement No. 91, *Conduit Debt Obligations*, provides a single method of reporting conduit debt obligations by issuers and eliminates diversity in practice associated with (1) commitments extended by issuers, (2) arrangements associated with conduit debt obligations, and (3) related note disclosures. This Statement was implemented by the Town for the fiscal year ending September 30, 2023; however, there was no impact to the Town.
- GASB Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*, addresses issues related to public-private and public-public partnerships (PPP) and provides guidance for accounting and financial reporting for availability payment arrangements (APA). The Statement provides specific guidance on the accounting and financial reporting for PPP and APA transactions. This Statement was implemented by the Town for the fiscal year ending September 30, 2023; however, there was no impact to the Town.
- GASB Statement No. 96, *Subscription-Based Information Technology Arrangements*, provides guidance on the accounting and financial reporting for subscription-based information technology arrangements. This Statement was implemented by the Town for the fiscal year ending September 30, 2023.
- GASB Statement No. 100, *Accounting Changes and Error Corrections*, the primary objective of this Statement is to enhance accounting and financial reporting requirements for accounting changes and error corrections to provide more understandable, reliable, relevant, consistent, and comparable information for making decisions or assessing accountability. This Statement will be effective for the Town for the fiscal year ending September 30, 2024.
- GASB Statement No. 101, *Compensated Absences*, the objective of this Statement is to better meet the information needs of financial statement users by updating the recognition and measurement guidance for compensated absences. The objective is achieved by aligning the recognition and measurement guidance under a unified model and by amending certain previously required disclosures. This Statement will be effective for the Town for the fiscal year ending September 30, 2025.
- GASB Statement No. 102, *Certain Risk Disclosures*, the primary objective of this Statement is to provide users of government financial statements with essential information about risks related to a government's vulnerabilities due to certain concentrations or constraints. This Statement will be effective for the Town for the fiscal year ending September 30, 2025.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. IMPLEMENTATION OF GASB STATEMENTS (CONTINUED)

- GASB Statement No. 103, *Financial Reporting Model Improvement*. The objective of this Statement is to improve key components of the financial reporting model to enhance its effectiveness in providing information that is essential for decision making and assessing a government's accountability. This Statement will be effective for the Town for the fiscal year ending September 30, 2026.

E. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR FUND BALANCE

1. Deposits and Investments

The Town's cash includes cash on hand, and time/demand deposits. Investments of the Town are carried at fair value. For more details regarding the methods used to measure fair value of investments, refer to the fair value hierarchy in Note 3.

Investments of the Town 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 and Florida Statutes Section 112.661.

2. 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 "due to/from other funds". Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances".

3. Capital Assets

Capital assets, which include property, plant and equipment, infrastructure assets (e.g., utility plant, roads, bridges, sidewalks, and similar items), leases (right-of-use assets), subscription arrangements (i.e. information technology) and intangible assets are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the Town as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation. The Town has not retroactively reported infrastructure assets acquired prior to the implementation of GASB Statement No. 34. The Town did not retroactively record their intangible assets with the implementation of GASB Statement No. 51, with the exception of computer software which was capitalized when purchased. The Town's capitalization threshold for intangible assets is \$25,000.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

E. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR FUND BALANCE (CONTINUED)

3. Capital Assets (continued)

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed.

Capital assets of the Town are depreciated using the straight line method over the following estimated useful lives:

Assets	Years
Buildings	25-50
Improvements other than buildings	5-10
Furniture, fixtures and equipment	5
Utility system	10-50

4. Leases (Right-of-use Asset)

The leases (right-of-use asset) are initially measured at an amount equal to the initial measurement of the related lease liability plus any lease payments made prior to the lease term, less lease incentives, and plus ancillary charges necessary to place the lease into service. The leases (right-of-use asset) are amortized on a straight-line basis over the life of the related lease agreement.

5. Subscription-Based Information Technology Arrangement (“SBITA”)

The SBITA assets are initially measured at an amount equal to the initial measurement of the related SBITA liability plus any SBITA payments made prior to the subscription term, less SBITA incentives, plus any ancillary charges necessary to place the SBITA into service. The SBITA assets are amortized on a straight-line basis over the life of the related contract.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

E. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR FUND BALANCE (CONTINUED)

6. Leases Receivable

The Town's leases receivable is measured at the present value of lease payments expected to be received during the lease term. A deferred inflow of resources is recorded for the lease. The deferred inflow of resources is recorded at the inception of the lease in an amount equal to the initial recording of the lease receivable. The deferred inflow of resources is amortized on a straight-line basis over the term of the lease.

7. Compensated Absences

It is the Town's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. Upon separation from service, employees are paid the value of their accumulated vacation, plus one half the value of unused sick leave up to 90 days. All vacation and sick leave pay are 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 or retirements. Compensated absences of governmental funds are typically liquidated from the general fund.

8. Long-Term Obligations

In the government-wide financial statements, and the proprietary fund type financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position. Bond issue costs are expensed as incurred. Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight-line amortization method. The results of using this method do not differ significantly from the effective interest method. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as another financing source. Premiums received on debt issuances are reported as another financing source while discounts on debt issuances are reported as another financing use. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

E. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR FUND BALANCE (CONTINUED)

9. 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 assets that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The Town reports within its government-wide statement of net position as deferred outflows amounts contributed during fiscal year 2023 into the Town of Bay Harbor Islands Employees' Retirement System. The net pension liability associated with the Plan was measured as of September 30, 2022. The amounts paid during fiscal year 2023 to the Plan will be reflected within the Town's pension expense and related asset when the net pension asset is measured for the next fiscal year.

Also, within the government-wide statement of net position, the Town reports as deferred inflows or outflows, amounts representing the net difference between or differences between expected and actual results, changes in assumptions and projected and actual earnings of its pension plan and other post-employment benefits (OPEB). Differences between projected and actual earnings will be amortized over a five-year closed period beginning in the year in which the difference occurred and are presented as a net deferred inflow or outflow at the measurement date. All other amounts are presented as either a deferred inflow or outflow established at their respective measurement date when the difference occurred and is amortized over the remaining service lives of employees.

In addition to liabilities, the statement of net position and governmental funds balance sheet 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 assets that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Town's deferred inflows are related to its leases, pension obligations, OPEB liabilities, deferred parking trust receipts and deferred gain on bond refunding. These amounts are deferred and recognized as an inflow of resources in the period that they are earned. Within the governmental funds balance sheet, the Town reports deferred inflows related to unavailable revenues that qualify for reporting in this category. The governmental funds report this item as a deferred inflow until the criteria for revenue recognition has been met.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

E. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR FUND BALANCE (CONTINUED)

10. Fund Balance

The Town reports the following 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.

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) of the Town Council, the Town's highest level of decision making authority. Commitments may be changed or lifted only by the Town Council taking the same formal action (Ordinance) 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 the Town Manager to which the Town Council has delegated the authority to assign, modify or rescind amounts to be used for specific purposes. 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 as assigned by management. Specific amounts that are not restricted or committed in the Capital Projects Fund are assigned for the purposes in accordance with the nature of its 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 fund itself.

Unassigned fund balance. This fund balance is the residual classification only for the General Fund. It is also used to report only negative fund balances in other governmental funds.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

E. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR FUND BALANCE (CONTINUED)

11. Net Position

Net position of the government-wide and proprietary funds is categorized as net investment in capital assets; restricted or unrestricted. Net investment in capital assets is that portion of net position that relates to the Town's capital assets reduced by accumulated depreciation and amortization and by any outstanding debt and deferred inflows or outflows, 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 all net position that does not meet the definition of either of the other two components.

12. Flow Assumptions

Net Position Flow Assumption

Sometimes the Town 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 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 net position to have been depleted before unrestricted net position is applied.

Fund Balance Flow Assumption

Sometimes the Town 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.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

E. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR FUND BALANCE (CONTINUED)

13. Use of Estimates

The preparation of financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the reported amounts of assets/deferred outflows and liabilities/deferred inflows and disclosure of contingent assets and liabilities at the date of the financial statements. Estimates also affect the reported amounts of revenues and expenditures/expenses during the reporting period. These estimates include assessing the collectability of receivables, the fair value of investments, and useful lives and possible impairment of tangible assets, among others. Estimates and assumptions are reviewed periodically and the revisions are reflected in the financial statements in the period they are determined to be necessary. Actual results could differ from those estimates.

NOTE 2 - EXPLANATION OF CERTAIN DIFFERENCES BETWEEN THE GOVERNMENTAL FUND BALANCE SHEET AND THE GOVERNMENT-WIDE STATEMENT OF NET POSITION

The governmental fund balance sheet includes a reconciliation between fund balance – total governmental funds and net position – governmental activities as reported in the government-wide statement of net position. One element of that reconciliation explains that long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds. The details of the \$6,545,763 difference are as follows:

Bonds payable	\$ 4,843,000
Premium on bonds payable	78,283
Compensated absences	753,060
Leases (right-of-use asset)	515,551
Subscription Liability	144,814
Total OPEB liability	134,129
Net Pension Liability	<u>76,926</u>
	<u>\$ 6,545,763</u>

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 3 - 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. Deposits include cash on hand. 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 another banking institution eligible collateral. 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

The Town's investment policy follows the requirements of Florida Statutes Chapter 218.415, and attempts to promote, in order of priority, safety of principal, adequate liquidity, and maximization of total return. The Town's investment policy authorizes investments in obligations of the U.S. Treasury, U.S. Government Agency securities, including FNMA, FHLMC, and GNMA, and securities guaranteed by these Agency issues, certificates of deposit, savings certificates, time deposits, banker's acceptances, repurchase agreements of domestic commercial banks and savings and loan associations fully collateralized with U.S. Government or Agency securities, commercial paper rated A1/P1 or the equivalent by a major rating service, money market funds exclusively comprised of the above securities, the State of Florida Local Government Surplus Funds Trust Fund, the FMIvT, and corporate bonds rated A or better. The investment policy defined in the statutes attempts to promote, through state assistance, the maximization of net interest earnings on invested surplus funds of local units of governments while limiting the risk to which the funds are exposed. The Town maintains a separate investment policy for its pension plan.

For the Town's pension plan, a Master Custodian Agreement is maintained whereby the investment securities are held in the Plan's name by a financial institution acting as the Plan's agent except for its shares in domestic equity index funds and a core real estate fund.

FAIR VALUE HIERARCHY

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The Town and the Town's pension plan categorizes their fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The fair value hierarchy categorizes the inputs to valuation techniques used to measure fair value into three levels based on the extent to which inputs used in measuring fair value are observable in the market.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 3 - DEPOSITS AND INVESTMENTS (CONTINUED)

FAIR VALUE HIERARCHY (CONTINUED)

Level 1 - Investments' fair values based on prices quoted in active markets for identical assets at the measurement date.

Level 2 - Investments' fair values based on observable inputs for the assets either directly or indirectly, other than those considered Level 1 inputs, which may include quoted prices for identical assets in markets that are not considered to be active, and quoted prices of similar assets in active or inactive markets.

Level 3 - Investments' fair values based upon unobservable inputs.

INVESTMENTS – TOWN

The Town's investment policy limits the maturity of fixed-income holdings to ten years. As of September 30, 2023, the Town had the following investments and its corresponding maturities in its portfolio:

Investments	Investment Maturities (In Years)			
	Fair Value	Less than 1	1-5	6-10
U.S. treasuries	\$ 4,008,097	\$ --	\$ 2,730,835	\$ 1,277,262
Local government bonds	134,768	--	88,971	45,797
Corporate bonds	2,276,540	267,614	1,273,427	735,498
Total Investments	\$ 6,419,405	\$ 267,614	\$ 4,093,233	\$ 2,058,557

Interest Rate Risk

Interest rate risk refers to the portfolio's exposure to fair value losses arising from increasing interest rates. The Town's investment policy limits investment maturities to ten years in order to control its exposure to fair value losses arising from increasing interest rates.

Credit Risk

State law and the Town's investment policy limits investments in bonds, U.S. treasuries and agency obligations, or other evidences of indebtedness to the top ratings issued by nationally recognized statistical rating organizations of the United States. The Town's corporate bonds and agency bonds were all rated "A" or better under Standard & Poor's ratings and "A" or better under Moody's ratings.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 3 - DEPOSITS AND INVESTMENTS (CONTINUED)

INVESTMENTS – TOWN (CONTINUED)

Concentration of Credit Risk

The Town's investment policy does not stipulate any limit on the percentage that can be invested in any one issuing company. As of September 30, 2023, the value of each position held in the Town's portfolio comprised less than 5% of the Town's investment assets.

Fair Value Hierarchy

The Town has the following recurring fair value measurements as of September 30, 2023:

- U.S. treasury securities of \$4,008,097 are valued using quoted market prices (Level 1 inputs).
- Corporate bonds and local government bonds of \$2,276,540 are valued using a matrix pricing model (evaluated bid price) (Level 2 inputs).

INVESTMENTS – PENSION PLAN

The Plan's investment practices are governed by the Florida Statutes and the Plan's adopted investment policy. Florida Statutes and the Plan policy authorize the Board of Trustees to invest in domestic stocks, domestic bonds, international stock, diversified assets, emerging markets and real estate funds. In addition to complying with Plan policy, the Plan applies the "Prudent Person Rule" when executing investment strategies. Investments are made with judgment and care, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income derived.

To diversify plan assets so as to minimize the risk associated with dependence on the success on one enterprise, the Board of Trustees employs a multi-manager team approach to investing Plan assets. Asset managers are employed to utilize individual expertise within their assigned area of responsibility. Each manager is governed by individual investment guidelines. The Plan's investment consultant oversees the investment managers and the entire portfolio.

The Plan's asset management structure established by the policy is as follows:

Type	Available Range %	Target
Domestic equity	30%-50%	40%
Domestic bonds (fixed income)	25%-60%	30%
International equity	0%-20%	10%
Real estate	0%-20%	15%
Emerging markets (international equity)	0%-7.5%	5%

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 3 - DEPOSITS AND INVESTMENTS (CONTINUED)

INVESTMENTS – PENSION PLAN (CONTINUED)

As of September 30, 2023, the Plan had the following debt securities and its corresponding maturities in its portfolio:

Investments	Investment Maturities (In Years)				
	Fair Value	Less Than 1	1-5	6-10	Over 10
U.S. treasuries	\$ 2,631,576	\$ --	\$ --	\$ 1,544,382	\$ 1,087,194
U.S. government obligations	2,611,399	--	--	--	2,611,399
Corporate bonds	1,413,721	--	--	1,413,721	--
	<u>\$ 6,656,696</u>	<u>\$ --</u>	<u>\$ --</u>	<u>\$ 2,958,103</u>	<u>\$ 3,698,593</u>

Rate of Return

For the fiscal year ended September 30, 2023, the annual money-weighted rate of return on pension plan investments, net of pension plan investment expense, was a positive 7.05%. The money-weighted rate of return expresses investment performance, net of investment manager and consultant expenses adjusted for the changing amounts actually invested. Inputs to the internal rate of return calculation are determined on a monthly basis.

Interest Rate Risk

Interest rate risk refers to the portfolio's exposure to fair value losses arising from increasing interest rates. The Plan does not have a formal investment policy that limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates.

Credit Risk

State law and the Plan's investment policy limits investments in bonds, stocks, or other evidences of indebtedness to the top ratings issued by nationally recognized statistical rating organizations of the United States. The Plan's investment policy limits fixed income investments to a rating no lower than Baa/BBB or equivalent.

The Plan's corporate bonds and agency bonds were all rated "A" or better under Standard & Poor's ratings and at least "A" under Moody's ratings.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 3 - DEPOSITS AND INVESTMENTS (CONTINUED)

INVESTMENTS – PENSION PLAN (CONTINUED)

Concentration of Credit Risk

The Plan's investment policy prohibits fixed income concentrations greater than 5% in any one issuer with the exception of U.S. government or agency issues. As of September 30, 2023, the value of each position held in the Plan's portfolio comprised less than 5% of fiduciary net position.

Fair Value Hierarchy

The following is a description of the fair value techniques for the Town's pension plan investments.

The Plan holds money market funds, which are reported at amortized cost.

Equity securities classified in Level 1 of the fair value hierarchy are valued using prices quoted in active markets for those securities. This includes common stock, American depository receipts (ADR), and exchange traded funds (ETF).

Debt securities are valued using quoted market prices (Level 1) or using pricing inputs that reflect the assumptions market participants would use to price an asset or liability and are developed based on market data obtained from sources independent of the reporting entity (Level 2).

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 3 – DEPOSITS AND INVESTMENTS (CONTINUED)

INVESTMENTS – PENSION PLAN (CONTINUED)

Fair Value Hierarchy (continued)

The following is a summary of the fair value hierarchy of the fair value of investments as of September 30, 2023:

	Fair Value Measurements Using		
	Quoted Prices in Active Markets for Identical Assets 9/30/2023	(Level 1)	Significant Other Observable Inputs (Level 2)
Investments by Fair Value Level			
Debt securities			
U.S. treasuries	\$ 2,631,576	\$ 2,631,576	\$ --
U.S. government obligations and corporate bonds	4,025,120	--	4,025,120
Total Debt Securities	6,656,696	2,631,576	4,025,120
Equity Securities			
Common stock, ADR's, and ETF's	2,151,631	2,151,631	--
Total Equity Securities	2,151,631	2,151,631	--
Total Investments at Fair Value	8,808,327	\$ 4,783,207	\$ 4,025,120
Investments Measured at Net Asset Value (NAV)			
Commingled trust fund	9,729,222		
Core real estate fund	3,462,828		
Total investments measured at NAV	13,192,050		
Money market funds (exempt)	150,234		
Total investments	\$ 22,150,611		

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 3 – DEPOSITS AND INVESTMENTS (CONTINUED)

INVESTMENTS – PENSION PLAN (CONTINUED)

Fair Value Hierarchy (continued)

The following table summarizes investments for which fair value is measured using the net asset value per share practical expedient, including their related unfunded commitments and redemption restrictions as of September 30, 2023:

Investments Measured at NAV	Fair Value	Unfunded Commitments	Redemption Frequency (if Currently Eligible)	Redemption Notice Period
Core real estate fund ⁽¹⁾	\$ 3,462,828	\$ --	Quarterly	N/A
Commingled trust fund ⁽²⁾	<u>9,729,222</u>	<u>--</u>	Daily	N/A
Total Investments Measured at NAV	<u>\$ 13,192,050</u>	<u>\$ --</u>		

(1) *Real estate fund.* This fund is an open-end core real estate fund with a diversified portfolio of income producing institutional properties throughout the U.S.

(2) *Commingled trust fund.* This fund's investment objectives are to match the return of the S&P 500, S&P Small-Cap 600, and S&P Mid-Cap 400 indexes through investments in substantially all of the stocks contained in those indexes.

Risks and Uncertainties

The Town and the Plan invest in various investment securities. Investment securities are exposed to various risks such as interest rate, market, and credit risks. Due to the level of risk associated with certain investment securities, it is at least reasonably possible that changes in the values of investment securities will occur in the near term and that such changes could materially affect the amounts reported in the financial statements. The Town and the Plan, through its investment consultant, monitor the investments and the risks associated therewith on a regular basis which the Town and the Plan believes minimizes these risks.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 4 – RECEIVABLES

Receivables as of September 30, 2023 for the Town's individual major funds and fiduciary funds including the allowance for uncollectible accounts, are as follows:

	General	Causeway	Water	Parking	Pension Trust Fund	Total
Customers billed	\$ --	\$ --	\$ 973,242	\$ --	\$ --	\$ 973,242
Property taxes	16,093	--	--	--	--	16,093
Franchise fees	97,668	--	--	--	--	97,668
Utility taxes	68,063	--	--	--	--	68,063
Rental income	--	--	--	--	--	--
Interest and dividends	19,829	10,999	11,772	7,727	32,978	83,305
Parking trust receipts	--	--	--	124,339	--	124,339
Lease Receivable	--	12,824	--	6,587,995	--	6,600,819
Due from Employees	5,336	--	--	--	--	5,336
Due from other governments	229,607	313,788	--	--	--	543,395
Due from broker	--	--	--	--	3,956	3,956
Contributions receivable	--	--	--	--	116,874	116,874
Other	105,137	--	--	--	--	105,137
Gross receivables	541,733	337,611	985,014	6,720,061	153,808	8,738,227
Less allowance for uncollectable accounts	--	--	(144,315)	--	--	(144,315)
Net Total Receivables	\$ 541,733	\$ 337,611	\$ 840,699	\$ 6,720,061	\$ 153,808	\$ 8,593,912

LEASES RECEIVABLE

On May 4, 2010, the Town, as a lessor, entered into a lease agreement to permit a local fire department to use a parking garage. Effective October 1, 2021, the Town implemented GASB 87. The term of the lease is thirty years with two thirty-year renewal option periods, for which the Town has made determinations as to if those options are reasonably certain to be exercised, and those determinations are reflected in the calculations presented, in accordance with GASB 87. As of September 30, 2023, the lease agreement has approximately 78 years remaining. An initial lease receivable was recorded in the amount of \$6,578,550. As of September 30, 2023, the value of the lease receivable is \$6,587,999. The lessee is required to make annual payments to the Town ranging from approximately \$121,500 to \$264,000 through the term of the lease. The lease agreement has an implicit interest rate of 2.012%. The value of the deferred inflow of resources as of September 30, 2022 was \$6,412,087, and the Town recognized lease revenue of \$101,071 during the fiscal year.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 4 – RECEIVABLES (CONTINUED)

LEASES RECEIVABLE (CONTINUED)

On August 1, 2008, the Town, as a lessor, entered into a lease agreement to permit for the use of a gas station on the causeway. This lease was extended for an additional six years effective January 4, 2018. Effectively October 1, 2021, the Town implemented GASB 87. As of September 30, 2023, the lease agreement has 1 month remaining. An initial lease receivable was recorded in the amount of \$186,332. As of September 30, 2023, the value of the lease receivable is \$12,824. The lessee is required to make monthly payments of approximately \$7,600. The lease agreement has an implicit interest rate of 0.396%. The value of the deferred inflow of resources as of September 30, 2023 was \$0, and the Town recognized lease revenue of \$97,362 during the fiscal year.

Future principal and interest payment requirements related to the Town's lease receivables at September 30, 2023 are as follows:

	Principal Receipts	Interest Income	Total Future Minimum Rent
Fiscal year ending September 30:			
2024	(8,685)	132,631	123,946
2025	(7,611)	132,796	125,185
2026	(6,502)	132,939	126,437
2027	(5,358)	133,059	127,701
2028 - 2032	(8,339)	666,259	657,920
2033 - 2037	26,041	665,440	691,481
2038 - 2042	65,854	660,899	726,753
2043 - 2047	111,768	652,057	763,825
2048 - 2052	164,524	638,264	802,788
2053 - 2057	224,946	618,792	843,738
2058 - 2062	293,952	592,825	886,777
2063 - 2067	372,562	559,450	932,012
2068 - 2072	461,908	517,645	979,553
2073 - 2077	563,250	466,270	1,029,520
2078 - 2082	677,986	404,050	1,082,036
2083 - 2087	807,669	329,562	1,137,231
2088 - 2092	954,023	241,219	1,195,242
2093 - 2097	1,118,961	137,250	1,256,211
2098 - 2101	781,050	25,249	806,299
Total	\$ 6,587,999	\$ 7,706,656	\$ 14,294,655

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 5 – PROPERTY TAXES

Property values are assessed on a county-wide basis by the Miami-Dade County Property Appraiser as of January 1, the lien date, of each year and are due the following November 1. Taxable value of property within the Town is certified by the Property Appraiser and the Town levies a tax millage rate upon the taxable value, which will provide revenue required for the fiscal year beginning October 1.

Property taxes levied each November 1, by the Town and all other taxing authorities within the County, are centrally billed and collected by Miami-Dade County, with remittances to the Town of their proportionate share of collected taxes. Taxes for the fiscal year beginning October 1 are billed in the month of November, subject to a 1% per month discount for the period November through February, and are due no later than March 31. On April 1, unpaid amounts become delinquent with interest and penalties added thereafter. Beginning June 1, tax certificates representing delinquent taxes with interest and penalties are sold by Miami-Dade County, with remittance to the Town for its share of those receipts. At September 30, 2023, there were no material delinquent taxes.

NOTE 6 – INTERFUND RECEIVABLES, PAYABLES, AND TRANSFERS

The composition of interfund balances as of September 30, 2023 is as follows:

DUE FROM/TO OTHER FUNDS

Receivable Fund			Payable Fund							
		Capital					Solid	Nonmajor	Nonmajor	
	General	Projects	Causeway	Sewer	Water	Parking	Waste	Governmental	Enterprise	Total
General	\$ --	\$ 565,544	\$ 5,538,253	\$ 1,904,122	\$ 629,842	\$ 345,427	\$ 448,842	\$ --	\$ 116,317	\$ 9,548,347
Causeway	65,973	--	--	--	--	--	--	--	--	65,973
Sewer	--	--	--	--	1,512,856	--	--	--	--	1,512,856
Water	--	--	--	9,207	--	--	3,497	--	61,159	73,863
Parking	15,227	--	--	--	--	--	--	--	--	15,227
Solid waste	--	--	--	--	624,274	--	--	--	--	624,274
Nonmajor:										
Youth Dev't Prog	61,663									61,663
Stormwater	--	--	--	--	392,258	--	--	--	--	392,258
Park Impact	34,313	--	--	--	--	--	--	--	--	34,313
	\$ 177,176	\$ 565,544	\$ 5,538,253	\$ 1,913,329	\$ 3,159,230	\$ 345,427	\$ 452,339	\$ --	\$ 177,476	\$ 12,328,774

The outstanding balances between funds result mainly from the time lag between the dates that (1) interfund goods and services are provided or reimbursable expenditures/expenses occur, (2) transactions are recorded in the accounting system, and (3) payments between funds are made.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 6 - INTERFUND RECEIVABLES, PAYABLES, AND TRANSFERS (CONTINUED)

INTERFUND TRANSFERS

Transfers during the fiscal year ending September 30, 2023 were as follows:

	Transfers In	
	General Fund	Capital Projects Fund
Transfers Out		
General Fund	\$ --	\$ 342,000
Causeway Fund	1,659,060	--
Water Fund	200,000	--
Sewer Fund	525,000	--
Total Transfers Out	<u>\$ 2,384,060</u>	<u>\$ 342,000</u>

The Town's enterprise funds transfer payments to the General Fund to pay for services provided by General Fund employees such as general management, payroll, human resources, agenda preparation, records retention, and risk management. These administrative services are provided to the enterprise funds to support their operations. Transfers in to the Stormwater Fund are used to move General Fund grant revenues to pay for capital projects associated with this fund. Transfers in to the Capital Projects Fund generally come from surplus revenues from the General fund to fund police department capital projects. Transfers in to special revenue funds are used to move the restricted assets to these funds to comply with requirements of these revenue sources.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 7 - CAPITAL ASSETS

Capital asset activity for the fiscal year ended September 30, 2023 was as follows:

	Beginning Balance (*)	Increases	Decreases	Ending Balance
Governmental activities				
Capital assets, not being depreciated:				
Land	\$ 3,806,254	\$ --	\$ --	\$ 3,806,254
Construction in progress	74,628	356,830	--	431,458
Total capital assets, not being depreciated	3,880,882	356,830	--	4,237,712
Capital assets, being depreciated/amortized				
Buildings	4,520,408	--	--	4,520,408
Improvements other than buildings	23,137,313	81,216	--	23,218,529
Furniture, fixtures and equipment	2,858,611	183,839	(2,300)	3,040,150
Leases (right-of-use assets)	402,339	353,654	--	755,993
Subscription Asset	105,740	146,360	--	252,100
Total capital assets, being depreciated/amortized	31,024,411	765,069	(2,300)	31,787,180
Less accumulated depreciation/amortization for:				
Buildings	(2,530,100)	(134,385)	--	(2,664,485)
Improvements other than buildings	(8,634,336)	(638,293)	--	(9,272,629)
Furniture, fixtures and equipment	(2,288,122)	(190,005)	2,300	(2,475,827)
Leases (right-of-use assets)	(70,907)	(160,843)	--	(231,750)
Subscription Asset	--	(90,165)	--	(90,165)
Total accumulated depreciation/amortization	(13,523,465)	(1,213,691)	2,300	(14,734,856)
Total capital assets, being depreciated/amortized, net	17,500,946	(448,622)	--	17,052,324
Governmental activities capital assets, net	\$ 21,381,828	\$ (91,792)	\$ --	\$ 21,290,036
<i>*Beginning balance was adjusted to consider proper amounts related to the implementation of GASB 96.</i>				
	Beginning Balance	Increases	Decreases	Ending Balance
Business-type activities				
Capital assets, not being depreciated:				
Land	\$ 671,273	\$ --	\$ --	\$ 671,273
Construction in progress	294,268	2,237,440	--	2,531,708
Total capital assets, not being depreciated	965,541	2,237,440	--	3,202,981
Capital assets, being depreciated/amortized				
Causeway system	2,549,328	--	--	2,549,328
Toll collection system	1,935,924	--	--	1,935,924
Sewer system	6,800,114	--	--	6,800,114
Water system	2,589,205	--	--	2,589,205
Parking garage	10,198,652	--	--	10,198,652
Improvements other than buildings	40,435,197	1,437,138	--	41,872,335
Equipment	2,034,138	797,494	(3,125)	2,828,507
Leases (right-of-use assets)	100,317	--	--	100,317
Total capital assets, being depreciated/amortized	66,642,875	2,234,632	(3,125)	68,874,382
Less accumulated depreciation/amortization for:				
Causeway system	(2,549,328)	--	--	(2,549,328)
Toll collection system	(1,548,739)	(193,565)	--	(1,742,304)
Sewer system	(3,377,616)	(184,062)	--	(3,561,678)
Water system	(1,633,585)	(34,451)	--	(1,668,036)
Parking garage	(2,634,708)	(202,156)	--	(2,836,864)
Improvements other than buildings	(17,505,223)	(1,442,025)	--	(18,947,248)
Equipment	(1,712,773)	(114,071)	3,125	(1,823,719)
Leases (right-of-use assets)	(29,656)	(29,656)	--	(59,312)
Total accumulated depreciation/amortization	(30,991,628)	(2,199,986)	3,125	(33,188,489)
Total capital assets, being depreciated/amortized, net	35,651,247	34,646	--	35,685,893
Business-type activities capital assets, net	\$ 36,616,788	\$ 2,272,086	\$ --	\$ 38,888,874

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 7 - CAPITAL ASSETS (CONTINUED)

Depreciation expense was charged as functions/programs as follows:

Governmental activities

General government	\$ 232,568
Public safety	298,753
Transportation	425,925
Culture and recreation	<u>256,445</u>

Total depreciation/amortization expense - governmental activities \$ 1,213,691

Business-type activities

Causeway	\$ 1,628,410
Sewer	217,410
Water	64,730
Parking	248,130
Stormwater	<u>41,306</u>

Total depreciation/amortization expense - business-type activities \$ 2,199,986

NOTE 8 - LONG-TERM DEBT

GOVERNMENTAL ACTIVITIES

The following is a summary of changes in long-term liabilities of the Town for governmental activities for the fiscal year ended September 30, 2023:

	Beginning Balance (*)	Additions	Reductions	Ending Balance	Due Within One Year
Governmental activities					
Bonds payable:					
Refunding Note, Series 2012					
(Direct Borrowing)	\$ 2,147,000	\$ --	\$ (339,000)	\$ 1,808,000	\$ 345,000
Revenue bonds, Series 2016	3,045,000	--	(10,000)	3,035,000	10,000
Add deferred amounts:					
Issuance premium	<u>86,111</u>	<u>--</u>	<u>(7,828)</u>	<u>78,283</u>	<u>--</u>
Total bonds payable	5,278,111	--	(356,828)	4,921,283	355,000
Compensated absences	745,272	427,922	(420,134)	753,060	75,306
Leases (right-of-use asset)	322,360	353,576	(160,385)	515,551	148,562
Subscription Liability	<u>138,311</u>	<u>100,340</u>	<u>(93,837)</u>	<u>144,814</u>	<u>68,329</u>
Governmental activities					
long-term liabilities	<u><u>\$ 6,484,054</u></u>	<u><u>\$ 881,838</u></u>	<u><u>\$ (1,031,184)</u></u>	<u><u>\$ 6,334,708</u></u>	<u><u>\$ 647,197</u></u>

*Beginning balance was adjusted to consider proper amounts related to the implementation of GASB 96.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 8 - LONG-TERM DEBT (CONTINUED)

GOVERNMENTAL ACTIVITIES (CONTINUED)

All long-term obligations/liabilities, including pension and OPEB liabilities, of governmental activities are typically liquidated through the General Fund.

REFUNDING AND IMPROVEMENT REVENUE BONDS – SERIES 2016

On September 29, 2016 the Town issued bonds in the amount of \$3,085,000 to advance refund the Series 2003B bonds. The bonds, including the payment of interest are secured by a pledge by the Town to budget and appropriate an amount from non-ad valorem revenues. As of September 30, 2023, the deferred gain on refunding balance is \$48,762. The total principal and interest remaining on the bonds is \$3,980,550. For the current year, total debt service on the note was \$119,250. The note bears interest at a variable rate between 2% to 5%, with annual principal payments and semi-annual interest payments due through October 1, 2034.

Debt service requirements to maturity are as follows:

	Principal	Interest	Total
Fiscal year ending September 30:			
2024	\$ 10,000	\$ 108,950	\$ 118,950
2025	10,000	108,750	118,750
2026	10,000	108,538	118,538
2027	10,000	108,313	118,313
2028-2032	1,435,000	439,900	1,874,900
2033-2035	<u>1,560,000</u>	<u>71,100</u>	<u>1,631,100</u>
Total	<u>\$ 3,035,000</u>	<u>\$ 945,550</u>	<u>\$ 3,980,550</u>

REFUNDING NOTE – SERIES 2012

On December 3, 2012, the Town borrowed \$4,709,000 [Promissory Refunding Note, Series 2012 (Sales Tax)] from a financial institution as a direct borrowing and used the proceeds to refund a portion (\$4,445,000) of its Revenue Bonds, Series 2003B. There was no deferred amount on refunding. The note, including the payment of interest is secured by a pledge of the Town's half-cent sales tax, franchise fees, and utility taxes. The total principal and interest remaining on the note is \$1,904,140. For the current year, pledged revenues were \$1,799,710 and debt service on the note was \$380,330. The note bears interest at 2.09%, with annual principal payments and semi-annual interest payments due through December 1, 2027.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 8 - LONG-TERM DEBT (CONTINUED)

GOVERNMENTAL ACTIVITIES (CONTINUED)

REFUNDING NOTE – SERIES 2012 (CONTINUED)

Debt service requirements to maturity for this direct borrowing are as follows:

	Principal	Interest	Total
Fiscal year ending September 30:			
2024	\$ 345,000	\$ 34,182	\$ 379,182
2025	354,000	26,877	380,877
2026	362,000	19,395	381,395
2027	370,000	11,746	381,746
2028	377,000	3,940	380,940
Total	\$ 1,808,000	\$ 96,140	\$ 1,904,140

BUSINESS-TYPE ACTIVITIES

The following is a summary of changes in long-term liabilities of the Town for business-type activities for the fiscal year ended September 30, 2023:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Business-type activities					
Notes and loan payable:					
Broad Causeway Promissory Note, Series 2012 (Direct Borrowing)	\$ 6,167,000	\$ --	\$ --	\$ 6,167,000	\$ 965,000
Parking Refunding Note, Series 2012 (Direct Borrowing)	2,073,000	--	(397,000)	1,676,000	--
Total notes and loan payable	8,240,000	--	(397,000)	7,843,000	965,000
Compensated absences	294,679	210,294	(134,894)	370,079	37,008
Leases (right-of-use asset)	70,823	--	(29,602)	41,221	26,215
Business-type activities long-term liabilities	\$ 8,605,502	\$ 210,294	\$ (561,496)	\$ 8,254,300	\$ 1,028,223

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 8 - LONG-TERM DEBT (CONTINUED)

BUSINESS-TYPE ACTIVITIES (CONTINUED)

BROAD CAUSEWAY PROMISSORY NOTE, SERIES 2012

On November 14, 2012, the Town issued the Broad Causeway Promissory Note, Series 2012, as a direct borrowing, in the amount of \$14,642,000 in order to secure funding for a comprehensive rehabilitation of the causeway corridor and bridges to be completed over the next several years, and in order to refund the prior Broad Causeway Revenue Notes Series 2003A and 2003B.

The note, including the payment of interest is secured by the gross revenues from the operation of the Causeway and a pledge by the Town to budget and appropriate an amount from non-ad valorem revenues if needed. The total principal and interest remaining on the note is \$5,681,422. For the current year, pledged revenues were \$11,125,875 and debt service on the note was \$1,108,818. The note bears interest at 2.53%, with annual principal payments and semi-annual interest payments due through December 1, 2028.

Debt service requirements to maturity for this direct borrowing are as follows:

	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
Fiscal year ending September 30:			
2024	\$ 965,000	\$ 65,805	\$ 1,030,805
2025	989,000	119,100	1,108,100
2026	1,014,000	93,762	1,107,762
2027	1,040,000	67,779	1,107,779
2028-2029	<u>2,159,000</u>	<u>54,964</u>	<u>2,213,964</u>
Total	<u><u>\$ 6,167,000</u></u>	<u><u>\$ 401,410</u></u>	<u><u>\$ 6,568,410</u></u>

PARKING PROMISSORY REFUNDING NOTE, SERIES 2012

On November 14, 2012, the Town issued the Parking Promissory Refunding Note, Series 2012, as a direct borrowing, in the amount of \$4,923,000 in order to refinance the Series 2008 note. The note, including the payment of interest is secured by a pledge by the Town to budget and appropriate an amount from non-ad valorem revenues if needed. The total principal and interest remaining on the note is \$1,790,392. The note bears interest at 2.17%, with annual principal payments and semi-annual interest payments due through December 1, 2027.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 8 - LONG-TERM DEBT (CONTINUED)

BUSINESS-TYPE ACTIVITIES (CONTINUED)

PARKING PROMISSORY REFUNDING NOTE, SERIES 2012 (CONTINUED)

Debt service requirements to maturity for this direct borrowing are as follows:

	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
Fiscal year ending September 30:			
2024	\$ --	\$ 40,677	\$ 40,677
2025	406,000	31,964	437,964
2026	414,000	23,067	437,067
2027	423,000	13,986	436,986
2028	<u>433,000</u>	<u>4,698</u>	<u>437,698</u>
Total	<u><u>\$ 1,676,000</u></u>	<u><u>\$ 114,392</u></u>	<u><u>\$ 1,790,392</u></u>

The Town's failure to pay the principal or interest on any debt obligation listed above when due or failure to observe and perform any covenant, condition, agreement or provision in any indenture applicable to the Town's various debt obligations, constitutes an event of default for the Town. In the event of a default, lenders may declare all principal and interest to be due immediately. The lender may also seek enforcement of and exercise all remedies available to collect the obligation due under any applicable law.

LEASES (RIGHT-OF-USE ASSET)

The Town has entered into multiple lease agreements as a lessee. The lease agreements qualify as other than a short-term lease under GASB 87 and therefore; have been recorded at the present value of the future minimum lease payments as of the date of their inception. A summary of the leases by governmental activities and business-type activities is summarized below:

Governmental activities: The Town entered 26 active lease agreements as of September 30, 2023, which range in duration from 12 months to 60 months. As of September 30, 2023, the value of the lease liability was \$515,551. Principal and interest payments made during the fiscal year totaled \$81,000. Required monthly fixed payments range from approximately \$354 to \$9,173. The value of the leases (right-to-use assets) as of September 30, 2023 is \$524,243 with accumulated amortization of \$160,843.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 8 - LONG-TERM DEBT (CONTINUED)

LEASES (RIGHT-OF-USE ASSET) (CONTINUED)

Business-type activities: The Town entered into five lease agreements as a Lessee which range in duration from 12 months to 60 months. An initial lease liability was recorded in the amount of \$100,317 as of October 1, 2021. As of September 30, 2023, the value of the lease liability was \$41,221. Principal and interest payments made during the fiscal year totaled \$34,629. Required monthly fixed payments range from approximately \$452 to \$656. The value of the leases (right-to-use assets) as of September 30, 2023 is \$59,312 with accumulated amortization of \$29,656.

The future minimum lease obligations and the net present value of these minimum lease payments as of September 30, 2023, are as follows:

	Governmental Activities		
	Principal	Interest	Total
Fiscal year ending September 30:			
2024	\$ 148,563	\$ 3,906	\$ 152,469
2025	123,804	2,686	126,490
2026	115,253	1,555	116,808
2027	111,494	471	111,965
2028	16,437	471	16,908
Total	<u>\$ 515,551</u>	<u>\$ 9,089</u>	<u>\$ 524,640</u>

	Business-Type Activities		
	Principal	Interest	Total
Fiscal year ending September 30:			
2024	\$ 26,215	\$ 3,906	\$ 30,121
2025	11,272	2,686	13,958
2026	3,734	1,555	5,289
Total	<u>\$ 41,221</u>	<u>\$ 8,147</u>	<u>\$ 49,368</u>

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 8 - LONG-TERM DEBT (CONTINUED)

SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS (“SBITA”)

The Town has entered into multiple subscription arrangements. The subscription arrangements qualify as other than a short-term lease under GASB 96 and therefore; have been recorded at the present value of the future minimum payments as of the date of their inception.

Governmental activities: The Town entered into 11 subscription arrangements which range in duration from 12 months to 36 months. An initial subscription arrangements liability was recorded in the amount of \$238,657 during the fiscal year ended September 30, 2023. As of September 30, 2023, the value of the subscription arrangements liability was \$144,814. Principal and interest payments made during the fiscal year totaled \$95,958. Required monthly fixed payments range from approximately \$250 to \$24,404. The value of the subscription arrangements as of September 30, 2023 is \$161,935 with accumulated amortization of \$90,165.

The future minimum subscription arrangement obligations and the net present value of these minimum subscription arrangement payments as of September 30, 2023, are as follows:

	Governmental Activities		
	Principal	Interest	Total
Fiscal year ending September 30:			
2024	\$ 68,329	\$ 4,291	\$ 72,620
2025	49,456	2,500	51,956
2026	27,029	844	27,873
Total	<u>\$ 144,814</u>	<u>\$ 7,635</u>	<u>\$ 152,449</u>

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 9 - COMMITMENTS AND CONTINGENCIES

LITIGATION

At times during the year, the Town was involved in lawsuits or other legal matters incidental to its operations, the outcome of which, in the opinion of management and legal counsel, would not have a material adverse effect on the financial condition of the Town.

RISK MANAGEMENT

The Town is exposed to various risks of loss related to torts, theft of, damage to and destruction of assets, errors and omissions, workers compensation, and natural disasters for which the Town carries commercial insurance. There was no reduction in insurance coverage from coverages in the prior year and there were no settlements that exceeded insurance coverage for each of the past three years.

NOTE 10 - DEFINED BENEFIT PENSION PLAN

PLAN DESCRIPTION

The Town has a single-employer defined benefit pension plan covering all full-time general employees and police officers with one year of service. The Plan issues a publicly available financial report that includes financial statements and required supplementary information. The Plan's fiduciary net position has been determined on the same basis that is used by the Plan. This report may be obtained by contacting the Town's Finance Director or visiting the Town's website.

The Town of Bay Harbor Islands Employees' Retirement System was established by the Town's Ordinance 226 effective January 12, 1970. The Plan is considered part of the Town's financial reporting entity and is included in the Town's financial statements as a pension trust fund. All full-time general employees and police officers with one year of service are eligible. The actuarial funding valuation is as of October 1, 2020 (beginning of year valuation date) for the Town's contribution for fiscal year ended September 30, 2023. Benefit and contribution provisions are established by Chapter 16 of the Town Code and may be amended only by the Board of Trustees, subject to approval of the Town Council. Administrative costs of the Plan are funded through investment earnings.

The Plan is administered by a Board of Trustees comprised of:

- The Town Manager (a permanent member of the Board by Ordinance)
- Two members of the Town Council elected by the Town Council
- A police officer elected by his/her fellow officers
- A general employee elected by his/her fellow general employees

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

PLAN DESCRIPTION (CONTINUED)

Membership in the Plan as of the latest actuarial valuation dated October 1, 2022, was as follows:

Inactive plan members and beneficiaries currently receiving benefits	36
Inactive plan members entitled but not yet receiving benefits	12
Active plan members	<u>65</u>
Total Members	<u><u>113</u></u>

Employees become fully vested after 5 years of credited service.

PENSION BENEFITS

Normal retirement is as follows:

- General employees who retire at the earlier of age 52 with twenty years of credited service, age 55 with ten years of credited service or at age 65 regardless of time of service.
- Police officers who retire at the earlier of age 50 with twenty years of credited service, age 55 with ten years of credited service or at age 65 regardless of time of service.

Under special circumstances, the Plan also provides for delayed retirement benefits and disability retirement benefits. A member may elect to receive in a lump sum at retirement an amount which is the actuarial equivalent of the benefits otherwise payable under the Plan. General employees may elect to receive a partial lump sum equal to any portion of the actuarial equivalent lump sum value of the employee's accrued benefit, with the remaining value, if any, to be paid in the form of a straight-line annuity or in any of the other optional retirement benefit annuity forms.

Normal retirement benefits for general employees are based on 1.25% of average final compensation. For police, the multiplier is 1.75% for service before October 1, 2005, 3% after that date and before October 1, 2006, and 3.25% thereafter. For general employees and for police service before October 1, 2005, the multiplier may increase depending upon the members' contribution rate.

For police officers who were employed and accruing credited service on October 1, 2014, the normal retirement benefit rate increased from 3.25% to 3.50% for years of service on or after October 1, 2014.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

PENSION BENEFITS (CONTINUED)

For general employees who were employed and accruing credited service on October 1, 2015, the normal retirement benefit rate increased from 1.25% to 1.50% for all credited service earned from October 1, 2010 to September 30, 2016, and to 1.75% for all credit service earned on or after October 1, 2016.

A terminating member with less than five years creditable service shall receive his/her contribution plus accrued interest accumulated since initial employment.

A police officer may purchase credited service for military service or for service as a police officer for a different employer occurring prior to the member's first or initial employment with the Town, as long as the member is not entitled to receive a benefit for such other prior service as a police officer. The maximum number of years of credited service that may be purchased for prior military and prior police service combined is four years.

CONTRIBUTIONS AND FUNDING POLICY

General employees are required to contribute 2% of their compensation, and may elect to make additional voluntary contributions up to 10%. Effective October 1, 2006, the mandatory contribution for police is 8% and no additional voluntary contributions are permitted. Employer contributions for fiscal year ended September 30, 2023 were 6.99% of covered payroll. The contribution requirements of the Town for the fiscal year ended September 30, 2023 were determined by the October 1, 2021 actuarial valuation. Pursuant to Chapter 185 of the Florida Statutes, a premium tax on certain property and casualty insurance contracts, written on Town of Bay Harbor Islands properties, is collected by the state and is remitted to the Town. The State of Florida distributes this money to local governments meeting certain eligibility requirements which is intended to purchase supplemental pension benefits for police officers. Refer to the share plan/supplemental benefits note for changes made to this benefit.

In fiscal year 2023, \$67,287 was received by the Town from the State on behalf of Police Officers (Chapter 185) and recorded in the General Fund as revenue and as a contribution (expenditure) to the Plan. The total amount went towards funding the actuarially determined annual required contribution for the Plan.

The Plan's funding policy provides for actuarially determined periodic employer contributions sufficient to pay the benefits provided by the Plan when they become due. The actuarial cost method used for determining the contribution requirements of the Plan is the entry age normal cost method.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

SHARE PLAN/SUPPLEMENTAL BENEFITS

The Town participates in the State of Florida Chapter 185 program. As a participant in the program, the Town is eligible to receive annual distributions of state premium tax collections on property and casualty insurance policies written within the Town limits. Chapter 185 levies a 0.85% tax on all casualty insurance premiums written within the Town limits. The monies received by the Town are for the purpose of providing benefits to or for the exclusive use of police officers. Effective October 1, 2015, the Town and the Dade County Police Benevolent Association agreed to utilize the supplemental benefit assets to increase the normal retirement multiplier to 3.50% and to utilize future Chapter 185 distributions as an offset to the Town's required contributions. As a result, there are no Share plan assets included in the pension trust fund as of September 30, 2023.

DEFERRED RETIREMENT OPTION PLAN ("DROP")

The Board of Trustees approved and amended the Plan documents to include a DROP for general employees effective January 18, 2020 and for police officers effective October 7, 2019. Any member is eligible to enter the DROP on or after his or her normal retirement date as defined above. The maximum participation in the DROP is 60 months. However, an extension of a member's participation time in the DROP may be allowed at the sole discretion of the town manager and on a case-by-case basis. If an extension of time is allowed, the manager's approval shall be in writing and it shall specify the amount of time that is approved. A DROP member may separate from service prior to the expiration of the five-year period and can only participate in the DROP once.

Upon commencement of participation in the DROP, (a) the employee does not receive any additional creditable service for pension purposes, (b) the member is not eligible for disability or pre-retirement death benefits and (c) the member's contributions are discontinued. Additionally, the amount of final average salary for calculation of pension benefits is determined as of the date of entering the DROP. No payment is made for accrued unused leave upon entering the DROP, nor shall the amount of accrued unpaid leave be used in the calculation of the amount of pension benefits.

The monthly retirement benefits that would have been payable had the member elected to cease employment and not join the DROP, is credited to the member's DROP account. The money in all participant's DROP accounts is commingled with all other assets of the fund.

For members who enter the DROP on or after October 7, 2019, the member's DROP account is credited with the interest earned by the individual employee's retirement system account for the fiscal year minus administrative fees reasonably incurred by the Town in processing the account.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

DEFERRED RETIREMENT OPTION PLAN ("DROP") (CONTINUED)

Upon termination of a DROP member's employment with the Town, the retirement benefits accumulated in the member's DROP account is paid to the member. The balance credited to the member's DROP account shall be payable either to the member or as a direct rollover into any qualified plan that accepts rollovers. All distributions must comply with the Internal Revenue Code and regulations promulgated thereunder.

There were no members who participated in the DROP as of the fiscal year ended September 30, 2023.

BASIS OF ACCOUNTING

The financial statements of the Plan are prepared using the accrual basis of accounting in accordance with GAAP as applied to governmental entities in accordance with GASB pronouncements. Plan member contributions are recognized in the period in which the contributions are due. Employer contributions are recognized when due and the employer has made a formal commitment to provide the contributions. Benefits and refunds are recognized when due and payable in accordance with the terms of the Plan.

METHOD USED TO VALUE INVESTMENTS

Investments are reported at fair value, except for money market funds, which are reported at amortized cost. Net appreciation (depreciation) in fair value of investments includes realized and unrealized gains and losses. Realized gains and losses are determined on the basis of average cost. Purchases and sales of securities are recorded on the trade-date basis. Interest and dividends are recorded as earned on the accrual basis. For more details regarding the methods used to measure the fair value of investments, refer to the fair value hierarchy in Note 3.

Within certain limitations as specified in the Plan, the investment policy is determined by the Board of Trustees and is implemented by the Plan's investment managers.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

NET PENSION LIABILITY OF THE TOWN

In accordance with Government Accounting Standards Board Statement No. 68, the net pension asset of the Town, which elected to use a measurement date of September 30, 2022, was as follows:

Total pension liability	\$ 22,692,714
Less plan fiduciary net position	<u>(22,568,063)</u>
Net pension liability	<u><u>\$ 124,651</u></u>
Plan fiduciary net position as a percentage of the total pension liability	<u><u>99.45%</u></u>

The above net pension liability is recorded within the government-wide statement of net position as of September 30, 2023.

CHANGES IN THE NET PENSION LIABILITY/ASSET

	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (Asset) (a) - (b)
Balances at September 30, 2021	<u>\$ 19,448,054</u>	<u>\$ (25,478,156)</u>	<u>\$ (6,030,102)</u>
Changes for the year:			
Service cost	896,214	--	896,214
Expected interest growth	1,595,591	(2,043,890)	(448,299)
Unexpected investment income	--	5,359,452	5,359,452
Demographic experience	1,631,800	--	1,631,800
Assumption Changes	--	--	--
Contributions - employer	--	(937,084)	(937,084)
Contributions - employee	--	(418,944)	(418,944)
Benefit payments, including refunds of employee contributions	(878,945)	878,945	--
Administrative changes	--	71,614	71,614
Net changes	<u>3,244,660</u>	<u>2,910,093</u>	<u>6,154,753</u>
Balances at September 30, 2022	<u><u>\$ 22,692,714</u></u>	<u><u>\$ (22,568,063)</u></u>	<u><u>\$ 124,651</u></u>

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

SIGNIFICANT ACTUARIAL ASSUMPTIONS

The total pension liability was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Discount Rate	7.96%
Inflation	3.00%
Salary increases	4.00% per annum
Measurement Date	September 30, 2022, based on a valuation date of October 1, 2021
Ad-hoc Cost of Living Increases	None
Mortality Rates	Sex-distinct rates set forth in the PUB-2010 Headcount-Weighted Below Median Employee Mortality Table, with full generational projections using Scale MP-2018.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the pension plan's target asset allocation as of September 30, 2022 are summarized in the following table:

Asset Class	Expected Long-Term Real Return	Target Allocation
Large cap (domestic equity)	8.5%	25.0%
Mid cap (domestic equity)	8.8%	7.5%
Small cap (domestic equity)	9.3%	7.5%
Fixed Income	0.7%	30.0%
Developed Markets	5.2%	10.0%
Emerging Market (international equity)	9.1%	5.0%
Real Estate	7.0%	15.0%

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

DISCOUNT RATE

The discount rate used to measure the total pension liability was 7.96%. The projection of cash flows used to determine the discount rate assumed that plan member contributions will be made at the current contribution rate and that contributions will be made at rates equal to the difference between actuarially determined contribution rates and the member rate. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

SENSITIVITY OF THE TOWN'S NET PENSION ASSET TO CHANGES IN THE DISCOUNT RATE

The following presents the net pension liability, calculated using the discount rate of 7.96%, as well as what the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.96%) or 1-percentage-point higher (8.96%) than the current rate:

	1% Decrease (6.96%)	Current Discount Rate (7.96%)	1% Increase (8.96%)
Net Pension Liability	\$ 809,356	\$ 124,651	\$ (576,286)

PENSION EXPENSE AND DEFERRED OUTFLOWS OF RESOURCES AND DEFERRED INFLOWS OF RESOURCES RELATED TO PENSIONS

At September 30, 2023, the Town reported a net pension liability of \$124,651. The net pension asset was measured as of September 30, 2022, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of October 1, 2021. For the fiscal year ended September 30, 2023, the Town recognized pension expense of approximately \$933,049 as a result of changes in actuarial assumptions. In addition, the Town reported deferred outflows of resources and deferred inflows of resources related to the Plan from the following sources:

Description	Deferred Outflows of Resources	Deferred Inflows of Resources
Net unexpected investment income	\$ 3,465,073	\$ --
Assumption changes	--	247,308
Demographic experience	1,463,211	--
Town contributions subsequent to the measurement date	518,510	--
Total	\$ 5,446,794	\$ 247,308

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

PENSION EXPENSE AND DEFERRED OUTFLOWS OF RESOURCES AND DEFERRED INFLOWS OF RESOURCES RELATED TO PENSIONS (CONTINUED)

The deferred outflows of resources totaling \$518,510 resulting from Town contributions to the pension subsequent to the measurement date will be recognized as an increase or decrease of the net pension asset in the subsequent fiscal year. The additional amounts reported as deferred inflows and outflows of resources related to the pension will be recognized in pension expense over the remaining years as follows:

Fiscal Year Ending September 30	Amount
2024	\$ (1,614,367)
2025	(1,309,755)
2026	(684,962)
2027	<u>(1,071,892)</u>
Total	<u>\$ (4,680,976)</u>

NOTE 11 - OTHER POST-EMPLOYMENT BENEFITS

PLAN DESCRIPTION AND BENEFITS PROVIDED

The Town provides an optional single employer defined-benefit post-employment (OPEB) healthcare plan to all regular employees of the Town who retire from active service and receive retirement benefits under the Town's pension plan. The plan allows its employees and their beneficiaries, at their own cost, to continue to obtain health, dental and other 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.

At September 30, 2023, the following employees were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefit payments	4
Inactive employees entitled to but not yet receiving benefit payments	--
Active employees	<u>65</u>
Total employees	<u>69</u>

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 11 - OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

TOTAL OPEB LIABILITY

The Town's total OPEB liability of \$248,778 was measured as of September 30, 2023, and was determined by an actuarial valuation as of October 1, 2021.

ACTUARIAL ASSUMPTIONS AND OTHER INPUTS

The Town's total OPEB liability was determined using the following actuarial assumptions and other inputs, applied to all periods included in the measurement, unless otherwise specified:

Inflation	3.00%
Salary increases	3.00% per annum
Discount rate	4.91% per annum
Healthcare cost trend rates	8.0% for fiscal year 2022/2023, decreasing .50% per year to an ultimate rate of 5.00% for fiscal year 2028/2029 and later years
Retirees' share of benefit-related costs	100% of projected health insurance premiums for retirees
Mortality Rates	Sex-distinct rates set forth in the PUB-2010 Mortality Table (with income adjustments) for general and public safety employees, with full generational improvements in mortality using Scale MP-2020

CHANGES IN THE TOTAL OPEB LIABILITY

	Total OPEB Liability (a)
Balance at September 30, 2022	<u>\$ 237,191</u>
Changes for the Year:	
Service cost	12,564
Interest	11,824
Demographic experience	11,160
Changes of assumptions or other inputs	(5,854)
Benefit payments	<u>(18,107)</u>
Net Change	<u>11,587</u>
Balance at September 30, 2023	<u><u>\$ 248,778</u></u>

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 11 - OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

SENSITIVITY OF THE TOWN'S TOTAL OPEB LIABILITY TO CHANGES IN THE DISCOUNT RATE

The following presents the total OPEB liability, calculated using the discount rate of 4.91%, as well as what the total OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (3.77%) or 1-percentage-point higher (5.77%) than the current rate:

	1% Decrease (3.91%)	Discount Rate (4.91%)	1% Increase (5.91%)
Total OPEB Liability	<u>\$ 267,199</u>	<u>\$ 248,778</u>	<u>\$ 232,339</u>

SENSITIVITY OF THE TOWN'S TOTAL OPEB LIABILITY TO CHANGES HEALTHCARE COST TREND RATES

The following presents the total OPEB liability, as well as what the total OPEB liability would be if it were calculated using healthcare cost trend rates that is 1-percentage-point lower (6.0% decreasing to 4.0%) or 1-percentage-point higher (8.0% decreasing to 6.0%) than the current rate:

	1% Decrease (6% Decreasing to 4.0%)	Healthcare Cost Trend Rates (7% Decreasing to 5.0%)	1% Increase (8% Decreasing to 6.0%)
Total OPEB Liability	<u>\$ 228,652</u>	<u>\$ 248,778</u>	<u>\$ 271,742</u>

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 11 - OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

OPEB EXPENSE AND DEFERRED OUTFLOWS OF RESOURCES AND DEFERRED INFLOWS OF RESOURCES RELATED TO OPEB

For the fiscal year ended September 30, 2023, the Town recognized OPEB expense of \$7,216. At September 30, 2023, the Town reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

Description	Deferred Outflows of Resources	Deferred Inflows of Resources
Assumption changes	\$ --	\$ 43,383
Demographic experience	13,079	--
Total	<u>\$ 13,079</u>	<u>\$ 43,383</u>

Amounts reported as deferred outflows of resources related to OPEB will be recognized as OPEB expense over the remaining years as follows:

Fiscal Year Ending September 30	Amount
2024	\$ 19,251
2025	12,930
2026	(1,143)
2027	<u>(734)</u>
Total	<u>\$ 30,304</u>

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 12 – EXPENDITURES AND TRANSFERS OUT IN EXCESS OF APPROPRIATIONS

During the fiscal year ended September 30, 2023, the Town incurred expenditures and transfers out in the General Fund that were in excess of the amounts appropriated:

Expenditures

	Budget	Actual	Variance
Principal, interest and fiscal charges	\$ 558,280	\$ 701,483	\$ (143,203)
Legal	216,000	310,378	(94,378)
Other public safety	116,871	123,139	(6,268)
Executive	573,391	607,110	(33,719)
Information technology	623,172	799,905	(176,733)

Other Financing Uses

	Budget	Actual	Variance
Transfers out	\$ 60,000	\$ 342,000	\$ (282,000)

The overages were paid from available General Fund reserves.

**REQUIRED SUPPLEMENTARY INFORMATION
(OTHER THAN MD&A)**

TOWN OF BAY HARBOR ISLANDS, FLORIDA

BUDGETARY COMPARISON SCHEDULE

GENERAL FUND

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

	<u>Budgeted Amounts</u>		Actual Amounts	Variance with Final Budget-Positive (Negative)
	Original	Final		
Revenues				
Property taxes	\$ 4,921,530	\$ 5,007,716	\$ 5,023,811	\$ 16,095
Utility taxes	620,000	620,000	649,486	29,486
Communications services tax	165,000	165,000	200,048	35,048
Franchise fees	365,000	377,845	512,667	134,822
Licenses and permits	1,722,000	1,728,500	5,701,135	3,972,635
Intergovernmental	1,140,000	1,178,079	1,352,848	174,769
Transfer development right fees	--	--	390,000	390,000
Charges for services	285,030	285,030	234,459	(50,571)
Fines and forfeitures	67,000	67,000	245,114	178,114
Investment earnings	55,000	55,000	48,751	(6,249)
Grants	251,251	--	58,608	58,608
Miscellaneous	85,000	123,546	126,609	3,063
Total Revenues	9,676,811	9,607,716	14,543,536	4,935,820
Expenditures				
General government:				
Legislative	214,857	267,101	254,278	12,823
Executive	512,915	573,391	607,100	(33,709)
Clerk	229,683	269,687	204,951	64,736
Finance and administration	294,751	511,801	358,985	152,816
Information technology	533,696	623,172	799,005	(175,833)
Human resources	129,847	166,128	148,688	17,440
Legal	240,000	290,000	310,378	(20,378)
Total General Government	2,155,749	2,701,280	2,683,385	17,895
Public buildings	185,520	904,296	432,577	471,719
Public safety:				
Law enforcement	4,800,107	5,087,227	4,753,210	334,017
Protective inspections	1,250,876	1,357,071	1,113,984	243,087
Code enforcement	186,074	189,643	169,220	20,423
Other public safety	105,071	116,871	123,139	(6,268)
Total public safety	6,342,128	6,750,812	6,159,553	591,259
Transportation:				
Streets and parkways	499,493	841,014	507,991	333,023
Public transit	278,500	279,500	236,843	42,657
Total transportation	777,993	1,120,514	744,834	375,680
Culture and recreation:				
Parks and recreation	1,453,123	1,648,917	1,632,466	16,451
Transfer to reserves	342,000	342,000	--	342,000
Total culture and recreation	1,795,123	1,990,917	1,632,466	358,451
Debt service:				
Principal, interest and fiscal charges	503,755	558,280	701,483	(143,203)
Total expenditures	11,760,268	14,026,099	12,354,298	1,671,801
Excess (Deficiency) of revenues over expenditures	(2,083,457)	(4,418,383)	2,189,238	6,607,621
Other financing sources (uses)				
Appropriation of prior year fund balance	--	2,485,990	--	(2,485,990)
Subscription arrangements issued	--	--	170,067	170,067
Transfers out	--	(60,000)	(342,000)	(282,000)
Transfers in	2,384,060	2,384,060	2,384,060	--
Total other financing sources (uses)	2,384,060	4,810,050	2,212,127	(2,597,923)
Net change in fund balance	\$ 300,603	\$ 391,667	\$ 4,401,365	\$ 4,009,698

See note to budgetary comparison schedule.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

REQUIRED SUPPLEMENTARY INFORMATION NOTE TO BUDGETARY COMPARISON SCHEDULE FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 - BUDGETS AND BUDGETARY ACCOUNTING CAPITAL PROJECT FUND – ADOPTED BUDGET

Annual appropriated budgets are prepared for the General Fund, the Park Impact Fees Fund (a nonmajor fund), and the Police Forfeitures Fund (a nonmajor fund). The Town does not have a legally adopted budget for the capital projects fund.

The Town follows these procedures in establishing the budgetary data reflected in the financial statements:

- (a) The Town Manager submits to the Council a proposed operating budget for the ensuing fiscal year. The operating budget includes appropriations and the means of financing them with an explanation regarding each expenditure that is not of a routine nature.
- (b) Public hearings are conducted to obtain taxpayer comments.
- (c) Prior to October 1, the budget is legally enacted through passage of an Ordinance.
- (d) The Town Council, by motion, may make supplemental appropriations for the year up to the amount of revenues in excess of those estimated or from available fund balance. During fiscal year ended September 30, 2023, there were supplemental appropriations in the General Fund of approximately \$2,265,831.
- (e) Formal budgetary integration is employed as a management control device for the General Fund. Budget amendments were not material in relation to the original appropriation.
- (f) The budget for the General Fund is adopted on a basis consistent with generally accepted accounting principles (GAAP).
- (g) The Town Manager is authorized to transfer part or all of an encumbered appropriation balance within departments within a fund; however, any revisions that alter the total appropriations of any department or fund must be approved by the Town Council. Therefore, the legal level of control is at the department level.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

REQUIRED SUPPLEMENTARY INFORMATION

SCHEDULE OF CHANGES IN THE TOWN'S TOTAL OPEB LIABILITY AND RELATED RATIOS

Measurement Date, September 30,	2023	2022	2021	2020	2019	2018
Total OPEB Liability						
Service cost	\$ 12,564	\$ 11,774	\$ 17,062	\$ 19,214	\$ 15,299	\$ 11,358
Interest	11,824	13,206	7,489	5,695	8,089	7,880
Demographic experience	11,160	--	12,001	--	4,510	--
Changes of assumptions or other inputs	(5,854)	(45,603)	(49,688)	31,584	22,472	--
Benefit payments	(18,107)	(14,381)	(11,515)	(13,028)	(15,099)	(12,372)
Net Change in Total OPEB Liability	11,587	(35,004)	(24,651)	43,465	35,271	6,866
Total OPEB Liability - Beginning	237,191	272,195	296,846	253,381	218,110	211,244
Total OPEB Liability - Ending	<u>\$ 248,778</u>	<u>\$ 237,191</u>	<u>\$ 272,195</u>	<u>\$ 296,846</u>	<u>\$ 253,381</u>	<u>\$ 218,110</u>
Covered-Employee Payroll	\$ 3,034,470	\$ 4,525,693	\$ 4,525,693	\$ 4,263,252	\$ 4,263,252	\$ 4,363,540
Total OPEB Liability as a Percentage of Covered-Employee Payroll	8.20%	5.24%	6.01%	6.96%	5.94%	5.00%

This schedule is presented as required by accounting principles generally accepted in the United States of America, however, until a full 10-year trend is compiled, information is presented for those years available.

Note: The OPEB Plan is not accounted for as a trust fund since an irrevocable trust has not been established to fund the OPEB Plan. As such, the OPEB Plan has no assets and does not issue a separate financial report.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

REQUIRED SUPPLEMENTARY INFORMATION

SCHEDULE OF CHANGES IN THE TOWN'S NET PENSION LIABILITY (ASSET) AND RELATED RATIOS

Measurement Date:	September 30,									
	2022	2021	2020	2019	2018	2017	2016	2015	2014	
Total pension liability										
Service cost	\$ 896,214	\$ 739,288	\$ 752,678	\$ 786,299	\$ 1,071,650	\$ 1,026,849	\$ 881,514	\$ 758,824	\$ 686,893	
Interest	1,595,591	1,553,006	1,530,252	1,850,596	1,279,001	1,180,877	983,968	923,439	851,757	
Demographic experience	1,631,800	1,073,343	(642,790)	(477,459)	906,769	(328,634)	(435,741)	(100,632)	--	
Changes of benefit terms	--	--	--	--	8,635	726,619	998,287	--	--	
Changes of assumptions	--	(630,731)	--	(4,786,155)	--	--	1,864,465	--	--	
Benefit payments, including refunds of member contributions	(878,945)	(2,329,906)	(1,341,878)	(1,310,542)	(1,688,273)	(893,750)	(1,064,535)	(671,862)	(359,028)	
Net change in total pension liability	3,244,660	405,000	298,262	(3,937,261)	1,577,782	1,711,961	3,227,958	909,769	1,179,622	
Total pension liability - beginning	19,448,054	19,043,054	18,744,792	22,682,053	21,104,271	19,392,310	16,164,352	15,254,583	14,074,961	
Total pension liability - ending (a)	22,692,714	19,448,054	19,043,054	18,744,792	22,682,053	21,104,271	19,392,310	16,164,352	15,254,583	
Plan fiduciary net position										
Contributions - employer	937,084	1,050,617	1,080,265	1,004,663	1,137,266	874,490	795,792	674,623	922,599	
Contributions - employee	418,944	372,757	520,770	399,794	345,320	332,750	700,737	271,897	275,817	
Net Investment income (loss)	(3,315,562)	3,705,978	1,336,214	651,814	1,558,236	1,705,415	1,506,073	(248,856)	1,185,773	
Benefit payments, including refunds of member contributions	(878,945)	(2,329,906)	(1,341,878)	(1,310,542)	(1,688,273)	(893,750)	(1,064,535)	(671,862)	(384,382)	
Administrative expense	(71,614)	(36,826)	(45,349)	(38,809)	(37,597)	(33,384)	(37,339)	(31,590)	(31,811)	
Net change in plan fiduciary net position	(2,910,093)	2,762,620	1,550,022	706,920	1,314,952	1,985,521	1,900,728	(5,788)	1,967,996	
Plan fiduciary net position - beginning	25,478,156	22,715,536	21,165,514	20,410,342	19,095,390	17,114,069	15,213,341	15,219,129	13,251,133	
Plan fiduciary net position - ending (b)	22,568,063	25,478,156	22,715,536	21,117,262	20,410,342	19,099,590	17,114,069	15,213,341	15,219,129	
Net pension liability (asset) - Ending (a) - (b)	\$ 124,651	\$ (6,030,102)	\$ (3,672,482)	\$ (2,372,470)	\$ 2,271,711	\$ 2,004,681	\$ 2,278,241	\$ 951,011	\$ 35,454	
Fiduciary net position as a percentage of the total pension liability (asset)	99.45%	131.01%	119.29%	112.66%	89.98%	90.50%	88.25%	94.12%	99.77%	
Covered payroll	\$ 4,409,406	\$ 4,525,693	\$ 4,402,353	\$ 4,645,071	\$ 4,363,540	\$ 4,362,247	\$ 3,962,146	\$ 3,822,792	\$ 3,633,983	
Net pension liability as a percentage of covered payroll	2.83%	N/A	N/A	N/A	52.06%	45.96%	57.50%	24.88%	0.98%	

Note: Plan Fiduciary Net Position for 2019 excludes \$48,252 related to employer contributions that were accrued after the actuarial valuation was completed.

Note: Plan Fiduciary Net Position for 2017 excludes \$4,200 related to benefits payable to participants that was accrued after the actuarial valuation was completed.

Note: Plan Fiduciary Net Position for 2015 and 2014 excludes \$223,769 and \$198,656, respectively, of Share Plan net position. In fiscal year 2016, Share Plan assets were transferred over to the Plan and are included in the 2016 employer contributions.

N/A means not applicable

This schedule is presented as required by accounting principles generally accepted in the United States of America, however, until a full 10 year trend is compiled, information is presented for those years available.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

REQUIRED SUPPLEMENTARY INFORMATION SCHEDULE OF TOWN CONTRIBUTIONS

Fiscal Year Ended September 30,	Actuarially Determined Contribution	Actual Contribution	Contribution Deficiency (Excess)	Covered Payroll	Actual Contribution as a % of Covered Payroll
2023	\$ 402,731	\$ 585,810	\$ (183,079)	\$ 5,759,046	10.17%
2022	834,338	937,084	(102,746)	4,409,406	21.25%
2021	1,001,827	1,050,617	(48,790)	4,526,693	23.21%
2020	1,022,793	1,128,517	(105,724)	4,402,353	25.63%
2019	1,001,806	1,004,663	(2,857)	4,645,071	21.63%
2018	1,086,156	1,137,266	(51,110)	4,363,540	26.06%
2017	816,415	874,490	(58,075)	4,362,247	20.05%
2016	795,792	795,792	--	3,962,146	20.08%
2015	674,623	674,623	--	3,822,792	17.65%
2014	922,599	922,599	--	3,633,983	25.39%

Methods and Assumptions Used to Determine Contribution Rates for Fiscal Year Ended September 30, 2023:

Valuation Date: October 1, 2021

Note: Actuarially determined contribution rates are calculated as of October 1, which is 24 months prior to the end of the fiscal year which contributions are reported.

Actuarial Cost Method	Entry-Age Normal
Amortization Method	Level Dollar
Remaining Amortization Period	10 years
Asset Valuation Method	Fair Value
Inflation and Other General Increases	3.00%
Salary Increases	4.00%
Discount Rate of Return	6.00%
Retirement Age	Retirement is assumed to occur at normal retirement age.
Mortality	Sex-distinct rates set forth in the RP-2000 Combined Mortality Table, with full generational projections using Scale BB.

SUPPLEMENTARY INFORMATION

TOWN OF BAY HARBOR ISLANDS, FLORIDA

COMBINING BALANCE SHEET NONMAJOR GOVERNMENTAL FUNDS SEPTEMBER 30, 2023

	Special Revenue			Total
	Park Impact Fees Fund	Police Forfeitures Fund	Youth Development Fund	
Assets				
Cash	\$ 1,252,934	\$ 9,832	\$ --	\$ 1,262,766
Due from other funds	34,313	--	61,663	95,976
Total assets	\$ 1,287,247	\$ 9,832	\$ 61,663	\$ 1,358,742
Liabilities				
Accounts payable and accrued liabilities	\$ --	\$ --	\$ 2,180	\$ 2,180
Due to other funds	--	--	16,022	16,022
Unearned revenue	--	--	43,461	43,461
Total liabilities	--	--	61,663	61,663
Fund balances				
Restricted:				
Law enforcement	--	9,832	--	9,832
Park Impact	1,287,247	--	--	1,287,247
Total fund balances	1,287,247	9,832	--	1,297,079
Total liabilities and fund balances	\$ 1,287,247	\$ 9,832	\$ 61,663	\$ 1,358,742

TOWN OF BAY HARBOR ISLANDS, FLORIDA

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES NONMAJOR GOVERNMENTAL FUNDS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

	Special Revenue			
	Park Impact Fees Fund	Police Forfeitures Fund	Youth Development Fund	Total
Revenues				
Impact fees	\$ 740,190	\$ --	\$ --	\$ 740,190
Grants	--	--	29,446	29,446
Total revenues	740,190	--	29,446	769,636
Expenditures				
Current:				
Public safety	--	34,321	--	34,321
Culture and recreation	5,612	--	29,446	35,058
Total expenditures	5,612	34,321	29,446	69,379
Excess (deficiency) of revenues over expenditures	734,578	(34,321)	--	700,257
Net change in fund balances	734,578	(34,321)	--	700,257
Fund balances - beginning	552,669	44,153	--	596,822
Fund balances - ending	\$ 1,287,247	\$ 9,832	\$ --	\$ 1,297,079

TOWN OF BAY HARBOR ISLANDS, FLORIDA

BUDGETARY COMPARISON SCHEDULE

PARK IMPACT FEES FUND

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget-Positive (Negative)</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Park impact fees	\$ --	\$ --	\$ 740,190	\$ 740,190
Total Revenues	--	--	740,190	740,190
Expenditures				
Capital Outlay				
Parks and recreation	500,000	500,000	5,612	494,388
Total expenditures	500,000	500,000	5,612	494,388
Excess (deficiency) of revenues over expenditures	(500,000)	(500,000)	734,578	1,234,578
Other financing sources				
Appropriation of prior year fund balance	500,000	500,000	--	(500,000)
Total other financing sources	500,000	500,000	--	(500,000)
Net change in fund balance	\$ --	\$ --	\$ 734,578	\$ 734,578

TOWN OF BAY HARBOR ISLANDS, FLORIDA

BUDGETARY COMPARISON SCHEDULE

POLICE FORFEITURES FUND

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

	<u>Budgeted Amounts</u>		<u>Actual</u>	<u>Variance</u>
	<u>Original</u>	<u>Final</u>	<u>Amounts</u>	<u>with Final</u>
				<u>Budget-Positive</u>
				<u>(Negative)</u>
Revenues				
Miscellaneous	\$ 50	\$ 50	\$ --	\$ (50)
Total Revenues	50	50	--	(50)
Expenditures				
Public safety:				
Law enforcement	50,084	50,084	34,321	15,763
Total expenditures	50,084	50,084	34,321	15,763
Deficiency of revenues over expenditures	(50,034)	(50,034)	(34,321)	15,713
Other financing sources				
Appropriation of prior year fund balance	50,034	50,034	--	(50,034)
Total other financing sources	50,034	50,034	--	(50,034)
Net change in fund balance	\$ --	\$ --	\$ (34,321)	\$ (34,321)

TOWN OF BAY HARBOR ISLANDS, FLORIDA

BUDGETARY COMPARISON SCHEDULE YOUTH DEVELOPMENT PROGRAM FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

	<u>Budgeted Amounts</u>		<u>Actual</u>	<u>Variance</u>
	<u>Original</u>	<u>Final</u>	<u>Amounts</u>	<u>with Final</u> <u>Budget-Positive</u> <u>(Negative)</u>
Revenues				
Grants	\$ --	\$ --	\$ 29,446	\$ 29,446
Total Revenues	--	--	29,446	29,446
Expenditures				
Culture and recreation	--	--	29,446	(29,446)
Total expenditures	--	--	29,446	(29,446)
Excess (deficiency) of revenues over expenditures	--	--	--	--
Other financing sources				
Appropriation of prior year fund balance	--	--	--	--
Transfers in	--	--	--	--
Total other financing sources	--	--	--	--
Net change in fund balance	\$ --	\$ --	\$ --	\$ --

STATISTICAL SECTION

STATISTICAL SECTION

This part of the Town of Bay Harbor Island's Annual Comprehensive Financial Report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the Town's overall financial health.

Contents	Page(s)
-----------------	----------------

Financial Trends	83-88
-------------------------	--------------

These schedules contain information to help the reader understand how the Town's financial performance and well-being have changed over time.

Revenue Capacity	89-93
-------------------------	--------------

These schedules contain information to help the reader assess the Town's most significant revenue sources, the property tax and the causeway toll.

Debt Capacity	94-97
----------------------	--------------

These schedules present information to help the reader assess the affordability the Town's current levels of outstanding debt and the Town's ability to issue additional debt in the future.

Demographic and Economic Information	98
---	-----------

These schedules offer demographic and economic indicators to help the reader understand the environment within which the Town's financial activities take place.

Operating Information	99-101
------------------------------	---------------

These schedules contain service and infrastructural data to help the reader understand the information in the Town's financial report relates to the services and activities of the Town.

Sources: Unless otherwise noted, information is derived from the Annual Comprehensive Financial Report for the relevant year.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 1 NET POSITION BY COMPONENT LAST TEN FISCAL YEARS (Accrual basis of accounting)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Governmental activities:										
Net investment in capital assets	\$ 12,455,881	\$ 12,948,529	\$ 14,949,552	\$ 15,529,419	\$ 15,161,744	\$ 15,378,550	\$ 15,104,245	\$ 14,986,615	\$ 15,949,213	\$ 15,664,059
Restricted	511,416	7,486	7,487	67,839	67,790	115,065	1,618,790	2,455,206	4,555,906	1,409,246
Unrestricted	5,109,768	8,080,656	8,259,502	8,245,522	7,979,399	7,810,483	8,615,653	11,281,338	14,163,927	21,769,286
Total governmental activities net position	<u>\$ 18,077,065</u>	<u>\$ 21,036,671</u>	<u>\$ 23,216,541</u>	<u>\$ 23,842,780</u>	<u>\$ 23,208,933</u>	<u>\$ 23,304,098</u>	<u>\$ 25,338,688</u>	<u>\$ 28,723,159</u>	<u>\$ 34,669,046</u>	<u>\$ 38,842,591</u>
Business-type activities:										
Net investment in capital assets	\$ 18,598,260	\$ 17,833,029	\$ 23,524,318	\$ 27,851,167	\$ 27,475,399	\$ 27,270,755	\$ 27,772,967	\$ 28,185,137	\$ 28,306,127	\$ 31,004,653
Restricted	80,192	83,142	86,092	89,043	91,993	94,943	1,016,057	1,331,064	2,183,635	--
Unrestricted	7,287,671	10,240,475	7,262,551	7,568,819	12,161,608	16,974,083	19,895,383	24,346,318	27,599,698	33,196,710
Total business-type activities net position	<u>\$ 25,966,123</u>	<u>\$ 28,156,646</u>	<u>\$ 30,872,961</u>	<u>\$ 35,509,029</u>	<u>\$ 39,729,000</u>	<u>\$ 44,339,781</u>	<u>\$ 48,684,407</u>	<u>\$ 53,862,519</u>	<u>\$ 58,089,460</u>	<u>\$ 64,201,363</u>
Primary government										
Net investment in capital assets	\$ 31,054,141	\$ 30,781,558	\$ 38,473,870	\$ 43,380,586	\$ 42,637,143	\$ 42,649,305	\$ 42,877,212	\$ 43,171,752	\$ 44,255,340	\$ 46,668,712
Restricted	591,608	90,628	93,579	156,882	159,783	210,008	2,634,847	3,786,270	6,739,541	1,409,246
Unrestricted	12,397,439	18,321,131	15,522,053	15,814,341	20,141,007	24,784,566	28,511,036	35,627,656	41,763,625	54,965,996
Total primary government net position	<u>\$ 44,043,188</u>	<u>\$ 49,193,317</u>	<u>\$ 54,089,502</u>	<u>\$ 59,351,809</u>	<u>\$ 62,937,933</u>	<u>\$ 67,643,879</u>	<u>\$ 74,023,095</u>	<u>\$ 82,585,678</u>	<u>\$ 92,758,506</u>	<u>\$ 103,043,954</u>

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 2 CHANGES IN NET POSITION LAST TEN FISCAL YEARS (Accrual Basis of Accounting)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Expenses:										
Governmental activities:										
General government	\$ 969,146	\$ 1,333,314	\$ 1,538,406	\$ 1,537,536	\$ 1,780,209	\$ 2,318,792	\$ 1,768,769	\$ 1,486,733	\$ 2,166,259	\$ 3,232,678
Public safety	4,247,292	4,285,979	4,586,153	5,044,475	5,330,461	5,058,762	4,136,294	4,327,810	4,740,370	6,990,131
Transportation	1,031,567	1,058,239	1,092,928	1,285,291	1,295,889	1,126,025	1,062,366	1,049,872	1,130,853	1,182,018
Culture and recreation	303,531	620,285	874,555	1,127,501	1,459,979	1,470,681	1,230,141	1,274,188	1,467,405	1,892,160
Interest on long-term debt	255,835	248,602	291,717	186,048	185,472	176,656	167,388	162,482	156,359	228,648
Total governmental activities expenses	6,807,371	7,546,419	8,383,759	9,180,851	10,052,010	10,150,916	8,364,958	8,301,085	9,661,246	13,525,635
Business-type activities:										
Causeway	5,041,852	3,423,522	3,721,789	3,550,807	4,735,956	4,467,392	4,053,303	4,023,653	4,713,142	5,607,322
Sewer	1,220,829	1,251,842	1,440,701	1,547,994	1,477,308	1,640,744	1,585,259	1,773,259	1,797,116	2,115,617
Water	963,031	1,062,721	914,630	1,017,627	1,209,085	1,115,795	974,265	1,152,084	979,874	1,185,523
Parking	578,007	554,897	610,508	640,691	664,496	712,546	619,454	595,505	641,145	821,203
Solid waste	754,366	764,182	763,258	736,001	717,272	744,219	751,989	787,885	841,525	905,360
Stormwater	118,290	153,990	236,869	196,640	198,933	238,866	229,718	224,338	234,816	256,485
Total business-type activities expenses	8,676,375	7,211,154	7,687,755	7,689,760	9,003,050	8,919,562	8,213,988	8,556,724	9,207,618	10,891,510
Total primary government expenses	15,483,746	14,757,573	16,071,514	16,870,611	19,055,060	19,070,478	16,578,946	16,857,809	18,868,864	24,417,145
Program revenues:										
Governmental activities:										
Charges for services:										
General government	513,369	1,180,307	2,535,629	1,883,013	766,835	967,692	1,320,142	898,344	3,665,129	6,091,185
Public safety	119,749	123,346	112,103	115,543	168,887	159,708	127,152	50,449	536,467	245,114
Transportation	--	--	1,145	4,750	1,307	--	--	--	--	--
Culture and recreation	117,927	187,006	188,935	220,142	269,644	285,879	43,536	163,653	550,303	234,409
Operating grants and contributions	44,615	45,552	41,440	42,825	333,051	48,252	70,000	1,696,222	1,505,556	88,054
Capital grants and contributions	553,794	258,583	254,549	254,603	296,068	314,849	267,579	325,861	399,937	433,188
Total governmental activities program revenues	1,349,454	1,794,794	3,133,801	2,520,876	1,835,792	1,776,380	1,828,409	3,134,529	6,657,392	7,091,950
Business-type activities:										
Charges for services:										
Causeway	5,832,200	5,640,616	6,343,875	8,627,495	9,549,066	9,623,061	8,061,982	9,181,817	9,177,878	11,125,875
Sewer	1,857,548	1,981,206	2,013,613	2,253,963	2,382,027	2,375,878	2,323,675	2,460,805	2,709,892	2,668,706
Water	1,097,840	1,226,305	1,154,818	1,219,765	1,278,795	1,281,424	1,227,971	1,320,639	1,427,004	1,326,903
Parking	691,395	733,488	673,472	738,302	716,872	688,309	438,110	748,014	877,458	2,041,524
Solid waste	725,714	711,977	698,570	755,226	795,676	815,242	814,680	895,268	1,066,194	1,139,739
Stormwater	209,457	205,037	210,169	208,544	217,243	218,863	216,919	223,655	263,340	615,865
Capital grants and contributions	--	485,012	514,988	--	--	--	918,553	498,642	--	--
Total business-type activities program revenues	10,414,154	10,983,641	11,609,505	13,803,295	14,939,679	15,002,777	14,001,890	15,328,840	15,521,766	18,918,612
Total primary government program revenues	\$ 11,763,608	\$ 12,778,435	\$ 14,743,306	\$ 16,324,171	\$ 16,775,471	\$ 16,779,157	\$ 15,830,299	\$ 18,463,369	\$ 22,179,158	\$ 26,010,562

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 2 (CONTINUED) CHANGES IN NET POSITION LAST TEN FISCAL YEARS (Accrual Basis of Accounting)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Net (expense) revenue:										
Governmental activities	\$ (5,457,917)	\$ (5,751,625)	\$ (5,249,958)	\$ (6,659,975)	\$ (8,216,218)	\$ (8,374,536)	\$ (6,536,549)	\$ (5,166,556)	\$ (3,003,854)	\$ (6,433,685)
Business-type activities	1,737,779	3,772,487	3,921,750	6,113,535	5,936,629	6,083,215	5,787,902	6,772,116	6,314,148	8,027,102
	<u>\$ (3,720,138)</u>	<u>\$ (1,979,138)</u>	<u>\$ (1,328,208)</u>	<u>\$ (546,440)</u>	<u>\$ (2,279,589)</u>	<u>\$ (2,291,321)</u>	<u>\$ (748,647)</u>	<u>\$ 1,605,560</u>	<u>\$ 3,310,294</u>	<u>\$ 1,593,417</u>
General revenues and other changes in net position:										
Governmental activities:										
Property taxes	\$ 3,054,392	\$ 3,332,606	\$ 3,429,753	\$ 3,760,854	\$ 3,963,786	\$ 4,414,128	\$ 4,648,810	\$ 4,760,975	\$ 4,766,371	\$ 5,023,811
Franchise fees based on gross receipts	373,096	363,587	350,674	358,731	371,041	387,317	380,091	401,000	466,503	512,667
Utility taxes	461,351	452,355	455,606	465,565	496,433	512,875	527,415	547,547	572,296	649,486
Communications services tax	270,719	249,333	221,442	203,152	203,345	186,454	174,600	165,492	174,894	200,048
Impact fees	--	--	--	--	--	--	--	--	48,038	740,190
Unrestricted intergovernmental revenue	630,453	670,021	1,175,138	660,337	652,061	674,423	703,078	785,697	940,809	921,608
Unrestricted investment earnings (losses)	12,555	39,064	68,011	(7,719)	(28,308)	202,361	182,684	(23,607)	(313,408)	48,751
Miscellaneous	82,892	50,830	74,354	57,681	51,928	94,513	73,619	80,094	209,178	126,609
Transfers	1,672,950	1,692,655	1,654,850	1,787,613	1,926,674	1,997,630	1,880,842	1,833,829	2,085,060	2,384,060
Total governmental activities	<u>6,558,408</u>	<u>6,850,451</u>	<u>7,429,828</u>	<u>7,286,214</u>	<u>7,636,960</u>	<u>8,469,701</u>	<u>8,571,139</u>	<u>8,551,027</u>	<u>8,949,741</u>	<u>10,607,230</u>
Business-type activities:										
Unrestricted investment earnings (losses)	13,737	45,508	94,084	(8,845)	(33,214)	251,344	210,867	(27,109)	(363,910)	56,273
Miscellaneous	269,424	254,094	355,331	318,991	262,885	273,852	226,699	266,934	361,763	412,588
Transfers	(1,672,950)	(1,692,655)	(1,654,850)	(1,787,613)	(1,926,674)	(1,997,630)	(1,880,842)	(1,833,829)	(2,085,060)	(2,384,060)
Total business-type activities	<u>(1,389,789)</u>	<u>(1,393,053)</u>	<u>(1,205,435)</u>	<u>(1,477,467)</u>	<u>(1,697,003)</u>	<u>(1,472,434)</u>	<u>(1,443,276)</u>	<u>(1,594,004)</u>	<u>(2,087,207)</u>	<u>(1,915,199)</u>
Change in net position:										
Governmental activities	1,100,491	1,098,826	2,179,870	626,239	(579,258)	95,165	2,034,590	3,384,471	5,945,887	4,173,545
Business-type activities	347,990	2,379,434	2,716,315	4,636,068	4,239,626	4,610,781	4,344,626	5,178,112	4,226,941	6,111,903
	<u>\$ 1,448,481</u>	<u>\$ 3,478,260</u>	<u>\$ 4,896,185</u>	<u>\$ 5,262,307</u>	<u>\$ 3,660,368</u>	<u>\$ 4,705,946</u>	<u>\$ 6,379,216</u>	<u>\$ 8,562,583</u>	<u>\$ 10,172,828</u>	<u>\$ 10,285,448</u>

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 3

FUND BALANCES, GOVERNMENTAL FUNDS

LAST TEN FISCAL YEARS

(Modified accrual basis of accounting)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
General Fund:										
Non-spendable	\$ 30,104	\$ 28,493	\$ 25,450	\$ 78,554	\$ 38,792	\$ 46,529	\$ 112,891	\$ 46,503	\$ 21,570	\$ 33,104
Restricted	26	7,486	7,487	67,839	67,790	115,065	164,534	113,788	112,617	112,167
Unassigned	5,050,708	7,813,864	8,089,298	8,653,794	8,851,733	9,081,019	10,173,601	11,886,220	14,709,232	19,099,513
Total General Fund	<u>\$ 5,080,838</u>	<u>\$ 7,849,843</u>	<u>\$ 8,122,235</u>	<u>\$ 8,800,187</u>	<u>\$ 8,958,315</u>	<u>\$ 9,242,613</u>	<u>\$ 10,451,026</u>	<u>\$ 12,046,511</u>	<u>\$ 14,843,419</u>	<u>\$ 19,244,784</u>
All other governmental funds:										
Restricted:										
Law enforcement	\$ --	\$ --	\$ --	\$ --	\$ --	\$ --	\$ --	\$ --	\$ 44,153	\$ 9,832
Park impact	--	--	--	--	--	--	--	--	552,669	1,287,247
Assigned:										
Capital projects fund	511,390	354,577	160,689	160,689	160,689	160,689	160,689	160,690	584,474	207,474
Total all other governmental funds:	<u>\$ 511,390</u>	<u>\$ 354,577</u>	<u>\$ 160,689</u>	<u>\$ 160,689</u>	<u>\$ 160,689</u>	<u>\$ 160,689</u>	<u>\$ 160,689</u>	<u>\$ 160,690</u>	<u>\$ 1,181,296</u>	<u>\$ 1,504,553</u>

Note: The general fund is shown separately from other governmental funds.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 4 CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS LAST TEN FISCAL YEARS (Modified accrual basis of accounting)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Revenues:										
Taxes	\$ 3,786,462	\$ 4,034,294	\$ 4,106,801	\$ 4,429,571	\$ 4,663,564	\$ 5,113,457	\$ 5,350,825	\$ 5,474,014	\$ 5,513,561	\$ 5,873,345
Franchise fees	373,096	363,587	350,674	358,731	371,041	387,317	380,091	401,000	466,503	512,667
Licenses and permits	826,335	1,180,257	1,051,339	629,233	761,815	967,672	1,319,112	898,314	3,663,084	5,701,135
Intergovernmental	913,702	970,463	971,127	922,765	989,502	1,004,290	971,167	1,100,016	1,340,320	1,352,848
Transfer development right fees	637,500	2,186,000	1,484,250	1,253,750	5,000	--	1,000	--	2,000	390,000
Impact fees	--	--	--	--	--	--	--	--	48,038	740,190
Charges for services	119,252	188,524	191,929	224,723	273,828	290,547	47,004	163,901	550,348	234,459
Fines and forfeitures	118,454	119,988	109,149	110,992	164,723	155,060	123,714	50,231	536,467	245,114
Investment earnings (losses)	12,555	39,064	68,011	(7,719)	(28,308)	202,361	182,684	(23,607)	(313,408)	48,751
Grants	2,163	3,693	500,000	--	288,088	--	70,000	1,696,222	1,505,556	88,054
Miscellaneous	82,891	50,830	74,354	57,681	51,928	84,413	61,168	80,094	209,178	126,609
Total revenues	6,872,410	9,136,700	8,907,634	7,979,727	7,541,181	8,205,117	8,506,765	9,840,185	13,521,647	15,313,172
Expenditures:										
General government	992,855	1,146,798	1,387,402	1,339,307	1,591,468	1,910,436	1,827,792	1,891,677	2,278,502	2,868,731
Public safety	4,219,057	4,401,701	4,441,408	4,684,294	4,998,502	4,862,875	4,952,409	5,609,588	5,824,011	6,249,310
Transportation	677,439	707,624	722,403	880,270	808,231	639,646	603,046	574,748	648,935	744,834
Culture and recreation	229,475	520,597	750,181	905,788	1,209,433	1,210,888	972,097	1,000,662	1,210,266	1,635,714
Capital outlay	516,991	743,909	2,643,918	842,941	201,442	802,419	328,895	494,522	1,642,592	1,227,639
Debt service:										
Principal payments	278,000	291,000	295,000	304,000	312,000	319,000	331,000	338,000	423,979	603,300
Interest and debt costs	259,950	250,611	344,248	137,538	189,958	183,285	176,407	169,334	163,247	235,387
Total expenditures	7,173,767	8,062,240	10,584,560	9,094,138	9,311,034	9,928,549	9,191,646	10,078,531	12,191,532	13,564,915
Excess of revenues over (under) expenditures	(301,357)	1,074,460	(1,676,926)	(1,114,411)	(1,769,853)	(1,723,432)	(684,881)	(238,346)	1,330,115	1,748,257
Other financing sources (uses):										
Leases (right-of-use asset) acquired	--	--	--	--	--	--	--	--	402,339	353,655
Subscription arrangements issued	--	--	--	--	--	--	--	--	--	238,650
Transfers in	1,672,950	1,692,655	1,654,850	1,787,613	1,926,674	1,997,630	1,880,842	2,043,829	3,593,442	2,726,060
Transfers out	--	--	--	--	--	--	--	(210,000)	(1,508,382)	(342,000)
Sale of capital assets	--	1,890	1,145	4,750	1,307	10,100	12,451	--	--	--
Bonds and notes issued	--	--	3,218,081	--	--	--	--	--	--	--
Payment to bond escrow agent	--	--	(3,118,646)	--	--	--	--	--	--	--
Total other financing sources	1,672,950	1,694,545	1,755,430	1,792,363	1,927,981	2,007,730	1,893,293	1,833,829	2,085,060	2,976,365
Net change in fund balances	\$ 1,371,593	\$ 2,769,005	\$ 78,504	\$ 677,952	\$ 158,128	\$ 284,298	\$ 1,208,412	\$ 1,595,483	\$ 3,415,175	\$ 4,724,622
Debt service as a percentage of noncapital expenditures	8.1%	7.4%	8.1%	5.4%	5.5%	5.5%	5.7%	5.3%	5.6%	6.8%

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 5

PROGRAM REVENUES BY FUNCTION/PROGRAM

LAST TEN FISCAL YEARS

(Accrual Basis of Accounting)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Governmental activities:										
General government	\$ 826,365	\$ 1,180,307	\$ 2,535,629	\$ 1,883,013	\$ 1,054,923	\$ 967,692	\$ 1,320,142	\$ 898,344	\$ 3,665,129	\$ 6,091,185
Public safety	405,162	168,898	153,543	158,368	213,850	207,960	197,152	1,746,671	2,042,023	333,168
Transportation	--	258,583	255,694	259,353	320,372	314,849	267,579	325,861	399,937	433,188
Culture and recreation	117,927	185,116	188,935	220,142	269,644	285,879	43,536	163,653	550,303	234,409
Total governmental activities	<u>1,349,454</u>	<u>1,792,904</u>	<u>3,133,801</u>	<u>2,520,876</u>	<u>1,858,789</u>	<u>1,776,380</u>	<u>1,828,409</u>	<u>3,134,529</u>	<u>6,657,392</u>	<u>7,091,950</u>
Business-type activities:										
Causeway	5,832,200	6,124,053	6,858,863	8,627,495	9,549,066	9,623,061	8,980,535	9,430,459	9,177,878	11,125,875
Sewer	1,857,548	1,981,206	2,013,613	2,253,963	2,382,027	2,375,878	2,323,675	2,710,805	2,709,892	2,668,706
Water	1,097,840	1,226,305	1,154,818	1,219,765	1,278,795	1,281,424	1,227,971	1,320,639	1,427,004	1,326,903
Parking	691,395	586,972	673,472	738,302	716,872	688,309	438,110	748,014	877,458	2,041,524
Solid waste	725,714	711,977	698,570	755,226	795,676	815,242	814,680	895,268	1,066,194	1,139,739
Stormwater	209,457	205,037	210,169	208,544	217,243	218,863	216,919	223,655	263,340	615,865
Total business-type activities	<u>10,414,154</u>	<u>10,835,550</u>	<u>11,609,505</u>	<u>13,803,295</u>	<u>14,939,679</u>	<u>15,002,777</u>	<u>14,001,890</u>	<u>15,328,840</u>	<u>15,521,766</u>	<u>18,918,612</u>
Total primary government	<u>\$ 11,763,608</u>	<u>\$ 12,628,454</u>	<u>\$ 14,743,306</u>	<u>\$ 16,324,171</u>	<u>\$ 16,798,468</u>	<u>\$ 16,779,157</u>	<u>\$ 15,830,299</u>	<u>\$ 18,463,369</u>	<u>\$ 22,179,158</u>	<u>\$ 26,010,562</u>

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 6

ASSESSED VALUE OF TAXABLE PROPERTY

LAST TEN FISCAL YEARS

Year*	Real Property	Personal Property	Total Assessed Value	Exemptions		Net Taxable Value	Direct Millage	Total Direct & Overlapping Millage
				Real	Personal			
2014	\$ 845,128,356	\$ 15,304,530	\$ 860,432,886	\$ 255,862,099	\$ 2,407,807	\$ 602,162,980	5.2500	21.7603
2015	1,063,287,591	15,600,448	1,078,888,039	377,286,535	2,674,099	698,927,405	4.9000	21.3417
2016	1,210,203,009	14,982,614	1,225,185,623	444,372,802	2,746,997	778,065,824	4.5500	20.5953
2017	1,444,251,699	14,698,252	1,458,949,951	576,225,941	2,612,688	880,111,322	4.4000	20.3638
2018	1,720,875,185	15,249,716	1,736,124,901	702,001,113	2,536,046	1,031,587,742	3.9995	19.5819
2019	1,862,399,237	17,183,700	1,879,582,937	662,500,517	2,344,091	1,214,738,329	3.7199	19.0560
2020	1,933,106,853	18,943,845	1,952,050,698	615,865,109	2,309,588	1,333,876,001	3.6245	19.4016
2021	1,888,062,852	22,451,974	1,910,514,826	529,855,176	2,437,950	1,378,221,700	3.6245	19.3533
2022	1,798,336,685	20,316,884	1,818,653,569	441,971,417	2,197,760	1,374,484,392	3.5900	19.2673
2023	1,770,466,671	23,098,903	1,793,565,574	158,526,959	2,255,650	1,632,782,965	3.1728	18.3071

*Year refers to the fiscal year which is funded by taxes levied upon the listed assessments. Each fiscal year's tax roll is as of January 1 of the previous year.

SOURCE: Miami-Dade County Property Appraiser's Office

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 7

PROPERTY TAX RATES (per \$1,000)

DIRECT AND OVERLAPPING GOVERNMENTS

LAST TEN FISCAL YEARS

Year*	Direct Rate	Overlapping Rates					Total
	Bay Harbor Islands Operating	Miami- Dade County	Miami- Dade County Schools	Miami-Dade County Districts**	State Special Districts		
					Florida	South Florida	
					Inland Navigation	Water Management	
2014	5.2500	5.1255	7.9770	2.9623	0.0345	0.4110	21.7603
2015	4.9000	5.1169	7.9740	2.9321	0.0345	0.3842	21.3417
2016	4.5500	5.1169	7.6120	2.9293	0.0320	0.3551	20.5953
2017	4.4000	5.0669	7.3220	3.2122	0.0320	0.3307	20.3638
2018	3.9995	5.0669	6.9940	3.1795	0.0320	0.3100	19.5819
2019	3.7199	5.1313	6.7330	3.1462	0.0320	0.2936	19.0560
2020	3.6245	5.1449	7.1480	3.1727	0.0320	0.2795	19.4016
2021	3.6245	5.1449	7.1290	3.1554	0.0320	0.2675	19.3533
2022	3.5900	5.1744	7.0090	3.2047	0.0320	0.2572	19.2673
2023	3.1728	5.1055	6.5890	3.1777	0.0320	0.2301	18.3071

SOURCE: Miami-Dade County Property Appraiser's Office

*Year refers to the fiscal year which is funded by taxes levied upon properties as assessed effective January 1 of the previous year.

** This represents Fire and Rescue, Library and the Children's Trust.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 8 PRINCIPAL PROPERTY TAXPAYERS REAL ESTATE AD VALOREM TAXES CURRENT AND NINE YEARS AGO

Year: 2023

Parcel Owner	Taxable Valuation	Percentage of Total Taxable Valuation*
PPG Bay Harbor Owner LLC	\$ 24,193,550	1.48%
1177 Bay Harbor Islands LLC	22,912,500	1.40%
B H Investment LLC	16,800,454	1.03%
Bay Harbor Hotel LLC	15,024,900	0.92%
LC Altair LLC	11,936,190	0.73%
9955 Bay Harbor Development LLC	11,475,000	0.70%
Spencer Kupferman	10,116,566	0.62%
Casa J LLC	9,828,355	0.60%
Fued Elias Sadala Jr	9,488,525	0.58%
Urban Beach E Bay III LLC	9,220,000	0.56%
	<u>\$ 140,996,040</u>	<u>8.64%</u>

*Based on Appraisers 2023 Municipal Tax Roll.

Year: 2014

Parcel Owner	Taxable Valuation	Percentage of Total Taxable Valuation**
1170 LLC	\$ 5,582,972	0.93%
Alfonso and Mariana Karam	4,248,977	0.71%
Spencer Merinoff	4,222,820	0.70%
Isle of Wight Limited	3,928,619	0.65%
Jose Cojab	3,840,637	0.64%
1108 Concourse LLC	3,827,548	0.64%
Alberto Gross	3,752,698	0.62%
Mark Tabacinic	3,553,093	0.59%
Ocean Cadillac Inc.	3,439,443	0.57%
Annette Samson Eichen Trust	3,397,692	0.56%
	<u>\$ 39,794,499</u>	<u>6.11%</u>

**Based on Appraiser's 2014 certification of taxable value.

SOURCE: Miami-Dade County Property Appraiser's Office

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 9

PROPERTY TAX LEVIES AND COLLECTIONS

LAST TEN FISCAL YEARS

Fiscal Year Ended September 30,	Taxes Levied	Collected within the Fiscal Year of the Levy		Collections of Previous Years' Levies	Total Collections	Total Collections as Percentage of Taxes Levied
		Amount	Percentage of Levy			
2014	\$ 3,161,356	\$ 2,954,498	93.5%	\$ 99,894	\$ 3,054,392	96.6%
2015	3,424,744	3,122,365	91.2%	210,241	3,332,606	97.3%
2016	3,540,199	3,356,009	94.8%	73,744	3,429,753	96.9%
2017	3,872,490	3,538,702	91.4%	222,152	3,760,854	97.1%
2018	4,125,835	3,730,282	90.4%	233,504	3,963,786	96.1%
2019	4,518,705	4,136,569	91.5%	277,559	4,414,128	97.7%
2020	4,834,307	4,279,098	88.5%	369,712	4,648,810	96.2%
2021	4,995,365	4,419,701	88.5%	341,274	4,760,975	95.3%
2022	4,636,414	4,653,419	100.4%	102,114	4,755,533	102.6%
2023	5,180,558	4,973,159	96.0%	45,199	5,018,358	96.9%

Source: Miami-Dade County Property Appraiser's Office, except for Taxes Levied from Town Finance Department.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 10 CAUSEWAY TOLL REVENUE LAST TEN FISCAL YEARS

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Total traffic	<u>6,729,408</u>	<u>7,488,382</u>	<u>7,917,781</u>	<u>7,779,309</u>	<u>7,992,743</u>	<u>7,939,642</u>	<u>6,647,870</u>	<u>7,419,637</u>	<u>8,141,885</u>	<u>8,799,455</u>
Toll revenues:										
Cash tolls	\$ 4,400,704	\$ 5,146,478	\$ 5,947,747	\$ 8,212,150	\$ 9,082,874	\$ 9,128,459	\$ 7,557,782	\$ 8,733,262	\$ 9,441,893	\$ 11,671,478
Commuter/annual pass	<u>1,431,496</u>	<u>492,563</u>	<u>395,428</u>	<u>415,345</u>	<u>466,192</u>	<u>494,602</u>	<u>504,200</u>	<u>448,555</u>	<u>486,547</u>	<u>440,917</u>
Total toll revenue	<u>\$ 5,832,200</u>	<u>\$ 5,639,041</u>	<u>\$ 6,343,175</u>	<u>\$ 8,627,495</u>	<u>\$ 9,549,066</u>	<u>\$ 9,623,061</u>	<u>\$ 8,061,982</u>	<u>\$ 9,181,817</u>	<u>\$ 9,928,440</u>	<u>\$ 12,112,395</u>
Average yield per vehicle	\$ 0.867	\$ 0.753	\$ 0.801	\$ 1.109	\$ 1.195	\$ 1.212	\$ 1.213	\$ 1.238	\$ 1.219	\$ 1.376
Toll rates:										
Cash toll (Class 1)	\$ 1.00	\$ 1.00	\$ 1.50	\$ 1.50	\$ 1.50	\$ 1.50	\$ 1.50	\$ 1.50	\$ 1.50	\$ 1.50
Annual pass	\$ 250.00	\$ 250.00	\$ 250.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 350.00

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 11

RATIOS OF OUTSTANDING DEBT BY TYPE

LAST TEN FISCAL YEARS

Fiscal Year	Business-Type Activities			Governmental Activities				Total Primary Government	Percentage of Actual Property Value (1)	Per Capita (2)
	Promissory Notes	State Revolving Loan	Lease Obligations	Revenue Bonds Series 2003B	Refunding Note Series 2012	Revenue Bonds Series 2016	Lease Obligations			
2014	\$ 17,643,000	\$ 471,128	\$ --	\$ 3,055,000	\$ 4,641,000	\$ --	\$ --	\$25,810,128	4.29%	\$ 4,409
2015	16,604,000	409,825	--	3,055,000	4,350,000	--	--	24,418,825	3.49%	4,065
2016	15,532,000	346,623	--	--	4,055,000	3,218,081	--	23,151,704	2.98%	3,836
2017	14,431,000	281,462	--	--	3,751,000	3,210,253	--	21,673,715	2.46%	3,627
2018	13,302,000	214,284	--	--	3,444,000	3,197,425	--	20,157,709	1.95%	3,323
2019	12,078,000	145,024	--	--	3,130,000	3,184,597	--	18,537,621	1.53%	3,108
2020	10,826,000	73,618	--	--	2,809,000	3,166,769	--	16,875,387	1.27%	2,913
2021	9,550,000	--	--	--	2,481,000	3,148,940	--	15,179,940	1.10%	2,563
2022	8,240,000	--	70,823	--	2,147,000	3,131,113	322,360	13,911,296	1.01%	2,433
2023	7,843,000	--	41,221	--	1,808,000	3,113,283	515,551	13,321,055	0.82%	2,366

Note: Details regarding the Town's outstanding debt can be found in the notes to the financial statements.

(1) See the Schedule of Assessed Value of Taxable Property for the property value data.

(2) See the Schedule of Demographic and Economic Statistics. Data on personal income for the Town distinct from larger statistical units is not available so a meaningful comparison of total debt to personal income cannot be computed.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 12

DIRECT AND OVERLAPPING GOVERNMENTAL ACTIVITIES DEBT

SEPTEMBER 30, 2023

Jurisdiction	Debt Outstanding	Estimated Percentage Applicable to Town of Bay Harbor Islands (1)	Estimated Share of Direct & Overlapping Debt
Direct:			
Bay Harbor Islands (4)	\$ 5,436,834	100.00%	\$ 5,436,834
Overlapping:			
Miami-Dade Board of County Commissioners (2)	2,347,105,000	0.21%	4,960,874
Miami-Dade County School Board (3)	1,082,277,000	0.21%	2,287,516
Total overlapping	3,429,382,000		7,248,390
Total direct and overlapping	\$ 3,434,818,834		\$ 12,685,224

Notes:

(1) The percentage of overlapping debt payable is estimated by dividing the Town's population of 5,679 by the County's population of 2,686,867 obtained from U.S. Census Bureau.

(2) Source: Miami-Dade County, Florida, Finance Department; ACFR 2022

(3) Information obtained from Miami-Dade County School Board ACFR for fiscal year ended June 30, 2023.

(4) The Town implemented GASB No. 96 for the fiscal year ended September 30, 2023.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 13 LEGAL DEBT MARGIN INFORMATION LAST TEN FISCAL YEARS

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Assessed values (1):										
Taxable value of real property	\$ 589,266,257	\$ 686,001,056	\$ 765,830,207	\$ 868,025,758	\$ 1,018,874,072	\$ 1,199,898,720	\$ 1,317,241,744	\$ 1,358,207,676	\$ 1,356,365,268	\$ 1,768,211,021
Add: Exempt real property	255,862,099	377,286,535	444,372,802	576,225,941	702,001,113	662,500,517	615,865,109	529,855,176	441,971,417	2,255,650
Total assessed value of real property	<u>\$ 845,128,356</u>	<u>\$ 1,063,287,591</u>	<u>\$ 1,210,203,009</u>	<u>\$ 1,444,251,699</u>	<u>\$ 1,720,875,185</u>	<u>\$ 1,862,399,237</u>	<u>\$ 1,933,106,853</u>	<u>\$ 1,888,062,852</u>	<u>\$ 1,798,336,685</u>	<u>\$ 1,770,466,671</u>
Legal debt margin:										
Debt limitation (25% of assessed real property)	\$ 211,282,089	\$ 265,821,898	\$ 302,550,752	\$ 361,062,925	\$ 430,218,796	\$ 465,599,809	\$ 483,276,713	\$ 472,015,713	\$ 449,584,171	\$ 442,616,668
Total bonded debt	<u>7,696,000</u>	<u>7,551,730</u>	<u>7,273,081</u>	<u>6,961,253</u>	<u>6,641,425</u>	<u>6,314,597</u>	<u>5,975,769</u>	<u>2,481,000</u>	<u>5,600,473</u>	<u>14,233,656</u>
Legal debt margin	<u>\$ 203,586,089</u>	<u>\$ 258,270,168</u>	<u>\$ 295,277,671</u>	<u>\$ 354,101,672</u>	<u>\$ 423,577,371</u>	<u>\$ 459,285,212</u>	<u>\$ 477,300,944</u>	<u>\$ 469,534,713</u>	<u>\$ 443,983,698</u>	<u>\$ 428,383,012</u>
Total net debt applicable to the limit as a percentage of debt limit	3.64%	2.84%	2.40%	1.93%	1.54%	1.36%	1.24%	0.53%	1.25%	3.22%

Note: The Town may incur bonded debt up to 25% of the assessed valuation of real estate within its boundaries per section 45 of the Town Charter.

(1) See the Schedule of Assessed Value of Taxable Property for the property value data.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 14 PLEDGED-REVENUE COVERAGE LAST TEN FISCAL YEARS

Fiscal Year	Broad Causeway Revenue Bonds and Notes					Coverage
	Gross Revenues	Operating Expenses	Net Available Revenue	Debt Service Amount		
2014	\$ 5,941,008	\$ 3,885,577	\$ 2,055,431	\$ 1,121,329		1.83
2015	5,757,614	2,159,010	3,598,604	1,120,823		3.21
2016	6,484,815	2,509,514	3,975,301	1,120,836		3.55
2017	8,729,606	2,345,852	6,383,754	1,121,343		5.69
2018	9,656,230	2,598,543	7,057,687	1,120,319		6.30
2019	9,840,577	2,565,695	7,274,882	1,120,788		6.49
2020	8,253,032	2,174,804	6,078,228	1,120,701		5.42
2021	9,299,919	2,131,692	7,168,227	1,121,058		6.39
2022	9,177,878	2,802,465	6,375,413	1,146,054 (1)		5.56
2023	11,253,132	5,451,092	5,802,040	1,186,940		4.89

Fiscal Year	Sewer Fund State Revolving Loan					Coverage
	Gross Revenues	Operating Expenses	Net Available Revenue	Debt Service Amount		
2014	\$ 1,943,998	\$ 1,071,444	\$ 872,554	\$ 75,320		11.58
2015	2,051,031	1,096,990	954,041	75,320		12.67
2016	2,058,738	1,270,576	788,162	75,320		10.46
2017	2,266,313	1,389,039	877,274	75,320		11.65
2018	2,382,977	1,311,744	1,071,233	75,320		14.22
2019	2,384,428	1,476,108	908,320	75,320		12.06
2020	2,323,675	1,405,847	917,828	75,320		12.19
2021	2,461,280	1,557,462	903,818	75,320		12.00
2022	N/A	N/A	N/A	N/A	(2)	N/A
2023	N/A	N/A	N/A	N/A	(2)	N/A

Fiscal Year	Revenue Bonds and Refunding Note					
	Sales Tax	Franchise Fees	Utility Tax	Total Revenues	Debt Service Amount	Coverage
2014	\$ 413,855	\$ 373,096	\$ 461,351	\$ 1,248,302	\$ 537,960	2.32
2015	434,991	363,587	452,355	1,250,933	541,611	2.31
2016	441,069	350,674	455,606	1,247,349	535,582	2.33
2017	421,028	358,731	465,565	1,245,324	437,094	2.85
2018	444,758	371,041	496,433	1,312,232	501,958	2.61
2019	463,401	387,317	512,875	1,363,593	502,285	2.71
2020	401,379	380,091	527,415	1,308,885	507,407	2.58
2021	504,873	401,000	547,547	1,453,420	507,334	2.86
2022	705,261	466,503	572,296	1,744,060	583,984 (1)	2.99
2023	815,977	512,667	649,486	1,978,130	566,528	3.49

(1) The Town implemented GASB No. 87 for the fiscal year ended September 30, 2022.

(2) Debt service on the note and all remaining interest was paid as of September 30, 2021.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 15

DEMOGRAPHIC AND ECONOMIC STATISTICS

LAST TEN FISCAL YEARS

Year	Bay Harbor Islands Population *	Miami- Dade County **				
		Personal Income	Per Capita Personal Income	Unemployment Rate	Civilian Labor Force	Median Age
2014	6,007	\$ 111,528,866	\$ 43,123	7.2%	1,282,854	39
2015	6,036	116,553,169	43,917	6.2%	1,321,033	40
2016	5,975	123,276,064	45,440	5.8%	1,334,404	40
2017	6,006	131,244,442	47,813	5.0%	1,375,376	40
2018	6,006	138,138,976	50,022	3.6%	1,363,766	40
2019	5,964	149,166,155	54,902	2.9%	1,463,774	40
2020	5,793	N/A	N/A	8.0%	1,396,663	40
2021	5,922	N/A	N/A	N/A	N/A	N/A
2022	5,717	N/A	N/A	2.3%	1,371,121	N/A
2023	5,679	N/A	N/A	1.8%	1,380,174	N/A

Note: Except for population, demographic statistics on the county level were the most specific available.

* Source From 2023: U.S. Census Bureau

** Source: Miami-Dade County Finance Department and
U.S. Department of Commerce, Economic and Statistics Administration,
Bureau of Economic Analysis/Regional Economic Information System,
Florida Agency for Workforce Innovation, Labor Market Statistics,
Miami-Dade County Department of Regulatory and Economic Resources, Research Section
University of Florida Bureau of Economic and Business Research

N/A Information unavailable as of the date of this report.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 16

FULL TIME TOWN EMPLOYEES BY FUNCTION

LAST TEN FISCAL YEARS

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Governmental activities:										
General government	18	18	18	18	21	21	22	24	24	24
Public safety	36	26	28	28	28	27	25	26	26	28
Transportation	7	7	5	5	6	7	5	5	5	3
Culture and recreation	6	4	4	6	5	8	8	8	8	7
Total governmental activities	<u>67</u>	<u>55</u>	<u>55</u>	<u>57</u>	<u>60</u>	<u>63</u>	<u>60</u>	<u>63</u>	<u>63</u>	<u>62</u>
Business-type activities:										
Causeway	25	5	6	6	6	6	6	6	6	6
Sewer	1	1	1	1	1	1	1	1	1	1
Water	2	2	2	2	2	2	3	3	3	2
Parking	1	1	1	1	1	1	1	1	1	2
Total business-type activities	<u>29</u>	<u>9</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>11</u>	<u>11</u>	<u>11</u>	<u>11</u>
Total primary government	<u>96</u>	<u>64</u>	<u>65</u>	<u>67</u>	<u>70</u>	<u>73</u>	<u>71</u>	<u>74</u>	<u>74</u>	<u>73</u>

Source: Town Finance Department

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 17

OPERATING INDICATORS BY FUNCTION

LAST TEN FISCAL YEARS

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Governmental activities:										
General government										
Elections Held	1	2	2	1	1	1	1	1	1	1
Newsletters Issued	12	12	12	12	12	12	10	12	12	12
Town Council Meetings	10	10	11	11	10	10	8	8	15	14
Planning & Zoning Board Meetings	13	17	19	12	13	15	9	12	12	18
Public safety										
Case numbers issued	626	831	843	739	702	702	804	1,005	995	578
Arrests	84	73	83	72	70	51	49	36	37	68
Calls for service	17,900	16,813	17,223	21,985	19,334	20,021	23,211	32,102	30,012	23,370
Business-type activities:										
Causeway										
Traffic Count (vehicles)	6,729,408	7,488,382	7,917,781	7,779,309	7,992,743	7,939,642	6,647,870	7,419,637	8,141,885	8,799,455
Sewer										
Average Monthly Sewage Volume (thousands of gallons)	20,242	19,676	19,836	20,008	19,200	22,684	23,269	25,666	21,229	21,401
Water										
Average Monthly Gallons Purchased (thousands)	26,534	26,576	24,221	26,600	28,127	26,614	26,419	34,511	28,489	24,879
Average Monthly Gallons Sold (thousands)	23,534	23,618	21,884	22,474	22,884	22,511	22,333	21,904	22,301	21,639
Parking										
Parking Citations	1,465	2,592	2,626	2,307	2,573	1,838	1,058	1,470	2,057	2,858

Source: Town Finance Department

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 18

CAPITAL ASSET STATISTICS BY FUNCTION

LAST TEN FISCAL YEARS

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Governmental activities:										
Public safety										
Patrol Cars/SUV	18	18	25	26	26	26	28	28	28	28
Police Boats	1	1	1	1	1	2	1	1	1	1
Transportation										
Streets and roads (feet)	47,396	47,396	47,396	47,396	47,396	47,396	47,396	47,396	47,396	47,396
Culture and recreation										
Parks	3	3	3	3	3	3	3	3	3	3
Business-type activities:										
Causeway										
Bascule Bridges	1	1	1	1	1	1	1	1	1	1
Fixed Span Bridges	3	3	3	3	3	3	3	3	3	3
Sewer										
Pump Stations	1	1	1	1	1	1	1	1	1	1
Lift Stations	5	5	5	5	5	5	5	5	5	5
Sanitary Sewers (feet)	43,296	43,296	43,296	43,296	43,296	43,296	43,296	43,296	43,296	43,296
Water										
Water Mains (feet)	44,725	44,725	44,725	44,725	44,725	44,725	44,725	44,725	44,725	44,725
Stormwater										
Valley gutters (feet)	86,592	86,592	86,592	86,592	86,592	86,592	86,592	86,592	86,592	86,592
Outfalls	53	53	53	53	53	53	53	53	53	53

Source: Town Finance Department

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 Council and Town Manager
Town of Bay Harbor Islands, Florida

We have audited, in accordance with the 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 (*Government Auditing Standards*), the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Bay Harbor Islands, Florida (the "Town"), as of and for the fiscal year ended September 30, 2023, 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 28, 2024.

Report on 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) as a basis for designing 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.

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 entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the 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 financial statements. 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*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control or on 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 28, 2024

**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE FOR THE MAJOR
FEDERAL PROGRAM; REPORT ON INTERNAL CONTROL OVER COMPLIANCE;
AND REPORT ON THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
REQUIRED BY THE UNIFORM GUIDANCE**

To the Honorable Mayor, Town Council and Town Manager
Town of Bay Harbor Islands, Florida

Report on Compliance for the Major Federal Program

Opinion on the Major Federal Program

We have audited the Town of Bay Harbor Islands, Florida (the "Town") compliance with the types of compliance requirements identified as subject to audit in the OMB *Compliance Supplement* that could have a direct and material effect on the Town's major federal program for the fiscal year ended September 30, 2023. The Town's major federal program is identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

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 its major federal program for the fiscal year ended September 30, 2023.

Basis for Opinion on the Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States (*Government Auditing Standards*); and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditors' Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the Town and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for the major federal program. Our audit does not provide a legal determination of the Town's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to the Town's federal programs.

Auditors' Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the Town's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the Town's compliance with the requirements of the major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding Town's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the Town's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on 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 federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a 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 federal program 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 federal program 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 Auditors' Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

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 the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

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 as of and for the fiscal year ended September 30, 2023, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements. We issued our report thereon dated June 28, 2024, which contained unmodified opinions on those financial statements. Our audit was performed for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the 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 GAAS. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

Marcum LLP

Miami, FL
June 28, 2024

TOWN OF BAY HARBOR ISLANDS, FLORIDA
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

Federal Agency, Pass-through Entity, Federal Program	ALN No.	Contract/ Grant No.	Pass Through to Subrecipients	Funds Expended
FEDERAL GRANTS				
<u>United States Department of Justice</u>				
Direct Program:				
Federal Equitable Sharing Agreement	16.922	N/A	\$ --	\$ 34,321
Total United States Department of Justice			<u>--</u>	<u>34,321</u>
<u>United States Department of Treasury</u>				
Direct Programs:				
COVID-19: Coronavirus State and Local Fiscal Recovery Fund Award	21.027	Y5019	--	2,147,342
COVID-19: Coronavirus State and Local Fiscal Recovery Fund Award	21.027	22FRP33	--	50,405
Total United States Department of Treasury			<u>--</u>	<u>2,197,747</u>
<u>United States Department of Homeland Security</u>				
Indirect Program:				
Passed through State of Florida, Division of Emergency Management: Disaster Grants - Public Assistance (Presidentially Declared Disasters), Hurricane Ian	97.036	FEMA-4673-DR-FL	--	189,301
Total United States Department of Homeland Security			<u>--</u>	<u>189,301</u>
Total Expenditures of Federal Awards			<u>\$ --</u>	<u>\$ 2,421,369</u>

N/A = Not Available

See accompanying notes to schedule of expenditures of federal awards.

TOWN OF BAY HARBOR ISLANDS, FLORIDA

NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

NOTE 1 – BASIS OF PRESENTATION

The accompanying schedule of expenditures of federal awards (the “Schedule”) presents the expenditures activity of all federal awards of the Town of Bay Harbor Islands, Florida (the “Town”) for the fiscal year ended September 30, 2023. The information in this Schedule is presented in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). 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 position/fund balance or cash flows of the Town.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Expenditures reported on the Schedule are reported on the accrual basis of accounting. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

NOTE 3 – INDIRECT COST RATE

The Town has elected not to use the 10-percent de minimis indirect cost rate allowed under the Uniform Guidance.

TOWN OF BAY HARBOR ISLANDS, FLORIDA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

SECTION I – SUMMARY OF AUDITORS’ RESULTS

Financial Statements

Type of auditors’ report issued on whether the financial statements audited were prepared in accordance with GAAP: *Unmodified Opinion*

Internal control over financial reporting:

Material weakness(es) identified?	☐ Yes	☒ No	
Significant deficiency(ies) identified?	☐ Yes	☒ No	None reported
Non-compliance material to financial statements noted?	☐ Yes	☒ No	

Federal Awards

Internal control over the major federal program:

Material weakness(es) identified?	☐ Yes	☒ No	
Significant deficiency(ies) identified?	☐ Yes	☒ No	None reported

Type of auditors’ report issued on compliance for the major federal program: *Unmodified Opinion*

Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)? ☐ Yes ☒ No

Identification of Federal Major Program:

<u>ALN</u>	<u>Federal Program:</u>
21.027	Coronavirus State and Local Fiscal Recovery Funds

Dollar threshold used to distinguish between Type A and Type B federal programs: \$750,000

Auditee qualified as low-risk auditee pursuant to the Uniform Guidance? ☐ Yes ☒ No

TOWN OF BAY HARBOR ISLANDS, FLORIDA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

SECTION II – FINANCIAL STATEMENT FINDINGS

None.

SECTION III – FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS

None.

SECTION IV – SUMMARY SCHEULE OF PRIOR AUDIT FINDINGS

There were no findings reported in the prior fiscal year.

**MANAGEMENT LETTER IN ACCORDANCE WITH THE RULES OF THE
AUDITOR GENERAL OF THE STATE OF FLORIDA**

To the Honorable Mayor, Town Council and Town Manager
Town of Bay Harbor Islands, Florida

Report on the Financial Statements

We have audited the financial statements of the Town of Bay Harbor Islands, Florida (the “Town”), as of and for the fiscal year ended September 30, 2023, and have issued our report thereon dated June 28, 2024.

Auditors’ Responsibility

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; the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Uniform Guidance”); and Chapter 10.550, Rules of the Auditor General.

Other Reporting Requirements

We have issued our 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*; Independent Auditors’ Report on Compliance for the Major Federal Program; Report on Internal Control over Compliance; and Report on the Schedule of Expenditures of Federal Awards Required by the Uniform Guidance; Schedule of Findings and Questioned Costs; and Independent Accountants’ Report on an examination conducted in accordance with *AICPA Professional Standards*, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports and schedules, which are dated June 28, 2024, should be considered in conjunction with this management letter.

Prior Audit Findings

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 financial audit report. There were no findings or recommendations made in the prior year audit report.

Official Title and Legal Authority

Section 10.554(1)(i)4., 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 has made these disclosures in Note 1 of the financial statements.

Financial Condition and Management

Sections 10.554(1)(i)5.a. and 10.556(7), Rules of the Auditor General, require us to apply appropriate procedures and communicate the results of our determination as to whether or not the Town has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and to identify 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.

Pursuant to Sections 10.554(1)(i)5.b. and 10.556(8), Rules of the Auditor General, we applied financial condition assessment procedures for the Town. 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 review of financial information provided by same. The financial condition assessment was performed as of fiscal year end.

Section 10.554(1)(i)2., Rules of the Auditor General, requires that we communicate any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

Special District Component Units

Section 10.554(1)(i)5.c., Rules of the Auditor General, requires, if appropriate, that we communicate failure of a special district that is a component unit of a county, municipality, or special district, to provide the financial information necessary for proper reporting of the component unit within the audited financial statements of the county, municipality, or special district in accordance with Section 218.39(3)(b), Florida Statutes. In connection with our audit, we did not note any special district component units that failed to provide the necessary information for proper reporting in accordance with Section 218.39(3)(b), Florida Statutes.

Additional Matters

Section 10.554(1)(i)3., Rules of the Auditor General, requires us to communicate noncompliance with provisions of contracts or grant agreements, or abuse, that has occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but warrants the attention of those charged with governance. In connection with our audit, we did not note any such findings.

Purpose of this Letter

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, the Honorable Mayor, Town Council, 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 28, 2024

**INDEPENDENT ACCOUNTANTS' REPORT ON COMPLIANCE PURSUANT TO
SECTION 218.415, FLORIDA STATUTES**

To the Honorable Mayor, Town Council and Town Manager
Town of Bay Harbor Islands, Florida

We have examined the Town of Bay Harbor Islands, Florida (the "Town") compliance with Section 218.415, Florida Statutes, Local Government Investment Policies, for the fiscal year ended September 30, 2023. Management of the Town is responsible for the Town's compliance with the specified requirements. Our responsibility is to express an opinion on the Town's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Town complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether the Town complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

We are required to be independent of the Town and to meet our other ethical responsibilities in accordance with relevant ethical requirements relating to the examination engagement.

Our examination does not provide a legal determination on the Town's compliance with specified requirements.

In our opinion, the Town complied, in all material respects, with Section 218.415, Florida Statutes for the fiscal year ended September 30, 2023.

This report is intended to describe our testing of compliance with Section 218.415, Florida Statutes and it is not suitable for any other purpose.

Marcum LLP

Miami, FL
June 28, 2024

IMPACT FEE AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Brian Stewart, Finance Director, who being duly sworn, deposes and says on oath that:

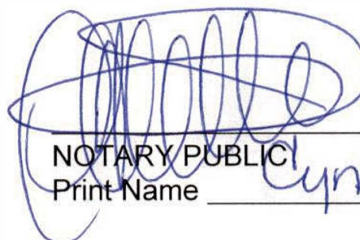
1. I am the Finance Director of the Town of Bay Harbor Islands, Florida, which is a local governmental of the State of Florida;
2. The governing body of the Town of Bay Harbor Islands, Florida adopted (Ordinance Numbers 621 and 784) implementing an impact fee or authorized the Town of Bay Harbor Islands, Florida to receive and expend proceeds of an impact fee implemented by the Town of Bay Harbor Islands; and
3. Town of Bay Harbor Islands has complied and, as of the date of this Affidavit, remains in compliance with Section 163.31801, Florida Statutes.

FURTHER AFFIANT SAYETH NAUGHT.


Brian Stewart, Finance Director

STATE OF FLORIDA
COUNTY OF MIAMI DADE COUNTY

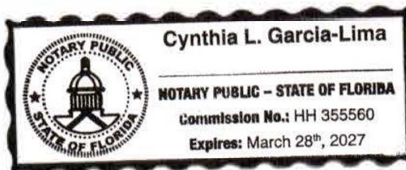
SWORN TO AND SUBSCRIBED before me this 21st day of June, 2024.


NOTARY PUBLIC
Print Name Cynthia Garcia-Lima

Personally known X or produced identification _____

Type of identification produced: _____

My Commission Expires:



June 28, 2024

To the Honorable Mayor, Town Council and Town Manager
Town of Bay Harbor Islands

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 Bay Harbor Islands, Florida (the “Town”), as of and for the fiscal year ended September 30, 2023. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards*, 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 December 5, 2023. Professional standards also require that we communicate to you the following information related to our audit.

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 the fiscal year ended September 30, 2023, with the exception of the implementation of Governmental Accounting Standards Board (“GASB”) Statement No. 91, *Conduit Debt Obligations*, GASB Statement No. 94, *Public-Private and Public Partnerships and Availability Payment Arrangements*, GASB Statement No. 96, *Subscription-Based Information Technology Arrangements*, and GASB Statement No. 99, *Omnibus 2022*. We noted no transactions entered into by the Town during the fiscal 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 estimates affecting the Town’s financial statements were:

Management’s estimate of the net pension liability in accordance with GASB Statement No. 68, *Accounting and Financial Reporting for Pensions*, and the total OPEB liability in accordance with GASB Statement No. 75, *Accounting and*

Financial Reporting for Other Postemployment Benefits Other than Pensions, are based on actuarial methods and assumptions used by the actuaries for the development of the funding valuations as well as the accounting valuations. The key factors impacting the assumptions, such as inflation, salary changes, market trends, ad hoc postemployment benefit changes (including ad hoc cost-of-living adjustments [COLAs]), and inputs to the discount rate, as well as certain information about mortality assumptions and the dates of experience studies, are subject to change on an annual basis and therefore can have a significant impact on this estimate. We evaluated the key factors and assumptions used to develop the estimates described above, in determining that they are 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. The most sensitive disclosures affecting the financial statements were:

The footnotes to the financial statements as required under GASB Statement No. 68, *Accounting and Financial Reporting for Pensions—an amendment of GASB Statement No. 27* and GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*, which require the Town to recognize a net pension liability and a total OPEB liability, respectively, in their financial statements as described above.

The financial statement disclosures are neutral, consistent, and clear.

Independence

For the fiscal year ended September 30, 2023, we were engaged to assist with the preparation of the Town's financial statements, as well as the data collection form. We reviewed the nature of the requested work, our role and management's role and determined that our independence would not be impaired, in fact or appearance.

Difficulties Encountered in Performing the Audit

We wish to bring to your attention several delays encountered during the audit, which diverged from the originally agreed timeline with the Town. Our initial audit request list was provided to the Town in October 2023. At that juncture, the former Town Manager communicated the expectation that the audit would be completed by March 31, 2024. Despite multiple rescheduled start dates due to the Town's finance department requiring additional time for accounting record reconciliation, we commenced the audit in early January 2024 as a courtesy, despite significant audit schedules being incomplete.

However, as the audit progressed, further delays were inevitable. On March 1, 2024, Marcum LLP formally notified both the Town's Finance Department and the former Town Manager that the March 31, 2024, completion date would not be feasible due to the insufficient documentation

provided. Consequently, we requested that the Town seek an extension for the Government Finance Officers Association (GFOA) deadline (originally set for March 31, 2024). It is important to note that participation in the GFOA Certificate of Achievement for Excellence in Financial Reporting (COA) program is optional and not mandated by Florida Statutes, which only require audit completion within nine months after year-end (e.g., June 30, 2024). Despite continuous meetings with Town Finance Staff and the former Town Manager, including weekly sessions to address open audit items and related schedules, there were instances where requested audit schedules were incomplete or inconsistent with the underlying records, such as general ledger accounts. A working trial balance for the Pension was provided in March 2024, followed by the Town's in April 2024. The Schedule of Expenditures of Federal Awards (SEFA) was also shared in April 2024. Ultimately in June 2024, the Town engaged an external accounting consultant to assist the Town in completing the necessary components of the annual comprehensive financial report.

These delays necessitated changes to our engagement schedule, requiring the reassignment of Marcum personnel, which impacted our resource management, efficiencies, and significantly increased costs for Marcum LLP to complete the audit. As per our audit contract, such scenarios permit the passing of these additional costs incurred to the Town. To enhance the utility of financial reports for decision-making, we recommend that the Finance Department reconcile the general ledger accounts for both the Town and the Pension Plan to supporting documentation monthly. Avoiding delays in these reconciliations can help identify errors promptly, facilitating future reconciliations and reducing the number of audit adjustments required, potentially expediting the completion of audits for the Town and the stand-alone Pension Plan financial statements. Furthermore, we believe that monthly and year-end closing procedures could be expedited and streamlined by establishing a logical sequence for closing procedures and assigning specific responsibilities to Town personnel. Documenting these procedures in a checklist format, indicating responsible personnel and completion deadlines, will ensure a more efficient and transparent process.

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, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

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 auditors' 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 28, 2024.

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 consultation involves application of an accounting principle to the Town’s financial statements or a determination of the type of auditors’ 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 Town’s auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to management’s discussion and analysis, the budgetary comparison schedule – general fund and related note, the schedule of changes in the Town’s total OPEB liability and related ratios, the schedule of changes in the Town’s net pension liability (asset) and related ratios, and the schedule of Town contributions, which are required supplementary information (RSI) that supplement the basic financial statements. Our procedures consisted of inquiries of management regarding 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 did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the combining and individual fund financial statements and schedules, and the schedule of expenditures of federal awards, as required by *Title 2 U.S. Code of Federal Regulation Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, which accompany the financial statements but are not RSI. With respect to this supplementary information, 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.

We were not engaged to report on the Introductory Section or Statistical Section, which accompany the financial statements but are not RSI. Such information has 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.

Restriction on Use

This information is intended solely for the information and use of the Honorable Mayor, Town Council, Town Manager, and management of Town 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 BAY HARBOR ISLANDS
EMPLOYEES' RETIREMENT SYSTEM**

FINANCIAL STATEMENTS

FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

TABLE OF CONTENTS

FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

Independent Auditors' Report	1-3
-------------------------------------	-----

Financial Statements

Statements of fiduciary net position	4
Statements of changes in fiduciary net position	5
Notes to financial statements	6-20

Required Supplementary Information

Schedule of changes in the Town's net pension liability (asset) and related ratios	21
Schedule of Town contributions	22
Schedule of investment returns	23

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 <i>Government Auditing Standards</i>	24-25
---	-------

INDEPENDENT AUDITORS' REPORT

INDEPENDENT AUDITORS' REPORT

To the Board of Trustees and Plan Administrator
Town of Bay Harbor Islands Employees' Retirement System

Report on the Audit of the Financial Statements

Opinion

We have audited the financial statements of the Town of Bay Harbor Islands Employees' Retirement System (the "Plan") which comprise the statements of fiduciary net position as of September 30, 2023 and 2022, and the related statements of changes in fiduciary net position for the fiscal years then ended, and the related notes to the financial statements.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the fiduciary net position of the Plan, as of September 30, 2023 and 2022, and the changes in its fiduciary net position for the fiscal years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*). Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Plan and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for 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.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Plan's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit 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 Plan's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Plan's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control—related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the schedule of changes in the Town's net pension liability (asset) and related ratios, schedule of Town contributions, and schedule of investment returns on pages 21-23 be presented to supplement the financial statements. Such information is the responsibility of management and, although not a part of the financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. We 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 financial statements, and other knowledge we obtained during our audits of the 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.

Management has omitted management's discussion and analysis that accounting principles generally accepted in the United States of America requires to be presented to supplement the financial statements. Such missing information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. Our opinion on the financial statements is not affected by this omitted information.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated June 25, 2024 on our consideration of the Plan'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 solely 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 the effectiveness of the Plan's 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 Plan's internal control over financial reporting and compliance.

Marcum LLP

Miami, Florida
June 25, 2024

FINANCIAL STATEMENTS

**TOWN OF BAY HARBOR ISLANDS
EMPLOYEES' RETIREMENT SYSTEM**

**STATEMENTS OF FIDUCIARY NET POSITION
SEPTEMBER 30, 2023 AND 2022**

	<u>2023</u>	<u>2022</u>
Assets		
Cash	\$ 541,137	\$ 540,723
Investments		
Money market funds	150,234	94,256
U.S. treasuries and government obligations	5,242,975	4,663,251
Corporate bonds	1,413,721	1,874,402
Common stock and equity funds	2,151,631	1,805,827
Commingled trust fund	9,729,222	9,235,490
Real estate fund	3,462,828	4,002,982
Total Investments	<u>22,150,611</u>	<u>21,676,208</u>
Receivables		
Contributions receivable	116,874	122,808
Due from broker for investments sold	3,956	201,747
Accrued interest and dividends	32,978	37,385
Total Receivables	<u>153,808</u>	<u>361,940</u>
Prepaid expenses	5,292	5,290
Total Assets	<u>22,850,848</u>	<u>22,584,161</u>
Liabilities and Net Position		
Accounts payable	7,030	16,098
Due to broker for investments purchased	3,909	--
Total Liabilities	<u>10,939</u>	<u>16,098</u>
Net Position Restricted for Pension Benefits	<u>\$ 22,839,909</u>	<u>\$ 22,568,063</u>

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

**TOWN OF BAY HARBOR ISLANDS
EMPLOYEES' RETIREMENT SYSTEM**

**STATEMENTS OF CHANGES IN FIDUCIARY NET POSITION
FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022**

	2023	2022
Additions (Reductions) to Net Position		
Contributions		
Town (including State)	\$ 585,810	\$ 937,084
Employees	<u>425,093</u>	<u>418,944</u>
Total Contributions	<u>1,010,903</u>	<u>1,356,028</u>
Investment Income (Loss)		
Net appreciation (depreciation) in fair value of investments	1,250,007	(3,558,996)
Interest	240,343	210,916
Dividends	<u>52,382</u>	<u>69,988</u>
	1,542,732	(3,278,092)
Less: investment expenses	<u>39,723</u>	<u>37,470</u>
Net Investment Income (Loss)	<u>1,503,009</u>	<u>(3,315,562)</u>
Total Additions (Reductions)	<u>2,513,912</u>	<u>(1,959,534)</u>
Deductions		
Benefits paid and refunds	2,193,131	878,945
Administrative expenses	<u>48,935</u>	<u>71,614</u>
Total Deductions	<u>2,242,066</u>	<u>950,559</u>
Change in Net Position	271,846	(2,910,093)
Net Position Restricted for Pension Benefits		
Beginning of year	<u>22,568,063</u>	<u>25,478,156</u>
End of year	<u>\$ 22,839,909</u>	<u>\$ 22,568,063</u>

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

NOTES TO FINANCIAL STATEMENTS

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

BASIS OF ACCOUNTING

The accompanying financial statements of the Town of Bay Harbor Islands Employees' Retirement System (the "Plan") are prepared using the accrual basis of accounting in accordance with generally accepted accounting principles in the United States of America ("U.S. GAAP") as applied to governmental entities in accordance with Governmental Accounting Standards Board ("GASB") pronouncements. Plan member contributions are recognized in the period in which the contributions are due. Employer contributions as determined by the Plan's actuary, are recognized when due and the employer has made a formal commitment to provide the contributions. Benefits and refunds are recognized when due and payable in accordance with the terms of the Plan.

METHOD USED TO VALUE INVESTMENTS AND INVESTMENT INCOME RECOGNITION

Investments are reported at fair value except for money market funds which are reported at amortized cost. Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Net appreciation (depreciation) in fair value of investments includes realized and unrealized gains and losses. Realized gains and losses are determined on the basis of average cost. Purchases and sales of securities are recorded on the trade-date basis. Interest and dividends are recorded as earned on the accrual basis. For more detail regarding the methods used to measure the fair value of investments refer to the fair value hierarchy in Note 3.

Within certain limitations as specified in the Plan document, the investment policy is determined by the Board of Trustees and is implemented by the Plan's investment managers.

USE OF ESTIMATES

The preparation of financial statements in conformity with U.S. GAAP requires the Plan to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results may differ from those estimates.

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 2 – PLAN DESCRIPTION

The following brief description of the Plan is provided for general information purposes only. Participants should refer to the Plan document for more complete information.

PLAN DESCRIPTION

The Town of Bay Harbor Islands, Florida (the “Town” or the “Employer”) is the administrator of a single-employer Public Employee Retirement System (PERS) defined benefit pension plan established to provide pension benefits for its employees.

The Town of Bay Harbor Islands Employees' Retirement System was established by the Town's Ordinance 226 effective January 12, 1970. The Plan is considered part of the Town's financial reporting entity and is included in the Town's financial statements as a pension trust fund. All full-time general employees and police officers with one year of service are eligible to participate in the Plan. The latest actuarial valuation is as of October 1, 2022 (beginning of year valuation date). Beginning with the October 1, 2009 valuation, separate valuations were performed for the general employees and for the police officers. For reporting and disclosure purposes, amounts are combined, where applicable, from both valuations since it is one plan. Benefit and contribution provisions are established by Chapter 16 of the Town Code and may be amended only by the Board of Trustees, subject to approval of the Town Council. Administrative costs of the Plan are funded through investment earnings.

The Plan is administered by a Board of Trustees comprised of:

- The Town Manager (a permanent member of the Board by Ordinance)
- Two members of the Town Council elected by the Town Council
- A police officer elected by his/her fellow officers
- A general employee elected by his/her fellow general employees

Membership in the Plan as of October 1, 2022 and 2021 (actuarial valuation dates) was as follows:

	<u>2022</u>	<u>2021</u>
Inactive plan members and beneficiaries currently receiving benefits	36	37
Inactive plan members entitled but not yet receiving benefits	12	10
Active plan members	<u>65</u>	<u>59</u>
Total Members	<u>113</u>	<u>106</u>

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 2 – PLAN DESCRIPTION (CONTINUED)

PENSION BENEFITS

Employees become fully vested after 5 years of credited service.

Normal retirement is as follows:

- General employees who retire at the earlier of age 52 with twenty years of credited service, age 55 with ten years of credited service or at age 65 regardless of time of service.
- Police officers who retire at the earlier of age 50 with twenty years of credited service, age 55 with ten years of credited service or at age 65 regardless of time of service.

Under special circumstances, the Plan also provides for delayed retirement benefits and disability retirement benefits. A member may elect to receive in a lump sum at retirement an amount which is the actuarial equivalent of the benefits otherwise payable under the Plan. General employees may elect to receive a partial lump sum equal to any portion of the actuarial equivalent lump sum value of the employee's accrued benefit, with the remaining value, if any, to be paid in the form of a straight-line annuity or in any of the other optional retirement benefit annuity form.

Normal retirement benefits for general employees are based on 1.25% of average final compensation. For police, the multiplier is 1.75% for service before October 1, 2005, 3% after that date and before October 1, 2006, and 3.25% thereafter. For general employees and for police service before October 1, 2005, the multiplier may increase depending upon the members' contribution rate.

For police officers who were employed and accruing credited service on October 1, 2014, the normal retirement benefit rate increased from 3.25% to 3.50% for years of service on or after October 1, 2014.

For general employees who were employed and accruing credited service on October 1, 2015, the normal retirement benefit rate increased from 1.25% to 1.50% for all credited service earned from October 1, 2010 to September 30, 2016, and to 1.75% for all credit service earned on or after October 1, 2016.

A terminating member with less than five years creditable service shall receive his/her contribution plus accrued interest accumulated since initial employment.

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 2 – PLAN DESCRIPTION (CONTINUED)

PENSION BENEFITS (CONTINUED)

A police officer may purchase credited service for military service or for service as a police officer for a different employer occurring prior to the member's first or initial employment with the Town, as long as the member is not entitled to receive a benefit for such other prior service as a police officer. The maximum number of years of credited service that may be purchased for prior military and prior police service combined is four years.

CONTRIBUTIONS AND FUNDING POLICY

General employees are required to contribute 2% of their compensation, and may elect to make additional voluntary contributions up to 10%. Effective October 1, 2006, the mandatory contribution for police is 8% and no additional voluntary contributions are permitted. Employer contributions (actuarially determined contribution) for fiscal years ended September 30, 2023 and 2022 were 6.99% and 18.92%, respectively, of covered payroll. The contribution requirements of the Town for the fiscal years ended September 30, 2023 and 2022 were determined by the October 1, 2021 and October 1, 2020, actuarial valuation, respectively. Pursuant to Chapter 185 of the Florida Statutes, a premium tax on certain property and casualty insurance contracts, written on Town of Bay Harbor Islands properties, is collected by the state and is remitted to the Town. The State of Florida distributes this money to local governments meeting certain eligibility requirements which is intended to purchase supplemental pension benefits for police officers. Refer to the share plan/supplemental benefits note for changes made to this benefit.

In fiscal years 2023 and 2022, \$67,287 and \$55,799, respectively, was received by the Town from the State on behalf of Police Officers (Chapter 185) and recorded as a contribution to the Plan towards funding the actuarially determined annual required contribution for the Plan.

SHARE PLAN / SUPPLEMENTAL BENEFITS

The Town participates in the State of Florida Chapter 185 program. As a participant in the program, the Town is eligible to receive annual distributions of state premium tax collections on property and casualty insurance policies written within the Town limits. Chapter 185 levies a 0.85% tax on all casualty insurance premiums written within the Town limits. The monies received by the Town are for the purpose of providing benefits to or for the exclusive use of police officers. Effective October 1, 2015, the Town and the Dade County Police Benevolent Association agreed to utilize the supplemental benefit assets to increase the normal retirement multiplier to 3.50% and to utilize future Chapter 185 distributions as an offset to the Town's required contributions. As a result, there are no Share plan assets included in the pension trust fund as of September 30, 2023 and 2022.

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 2 – PLAN DESCRIPTION (CONTINUED)

DEFERRED RETIREMENT OPTION PLAN (“DROP”)

The Board of Trustees approved and amended the Plan documents to include a DROP for general employees effective January 18, 2020 and for police officers effective October 7, 2019. Any member is eligible to enter the DROP on or after his or her normal retirement date as defined above. The maximum participation in the DROP is 60 months. However, an extension of a member's participation time in the DROP may be allowed at the sole discretion of the town manager and on a case-by-case basis. If an extension of time is allowed, the manager's approval shall be in writing and it shall specify the amount of time that is approved. A DROP member may separate from service prior to the expiration of the five-year period and can only participate in the DROP once.

Upon commencement of participation in the DROP, (a) the employee does not receive any additional creditable service for pension purposes, (b) the member is not eligible for disability or pre-retirement death benefits and (c) the member's contributions are discontinued. Additionally, the amount of final average salary for calculation of pension benefits is determined as of the date of entering the DROP. No payment is made for accrued unused leave upon entering the DROP, nor shall the amount of accrued unpaid leave be used in the calculation of the amount of pension benefits.

The monthly retirement benefits that would have been payable had the member elected to cease employment and not join the DROP, is credited to the member's DROP account. The money in all participant's DROP accounts is commingled with all other assets of the fund.

For members who enter the DROP on or after October 7, 2019, the member's DROP account is credited with the interest earned by the individual employee's retirement system account for the fiscal year minus administrative fees reasonably incurred by the Town in processing the account.

Upon termination of a DROP member's employment with the Town, the retirement benefits accumulated in the member's DROP account is paid to the member. The balance credited to the member's DROP account shall be payable either to the member or as a direct rollover into any qualified plan that accepts rollovers. All distributions must comply with the Internal Revenue Code and regulations promulgated thereunder.

There were no members who participated in the DROP as of the fiscal years ended September 30, 2023 and 2022.

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 3 – DEPOSITS AND INVESTMENTS

DEPOSITS

In addition to insurance provided by the Federal Deposit Insurance Corporation, all deposits, which include cash on hand, are held in qualified public depositories pursuant to State of Florida Statute Chapter 280, *Florida Security for Public Deposits Act*. Under the Act, all qualified public depositories are required to pledge eligible collateral. In the event of a failure of a qualified public depository, the remaining public depositories would be responsible for covering any resulting losses. Therefore, all deposits are deemed as insured or collateralized.

INVESTMENTS

The Plan's investment practices are governed by the Florida Statutes and the Plan's adopted investment policy. Florida Statutes and the Plan policy authorize the Board of Trustees to invest in domestic stocks, domestic bonds, international stock, diversified assets, emerging markets and real estate funds. In addition to complying with Plan policy, the Plan applies the "Prudent Person Rule" when executing investment strategies. Investments are made with judgment and care, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income derived.

To diversify plan assets so as to minimize the risk associated with dependence on the success on one enterprise, the Board of Trustees employs a multi-manager team approach to investing Plan assets. Asset managers are employed to utilize individual expertise within their assigned area of responsibility. Each manager is governed by individual investment guidelines. The Plan's investment consultant oversees the investment managers and the entire portfolio.

The Plan's asset management structure established by the policy for fiscal years 2023 and 2022 is as follows:

Type	2023		2022	
	Allowable		Allowable	
	Range %	Target	Range %	Target
Domestic equity	30%-50%	40%	30%-50%	40%
Domestic bonds (fixed income)	25%-60%	30%	25%-60%	30%
International equity	0%-20%	15%	0%-20%	15%
Real estate	0%-15%	15%	0%-15%	15%

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 3 – DEPOSITS AND INVESTMENTS (CONTINUED)

INVESTMENTS (CONTINUED)

The Plan maintains a Master Custodian Agreement, whereby the investment securities are held in the Plan's name by a financial institution acting as the Plan's agent except for its shares in several pooled domestic equity index funds and real estate assets.

Rate of Return

For the fiscal years ended September 30, 2023 and 2022, the annual money-weighted rate of return on pension plan investments, net of pension plan investment expense, was a positive 7.05% and a negative (13.18%), respectively. The money-weighted rate of return expresses investment performance, net of investment manager and consultant expenses adjusted for the changing amounts actually invested. Inputs to the internal rate of return calculation are determined on a monthly basis.

Interest Rate Risk

Interest rate risk refers to the portfolio's exposure to fair value losses arising from increasing interest rates. The Plan does not have a formal investment policy that limits investment maturities as a means of managing its exposure to market value losses arising from increasing interest rates.

Neither state law nor Plan investment policy limits maturity terms on fixed income holdings. As of September 30, 2023 and 2022, the Plan had the following fixed income investments and its corresponding maturities in its portfolio:

Investments	September 30, 2023				
	Investment Maturities (In Years)				
	Fair Value	Less Than 1	1-5	6-10	Over 10
U.S. Treasuries	\$ 2,631,576	\$ --	\$ --	\$ 1,544,382	\$ 1,087,194
U.S. Government obligations	2,611,399	--	--	--	2,611,399
Corporate bonds	1,413,721	--	--	1,413,721	--
Total	<u>\$ 6,656,696</u>	<u>\$ --</u>	<u>\$ --</u>	<u>\$ 2,958,103</u>	<u>\$ 3,698,593</u>

Investments	September 30, 2022				
	Investment Maturities (In Years)				
	Fair Value	Less Than 1	1-5	6-10	Over 10
U.S. Treasuries	\$ 3,851,809	\$ --	\$ 310,686	\$ 2,173,963	\$ 1,367,160
U.S. Government obligations	811,442	--	--	--	811,442
Corporate bonds	1,874,402	--	265,922	1,608,480	--
Total	<u>\$ 6,537,653</u>	<u>\$ --</u>	<u>\$ 576,608</u>	<u>\$ 3,782,443</u>	<u>\$ 2,178,602</u>

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 3 – DEPOSITS AND INVESTMENTS (CONTINUED)

INVESTMENTS (CONTINUED)

Credit Risk

State law and the Plan's investment policy limits investments in bonds, stocks, or other evidences of indebtedness to the top ratings issued by nationally recognized statistical rating organizations of the United States. The Plan's investment policy limits fixed income investments to a rating no lower than Baa/BBB or equivalent.

The Plan's corporate bonds and agency bonds were all rated "A" or better under Standard & Poor's ratings and at least "A" under Moody's ratings.

Concentration of Credit Risk

The Plan's investment policy prohibits fixed income concentrations greater than 5% in any one issuer with the exception of U.S. Government or agency securities. As of September 30, 2023 and 2022, the value of each position held by the Plan portfolio comprised less than 5% of fiduciary net position.

RISKS AND UNCERTAINTIES

The Plan invests in various investment securities. Investment securities are exposed to various risks such as interest rate, market, and credit risks. Due to the level of risk associated with certain investment securities, it is at least reasonably possible that changes in the values of investment securities will occur in the near term and that such changes could materially affect the amounts reported in the statements of fiduciary net position. The Plan, through its investment consultant, monitors the Plan's investment and the risks associated therewith on a regular basis which the Plan believes minimizes these risks.

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 3 – DEPOSITS AND INVESTMENTS (CONTINUED)

FAIR VALUE HIERARCHY

The Plan categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The fair value hierarchy categorizes the inputs to valuation techniques used to measure fair value into three levels based on the extent to which inputs used in measuring fair value are observable in the market.

Level 1 - Investments' fair values based on prices quoted in active markets for identical asset at the measurement date.

Level 2 - Investments' fair values based on observable inputs for the assets either directly or indirectly, other than those considered Level 1 inputs, which may include quoted prices for identical assets in markets that are not considered to be active, and quoted prices of similar assets in active or inactive markets.

Level 3 - Investments' fair values based upon unobservable inputs.

The following is a description of the fair value techniques used by the Plan over its investments:

Money market funds are reported at amortized cost.

Equity securities classified in Level 1 of the fair value hierarchy are valued using prices quoted in active markets for those securities. This includes common stock, American depository receipts (“ADR”), and exchange traded funds (“ETF”).

Debt securities are valued using quoted market prices (Level 1) or using pricing inputs that reflect the assumptions market participants would use to price an asset or liability and are developed based on market data obtained from sources independent of the reporting entity (Level 2).

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 3 – DEPOSITS AND INVESTMENTS (CONTINUED)

FAIR VALUE HIERARCHY (CONTINUED)

The following is a summary of the fair value hierarchy of investments as of September 30, 2023:

	Fair Value Measurements Using		
	9/30/2023	Quoted Prices in Active Markets for Identical Assets (Level 1)	Significant Other Observable Inputs (Level 2)
Investments by Fair Value Level			
Debt securities:			
U.S. treasuries	\$ 2,631,576	\$ 2,631,576	\$ --
U.S. government obligations and corporate bonds	4,025,120	--	4,025,120
Total debt securities	6,656,696	2,631,576	4,025,120
Equity securities:			
Common stock, ADR's, and ETF's	2,151,631	2,151,631	--
Total equity securities	2,151,631	2,151,631	--
Total investments at fair value	8,808,327	\$ 4,783,207	\$ 4,025,120
Investments Measured at Net Asset Value ("NAV")			
Commingled trust fund	9,729,222		
Real estate fund	3,462,828		
Total investments measured at NAV	13,192,050		
Money market funds (exempt)	150,234		
Total investments	\$ 22,150,611		

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 3 – DEPOSITS AND INVESTMENTS (CONTINUED)

FAIR VALUE HIERARCHY (CONTINUED)

The following is a summary of the fair value hierarchy of investments as of September 30, 2022:

	Fair Value Measurements Using		
	Quoted Prices in Active Markets for Identical Assets 9/30/2022	(Level 1)	Significant Other Observable Inputs (Level 2)
Investments by Fair Value Level			
Debt securities:			
U.S. treasuries	\$ 3,851,809	\$ 3,851,809	\$ --
U.S. government obligations and corporate bonds	2,685,844	--	2,685,844
Total debt securities	<u>6,537,653</u>	<u>3,851,809</u>	<u>2,685,844</u>
Equity securities:			
Common stock, ADR's, and ETF's	<u>1,805,827</u>	<u>1,805,827</u>	<u>--</u>
Total equity securities	<u>1,805,827</u>	<u>1,805,827</u>	<u>--</u>
Total investments at fair value	<u>8,343,480</u>	<u>\$ 5,657,636</u>	<u>\$ 2,685,844</u>
Investments Measured at Net Asset Value ("NAV")			
Commingled trust fund	9,235,490		
Real estate fund	<u>4,002,982</u>		
Total investments measured at NAV	<u>13,238,472</u>		
Money market funds (exempt)	<u>94,256</u>		
Total investments	<u>\$ 21,676,208</u>		

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 3 – DEPOSITS AND INVESTMENTS (CONTINUED)

FAIR VALUE HIERARCHY (CONTINUED)

The following table summarizes investments for which fair value is measured using the net asset value per share practical expedient, including their related unfunded commitments and redemption restrictions.

	September 30, 2023			
	Fair Value	Unfunded Commitments	Redemption Frequency (if Currently Eligible)	Redemption Notice Period
Real estate fund ⁽¹⁾	\$ 3,462,828	\$ --	Quarterly	N/A
Commingled trust fund ⁽²⁾	9,729,222	--	Daily	N/A
Total Investments Measured at NAV	\$ 13,192,050	\$ --		

	September 30, 2022			
	Fair Value	Unfunded Commitments	Redemption Frequency (if Currently Eligible)	Redemption Notice Period
Real estate fund ⁽¹⁾	\$ 4,002,982	\$ --	Quarterly	N/A
Commingled trust fund ⁽²⁾	9,235,490	--	Daily	N/A
Total Investments Measured at NAV	\$ 13,238,472	\$ --		

⁽¹⁾ *Real estate fund.* This fund is an open-end core real estate fund with a diversified portfolio of income producing institutional properties throughout the U.S.

⁽²⁾ *Commingled trust fund.* This fund's investment objectives are to match the return of the S&P 500, S&P Small-Cap 600, and S&P Mid-Cap 400 indexes through investments in substantially all of the stocks contained in those indexes.

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 4 – NET PENSION LIABILITY OF THE TOWN

The components of the net pension liability at September 30, 2023 and 2022 are as follows:

	2023	2022
Total pension liability	\$ 25,604,510	\$ 22,692,714
Less plan fiduciary net position	<u>(22,839,909)</u>	<u>(22,568,063)</u>
Net pension liability (asset)	<u>\$ 2,764,601</u>	<u>\$ 124,651</u>
Plan fiduciary net position as a percentage of the total pension liability	89.20%	99.45%

SIGNIFICANT ACTUARIAL ASSUMPTIONS

The total pension liability was determined using the following actuarial assumptions at September 30, 2023 and 2022:

Discount Rate	7.96%
Inflation	3.00%
Salary increases	4.00% per annum
Measurement Date	September 30, 2023, based on a valuation date of October 1, 2022 September 30, 2022, based on a valuation date of October 1, 2021
Ad-hoc Cost of Living Increases	None
Mortality Rates	Sex-distinct rates set forth in the PUB-2010 Headcount-Weighted Below Median Employee Mortality Table, with full generational projections using Scale MP-2018.

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 4 – NET PENSION LIABILITY (ASSET) OF THE TOWN (CONTINUED)

LONG-TERM EXPECTED RATE OF RETURN

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the Plan's target asset allocation as of September 30, 2023 and 2022 are summarized in the following table:

Investment Category	Expected Long-Term Real Rate of Return	
	2023	2022
Large cap (domestic equity)	8.5%	8.1%
Mid cap (domestic equity)	9.3%	8.8%
Small cap (domestic equity)	9.4%	9.3%
Fixed Income	0.4%	0.7%
Foreign Equity (international equity)	5.6%	5.2%
Emerging Market (international equity)	7.7%	9.1%
Real estate	5.3%	7.0%

DISCOUNT RATE

The discount rate used to measure the total pension liability was 7.96% for fiscal years 2023 and 2022, respectively. The projection of cash flows used to determine the discount rate assumed that plan member contributions will be made at the current contribution rate and that contributions will be made at rates equal to the difference between actuarially determined contribution rates and the member rate. Based on those assumptions, the Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on Plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

NOTES TO FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2023 AND 2022

NOTE 4 – NET PENSION LIABILITY (ASSET) OF THE TOWN (CONTINUED)

SENSITIVITY OF THE NET PENSION LIABILITY (ASSET) TO CHANGES IN THE DISCOUNT RATE

The following presents the net pension liability (asset), calculated using the discount rate, as well as what the net pension asset would be if it were calculated using a discount rate that is 1-percentage-point lower or 1-percentage-point higher than the current rate:

		Current	
	1% Decrease	Discount Rate	1% Increase
September 30, 2023:			
Net pension liability (asset)	\$ 3,556,342	\$ 2,764,601	\$ 2,049,673
Discount rate	6.96%	7.96%	8.96%
September 30, 2022:			
Net pension liability (asset)	\$ 809,356	\$ 124,651	\$ (576,286)
Discount rate	6.96%	7.96%	8.96%

NOTE 5 – TAX STATUS

Plan management and legal counsel believe that the Plan is currently being operated in compliance with the applicable requirements of the Internal Revenue Code.

NOTE 6 – ADMINISTRATIVE EXPENSES

For the fiscal year ended September 30, 2023 and 2022, administrative costs paid by the Plan consisted of the following:

	2023	2022
Professional fees	\$ 25,762	\$ 43,415
Actuarial services	17,400	22,425
Insurance	5,773	5,774
Total Expenses	\$ 48,935	\$ 71,614

REQUIRED SUPPLEMENTARY INFORMATION

**TOWN OF BAY HARBOR ISLANDS
EMPLOYEES' RETIREMENT SYSTEM**

REQUIRED SUPPLEMENTARY INFORMATION

SCHEDULE OF CHANGES IN THE TOWN'S NET PENSION LIABILITY (ASSET) AND RELATED RATIOS

	September 30,									
	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014
Total Pension Liability										
Service cost	\$ 1,226,481	\$ 896,214	\$ 739,288	\$ 752,678	\$ 786,299	\$ 1,071,650	\$ 1,026,849	\$ 881,514	\$ 758,824	\$ 686,893
Interest	1,879,080	1,595,591	1,553,006	1,530,252	1,850,596	1,279,001	1,180,877	983,968	923,439	851,757
Demographic experience	1,541,785	1,631,800	1,073,343	(642,790)	(477,459)	906,769	(328,634)	(435,741)	(100,632)	--
Changes of benefit terms	457,581	--	--	--	--	8,635	726,619	998,287	--	--
Changes of assumptions	--	--	(630,731)	--	(4,786,155)	--	--	1,864,465	--	--
Benefit payments, including refunds of member contributions	(2,193,131)	(878,945)	(2,329,906)	(1,341,878)	(1,310,542)	(1,688,273)	(893,750)	(1,064,535)	(671,862)	(359,028)
Net Change in Total Pension Liability	2,911,796	3,244,660	405,000	298,262	(3,937,261)	1,577,782	1,711,961	3,227,958	909,769	1,179,622
Total Pension Liability - Beginning	22,692,714	19,448,054	19,043,054	18,744,792	22,682,053	21,104,271	19,392,310	16,164,352	15,254,583	14,074,961
Total Pension Liability - Ending (a)	<u>\$ 25,604,510</u>	<u>\$ 22,692,714</u>	<u>\$ 19,448,054</u>	<u>\$ 19,043,054</u>	<u>\$ 18,744,792</u>	<u>\$ 22,682,053</u>	<u>\$ 21,104,271</u>	<u>\$ 19,392,310</u>	<u>\$ 16,164,352</u>	<u>\$ 15,254,583</u>
Plan Fiduciary Net Position										
Contributions - employer	\$ 585,810	\$ 937,084	\$ 1,050,617	\$ 1,080,265	\$ 1,004,663	\$ 1,137,266	\$ 874,490	\$ 795,792	\$ 674,623	\$ 922,599
Contributions - employee	425,093	418,944	372,757	520,770	399,794	345,320	332,750	700,737	271,897	275,817
Net investment income (loss)	1,503,009	(3,315,562)	3,705,978	1,336,214	651,814	1,558,236	1,705,415	1,506,073	(248,856)	1,185,773
Benefit payments, including refunds of member contributions	(2,193,131)	(878,945)	(2,329,906)	(1,341,878)	(1,310,542)	(1,688,273)	(893,750)	(1,064,535)	(671,862)	(384,382)
Administrative expense	(48,935)	(71,614)	(36,826)	(45,349)	(38,809)	(37,597)	(33,384)	(37,339)	(31,590)	(31,811)
Net Change in Plan Fiduciary Net Position	271,846	(2,910,093)	2,762,620	1,550,022	706,920	1,314,952	1,985,521	1,900,728	(5,788)	1,967,996
Plan Fiduciary Net Position - Beginning	22,568,063	25,478,156	22,715,536	21,165,514	20,410,342	19,095,390	17,114,069	15,213,341	15,219,129	13,251,133
Plan Fiduciary Net Position - Ending (b)	<u>\$ 22,839,909</u>	<u>\$ 22,568,063</u>	<u>\$ 25,478,156</u>	<u>\$ 22,715,536</u>	<u>\$ 21,117,262</u>	<u>\$ 20,410,342</u>	<u>\$ 19,099,590</u>	<u>\$ 17,114,069</u>	<u>\$ 15,213,341</u>	<u>\$ 15,219,129</u>
Net Pension Liability (Asset) - Ending (a) - (b)	<u>\$ 2,764,601</u>	<u>\$ 124,651</u>	<u>\$ (6,030,102)</u>	<u>\$ (3,672,482)</u>	<u>\$ (2,372,470)</u>	<u>\$ 2,271,711</u>	<u>\$ 2,004,681</u>	<u>\$ 2,278,241</u>	<u>\$ 951,011</u>	<u>\$ 35,454</u>
Fiduciary Net Position as a Percentage of the Total Pension Liability (Asset)	89.20%	99.45%	131.01%	119.29%	112.66%	89.98%	90.50%	88.25%	94.12%	99.77%
Covered Payroll	\$ 5,759,046	\$ 4,409,406	\$ 4,525,693	\$ 4,402,353	\$ 4,645,071	\$ 4,363,540	\$ 4,362,247	\$ 3,962,146	\$ 3,822,792	\$ 3,633,983
Net Pension Liability as a Percentage of Covered Payroll	48.00%	2.83%	N/A	N/A	N/A	52.06%	45.96%	57.50%	24.88%	0.98%

Note: Ending Plan Fiduciary Net Position for 2019 excludes \$48,252 related to employer contributions that were accrued after the actuarial valuation was completed.

Note: Ending Plan Fiduciary Net Position for 2017 excludes \$4,200 related to benefits payable to participants that was accrued after the actuarial valuation was completed.

Note: Plan Fiduciary Net Position for 2015 and 2014 excludes \$223,769 and \$198,656, respectively, of Share Plan net position. In fiscal year 2016, Share Plan assets were transferred over to the Plan and are included in the 2016 employer contributions.

N/A means not applicable

This schedule is presented as required by accounting principles generally accepted in the United States of America.

TOWN OF BAY HARBOR ISLANDS EMPLOYEES' RETIREMENT SYSTEM

REQUIRED SUPPLEMENTARY INFORMATION

SCHEDULE OF TOWN CONTRIBUTIONS

Fiscal Year Ended September 30,	Actuarially Determined Contribution	Actual Contribution	Contribution Deficiency (Excess)	Covered Payroll	Actual Contribution as a % of Covered Payroll
2023	\$ 402,731	\$ 585,810	\$ (183,079)	\$ 5,759,046	10.17%
2022	834,338	937,084	(102,746)	4,409,406	21.25%
2021	1,001,827	1,050,617	(48,790)	4,525,693	23.21%
2020	1,022,793	1,128,517	(105,724)	4,402,353	25.63%
2019	1,001,806	1,004,663	(2,857)	4,645,071	21.63%
2018	1,086,156	1,137,266	(51,110)	4,363,540	26.06%
2017	816,415	874,490	(58,075)	4,362,247	20.05%
2016	795,792	795,792	--	3,962,146	20.08%
2015	674,623	674,623	--	3,822,792	17.65%
2014	922,599	922,599	--	3,633,983	25.39%

Significant Methods and Assumptions Used to Determine Contribution Rates for Fiscal Year Ended September 30, 2023:

Valuation Date: October 1, 2021

Note: Actuarially determined contribution rates are calculated as of October 1, which is 24 months prior to the end of the fiscal year which contributions are reported.

Actuarial Cost Method	Entry-Age Normal
Amortization Method	Level Dollar
Remaining Amortization Period	10 years
Asset Valuation Method	Market Value
Inflation and Other General Increases	3.00%
Salary Increases	4.00%
Discount Rate of Return	6.00%
Retirement Age	Retirement is assumed to occur at normal retirement age.
Mortality	Sex-distinct rates set forth in the PUB-2010 Headcount-Weighted Below Median Employee Mortality Table, with full generational projections using Scale MP-2018.

**TOWN OF BAY HARBOR ISLANDS
EMPLOYEES' RETIREMENT SYSTEM**

REQUIRED SUPPLEMENTARY INFORMATION

SCHEDULE OF INVESTMENT RETURNS

	September 30,				
	2023	2022	2021	2020	2019
Annual Money-Weighted Rate of Return, Net of Investment Expense	7.05%	(13.18%)	16.99%	6.59%	3.27%

	September 30,				
	2018	2017	2016	2015	2014
Annual Money-Weighted Rate of Return, Net of Investment Expense	8.49%	10.16%	10.07%	(1.56%)	8.75%

This schedule is presented as required by accounting principles generally accepted in the United States of America.

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 Board of Trustees and Plan Administrator
Town of Bay Harbor Islands Employees' Retirement System

We have audited, in accordance with the 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 (*Government Auditing Standards*), the financial statements of the Town of Bay Harbor Islands Employees' Retirement System (the "Plan") which comprise of the statement of fiduciary net position, as of September 30, 2023 and the related statement of changes in fiduciary net position for the fiscal year then ended, and the related notes to the financial statements, and have issued our report thereon dated June 25, 2024.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Plan's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Plan's internal control. Accordingly, we do not express an opinion on the effectiveness of the Plan's internal control.

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 entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Plan's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations and contracts, noncompliance with which could have a direct and material effect on the financial statements. 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*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Plan's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Plan's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Marcum LLP

Miami, Florida
June 25, 2024

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 5.

ITEM: Award of Scholarship to Police Explorer Nicolaj Holm

DESCRIPTION:

Nicolaj Holm has been a Police Explorer with the Bay Harbor Islands Police Department for approximately four (4) years. He is 18 years old and was born on December 13, 2005. He has lived in the Town of Bay Harbor Islands since 2018. Nicolaj attended Ruth K. Broad K-8 Center and graduated from Miami Beach Senior High, Class of 2024. Nicolaj has been accepted and will attend Lynn University in Boca Raton, Florida. He is planning on majoring in Communications. In High School, he participated in the Black Student Union and Scuba Diving Club and completed two years on the gold team.

He is strong in his faith and actively worships. He is presently an intern at Church by the Sea in Bay Harbor Islands, FL. Nicolaj has gained valuable, hands-on experience through the Police Explorer Program. He has learned about police duties, participated in various scenarios such as traffic stops and building searches, assisted with community events, and supported both the citizens of Bay Harbor Islands and the Bay Harbor Islands Police Department.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There will be a fiscal impact to Line Item 001.5210.400052 in the amount of \$1,500.00 from the Police Department Operating Budget FY 2024.

BUDGET IMPACT:

Submitted By: Analily Perez, Compliance Manager
 Lindsley Noel

ATTACHMENTS

1.	Staff Memo for Council Agenda Explorer Scholarship
----	--



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lindsley Noel Chief of Police
DATE:	August 5, 2024
SUBJECT:	Town of Bay Harbor Islands – Special presentation of Scholarship for Police Explorer, Nicolaj Holm.

RECOMMENDATION

Staff recommends the presentation of a scholarship in the amount of \$1500.00 for Police Explorer, Nicolaj Holm.

BACKGROUND / ANALYSIS

Nicolaj Holm has been a Police Explorer with the Bay Harbor Islands Police Department for approximately four (4) years. He is 18 years old and was born on December 13, 2005. He has lived in the Town of Bay Harbor Islands since 2018. Nicolaj Attended Ruth K. Broad K-8 Center and graduated from Miami Beach Senior High, Class of 2024. Nicolaj has been accepted and will attend Lynn University in Boca Raton, Florida. He is planning on majoring in Communications. In High School, he participated in the Black Student Union and Scuba Diving Club and completed two years on the gold team.

He is strong in his faith and actively worships. He is presently an intern at Chruch by the Sea in Bay Harbor Islands, FL. Nicolaj has gained valuable, hands-on experience through the Police Explorer Program. He has learned about police duties, participated in various scenarios such as traffic stops and building searches, assisted with community events, and supported both the citizens of Bay Harbor Islands and the Bay Harbor Islands Police Department.

EXECUTE

The check will be presented to Mr. Holm during the Regular Town Council Meeting scheduled on Wednesday, August 14, 2024.

FINANCIAL ANALYSIS

GL Line-Item Number: 001.5210.400052

Total Amount Budgeted: 1500.00

Encumbered Amount:

Balance Remaining:

ATTACHMENTS

1. Memo Template

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 6.

ITEM: Approval of Council Meeting Minutes:

- A. Regular Council Meeting - January 10, 2024
- B. Regular Council Meeting - February 21, 2024
- C. Regular Council Meeting - March 20, 2024
- D. Organizational Meeting - April 10, 2024
- E. Regular Council Meeting - April 10, 2024
- F. Regular Council Meeting - May 8, 2024
- G. Town Council Retreat - May 28, 2024/May 29, 2024
- H. Special Council Meeting - June 10, 2024
- I. Town Council Budget Workshop - June 18, 2024

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Regular Council Meeting - January 10, 2024
2.	Regular Council Meeting - February 21, 2024
3.	Regular Council Meeting - March 20, 2024
4.	Regular Council Meeting - April 10, 2024
5.	Organizational Meeting - April 10, 2024
6.	Regular Council Meeting - May 8 2024
7.	05-28 and 05-29, 2024 Town Council Retreat Minutes
8.	Special Council Meeting - June 10, 2024

9.	Town Council Budget Workshop - June 18, 2024
----	--

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A REGULAR COUNCIL MEETING**

A Regular Meeting of the Town Council was held on Wednesday, April 10, 2024, at 7:03 p.m. Upon roll call the following members responded:

Mayor Joshua Fuller	
Vice Mayor Isaac Salver	Council Member Stephanie Bruder
Council Member Teri D'Amico	Council Member Molly Diallo
Council Member Eric Rappaport	Council Member Robert Yaffe

Fabian Basabe, Florida House Representative and Larisa Svechin, Mayor of Sunny Isles Beach, came forward respectively, and congratulated Mayor Fuller and Council Member Rappaport for being elected at the town's general election.

SPECIAL PRESENTATION:

Introduction of Police Officer Andrew Troncoso

Deputy Chief Blanchard introduced Officer Troncoso and Mayor Fuller administered the Law Enforcement Oath of Office to him.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

There were no requests for withdrawals, deferments, and future agenda items.

TOWN MANAGER'S REPORT:

Town Manager Lasday reported on the following:

- The Town Picnic is scheduled for April 14, 2024, from 1:00 pm to 5:00 pm.
- The Doggy Parade and concert are scheduled for April 28, 2024.
- The Children's Trust Luncheon is scheduled for April 10, 2024.
- Appointments to the Design Review Board, Parks & Recreation Committee, and the Mitigation Committee will be on the June agenda.
- The Golden Beach Municipal Government Center inauguration event is scheduled for May 23, 2024.
- She introduced Lorrainia Bell as the new Town Planner.
- The Town Council's retreat is being planned by staff.

Mayor Fuller suggested the Council Members submit items for the retreat agenda, which will determine how many days will be needed for the event.

- A draft of onboarding procedures for newly elected officials was included in the Town Manager's Report. She invited the Council to recommend any additions.
- She informed the Council that numerous meetings have been held to discuss the conceptual plans for the new town hall. Council Member Bruder will provide more information.
- Bridge Public Workshop hearing is scheduled for June 24, 2024.

- The Broad Causeway Bridge change orders that were approved at the previous meeting are currently in progress, but additional concrete work will be needed. An emergency order to authorize new work will be on the May agenda for approval.

-

Council Member D'Amico stated that she liked the onboarding process the Town Manager suggested. She also mentioned the council getting approval to work on projects and that the matter be discussed at the retreat.

Council Member Rappaport agreed with Council Member D'Amico and felt that there should be a concise onboarding platform.

It was the consensus of the Council that the onboarding process would be a good topic to discuss at the retreat.

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

Council Member D'Amico spoke about condominiums and their new requirements to have all their information listed online. She discussed SB1029 pilot program to provide condominiums with \$100,000 for repairs and SB154 structural integrity reserve study that will allow condominiums to do financial planning and provide \$175,000 for condominiums to use. She suggested the town place the new requirements on the website for the public. She promoted the bike rodeo and stated that people need to be educated on the new scooter laws.

Council Member Bruder proposed that the town notify the Presidents of the Condominium Associations in writing of the new regulations and program availability, since they register their information with the town. Mayor Fuller asked that the Town Attorney examine any letter before it is sent out to the associations.

Council Member Diallo congratulated Mayor Fuller and Vice Mayor Salver for their nominations to Mayor and Vice Mayor. She proposed that the Council Retreat be for two days. She noted she is scheduled to attend the Junior League Advocacy Breakfast, as well as the Children's Trust Luncheon.

Council Member Bruder stated how pleased she was with Mr. Jacobi's management of the town's Children's Trust Program. She talked about her meeting with the PBA and the challenges they face in recruiting police officers. She complimented the police department on drawing in young, highly qualified recruits.

Council Member Rappaport thanked the electorate for giving him the opportunity to serve and be elected to the council for the ensuing four years. He reported he also took the boat tour to assess the state of each bridge. He looks forward to serving this term.

Council Member Yaffe congratulated Mayor Fuller and Vice Mayor Salver on their nomination to Mayor and Vice Mayor, respectively. He welcomed Council Member Rappaport to the Council. He also recognized Alex Rangel and Kathleen Kennedy who ran in the town's annual general election. He noted that the condominium legislation has not been signed by the Governor;

when it's signed, it will be effective July 1st. He reported on attending the Miami-Dade County League of Cities meeting last week where he received the Home Rule Hero award.

Vice Mayor Salver thanked the council for nominating him as Vice Mayor. He discussed the Home Rule Hero award and the importance of advocacy for municipalities. He added that the constituents are the ones attempting to turn those connections into substantial financial support for the town projects.

Mayor Fuller thanked the Council members for entrusting him as Mayor. He thanked the voters for electing him to serve for another four years. He encouraged the public to take advantage of the town picnic. He referred to the Home Rule Hero Award and the Council's efforts in Tallahassee to ensure the representatives understand the town's needs and how to better serve the residents.

Alina Garcia, State Representative, came forward and congratulated the newly elected officials. She looks forward to helping the town in any way she can. Council Member D'Amico thanked her for meeting with the constituents when visiting Tallahassee to discuss the bridge. State Representative Garcia replied that grant funding was granted for the bridge, and she is hoping the Governor doesn't veto it.

Council Member Bruder expressed gratitude to State Representative Garcia for spending so much time with them during their visit to Tallahassee; even though the town is outside of her district; she made the effort to advocate on the town's behalf to secure grant funding for the bridge.

Council Member Diallo congratulated Council Member Rappaport on his election to office.

PUBLIC COMMENT

*There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. **A request form is available from staff; please fill it in and return it to the Town Clerk prior to the start of the meeting if you would like to speak during public comment.** Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

Rolando Epstein, 1101 99th Street, came forward and raised a concern about the scooters and mopeds. He claimed to have seen them on sidewalks, in pedestrian walkways, blocking traffic, and consisting of two to three people riding the mopeds. He talked about the work on the Indian Creek Bridge and expressed concern that traffic problems would arise as the work gets done. He recommended extending the bus shuttle service for a little while longer to prevent more cars from adding to the traffic. He proposed allowing a left turn on West Bay Harbor Drive to alleviate traffic.

Council Member Bruder recommended that even though the town hosted a class on scooter awareness, new guidelines and safety information should be published in the newsletter. Council Member D'Amico suggested this matter be discussed at the retreat. She felt that all three towns

should work together to mitigate this issue.

Council Member Rappaport stated that during his campaign, he met with many seniors, and that one of their top concerns was the scooters on the sidewalks; a problem that needs to be resolved.

Mayor Fuller explained that the town was expanding the Freebee service and getting rid of the shuttle.

Council Member Bruder questioned Chief Noel about posting signs prohibiting the use of motorized scooters on the sidewalk.

Town Attorney Geller informed the Council that Miami-Dade County is currently reviewing an ordinance that would, in theory, give local communities more authority to act in addition to allowing for some direct control. Key Biscayne has passed one. He believed that the ordinance passed on first reading.

Chief Noel came forward and suggested that the town pass an ordinance, once the County's ordinance passes. He thinks they are not allowed to ride in tandem due to certain rules. Nothing prevents them from being road riders. He can begin posting signs and launching an awareness campaign. The Traffic Enforcement Officer has been instructed to attend the upcoming bike rodeo and inform the youth about the laws pertaining to scooters.

Council Member Bruder suggested an ordinance be implemented. Chief Noel stated that Sunny Isles Beach's ordinance does not address infractions. He recommended that if the Council passes an ordinance, it includes information on violations and helmet requirements. The police will enforce the ordinance once it passes.

Council Member Rappaport stated that the town needs to improve enforcement and policing. Council Member Bruder added that the ordinance would need to pass first. Council Member Rappaport mentioned informing people that walking is required, rather than riding bikes and scooters across the bridge.

Council Member Yaffe told the council that although the road had logos stamped on it years earlier, he didn't think anyone really noticed.

Frances Neuhut, 1060 Kane Concourse, came forward and voiced her displeasure with early voting and the town elections. She believed that because she possesses multiple properties, they treat her unfairly. She stated that although the Code mandates that Church by the Sea be regulated, the Council nevertheless permitted it.

COMMITTEE REPORTS: There were no Committee Reports.

CONSENT AGENDA: Set for approximately 7:55 p.m. *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or*

explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)

1. ~~Approval of the following Council Meeting Minutes:
A. Regular Council Meeting November 8, 2023~~

2. **Consideration and Approval** of a resolution authorizing a rate adjustment based on the 2023 Consumer Price Index (CPI) in accordance with the agreement between the Town and Coastal Waste & Recycling for solid waste collection services.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING A RATE ADJUSTMENT FOR SOLID WASTE COLLECTION SERVICES BASED ON THE 2023 CONSUMER PRICE INDEX (CPI), IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE TOWN AND COASTAL WASTE & RECYCLING; PROVIDING FOR CODIFICATION OF THE FEES IN THE TOWN CODE, PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY AND REPEALER; AUTHORIZING THE TOWN MANAGER TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

3. **Consideration and Approval** of a resolution approving a 2023-2026 Collective Bargaining Agreement between the Town of Bay Harbor Islands, Florida and the South Florida Police Benevolent Association.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE POLICE BENEVOLENT ASSOCIATION (PBA) AND THE TOWN OF BAY HARBOR ISLANDS FOR THE TERM OF OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2026; SETTING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR POLICE OFFICERS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

4. **Consideration and Approval** of a resolution authorizing the hiring of three (3) additional full-time personnel for the Police Department, a Compliance Manager and two (2) Public Service Aides, and budget amendment #3 to increase code enforcement action and efficiency. Sponsored by Council Members Stephanie Bruder, Joshua Fuller, and Robert Yaffe.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE HIRING OF THREE (3) ADDITIONAL FULL-TIME PERSONNEL FOR THE POLICE DEPARTMENT, A COMPLIANCE MANAGER AND TWO (2) PUBLIC SERVICE AIDES; APPROVING BUDGET AMENDMENT NUMBER 3 TO TRANSFER FUNDS BETWEEN DEPARTMENTS TO COVER THE COST OF THESE POSITIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

5. **Consideration and Approval** of a resolution approving a contract with South Florida Electrical Consultant for Electrical Contracting Services, under the Piggy-Back purchasing provisions, pursuant to section 2-1.2 (6).

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A PIGGYBACK JOB ORDER CONSTRUCTION TASK CONTRACT BY THE CITY OF MIAMI BEACH AND SOUTH FLORIDA ELECTRICAL CONSULTANT FOR ELECTRICAL SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

6. **Consideration and Approval** of a resolution authorizing renewal of lease agreements with Quadiant, Inc. for mailing equipment at a total cost of \$13,518.00 over a 36- month period.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING A LEASE RENEWAL AGREEMENTS WITH QUADIANT, INC. FOR MAILING SYSTEM EQUIPMENT; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **Consideration and Approval** of a resolution approving Hazen and Sawyer among the list of engineers under RFQ-5-1004-23 - Request for Qualifications for Continuing Consulting Services Continuing Contract and approving the related contract in substantially in the form attached hereto.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AWARDDING AND APPROVING AN ENGINEERING CONSULTING SERVICES CONTINUING CONTRACT FOR RFQ-5-1005-0-2023/FVR TO HAZEN AND SAWYER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: Vice Mayor Salver made a motion to approve the Consent Agenda. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON SECOND READING:

8. **Consideration and Approval** of an ordinance on Second Reading amending Section 5-18 of the Town Code to include metal roof materials in the list of permitted roofing materials. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ALLOWABLE ROOFING MATERIALS IN THE TOWN; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE 1 ENTITLED IN GENERAL; AMENDING SECTION 5-18 ENTITLED REQUIRED MATERIALS IN ROOF AND MANSARD FASCIA CONSTRUCTION / APPROVAL OF DESIGN REVIEW BOARD TO MODIFY THE LIST OF ALLOWABLE ROOF MATERIALS; PROVIDING FOR INCORPORATION OF RECITALS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Salver moved the item to the floor, and Council Member Yaffe seconded the motion.

Council Member Yaffe mentioned that the Design Review Board (DRB) brought this matter to the Council's attention. The ordinance would add the additional material to the Code, so there is no need for approval by the DRB.

ACTION: Vice Mayor Salver made a motion to approve the ordinance on second reading. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON FIRST READING:

9. **Consideration and Approval** of an ordinance on first reading pertaining to nuisances of construction activities, amending Section 12-26 of the Town Code regarding the arrival and departure of construction workers, vehicles, equipment, and materials on job sites. Sponsored by Council Member Robert Yaffe and Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-26 ENTITLED PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; AMENDING SECTION 12-27 ENTITLED PENALTIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Yaffe moved the item to the floor, and Council Member Bruder seconded the motion.

Council Member Yaffe explained that years ago, the Council moved the construction hours from 8:00 a.m. to 9:00 a.m. Workers are now arriving at the construction sites between 7:00-7:30 a.m. in the mornings, hang around, get dressed and/or sleep on the swales, which he believes has an impact on the residents' privacy and quality of life. Under this ordinance, the Town Manager may designate an area where workers are permitted to be before 9:00 a.m.; he suggested the 95th Street Parking Lot. The ordinance also permits the issuance of violations; the first violation is \$1,000 and the second is \$2,000, plus an eight (8) hour Stop Work Order.

Council Member D'Amico inquired as to whether the workers would be picked up at the job site or at the 95th Street Parking Lot at the end of the day. Council Members Bruder and Yaffe explained that the Police and Code Enforcement Departments will be able to monitor the workers in the 95th Street Parking Lot until 9:00 a.m. In the afternoons, they are free to depart from their job sites.

Vice Mayor Salver questioned Council Member Yaffe about the Stop Work Order verbiage. Council Member Yaffe explained that the construction sites don't adhere to the start and finish times. He believed that merely fining them would be ineffective, so he added a Stop Work Order verbiage to the second infraction. He hopes this will deter construction sites from breaking the code. Vice Mayor Salver felt that workers' livelihoods would be impacted if a construction site was closed for a day or two, even though he conceptually agreed with the ordinance.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that she felt that the Council was destroying her properties by designating the 95th Street Parking Lot as the gathering point for the workers. She complained about Church by the Sea, the trailer in their parking lot, and the lack of parking in the Town.

PUBLIC COMMENT CLOSED

Council Member Rappaport remarked that he supported the regulations since they

would facilitate better traffic flow.

Council Member Yaffe expressed concern that on Wednesdays, which are gardener's day, most of them park on the street blocking the driver's view. He asked staff to monitor this issue closely and begin enforcing the same.

ACTION: Council Member Yaffe made a motion to approve the ordinance on first reading. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

10. **Consideration and Approval** of an ordinance on first reading amending Section 5-5(f) and (k) of the Town Code regarding temporary construction fences. Sponsored by Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 5 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "BUILDING AND CONSTRUCTION" BY REVISING SECTION 5-5(f) and (k) PERTAINING TO "TEMPORARY CONSTRUCTION FENCES" PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Bruder moved the item to the floor, and Council Member Diallo seconded the motion.

Council Member Bruder believed that the Town should mandate more elegant covering for the construction site rather than the green ones. The Town Manager had included three options in her report that could be applied to the construction sites. Council Member D'Amico suggested the design of the covering should be addressed by the Council and not by the Design Review Board. Council Member Rappaport commented that the Council will need to come up with a solution for existing projects, so that they do not incur additional costs, because the fences are expensive. He believed that the concept of the fences would improve the town's and the streets' aesthetic appeal.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the town charter requires the town to have a Planning & Zoning Board, and so far, the Council has exempted the Design Review Board from reviewing the town hall and Broad Causeway bridge projects. She complained about the fences located by the bridge, and not being able to see behind the fences.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the ordinance on first reading. Council Member Diallo seconded the motion, and it passed unanimously on a poll vote.

DEFERRED ITEMS: There were no deferred items.

TOWN MANAGER ITEMS:

11. **Consideration and Approval** of the 2024/2025 Budget Preparation Calendar.

ACTION: Council Member Yaffe made a motion to accept the Budget Preparation Calendar. Council Member Bruder seconded the motion, and it passed unanimously on a voice vote.

12. **Consideration and Approval** of a request by Bal Bay Inn LLC, owner of the Landon Towners located at 9660 East Bay Harbor Drive, for certain easements and renewal of the parking lease for parking along a portion of the Town's right-of-way along the south side of 97th Street abutting the property. Sponsored by Council Member Stephanie Bruder.

Council Member Bruder explained that the item was already approved by the Design Review Board, and the matter today was to address easements until the Parking Garage is built. To facilitate access from their land to Block 11, they would be building a sidewalk. The owner needs to add a sidewalk to facilitate garbage collection. She spoke with the Chief of Police who is fine with the traffic flow.

Council Member Bruder made a motion to grant the easements and renewal of the parking lease for parking along the portion of the Town's right-of-way, and Council Member Yaffe seconded the motion.

Matt Amster of Bercow Radell Fernandez Larking & Tapanes, 200 S. Biscayne Blvd, representing the Applicant came forward and presented Richard and Ronald Finvarb, the owners. He provided a brief history of the purchase of the hotel. He explained the need for the easements, and the enhancements they are making to the property.

Mayor Fuller commented that they are trying to be careful with Block 11, which is their delivery area. When the town redo Block 11, he didn't want there to be a scenario where they show up and claim a wall is blocking their access; they are building on their side of the property, which would solve that problem.

He stated that he is in favor of their requests, except that he would want to make it a condition that the easement is subject to any requirement the town was given by a governmental entity as Block 11 is being built.

Council Member Bruder clarified that the Applicant's property will be much farther out

for garbage pickup, when the alley on Block 11 is moved over a little; they have decided to construct a walkway to make garbage pickup easier. Vice Mayor Salver asked if their land will be used for this sidewalk. Council Member Bruder confirmed.

Mayor Fuller stated that the only issue is when the town is building block 11, there's a right up to now of where they would have those service vehicles, they won't be allowed to have those service vehicles anymore. Rather than them having to reconstruct the hotel, which is impractical, they are creating a walkway on the side of their own property. The town will take the whole 20 feet when Block 11 is built, which would allow them to continue using it as a functioning hotel, while not interrupting the town's ability to be able to build Block 11.

Vice Mayor Salver raised the concern that the applicant's footprint would remain the same. He asked if there was a way for the town to use the drafted agreement as leverage to reverse or sunset this to stop the new owners from trying to build to the highest permitted level and baiting and switching, if the hotel was sold. Town Attorney Geller responded that since they had discussed mutual easements, any modifications would be viewed as a violation of their agreements.

Council Member D'Amico stated that a site plan is an official legal document. She asked what was updated because the one that was given didn't show what was on the other side of the alley. She stated that she likes the modifications they are doing to the hotel, but she also needs to be able to respond to residents when questioned about it.

Council Member Yaffe commented that the request was presented to the Design Review Board ("DRB") and approved at that time. There has been a lapse of time; the applicant is approaching the Council to resume their project, which includes obtaining these easements. The town's official records from the time the request was approved by the DRB include renderings and site plans.

Council Member D'Amico requested the site plans be included as part of the lease or easement agreement.

Mr. Amster explained that the precise area that will be recorded with the easement is described in both a formal sketch and a legal description of the easements. As far as connectivity, they can only address what they are adjacent to, and they will be building out the roadway with a permit from the town. In addition to a parking lease that needs to be renewed, there are three easements.

Mayor Fuller amended the motion to include that the easements are subject to any requirements by any governmental entity. Council Member seconded the motion, and it passed unanimously on a voice vote.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and voiced her displeasure with

the town providing Church by the Sea easements and the lack of parking. She thought the town ought to impose a moratorium. She believed there was discrimination because she had been turned down for easements when she had requested them.

PUBLIC COMMENT CLOSED

ACTION: Mayor Fuller made a motion to grant the easements subject to any requirements by any governmental entity and renewal of the parking lease for parking along the portion of the Town's right-of-way. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

13. **Consideration and Approval** of a Parking Trust Payment Agreement with Alan Cohen Trust & 1025 Kane Concourse, Ltd. for payment of a fee to the Town's Parking Trust for a portion of the required parking spaces for the development to be located at 1025 Kane Concourse, in lieu of the Developer providing all of the project's required on-site parking spaces, pursuant to Section 23-29.1 of the Town Code. Council Member Yaffe moved the item to the floor, and Council Member Diallo seconded the motion.

Council Member Yaffe stated that the town will be building a new parking garage in conjunction with a new town hall; the item being discussed is a very minor issue because it's for a limited number of parking spaces; there is significant revenue to the town going into the Parking Trust.

Mayor Fuller stated that one of the issues in dealing with Block 11 is that delivery trucks will not be allowed to stop in the alley, which means anybody building or building additional parking behind the alley, as the town gives back the property, are going to be required to build a drop off place within the new garage; they will not have the ability to leave their trucks in the alley; the trucks will have to be on their own property. The design does not show that or a pull over spot for delivery; the plans do not provide a solution to the delivery trucks issue.

Matt Amster, Bercow Radell Fernandez Larking & Tapanes, 200 S. Biscayne Blvd., Miami, Florida representing the Applicant, suggested using 23 ft of their own drive isle behind tandem parking spaces for temporary loading. He doesn't expect a lot of deliveries or trash collection due to the property's office space and retail bays. Mr. Amster suggested using the 23 ft space south before the first tandem parking space as a drop off loading zone or trash pickup.

Mayor Fuller expressed concern that the drop off area was not more pronounced on the architectural design. Mr. Amster pointed out that the information is located on page A-1.0 and confirmed the space is within their property line.

Town Planner Michael Miller came forward and stated that the town approved the site plan for a project that has been under review for a couple of years. The project includes a large, paved area on the north side of the building, which will eventually become a thoroughway.

Eventually, when driving down the corridor behind the buildings, people will be driving

on private property. The road Mr. Amster described south of the town's alley. The property has 19 spaces, 18 tandem, and one ADA space. Mr. Amster is proposing they could stop on their property to avoid obstructing the through traffic on the alley.

Council Member D'Amico asked where food delivery will be made in the future after the alley is reclaimed. Mr. Miller highlighted the different approaches where people may come after hours to make deliveries. Council Member D'Amico suggested that a shared delivery point could benefit everyone, even if it's a small spot with few businesses. She requested a study be done on this as well.

Council Member Bruder explained that the alley currently operates with trucks stopping and delivering items. When shifting, they will have their own property area for delivery. Council Member D'Amico disagreed; she didn't want each building to do this so as not to disrupt the flow of traffic. Council Member Bruder stated the individuals will need to create their own space for cars and trucks to deliver, and no deliveries will be allowed in the front or on Kane Concourse. She suggested that an ordinance be created prohibiting deliveries in the front of the business or on Kane Concourse.

Mayor Fuller voiced concern about delivery trucks possibly pulling out and obstructing Block 11. He asked to see a plan that would provide more detail on how they intend to manage delivery trucks without causing traffic jams or compromising the town's long-term plans for Block 11.

Council Member Bruder expressed her preference to not have their drop-offs remain on the town's land because the town requires every parking space available. She expressed worry that the town would lose 20 parking spaces and believed that one spot would be too costly to lose. There is enough space for the property owners to have separate areas for deliveries because the town is moving to block 11.

Mr. Miller explained that the building's footprint will remain unchanged, but the second floor will feature a cover over the tandem parking with columns, and the 23-foot driveway would be on their property. Council Member D'Amico stated that she is in favor of voting for the request as she believes it won't affect them.

Council Member Bruder suggested the town mandate trucks to deliver to their property and not block Block 11. If the second floor isn't high enough for trucks, they can't deliver on their own property.

Council Member Yaffe believed the proposal won't have an impact on traffic through the alley if the delivery trucks park on their property and there is space for them to park without obstructing the alley. Council Member Bruder disagreed because there is no guarantee that they won't use the alleyway for deliveries. She requests that the cars be allowed to deliver on their property.

Council Member Salver asked the Applicant, Mr. Sklar to come forward and provide some comments since he is directly affected by the Council's decision.

Ari Sklar, Sklar Architecture, 2310 Hollywood Blvd, came forward and said that the

reason the project has been going on is because Block 11 doesn't have an alley, which will hopefully be restored eventually. The goal of the building's design is to have lots of parking spaces near the structure without having too many columns. Cantilever over columns is intended for tandem parking with parking on both sides facing the building and the alley, and an entry point from the alley. Upcoming projects include enhancing the client's property and designing truck parking. One possible solution is finding parking spots and stripping them with signage that says, "delivery only".

Mayor Fuller disagreed because initially they proposed a tandem setup, but they now plan to have a side-pull setup.

Mr. Sklar disagreed by stating the trucks will be able to drive into the property.

Mayor Fuller stated that the only way they are fitting the trucks right now is by having the tandem parking. And as Mr. Sklar stated, they would potentially remove that and the parking in the future will be the same.

Mr. Sklar responded that the spaces remain unchanged, with a 23ft gap between them, despite the cars being on one side or the other.

Council Member D'Amico requested additional plans that show more drawings.

Mr. Sklar responded that the applicant is seeking a quick building permit for a successful business in the town. He would appreciate knowing what the Council want us to show if necessary.

Council Member Bruder requested information regarding delivery truck locations and traffic patterns on the property. She would prefer to see a traffic flow and is concerned about the necessity for trucks to back up and out. She opposes the plan and thinks the properties ought to be put to better use for the town.

Mr. Amster emphasized the town's authority in determining access rights and suggested collaboration to ensure adequate access to a property after relocating an alley. He stressed the importance of working together to establish the entrance location for parking and delivery purposes, expressing a desire to prevent complications that might necessitate revisiting the issue.

Town Attorney Geller stated the importance of maintaining clarity regarding the rules surrounding the reclaimed alley. He wanted to ensure that everyone understands that while access to the alley is allowed, certain actions, such as parking or obstructing it, are strictly prohibited. He highlighted the importance of keeping the alley open for its intended purpose, which is likely for ease of passage and utility access. He Added that any vehicle, be it a delivery truck or otherwise, that blocks access to the alley will be considered parked illegally and subject to penalties. These penalties may include being ticketed or even towing away vehicles, underscoring the seriousness of the matter. He stressed that any inconvenience caused by delivery trucks taking up parking space is a problem for the property owner to solve, not the town.

Mayor Fuller stated that the problem is that they want fewer parking spaces on their property, and this could work, but the Council needs to see on the plans where UPS and FedEx delivery trucks will park so they don't block Block 11.

Mr. Sklar asked which trucks he was referring to.

Mayor Fuller stated that he was referring to certain delivery trucks like UPS, FedEx; he wanted to make sure that Block 11 is unobstructed; the ingress and egress to their property have to be better defined.

Mr. Sklar commented on determining the ingress and egress of trucks into the property.

Council Member D'Amico expressed concern on the cantilevers. Mr. Sklar explained that they collaborated with a skilled structural engineer to ensure columns are located within the first parking, not in the tandem ones, as they anticipated future alley restoration. The goal was to provide flexibility to offer alternative parking options in the future without obstructing the structure.

Mayor Fuller disagreed.

Mr. Amster replied the 23ft drive lane may be the location for drop-offs or temporary parking, as there is no requirement to provide a drop-off service.

Mr. Sklar stated that he is willing to draw whatever the Council wants but needs clear direction. He wanted to know if the town has a workshop about Block 11. He believed that the alley was not encumbered.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the Town has fiduciary obligation to the people of the town. She complained about the lack of parking and developers using the town's parking spaces. She stated that the Town has destroyed the Business District.

PUBLIC COMMENT CLOSED

Mr. Amster requested a deferral, and Mayor Fuller deferred the item with no objections from the Council.

14. **Discussion** and **Possible** action regarding attendance to the Miami-Dade County League of Cities 70th Annual Gala.

The Council briefly discussed attendance for the event.

ACTION: Vice Mayor Salver made a motion do the bronze sponsorship. Council Member Yaffe seconded the motion and passed unanimously on a voice vote.

15. **Discussion** and **Possible** action regarding attendance to this year's Law Enforcement Awards Gala. Staff is seeking a directive on the purchase of 20 tickets. The cost is \$175 per person. The total amount in the adopted budget is \$3,500.

The mayor proposed that they purchase twenty (20) tickets, and if additional officers and Council want to join, they can purchase additional tickets.

It was the consensus of the Council to purchase the twenty (20) tickets.

DISCUSSION ITEMS: There were no discussion items.

ADJOURNMENT:

There being no further business the meeting adjourned at 9:05 p.m.

MAYOR

ATTEST

TOWN CLERK

TOWN OF BAY HARBOR ISLANDS
MINUTES OF A REGULAR COUNCIL MEETING

A Regular Meeting of the Town Council was held on Wednesday, February 21, 2024, at 7:32 p.m. Upon roll call the following members responded:

Mayor Elizabeth Tricoche	
Vice Mayor Joshua Fuller	Council Member Stephanie Bruder
Council Member Teri D'Amico	Council Member Molly Diallo
Council Member Robert Yaffe	

Council Member Isaac Salver was absent.

SPECIAL PRESENTATION:

1. Proclamation - Colorectal Cancer Awareness Month.

Mayor Tricoche read a proclamation into the record proclaiming March 2024 as Colorectal Cancer Awareness month.

2. Proclamation - Problem Gambling Awareness Month

Vice Mayor Fuller read a proclamation into the record proclaiming March 2024 as Problem Gambling Awareness Month.

3. Introduction of New Police Officer Alexander Alvarez

Chief Lindsley Noel introduced Officer Alvarez.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

Council Member Yaffe requested that the Town Code be amended to recognize metal roofs as one of the accepted roofing materials, without the need for approval by the Design Review Board.

Council Member Bruder reported on information received from the Miami-Dade Commission on Ethics and Public Trust regarding the process for public comments on the Consent Agenda items. Since speakers already have three minutes to discuss any item on the agenda at the beginning of the meeting, speakers should complete the "Request to Address the Town Council" form with each item they wish to speak on, and they could be given one minute or more in the aggregate to speak on those items. Town Attorney Geller explained, for example, the public does not have a particular right to comment on minutes or proclamations on the Consent Agenda, but they have a right to comment on things like procurement items; they can be given a minute or more per item they wish to discuss in the aggregate. The mayor has the discretion to give more time. It was the consensus of the Council to allow speakers one minute to speak on each Consent Agenda item.

Mayor Tricoche suggested Item #28 be moved up after Public Comment or after the Consent Agenda. There wasn't consensus to move the item.

TOWN MANAGER'S REPORT:

Town Manager Lasday reported on the following:

- She and Council Member Bruder's travel to Tallahassee, and her travel to Washington, DC with Vice Mayor Fuller to seek grant funding.

- The 5K Run and Concert in the Park to be held on Sunday
- An answer should be provided on the PROTECT grant for \$15 Million in the next month. A revised application for the \$250 Million RAISED grant will be submitted in a few days; the Town was told the application was highly favorable when last submitted, but one element regarding the environment was lacking.
- She and Council Member Bruder are working on a \$125 Million grant from the state, and she and the Vice Mayor are working on a \$125,000 grant from the federal government. The Town is also seeking grants from the county for the other bridge projects. A meeting was held with lobbyists for them to seek an appropriation for the \$1.9 Million project.
- On Friday, the Town received a \$250,000 vulnerability assessment grant for stormwater and other utilities.
- Town staff has moved to the Trailers on 1030 95th Street.
- An item is on the agenda regarding Town Hall demolition plan

Town Clerk Yvonne Hamilton announced the April 2, 2024 Election Qualifying Period for 9:00 a.m. on February 22nd through 5:00 p.m. on March 3rd and Early Voting on March 28th and 30th. Mayor Tricoche informed the public of the Vote by Mail option. She announced she will not be seeking re-election. Council Member Bruder suggested an email notification be distributed to the residents to inform them about Early Voting that will be taking place for the first time. It was mentioned that notices will be placed in the newsletter, on the electronic billboards, and a Code Red message will be sent.

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

Council Member Yaffe requested an update on the Church by the Sea project. Town Manager Lasday stated that the Church submitted revised plans a month ago for the Building Department's review. Once approved, they will be able to obtain a Building Permit for the repair work and free up the sidewalk. Additional internal work was needed to address new handicapped accessibility rules that were recently implemented by the Federal government.

Council Member D'Amico thanked staff and the police department for their hard work during the art festival. She reported that she attended the Florida League of Cities Conference in Tallahassee and her quote on workforce housing in the Bal Harbour Shops was published in *Biscayne Times*; she expressed concern that this publication does not cover the Town. She provided a video of the Christo's Islands movie and suggested it be shown during one of the Town's Movie Night events.

Council Member Diallo congratulated Officer Alvarez and spoke about the upcoming 5K Run, a successful Snow Day event, thanked staff and the police for supporting the event, her attendance at the Miami-Dade County League of Cities Meeting in Aventura, her plans to attend the National League of Cities Conference in March and a Black History Celebration on Sunday honoring 10 Black Police Chiefs in Miami-Dade County, including Chief Noel.

Council Member Bruder thanked her fellow Council Members, the Town Manager, and staff for supporting her efforts in Tallahassee to obtain grant funding for the Shepard Broad Causeway Bridge project. She mentioned that the Council is working diligently to find funding through grants and or loans from the State or Federal government, because the bridge is in dire need of replacement. She invited residents to attend the bridge public meetings to provide their input to assist the Council in making its decisions.

Mayor Tricoche reminded the public of information on the Town's website regarding the bridge project and advised them to contact the Town Council if they have any questions.

Council Member Yaffe congratulated Officer Alvarez. He reported on his trip to Legislative Action Days in Tallahassee and the importance of the elected officials attending these events to safeguard Home Rule. He cited a matter where Tallahassee wants to take away some of the town's authority to regulate Short Term Vacation Rentals, where complaints might have to be filed with the Florida Department of Business Regulations in Tallahassee, rather than with the Town's Code Enforcement Department. Local taxing authority and condominium bills are being discussed, which might have a significant effect on governance of condominium associations, Co-ops, and HOA's in Florida, if passed and signed into law by the governor.

Vice Mayor Fuller added that the Council realized there has to be payment for replacement of the bridge at some point, and they are working diligently to obtain funding assistance at state and federal levels. The council has been working on several grants; two of the applications were put in a very good position, and the town came close on one of the grant applications. A meeting was held to discuss where the town fell short, and the grant application is being resubmitted. He encouraged the public to look at the general bridge design on the town's website, which is not the final design. He informed the public there will be further design communications and opportunities. He stated that the council is trying to have a signature item for Bay Harbor, something safe, pleasant to look at, and efficient. He expressed thanks and appreciation to Town Manager Lasday for traveling to Washington, DC and trying to obtain grant funding. He then spoke of the success of Snow Day and thanked staff for their work on the event.

The Vice Mayor requested support from the council to reach out to neighboring communities on the council's behalf to arrange for the Town with multiple communities to invite a 28-year-old young lady who survived the Hamas led attack on Israel on October 7th to the Town, at a minimal cost, for an open discussion and presentation of her experience. Council Member Bruder suggested a comprehensive program including the history, so people can know how they arrived at the events of October 7th, instead of having one person speak. Mayor Fuller asked Town Attorney Geller if there was a Sunshine issue with him and Council Member Bruder working with other communities to plan this event; the cost would be minimal within the Town Manager's spending authority. Town Attorney Geller advised that the Town sponsoring an event with other communities to raise community awareness about an issue is not a Sunshine matter. There was consensus from the Council to approve the Vice Mayor's request.

Vice Mayor Fuller reported he attended a meeting about the Bal Harbor Shops planned expansion, which could be catastrophic for Bay Harbor and a real problem in regard to density, traffic, design, etc. Council Member Yaffe was also present; they did not speak on the matter because of the Sunshine, and the Council had not agreed for them to represent the town. Bal Harbor wants to know the Town's official position on the matter; he suggested designating a member of the Council to represent the Town for the purpose of speaking at these community meetings to express the Town's position on the matter. Council Member D'Amico volunteered to be the representative. Council Member Bruder suggested a resolution be prepared outlining the Town's position and for the public to be notified when Council Member D'Amico will be attending these meetings. It was the consensus of the council for Council Member D'Amico to be the council's representative at the community meetings regarding the Bal Harbor Planned Development project.

Mayor Tricoche informed the public that the Broad Causeway Bridge replacement is a 10-year project, and the bridge will not close during construction. Over the last eight (8) years, there have been incremental increases to the cost of the tolls going across the bridge and millions of dollars have been put away to replace the bridge, because a certain amount is required to receive loans and grants. The Town has to prove it has enough money to start the project.

Mayor Tricoche reminded the public of the rules of decorum for tonight's meeting.

PUBLIC COMMENT

There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A request form is available from staff; please fill it in and return it to the Town Clerk prior to the start of the meeting if you would like to speak during public comment. Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.

Amariys Godd, 9341 East Bay Harbor Drive and Mariana Mitroga, 1025 92nd Street, Apt 609, came forward; Ms. Mitroga yielded her time to Ms. Godd. They were present on behalf of 100 neighbors and parents requesting collaboration with the Town Council to provide recreational activities for the younger community, children six and above and under five in an effort to have enriching activities for every child in Bay Harbor. They proposed the town form a strategic alliance with Bal Harbour and Surfside to foster stronger ties and collaboration to create a more unified neighborhood, a mutually beneficial relationship where all residents can access shared facilities and resources. They encouraged the Council to address the shortage of activities for children and they proposed that sports and recreational activities including soccer, basketball, tennis, swimming, athletics, gymnastic, ballet, dance, music, drama and theater workshops be created within the Bay Harbor area. They recommended the facilities be expanded with the construction of a new soccer court, a pool, additional rooms at the community center to accommodate the growing interest of the community and that there be affordable access to these activities for the residents, with use extended to visitors on availability.

Mayor Tricoche advised that over the years the Council has consistently tried to work with neighboring communities, particularly for access to their parks and pool facilities. Council Member Bruder suggested looking at other avenues to provide recreational services to the community such as use of the community center on Sundays, outsourcing activities, and use of the school grounds and available classrooms.

Vice Mayor Fuller stated that they have tried and will continue to do so to increase the amount of amenities provided to kids.

Council Member Yaffe stated that previously a suggestion was made for the kids to use Surfside's Community Center for swimming lessons, and they said no to the town.

Mayor Tricoche informed Ms. Godd that their proposal will be reviewed.

Ms. Godd suggested the Town use more digital communications with the residents.

Council Member Diallo mentioned the Town's agreement with Miami Shores for residents of the town to use their pool facilities.

Council Member D'Amico told Ms. Good to let her group know the Council was receptive of the information.

Harry Bruder, 1281 94th Street, came forward and commended the Council for doing a great job, especially during such a difficult time in the Town's history, where they have to raise \$250 Million for the Broad Causeway Bridge replacement; traveling to Tallahassee which takes time out from families, and with the building of the new Town Hall. He suggested adoption of a

“Love Fund” similar to what neighboring cities are doing, which works by raising money and using the funds to assist employees who run into hardship; the Council would evaluate the situation and donate money from the fund accordingly. Funds are raised through events like “Food & Wine Festival” or a 5K Run; there will be no cost to the Town. He didn’t think this was a good time to have events like a fair that is going to cost the Town money.

Mayor Tricoche asked the Town Manager to look into how neighboring cities are handling the “Love Fund” and disseminate the information to the Council.

Eileen Wallace, 10350 West Bay Harbor Drive, came forward and expressed disagreement to the way the art fair was hosted due to the traffic problems. She complained about the construction site on the corner of 103rd Street, dirty streets, terrible jobsite, and people sleeping in the construction trailers. She thanked Public Works, Code Enforcement, and the Police Department. She suggested the Town look at Key Biscayne Ordinance that bans scooters and asked that the speed limit be investigated, as children go about 50 miles per hour on scooters.

Mayor Tricoche asked the Town Manager to look into the options for enforcement regarding electric scooters and electric bikes.

Stacey and Stewart Swayden, 1270 98th Street, came forward. He yielded his three minutes to address the Council to her. She explained their desire to have a paddle ball court at their home on a unified double lot that allow for recreational space to enjoy a sport that the family loves. She explained her intentions and invited people who are concerned about the impact to contact them.

Frances Neuhut, 1060 Kane Concourse, came forward and questioned the Council’s approval of Church by the Sea relocating to Bay Harbor, lack of parking for the Business District, and suggested the police be housed in the DiPietro building.

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and mentioned her candidacy for Town Council. She spoke about problems with traffic, expressed her belief that Surfside and Bal Harbour should contribute to the Broad Causeway Bridge replacement project because constructions trucks for developments in their towns cross the bridge, asked for volunteers for the Parks & Recreation Committee, spoke about the lack of parking, commended Joel Jacobi and the Childrens Trust Program, said better service and better communication are needed, a committee should have been created for the art festival, thanked the Town Manager for her services, and suggested hiring the legal firm of Weiss Serota who provides itemized billing.

Anna Kelly Stoppa, 2000 Tower Side Terrace, Miami, FL 33138, came forward and questioned the existence of billboards with information about kidnapping.

Joyce Green, 1360 99th Street, came forward and informed the Council about a rented home on West Broadview Drive where tennis is played on the court at 6:00 a.m. and at night with noise and with the lights on.

She expressed concern about the impact to the Town’s infrastructure from the Bal Harbor Shops planned development, which is going to create a big problem as a result of the traffic, with the Broad Causeway Bridge replacement project.

She referred to the issue of kids on electric scooters in the streets and “No Electric bikes/Scooters” signs in Bal Harbour.

Gustavo Ortego, 10350 West Bay Harbor Drive, came forward and spoke about his family's enjoyment of the art festival and about children being segregated from playing in the neighboring parks. He felt the community should work on the matter.

Ken Eskin, 1310 99th Street, came forward and stated that the art show was nice. One of the problems is that the shops and restaurants did not care to open during the event. It is important to get them open and include them more as it will bring in more people to the town. He would like to see more diverse arts like ceramics, metal, etc., which would help the show. He advised a meeting to be held in two weeks on the Bal Harbour Shops redevelopment.

PUBLIC COMMENT CLOSED

28. **Discussion and Possible** action regarding non-renewal of the contract for the art festival. Sponsored by Mayor Elizabeth Tricoche.

Mayor Tricoche thanked everyone for their efforts with the art festival. She felt the town is not geographically built for it, as Kane Concourse should not be closed for that period of time, because it is a safety hazard, which is one of her major concerns. She stated that she received between 50-75 phone calls from residents who complained of the length of time it took them to get home and who did not want the event to be done in that manner, plus the \$200,000 cost. She felt it did not make sense to continue with the event, if there was no option to hold it more efficiently off of Kane Concourse. She believed it was time to recognize that the event does not work for the town and the \$200,000 can be used for other things that would be more beneficial for the Town. She said there was feedback from the shops that the event was of no benefit to them.

Vice Mayor Fuller responded that most of the complaints were about the traffic on Friday. In year one, there were problems with the traffic going westbound; planning was focused on alleviating the traffic, and the westbound traffic was not a problem on Friday; this was the first time there was a problem with the eastbound traffic. The problem was identified, and that traffic was alleviated. The festival itself was an incredibly success; people enjoyed it. He said they are trying to put the town on the map and provide a service for residents and a signature event to be proud of. He disagreed that the experience was not beneficial to the businesses, as businesses and restaurants were packed. The traffic has to be worked on to figure out a way to alleviate problems on a permanent basis. He suggested commissioning a study by an outside third party as to how traffic can be improved potentially for next year or to look at a better location within Bay Harbor to place the event, then make a determination as to whether to take away the event from the residents or continue to provide them this amenity. He commended the police chief and staff for their assistance with the traffic.

Council Member D'Amico stated that the festival is wonderful if it brings in art or music; everyone that was there had a great time. She said she will weigh her decision based on what the community wants. If traffic is the issue, the event can be placed somewhere else instead of closing Kane Concourse. She suggested having the event in the area of the perpendicular terrace where there is open spaces and parking.

She stated that a map explaining more visual aspects should have been on the mailer for the event, plus if it was going to be an art festival, kids should be involved with art programs and art competitions. She felt that if a way could be found to alleviate the traffic on Friday, something fun would be done for the town where the residents do not have to use their cars; plus, too much time has been put into the event to just dump it. She also mentioned the possibility of sending out a survey to the residents.

Vice Mayor Fuller made a motion to commission a study for the purpose of traffic and potentially finding the best location to move the event, changing the traffic pattern along with the input from the police chief. Council Member D'Amico seconded the motion. Discussion ensued regarding a traffic study.

Council Member Bruder stated that with the issue of parking, location, and the expense, she did not think it was time to spend \$200,000 on one event. She suggested using some of that money to market Bay Harbor to bring in more businesses and hiring a national real estate person to assist. She said Bay Harbor is not thought of as a destination place, plus some of the funds can go towards enhancing the small business district. The money would be better served for long-term commitments for the community. She suggested finding another location for the art festival if it was to be held, rather than closing Kane Concourse on a Friday. She stated that she received many negative phone calls regarding the event.

Council Member Diallo stated that the traffic and the expense for the event were of concern to her. She felt the \$200,000 could be invested in other events throughout the year for the residents and/or to modify the art festival. She stated that she too received many phone calls that were not positive; more people felt they were inconvenienced. She also suggested incorporating art events into the food truck or concert events, so that the event will not take up Kane Concourse and would not cost the same.

Council Member Yaffe stated that he understands the traffic is frustrating. He recalled that art shows were held on Kane Concourse many years ago and Kane Concourse was closed. He felt that the art show was a very good event and was in favor of having it, if things can be worked out a little differently. Probably, the vendor can take into consideration the inconvenience and change the setup time. The restaurants seemed to be busy as there were a lot of people around; overall it was a good event.

Vice Mayor Fuller stated that he received comments from Bay Harbor Islands' kids who got to perform; those in the rock ensemble and those who got to dance. The parents were thankful that the town had the event. The event provided a chance for the kids to perform in front of their friends and family.

Council Member Bruder suggested having a stage at the town picnic where the kids could dance, rather than at the art fair. She stated that she has a problem with the economics, not with the art festival itself.

Mayor Tricoche suggested expanding events throughout the year to meet the needs of the community, rather than having a two-day art festival that was causing this much upset in the community and so much cost.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, yielded her time to Kathleen Kennedy, 9180 West Bay Harbor Drive. Ms. Kennedy spoke of the art festival being an inconvenience to the residents, costing too much money, her concern with safety for the Jewish community during the event. She suggested the money be used for parks and recreation events, for the kids and seniors, and to purchase new computers.

Daniel Chinaea, 9280 Bay Harbor Terrace, thanked the members of the council who reached out regarding his concerns about the art show logistics. He stated that he lives on 93rd Street where Kane Concourse traffic was being routed through on the Friday before the art show, and he would not support this logistical plan again; on that Friday it was very loud and noisy. The traffic was challenging to deal with considering this street is the parent pickup line for Ruth K. Broad. He stated that he appreciated the art show, but attendance for the past two years does not appear to warrant a three-day road block.

Lisa Fuller, 1251 98th Street, expressed her support for continuing the art festival. She explained how the festival was marketed for weeks if not months in advance, with plenty of notice given. She received postcards, it was advertised in the newsletter, on the two digital signs-one on into Bay Harbor and one on Biscayne Boulevard, and parents received two emails from Principal Saperstein with alternative routes to pick up children. There were plenty of opportunities to consider alternate routes or alternate schedules. She stated that there is a \$200,000 expense for the art festival, but there is also a value of community engagement. She agreed with the Vice Mayor about putting Bay Harbor on the map.

Ken Eskin, 1310 99th Street, stated that the art festival is one of the few things that is good for kids and adults, which is important. Plus, people do not know where Bay Harbor is, which the event can help. He mentioned that the traffic problem on Friday was due to the operation of one lane on Bal Harbor bridge, which backed up the traffic.

Adam Ziefer, 1030 West Bay Harbor Drive, thanked the council for their service. As he said last year, the art festival is a great event, but it does not need to be in Bay Harbor, due to how the town is. When Kane Concourse is blocked, the traffic gets out of control. He expressed concern about the quality of life. He mentioned there were less booths this year.

Mayor Tricoche stated that she would be amenable to a one-day event on Sunday with setup on Saturday night and breakdown on Sunday night with a defrayed cost of a quarter of the amount, if it was not going to be held on Kane Concourse. If held, she suggested having the event in an area around the school or another place where it would not affect residential so much. She said she did not see the benefit of the art festival to the town and thinks it creates a hazard.

ACTION: Vice Mayor Fuller made a motion to defer the item and for the town to pay for a study for both the location and the traffic to see if the art festival can be saved by making it a little bit easier and maybe potentially not having setup until late Friday, if possible. Council Member D'Amico seconded the motion, which failed 3-3. Vice Mayor Fuller and Council Members D'Amico and Yaffe voted in favor. Mayor Tricoche and Council Members Bruder and Diallo opposed.

Mayor Tricoche made a motion to cancel the art festival and not to renew the contract. Council Member Bruder seconded the motion, which failed 3-3. Mayor Tricoche and Council Members Bruder and Diallo voted in favor. Vice Mayor Fuller and Council Members D'Amico and Yaffe opposed.

COMMITTEE REPORTS:

4. Parks & Recreation Committee January 24, 2024, Meeting Report - Chair Kathleen Kennedy

A report was not provided.

5. **Ratification** and **Approval** of reduction of fines as mitigated by the Litigation Committee for 1060 95th Street and 1080 95th Street, pursuant to Section 5 3/4-16 of the Town Code. The Special Magistrate imposed a fine of \$307,450.00 for various Code violations. At its meeting on February 7, 2024, the Litigation Committee reduced the fine to \$75,000.00, subject to approval of the reduction by the Town Council, with the conditions that they rehab the existing structures within the existing envelope and footprint of the buildings. If the properties are sold or redeveloped in a different way, prior to the issuance of a final Certificate of Occupancy, the amount forgiven would have to be paid to the Town.

Council Member Yaffe made a motion to ratify the amount and Mayor Tricoche seconded the motion.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and suggested the monies be used to install lights on 95th Street, rather than putting it into the general fund.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to ratify payment of the \$75,000. Mayor Tricoche seconded the motion, and it passed 4-0 on a poll vote. Vice Mayor Fuller and Council Member Bruder were absent from the dais.

CONSENT AGENDA: Set for approximately 7:55 p.m. (*Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.*)

Frances Neuhut, 1060 Kane Concourse, came forward and spoke on Consent Agenda Items Numbers 8, 12, 13, 14, and 15.

She also commented that the town is having Early Voting which is prohibited by the Town Charter, and she did not see the need for early voting.

6. **Consideration** and **Approval** to increase the Police Department's personnel in furtherance of the delivery and efficiency of the Police Dispatcher services by hiring three (3) additional Full-Time Police Dispatchers. Sponsored by Council Member Stephanie Bruder. Enclosed are the supporting documents.
7. **Consideration** and **Approval** to piggyback off the Seminole County Sheriff's Office/Contract with HG2 Emergency Lighting to outfit (3) new police vehicles with emergency lights and equipment for \$34,388.00, pursuant to Section 2-1.2 of the Procurement Ordinance. Enclosed are the piggyback documents.
8. **Consideration** and **Approval** of a Resolution approving Change Order No. 1 to a contract between the Town and Engineering Control Systems, Corp. dated February 2, 2023 for BC-158 Shepard Broad Causeway Rehabilitation Project Bridge 875101. The Change Order is for the amount of \$196,594.00 for services needed by FPL, for Installation for Exploratory Hand Digging, and Hydro Excavation to Connect Existing FPL Conduit to the New Pull Box at the Shepard Broad Causeway, plus the purchase and installation of FPL Conduit and Cable. Enclosed are the supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING CHANGE ORDER NUMBER 1 TO THE AGREEMENT WITH ENGINEERING CONTROLS SYSTEMS CORP FOR THE SHEPARD BROAD CAUSEWAY REHABILITATION PROJECT BRIDGE NO. 875101; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

9. **Consideration** and **Approval** of a Resolution approving Change Order 1 to BC – 158 – Rehabilitation of Broad Causeway Bridge # 85101 contract in the amount of \$94,275.87 with BCC/Lakes Engineering Controls Systems Corp for repair of the Broad Causeway West Relief Bridge (BC – 158 – Rehabilitation of Shepard Broad Causeway Bridge # 85101) for additional Construction Inspection Services. Enclosed are the supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING CHANGE ORDER NUMBER 1 TO THE AGREEMENT WITH LAKES ENGINEERING FOR INSPECTION SERVICES ON THE SHEPARD BROAD CAUSEWAY BRIDGE REHABILITATION PROJECT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

10. **Consideration and Approval** of Resolution awarding a competitively bid contract to Kearns Construction Company, the lowest responsible, responsive bidder, in the amount of \$363,400.00, pursuant to RFP No. 5-1015-PW-0-2023/FVR-BHI Artificial Reef - Marine Park Construction, in accordance with Section 2-1.1 of the Procurement Ordinance; and approving Budget Amendment No. 1 for \$113,400.00 for the additional cost of the project. Enclosed are the supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AWARDING A COMPETITIVELY BID CONTRACT TO KEARNS CONSTRUCTION COMPANY, PURSUANT TO RFP NO. -5-1015-PW-0-2023/FVR BHI ARTIFICIAL REEF – MARINE PARK CONSTRUCTION; APPROVING BUDGET AMENDMENT NO. 1 TO FISCAL YEAR 2023/2024 BUDGET PROVIDING THE BALANCE OF FUNDS FOR THE PROJECT; PROVIDING INCORPORATION OF RECITALS, PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

11. **Consideration and Approval** to terminate the Town Shuttle Bus services with Limousine of South Florida (LSF), add a Freebee On-Demand Vehicle through Beefree, LLC, and adopt Freebee's SSPP and SPP operating procedures. Enclosed is the Freebee System Safety Program Plan.
12. **Consideration and Approval** of a Demolition Design Contract with Chen Moore and Associates in the amount of \$77,350.00, in order to continue with Phase II of Town Hall demolition. Enclosed are the demolition plans.
13. **Consideration and Approval** of a Resolution for the Fourth Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to May 31, 2024, for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida. Enclosed are the proposed resolution and the Lease Extension agreement.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, PROVIDING FOR THE APPROVAL OF THE FOURTH LEASE EXTENSION AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND SUNSHINE GASOLINE DISTRIBUTORS, INC., A FLORIDA CORPORATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

14. **Ratification of Approval** of emergency authorization in accordance with Section 2-1.3 of the Town's Emergency Procurements provisions for the Shepard Broad Causeway Bridge. Further approving Change Order No. 2 to a contract between the Town and Engineering Control Systems, Corp. dated February 2, 2023 for an approximate amount of \$347,545.00, which includes \$22,651.00 for repair design and approximately \$324,894.00 for the additional construction work.
15. **Consideration and Approval** of the staff recommendation to select the alternative repair design for replacing the first and last span (Slabs 1 and 5) and rehabilitation of the remaining spans of the bridge that would cost approximately \$1,952,701.00 for repair of Shepard Broad Causeway West Relief Bridge (BC- 161 West Relief - North Miami - Bridge No. 875105 repair alternative). Enclosed are the supporting documents.
16. **Consideration and Approval** of a resolution pursuant to FS 106.07(2)a(2) providing for electronic filing of campaign reports. Enclosed is a copy of the proposed resolution.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, PROVIDING FOR THE APPROVAL AND ADOPTION OF ELECTRONIC CAMPAIGN FINANCE FILING REQUIREMENTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

17. **Consideration and Approval** of a resolution authorizing the Town, and any individual Member of the Town Council, who chooses to do so, to participate as plaintiffs, in the lawsuit against the new Florida financial disclosure law (Form 6) being brought by the legal firm of Weiss Serota Helfman Cole +Bierman, PL. If approved, the Town and/or Council would join in a lawsuit over the new state law that requires local elected officials to Complete Form 6, a detailed financial disclosure form. Sponsored by Council Member Robert Yaffe.

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING PARTICIPATION IN LITIGATION SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

18. **Ratification and Approval** of emergency authorization in accordance with Section 2-1.3 of the Town's emergency procurement provisions for the purchase of an emergency power generator for the Bay Harbor Islands Police Department in an amount not to exceed \$160,415.00. Sponsored by Council Member Stephanie Bruder.

ACTION: Mayor Tricoche made a motion to approve the Consent Agenda. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON SECOND READING:

19. **Consideration and Approval** of an ordinance on second reading amending Chapter 5 of the Town Code, entitled Buildings and Construction, by creating Section 5-26 to provide for Site Development Plan Exemption for Town Projects. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO BUILDING AND CONSTRUCTION ACTIVITIES; AMENDING CHAPTER 5 BUILDINGS AND CONSTRUCTION, ARTICLE I, BY CREATING SECTION 5-26 ENTITLED "SITE DEVELOPMENT PLAN EXEMPTION FOR TOWN PROJECTS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING AN EFFECTIVE DATE.

Council Member Bruder moved the item to the floor and Council Member Yaffe seconded the motion.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and asked for the Design Review Board to be involved so there could be a public hearing.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the ordinance on second reading. Council Member Robert Yaffe seconded the motion, and it passed unanimously on a poll vote.

20. **Consideration and Approval** of an ordinance on second reading amending Section 5-6 of the Town Code to provide for appeal after payment of code violations. Sponsored by Council Member Robert Yaffe. Enclosed is a copy of the proposed ordinance.

Council Member Yaffe moved the item to the floor, and Council Member Bruder seconded the motion.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that there are citations on the agenda from three (3) years ago. She asked if the ordinance was to change the type of payments.

PUBLIC COMMENT CLOSED

Council Member Yaffe explained that the ordinance allows somebody who worked on their house without the required permit and was issued a fine for the Town Code violation to obtain the permit, pay the fine for the violation, continue the work, and preserve the right to contest the fine at a later time.

ACTION: Council Member Bruder made a motion to approve the ordinance on second reading. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

21. **Consideration and Approval** of an ordinance on second reading amending Sections 1-2, 2-21, 18-24, 2- 1.1, 53/4-8, 23-16.1, and 18-25 of the Town Code defining "Publication" of Public Notice in order to provide a definition of and remove the requirement for newspaper publication.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTION 1-2 DEFINING "PUBLICATION" OF PUBLIC NOTICE; AMENDING SECTION 2-21 "NOTICE OF PUBLIC HEARING"; SECTION 18-24 "NOTICE OF PROPERTY OWNER'S FAILURE TO CONVERT FACILITIES"; SECTION 2-1.1 "PROCUREMENT LIMITATIONS; COMPETITIVE BIDDING"; SECTION 5¾-8. "CONTENTS AND SERVICE OF NOTICE"; SECTION 23-16.1 "MORATORIUM"; AND SECTION 18-25 "CONVERSION OF FACILITIES OF THE TOWN CODE; LIEN; RECORDING; REDEMPTION"; AND SIMILAR ORDINANCES OF THE TOWN CODE; IN ORDER TO PROVIDE A DEFINITION OF PUBLICATION AND REMOVE THE REQUIREMENT FOR NEWSPAPER PUBLICATION, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

Vice Mayor Fuller moved the item to the floor, and Council Member Robert Yaffe seconded the motion.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and spoke about the lack of transparency and the newspaper not covering Bay Harbor.

PUBLIC COMMENT CLOSED

Vice Mayor Fuller explained that the company the town uses to publish its notices no longer publishes newspapers. The publishing will be digital, and the town is letting the residents know.

ACTION: Vice Mayor Fuller made a motion to approve the ordinance on second reading. Council Member Robert Yaffe seconded the motion, and it passed unanimously on a poll vote.

22. **Consideration** and **Approval** of an ordinance on second reading amending the Town Code of Ordinances by adding a section to be numbered 14-18, entitled "Hate Crimes". Sponsored by Council Members Isaac Salver and Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY ADDING A SECTION TO BE NUMBERED 14-18, ENTITLED "HATE CRIMES - CONSIDERATION OF EVIDENCE OF PREJUDICE WHILE COMMITTING OFFENSE"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Yaffe moved the item to the floor, and Council Member Bruder seconded the motion.

Council Member Bruder explained the purpose of the ordinance to assist the police in enforcing hate crimes. In the past, swastikas and other things were within the community and there were no regulations to address them. The Code needs to be amended to provide the ability for enforcement.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, forward and spoke about prejudice and hate crime in the Business District.

Eric Rappaport, 1211 97th Street, came forward and commended the Council for taking up the ordinance on hate crime and asked that it be passed.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve the ordinance on second reading. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON FIRST READING:

23. **Consideration and Approval** of an ordinance on first reading amending Section 5 3/4-16 of the Town Code of Ordinances to change the name of the Litigation Committee to Mitigation Committee. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING SECTION 5 ¾-16 OF THE TOWN CODE RENAMING THE LITIGATION COMMITTEE TO THE “MITIGATION COMMITTEE”; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

Council Member Bruder moved the item to the floor, and Council Member Yaffe seconded the motion.

Council Member Yaffe explained the purpose of the ordinance to change the name of the Litigation Committee to Mitigation Committee, since the committee has nothing to do with litigation; it is the second step in the process. The Special Magistrate has the authority to mitigate fines up to 50%, and the person fined has the opportunity to ask the Litigation Committee to mitigate further; the committee does not litigate fines.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and commented that the Mitigation Committee should be made up of outsiders, rather than Council Members, as there might be conflict of interest.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the ordinance on second reading. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

24. ~~**Consideration and Approval** of an ordinance on First Reading amending Section 23-12 of the Town Code entitled "General Provisions" by revising Section 23-12(26) to add padel ball to the outdoor recreational game court facilities allowed in the Town, modifying fencing regulations and providing for noise mitigation to accommodate this sport. Sponsored by Vice Mayor Fuller and Council Member Stephanie Bruder. Enclosed is the proposed ordinance.~~

~~AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE BY AMENDING SECTION 23-12 ENTITLED GENERAL PROVISIONS; AMENDING SECTION 23-12(26) RELATED TO OUTDOOR RECREATIONAL GAME COURT FACILITIES TO CLARIFY AND EXPAND THE TYPES OF GAME COURT FACILITIES ALLOWED AND TO MODIFY FENCING ALLOWANCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.~~

~~STAFF RECOMMENDATION: Council's Discretion~~ **POLL VOTE**

25. **Consideration and Approval** of an ordinance on first reading amending Sections 5-20 and 5-23 of the Town Code regarding the contents of preliminary site development plans. Sponsored by Council Member Teri D'Amico.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO BUILDING AND CONSTRUCTION ACTIVITIES; AMENDING CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION, ARTICLE I, SECTION 5-20 ENTITLED "CONTENTS OF PRELIMINARY PLAN, PENALTY FOR NONCOMPLIANCE", AND SECTION 5-23 ENTITLED "TIME FOR SUBMITTING OF FINAL WORKING PLANS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING AN EFFECTIVE DATE.

Council Member D'Amico moved the item to the floor and Council Member Yaffe seconded the motion.

Council Member D'Amico explained the purpose of the ordinance to require a checklist to ensure the correct information is submitted in the development drawings to the Building Department. She stated that she worked with Building Official Mike Mesa and Town Planner Michael Miller on the ordinance, which gives more ability to the town to request more information, if enough is not provided. New verbiage from FEMA was also added. The building official, the town planner, and the town attorney have all reviewed the ordinance.

Vice Mayor Fuller mentioned that often times when development occurs, the property owners allow someone else to put the property under contract for the purpose of getting it entitled. He asked how this ordinance can be accomplished, while at the same time reducing some of the cost to the developers or persons asking for the entitlement. He did not have an issue with the basic elevations and general designs, but getting into the specifics like the proposed finished floor elevations was too detailed. The ordinance regulations are too invasive and can be too expensive for developers.

Council Member D'Amico responded that the information is basic knowledge, Architecture 101, plus information from other municipalities were looked at. It's a section through a building and they are not being told where to take the section from; it is to understand how the soil will be affected and to get a clear picture of the building to understand the relationship with the properties next door, which is one of the things that was lacking.

It's saying the site plan cannot be the building itself, it has to include parking, certain walkways, and amenities. Given the fact of what happened with the workforce housing, there was no coversheet and no information. The Building Department needs to have the required information to make a judgement. Two different codes are being quoted for submittals to the DRC and DRB. A building section and an elevation showing the relationship are being requested; it would not cost the developers more money.

Vice Mayor Fuller requested to see the proposed checklist between now and the second reading of the ordinance. He stated his intention to support the ordinance with the checklist.

Council Member D'Amico stated that she will also include the checklists from other cities as there is nothing more than anyone else is asking for; the goal is to get a checklist for the town.

Council Member Yaffe suggested that the Building Official, the Town Planner, and Council Member D'Amico work to create an acceptable checklist to accompany the proposed ordinance for the council's review.

Council Member D'Amico stated that the ordinance has to be in place before there can be a checklist.

There was discussion that a checklist was not included in the agenda packet that was circulated.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the checklist being requested by Council Member D'Amico is very important. She recalled a package was submitted to the DRB without the appropriate plans.

PUBLIC COMMENT CLOSED

ACTION: Council Member D’Amico made a motion to approve the ordinance on first reading and Council Member Yaffe seconded the motion, with the condition that a proposed checklist for the Town and one from another city be provided prior to the second reading. The motion passed unanimously on a poll vote.

DEFERRED ITEMS:

26. Approval of the following Council Meeting Minutes:
- A. Special Council Meeting - March 14, 2023
 - B. Special Council Meeting - May 1, 2023
 - C. Regular Council Meeting - June 14, 2023
 - D. Special Council Meeting - June 28, 2023
 - E. Special Council Meeting - July 27, 2023
 - F. Regular Council Meeting - August 8, 2023
 - G. Special Council Meeting - August 21, 2023
 - H. First Budget Public Hearing - September 13, 2023
 - I. Regular Council Meeting - September 13, 2023
 - J. Final Budget Public Hearing - September 27, 2023
 - K. Special Council Meeting - September 27, 2023
 - L. Regular Council Meeting - October 11, 2023

The minutes were deferred.

TOWN MANAGER ITEMS: *(Town business items requiring Council approval)*

27. **Discussion** and **Possible** action regarding support of Miami Water Keeper organization through attendance at the March 5, 2024 event at the Rusty Pelican Panel regarding discussion with community leaders to talk about the South Florida’s coral reefs and solutions to make the community more resilient.

Council Member Yaffe moved the item to the floor, and Council Member Bruder seconded the motion.

Vice Mayor Fuller and Council Members D’Amico and Yaffe stated they will attend the event. The council voted unanimously for their attendance at this event.

At this time, Council Member Bruder asked for clarification as to whether the town will use the current vendor for next year’s art festival, or if RFPs would be solicited. It was noted that 45 days’ notice from February 4th to the vendor is required; the contract will expire on March 19th. The contract will automatically be renewed, unless notice is provided to the vendor. It was suggested that a request be made to the vendor for a 10-day grace period, to avoid calling a special council meeting to address the issue. Vice Mayor Fuller will speak to the vendor and ask for the 10-day grace period, so that the matter can be placed on the March 20th Council Meeting agenda.

Town Attorney Geller addressed repeated assertions by email and at this meeting that the council violated the Town Charter by voting to have Early Voting. He clarified for the record that there is a code provision that outlawed Early Voting; the Charter is silent on the matter. The Charter cannot be amended by a vote of the council, it has to go to the public.

A Code provision prohibiting early voting was amended, which is the council's right and does not require going to the public. The ordinance on Early Voting was carefully and properly adopted.

DISCUSSION ITEMS:

28. **Discussion** regarding maintenance of construction sites before 9:00 a.m. Sponsored by Council Member Robert Yaffe.

Council Member Yaffe mentioned his neighbors' objection to construction workers hanging out on the streets as early as 7:00 a.m., sleeping on the swale areas, and changing their clothes in the streets, when the code requires the sites to open from 9:00 a.m. and close at 6:00 p.m. There was discussion about the possibility of having an assembly area, possibly on 95th Street or at the Chevron parking lot until 8:30 a.m. when the workers can go to the jobsites. Concerns were also expressed about the pouring of concrete at 6:00 a.m., trucks at the job sites before and after hours, the situation affecting residential quality of life; construction vehicles blocking the street, and workers on job site after hours and on weekends. It was clarified that there is no place for construction workers to park in town, so they buss their workers from Haulover or from North Miami. There are no laws prohibiting construction workers from being dropped off on the sidewalk or in front of somebody's house; the workers have to be brought into town. Developers are required to identify their parking location; some years ago, they had the ability to rent parking from the town; at this point there is no available parking. A suggestion was made for stickers to be placed on construction vehicles for identification and that code enforcement officers be available from 7:30 a.m. with coverage ending at 6:00 p.m. It was the consensus for an ordinance to be submitted to the council for first reading prohibiting construction workers from congregating on the job site before 8:30 a.m. with a \$5,000 fine for violation, with escalating fines for repeat violators.

At this time, Council Member Salver joined the meeting via Zoom. He was interested in reconsidering the vote on the motion regarding the art festival. Town Attorney Geller explained the process to reconsider a vote by the prevailing side. A request to reconsider the motion would have to come from Vice Mayor Fuller or Council Members D'Amico or Yaffe, who were not interested in such action. The Town Attorney advised that the council has the opportunity to have a special meeting, if the vendor does not grant the 10-day extension on the contract. He clarified that Council Member Salver has the privilege to join the meeting at any time. Council Member Salver stated that he supported the motion not to renew the contract. Town Manager Lasday will contact the vendor regarding the 10-day contract extension and advise the council on the response and whether they want to have a special meeting.

ADJOURNMENT:

There being no further business the meeting adjourned at 10:46 p.m.

MAYOR

ATTEST

TOWN CLERK

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A REGULAR COUNCIL MEETING**

A Regular Meeting of the Town Council was held on Wednesday, March 20, 2024, at 7:02 p.m. Upon roll call the following members responded:

Mayor Elizabeth Tricoche	
Vice Mayor Joshua Fuller	Council Member Teri D'Amico
Council Member Molly Diallo	Council Member Isaac Salver (Zoom)
Council Member Robert Yaffe	

Council Member Stephanie Bruder was absent.

Fabian Basabe, State Representative, came forward and provided an update on appropriations for the Police facility; no grants were approved for the police building during this legislative session. This item may be addressed during the next session, according to several stakeholders. He stated that he would provide the town with the means to complete the process well in advance of his next election. He stated that the vacation rentals, the unsafe structure, and the Live Local Act bills passed. He discussed the Live Local Act, securing funding for infrastructure repairs, and a pilot program for condos to receive up to \$10,000 through grants to harden their homes. He informed the council he will return at a future meeting to discuss the legislative and budget updates, which has not been finalized by the Governor yet.

SPECIAL PRESENTATION:

1. Phyllis Shamis, Life Alliance Ambassador - Life Alliance Organ Recovery Agency

Phyllis Shamis, 625 92 Street, came forward and introduced McKinley Etienne from Life Alliance Organ Recovery Agency, and Scott Shamis, transplant survivor and her husband. Scott Shamis discussed his experience of having an organ transplant. He now promotes awareness of the issue and works with Life Alliance and families of individuals who have had transplants.

McKinley Etienne, 1005 NW 133 Street, Life Alliance Recovery Agency, came forward and made a presentation on organ donation and provided statistics of people waiting for organ donation.

The council thanked them for the presentation.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA

ITEMS:

Mayor Tricoche requested to hear Item #13 first.

TOWN MANAGER'S REPORT:

Town Manager Lasday reported on the following:

- The 92nd Street Dog Park began construction and will be closed for eight months.
- She congratulated Vice Mayor Fuller and Council Members Salver and Yaffe for receiving the Hometown Hero Award.

- She travelled to Washington, D.C. and personally thanked U.S. House Representative Frederica Wilson's staff for their efforts to secure the town with grant funds; the town was able to secure a \$500,000 appropriation, but they were unable to secure the \$15 Million.
- The Indian Creek Bridge will begin structural repairs on April 8th.
- Shred-A-Thon and the Electronic Recycling Event are scheduled for March 30th from 10:00 a.m. – 2:00 p.m. at Bill Bird Marina Park in Haulover.
- 138 individuals participated in the Annual 5K. She asked which cause the \$3,668.98 raised will be donated to.
- Spring Break Camp will be held from March 25th – 29th from 8 a.m. to 5 p.m.
- Adventure Summer Camp is scheduled from June 10th to August 2nd.
- The Egg Hunt is scheduled for March 24th from 11:00 a.m. to 12: 30 p.m.
- The seniors on the Go Event to Key West is scheduled for April 7th.
- The Town Picnic is scheduled for April 14th and the Doggy Parade and Concert Series for April 28th.

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

Council Member Yaffe stated that he liked the postcards containing all the different events for the month that were sent to the residents. He announced he will be attending the Police Chief's Dinner at Indian Creek Village tomorrow. He reported that the Bill to repeal the Local Business Taxes failed, and the Town will continue to receive revenue from this source. The Bill regarding an amendment to the Florida Constitution increasing the homestead exemption based on the consumer price index passed; it will be on the November ballot. The Bill to increase sovereign immunity to 400 failed. He also reported on attending the car show and the concert. He thanked Mayor Tricoche for her work and dedication to the Town over the past eight (8) years.

Council Member D'Amico mentioned she would like to address SB1526 which states that anything east of Collins Avenue can be demolished because it's no longer safe according to lawmakers. She raised concerns that the developers might want to demolish and reconstruct, and maybe even bring in a casino. She reported on attending the Waterkeeper's Annual Event. She asked the Chief of Police if the town could start the bike rodeo again. She suggested Christos Wrapping of the Islands for movie night.

Council Member Diallo reported that she traveled to Washington, D.C. and attended the Education Taskforce Meeting with the Secretary of Education. She thanked staff for providing additional spots for kids to attend the Spring Break Camp and for setting up a Bike/Scooter Safety Class. She also reported attending the two concerts and the 5K Run. She suggested that monies raised from the 5k Run be placed in the Love Fund.

Council Member Salver ceded his time to Vice Mayor Fuller.

Vice Mayor Fuller thanked U.S. House Representative Frederica Wilson's office for assisting the Town with receiving the first \$500,000 grant and their promise to get the town more funding in the future. He also thanked other congressional offices who provided letters of support. He reported on attending the National League of Cities Conference in Washington, DC, the Waterkeeper's event, the Car Show, Movie Night, and the concerts.

He encouraged the public to participate in the Shred-A-Thon and the electronic disposing events. He congratulated and thanked Mayor Tricoche for her years of service to the Town.

Mayor Tricoche spoke in favor of U.S. House of Representative Frederica Wilson advocating for the local communities. As she will no longer be on the council, she asked for follow-up on the Small Business Administration holding a Town Hall Meeting or educational course for SBA opportunities, which would be a great opportunity for the small businesses. She requested that Council Member Diallo work on starting a Junior Council Committee. She informed the council she would be happy to show them all the changes that she and staff worked on for the 92nd, 95th, and 98th Street parks. She also mentioned that the PTA representative from Ruth K. Broad informed her that the 8th grade students graduating expenses were \$225.00 per child. She told the council that there was a short fall of funds for eighth graders and some kids will not be able to attend the events, plus some cannot afford the cap and gown. She suggested the council ask the Town Manager to reach out to Surfside and Bal Harbour about splitting the shortfall between the three towns.

Amy Silverman, 1050 93 Street, President of the PTA, came forward and explained that a particular PTA division is dedicated to raising money for the events held for the eighth graders. She clarified that while more funds from the general fund were able to support this event in the past due to COVID, they won't be able to this year. As a result, they have been asking parents to sponsor and hold weekly fundraisers. She guaranteed that each child would receive a cap and gown from the PTA. She asked the Council to either buy a sponsorship package or make a set donation. Mayor Tricoche asked what their budgeted amount is. Ms. Silverman responded \$18,000.00.

Vice Mayor Fuller suggested the \$3,600.00 raised from the 5K Run be donated to the PTA. It was the consensus of the Council to donate the funds from the 5K to the PTA.

Mayor Tricoche thanked the public for allowing her to serve as it was an honor and a pleasure.

PUBLIC COMMENT

*There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A **request form is available from staff; please fill it in and return it to the Town Clerk prior to the start of the meeting if you would like to speak during public comment.** Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

Alex Rangel, 10101 East Bay Harbor Drive, came forward and announced his candidacy for Town Council member. He commended the Council for donating the \$3,600.00 to the PTA. He also expressed his desire for a greater understanding of the town's methods of communication with the larger community.

Frances Neuhut, 1060 Kane Concourse, came forward and stated the Council has not addressed the Comprehensive Plan and the field at the school is covered with astroturf that is contaminated underneath. She expressed disagreement to the Council moving the town staff to trailers.

Eric Rappaport, 1211 97 Street, came forward and commended the mayor for her service and hoped that she continues to be involved. He mentioned that he has spent time during the last six weeks speaking to residents about the issues in the town such as traffic, development, public safety, and amenities. He felt that no candidate should ever be denied office because of their faith. He announced his candidacy for Town Council member.

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and announced her candidacy for Town Council member. She complained of not being notified that the 92nd Street Park was closed.

Joyce Green, 1360 99 Street, came forward and thanked the mayor for all her hard work. She extended appreciation to the other Council members, the staff, and the Town Manager for their amazing and great work.

COMMITTEE REPORTS: There were no committee reports.

CONSENT AGENDA: Set for approximately 7:55 p.m. *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)*

2. Approval of the following Council Meeting Minutes:
 - A. Regular Council Meeting - February 1, 2023
 - B. Regular Council Meeting - March 8, 2023
 - C. Special Council Meeting - March 14, 2023
 - D. Regular Council Meeting - April 10, 2023
 - E. Special Council Meeting – May 1, 2023
 - F. Regular Council Meeting - May 10, 2023
 - G. Regular Council Meeting - June 14, 2023
 - H. Special Council Meeting - June 28, 2023
 - I. Special Council Meeting - July 27, 2023
 - J. Regular Council Meeting - August 8, 2023
 - K. Special Council Meeting - August 21, 2023
 - L. First Budget Public Hearing - September 13, 2023
 - M. Regular Council Meeting - September 13, 2023
 - N. Broad Causeway Bridge Replacement Workshop - September 26, 2023
 - O. Final Budget Public Hearing - September 27, 2023
 - P. Broad Causeway Bridge Replacement Project -September 28, 2023
 - Q. Special Council Meeting - September 27, 2023
 - R. Regular Council Meeting - October 11, 2023
3. **Consideration and Approval** of a Resolution adopting Title VI Plan update for the Town of Bay Harbor Islands. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING TITLE VI PLAN UPDATE FOR THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE.

4. **Consideration and Approval** of a resolution for Change Order No. 3 to a contract between the Town and Engineering Control Systems Corp. awarded October 19, 2022, for the BC-158 Broad Causeway Rehabilitation Construction Project. The Change Order is for \$245,000.00 to cover additional costs due to increased spall repairs and time extension of the contract because of weather days that delayed the project.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING CHANGE ORDER NUMBER 3 IN THE AMOUNT OF \$245,000 TO THE AGREEMENT WITH ENGINEERING CONTROLS SYSTEMS CORP FOR THE BC-158 SHEPARD BROAD CAUSEWAY REHABILITATION CONSTRUCTION PROJECT BRIDGE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **Consideration and Approval** of a resolution for Change Order No. 2 to a contract between the Town and BCC/Lakes Engineering awarded on February 10, 2020 for the BC-158 Broad Causeway Rehabilitation Construction project. The Change Order is for \$96,500.00 for construction time extension due to FDOT critical findings, increased repair spall repairs, and weather days resulting in delay of the project.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING CHANGE ORDER NUMBER 2 TO THE AGREEMENT WITH LAKES ENGINEERING FOR CONSTRUCTION ENGINEERING INSPECTION SERVICES TO THE SHEPARD BROAD CAUSEWAY BRIDGE REHABILITATION PROJECT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

6. **Consideration and Approval** of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the Village of Indian Creek and the Town of Bay Harbor Islands for shared law enforcement services.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE VILLAGE OF INDIAN CREEK FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

7. **Consideration and Approval** of a resolution renewing the Mutual Aid Agreement and Joint Declaration between the Town of Medley and the Town of Bay Harbor Islands for shared police services.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE TOWN OF MEDLEY FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

8. **Consideration and Approval** of a resolution for Budget Amendment No. 2 re-appropriating various funds carried forward from FY 2022-2023 to FY 2023-2024 to fund the cost of the projects that commenced during FY 2022-2023 and were not completed or were deferred until after September 30, 2023.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING BUDGET AMENDMENT NO. 2 FOR THE FISCAL YEAR 2023/2024 BUDGET TO PROVIDE FOR CARRYFORWARDS FROM FISCAL YEAR 2023 TO FISCAL YEAR 2024; PROVIDING INCORPORATION OF RECITALS, PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

9. **Consideration and Approval** of a resolution **Ratifying** and **Approving** emergency service authorization to Transcore in accordance with Section 2-1.3 of the Town's Emergency Procurements provisions, for the replacement of firewalls for Sunpass servers at Town Hall for an approximate amount of \$31,950.87.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING THE TOWN MANAGER'S APPROVAL OF AN EMERGENCY PROCURMENT WITH TRANSORE FOR REPLACEMENT OF THE FIREWALLS FOR THE SUNPASS SERVERS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and complained about the change orders and the money spent to repair the bridges, instead of replacing them.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve the Consent Agenda. Mayor Tricoche seconded the motion, and it passed unanimously on a poll vote.

DISCUSSION ITEMS:

13. **Discussion** and **Possible** action regarding non-renewal of the contract for the art festival. Sponsored by Mayor Elizabeth Tricoche.

Mayor Tricoche requested that the art festival not be held on Kane Concourse, that the cost be reduced as much as possible, and that a free area be maintained for the kids. Mayor Fuller explained that the cost was reduced by approximately one-third, the location was changed to the open area of the old Town Hall and Public Works dome, which will have grass, and the kid's area will remain free. The only change in the design is that the portion right in front of Bay Harbor Terrace, in front of Town Hall will shut down. Mayor Tricoche suggested the owner of the 1177 Kane Concourse property be contacted for use of their parking lot.

Council Member Salver stated that he was comfortable with the new plan. He recommended that the current contract be cancelled, that the service be put out for bid, that the current vendor be notified the town intends to use the smaller venue, and possibly renegotiating to give the Town time to reconsider, rethink, and replace the contract. He suggested inviting the current vendor to submit a bid considering the town's needs and preferences. He believed terminating the previous agreement and starting a new conversation about the future of the festival in the upcoming year would be a wise business decision.

Council Member Yaffe clarified that if the festival was rescheduled, Kane Concourse will not be shut down, which means there will not be any traffic jams or street closures. He was concerned as to how long the rebidding process would take, considering that on the first year, the town had little time to plan. He said there were better artists the second year, because of more time to plan; given the length of the bid process there might be less time to plan, which would limit the ability to draw quality artists for the festival.

Mayor Tricoche reminded the Council that it's the last year of the contract. She suggested placing a bid now for the following year.

Vice Mayor Fuller confirmed that the contract is in its last year, and the vendor is already aware there is no automatic renewal. He stated that it took the vendor almost a full year to plan the event; it would be a smooth process if the Town started planning now for the year after. The town would learn what it needs to do this year and at the same time inform the vendor that the event will be put out for bid the following year.

He believed to stop now and start the bidding process would result in having much inferior art.

Council Member D'Amico believed that the vendor should finish out the contract. She suggested having more art education and art exhibitions with student involvement.

Mayor Tricoche suggested having an art contest for the students with a \$500 scholarship.

PUBLIC COMMENT

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and stated it was a good idea for Bal Harbour to place sculptures throughout the village and questioned why Bay Harbor didn't follow suit. She proposed the town hold a food and wine festival on Kane Concourse, rather than having the art festival.

PUBLIC COMMENT CLOSED

Council Member Salver asked if the continuation of the contract was being approved; he wanted to know the legal implications of not renewing the contract and staying with the same vendor. Deputy Attorney Miller advised they would need to review the contract and get back to the council in a couple of days.

Council Member Salver stated that he supports the art festival but felt that it would be prudent to take a step back, reanalyze all the costs, and negotiate a better deal for the town.

Council Member Salver made a motion to cancel the contract and for the town to renegotiate with the current vendor, if it was legal to do so. There was no second to the motion.

Mayor Tricoche pulled the item from the agenda.

Council Member Salver left the meeting at 8:30 p.m.

ORDINANCES ON SECOND READING:

10. **Consideration and Approval** of an ordinance on Second Reading amending Section 5 3/4-16 of the Town Code of Ordinances to change the name of the Litigation Committee to Mitigation Committee. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN OF BAY HARBORISLANDS, FLORIDA AMENDING SECTION 5 3/4-16 OF THE TOWN CODE RENAMING THE LITIGATION COMMITTEE TO THE "MITIGATION COMMITTEE"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

Council Member Yaffe moved the item to the floor and Vice Mayor Fuller seconded the motion.

Council Member Yaffe explained that the purpose of the Committee is to mitigate fines, not to litigate them. The ordinance is simply to change the name of the committee.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and spoke about homeowners losing their properties and developers buying them to then attempt to mitigate the fines.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve the ordinance on second reading. Vice Mayor Fuller seconded the motion, and it passed unanimously on a poll vote.

11. **Consideration and Approval** of an ordinance on Second Reading amending Sections 5-20 and 5-23 of the Town Code regarding the contents of preliminary site development plans. Sponsored by Council Member Teri D'Amico.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO BUILDING AND CONSTRUCTION ACTIVITIES; AMENDING CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION, ARTICLE I, SECTION 5-20 ENTITLED "CONTENTS OF PRELIMINARY PLAN, PENALTY FOR NONCOMPLIANCE", AND SECTION 5-23 ENTITLED "TIME FOR SUBMITTING OF FINAL WORKING PLANS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING AN EFFECTIVE DATE.

Council Member Yaffe moved the item to the floor, and Council Member D'Amico seconded the motion.

Council Member D'Amico described how the two lists conflict when packages are submitted to the Development Review Committee's (DRC). She explained that a submittal is a site plan package of several drawings, whereas a site plan is just one plan. She felt the checklist used by the Building Department is outdated since it hasn't changed since 2014. She mentioned the checklist requires waterfront properties to submit their plans to the County Shoreline Review Committee after the Design Review Board's approval. She requested that Town Planner Miller provide more information on the matter. She wanted the terms on the checklist to be consistent.

Mayor Tricoche asked Council Member D'Amico if she felt the ordinance is necessary for the town. Council Member D'Amico confirmed.

Town Planner Michael Miller came forward and explained the Shoreline Review Committee's resolution process. Once a site plan approval is issued by the Design Review Board, it is sent to the County, and the County decides to approve or deny it. Additionally, the applicant must provide documentation proving the County's approval before a permit can be issued.

Council Member D'Amico asked if the resolution applies to multi-family, residential, or single-family. Town Planner Miller responded that all waterways, bays, and any inter-connecting waterways are covered in the resolution; single-family homes are exempt. Council D'Amico raised a concern as to why the information was included on the checklist. Mayor Tricoche asked if the ordinance was ready as-is. Council Member D'Amico confirmed and explained that the ordinance needs to be amended in order to update the Building Department's checklist.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the new ordinances are not being enforced by Code Compliance.

PUBLIC COMMENT CLOSED

ACTION: Council Member Yaffe made a motion to approve the ordinance on second reading. Council Member D'Amico seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON FIRST READING:

12. **Consideration and Approval** of an ordinance on first reading amending Section 5-18 of the Town Code to include metal roof materials in the list of permitted roofing materials. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ALLOWABLE ROOFING MATERIALS IN THE TOWN; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE 1 ENTITLED IN GENERAL; AMENDING SECTION 5-18 ENTITLED REQUIRED MATERIALS IN ROOF AND MANSARD FASCIA CONSTRUCTION / APPROVAL OF DESIGN REVIEW BOARD TO MODIFY THE LIST OF ALLOWABLE ROOF MATERIALS; PROVIDING FOR INCORPORATION OF RECITALS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Council Member Yaffe moved the item to the floor, and Vice Mayor Fuller second the motion.

Council Member Yaffe explained that many homes are choosing to install metal roofs. He stated that property owners should not have to wait for the Design Review Board to grant permission to install a metal roof.

Council Member D'Amico concurred and stated that she believes metal roofs could be done in an appealing way.

ACTION: Council Member Yaffe made a motion to approve the ordinance on first reading. Vice Mayor Fuller seconded the motion, and it passed unanimously on a poll vote.

DEFERRED ITEMS: There were no deferred items.

TOWN MANAGER ITEMS: There were no Town Manager items.

ADJOURNMENT:

There being no further business the meeting adjourned at 8:48 p.m.

MAYOR

ATTEST

TOWN CLERK

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A REGULAR COUNCIL MEETING**

A Regular Meeting of the Town Council was held on Wednesday, April 10, 2024, at 7:03 p.m. Upon roll call the following members responded:

Mayor Joshua Fuller	
Vice Mayor Isaac Salver	Council Member Stephanie Bruder
Council Member Teri D'Amico	Council Member Molly Diallo
Council Member Eric Rappaport	Council Member Robert Yaffe

Fabian Basabe, Florida House Representative and Larisa Svechin, Mayor of Sunny Isles Beach, came forward respectively, and congratulated Mayor Fuller and Council Member Rappaport for being elected at the town's general election.

SPECIAL PRESENTATION:

Introduction of Police Officer Andrew Troncoso

Deputy Chief Blanchard introduced Officer Troncoso and Mayor Fuller administered the Law Enforcement Oath of Office to him.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

There were no requests for withdrawals, deferments, and future agenda items.

TOWN MANAGER'S REPORT:

Town Manager Lasday reported on the following:

- The Town Picnic is scheduled for April 14, 2024, from 1:00 pm to 5:00 pm.
- The Doggy Parade and concert are scheduled for April 28, 2024.
- The Children's Trust Luncheon is scheduled for April 10, 2024.
- Appointments to the Design Review Board, Parks & Recreation Committee, and the Mitigation Committee will be on the June agenda.
- The Golden Beach Municipal Government Center inauguration event is scheduled for May 23, 2024.
- She introduced Lorrainia Bell as the new Town Planner.
- The Town Council's retreat is being planned by staff.

Mayor Fuller suggested the Council Members submit items for the retreat agenda, which will determine how many days will be needed for the event.

- A draft of onboarding procedures for newly elected officials was included in the Town Manager's Report. She invited the Council to recommend any additions.
- She informed the Council that numerous meetings have been held to discuss the conceptual plans for the new town hall. Council Member Bruder will provide more information.
- Bridge Public Workshop hearing is scheduled for June 24, 2024.

- The Broad Causeway Bridge change orders that were approved at the previous meeting are currently in progress, but additional concrete work will be needed. An emergency order to authorize new work will be on the May agenda for approval.

-

Council Member D'Amico stated that she liked the onboarding process the Town Manager suggested. She also mentioned the council getting approval to work on projects and that the matter be discussed at the retreat.

Council Member Rappaport agreed with Council Member D'Amico and felt that there should be a concise onboarding platform.

It was the consensus of the Council that the onboarding process would be a good topic to discuss at the retreat.

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

Council Member D'Amico spoke about condominiums and their new requirements to have all their information listed online. She discussed SB1029 pilot program to provide condominiums with \$100,000 for repairs and SB154 structural integrity reserve study that will allow condominiums to do financial planning and provide \$175,000 for condominiums to use. She suggested the town place the new requirements on the website for the public. She promoted the bike rodeo and stated that people need to be educated on the new scooter laws.

Council Member Bruder proposed that the town notify the Presidents of the Condominium Associations in writing of the new regulations and program availability, since they register their information with the town. Mayor Fuller asked that the Town Attorney examine any letter before it is sent out to the associations.

Council Member Diallo congratulated Mayor Fuller and Vice Mayor Salver for their nominations to Mayor and Vice Mayor. She proposed that the Council Retreat be for two days. She noted she is scheduled to attend the Junior League Advocacy Breakfast, as well as the Children's Trust Luncheon.

Council Member Bruder stated how pleased she was with Mr. Jacobi's management of the town's Children's Trust Program. She talked about her meeting with the PBA and the challenges they face in recruiting police officers. She complimented the police department on drawing in young, highly qualified recruits.

Council Member Rappaport thanked the electorate for giving him the opportunity to serve and be elected to the council for the ensuing four years. He reported he also took the boat tour to assess the state of each bridge. He looks forward to serving this term.

Council Member Yaffe congratulated Mayor Fuller and Vice Mayor Salver on their nomination to Mayor and Vice Mayor, respectively. He welcomed Council Member Rappaport to the Council. He also recognized Alex Rangel and Kathleen Kennedy who ran in the town's annual general election. He noted that the condominium legislation has not been signed by the Governor; when it's signed, it will be effective July 1st. He reported on attending the Miami-Dade County League of Cities meeting last week where he received the Home Rule Hero award.

Vice Mayor Salver thanked the council for nominating him as Vice Mayor. He discussed the Home Rule Hero award and the importance of advocacy for municipalities. He added that the constituents are the ones attempting to turn those connections into substantial financial support for the town projects.

Mayor Fuller thanked the Council members for entrusting him as Mayor. He thanked the voters for electing him to serve for another four years. He encouraged the public to take advantage of the town picnic. He referred to the Home Rule Hero Award and the Council's efforts in Tallahassee to ensure the representatives understand the town's needs and how to better serve the residents.

Alina Garcia, State Representative, came forward and congratulated the newly elected officials. She looks forward to helping the town in any way she can. Council Member D'Amico thanked her for meeting with the constituents when visiting Tallahassee to discuss the bridge. State Representative Garcia replied that grant funding was granted for the bridge, and she is hoping the Governor doesn't veto it.

Council Member Bruder expressed gratitude to State Representative Garcia for spending so much time with them during their visit to Tallahassee; even though the town is outside of her district; she made the effort to advocate on the town's behalf to secure grant funding for the bridge.

Council Member Diallo congratulated Council Member Rappaport on his election to office.

PUBLIC COMMENT

*There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. **A request form is available from staff; please fill it in and return it to the Town Clerk prior to the start of the meeting if you would like to speak during public comment.** Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

Rolando Epstein, 1101 99th Street, came forward and raised a concern about the scooters and mopeds. He claimed to have seen them on sidewalks, in pedestrian walkways, blocking traffic, and consisting of two to three people riding the mopeds. He talked about the work on the Indian Creek Bridge and expressed concern that traffic problems would arise as the work gets done. He recommended extending the bus shuttle service for a little while longer to prevent more cars from adding to the traffic. He proposed allowing a left turn on West Bay Harbor Drive to alleviate traffic.

Council Member Bruder recommended that even though the town hosted a class on scooter awareness, new guidelines and safety information should be published in the newsletter. Council Member D'Amico suggested this matter be discussed at the retreat. She felt that all three towns should work together to mitigate this issue.

Council Member Rappaport stated that during his campaign, he met with many seniors, and that one of their top concerns was the scooters on the sidewalks; a problem that needs to be resolved.

Mayor Fuller explained that the town was expanding the Freebee service and getting rid of the shuttle.

Council Member Bruder questioned Chief Noel about posting signs prohibiting the use of motorized scooters on the sidewalk.

Town Attorney Geller informed the Council that Miami-Dade County is currently reviewing an ordinance that would, in theory, give local communities more authority to act in addition to allowing for some direct control. Key Biscayne has passed one. He believed that the ordinance passed on first reading.

Chief Noel came forward and suggested that the town pass an ordinance, once the County's ordinance passes. He thinks they are not allowed to ride in tandem due to certain rules. Nothing prevents them from being road riders. He can begin posting signs and launching an awareness campaign. The Traffic Enforcement Officer has been instructed to attend the upcoming bike rodeo and inform the youth about the laws pertaining to scooters.

Council Member Bruder suggested an ordinance be implemented. Chief Noel stated that Sunny Isles Beach's ordinance does not address infractions. He recommended that if the Council passes an ordinance, it includes information on violations and helmet requirements. The police will enforce the ordinance once it passes.

Council Member Rappaport stated that the town needs to improve enforcement and policing. Council Member Bruder added that the ordinance would need to pass first. Council Member Rappaport mentioned informing people that walking is required, rather than riding bikes and scooters across the bridge.

Council Member Yaffe told the council that although the road had logos stamped on it years earlier, he didn't think anyone really noticed.

Frances Neuhut, 1060 Kane Concourse, came forward and voiced her displeasure with early voting and the town elections. She believed that because she possesses multiple properties, they treat her unfairly. She stated that although the Code mandates that Church by the Sea be regulated, the Council nevertheless permitted it.

COMMITTEE REPORTS: There were no Committee Reports.

CONSENT AGENDA: Set for approximately 7:55 p.m. (*Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.*)

1. ~~Approval of the following Council Meeting Minutes:
A. Regular Council Meeting – November 8, 2023~~

2. **Consideration** and **Approval** of a resolution authorizing a rate adjustment based on the 2023 Consumer Price Index (CPI) in accordance with the agreement between the Town and Coastal Waste & Recycling for solid waste collection services.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING A RATE ADJUSTMENT FOR SOLID WASTE COLLECTION SERVICES BASED ON THE 2023 CONSUMER PRICE INDEX (CPI), IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE TOWN AND COASTAL WASTE & RECYCLING; PROVIDING FOR CODIFICATION OF THE FEES IN THE TOWN CODE, PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY AND REPEALER; AUTHORIZING THE TOWN MANAGER TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

3. **Consideration** and **Approval** of a resolution approving a 2023-2026 Collective Bargaining Agreement between the Town of Bay Harbor Islands, Florida and the South Florida Police Benevolent Association.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE POLICE BENEVOLENT ASSOCIATION (PBA) AND THE TOWN OF BAY HARBOR ISLANDS FOR THE TERM OF OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2026; SETTING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR POLICE OFFICERS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

4. **Consideration** and **Approval** of a resolution authorizing the hiring of three (3) additional full-time personnel for the Police Department, a Compliance Manager and two (2) Public Service Aides, and budget amendment #3 to increase code enforcement action and efficiency. Sponsored by Council Members Stephanie Bruder, Joshua Fuller, and Robert Yaffe.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE HIRING OF THREE (3) ADDITIONAL FULL-TIME PERSONNEL FOR THE POLICE DEPARTMENT, A COMPLIANCE MANAGER AND TWO (2) PUBLIC SERVICE AIDES; APPROVING BUDGET AMENDMENT NUMBER 3 TO TRANSFER FUNDS BETWEEN DEPARTMENTS TO COVER THE COST OF THESE POSITIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

5. **Consideration and Approval** of a resolution approving a contract with South Florida Electrical Consultant for Electrical Contracting Services, under the Piggy-Back purchasing provisions, pursuant to section 2-1.2 (6).

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A PIGGYBACK JOB ORDER CONSTRUCTION TASK CONTRACT BY THE CITY OF MIAMI BEACH AND SOUTH FLORIDA ELECTRICAL CONSULTANT FOR ELECTRICAL SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

6. **Consideration and Approval** of a resolution authorizing renewal of lease agreements with Quadiant, Inc. for mailing equipment at a total cost of \$13,518.00 over a 36- month period.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING A LEASE RENEWAL AGREEMENTS WITH QUADIANT, INC. FOR MAILING SYSTEM EQUIPMENT; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **Consideration and Approval** of a resolution approving Hazen and Sawyer among the list of engineers under RFQ-5-1004-23 - Request for Qualifications for Continuing Consulting Services Continuing Contract and approving the related contract in substantially in the form attached hereto.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AWARDING AND APPROVING AN ENGINEERING CONSULTING SERVICES CONTINUING CONTRACT FOR RFQ-5-1005-0-2023/FVR TO HAZEN AND SAWYER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: Vice Mayor Salver made a motion to approve the Consent Agenda. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON SECOND READING:

8. **Consideration** and **Approval** of an ordinance on Second Reading amending Section 5-18 of the Town Code to include metal roof materials in the list of permitted roofing materials. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ALLOWABLE ROOFING MATERIALS IN THE TOWN; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE 1 ENTITLED IN GENERAL; AMENDING SECTION 5-18 ENTITLED REQUIRED MATERIALS IN ROOF AND MANSARD FASCIA CONSTRUCTION / APPROVAL OF DESIGN REVIEW BOARD TO MODIFY THE LIST OF ALLOWABLE ROOF MATERIALS; PROVIDING FOR INCORPORATION OF RECITALS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Salver moved the item to the floor, and Council Member Yaffe seconded the motion.

Council Member Yaffe mentioned that the Design Review Board (DRB) brought this matter to the Council's attention. The ordinance would add the additional material to the Code, so there is no need for approval by the DRB.

ACTION: Vice Mayor Salver made a motion to approve the ordinance on second reading. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON FIRST READING:

9. **Consideration** and **Approval** of an ordinance on first reading pertaining to nuisances of construction activities, amending Section 12-26 of the Town Code regarding the arrival and departure of construction workers, vehicles, equipment, and materials on job sites. Sponsored by Council Member Robert Yaffe and Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-26 ENTITLED PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; AMENDING SECTION 12-27 ENTITLED PENALTIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Yaffe moved the item to the floor, and Council Member Bruder seconded the motion.

Council Member Yaffe explained that years ago, the Council moved the construction hours from 8:00 a.m. to 9:00 a.m. Workers are now arriving at the construction sites between 7:00-7:30 a.m. in the mornings, hang around, get dressed and/or sleep on the swales, which he believes has an impact on the residents' privacy and quality of life. Under this ordinance, the Town Manager may designate an area where workers are permitted to be before 9:00 a.m.; he suggested the 95th Street Parking Lot. The ordinance also permits the issuance of violations; the first violation is \$1,000 and the second is \$2,000, plus an eight (8) hour Stop Work Order.

Council Member D'Amico inquired as to whether the workers would be picked up at the job site or at the 95th Street Parking Lot at the end of the day. Council Members Bruder and Yaffe explained that the Police and Code Enforcement Departments will be able to monitor the workers in the 95th Street Parking Lot until 9:00 a.m. In the afternoons, they are free to depart from their job sites.

Vice Mayor Salver questioned Council Member Yaffe about the Stop Work Order verbiage. Council Member Yaffe explained that the construction sites don't adhere to the start and finish times. He believed that merely fining them would be ineffective, so he added a Stop Work Order verbiage to the second infraction. He hopes this will deter construction sites from breaking the code. Vice Mayor Salver felt that workers' livelihoods would be impacted if a construction site was closed for a day or two, even though he conceptually agreed with the ordinance.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that she felt that the Council was destroying her properties by designating the 95th Street Parking Lot as the gathering point for the workers. She complained about Church by the Sea, the trailer in their parking lot, and the lack of parking in the Town.

PUBLIC COMMENT CLOSED

Council Member Rappaport remarked that he supported the regulations since they would facilitate better traffic flow.

Council Member Yaffe expressed concern that on Wednesdays, which are gardener's day, most of them park on the street blocking the driver's view. He asked staff to monitor this issue closely and begin enforcing the same.

ACTION: Council Member Yaffe made a motion to approve the ordinance on first reading. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

10. **Consideration and Approval** of an ordinance on first reading amending Section 5-5(f) and (k) of the Town Code regarding temporary construction fences. Sponsored by Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 5 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "BUILDING AND CONSTRUCTION" BY REVISING SECTION 5-5(f) and (k) PERTAINING TO "TEMPORARY CONSTRUCTION FENCES" PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Bruder moved the item to the floor, and Council Member Diallo seconded the motion.

Council Member Bruder believed that the Town should mandate more elegant covering for the construction site rather than the green ones. The Town Manager had included three options in her report that could be applied to the construction sites. Council Member D'Amico suggested the design of the covering should be addressed by the Council and not by the Design Review Board. Council Member Rappaport commented that the Council will need to come up with a solution for existing projects, so that they do not incur additional costs, because the fences are expensive. He believed that the concept of the fences would improve the town's and the streets' aesthetic appeal.

PUBLIC COMMENT

Frances Neu hut, 1060 Kane Concourse, came forward and stated that the town charter requires the town to have a Planning & Zoning Board, and so far, the Council has exempted the Design Review Board from reviewing the town hall and Broad Causeway bridge projects. She complained about the fences located by the bridge, and not being able to see behind the fences.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the ordinance on first reading. Council Member Diallo seconded the motion, and it passed unanimously on a poll vote.

DEFERRED ITEMS: There were no deferred items.

TOWN MANAGER ITEMS:

11. **Consideration and Approval** of the 2024/2025 Budget Preparation Calendar.

ACTION: Council Member Yaffe made a motion to accept the Budget Preparation Calendar. Council Member Bruder seconded the motion, and it passed unanimously on a voice vote.

12. **Consideration and Approval** of a request by Bal Bay Inn LLC, owner of the Landon Towners located at 9660 East Bay Harbor Drive, for certain easements and renewal of the parking lease for parking along a portion of the Town's right-of-way along the south side of 97th Street abutting the property. Sponsored by Council Member Stephanie Bruder.

Council Member Bruder explained that the item was already approved by the Design Review Board, and the matter today was to address easements until the Parking Garage is built. To facilitate access from their land to Block 11, they would be building a sidewalk. The owner needs to add a sidewalk to facilitate garbage collection. She spoke with the Chief of Police who is fine with the traffic flow.

Council Member Bruder made a motion to grant the easements and renewal of the parking lease for parking along the portion of the Town's right-of-way, and Council Member Yaffe seconded the motion.

Matt Amster of Bercow Radell Fernandez Larking & Tapanes, 200 S. Biscayne Blvd, representing the Applicant came forward and presented Richard and Ronald Finvarb, the owners. He provided a brief history of the purchase of the hotel. He explained the need for the easements, and the enhancements they are making to the property.

Mayor Fuller commented that they are trying to be careful with Block 11, which is their delivery area. When the town redo Block 11, he didn't want there to be a scenario where they show up and claim a wall is blocking their access; they are building on their side of the property, which would solve that problem.

He stated that he is in favor of their requests, except that he would want to make it a condition that the easement is subject to any requirement the town was given by a governmental entity as Block 11 is being built.

Council Member Bruder clarified that the Applicant's property will be much farther out for garbage pickup, when the alley on Block 11 is moved over a little; they have decided to construct a walkway to make garbage pickup easier.

Vice Mayor Salver asked if their land will be used for this sidewalk. Council Member Bruder confirmed.

Mayor Fuller stated that the only issue is when the town is building block 11, there's a right up to now of where they would have those service vehicles, they won't be allowed to have those service vehicles anymore. Rather than them having to reconstruct the hotel, which is impractical, they are creating a walkway on the side of their own property. The town will take the whole 20 feet when Block 11 is built, which would allow them to continue using it as a functioning hotel, while not interrupting the town's ability to be able to build Block 11.

Vice Mayor Salver raised the concern that the applicant's footprint would remain the same. He asked if there was a way for the town to use the drafted agreement as leverage to reverse or sunset this to stop the new owners from trying to build to the highest permitted level and baiting and switching, if the hotel was sold. Town Attorney Geller responded that since they had discussed mutual easements, any modifications would be viewed as a violation of their agreements.

Council Member D'Amico stated that a site plan is an official legal document. She asked what was updated because the one that was given didn't show what was on the other side of the alley. She stated that she likes the modifications they are doing to the hotel, but she also needs to be able to respond to residents when questioned about it.

Council Member Yaffe commented that the request was presented to the Design Review Board ("DRB") and approved at that time. There has been a lapse of time; the applicant is approaching the Council to resume their project, which includes obtaining these easements. The town's official records from the time the request was approved by the DRB include renderings and site plans.

Council Member D'Amico requested the site plans be included as part of the lease or easement agreement.

Mr. Amster explained that the precise area that will be recorded with the easement is described in both a formal sketch and a legal description of the easements. As far as connectivity, they can only address what they are adjacent to, and they will be building out the roadway with a permit from the town. In addition to a parking lease that needs to be renewed, there are three easements.

Mayor Fuller amended the motion to include that the easements are subject to any requirements by any governmental entity. Council Member seconded the motion, and it passed unanimously on a voice vote.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and voiced her displeasure with the town providing Church by the Sea easements and the lack of parking. She thought the town ought to impose a moratorium. She believed there was discrimination because she had been turned down for easements when she had requested them.

PUBLIC COMMENT CLOSED

ACTION: Mayor Fuller made a motion to grant the easements subject to any requirements by any governmental entity and renewal of the parking lease for parking along the portion of the Town's right-of-way. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

13. **Consideration and Approval** of a Parking Trust Payment Agreement with Alan Cohen Trust & 1025 Kane Concourse, Ltd. for payment of a fee to the Town's Parking Trust for a portion of the required parking spaces for the development to be located at 1025 Kane Concourse, in lieu of the Developer providing all of the project's required on-site parking spaces, pursuant to Section 23-29.1 of the Town Code. Council Member Yaffe moved the item to the floor, and Council Member Diallo seconded the motion.

Council Member Yaffe stated that the town will be building a new parking garage in conjunction with a new town hall; the item being discussed is a very minor issue because it's for a limited number of parking spaces; there is significant revenue to the town going into the Parking Trust.

Mayor Fuller stated that one of the issues in dealing with Block 11 is that delivery trucks will not be allowed to stop in the alley, which means anybody building or building additional parking behind the alley, as the town gives back the property, are going to be required to build a drop off place within the new garage; they will not have the ability to leave their trucks in the alley; the trucks will have to be on their own property. The design does not show that or a pull over spot for delivery; the plans do not provide a solution to the delivery trucks issue.

Matt Amster, Bercow Radell Fernandez Larking & Tapanes, 200 S. Biscayne Blvd., Miami, Florida representing the Applicant, suggested using 23 ft of their own drive isle behind tandem parking spaces for temporary loading. He doesn't expect a lot of deliveries or trash collection due to the property's office space and retail bays. Mr. Amster suggested using the 23 ft space south before the first tandem parking space as a drop off loading zone or trash pickup.

Mayor Fuller expressed concern that the drop off area was not more pronounced on the architectural design. Mr. Amster pointed out that the information is located on page A-1.0 and confirmed the space is within their property line.

Town Planner Michael Miller came forward and stated that the town approved the site plan for a project that has been under review for a couple of years. The project includes a large, paved area on the north side of the building, which will eventually become a throughway.

Eventually, when driving down the corridor behind the buildings, people will be driving on private property. The road Mr. Amster described south of the town's alley. The property has 19 spaces, 18 tandem, and one ADA space. Mr. Amster is proposing they could stop on their property to avoid obstructing the through traffic on the alley.

Council Member D'Amico asked where food delivery will be made in the future after the alley is reclaimed. Mr. Miller highlighted the different approaches where people may come after hours to make deliveries. Council Member D'Amico suggested that a shared delivery point could benefit everyone, even if it's a small spot with few businesses. She requested a study be done on this as well.

Council Member Bruder explained that the alley currently operates with trucks stopping and delivering items. When shifting, they will have their own property area for delivery. Council Member D'Amico disagreed; she didn't want each building to do this so as not to disrupt the flow of traffic. Council Member Bruder stated the individuals will need to create their own space for cars and trucks to deliver, and no deliveries will be allowed in the front or on Kane Concourse. She suggested that an ordinance be created prohibiting deliveries in the front of the business or on Kane Concourse.

Mayor Fuller voiced concern about delivery trucks possibly pulling out and obstructing Block 11. He asked to see a plan that would provide more detail on how they intend to manage delivery trucks without causing traffic jams or compromising the town's long-term plans for Block 11.

Council Member Bruder expressed her preference to not have their drop-offs remain on the town's land because the town requires every parking space available. She expressed worry that the town would lose 20 parking spaces and believed that one spot would be too costly to lose. There is enough space for the property owners to have separate areas for deliveries because the town is moving to block 11.

Mr. Miller explained that the building's footprint will remain unchanged, but the second floor will feature a cover over the tandem parking with columns, and the 23-foot driveway would be on their property. Council Member D'Amico stated that she is in favor of voting for the request as she believes it won't affect them.

Council Member Bruder suggested the town mandate trucks to deliver to their property and not block Block 11. If the second floor isn't high enough for trucks, they can't deliver on their own property.

Council Member Yaffe believed the proposal won't have an impact on traffic through the alley if the delivery trucks park on their property and there is space for them to park without obstructing the alley. Council Member Bruder disagreed because there is no guarantee that they won't use the alleyway for deliveries. She requests that the cars be allowed to deliver on their property.

Council Member Salver asked the Applicant, Mr. Sklar to come forward and provide some comments since he is directly affected by the Council's decision.

Ari Sklar, Sklar Architecture, 2310 Hollywood Blvd, came forward and said that the reason the project has been going on is because Block 11 doesn't have an alley, which will hopefully be restored eventually. The goal of the building's design is to have lots of parking spaces near the structure without having too many columns.

Cantilever over columns is intended for tandem parking with parking on both sides facing the building and the alley, and an entry point from the alley. Upcoming projects include enhancing the client's property and designing truck parking. One possible solution is finding parking spots and stripping them with signage that says, "delivery only".

Mayor Fuller disagreed because initially they proposed a tandem setup, but they now plan to have a side-pull setup.

Mr. Sklar disagreed by stating the trucks will be able to drive into the property.

Mayor Fuller stated that the only way they are fitting the trucks right now is by having the tandem parking. And as Mr. Sklar stated, they would potentially remove that and the parking in the future will be the same.

Mr. Sklar responded that the spaces remain unchanged, with a 23ft gap between them, despite the cars being on one side or the other.

Council Member D'Amico requested additional plans that show more drawings.

Mr. Sklar responded that the applicant is seeking a quick building permit for a successful business in the town. He would appreciate knowing what the Council want us to show if necessary.

Council Member Bruder requested information regarding delivery truck locations and traffic patterns on the property. She would prefer to see a traffic flow and is concerned about the necessity for trucks to back up and out. She opposes the plan and thinks the properties ought to be put to better use for the town.

Mr. Amster emphasized the town's authority in determining access rights and suggested collaboration to ensure adequate access to a property after relocating an alley. He stressed the importance of working together to establish the entrance location for parking and delivery purposes, expressing a desire to prevent complications that might necessitate revisiting the issue.

Town Attorney Geller stated the importance of maintaining clarity regarding the rules surrounding the reclaimed alley. He wanted to ensure that everyone understands that while access to the alley is allowed, certain actions, such as parking or obstructing it, are strictly prohibited. He highlighted the importance of keeping the alley open for its intended purpose, which is likely for ease of passage and utility access. He Added that any vehicle, be it a delivery truck or otherwise, that blocks access to the alley will be considered parked illegally and subject to penalties. These penalties may include being ticketed or even towing away vehicles, underscoring the seriousness of the matter. He stressed that any inconvenience caused by delivery trucks taking up parking space is a problem for the property owner to solve, not the town.

Mayor Fuller stated that the problem is that they want fewer parking spaces on their property, and this could work, but the Council needs to see on the plans where UPS and FedEx delivery trucks will park so they don't block Block 11.

Mr. Sklar asked which trucks he was referring to.

Mayor Fuller stated that he was referring to certain delivery trucks like UPS, FedEx; he wanted to make sure that Block 11 is unobstructed; the ingress and egress to their property have to be better defined.

Mr. Sklar commented on determining the ingress and egress of trucks into the property.

Council Member D'Amico expressed concern on the cantilevers. Mr. Sklar explained that they collaborated with a skilled structural engineer to ensure columns are located within the first parking, not in the tandem ones, as they anticipated future alley restoration. The goal was to provide flexibility to offer alternative parking options in the future without obstructing the structure.

Mayor Fuller disagreed.

Mr. Amster replied the 23ft drive lane may be the location for drop-offs or temporary parking, as there is no requirement to provide a drop-off service.

Mr. Sklar stated that he is willing to draw whatever the Council wants but needs clear direction. He wanted to know if the town has a workshop about Block 11. He believed that the alley was not encumbered.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the Town has fiduciary obligation to the people of the town. She complained about the lack of parking and developers using the town's parking spaces. She stated that the Town has destroyed the Business District.

PUBLIC COMMENT CLOSED

Mr. Amster requested a deferral, and Mayor Fuller deferred the item with no objections from the Council.

14. **Discussion** and **Possible** action regarding attendance to the Miami-Dade County League of Cities 70th Annual Gala.

The Council briefly discussed attendance for the event.

ACTION: Vice Mayor Salver made a motion do the bronze sponsorship. Council Member Yaffe seconded the motion and passed unanimously on a voice vote.

15. **Discussion** and **Possible** action regarding attendance to this year's Law Enforcement Awards Gala. Staff is seeking a directive on the purchase of 20 tickets. The cost is \$175 per person. The total amount in the adopted budget is \$3,500.

The mayor proposed that they purchase twenty (20) tickets, and if additional officers and Council want to join, they can purchase additional tickets.

It was the consensus of the Council to purchase the twenty (20) tickets.

DISCUSSION ITEMS: There were no discussion items.

ADJOURNMENT:

There being no further business the meeting adjourned at 9:05 p.m.

MAYOR

ATTEST

TOWN CLERK

TOWN OF BAY HARBOR ISLANDS
MINUTES OF A TOWN COUNCIL ORGANIZATIONAL MEETING

An Organizational Meeting of the Town Council was held on Wednesday, April 10, 2024, at 6:32 p.m. Upon roll call the following members responded:

Mayor Joshua Fuller	
Vice Mayor Isaac Salver	Council Member Stephanie Bruder
Council Member Teri D'Amico	Council Member Molly Diallo
Council Member Eric Rappaport	Council Member Robert Yaffe

1. **Acceptance** of the Miami-Dade County Elections Department Certification of the April 2, 2024 General Election Results. Enclosed is a copy of the Certification Letter.

ACTION: Council Member Bruder made a motion to accept the Certification of the April 2, 2024, General Election. Council Member Yaffe seconded the motion, and it passed unanimously.

2. **Administration** of the Oath of Office to the newly elected Council Members by the Town Clerk.

Town Clerk Yvonne P. Hamilton administered the Oath of Office to newly elected Council Members Joshua D. Fuller and Eric Rappaport.

3. **Distribution** of Annual Salaries to the Town Council, pursuant to Section 2.06 of the Town's Charter.

It was the consensus of the Town Council to donate their annual salaries to the Ruth K. Broad Eighth Grade Fund.

4. **Selection** of a Mayor by the Town Council, pursuant to Section 2.02 of the Town's Charter.

ACTION: Council Member Bruder made a motion to elect Joshua D. Fuller as mayor. Council Member Yaffe seconded the motion, and all voted in favor.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and alleged filing of certain complaints with the Miami-Dade Commission on Ethics on March 13, 2024. She was ruled out of order.

PUBLIC COMMENT CLOSED

5. **Selection** of a Vice Mayor by the Town Council, pursuant to Section 2.02 of the Town's Charter.

Council Member Robert Yaffe nominated Council Member Diallo for Vice Mayor, and Council Member D'Amico seconded the motion.

Council Member Eric Rappaport nominated Council Member Salver for Vice Mayor and Council Member Salver seconded the motion.

Mayor Fuller asked if there were any other nominations and there were none. He then asked the nominees if they accepted the nominations. Council Member Diallo stated that she would be happy to do it but was okay if Council Member Salver wanted it. All voted in favor for Council Member Salver as Vice Mayor; there were no objections.

6. **Administration** of the Oaths of Office to the Mayor and Vice Mayor by the Town Clerk.

Town Clerk Yvonne P. Hamilton administered the Oath of Office to Mayor Joshua D. Fuller and Vice Mayor Isaac Salver.

7. **Consideration** and **Approval** of a Resolution appointing Yvonne P. Hamilton as Town Clerk. Enclosed is a copy of the proposed Resolution.

**A RESOLUTION OF THE TOWN
COUNCIL OF THE TOWN OF BAY
HARBOR ISLANDS, FLORIDA,
APPOINTING A TOWN CLERK;
PROVIDING FOR INCORPORATION OF
RECITALS; AND PROVIDING FOR AN
EFFECTIVE DATE.**

ACTION: Council Member Bruder made a motion to approve the resolution. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

8. **Consideration** and **Approval** of a Resolution appointing Greenspoon Marder LLP as the Town Attorneys. Enclosed is a copy of the proposed Resolution.

**A RESOLUTION OF THE TOWN
COUNCIL OF THE TOWN OF BAY
HARBOR ISLANDS, FLORIDA
APPOINTING A TOWN ATTORNEY AND
ASSISTANT TOWN ATTORNEY;
PROVIDING FOR INCORPORATION OF
RECITALS; AND SETTING AN
EFFECTIVE DATE**

Town Attorney Geller pointed out a revision to the language of the resolution to state that “Greenspoon Marder LLP” was being appointed as the Town Attorneys.

ACTION: Council Member Yaffe made a motion to approve the resolution as amended. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

9. **Administration** of the Oath of Office to the Town Attorney and the Town Clerk by the Mayor.

Mayor Fuller administered the Oath of Office to Town Clerk Yvonne P. Hamilton and Town Attorney Joseph S. Geller.

10. **Consideration** and **Approval** of a request by Miami-Dade County League of Cities to designate a Director and an alternate Director to serve on the Board of Directors for a period of one year. Enclosed is a copy of the request.

Vice Mayor Salver nominated Council Member Yaffe as the Director and Council Member Diallo as the Alternate. Council Member Bruder seconded the motion, and all voted in favor.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:24 p.m.

MAYOR

ATTEST

TOWN CLERK

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A REGULAR COUNCIL MEETING**

A Regular Meeting of the Town Council was held on Wednesday, May 8, 2024, at 7:02 p.m.
Upon roll call the following members responded:

Mayor Joshua Fuller	
Vice Mayor Isaac Salver	Council Member Stephanie Bruder
Council Member Teri D'Amico	Council Member Molly Diallo
Council Member Eric Rappaport	Council Member Robert Yaffe

SPECIAL PRESENTATION:

1. Teacher of the Year - Ruth K. Broad K-8 Center - Silvia Mayorga
2. Rookie Teacher of the Year - Ruth K. Broad K-8 Center - Abigail Nagler

The Council recognized the Teachers of the Year and Council Member Diallo presented the awards.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA

Vice Mayor Salver discussed the Town Manager's letter of resignation and performance in length. Town Manager Lasday responded to the comments. Following further discussion, Vice Mayor Salver deferred the related Item #21 and requested a performance evaluation of the manager. HR will provide the necessary forms to the Council. It was also suggested that the matter be addressed at the upcoming Town Council Retreat.

Council Member Bruder requested that Item #18 be heard after Public Comments.

ITEMS: TOWN MANAGER'S REPORT:

Town Manager Lasday reported on the following:

- A Broad Causeway Bridge Project Public Hearing is scheduled for June 24, 2024.
- She announced lane closures on the Broad Causeway Bridge due to an extended MOT for an additional twelve weeks as they continue to do repairs on the top and bottom of the bridge.
- The Indian Creek Bridge will undergo repairs; starting in mid-June, two lanes will be open while the work is being done. The repairs could take up to two months. A pedestrian walkway will always remain open.
- A concert is scheduled for May 19, 2024.
- Senior Bingo Night is scheduled for May 16, 2024.
- She asked if the June 10th Regular Council Meeting could be rescheduled to June 18th as one of the council members has a conflict.
- Law Enforcement Appreciation Day is May 10, 2024.

Council Member Bruder requested that the Town Manager inform the public of the ongoing bridge repairs. Town Manager Lasday explained that the bridge is undergoing concrete work on the top and spalling repair underneath. Council Member Bruder added that one of the reasons for the lane closure is the pouring of concrete from the top, which takes seven days to dry. Town Manager Lasday further informed the public that work being done on top of the bridge at different times is not always visible. Mayor Fuller noted that the bridge is undergoing extensive maintenance.

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

Council Member Rappaport reported that he continues to listen to residents' concerns and is working with town hall staff to implement numerous requests. He met with the new Communications Director, Byron Barkley, and requested the council's permission to oversee the communication and marketing efforts. He added that when campaigning, he met a U.S. Marines veteran. As a result, he reached out to Congresswoman Federica Wilson's office and the Veterans Affairs liaison hoping to obtain a list of veterans living in the area. He mentioned that Chief Noel has had an idea for a while about the possibility of using the kids from the explorer's program to visit the veterans and retired police officers.

Mayor Fuller mentioned that the Chief may have a list of local veterans who have submitted their names for Veterans Day events.

Council Member Diallo stated her plans to attend an event with Commissioner Steinberg. She reported on her attendance at the Children's Trust luncheon. She mentioned her daughter's participation in the DARE program with Officer Cabrera and commended the officer as the program had a significant impact on her daughter and her classmates. She also encouraged the community to follow the town's social media pages.

Council Member Bruder reported that she attended the Children's Trust luncheon. She stated that she is proud of the Children's Trust program, which has improved students' academic and emotional performance. She recommended the elderly seniors be informed of their eligibility to obtain a medical alert through Medicaid and Medicare. She mentioned the necessity to address the needs of seniors who cannot cook or do for themselves. She suggested a partnership with Meals on Wheels to help those who may be isolated due to their home environment. She also suggested adding information to the newsletter for seniors to be informed and creating a vulnerable citizen registry. She added that as the hurricane season is approaching, seniors, especially those without transportation or children, are struggling to find safe places to evacuate. A registry could help seniors and their families.

A hurricane preparedness pamphlet included in the newsletter as an insert or on the town's website could be beneficial. Vice Mayor Salver suggested sending emails or texts through CodeRed.

Council Member Yaffe reported he attended a Law Day event at the North Dade Justice Center, an event celebrating the Constitution, organized by Judges Linda Singer Stein and Myriam Lehr.

Council Member D'Amico reported she attended the Children's Trust luncheon, and bike rodeo which was well-attended and well-received. She also attended the Doggie Parade that included adoption opportunities. She also mentioned the Humane Society's need for extra bedding and towels.

Council Member D'Amico pulled items 3, 5, and 8 from the Consent Agenda for discussion.

Vice Mayor Salver reported that he attended the Children's Trust luncheon. He mentioned he is one of the longest-serving members of the Children's Trust Board. He also attended a Florida League of Cities meeting through Zoom. He mentioned he received personalized letters from Florida State Representatives, Dan Daley and Christine Hunschofsky, and expressed gratitude for the attention of representatives outside the town's district.

Mayor Fuller thanked the staff and all those who attended the wonderful Doggie Show event. He reported that last week Commissioner Micky Steinberg invited mayors within the district to meet where they discussed different items that affected the entire community. They will continue to work on improving marine patrols. They are trying to do everything possible to increase the patrols and make sure that the noise mitigation occurs, so that there is no interference with the residents. The issue that the residents on the tip of the island are having with the sandbar is being addressed, not only by the BHI community, but by some of the surrounding communities as well. The replacement of the Broad Causeway Bridge was discussed and there is support from all the other communities.

PUBLIC COMMENT

*There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. **A request form is available from staff or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council.** Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

Patricia Emison, 9400 East Bay Harbor Drive, came forward and stated that visiting veterans and retired officers is a good way to engage them in the community. The newsletter can be a great communication tool, especially for seniors who struggle to get supplies. She felt that seniors way of interacting with others is through the trolley. She agreed that although Freebee is great, it may be challenging for seniors to use the app and wait outside. She asked the Council to reconsider bringing the trolley back for the seniors.

Mayor Fuller explained that the cost for the shuttle was quite high; a few people were riding the shuttle, but the numbers didn't justify the cost. The Council decided to give residents about a

year to get used to the idea of the Freebee, rather than abruptly cutting the shuttle. The time ran out and people still wanted to use the bus, but the ridership wasn't there, and the cost didn't justify having it.

The number of Freebee cars was increased; riders do not have to use the app or a smartphone. They can call the number for Freebee to be picked up and be taken where they need to go.

Council Member Bruder suggested getting a van to transport the seniors twice a week and instructed staff to procure pricing for a van.

Frank Adams, 10300 West Broadview Drive, came forward and stated that he has noticed crossing guards in the evenings and late afternoons, despite school not being in session. He asked if it was permanent, if the town was paying for it, and whether it's a safety issue rather than a security measure.

Chief Noel came forward and stated that the department increased security and alertness after receiving intelligence to increase their presence. They added crossing guards for two-hour periods during a specific period to demonstrate presence.

Dave Sanchez, 1080 94 Street, came forward and raised concerns about construction projects, particularly the 1177 Kane Concourse and Church by the Sea, and their impact on sidewalks. He was concerned about the Church by the Sea and developers taking over the sidewalks. He also discussed the installation of high-tech security cameras. He questioned the potential use of these cameras to address texting while driving issues and suggested that this could be implemented throughout the county and the state. He also inquired about the status of bridge funding and the monitoring of live local law, particularly in Bal Harbour's litigation. He hoped to address these concerns and ensure a more open and safer environment for pedestrians and cyclists.

Council Member Bruder explained that the cameras are used to prevent and solve crimes, and for security reasons; they're not discussed in public forums.

Mayor Fuller explained that when the construction projects are completed, they do not take any portion of the sidewalks.

Council Member Yaffe explained that the Church by the Sea was having an issue with the front steps leading to the church. The barricades have been up along East Bay Harbor Drive for a long time due to construction delays, but the design change was approved by the Design Review Board at the last meeting which will help them finish the project sooner.

Mayor Fuller explained that sometimes a sidewalk is closed off temporarily for safety issues, when construction is being done right on the edge of the property; however, the sidewalk reopens when the construction is done. They do not get any of the town's property. Additionally, the town is working on funding for the Broad Causeway Bridge and has gotten part of the funding. They are moving rapidly towards getting the funding, which is a long process, but significant progress has been made.

Joyce Green, 1360 99 Street, came forward and discussed the construction on Kane Concourse, which is causing traffic congestion and potential injuries. She also mentioned the need for

loading docks and a special entrance for police and public works when building the new town hall. She praised the Town Manager for her hard work. She emphasized the importance of working together and avoiding a chaotic environment.

Kathleen Kennedy, 9180 West Bay Harbor Drive, came forward and congratulated Eric Rappaport for being elected and thanked the residents who voted for her. She expressed concern about the staff and about equipment that could be destroyed during a hurricane. She urged the mayor to negotiate a contract for Dr. Pietro's building. She also thanked the Parks and Recreation department for their support and the Parks and Recreation Committee for their efforts.

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the town is facing 15 proposed projects with two (2) two more being discussed at the Development Review Committee. She added that the east island is impacted by the developments. In North Miami, developers struggle to secure financing for high-rise projects. The Solana project, the old White House, has been scaled down to seven stories. Other projects have been scaled down or not being built. She raised concerns about infrastructure issues, such as obsolete bridges and inadequate ADA-approved sidewalks.

COMMITTEE REPORTS: There were no Committee Reports.

CONSENT AGENDA: Set for approximately 7:55 p.m. *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)*

PUBLIC COMMENT

Dave Sanchez, 1080 94 Street, came forward and spoke on Item #7. He asked about the purpose of the security cameras. He said that he didn't trust the company for Item #9 because these companies tend to file for bankruptcy, which makes the items purchased outdated. He said the County bought electrical buses, but they are unable to buy replacement parts since the company they bought from filed for bankruptcy.

PUBLIC COMMENT CLOSED

4. **Consideration and Approval** of a Resolution ratifying the appointment of Christopher Benjamin as Special Magistrate to conduct Administrative Hearings on Code Violations for the Town of Bay Harbor Islands, pursuant to Section 5³/₄-3 of the Town Code.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING THE
APPOINTMENT OF CHRISTOPHER BENJAMIN, ESQ. OF
INTERNATIONAL LAW PARTNERS, LLP AS SPECIAL**

MAGISTRATE TO CONDUCT ADMINISTRATIVE HEARINGS ON CODE VIOLATIONS FOR THE TOWN OF BAY HARBOR ISLANDS, PURSUANT TO ENFORCEMENT PROCEDURES SET FORTH IN SECTION 5 ¾-3 OF THE TOWN CODE; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

6. **Consideration and Approval** of a Resolution for the Fifth Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to August 31, 2024, for operation of motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, PROVIDING FOR THE APPROVAL OF THE FIFTH LEASE EXTENSION AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND SUNSHINE GASOLINE DISTRIBUTORS, INC., A FLORIDA CORPORATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

7. **Consideration and Approval** of a Resolution authorizing the expenditure of \$30,000 to upgrade surveillance cameras throughout the Town and upgrade of the server to accommodate the additional data. The equipment and service will be obtained in accordance with the Town's procurement regulations. Sponsored by Council Member Stephanie Bruder.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, AUTHORIZING THE EXPENDITURE OF \$30,000 FOR UPGRADE OF SURVEILLANCE CAMERAS THROUGHOUT THE TOWN AND UPGRADE OF THE SERVICE TO ACCOMMODATE THE ADDITIONAL DATA; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

9. **Consideration and Approval** of a resolution approving a contract with Samsara for a term of five (5) years, in the amount of \$24,043.50, for the purchase of an Automatic Vehicle Locating Service (AVL) to service 50 Town-owned vehicles, under the piggyback purchasing provisions, pursuant to Section 2- 1.2(6) of the Town Code.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A CONTRACT IN THE AMOUNT OF \$24,043.50 WITH SAMSARA FOR A TERM OF FIVE (5) YEARS FOR THE

**PURCHASE OF AN AUTOMATIC VEHICLE
LOCATING SERVICE FOR TOWN VEHICLES,
UNDER THE PIGGYBACK PURCHASE
PROVISION PURSUANT TO SECTION 2- 1.2(6)
OF THE TOWN CODE; PROVIDING FOR
INCORPORATION OF RECITALS; AND
SETTING AN EFFECTIVE DATE.**

ACTION: Council Member Bruder made a motion to approve the Consent Agenda. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

3. Approval of the following Council Meeting Minutes:
A. November 8, 2023 - Regular Council Meeting

Council Member D'Amico suggested that certain details were missing regarding item 20. She will meet with the Town Clerk to amend the minutes.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and complained about the section in the minutes related to the public comment decorum resolution.

PUBLIC COMMENT CLOSED

The item was deferred.

5. **Consideration and Approval** of a resolution approving a contract with Florida Drawbridge Inc. for a term of five (5) years, under the piggyback purchasing provisions, pursuant to Section 2-1.2(6) of the Town Code, for "drawbridge" repairs & maintenance services for the Broad Causeway drawbridge.

**A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF BAY HARBOR ISLANDS,
FLORIDA APPROVING A CONTRACT WITH
DRAWBRIDGE, INC. FOR DRAWBRIDGE
REPAIRS AND MAINTENANCE SERVICES
FOR THE BROAD CAUSEWAY DRAWBRIDGE,
UNDER THE PIGGYBACK PURCHASING
PROVISIONS PURSUANT TO SECTION 2-1.2(6)
OF THE TOWN CODE; PROVIDING FOR
INCORPORATION OF RECITALS; AND
SETTING AN EFFECTIVE DATE.**

Council Member D'Amico raised concerns about whether the town is voting on a specific contract or if it is piggybacking. Town Attorney Geller clarified that while the terms of the piggyback follow the terms of the contract, the Council will have its own contract with the provider if this item is approved by the Council. She also mentioned the importance of monitoring the bridge.

Town Engineer Carrero Santana came forward and clarified that the contract is only for maintenance and repairs. The contract is a way to get skilled workers to complete the necessary work; it's a preventative measure.

Vice Mayor Salver asked the Town Engineer to describe the problems with the bridge. Mr. Carrero Santana explained that spalling resulted from the steel reinforcements corroding due to the salt water. The roads must be closed to perform the necessary work beneath the bridge.

When the roads are closed, it's an indication that work is being done underneath the structure. Vice Mayor Salver asked if it was reasonable to assume that the weight and traffic of the cars were accelerating the bridge's understructure's degradation. Mr. Carrero Santana reaffirmed and said that the salt water is another factor.

Council Member Yaffe asked Vice Mayor Salver if his line of inquiry aimed to impose weight limitations. Vice Mayor Salver confirmed. Mr. Carrero Santana clarified that FDOT is the only agency allowed to impose weight restrictions. Council Member Bruder suggested contacting FDOT to add weight restrictions to prolong the lifespan of the bridge.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and complained about not knowing where this contract came from since the town already entered an agreement for a new bridge.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the resolution. Vice Mayor Salver seconded the motion, and it passed unanimously on a poll vote.

8. **Consideration and Approval** of a Memorandum of Agreement between the Town of Bay Harbor Islands, Florida Department of Transportation, and the Florida State Historic Preservation Officer regarding the Broad Causeway Bridge (FDOT Bridge No. 875101) replacement undertaking in substantially the form attached hereto as Exhibit A.

Council Member D'Amico moved the item to the floor, and Mayor Fuller seconded the motion.

Council Member D'Amico expressed concern about the signing of a contract without providing any information regarding historic preservation, even though the bridge is not a historic building and anything over 50 years old in Miami-Dade County is considered eligible. She expressed disappointment with Atkins for not providing more information about the building's historical significance. She also questioned the design of the bridge without ramps, as she believes they are blocking light and air. She

suggested a flyover layout without ramps, which would be more accessible. She asked about the original designs and the ability to separate design from layout. She expressed frustration with the lack of communication.

Mayor Fuller explained that the issue is not about whether the town will have a chance to see the bridge design before voting on it. They are only required to submit documents for a historic designation evaluation, not to designate the bridge as historic. He emphasized that the only obligation for the town is to comply with the requirements for the funding so that taxpayers don't have to foot the bill. He also mentioned that they have held public meetings and published videos on the town's website to keep everyone's thoughts on the design open.

Council Member Rappaport mentioned he had expressed concerns regarding the scope of the MLA and memorandum. The Town Manager and staff clarified that the agreement was only for the bridge, and the agreement is still in draft form.

Council Member Diallo stated that the town council is being asked to review and approve a stipulation, with changes potentially pending due to agency coordination. The MOU will not be signed until after a public hearing, indicating that public comment is necessary for the project to proceed.

Vice Mayor Salver asked the town manager about the town's policy on historic preservation, since a 2000 study found that there were not enough designated historic properties to declare a district. Town Manager Lasday responded that despite not being present at that time, she believed there are no historic designated properties in the town. Vice Mayor Salver concluded that this is being done only for the sole purpose of obtaining grant money.

Council Member Bruder stated that she was aware that this was being done to receive a grant. She did, however, question whether the Council would have the final say over the gas station's designation, if the assessment determined that it was historic.

Mayor Fuller explained that they make the final determination on whether something is eligible for historic designation, but also mentioned that they may need to consider other parts of the town to determine its eligibility for historic designation.

Council Member D'Amico stated that signing the agreement is declaring the bridge building historical.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and discussed the ongoing delay in repairing the bridge, arguing that it could lead to the state taking over the bridge. She spoke about Church by the Sea and the school being Brownfield sites just like the gas station.

PUBLIC COMMENT CLOSED

ACTION: Council Member D'Amico made a motion to approve the memorandum. Mayor Fuller seconded the motion and it passed 4-3 with Vice Mayor Salver, and Council Members Bruder and D'Amico opposing.

18. **Discussion and Possible** action regarding a concept for a new Town Hall and Parking Facility. Sponsored by Council Member Stephanie Bruder.

Council Member Bruder stated that she's been working with the designers on various designs for months. She acknowledged that the Council wanted airy, water-reflecting garages, and her concern was about the garage's visibility to apartments. She wanted to soften the second part of the garage to make it more accessible.

Mark Marin, 1025 SW 112th Avenue, Professor of Architecture and Director of FIU by Design, came forward and presented the schematic design, layout and envisioning study for the town hall and the parking space, ensuring efficiency and coordination with town zoning regulations. The plan includes several stories for town hall and administrative use, one floor at the top for leasable space, and a roof plan featuring pickleball courts and a small soccer field for citizens. The building's entry is shown on 97th Street, while the parking garage structure is located on the other side. A courtyard space with an amphitheater was placed between two spaces to break up the critical mass. The ground floor features town hall spaces, the parking garage on the other side, and a courtyard space in the middle. The existing pump room was also addressed in the layout. The second-floor plan includes the town hall, parking spaces, hallway, connection, conference room area, and leasable space on the admin side. The rooftop features four pickleball courts and a small soccer field. The overall layout aims to accommodate 390 parking spaces, with the courtyard space in the middle and the existing pump room in the existing location to be as efficient as possible.

Mayor Fuller expressed admiration for the design. He informed Mr. Marin that the parking spots on the south side of the structure are located on Block 11, which will not exist, and to prevent further planning in that sector.

Mr. Marin clarified that they did not intend to use the adjacent space off 97th Street. He presented a schematic section showing the pump room, which is a crucial area that needs to be preserved to maintain its height and functionality. The town hall functions were shown on display shaded in a darker gray color.

Council Member Rappaport asked if the design was the final version. Mr. Marin responded no and stated that the study was a schematic envisioning study done by four graduate students. Council Member Rappaport added he appreciated the greenery and glass in the parking lot, highlighting the sun's reflection on the sky. He suggested adding a historical space for a museum or small museum to showcase the history of Bay Harbor Islands.

Council Member Yaffe remarked that he was pleased with the design, particularly the outdoor area on the roof. He proposed that the town build a pool on the roof in place of pickleball on the roof. He thought the community would benefit from having a pool because it would enable children to take swimming lessons. Council Member Bruder agreed with Council Member Yaffe, but stated that it is very expensive, and beyond budget. She explained that the budgeted amount is \$14 million for town hall and does not include the garage. The parking trust funds will be used for the garage. Mayor Fuller added they will be applying for grants to cover the cost.

Council Member D'Amico spoke about programming and adjacent spaces, including the police station and administrative offices. She liked the recreational activities which included a roof park. She asked about the facility for seniors and the leasing space.

She also asked for a detailed explanation of how the police would enter and exit, as well as the process for the shopper. Mr. Martin confirmed there will be a space dedicated to the seniors. He also explained that there will be a leasable space of 17,000 sq ft. Council Member D'Amico asked if the exit is on 97th Street, if people once parked must go around the block to go into stores. Mr. Martin replied they haven't finished designing that section yet. She recommended a pathway through the blue space to Bay Harbor Terrace, allowing handicapped individuals to access their doctors. She felt the current parking garage poses a safety risk, as it requires walking outside the street. She was also concerned about police officers entering and exiting the driveway. Mr. Martin there will be reserved parking on the second floor for the police.

PUBLIC COMMENT

Ken Eskin, 1310 99 Street, came forward and raised a concern about the lack of a fitness center in the new design. Mayor Fuller stated that while they are not sure about everything that is going on, a gym on the first floor was mentioned.

Frances Neuht, 1060 Kane Concourse, came forward and discussed the lack of parking in the Business District. She alleged the Comprehensive Plan and the charter have been amended with citizens left out the process. The Planning and Zoning Board has been changed to a Design Review Board, and they are not allowed to participate in the parking facility or town hall decisions. She questioned the number of parking spaces needed for the Business District and the lack of businesses.

PUBLIC COMMENT CLOSED

Town Manager Lasday advised the Council that if they agree with the design, the next step would be to issue an RFQ while they continue tweaking the design, and maybe have one more meeting with FIU.

Vice Mayor Salver questioned the reality of recreational facilities on the roof. He requested an option for top floor parking and removal of the soccer field.

Council Member Diallo suggested a quitter green space instead of a soccer field.

Council Member D'Amico asked for the estimated budget for the new town hall. Town Manager Lasday responded that the budget is currently \$14 million, which is the amount of TDR money available. There is also about \$4 million in the parking trust. She explained that the reason for the RFP is to receive quotes. The town already has \$800,000 for the generator that would service police, and a grant for up to \$2 Million is being sought. The funds will be distributed between the police department's structure and the parking facility. Council Member D'Amico asked if \$14 million was for the whole build out, and the town manager confirmed.

Mayor Fuller asked Council Member Bruder if she wanted to bring the item back for further discussion on certain items.

Council Member Bruder responded that she would like to move forward, with the option to return if necessary. She also encouraged the Council to choose whether they would like the additional parking instead of a recreational activity on the top roof which could be discussed at the retreat. The council agreed to continue the discussion at the Council's Retreat.

ACTION: Council Member Bruder made a motion to issue an RFQ for a concept for the new town hall. Council Member Diallo seconded the motion, and it passed unanimously on a voice vote.

PUBLIC HEARING

10. **Consideration and Approval** of a request for a revision of a new commercial mixed-use building for "1 I 77 Bay Harbor Islands, LLC" located at I 77 Kane Concourse, Lots 5-8 / Block 2 I & Lots 6-14/ Block 21. A site development plan for the new commercial property was approved by the Planning & Zoning Board on August 20, 2019. The owner is requesting an increase from 54 dwelling units to 66 units. Also, they are submitting the east facade for review and approval. The Town's DRB reviewed & approved the 2024 Revisions by a 6-0 vote on 4/16/24, subject to the Town Planner's and staffs conditions. However, the Board strongly felt the 2023 east building facade design (score line rectilinear pattern) was preferable to the applicant's proposed 2024 design (paint).

Council Member Bruder moved the item to the floor, and Vice Mayor Salver seconded the motion.

Graham Penn, Bercow Radell Fernandez Larkin & Tapanes 200 S. Biscayne Blvd, Miami, Florida, came forward and introduced Luis Astoria from Arquitectonica, Steve Rosen and Shaz Mirshahidi from Terra Group. Mr. Penn explained the 2023 approved development plan with a reduction of the density from 90 units to 54, changes to the residential component, expansion of the balconies, improvements to the façades, and a redesign of the entrance on 97th Street. They requested to adjust the residential

density to 66 units, minor changes to the façade on the balconies, revisions to the recreational deck on the southern side, and design revisions for the eastern façade, which will eventually be an interior lot line with the neighboring property. The DRB proposed retaining the original design, but a new design was developed based on last year's feedback. The new design is more organic and has a wide sidewalk on Kane Concourse and standard sidewalks on other streets. He described the second level of the building features with changes to the north balcony and the introduction of new glass dividers, bigger and larger balconies allowing for two units to share a single balcony, exterior changes with the extension of the balconies and the introduction of glass separators, and addition of glass separators on the north and south balconies on the Kane Concourse view. The difference between the 2020 and 2024 proposals is the quality of the residential facades, with more glass and larger balconies. The eastern facade faces a zero-lot line with a neighbor, and when the parking lot is redeveloped, it will be pushed against them.

The original design has been modified to remove vines on the bottom, which is impossible due to site constraints. The green wall in the middle and scoring on either side are alternatives. The right side features an artistic mural designed to mimic the building's interior. He stated that their team has no objection to either design. If the DRB's recommendation is followed, the left design will be built. If approved, the right design will be built.

Town Clerk Hamilton advised the Council that this is a quasi-judicial item, and those presenting need to be sworn in. The Town Clerk proceeded to swear in those providing testimony.

Council Member Bruder opposed the increase to 66 units due to the lack of demand for larger units and the desire for more density. She stated that she was more comfortable with the 54 units.

Mr. Penn discussed the project's development agreement, which involves paying for units. At a previous meeting, he discussed whether to keep the units, which were paid for, or reduce the density. He argued that they wanted to retain flexibility to adjust the unit count based on market conditions.

Mayor Fuller clarified that they have TDRs, but they do not have the rights, which is why they are back before the council.

Luis Asturias, Architect of the Project, Arquitectonica, 2546 SW 57 Ave, came forward and explained the strain on people to get a mortgage on a three-bedroom unit, rather than a one-bedroom apartment.

Council Member Bruder acknowledged the building's business and marketing but emphasized that the Council's responsibility lies with the residents who have repeatedly requested that construction activities on the island be slowed down. She stated that the issue is significant, and she will reject the proposal.

Council Member Rappaport expressed admiration for the new eastern façade but inquired about the second-floor courtyard's glass enclosure and whether it is open to the public. Mr. Asturias responded the public can access the breezeway from Kane Concourse, which features stairs and an ADA elevator for easy access.

Council Member Diallo asked if there was a garden. Mr. Asturias confirmed that the garden design was updated to incorporate more tropical plants, transforming it from a corporate look to a more Miami-style aesthetic.

Council Member Rappaport asked Mr. Penn to explain his desire to retain unused TDRs for future flexibility. Mr. Penn responded that the development agreement locked 90 units which was paid for by providing what is now a park on the west side of West Bay Harbor Drive. The TDRs cannot be moved without Council approval; therefore, the 24 units will never be built elsewhere, increasing the overall benefit for the town.

Council Member D'Amico stated that she appreciated the details in the drawings and was satisfied with the overall size. She felt that tightening up the drawings and refining the designs will result in square footage adjustments.

Vice Mayor Salver stated that the designs were beautiful. He felt that in the second negotiations reducing the density from 90 to 54 units was a huge win for the town. He asked how many TDR units they had. He stated that he would be inclined to approve their request, if they donated the TDRs back to the town. Mr. Penn stated that he cannot voluntarily agree to abandon the additional units and that the council must approve any future plans to use or sell the unused TDRs.

Council Member D'Amico stated that she was in favor of the project.

Council Member Yaffe commented that at the last meeting he questioned the design on the eastern façade. He stated that he agreed with the Design Review Board; he did not like the proposed design.

Mr. Penn restated the requests for an increase in density, revisions to the façade and change in balconies, change to the recreation deck, and to the eastern façade.

Council Member Yaffe made a motion to approve the request for the change in density. The motion failed for lack of a second.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and spoke about mixed use projects in the Business District, including Church by the Sea, 1170 Kane Concourse, and the Altair Hotel. She discussed the negative impact of overcrowding and the lack of proper tax reporting.

Carol Jean Kier, 9660 West Bay Harbor Drive, came forward and stated that the construction site on 97th Street has caused a noxious stench due to overflow in the porta potty. She added that the site is poorly managed, allowing for a deteriorating environment and that these issues should not be allowed to occur in a wealthy city.

PUBLIC COMMENT CLOSED

Mr. Penn added that the development agreement shows the property obtained 24 TDRs, which is the exact number of units they are not building but are now locked in to prevent them from being used elsewhere in the town. The property intends to have 66 units, which is the code permitted density, and it's not using a single TDR.

ACTION: Council Member D'Amico made a motion to approve the proposal for the eastern façade. Council Member Bruder seconded the motion, and it passed 6-1 on a poll vote, with Council Member Yaffe opposing.

ACTION: Council Member Yaffe made a motion to approve the proposed courtyard. Council Member D'Amico seconded the motion, and it passed unanimously on a poll vote.

Mr. Penn asked for an opinion from the Town Attorney since the council only voted on two of the four items requested. Town Attorney Geller advised that if the Council does not address the issue at this time, the matter remains pending and can be heard at the next meeting if a motion passes. However, if there is no motion, it's considered a deferral.

Council Member D'Amico stated that she felt the applicant did not need the Council's approval since 66 units were allowed as per the Code. Mr. Penn explained that the Town Manager determined that the request needed to be heard by the Town Council. The Town Manager explained that the Unity of Title specifically states that if there are any changes to the site plan, it needed to be heard by the Council. Town Attorney Geller explained that he doesn't consider the application denied. Mr. Penn accepted the deferment.

11. **Discussion** for the purpose of hearing public comments with respect to an application for variances from Sections 23-12(6)(a)(iii), 23-12(6)(a)(v) and 23-12(8) of the Town Code for the construction of a linear dock that will extend 46 feet from the seawall cap, where the Code requires a maximum extension of 25 feet. The application for a variance is being requested by property owner Brett Reizen for the property located at 9424 West Broadview Drive, Lot 82 and West 11.85 feet of Lot 83, Block 23, Bay Harbor Islands, Florida.

Council Member Diallo moved the item to the floor, and Vice Mayor Salver seconded the motion.

Robert Rossi, 6875 NE 3rd Avenue, representing the Applicant, came forward and provided a brief presentation on the request for variances. He stated that the Town

Planner's Report was misleading and inaccurate.

He referred to Page 9 of the Town Planner Michael Miller's report that suggested the owner wanted a bigger dock, the vessel is unusually large, and there are no environmental hardships, which was not true. They submitted the application to DERM requesting an 11-foot walkway and a five-foot terminal platform with a total projection of 52 ft and six inches. DERM denied the application with comments that they must go out 72 feet in distance.

Mayor Fuller expressed concerns about information in Mr. Miller's Staff Report, focusing on potential interference with the navigable waterway due to the vessel's size, and the applicant building something they weren't supposed to. He believed these issues need to be addressed, not just if the applicant is claiming hardship for doing so. He stated that he had no issues with the applicants working with DERM, which can be challenging due to regulations for dock slips. However, he didn't like the idea of hardship due to being caught doing something they weren't supposed to do.

Mr. Rossi explained that the floating modular jet ski float is being removed, which is the item referred to in Mr. Miller's report. There was no structure, and this request is not an after-the-fact request.

Mayor Fuller replied that Mr. Miller's writings were based on the idea of seeing something which was discovered during the inspection.

Council Member D'Amico stated that there's an increase of more dock slips by bigger projects. She noticed in her recent boat ride that the docks are out 75 feet. She suggested creating a policy for these types of variances.

Brett Reizen, 9424 W Broadview Drive, came forward and stated that other vessels are just as large and just as far out. He explained that he doesn't want his dock to go far out, his neighbors don't want it, and his vessel doesn't need to be that far out.

Mayor Fuller expressed concern about Mr. Miller's statement about the navigable waterway creating a hazard because they're pushing it out. He wanted to make sure that is not going to be a factor.

Council Member Bruder agreed with Council Member D'Amico that they should avoid going through DERM and instead create a policy with desired length, such as 70ft or 75ft, which will avoid waiting months for the necessary approvals, ensuring a smoother process.

Council Member Diallo stated that building standards based on location of the island may not be effective due to narrow waterways.

Mr. Rossi stated that DERM limits approvals to 25% due to the 800ft width of the water land and waterway, which runs from his seawall to the golf course.

PUBLIC COMMENT

Ryan Shapiro, 9430 West Broadview Drive, came forward and stated that the current water-based property regulations prohibit building outside of a triangle to ensure neighbors' view and property value. If all homes were allowed to extend 75ft, it would destroy property value.

PUBLIC COMMENT CLOSED

Mr. Rossi explained that the triangle system requires a letter of consent from the adjacent owner for projects outside the triangle. The letter is only valid if the project exceeds the minimum deviation from DERM regulations. If the deviation is 48ft, the letter is required. If the deviation remains at 46, the letter is waived.

12. **Approval or Denial** of a variance request for the property located at 9424 West Broadview Drive. In accordance with Section 2-22 of the Town Code, the Town Council shall determine whether to grant or deny the application for a variance. An affirmative vote of five (5) Council Members are necessary in order to grant the variance request. The decision of the Town Council is final. If the request is granted, the decision of the Town Council shall be recorded in a resolution to be prepared by the Town Attorney. It should be noted that any approval of the Town Council is subject to other requirements of the Town Code, Miami-Dade County Code, Florida Building Code, FEMA or any other applicable governing agency.

Vice Mayor Salver asked Mr. Rossi to provide a brief explanation of the design and size of the dock. Mr. Rossi explained that DERM proposed a 32ft six-inch wide walkway, a five-foot wide terminal platform parallel to the walkway, and a six-inch pile in front of the 46ft. The proposed layout includes a six-inch pile. Mr. Reizen doesn't want the extended dock, neither does his neighbors.

ACTION: Council Member Bruder made a motion to approve the variance. Council Member Yaffe seconded the motion which failed 4-3 with Council Members D'Amico, Diallo, and Rappaport opposing. Five (5) votes are required for approval.

ORDINANCES ON SECOND READING:

13. **Consideration and Approval** of an ordinance on Second Reading pertaining to nuisances of construction activities, amending Section 12-26 of the Town Code regarding the arrival and departure of construction workers, vehicles, equipment, and materials on job sites. Sponsored by Council Member Robert Yaffe and Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE

**TOWN OF BAY HARBOR ISLANDS, FLORIDA,
AMENDING THE TOWN'S CODE OF ORDINANCES
RELATED TO NUISANCES OF CONSTRUCTION
ACTIVITIES; AMENDING ARTICLE II OF CHAPTER
12 ENTITLED NOISE; AMENDING SECTION 12-26
ENTITLED PERMISSIBLE HOURS FOR
CONSTRUCTION ACTIVITY AND LANDSCAPING;
AMENDING SECTION 12-27 ENTITLED
PENALTIES; PROVIDING FOR INCORPORATION
OF RECITALS; PROVIDING FOR CONFLICT AND
REPEALER; PROVIDING FOR CODIFICATION;
PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

Council Member Yaffe moved the item to the floor and Council Member Bruder seconded the motion.

Mayor Fuller requested language be added to the ordinance regarding when the Stop Work Order will begin.

Town Attorney Geller clarified that, since the penalty is essentially the same and the language is intended to further clarify it, Mayor Fuller's requested change isn't so significant that it wouldn't necessitate a return of the ordinance to first reading.

Town Manager Lasday asked for confirmation that the Stop Work Order is (8) eight hours, starting the next day 9:00 a.m. provided it's a week; if it's Friday then it goes to the next working day, Monday.

Council Member Yaffe amended the motion to confirm the Stop Work Order will be (8) eight hours, beginning the next day at 9:00 a.m. provided it's a work week, and if it's Friday, the Stop Work Order will begin on Monday 9:00 a.m., and Council Member Bruder seconded the motion.

ACTION: Council Member Yaffe made a motion to approve the ordinance on second reading with the language confirming the stop work order is (8) eight hours, beginning the next day at 9:00 a.m. provided it's a work week, and if it's Friday, the Stop Work Order will begin on Monday 9:00 a.m. Council Member Bruder seconded the motion, and it passed unanimously on a poll vote.

14. **Consideration and Approval** of an ordinance on Second Reading amending Section 5-5(f) and (k) of the Town Code regarding temporary construction fences. Sponsored by Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE

**TOWN OF BAY HARBOR ISLANDS, FLORIDA,
AMENDING CHAPTER 5 OF THE TOWN'S CODE OF
ORDINANCES ENTITLED "BUILDING AND
CONSTRUCTION" BY REVISING SECTION 5-S(f) and
(k) PERTAINING TO "TEMPORARY
CONSTRUCTION FENCES" PROVIDING FOR
INCORPORATION OF RECITALS; PROVIDING FOR
CONFLICT AND REPEALER; PROVIDING FOR
CODIFICATION; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.**

Council Member Bruder moved the item to the floor, and Council Member Yaffe seconded the motion.

Council Member Bruder asked that the west island be exempted from the application of the ordinance, but not the height. Town Attorney Geller clarified that the amendment aims to exclude the graphics portion from the west island at this time. He also added that it is a proper second reading amendment, because it is not extending it to uncovered individuals or reducing coverage.

Council Member Bruder amended her motion to exclude the graphics portion from the west island. Council Member Yaffe seconded the motion, and it passed unanimously on a voice vote.

Mayor Fuller stated that he would like fence grandfathering for individuals who have already completed more than the fence, particularly those who have already contracted out and paid for the project. He also wanted to ensure that the tarp allows for a vent open spot for code enforcement to inspect the premises, as it is a safety measure. He believed it was necessary for code enforcement purposes.

Town Attorney Geller informed the Council that the mayor's remarks would be considered an amendment in addition to Council Member Bruder's amendment to the ordinance.

Council Member Bruder explained that she would like to add a requirement that makes the fencing higher. Council Member Yaffe suggested changing it from 6 feet to 8 feet.

Mayor Fuller stated that he was unsure if there was a need to include language regarding vents or if it is standard regardless for the fencing, and if a certain height is required for safety purposes. The wind is a factor, but he doesn't want the higher fence cover to hide what's happening inside the site. He also questioned whether there should be a walkway permit for the vent in the fencing, as he was concerned about the potential impact on officers and code enforcement.

Town Attorney Geller stated that the current ordinance does not address the height of vents, as they are imposed by the building department as a safety measure. The

Building Official's discretion is to determine the placement of vents, and amending the ordinance is not necessary as it is not prescribing it.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and complained about the construction sites and Church by the Sea. She mentioned the lack of parking in the Business District.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the ordinance on second reading and to exclude the graphics portion to the West Island. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

ORDINANCES ON FIRST READING:

15. **Consideration and Approval** of an ordinance on First Reading amending Section 23-33 of the Town Code relating to loading zone regulations. Sponsored by Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO OFF-STREET LOADING; AMENDING CHAPTER 23, ARTICLE II, SECTION 23-33 RETITLING FROM RESERVED TO OFF-STREET LOADING ZONE PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Bruder moved the item to the floor, and Council Member Yaffe seconded the motion.

Council Member Yaffe explained that all new commercial and residential buildings must have on-site loading zones.

Council Member Bruder also added that the ordinance includes hours of delivery.

Town Planner Lorrainia Belle came forward and explained that the ordinances from Sunny Isles, Bal Harbour and Surfside were used as comparisons to prepare this ordinance and doesn't cover single-family homes.

Mayor Fuller stated that the manager has the power to grant delivery outside of specific hours, as properties may require a specific time for delivery, and they can do so, if necessary, without blocking something.

PUBLIC COMMENT

Matt Amster, Bercow Radell Fernandez Larkin & Tapanes, 200 S Biscayne Blvd, Miami, Florida, came forward and asked the Council if the request would still be honored after reminding them that they had reached an agreement with the Landon Hotel at the previous Council Meeting.

Frances Neuhut, 1060 Kane Concourse, came forward and complained about the lack of loading zones, and the town giving away the loading zone in her businesses to Church by the Sea.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the ordinance on first reading. Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

TOWN MANAGER ITEMS:

19. **Consideration and Approval** of a member to the Mitigation Committee.

Council Member D'Amico volunteered to serve on the Mitigation Committee. The council accepted the nomination.

16. **Consideration and Approval** of an ordinance on First Reading amending Section 5-2.2 of the Town Code pertaining to responsibility for payment of cost related to pre-construction survey and/or seismic monitoring required on neighboring properties within 300 feet of a construction site, in accordance with subsection Section 5-2.2(1). Sponsored by Vice Mayor Isaac Salver.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA,
AMENDING THE TOWN'S CODE OF ORDINANCES
RELATED TO BUILDING AND CONSTRUCTION**

ACTIVITIES; AMENDING ARTICLE 1 OF CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION BY REVISING SECTION 5-5.2 CONSTRUCTION SITE MONITORING PERTAINING TO PAYMENT FOR PRE-CONSTRUCTION SURVEY AND/OR SEISMIC MONITORING, BY ADDING A NEW SUBSECTION D AND RENUMBERING SUBSECTION DAS SUBSECTION E, AND REVISING SAME; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Salver moved the item to the floor, and Council Member Yaffe seconded the motion.

Council Member Yaffe stated that he would like to amend the ordinance to include certified mail and hand delivery.

Vice Mayor Salver explained that the ordinance ensures a contractor conducting seismic work and structure integrity investigation cannot file a lien on the neighboring property, if the developer does not pay.

Discussion ensued on the form of delivery and period. Council Member D'Amico suggested 30 days.

Mayor Fuller suggested changing language in the ordinance in Section d Cost should be "and/or seismic monitoring, and/or both such that..."

Council Member Yaffe made a motion to amend to include mode of delivery through certified mail and hand delivery, 10 business days to respond, and verbiage from section d – cost, should be "and/or seismic monitoring, and/or both such that,". Vice Mayor Salver seconded the motion.

ACTION: Council Member Yaffe made a motion to approve the ordinance on the first reading as amended, to include mode of delivery through certified mail and hand delivery, 10 business days to respond, and verbiage from section d – cost, should be "and/or seismic monitoring, and/or both such that." Council Member Yaffe seconded the motion, and it passed unanimously on a poll vote.

~~17. Consideration and Approval of an ordinance on First Reading amending Section 23-12 of the Town Code entitled "General Provisions" by revising Section 23-12(26) to add padel ball to the outdoor recreational game court facilities allowed in the Town, modifying fencing regulations and providing for noise mitigation to accommodate this sport. Sponsored by Mayor Fuller. Enclosed is the proposed ordinance.~~

~~**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA,**~~

~~AMENDING THE TOWN'S ZONING AND PLANNING
CODE BY AMENDING SECTION 23-12 ENTITLED
GENERAL PROVISIONS; AMENDING SECTION 23-
12(26) RELATED TO OUTDOOR RECREATIONAL
GAME COURT FACILITIES TO CLARIFY AND
EXPAND THE TYPES OF GAME COURT FACILITIES
ALLOWED AND TO MODIFY FENCING
ALLOWANCES; PROVIDING FOR INCORPORATION
OF RECITALS; PROVIDING FOR CONFLICT AND
REPEALER; PROVIDING FOR CODIFICATION;
PROVIDING FOR SEVERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE.~~

DEFERRED ITEMS: There were no deferred items.

DISCUSSION ITEMS:

20. **Discussion** regarding Miami-Dade County's pending ordinance on scooters and electric bikes. Sponsored by Council Member Eric Rappaport.

Council Member Rappaport explained that Chief Noel shared a proposed ordinance by Miami-Dade County regarding motorized scooters and motorized bikes. The ordinance is currently up for discussion by the county. The ordinance provides provisions for wider restrictions than any other municipalities. Despite personal experiences with scooters, the issue is important for seniors and parents. He supported moving forward with an ordinance.

Council Member D'Amico suggested making helmets a requirement. Council Member Rappaport felt that the town needs better enforcement of scooters.

Council Member Bruder made a motion to extend the meeting. Council Member Yaffe seconded the motion, and it passed unanimously on a voice vote.

Vice Mayor Salver suggested that they adopt an ordinance similar to Miami-Dade County's.

Chief Noel came forward and stated that the Police have been very proactive with their educational campaign regarding scooters. He suggested moving forward with an ordinance.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and asked if the town regulates the age for riding electric bikes, as children are always on bikes on 97th Street. She complained that there are no sidewalks which results in children

riding their scooters on the street.

PUBLIC COMMENT CLOSED

21. ~~Discussion and Possible~~ action relating to the Town Manager's resignation tendered on April 8, 2024. Sponsored by Council Member Isaac Salver.

ADJOURNMENT:

There being no further business the meeting adjourned at 11:11 p.m.

MAYOR

ATTEST

TOWN CLERK

TOWN OF BAY HARBOR ISLANDS

MINUTES OF A REGULAR COUNCIL MEETING

A Town Council Retreat was held on Tuesday, May 28th and Wednesday, May 29, 2024, commencing after 9:00 am. each day, at The following Council Members were in attendance:

Mayor Joshua Fuller	
Vice Mayor Isaac Salver	Council Member Stephanie Bruder
Council Member Molly Diallo	Eric Rappaport
Council Member Robert Yaffe	

Council Member Teri D'Amico was not present.

The following topics were discussed:

May 28, 2024

I. Call to Order/Welcome

The retreat commenced at 9:20 a.m. and Mayor Fuller gave welcome remarks.

II. Council Members' Remarks – All Council Members were afforded time to comment on their goals that are not part of the agenda.

III. Public Comment

There was no public comment.

Town Council Retreat Topics

IV. Town Management

- a. Report from Town Manager
 - i. Goals for next 12 months
 - ii. Status of employees
 - 1. Number (this year vs. last)
 - 2. Open positions
 - 3. Back-up for all critical positions
 - iii. Communication with Council
- b. Report from Chief of Police
 - i. Goals for next 12 months
 - ii. Status of employees
 - 1. Number (this year vs. last)
 - 2. Training for additional marine patrol
 - 3. Status of causeway patrol
 - iii. Hurricane Preparedness
 - 1. Mobile command center

V. Discussion on New Town Hall and Parking Structure

- a. Discussion on overall design
 - i. Use of roof
- b. Areas to include within building
 - i. Town administration
 - ii. Police department
 - iii. Gym/recreation area
 - iv. Meeting rooms
 - v. Additional areas desired
- c. Timeline

VI. Off-Site Storage

- a. Purchase of site in North Miami for Public Works

BREAK FOR LUNCH – 12:30 PM TO 1:30 PM

VII. Discussion of New Broad Causeway Bridge

- a. Presentation by Atkins of Current Status of Existing Bridge
- b. Presentation by Atkins of Current Design for Replacement Bridge
 - i. Preliminary design
 - ii. Procedure for bridge replacement
 - iii. Timeline
 - iv. New traffic flow
 - 1. Pedestrian walkway on Kane Concourse
 - 2. Eventual flow on Causeway Island
- c. Funding
- d. Gas station
- e. Artificial Reef
 - i. Status
 - ii. Types of reefs
 - iii. Sponsorship
 - iv. Layout
- f. Expansion of Tot Lot
- g. General Q&A on all bridge topics

VIII. Capital Improvement Projects

- a. 5-year plan
- b. Road replacement/remilling
- c. A/C in Community Center
- d. Pumps
- e. Sea-level rise
- f. Sewer
- g. Protecting water line near White House Inn (North Miami)
- h. Renovations of parks
- i. Report on status of all bridges other than causeway

- i. Potential transfer or ownership of Indian Creek Bridge
 - ii. Weight restrictions
- j. Kayak park
- k. Block 11 update
- l. Landscaping
- m. Additional projects
- n. Budget and funding sources for projects

ADJOURNMENT: The session adjourned at 5:00 p.m.

May 29, 2024

The session commenced at 9:15 a.m.

IX. Programming

- a. Parks and Recreation Department's Vision
- b. Children's Trust
 - i. Report on status and attendance
 - ii. Residents not obtaining spots
 - iii. Priority for existing enrollees
- c. Expansion of offerings for children
 - i. Use of RKB facilities
 - ii. VPK waitlist
 - iii. Administration of expanded offerings
 - iv. PAL program
 - v. Revamp of camp programming
 - vi. Additional ideas for programming
- d. Expansion of offerings for seniors
- e. Expansion of offerings for adults
 - i. Early morning yoga
 - ii. Increased use of tennis courts
 - 1. Altering reservations software
 - 2. Numbering courts
- f. Working with other communities

X. Marketing and Dissemination of Information

- a. Branding, logo and identity
- b. Signs and enhancing Commercial District
- c. Event notification
- d. Newsletter
- e. All communications to residents
 - i. Social media
 - ii. Emergency
- f. Resident surveys and obtaining public input

XI. School Attendance

- a. Entry of non-33154 children to RKB
- b. Payment of residence check
- c. Attempts to obtain additional high school

BREAK FOR LUNCH -12:30 PM TO 1:30 PM

XII. Traffic

- a. Don't block the box
- b. Officers directing northbound turns on WBHD during incidents
- c. Light synchronization with neighbors
- d. Crossing guard retraining
- e. Additional speedbumps
- f. Speeding enforcement
- g. Double parking
- h. Timing of truck deliveries
- i. Addressing mall parking garage light
- j. School zone speeding

XIII. Additional topics

- a. Customer service for BayPass
- b. Appointments of Council members to projects and boards
- c. Street cleanliness
- d. Flood insurance rate reductions
- e. Homeless programs and support groups
- f. Expansion of fiber
- g. K9 Unit
- h. Procurement purchasing limits
- i. Donations
- j. Youth Council
- k. Scooters and electric bikes

XIV. Non-Agenda Items by any Council Member

There was discussion regarding backup for town positions, more efficient Code Red messaging, Bay Pass handling, programs for businesses, implementing PAL Program, improve tennis court registration, tutors for testing at community center, update Town logo.

Chief Building Official Mike Mesa made a presentation on FEMA Community Rating System.

XV. Public Comment

Francis Neuhut, 1060 Kane Concourse, addressed the Council.

XVI. Closing Remarks

ADJOURNMENT

The retreat adjourned at 2:30 p.m.

Mayor

Attest:

Town Clerk

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A SPECIAL COUNCIL MEETING**

A Special Meeting of the Town Council was held on Monday, June 10, 2024, at 7:02 p.m.
Upon roll call the following members responded:

Mayor Joshua Fuller	
Vice Mayor Isaac Salver	Council Member Stephanie Bruder
Council Member Teri D'Amico	Council Member Molly Diallo
Council Member Eric Rappaport	Council Member Rober Yaffe

1. **Consideration and Approval** of a resolution regarding a Separation Agreement for Town Manager Maria Lasday. Enclosed is a copy of the proposed Separation Agreement.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A
SEPARATION AGREEMENT BETWEEN MARIA LASDAY
AND THE TOWN OF BAY HARBOR ISLANDS;
AUTHORIZING THE MAYOR TO EXECUTE THE
SEPARATION AGREEMENT; PROVIDING FOR
INCORPORATION OF RECITALS; AND SETTING AN
EFFECTIVE DATE.**

Council Member Bruder moved the item to the floor, and Council Member Yaffe seconded the motion.

Town Attorney Geller indicated that there was a minor adjustment regarding the accrued personal and sick time. Council Member Yaffe referred to Page 3, Section B of the agreement that addresses accrued sick leave, vacation, and personal leave. HR Director Shaun Gelvez explained that personal days totaling \$1,200 were not included in the calculation. There was no motion to add the amount to the agreement.

Mrs. Gelvez stated that according to the Personnel Manual, the payout for sick and vacation time is 50%, and the \$45,200 in the agreement represents 100% payment. Town Attorney Geller advised that the Personnel Manual does not apply to charter employees; the amount in the agreement is what was negotiated. He added that the separation was arrived at by mutual agreement, and the agreement is the product of work by the outgoing town manager's legal counsel, Carmen Rodriguez, and himself.

Council Member D'Amico asked who proposed the agreement. Town Attorney Geller stated that the agreement is the project of joint negotiation; it's neither a termination nor a resignation. It's a separation that was arrived at by mutual agreement.

Council Member D'Amico asked Mrs. Lasday if her last day would be today. She wanted to know if there would be a transition period. Town Attorney Geller stated that Mrs. Lasday had indicated her willingness to work a little longer, but some of the council members wanted to move to the immediate transition, once the decision was made. Mrs. Lasday stated that she will be happy to respond to anything that needs an explanation.

Council Member D'Amico expressed concern that Mrs. Lasday was very involved with the bridge projects. Mrs. Lasday stated that elected officials, consultants, the Town Engineer, and the Deputy Town Manager will handle the bridge projects.

PUBLIC COMMENT

Linda Zilber, 1231 95th Street, attended via Zoom, and thanked the Maria Lasday for all the time spent in the Town and wished her the best in her future endeavors.

PUBLIC COMMENT CLOSED

ACTION: Council Member Bruder made a motion to approve the Separation Agreement. Council Member Robert Yaffe seconded the motion, and it passed unanimously on a poll vote.

Council Member Bruder suggested Mrs. Lasday continue to provide assistance on a part-time basis during the transition, particularly with the bridges; considering she has the most knowledge. Mayor Fuller asked Mrs. Lasday if she was open to the possibility, and she said she would be available if the town needs her. She expressed her appreciation for the last four years with the town. Council Member Yaffe suggested the town consider something like a part-time consultant. Council Member Rappaport suggested work as an outside consultant. Mayor Fuller stated that he would like to see the Town Attorney draft an agreement as a possibility of bringing on Mrs. Lasday as a consultant with the Town. Town Attorney Geller confirmed that he will draft the agreement. The council thanked Mrs. Lasday for her service. She thanked the council for their support.

2. **Consideration and Approval** of a resolution appointing an Interim Town Manager.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF BAY HARBOR ISLANDS, FLORIDA, APPOINTING AN
INTERIM TOWN MANAGER; PROVIDING FOR
INCORPORATION OF RECITALS; AND SETTING AN
EFFECTIVE DATE.**

Town Attorney Geller stated that one or two members of the council may wish to see a slight amendment to the resolution.

Council Member Bruder moved the item to the floor, and Council Member Yaffe seconded the motion.

Vice Mayor Salver offered an amendment to appoint Jenice Rosado as Interim Town Manager. Council Member Yaffe seconded the motion.

Council Member Bruder offered an amendment to provide a 15% increase to Mrs. Rosado's base salary as compensation based on the Employees Personnel Manual. Council Member Yaffe seconded the motion.

Council Member D’Amico offered an amendment for a contract to be provided in three (3) months to show the council’s commitment to hiring Mrs. Rosado as the permanent Town Manager.

Vice Mayor Salver stated that the purpose of the appointment is to ensure the town is not without an acting manager at this moment.

Mayor Fuller indicated that the agenda item concerns an Interim Town Manager; a public discussion had not been noticed regarding a permanent Town Manager. He would rather have the issue of whether to offer Mrs. Rosado the permanent town manager’s position publicly noticed appropriately.

Town Attorney Geller stated that pursuant to the resolution, the council was addressing an Interim Town Manager position, which would be for an indefinite length of time, not an acting manager. If it is the pleasure of the council, an additional item can be prepared to discuss negotiation and appointment of Jenice Rosado as the permanent Town Manager; it will be properly noticed for the next full agenda. It was the consensus of the council to have an item for Mrs. Rosado as the permanent town manager.

ACTION: The motion by Vice Mayor Salver to appoint Jenice Rosado as the Interim Town Manager and seconded by Council Member Yaffe passed unanimously on a poll vote.

Vice Mayor Salver mentioned the appointment of Mike Mesa as the assistant town manager. It was clarified that the Town Manager handles the appointment of staff, and Mr. Mesa already holds that position.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:48 p.m.

MAYOR

ATTEST

TOWN CLERK

TOWN OF BAY HARBOR ISLANDS
MINUTES OF A TOWN COUNCIL BUDGET WORKSHOP

A Town Council Budget Workshop was held on Tuesday, June 18, 2024 at 6:02 p.m. Upon roll call the following members responded:

Mayor Joshua Fuller	
Council Member Stephanie Bruder	Council Member Teri D'Amico
Council Member Molly Diallo	Council Member Eric Rappaport
Council Member Robert Yaffe	

Council Member Isaac Salver was absent.

PUBLIC COMMENT

1. **Discussion** regarding the tentative millage to be advertised via the Notice of Proposed Taxes to be mailed by Miami-Dade County Property Appraiser. There is no recommendation as the item is to discuss the tentative millage to be advertised.

Council Member Bruder moved the item to the floor, and Council Member Diallo seconded the motion.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and addressed the council.

PUBLIC COMMENT CLOSED

2. **Discussion** and **Review** of the Town of Bay Harbor Islands Proposed Budget for Fiscal Year 2024-2025. A brief overview will be presented by the Interim Town Manager and the Finance Department.

Council Member Bruder moved the item to the floor and Council Member Diallo seconded the motion.

Town Manager Rosado presented the proposed budget for FY 2024 with a proposed millage rate of 3.1728 mills based on the Property Appraisers estimates of June 1st. The preliminary taxable value is \$2 Billion. The proposed millage rate is the same as last year. A millage rate of 3.1728 mills will yield \$286,000 of revenues. Mrs. Rosado continued to explain how the taxes are apportioned and where the town uses its tax dollars. The majority is used for parks and recreation, public transportation, public buildings, finance, Town Manager's Office, IT Department, Town Clerk's Office, Town Council Department, Legal Department, and Human Resources. Department directors were instructed to cut 15% from their budget. No significant changes were made to the Town Council's budget, except that additional funds were appropriated to facilitate the council's travel to Washington, DC and Tallahassee to seek grant funding.

Professional services, promotional activities, and travel were reduced in all other departments. The Executive Assistant to the Town Manager and the Communication Specialists' positions were eliminated from that department. Cuts were made to scanning, printing, and binding in the Finance Department budget. Employees are being cross-trained and duties have been combined to reduce the number of personnel. Software is being enhanced to facilitate online payments. Artificial intelligence cameras throughout the town were removed from the budget along with professional services and some other expenses. In the Human Resources Department, a 10-12% increase is expected for health insurance premiums, a time clock system will be implemented, and a new HR Clerk was hired. There were no significant changes to the Legal Department. Funding was added in the Public Works Department budget for rental of space to store Public Works equipment, vehicles, and supplies with the demolition of town hall approaching in a few months.

Town Manager Rosado advised that the Law Enforcement Department has some contractual obligations regarding merit and Cost of Living increases that have been negotiated for the next two years. Their operating budget for professional services was reduced and additional uniforms, training, and new bicycles were removed. Two (2) PSA positions approved by the council were added to the budget. The Crime Analyst position was reclassified to Code Compliance Manager. A part-time attendant position, the operating budget for services in general, and some programming were eliminated from the Parks and Recreation budget. A Maintenance Worker position was eliminated from the Street and Parkways Department. Holiday lights were transferred from the Causeway Fund to the General Fund.

Regarding the Public Transportation Department, the On Demand service through Freebee will continue; this service is partially funded by grants and the town's match is from CITT funds, which has been extended through June 2025. The service for the shuttle bus was eliminated because it was underutilized.

A Special Revenue Fund was created to account for restricted revenues and expenses associated with the Building Department, with continued investment in building licensing software and fees with Central Square.

Parks Impact Fee Fund will continue to adhere to Town Ordinance No. 784.

Bright Paths – The town was awarded \$320,000 from the Children's Trust for summer school and afterschool programs; the town contributed \$276,000. These funds are used for salaries, programming, and things of this nature. A request was made to the Trust for additional funds to supplement the program; a response is pending.

Council Member Bruder asked if the budget is balanced after all the cuts were made. Town Manager Rosado stated that the budget is \$680,000 from being balanced. Council Member Bruder expressed concern that enough funds are not available, in the event of an emergency, such as a hurricane. She suggested looking for additional cuts to the budget to avoid having to use the reserves. She suggested applying for an emergency line-of-credit, considering FEMA will reimburse emergency expenses.

Council Member Yaffe asked to what extent the reallocation of causeway fund dollars has affected the budget. Town Manager Rosado stated that there was an impact to the budget when reallocation of funds began last year. In seeking state and federal funds, it is crucial that there is compliance with all of the regulations. She spoke of the goal to offer a balanced budget that would build reserves rather than supplementing the budget with reserved funds. She will come back to the council with options for additional cuts as requested.

Mayor Fuller suggested \$750,000 more in cuts to the budget.

Council Member Yaffe reminded the manager that they want to be able to maintain the level of services provided to the residents and not cut a lot of programming and events.

Council Member Bruder spoke about safety, programming, events for kids, adults, and seniors, and maintenance as areas of importance. Town Manager Rosado informed the council that consideration was given to not affecting residents' quality of life when the budget cuts were made.

Council Member Diallo asked if somebody will be hired to assist in pursuing grants as discussed at the Council Retreat. Town Manager Rosado explained that a freeze was placed on new hires. However, a new employee in the Police Department that was already in the hiring process has significant grant experience; plus, another employee in the Finance Department has significant grant management experience, which will provide a better grasp on the grants in-house. There might still be the need to turn to consultants to assist with specialized grants.

Council Member D'Amico expressed concerns that there is not enough funds. She stated that the millage rate has only gone down, and other neighboring cities, except for Bal Harbour, have higher millage rates. She was concerned with the bridge project and the position the town could be in if there was an emergency.

Council Member Rappaport spoke about cost of a tax increase and the possibility of raising the millage rate, if there was no place for more cuts.

Council Member Diallo recalled Miami-Dade County Property Appraiser's comments that as the Council begins the task of preparing the budget to consider a reduction in the millage rate to help residents cope with the higher rates of homeownership.

Council Member Bruder stated that she was not in favor of raising the tax rate, considering the expense of hurricane and flood insurance and the high cost of living for residents, a lot of whom are on a fixed income.

Council Member Yaffe stated that he prefers to stay with the millage rate and the issue of a tax increase could be revisited at the next meeting, after seeing the proposed cuts and whether they are acceptable in terms of providing the services and activities to the residents.

Council Member Bruder mentioned that she did receive calls from residents who live in older condominium buildings that had received large assessments.

Mayor Fuller stated that other ways have to be found to cut and balance the budget without affecting essential services and without hurting anybody. He was not in favor of imposing any further taxes on the residents given new state laws regarding reserves and assessments that will affect the condominium owners.

Council Member Bruder mentioned that the town will be in a better place financially next year when the new developments come online.

3. **Discussion** regarding additional workshops (if necessary) and the dates and times for the Budget Hearing to adopt the millage rate and proposed budget. The first Budget Public Hearing is tentatively scheduled for September 12, 2024, at 6:00 p.m. and the Second Budget Public Hearing is tentatively scheduled for September 26, 2024, at 6:00 p.m. Budget Public Hearing dates are to be confirmed by the Town Council.

Council Member Bruder moved the item to the floor, and Council Member Yaffe seconded the motion.

It was the consensus of the council to hold the First Budget Public Hearing at September 11, 2024 at 6:00 p.m., if it does not conflict with the Miami-Dade County and the School Board Budget Public Hearings. The Second Budget Public Hearing will be held on September 26, 2024 at 7:30 p.m., with a backup date of September 30, 2024 at 6:00 p.m.

Town Attorney Geller introduced Jacob Elberg, an associate from his firm, who will be assisting him.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:48 p.m.

MAYOR

ATTEST

TOWN CLERK

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 7.

ITEM: Consideration and Approval of a resolution updating the official signatories of the Town of Bay Harbor Islands for banking and depository purposes with Bank of America. Enclosed is the draft resolution.

DESCRIPTION:

The Town of Bay Harbor Islands maintains bank accounts at the town's Depository Bank for the disbursement of funds in order to conduct business of the town. The Town Council is responsible for designating authorized signatories for checks drawn on the Town's bank accounts. When an event cause an authorized signatory to change, the town will notify the Depository Bank of the change and make appropriate revisions. It is now necessary to change authorized signers on the Town bank accounts due to the change in the Town Manager position.

Resolution No. 2332 was adopted by the Town Council on October 11, 2023 setting the list of authorized employees for bank signatory purposes. This proposed resolution is to update the list of signers.

The signature of two executive officers named in the resolution (Town Manager, Assistant Town Manager, Town Clerk, and Finance Director) are required on checks or drafts or in the case where two of these signers are not available, or in the case of emergency, a member of the Town Council is authorized to sign.

RECOMMENDED ACTION:

Staff recommends that the Town Council approves the attached Resolution authorizing and designating the official signatures of the Town of Bay Harbor Islands for banking and depository purposes.

FINANCIAL ANALYSIS:

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Staff Memo for Council Agenda Items - Signatures for Bank of America
2.	Resolution- Authorizing deposits-withdrawals



**TOWN OF BAY HARBOR ISLANDS
TOWN CLERK'S OFFICE
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Yvonne P. Hamilton, CMC Town Clerk
DATE:	August 14, 2024
SUBJECT:	Approval of Resolution updating Authorized Signers on the Town's Bank of America Accounts

RECOMMENDATION

Staff recommends that the Town Council approves the attached Resolution updating the official signatures of the Town of Bay Harbor Islands for banking and depository purposes with Bank of America.

BACKGROUND

The Town of Bay Harbor Islands maintains bank accounts at the town's Depository Bank for the disbursement of funds in order to conduct business of the town. The Town Council is responsible for designating authorized signatories for checks drawn on the Town's bank accounts. When an event cause an authorized signatory to change, the town will notify the Depository Bank of the change and make appropriate revisions. It is now necessary to change authorized signers on the Town bank accounts due to the change in the Town Manager position.

ANALYSIS

Resolution No. 2332 was adopted by the Town Council on October 11, 2023 setting the list of authorized employees for bank signatory purposes. This proposed resolution is to update the list of signers.

CONCLUSION

The signature of two executive officers named in the resolution (Town Manager, Assistant Town manager, Town Clerk, and Finance Director) are required on checks or drafts or in the case where two of these signers are not available, or in the case of emergency, a member of the Town Council is authorized to sign.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1. Draft Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF BAY HARBOR ISLANDS,
FLORIDA, UPDATING AUTHORIZED SIGNERS
FOR THE TOWN'S ACCOUNTS WITH BANK OF
AMERICA; PROVIDING FOR INCORPORATION
OF RECITALS; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Town of Bay Harbor Islands maintains bank accounts with Bank of America, N.A.; and

WHEREAS, the following accounts are maintained by the town at Bank of America; and

1. Town of Bay Harbor Islands - General Fund - Operation Account
2. Town of Bay Harbor Islands - General Fund - Tax Receipts
3. Town of Bay Harbor Islands - General Fund - Accounts Payable
4. Town of Bay Harbor Islands - Broad Causeway - Revenue Fund
5. Town of Bay Harbor Islands - Broad Causeway - Debt Service Fund
6. Town of Bay Harbor Islands - Parking Meter Fund
7. Town of Bay Harbor Islands - Water Revenue Account
8. Town of Bay Harbor Islands - Sewer Operating Account
9. Town of Bay Harbor Islands - Deposit Fund
10. Town of Bay Harbor Islands - Law Enforcement Trust Fund
11. Town of Bay Harbor Islands - Federal Law Enforcement Trust Fund
12. Town of Bay Harbor Islands - S. Wright Services
13. Town of Bay Harbor Islands - Solid Waste Fund
14. Town of Bay Harbor Islands - Sewer Debt Service & Reserve

WHEREAS, in normal circumstances, the signature of two town officers is required on checks or drafts, but other provisions may be utilized for emergency situations.

NOW, THEREFORE, BE IT RESOLVED that the executive officers of the Town be and are hereby authorized to deposit the funds of the Town from time to time with BANK OF AMERICA, N.A., and until further order of the Town Council to withdraw same from time to time upon check or draft of the Town, or other orders for payment of money including by electronic means, such as wire transfers and ACH transfers, signed in the name of the Town by two of the following four executive officers, or otherwise in the following manner:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: The signature of two of the following four executive officers shall be required:

By Jenice Rosado, Town Manager, or _____

by Mike Mesa, Assistant Town Manager, or _____

by Yvonne P. Hamilton, Town Clerk, or _____

by Brian Stewart, Finance Director _____

or in case two of the above signers are not available, or in case of an emergency, with one of the following:

Stephanie Bruder _____

Teri D'Amico _____

Molly Diallo _____

Joshua Fuller _____

Eric Rappaport _____

Isaac Salver _____

Robert Yaffe _____

Section 3. Bank of America, N.A. be and it hereby is authorized and requested to accept, honor and pay, without further inquiry and until written notice of the withdrawal or revocation of the authority hereby granted is received by said bank, all checks, drafts and other orders including by electronic means, such as wire transfers and ACH transfers for the payment or withdrawal of money (including checks drawn to the individual order of the officer signing the same), when signed as provided herein, including all such instruments payable or endorsed to the order of the Town. Moreover, Bank of America, N.A., be and is hereby authorized to transfer funds between accounts listed above upon receiving a request to do so from the Town Manager or other executive officers listed above.

Section 4. This resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this 14th day of August 2024.

Joshua D. Fuller
Mayor

ATTEST:

Yvonne P. Hamilton
Town Clerk

Greenspoon Marder LLP
Town Attorneys
By: Joseph S. Geller, Esq.

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 8.

ITEM: Consideration and Approval of a resolution ratifying and approving an emergency proposal from MTX Group One in the amount of \$39,800.00, in accordance with Section 2-1.3 of the Town's Emergency Procurements provisions, for repair of a caved-in portion of 95th Street and East Broadview Drive. Enclosed are the draft Resolution and proposal.

DESCRIPTION:

The Town Manager accepted a proposal from MTX Group One for the emergency repair of a caved-in area on 95th Street and East Broadview Drive. This caved-in area of the roadway is believed to have occurred as a result of the heavy rainfall and flooding event experienced by the Town on June 11, 2024. The Town Manager seeks ratification of the emergency repair expense in the amount of \$39,800.00.

RECOMMENDED ACTION:

Adopt

FINANCIAL ANALYSIS:

\$100,000.00 has been allocated in the Fiscal Year 2023-2024 adopted budget for the Stormwater Repairs & Maintenance within the Stormwater Fund in Account No. 406.5380.400046.000. The amount of \$39,800.00 is being requested for services needed by MTX Group One, under the scope of services described above.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Jenice Rosado, Assistant Town Manager

ATTACHMENTS

1.	Staff Memo for Council Agenda Item-Emergency Repair of Caved-in area on 95th Street and East Broadview Drive
2.	Resolution - MTX Group One - Caved-In Repair on Broad Causeway Bridge
3.	MTX Group One - proposal 071024 -Caved in area on 95th Street and East Broadview Drive



**TOWN OF BAY HARBOR ISLANDS
PUBLIC WORKS DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Rodney Carrero-Santana Town Engineer
DATE:	August 14, 2024
SUBJECT:	Ratification of Emergency Repair of Caved in area on 95 th Street and East Broadview Drive

RECOMMENDATION

Staff recommends that the Town Council approves the attached Resolution ratifying approval of the proposal from MTX Group One for \$39,800 for repair of a portion of 95th Street and East Broadview Drive that caved in.

BACKGROUND / ANALYSIS

Due to torrential rainfall, an area of 95th Street and East Broadview Drive caved in. The Town Manager determined the situation was an emergency affecting the public's health, safety, and welfare.

Staff was directed to obtain price quotes, under an emergency basis, pursuant to Section 2-1.3 of the Town Code which authorizes the Town Manager to make emergency contract award without advertisement for bids or bidding, in that an emergency affecting the health and public safety requires the immediate performance of the services.

EXECUTE

The Town Public Works Director solicited pricing for the repair project, and on July 10, 2024, the Town Manager accepted a proposal from MTX Group One in the amount of \$39,800 for repair of the cave-in area.

FINANCIAL ANALYSIS

GL Line-Item Number: 406.5380.400046-000 (Streets/Maintenance Emergency Repairs Storm drain)

Total Amount Budgeted: \$100,000.00

Encumbered Amount: \$39,800.00

Balance Remaining: \$49,000.00

ATTACHMENTS

1. Draft Resolution
2. MX Group One Proposal

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING THE APPROVAL OF A PROPOSAL FROM MTX GROUP ONE FOR EMERGENCY REPAIR OF A CAVED-IN AREA AT 95TH STREET AND EAST BROADVIEW DRIVE; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

WHEREAS, a portion of 95th Street and East Broadview Drive caved in as a result of the recent torrential rains; and

WHEREAS, the Town Manager determined the situation an emergency affecting the public's health, safety, and welfare; and

WHEREAS, Section 2-1.3 of the Town Code authorizes the Town Manager to make emergency contract award without advertisement for bids or bidding, in that an emergency affecting the health and public safety requires the immediate performance of the services; and

WHEREAS, the Public Works Director solicited pricing for the repair project, and on July 10, 2024, the Town Manager accepted a proposal from MTX Group One ("the Contractor") in the amount of \$39,800.00 for repair of the caved in area at 95th Street and East Broadview Drive.

NOW, THEREFORE BE RESOLVED BY THE TOWN COUNCIL OF BAY HARBOR ISLANDS, FLORIDA:

Section 1. Recitals. The recitals listed above are incorporated in this Resolution as if fully set forth herein.

Section 2. Ratification. The Town Council hereby ratifies the approval of the proposal from MTX Group One for \$39,800.00 to repair the caved in area at 95th Street and East Broadview Drive in substantially the form attached hereto as Exhibit 1.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day of August 2024.

Josh Fuller, Mayor

ATTEST:

Yvonne P. Hamilton, Town Clerk

APPROVED AS TO FORM:

GREENSPOON MARDER LLP

TOWN ATTORNEYS

BY: Joseph S. Geller, Esq.

INVOICE
TBH24-002

MTX GROUP ONE

Hallandale Office: 2570 South Park Road,
Hallandale Beach, FL 33009

Underground Construction Division
CGC1521304 | CUC122532 | EC13013324



Date: 7/10/2024

Valid Until: 8/24/2024

Town of Bay Harbor Islands
David Hernandez
dhernandez@bayharborislands-fl.gov
1030 95th St
Bay Harbor Islands FL 33154

PROJECT: BAY HARBOR EMERGENCY

Address: 95 St and E Broad View Dr, Bay Harbor Island

PRICE: \$ 39,800.00 (Lump Sum Job)

This Price Includes:

- * Emergency Restoration:
 - Cut asphalt Trench 35' x 5, Trench 6' deep
 - Replace Broken Pipe with HDPE of 15"
 - Plug and Joint HdPE Pipe with Hydraulic
 - Restore with 13 yds Excavable Flowable Fill
 - Road plates installed and temporary cold asphalt placed around plates.
 - Asphalt Patch 35' x 5' by 3" Asphalt Mix 9.5

* MOT is not included

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 9.

ITEM: Consideration and Approval of a resolution ratifying and approving proposals from MTX Group One in the amount of \$ 62,852.60, under the emergency procurement provision, in accordance with Section 2-1.3 of the Town Code, for repair of potholes on the Shepard Broad Causeway Bridge No. 875101, Project (BC-158). Enclosed are the draft Resolution and proposals.

DESCRIPTION:

When the existing repair contractor was working on the bridge, deficiencies on the deck were discovered as potholes. It was determined that the potholes may be due to the increased amount of vehicular weight on the bridge due to the increase of passage of heavy vehicles coinciding with the increase of construction activity within the Town. The Town Manager & Town Engineer determined the situation is an emergency affecting the public's health, safety, and welfare and recommended that these pothole deficiencies needed to be repaired.

Staff was directed to obtain price quotes, under an emergency basis, pursuant to Section 2-1.3 of the Town Code which authorizes the Town Manager to make emergency contract awards without advertisement for bids or bidding, in that an emergency affecting the health and public safety requires the immediate performance of the services. MTX Group One submitted a proposal in the amount of \$43,351.80 for the above indicated construction work repair of the several potholes. In addition, due to the accelerated deformation of the deck, in the last two weeks more potholes were encountered and on July 29, 2024, the Town Manager accepted a proposal from MTX Group One in the amount of \$19,500.80 for repair of the additional potholes encountered on the Broad Causeway Bridge. The total amount of the repairs is \$ 62,852.60.

Pothole repairs have been underway for the last month with an anticipated completion date of August 13th, 2024.

It would be suggested that for the bridge to obtain a uniform look, the Town Council should consider resurfacing the bridge once the pothole repairs are completed. Town staff will obtain quotes for this work and this work can be done during the overnight hours so as not to disrupt traffic.

RECOMMENDED ACTION:

Ratification of emergency repairs expense.

FINANCIAL ANALYSIS:

GL Line-Item Number: 401.5415.400063.000

Total Amount Budgeted: \$12,101,393.01

Encumbered Amount: \$5,593,312.46

Balance Remaining: \$ 5,530,459.86

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Jenice Rosado, Assistant Town Manager

ATTACHMENTS

1.	Staff Memo for Council Agenda Item- Potholes on Shepard Broad Causeway Bridge 081424
2.	Resolution - MTX Group Pot Holes on Broad Causeway Bridge Rev 080524
3.	BC 158 - NTP MTX Pot Holes 06-24-24 Executed
4.	Pothole Repair Proposal 2 Exect 080924



**TOWN OF BAY HARBOR ISLANDS
ENGINEERING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Rodney Carrero-Santana Town Engineer
DATE:	August 14, 2024
SUBJECT:	Ratification of Emergency Repairs of Potholes on the Shepard Broad Causeway Bridge

RECOMMENDATION

Staff recommends that the Town Council approves the attached Resolution ratifying approval of the proposals from MTX Group One for \$62,852.60 for repair of potholes on the BC-158 Shepard Broad Causeway Rehabilitation Bridge No. 875101.

BACKGROUND / ANALYSIS

When the existing repair contractor was working on the bridge, deficiencies on the deck were discovered as potholes. It was determined that the potholes may be due to the increased amount of vehicular weight on the bridge due to the increase of passage of heavy vehicles coinciding with the increase of construction activity within the Town. The Town Manager & Town Engineer determined the situation is an emergency affecting the public's health, safety, and welfare and recommended that these pothole deficiencies needed to be repaired.

Staff was directed to obtain price quotes, under an emergency basis, pursuant to Section 2-1.3 of the Town Code which authorizes the Town Manager to make emergency contract awards without advertisement for bids or bidding, in that an emergency affecting the health and public safety requires the immediate performance of the services. MTX Group One

submitted a proposal in the amount of \$43,351.80 for the above indicated construction work repair of the several potholes. In addition, due to the accelerated deformation of the deck, in the last two weeks more potholes were encountered and on July 29, 2024, the Town Manager accepted a proposal from MTX Group One in the amount of \$19,500.80 for repair of the additional potholes encountered on the Broad Causeway Bridge. The total amount of the repairs is \$ 62,852.60.

EXECUTE

Pothole repairs have been underway for the last month with an anticipated completion date of August 13th, 2024.

It would be suggested that for the bridge to obtain a uniform look, the Town Council should consider resurfacing the bridge once the pothole repairs are completed. Town staff will obtain quotes for this work and this work can be done during the overnight hours so as not to disrupt traffic.

FINANCIAL ANALYSIS

GL Line-Item Number: 401.5415.400063.000

Total Amount Budgeted: \$12,101,393.01

Encumbered Amount: \$5,593,312.46

Balance Remaining: \$ 5,530,459.86

ATTACHMENTS

1. Draft Resolution
2. MX Group One Proposals

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING THE APPROVAL OF A PROPOSAL FROM MTX GROUP ONE FOR EMERGENCY REPAIR OF POT HOLES ON THE SHEPARD BROAD CAUSEWAY BRIDGE (BC-158/BC REHABILITATION BRIDGE NO. 875101 PROJECT); PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

WHEREAS, a situation occurred on the BC-158 Shepard Broad Causeway Rehabilitation Bridge No. 875101 (“the Bridge”) with the formation of potholes ; and

WHEREAS, the Town Manager determined the situation an emergency affecting the public’s health, safety, and welfare; and

WHEREAS, Section 2-1.3 of the Town Code authorizes the Town Manager to make emergency contract award without advertisement for bids or bidding, in that an emergency affecting the health and public safety requires the immediate performance of the services; and

WHEREAS, the Town Engineer solicited pricing, and on May 24, 2024, the Town Manager accepted a proposal from MTX Group One (“the Contractor”) in the amount of \$43,351.80 for repair of the potholes on the Bridge. In addition, due to the accelerated deformation of the deck more potholes were encountered and on July 29, 2024, the Town Manager accepted a proposal from MTX Group One in the amount of \$19,500.80 for repair of the additional potholes encountered on the Broad Causeway Bridge. The total amount of the repairs is \$62,852.60

NOW, THEREFORE BE RESOLVED BY THE TOWN COUNCIL OF BAY HARBOR ISLANDS, FLORIDA:

Section 1. Recitals. The recitals listed above are incorporated in this Resolution as if fully set forth herein.

Section 2. Ratification. The Town Council hereby ratifies the approval of the proposal from MTX Group One for \$62,852.60 to repair the potholes on the Bridge in substantially the form attached hereto as Exhibit 1.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day of August 2024.

Josh Fuller, Mayor

ATTEST:

Yvonne P. Hamilton, Town Clerk

APPROVED AS TO FORM:

GREENSPOON MARDER LLP

TOWN ATTORNEYS

BY: Joseph S. Geller, Esq.



June 24, 2024

Mr. Alberto Campillo
MTX Group One
2570 S. Park Rd
Pembroke Park Fl.
Phone: (305) 964-7973
E-Mail: Acampillo@mtxgroupone.com

SUBJECT: TOWN PROJECT NO.: ITB-BC-158-0-2022-JC
SR 922 / BROAD CAUSEWAY OVER THE INTERCOASTAL WATERWAY
BRIDGE NO. 875101
POTHOLE REPAIRS
CONSTRUCTION NOTICE TO PROCEED

Dear Sir:

The Town of Bay Harbor Islands has confirmed that the above referenced proposal contract was executed on June 24, 2024. In keeping with the limitations stipulated in the contract you are hereby provided with a **Notice to proceed effective June 24, 2024.**

The Senior Project Engineer in charge of this project is:
Mr. Rodney Carrero-Santana, PE
Town Engineer
Town of Bay Harbor Islands
rcarrerosantana@bayharborislands-fl.gov

Sincerely,

Rodney Carrero-Santana, PE
Town Engineer
Town of Bay Harbor Islands

cc: Fausto Vargas – Town of Bay Harbor Islands
Yvonne Hamilton – Town of Bay Harbor Islands



MTX Group One, LLC

2750 S Park Rd
Hallandale Beach, FL 33009
CGC1521304 | CUC1225323
(954)287-1590
accountsreceivable@mtxgroupone.com

Town of Bay Harbor Islands

1030 95th Streets
David Hernandez
dhernandez@bayharborislands-fl.gov
(305) 546-7321

Bridge Restoration Proposal

June 17, 2024

Scope of Work

Project Total: \$43,351.80

Description	Quantity	Total
Pothole repair & Bridge Restoration		
3'x3' Pot Hole Repair	7 EA	
4'x5' Pot Hole Repair	8 EA	
6'x6' Pot Hole Repair	7 EA	
Remove and Haul existing material		
Asphalt Restoration - Asphalt 9.5 (3)2" Lift (Compacted every two inches)		
When exposed we will look for concrete spalding and rebar damage to perform repair with Sika Mortar product. When encountered repair will be made, allowing 72 hours for curing then performing asphalt restoration.		
Note: MOT not included and Striping not included. Job duration: 3 weeks		
		\$43,351.80

[Signature]
6/24/24
Must be completed by July 31

Project Total: \$43,351.80

Exclusions

1. **Design Services**: Our scope does not include the provision of design services for drainage systems. Any design work required must be provided by the client or a designated design professional.
2. **Permit Acquisition**: We do not cover the acquisition of necessary permits and approvals from local authorities. It is the client's responsibility to secure all required permits for the project.
3. **Utility Relocation**: Exclusions apply to the relocation or adjustment of existing utilities, including but not limited to electrical, telecommunications, and water lines.
4. **Landscaping Restoration**: Our scope does not include the restoration of landscaping or vegetation disturbed during construction. Reinstatement of landscaping features is the responsibility of the client unless otherwise specified in the contract.
5. **Environmental Remediation**: Exclusions encompass any remediation efforts related to environmental contamination or pollution discovered during construction activities.
6. **Subsurface Conditions**: We do not assume responsibility for subsurface conditions encountered during excavation, such as encountering unforeseen rock formations or groundwater. Additional costs arising from unforeseen subsurface conditions will be addressed through change orders as necessary.
7. **Site Access Preparation**: Exclusions include any additional site access preparation required beyond standard construction practices, such as clearing of rights-of-way or removal of obstructions not directly related to the project.
8. **Material Testing**: Our scope does not cover material testing beyond what is required for quality control during construction. Any specialized testing or analysis beyond standard quality control measures is excluded.
9. **As-Built Documentation**: Exclusions apply to the preparation of as-built documentation beyond what is required for construction purposes, including detailed surveying or documentation for record-keeping purposes.
10. **Force Majeure Events**: We are not liable for delays or damages caused by force majeure events such as natural disasters, strikes, or government actions beyond our control.

11. ****Third-Party Services****: Exclusions include services provided by third-party subcontractors not directly contracted by us. Any subcontracted work is the responsibility of the subcontractor and is subject to their terms and conditions.

12. ****Legal Compliance****: Exclusions apply to any costs incurred due to non-compliance with local, state, or federal laws and regulations governing construction activities. It is the client's responsibility to ensure compliance with all applicable laws and regulations.

13. ****Dewatering****: Exclusions apply to any dewatering needs due to shallow water tables or High tide.

14. **Schedule Deviation**: Any delays or schedule deviation due to any factors outside of our control will be an additional mobilization charge of \$3,500.00 due to delays.

These exclusions are intended to clarify the boundaries of our contractual obligations and responsibilities. Any exceptions or deviations from these exclusions must be explicitly agreed upon in writing between the client and the contractor.



MTX Group One, LLC

2750 S Park Rd
Hallandale Beach, FL 33009
CGC1521304 | CUC1225323
(954)287-1590
accountsreceivable@mtxgroupone.com

Town of Bay Harbor Islands

1030 95th Streets
David Hernandez
dhernandez@bayharborislands-fl.gov
(305) 546-7321

Bridge Restoration Proposal

2

July 29, 2024

Scope of Work

Project Total: \$19,500.80

Description	Quantity	Total
Pothole repair & Bridge Restoration		
4'x4' Pot Hole Repair	9 EA	
Remove and Haul existing material		
Asphalt Restoration - Asphalt 9.5 (3)2" Lift (Compacted every two inches)		
When exposed we will look for concrete spalding and rebar damage to perform repair with Sika Mortar product. When encountered repair will be made, allowing 72 hours for curing then performing asphalt restoration.		
Note: MOT not included and Striping not included. Job duration: 3 weeks		
		\$19,500.80

[Handwritten signature]
8/2/24

Project Total: \$19,500.80

What's Date of completion?
Date of Completion 8/9/24 - Res [signature]

Exclusions

1. **Design Services**: Our scope does not include the provision of design services for drainage systems. Any design work required must be provided by the client or a designated design professional.
2. **Permit Acquisition**: We do not cover the acquisition of necessary permits and approvals from local authorities. It is the client's responsibility to secure all required permits for the project.
3. **Utility Relocation**: Exclusions apply to the relocation or adjustment of existing utilities, including but not limited to electrical, telecommunications, and water lines.
4. **Landscaping Restoration**: Our scope does not include the restoration of landscaping or vegetation disturbed during construction. Reinstatement of landscaping features is the responsibility of the client unless otherwise specified in the contract.
5. **Environmental Remediation**: Exclusions encompass any remediation efforts related to environmental contamination or pollution discovered during construction activities.
6. **Subsurface Conditions**: We do not assume responsibility for subsurface conditions encountered during excavation, such as encountering unforeseen rock formations or groundwater. Additional costs arising from unforeseen subsurface conditions will be addressed through change orders as necessary.
7. **Site Access Preparation**: Exclusions include any additional site access preparation required beyond standard construction practices, such as clearing of rights-of-way or removal of obstructions not directly related to the project.
8. **Material Testing**: Our scope does not cover material testing beyond what is required for quality control during construction. Any specialized testing or analysis beyond standard quality control measures is excluded.
9. **As-Built Documentation**: Exclusions apply to the preparation of as-built documentation beyond what is required for construction purposes, including detailed surveying or documentation for record-keeping purposes.
10. **Force Majeure Events**: We are not liable for delays or damages caused by force majeure events such as natural disasters, strikes, or government actions beyond our control.

11. ****Third-Party Services****: Exclusions include services provided by third-party subcontractors not directly contracted by us. Any subcontracted work is the responsibility of the subcontractor and is subject to their terms and conditions.

12. ****Legal Compliance****: Exclusions apply to any costs incurred due to non-compliance with local, state, or federal laws and regulations governing construction activities. It is the client's responsibility to ensure compliance with all applicable laws and regulations.

13. ****Dewatering****: Exclusions apply to any dewatering needs due to shallow water tables or High tide.

14. **Schedule Deviation**: Any delays or schedule deviation due to any factors outside of our control will be an additional mobilization charge of \$3,500.00 due to delays.

These exclusions are intended to clarify the boundaries of our contractual obligations and responsibilities. Any exceptions or deviations from these exclusions must be explicitly agreed upon in writing between the client and the contractor.

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 10.

ITEM: Consideration and Approval of a Resolution for the Sixth Extension of the Lease Agreement between Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands to November 29, 2024, for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida. Enclosed are the draft Resolution and the Lease Extension agreement.

DESCRIPTION:

On May 31, 2024, the Town Council approved the Fifth Extension of the Lease Agreement with Sunshine Gasoline Distributors, Inc. that is set to expire on August 31, 2024. This request is for a Sixth Extension of 90 days to November 30, 2024.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

FINANCIAL ANALYSIS

GL Line Item Number: 401.9990.362000.000

Total Amount Budgeted: Revenue \$28,202.55

Encumbered Amount: N/A

Balance Remaining: N/A

Approximately \$9,400 is collected monthly.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Staff Memo for Council Agenda Items -Sixth Extension of the Lease Agreement with Sunshine Gasoline Station
2.	Resolution approving 6th Lease Extension Agreement -Sunshine Gasoline Distributors
3.	Sixth Lease Extension Agreement - Sunshine Gasoline Distributors



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
FROM:	Yvonne P. Hamilton, CMC Town Clerk
DATE:	August 14, 2024
SUBJECT:	Sixth Extension of the Lease Agreement with Sunshine Gasoline Distributors, Inc.

RECOMMENDATION

It is recommended that the Town Council approves the attached resolution authorizing a Sixth Extension Lease Agreement with Sunshine Gasoline Distributors, Inc.

BACKGROUND / ANALYSIS

The Town of Bay Harbor Islands and Sunshine Gasoline Distributors, Inc. entered into an amended lease agreement on August 1, 2008 for lease of the town's property at 1501 Broad Causeway for operation of a motor fuel service station and convenience store.

The gas station is located in the area of the Broad Causeway Bridge project and the Town, and the lessee have been extending the term of the lease while actively negotiating the terms of a new lease agreement.

EXECUTE

On May 31, 2024, the Town Council approved the Fifth Extension of the Lease Agreement with Sunshine Gasoline Distributors, Inc. that is set to expire on August 31, 2024. This request is for a Sixth Extension of 90 days to November 29, 2024.

FINANCIAL ANALYSIS

GL Line Item Number: 401.9990.362000.000

Total Amount Budgeted: Revenue \$28,202.55

Encumbered Amount: N/A

Balance Remaining: N/A

Approximately \$9,400 is collected monthly.

ATTACHMENTS

1. Draft Resolution
2. Proposed Lease Agreement

RESOLUTION NO. _____

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, PROVIDING FOR THE APPROVAL OF THE SIXTH LEASE EXTENSION AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND SUNSHINE GASOLINE DISTRIBUTORS, INC., A FLORIDA CORPORATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands (“Town”) and Sunshine Gasoline Distributors, Inc., a Florida corporation (“Lessee”) entered into a Lease Extension Agreement on or about May 31, 2024; and

WHEREAS, the Lease is set to expire on August 31, 2024; and

WHEREAS, the Town and Lessee desire to extend the term of the Lease by three months through November 29, 2024, while actively working on a long-term extension of the Lease; and

WHEREAS, the Town Council hereby finds the Sixth Lease Extension Agreement between the Town and Lessee, attached hereto as Exhibit A, and made a part of this Resolution, to be in the best interest of the Town and Lessee.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS:

Section 1. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. The Town hereby approves and adopts the Sixth Lease Extension Agreement between the Town and the Lessee attached hereto as Exhibit A.

Section 3. If any provision, section, phrase, or word of this Resolution is declared invalid or unenforceable by a court of competent jurisdiction, the remaining provisions, sections, phrases or words of this Resolution shall remain in full force and effect.

Section 4. The Town Manager is hereby authorized to do all things necessary to carry out the aims of the Resolution.

Section 5. This Resolution shall become effective immediately upon its adoption.

PASSED and ADOPTED this 14th day of August 2024.

JOSHUA D. FULLER, MAYOR

ATTEST:

**_____
YVONNE P. HAMILTON, TOWN CLERK**

APPROVED AS TO FORM:

**_____
GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.**

FIFTH LEASE EXTENSION AGREEMENT

THIS FIFTH LEASE EXTENSION AGREEMENT (the "Agreement") made this _____, **SUNSHINE GASOLINE DISTRIBUTORS, INC., a Florida corporation**, whose business address is 1650 NW 87th Avenue, Miami, Florida 33172 (the "Lessee") and the **TOWN OF BAY HARBOR ISLANDS, a Florida municipal corporation** (the "Lessee"). This Agreement shall be effective on the day this Agreement is signed by both Lessor and Lessee.

WITNESSETH

WHEREAS, by that certain Amended and Restated Lease dated on or about August 1, 2008, as amended and/or modified (the "Lease"), Lessor demised and leased unto Lessee a parcel of land situated in the Town of Bay Harbor Islands, County of Miami-Dade, State of Florida more particularly described as: **1501 Broad Causeway, Bay Harbor Islands, Florida 33154 operating as a motor fuel service station and convenience store** (the "Premises"); and

WHEREAS, the Lessor and Lessee entered into that certain Sixth Lease Extension Agreement on or about May 31, 2024; and

WHEREAS, the Lease is set to expire on August 31, 2024; and

WHEREAS, Lessor and Lessee desire to extend the term of the Lease while actively working on a long-term extension of the Lease; and

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, and the mutual covenants and promises herein contained, it is hereby agreed that:

1. The Lease term is hereby extended through and including November 29, 2024.
2. This Agreement solely extends the term of the Lease as stated above. All of the terms and conditions of the Lease, as amended and/or modified, are hereby ratified and confirmed by the parties hereto and the same is declared to be a present, valid and subsisting lease covering the premises herein described.
3. Lessor and Lessee further acknowledge that they were each given an opportunity to seek counsel in connection with the negotiation and execution of this Agreement and have either sought the advice of counsel or voluntarily chosen not to seek the advice of counsel.

[EXECUTIONS AND ACKNOWLEDGMENTS ON THE FOLLOWING PAGES]

Lessor's Initials: _____

Lessee's Initials: _____

IN WITNESS WHEREOF, the parties hereto have duly signed or caused these presents to be signed the day and year first above written.

LESSEE

SUNSHINE GASOLINE DISTRIBUTORS,
INC., a Florida corporation

LESSOR

TOWN OF BAY HARBOR ISLANDS

Name: _____
Title: _____
Date: _____

Name: _____
Title: _____
Date: _____

ATTEST

Name: _____
Title: _____
Date: _____

APPROVED AS TO FORM:
GREENSPOON MARDER LLP
Town Attorneys

Joseph S. Geller

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 11.

ITEM: Consideration and Approval of a resolution designating authorized signatories with Mellon Bank for the town investment accounts. Enclosed is the draft Resolution.

DESCRIPTION:

Staff recommends that the Town Council approves the attached Resolution updating the signatories for BNY Mellon accounts.

The Town currently has three (3) investment accounts with BNY Mellon, General, Causeway and Water funds with balances as of June 6, 2024, of \$3.15 Million, \$1.77 Million and \$1.89 Million respectively. New signatories are required due to personnel changes.

Adopt the attached resolution to authorize Jenice Rosado, Town Manager, Mike Mesa, Assistant Town Manager, and Brian Stewart, Town Finance Director or any one of them or their successors in office as signatories for BNY Mellon accounts.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS: FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	24-8-6 Staff Memo for Council Agenda Items - Mellon Bank Signatories
2.	Resolution - Mellon Bank-



**TOWN OF BAY HARBOR ISLANDS
FINANCE DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Brian Stewart Finance Director
DATE:	August 6, 2024
SUBJECT:	Town of Bay Harbor Islands – Resolution updating signatories for BNY Mellon Bank accounts

RECOMMENDATION

Staff recommends that the Town Council approves the attached Resolution updating the signatories for BNY Mellon accounts.

BACKGROUND / ANALYSIS

The Town currently has 3 investment accounts with BNY Mellon, General, Causeway and Water funds with balance as of 6/60/24 of 3.15m, 1.77m and 1.89m respectively. New signatories are required due to personnel changes.

EXECUTE

Adopt the attached resolution to authorize Jenice Rosado, Town Manager, Mike Mesa, Assistant Town Manager, and Brian Stewart, Town Finance Director or any one of them or their successors in office as signatories for BNY Mellon accounts.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1. Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF BAY HARBOR ISLANDS,
FLORIDA, UPDATING THE AUTHORIZED
SIGNATORIES FOR THE TOWN'S
INVESTMENT ACCOUNTS HELD WITH
MELLON BANK, N.A.; PROVIDING FOR
INCORPORATION OF RECITALS AND AN
EFFECTIVE DATE.**

WHEREAS, the Town Council has adopted an Investment Policy and has appointed an Investment Adviser, so that surplus funds may be invested according to that policy, as it may be amended from time to time by the Council; and

WHEREAS, the Town is required to designate the person or persons who are authorized and permitted to deal with and place orders regarding said investments; and

WHEREAS, the purpose of this resolution is to update the signatures on file with the bank.

NOW, THEREFORE BE RESOLVED BY THE TOWN COUNCIL OF BAY HARBOR ISLANDS, FLORIDA:

Section 1. The recitals listed above are incorporated in this Resolution as fully set forth herein.

Section 2. The following persons, Jenice Rosado, Town Manager, Mike Mesa, Assistant Town Manager, and Brian Stewart, Town Finance Director or any one of them or their successors in office, may on behalf of the Town of Bay Harbor Islands:

- a) Give orders on the above-said account in conjunction with the Financial Adviser appointed by the Town Council for the purchase, sale or disposition of the securities pursuant to Section 166.261, Florida Statutes.

- b) Deliver to and receive from Mellon Bank, N.A., Mellon Private Trust Company, N.A.
and/or Mellon Trust of New England, N.A.
- c) Sign acknowledgments of the correctness of all statements of accounts; and
- d) Make, execute and deliver under the corporate seal any and all written agreements and
endorsements necessary or proper to effectuate the authority hereby conferred.

Section 3. The following are the signatures of the officers authorized by this Resolution to
act for the Town of Bay Harbor Islands:

Jenice Rosado, Town Manager

Mike Mesa, Assistant Town Manager

Brian Stewart, Town Finance Director

Section 4. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of August 2024.

JOSHUA D. FULLER
MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM:

GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 12.

ITEM: Consideration and Approval of a resolution approving an Interlocal Agreement between the Town of Bay Harbor Islands and Miami-Dade County to continue the services of the Civil Citation Program. Enclosed are the resolution and Interlocal Agreement.

DESCRIPTION:

Staff recommends approving a resolution approving the renewal of the Interlocal Agreement between the Town of Bay Harbor Islands and Miami-Dade County to continue services of the Civil Citation Program. Enclosed are the resolution and the Interlocal Agreement.

The Agreement provides Bay Harbor Islands the allowance to enforce specific sections of the Code of Miami Dade County through Chapter 8CC of the County Code. Acceptance of the agreement authorizes the Town Manager to enter into an Interlocal Agreement with Miami Dade County for Civil Citation Program. The Town of Bay Harbor Islands desires to continue this partnership to issue civil violation notices under section 8CC-10 of the County Code. The most recent agreement expired on June 25, 2023. Therefore, there have not been any civil citations issued.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

The PARTICIPATING ENTITY shall reimburse the COUNTY for the administrative costs relating to the conduct of hearings on appeals from violations as provided in Section I above by paying the administrative fee for civil violation hearings as outlined in Implementing Order 4-33. The PARTICIPATING ENTITY shall also be responsible for reimbursing the COUNTY for any attorney's fees and costs, including the costs of transcripts and clerical costs, incurred in such proceedings. The billing for the administrative fee and any incurred attorney's fees and costs shall be processed by the Miami-Dade Police Department, and funds shall be payable to the Miami-Dade Police Department within thirty (30) days of receipt of an invoice for such services. Funds received by the Miami-Dade Police Department from the PARTICIPATING ENTITY will be deposited into the Miami-Dade County Diversion Program, except that a portion of the funds received from the PARTICIPATING ENTITY may be used to offset costs incurred by the Miami-Dade Police Department in connection with billing for the above fee and costs. In addition, the PARTICIPATING ENTITY shall bear all costs relating to any subsequent appeal of the Hearing Officer's decision to the Circuit Court of the Eleventh Judicial Circuit and/or any higher court and shall be solely responsible for representing the PARTICIPATING ENTITY in any such proceedings.

Subject to applicable state law, the Clerk of Courts shall, on a quarterly basis, reimburse to the

PARTICIPATING ENTITY the fines collected from the issuance of civil violation notices for violations of the Specified Sections as set forth in section 8CC-10 of the County Code. Prior to the reimbursement, the Clerk of Courts will deduct the Clerk's administrative costs of processing the civil violation notices from the fines collected. Should the violator opt to enter the Miami-Dade County Diversion Program as set forth in Implementing Order 2-12, the Clerk shall pay to the COUNTY, and the COUNTY shall keep, the entire processing fee paid by the violator.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Lindsley Noel

ATTACHMENTS

1.	Staff Memo for Council MOU Interlocal Miami Dade County (Civil Citation).1
2.	Civil Citation Interlocal Agreement_Bay Harbor Islands 2024
3.	Resolution-Civil Citations - Miami-Dade County Interlocal Agreement



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lindsley Noel Chief of Police
DATE:	August 7, 2024
SUBJECT:	Town of Bay Harbor Islands –Renewal of Interlocal Agreement Between Miami-Dade County, Florida (Civil Citation)

RECOMMENDATION

Staff recommends approving a resolution approving the renewal of the Interlocal Agreement between the Town of Bay Harbor Islands and Miami-Dade County to continue services of the Civil Citation Program. Enclosed are the resolution and the Interlocal Agreement.

BACKGROUND / ANALYSIS

The Agreement provides Bay Harbor Islands the allowance to enforce specific sections of the Code of Miami Dade County through Chapter 8CC of the County Code. Acceptance of the agreement authorizes the Town Manager to enter into an Interlocal Agreement with Miami Dade County for Civil Citation Program. The Town of Bay Harbor Islands desires to continue this partnership to issue civil violation notices under section 8CC-10 of the County Code. The most recent agreement expired on June 25, 2023. Therefore, there have not been any civil citations issued.

EXECUTE

This Agreement shall be in full force and in effect from the date of the final execution by either party and shall continue for three (3) years. At the expiration of the three (3) year period, in order for the PARTICIPATING ENTITY to continue its enforcement efforts, the COUNTY and

the PARTICIPATING ENTITY may renew this Agreement for up to three (3) terms of three (3) years each.

Resolution Wording:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE TOWN AND MIAMI-DADE COUNTY TO CONTINUE IMPLEMENTING THE CIVIL CITATION PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS AND PROVIDING FOR AN EFFECTIVE DATE.

FINANCIAL ANALYSIS

The PARTICIPATING ENTITY shall reimburse the COUNTY for the administrative costs relating to the conduct of hearings on appeals from violations as provided in Section I above by paying the administrative fee for civil violation hearings as outlined in Implementing Order 4-33. The PARTICIPATING ENTITY shall also be responsible for reimbursing the COUNTY for any attorney's fees and costs, including the costs of transcripts and clerical costs, incurred in such proceedings. The billing for the administrative fee and any incurred attorney's fees and costs shall be processed by the Miami-Dade Police Department, and funds shall be payable to the Miami-Dade Police Department within thirty (30) days of receipt of an invoice for such services. Funds received by the Miami-Dade Police Department from the PARTICIPATING ENTITY will be deposited into the Miami-Dade County Diversion Program, except that a portion of the funds received from the PARTICIPATING ENTITY may be used to offset costs incurred by the Miami-Dade Police Department in connection with billing for the above fee and costs.

In addition, the PARTICIPATING ENTITY shall bear all costs relating to any subsequent appeal of the Hearing Officer's decision to the Circuit Court of the Eleventh Judicial Circuit and/or any higher court and shall be solely responsible for representing the PARTICIPATING ENTITY in any such proceedings.

Subject to applicable state law, the Clerk of Courts shall, on a quarterly basis, reimburse to the PARTICIPATING ENTITY the fines collected from the issuance of civil violation notices for violations of the Specified Sections as set forth in section 8CC-10 of the County Code. Prior to the reimbursement, the Clerk of Courts will deduct the Clerk's administrative costs of processing the civil violation notices from the fines collected. Should the violator opt to enter the Miami-Dade County Diversion Program as set forth in Implementing Order 2-12, the Clerk shall pay to the COUNTY, and the COUNTY shall keep, the entire processing fee paid by the violator.

ATTACHMENTS

1. Town Memorandum
2. Interlocal Agreement Between Miami-Dade County, Florida (Civil Citation)

INTERLOCAL AGREEMENT BETWEEN

MIAMI-DADE COUNTY, FLORIDA

AND

BAY HARBOR ISLANDS

**ALLOWING BAY HARBOR ISLANDS POLICE DEPARTMENT TO ENFORCE
SECTIONS 7-1(C), 7-3, 7-4, 7-22.1, 7-26, 7-26.1, 7-33, 7-34, 7-35, 7-37, 8A-52, 8A-172, 8A-
276(B), 21-21, 21-21.2(B), 21-21.3, 21-24.1, 21-27.1, 21-27.2, 21-28, 21-29(B), 21-29.1, 21-
31.1, 21-31.2(B)(1), 21-31.2(B)(2), 21-31.4(B), 21-35(D), 21-36, 21-36.1, 21-36.3(C), 21-38(A),
21-51, 21-56, 21-57, 21-81(D), 21-118, 21-133, 21-136, 21-287, 26-1, 26A-2A, AND
31-105 OF THE CODE OF MIAMI-DADE COUNTY
THROUGH CHAPTER 8CC OF THE COUNTY CODE**

This Interlocal Agreement (“Agreement”) is made and entered this ____ day of _____, 2024, by and between MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida (hereafter “COUNTY”) and the Bay Harbor Islands (hereafter “PARTICIPATING ENTITY”).

WITNESSETH

WHEREAS, a PARTICIPATING ENTITY may enforce within its lawful jurisdiction within Miami-Dade County provisions of the Code of Miami-Dade County (the “County Code”) through chapter 8CC of the County Code upon execution and adoption of an interlocal agreement by the COUNTY and the PARTICIPATING ENTITY which contains the sections of the County Code the PARTICIPATING ENTITY wishes to enforce, the job title of the agents or employees of the PARTICIPATING ENTITY authorized to perform the enforcement functions, the amount reimbursable to the COUNTY for administrative costs, the amount of revenue reimbursable to the PARTICIPATING ENTITY from any fine collected, an agreement to indemnify and hold the COUNTY harmless from and against any and all liability, actions and causes of actions relating to the PARTICIPATING ENTITY’s enforcement, and a term not to exceed three (3) years; and

WHEREAS, the COUNTY and the PARTICIPATING ENTITY agree that it is in their mutual best interests and the best interests of the PARTICIPATING ENTITY and of the citizens of the COUNTY to have the PARTICIPATING ENTITY enforce the provisions of sections 7-1(c), 7-3, 7-4, 7-22.1, 7-26, 7-26.1, 7-33, 7-34, 7-35, 7-37, 8A-52, 8A-172, 8A-276(b), 21-21, 21-21.2(b), 21-21.3, 21-24.1, 21-27.1, 21-27.2, 21-28, 21-29(b), 21-29.1, 21-31.1, 21-31.2(b)(1), 21-31.2(b)(2), 21-31.4(b), 21-35(d), 21-36, 21-36.1, 21-36.3(c), 21-38(a), 21-51, 21-56, 21-57, 21-81(d), 21-118, 21-133, 21-136, 21-287, 26-1, 26A-2A, and 31-105 of the County Code, as they may be amended from time to time, through chapter 8CC of the County Code,

NOW, THEREFORE, IN CONSIDERATION of the mutual benefits derived here from and in compliance with section 8CC-11 of the County Code, the COUNTY and the PARTICIPATING ENTITY covenant and agree as follows:

I. CODE SECTIONS SUBJECT TO ENFORCEMENT

The PARTICIPATING ENTITY is authorized to enforce the provisions of sections 7-1(c), 7-3, 7-4, 7-22.1, 7-26, 7-26.1, 7-33, 7-34, 7-35, 7-37, 8A-52, 8A-172, 8A-276(b), 21-21, 21-21.2(b), 21-21.3, 21-24.1, 21-27.1, 21-27.2, 21-28, 21-29(b), 21-29.1, 21-31.1, 21-31.2(b)(1), 21-31.2(b)(2), 21-31.4(b), 21-35(d), 21-36, 21-36.1, 21-36.3(c), 21-38(a), 21-51, 21-56, 21-57, 21-81(d), 21-118, 21-133, 21-136, 21-287, 26-1, 26A-2A, and 31-105 of the County Code (the “Specified Sections”), as they may be amended from time to time, through chapter 8CC of the County Code, including but not limited to the ability to issue civil violation notices under section 8CC-10 of the County Code for violations of the provisions of the Specified Sections, as they may be amended from time to time, within the jurisdiction of the PARTICIPATING ENTITY. Notwithstanding this authorization, nothing in this Agreement shall be construed to limit,

supersede, or remove the independent authority of the COUNTY to enforce the Specified Sections within the jurisdiction of the PARTICIPATING ENTITY.

II. AUTHORIZED AGENTS

All law enforcement officers as defined by section 943.10(1), Florida Statutes that are employed by the PARTICIPATING ENTITY are authorized by this Agreement to perform the enforcement functions outlined in and in accordance with this Agreement.

III. AMOUNT REIMBURSABLE TO MIAMI-DADE COUNTY FOR COSTS RELATED TO THE CONDUCT OF HEARINGS ON APPEALS

The PARTICIPATING ENTITY shall reimburse the COUNTY for the administrative costs relating to the conduct of hearings on appeals from violations as provided in Section I above by paying the administrative fee for civil violation hearings as outlined in Implementing Order 4-33. The PARTICIPATING ENTITY shall also be responsible for reimbursing the COUNTY for any attorney's fees and costs, including the costs of transcripts and clerical costs, incurred in such proceedings. The billing for the administrative fee and any incurred attorney's fees and costs shall be processed by the Miami-Dade Police Department, and funds shall be payable to the Miami-Dade Police Department within thirty (30) days of receipt of an invoice for such services. Funds received by the Miami-Dade Police Department from the PARTICIPATING ENTITY will be deposited into the Miami-Dade County Diversion Program, except that a portion of the funds received from the PARTICIPATING ENTITY may be used to offset costs incurred by the Miami-Dade Police Department in connection with billing for the above fee and costs.

In addition, the PARTICIPATING ENTITY shall bear all costs relating to any subsequent appeal of the Hearing Officer's decision to the Circuit Court of the Eleventh Judicial Circuit and/or any higher court, and shall be solely responsible for representing the PARTICIPATING ENTITY in any such proceedings.

IV. AMOUNT OF REVENUE REIMBURSABLE TO THE PARTICIPATING ENTITY FROM THE FINE COLLECTED

Subject to applicable state law, the Clerk of Courts shall, on a quarterly basis, reimburse to the PARTICIPATING ENTITY the fines collected from the issuance of civil violation notices for violations of the Specified Sections as set forth in section 8CC-10 of the County Code. Prior to the reimbursement, the Clerk of Courts will deduct the Clerk's administrative costs of processing the civil violation notices from the fines collected. Should the violator opt to enter the Miami-Dade County Diversion Program as set forth in Implementing Order 2-12, the Clerk shall pay to the COUNTY, and the COUNTY shall keep, the entire processing fee paid by the violator.

V. TERM OF AGREEMENT AND RENEWALS

This Agreement shall be in full force and effect from the date of the final execution by either party and shall continue for three (3) years. At the expiration of the three (3) year period, in order for the PARTICIPATING ENTITY to continue its enforcement efforts, the COUNTY and the PARTICIPATING ENTITY may renew this Agreement for up to three (3) terms of three (3) years each.

VI. PARTICIPATING ENTITY INDEMNIFICATION OF THE COUNTY

Subject to the limitations set forth in section 768.28, Florida Statutes, and all other applicable laws, the PARTICIPATING ENTITY shall indemnify and hold harmless the COUNTY from and for any losses, claims, causes of action, or damages of any nature whatsoever, arising from the act, omission, performance, or failure of performance of the PARTICIPATING ENTITY or the PARTICIPATING ENTITY's agents, contractors, servants, and employees relative to the enforcement of the provisions of the Specified Sections pursuant to chapter 8CC of the County Code. The PARTICIPATING ENTITY shall defend the COUNTY in any action, including any action in the name of the COUNTY.

VII. DEFAULT

- A. Without limitation, the failure by the PARTICIPATING ENTITY to substantially fulfill any of its material obligations in accordance with this Agreement shall constitute a “Participating Entity Default.” If a Participating Entity Default should occur, the COUNTY shall have all the following rights and remedies which may be exercised singly or in combination:
1. The right to declare that this Agreement together with all rights granted to the PARTICIPATING ENTITY thereunder are terminated, effective upon such date as is designated by the COUNTY. Provided, however, that the COUNTY shall give PARTICIPATING ENTITY a period of thirty (30) days after receipt of the written notice from the COUNTY of said default to cure any Participating Entity Default unless the COUNTY determines, in its sole and absolute discretion, that the nature of the default is such that it cannot be cured in a period of thirty (30) days from the date of the default. If the PARTICIPATING ENTITY commences reasonable efforts to cure such default no later than thirty (30) days after such notice, and such efforts are prosecuted to completion and to the COUNTY’s satisfaction, then it shall be deemed that no Participating Entity Default shall have occurred under the provisions of this paragraph.
 2. Any and all rights provided under the laws of the State of Florida.
- B. Without limitation, the failure by the COUNTY to substantially fulfill any of its material obligations in accordance with this Agreement shall constitute a “County Default.” If a County Default should occur, the PARTICIPATING ENTITY shall have all of the following rights and remedies which it may exercise singly or in combination:

1. The right to declare that this Agreement together with all rights granted to the COUNTY thereunder are terminated, effective upon such date as is designated by the PARTICIPATING ENTITY. Provided, however, that the PARTICIPATING ENTITY shall give the COUNTY a period of thirty (30) days after receipt of written notice from the PARTICIPATING ENTITY of said default to cure any County Default unless the PARTICIPATING ENTITY determines, in its sole and absolute discretion, that the nature of the default is such that it cannot be cured in a period of thirty (30) days from the date of the default. If the COUNTY commences reasonable efforts to cure such default no later than thirty (30) days after such notice, and such efforts are prosecuted to completion and to the PARTICIPATING ENTITY's reasonable satisfaction, then it shall be deemed that no County Default shall have occurred under the provisions of this paragraph.
2. Any and all rights provided under the laws of the State of Florida.

VIII. TERMINATION

Notwithstanding the above, this agreement may be terminated by either the COUNTY or the PARTICIPATING ENTITY upon thirty (30) days' written notice.

IX. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The COUNTY and the PARTICIPATING ENTITY agree to submit to service of process and jurisdiction of the State of Florida for any controversy or claim arising out of or relating to this Agreement or a breach of this Agreement. Venue for any court action between the COUNTY and the PARTICIPATING ENTITY for any such controversy arising from or related to this Agreement shall be in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida.

X. ENTIRETY OF AGREEMENT

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein. The COUNTY and the PARTICIPATING ENTITY agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this Agreement, and that this Agreement contains the entire agreement between the COUNTY and the PARTICIPATING ENTITY as to matters contained herein. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written. It is further agreed that any oral representations or modifications concerning this Agreement shall be of no force or effect, and that this Agreement may be modified, altered, or amended only by a written amendment duly executed by both the COUNTY and the PARTICIPATING ENTITY and their authorized representatives.

XI. HEADINGS

Captions and headings in this Agreement are for ease of reference only and do not constitute a part of this Agreement and shall not affect the meaning or interpretation of any provisions herein.

XII. RIGHTS OF OTHERS

Nothing in this Agreement expressed or implied is intended to confer upon any person other than the COUNTY and the PARTICIPATING ENTITY any rights or remedies under or by reason of this Agreement.

XIII. REPRESENTATION OF THE ENFORCEMENT ENTITY

The PARTICIPATING ENTITY represents that: (i) this Agreement has been duly authorized, executed, and delivered by the governing body of the PARTICIPATING ENTITY or its designee; and (ii) it has the required power and authority to perform this Agreement.

XIV. REPRESENTATION OF COUNTY

The COUNTY represents that: (i) this Agreement has been duly authorized, executed, and delivered by the governing body of the COUNTY or its designee; and (ii) the COUNTY has the required power and authority to perform this Agreement.

XV. WAIVER

There shall be no waiver of any right related to this Agreement unless in writing signed by the party waiving such right. No delay or failure to exercise a right under this Agreement shall impair such right or shall be construed to be a waiver thereof. Any waiver shall be limited to the particular right so waived and shall not be deemed a waiver of the same right at a later time, or of any other right under this Agreement.

XVI. INVALIDITY OF PROVISIONS, SEVERABILITY

Wherever possible, each provision of the Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement, provided that the material purposes of this Agreement can be determined and effectuated.

XVII. NOTICE

Notices to the PARTICIPATING ENTITY shall be sufficient if sent by Federal Express or certified mail, return receipt requested, postage prepaid, addressed to:

Jenice Rosado, Town Manager
Town of Bay Harbor Islands
1030 95th Street
Bay Harbor Islands, Florida 33154

with copy to:

Town Attorney
Town of Bay Harbor Islands
1030 95th Street
Bay Harbor Islands, Florida 33154

Notices to the COUNTY shall be sufficient if sent by Federal Express or certified mail, return receipt requested, postage prepaid, addressed to:

Miami-Dade County Mayor
Miami-Dade County
Stephen P. Clark Center
111 N.W. 1st Street, 29th Floor
Miami, FL 33128

with copy to:

Miami-Dade County Attorney
Miami-Dade County
Stephen P. Clark Center
111 N.W. 1st Street, 28th Floor
Miami, FL 33128

Or such other respective address as the COUNTY and the PARTICIPATING ENTITY may designate to each other in writing from time to time.

IN WITNESS WHEREOF, the COUNTY and the PARTICIPATING ENTITY hereto have set their hands and seals the day and year first above written.

MIAMI-DADE COUNTY

Daniella Levine Cava, Mayor

Date

ATTEST: Juan Fernandez-Barquin,
 Clerk of the Court and Comptroller

By: _____
 (Deputy Clerk Signature)

Print Name: _____

Date: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Anita Viciano Zapata
Assistant County Attorney
Miami-Dade County, Florida

Date

TOWN OF BAY HARBOR ISLANDS

Jenice Rosado
Town Manager

Date

ATTEST:

Yvonne P. Hamilton Town Clerk	Date
----------------------------------	------

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Town Attorney _____ Date _____

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR ENFORCEMENT OF SPECIFIED STATE MISDEMEANORS AS CIVIL CITATIONS THROUGH THE COUNTY'S CODE ENFORCEMENT AND DIVERSION PROGRAM, PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN THE INTERLOCAL AGREEMENT; PROVIDING FOR INCORPORATION OF RECITALS, AUTHORIZING EXECUTION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands previously entered into an agreement with Miami-Dade County for the civil enforcement by the Bay Harbor Islands Police Department of State misdemeanor offenses through the County's civil citation and diversion program; and

WHEREAS, the intent of the interlocal agreement is to provide an alternate enforcement mechanism for specific misdemeanor criminal offenses as civil infractions and provide police officers the discretion to issue civil citations in lieu of a physical arrest of the individual; and

WHEREAS, the municipalities in Miami-Dade County may enforce the provisions of Section 21-18 of the County Code, pursuant to Section 8CC-11 upon the adoption by the County and municipality of an interlocal agreement; and

WHEREAS, Miami-Dade County Commission adopted Ordinance No. 19-72 and Resolution R-957-19 simultaneously on September 14, 2019 amending Chapter 8CC of the Code of Miami-Dade County expanding the provisions of the Code Eligible for Enforcement through civil citations and approving the terms of form interlocal agreements with municipalities; and

WHEREAS, the Interlocal Agreement with Miami-Dade County has expired, and the term of the new agreement will be for a period of three (3) years; and

WHEREAS, the Town Council finds that it is in the best interest of the Town and its residents to enter into an interlocal agreement pursuant to Section 163.01, Florida Statutes, for a period not exceeding three (3) years, that allows local governments to make the most efficient use of their powers to enable them to cooperate with other localities on the basis of mutual advantage.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. The Interlocal Agreement with Miami-Dade County in substantially the form attached hereto as Exhibit “A is hereby approved.

Section 3. This Resolution shall be in full force and take effect upon its passing and adoption.

PASSED and adopted this 14th day of August 2024.

By: _____
Joshua D. Fuller, Mayor

ATTEST:

Yvonne P. Hamilton, CMC
Town Clerk

APPROVED AS TO FORM:

Greenspoon Marder LLP
Town Attorneys
By: Joseph S. Geller, Esq.

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 13.

ITEM: Consideration and Approval of a resolution approving a proposal from Transcore in the amount of \$355,068.60 to upgrade all of the servers and software on the SunPass toll system. Enclosed is the draft resolution and proposal from Transcore.

DESCRIPTION:

The initial gantry toll equipment solution was procured, tested, and deployed to production in 2014. While the Infinity toll system and back-office system are functional, the IT Department recommends that the back-office hardware and software be updated proactively and strategically to avoid significant disruption to our daily toll-collecting operations at the toll plaza, unexpected equipment failures and potential security issues due to end-of-life hardware and software in the future.

Replacement of the software and hardware will not affect the toll collection process since the work will take place while the existing equipment is still functional so as not to experience any loss of toll revenue.

RECOMMENDED ACTION:

Approve

FINANCIAL ANALYSIS:

A total of \$355,068.60 has been appropriated in the FY 2024 Budget under Account No. 401.5415.400063.000, Toll Server Replacement—Causeway Fund.

BUDGET IMPACT:

Name	Impact Date	Fund(s)	Account(s)	Project #(s)	Amount Budgeted
Toll Server Replacement	07/26/2024		401.5415.400063.000		\$355,068.60

Submitted By: Roberto Gonzalez, I.S. Manager
Jenice Rosado, Assistant Town Manager

ATTACHMENTS

1.	Staff Memo for Council -TransCore
2.	BHI Equipment refresh June2024 update

3.	Resolution - Transcore Replacement of Equipment on SunPass Gantry
4.	Sec. 2 1.2. Exemptions and waivers from competitive bidding.



TOWN OF BAY HARBOR ISLANDS IT DEPARTMENT MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Roberto Gonzalez IT Director
DATE:	July 23, 2024
SUBJECT:	Town of Bay Harbor Islands – Upgrading all servers at SunPass gantry.

RECOMMENDATION

The hardware and software equipment at the Sunpass gantry are over ten years old and need to be replaced urgently to avoid a disruption in toll operations due to equipment failure. Therefore, it is recommended that the Town proceeds to contract with Transcore to replace hardware and software in the Sunpass gantry.

BACKGROUND / ANALYSIS

The initial gantry toll equipment solution was procured, tested, and deployed to production in 2014. While the Infinity toll system and back-office system are functional, the IT Department recommends that the back-office hardware and software be updated proactively and strategically to avoid significant disruption to our daily toll-collecting operations at the toll plaza, unexpected equipment failures and potential security issues due to end-of-life hardware and software in the future.

Replacement of the software and hardware will not affect the toll collection process since the work will take place while the existing equipment is still functional so as not to experience any loss of toll revenue.

EXECUTE

Contracting with Transcore will proceed immediately. Software and Hardware replacement will begin approximately on 08/19/2024 and be completed on 09/19/2024.

FINANCIAL ANALYSIS

TransCore is the sole source provider of toll gantry equipment.

GL Line Item Number: 401.5415.400063.000

Total Amount Budgeted: \$355,068.60

Encumbered Amount: \$355,068.60

Balance Remaining: 0

ATTACHMENTS

1. Staff Memo
2. Resolution
3. TransCore Proposal



2416 Lake Orange Dr, Suite 100
Orlando, Florida 32837
Phone: 407.382.1301

June 26, 2024

Roberto Gonzalex
IT Director
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Re: **Equipment refresh for Bay Harbor Islands Toll System**

Dear Mr. Gonzalez,

Herewith, we submit the updated cost proposal to complete a back office server equipment refresh for the Bay Harbor Islands Toll System.

Under the Toll System Maintenance Agreement Contract, the initial Infinity solution was procured, tested, and deployed to production in year 2014. While the Infinity toll system and back-office system are functional, Bay Harbor Islands requested to update the back-office hardware and software proactively and strategically to avoid unexpected equipment failures and potential security issues due to end-of-life hardware and software in the future.

Please see Appendix A for the list of hardware and software with its respective costs necessary to complete the initial equipment and software refresh for the back office.

TransCore would perform the following tasks to complete the back-office equipment refresh:

- Meet with Bay Harbor Islands technical representative to discuss and finalize bill of materials and coordinate installation/cut-over approach.
- Procure, receive, unpackage, preconfigure, repackage, and ship equipment to Bay Harbor Islands for installation.
- Prepare hardware equipment for installation; install equipment.
- Configure servers, VMs, DVAS, switches and verify system functionality.
- Upgrade software and verify each component functionality.
- Add new equipment to monitoring software.

Pricing Summary

- I. Estimates for hardware and software based on preliminary quotes from third-party vendors totals: \$ 253,650.85.
 - a. See **Appendix A** for pricing summary of third-party quotes.
- II. Fixed Price Labor is: \$ 101,417.75.
 - a. See **Appendix B** for labor pricing details and associated scope of work.

Equipment Warranties as offered by third-party vendors.

Other recommendations:

Similarly due to equipment aging and end of life considerations, it is TransCore's recommendation to upgrade the Infinity Toll System Lanes equipment based and upgrade Infinity software build to current Infinity build used by the SunPass' program. Accordingly, TransCore will provide an estimate for Town of Bay Harbor Island's review and consideration.

Please do not hesitate to contact me at (321) 281-4153 if you have any questions.

Sincerely,
TRANSCORE

Edgardo Torres

Edgardo Torres, PE, PMP
Associate Vice President

Appendix A:

Pricing Schedule for Third-Party Equipment and Software

Group	Description	Unit Cost	Qty	Total Cost
Hardware				
Dell Servers and Storage (per Dell Quote)	BLOCK STORAGE POWERSTORE 28.3TBE/18.7TBU FC Direct (13.2 TBE DB/VM, 12.7 TBE File)	\$64,521.56	1	\$64,521.56
	BACKUP XS DD3300	\$31,356.60	1	\$31,356.60
Servers 16G	CLUSTER HOST FULL 2x R660 FC HBA's	\$27,726.22	2	\$55,452.44
	DOMAIN CONTROLLER HOST	\$5,760.62	1	\$5,760.62
Backup Server Options	BACKUP HOST 16G 8C 128GB RAM	\$6,815.49	1	\$6,815.49
Network/Firewall Equipment	CPC/PLAZA SWITCH STACK	\$14,880.62	1	\$14,880.62
	INFINITY ZONE SWITCH STACK	\$12,625.41	1	\$12,625.41
Subtotal				\$191,412.74
Software				
Software Licensing	SQL SERVER 2022 STANDARD EDITION	\$6,460.00	2	\$12,920.00
	VEEAM BACKUP SOFTWARE RENEWAL (2 X 10LIC)	\$2,934.00	1	\$2,934.00
	CROWDSTRIKE (CPC/PLAZA) - ANNUAL COST	\$4,420.00	1	\$4,420.00
	SYMENTEC	\$3,989.61	2	\$7,979.22
	REDHAT	\$300.00	3	\$900.00
Subtotal				\$29,153.22
Subtotal Costs Hardware and Software				\$ 220,565.96
Cost plus 15% fee				\$ 33,084.89
Total Costs Hardware and Software				\$ 253,650.85

Notes /Assumptions

- All vendor quotes are provided for Bay Harbor Islands' review.
- The hardware and software prices quoted are not guaranteed by TransCore and are subject to third-party vendors' pricing.
- Annual subscriptions are based on cost plus 15%.
- BHI may elect to purchase the hardware directly from the vendor.

Appendix B: Labor Fixed Price Details

Table I: Labor Approach Overview

Item	Description	Hours	Price
Design/PM	System design/project management	136.5	\$ 33,442.50
Phase 1	Receive equipment in the office and perform initial integration tasks. Connect servers, SAN, and system together with appropriate IP addresses for production. Update non-Infinity firmware and OS to latest versions. For Windows-based VMs, create new VMs for use on upgrading production VMs and stage executables. Backup appliance setup and configuration. Repackage for shipping down to BHI.	136	\$ 33,320.00
Phase 2a	Unpack town hall equipment and install side-by-side with existing Hardware at Town Hall. Build Hyper-V cluster, integrate with new SAN, create CSVs, and live migrate current production VMs from old hardware to new hardware. Once the current production VMs running Windows 2012 or 2012 R2 are migrated to the new hardware, decommission the old virtual hosts and SAN and shut down. Verify system operation using old VMs on new hardware.	71.3	\$ 17,468.50
Phase 3	Upgrade production Windows and Linux VMs and physical servers by transitioning/replacing the old servers with the new ones. Verify transaction flow and processing.	70.15	\$ 17,186.75
Total Hours		413.95	
Subtotal Labor			\$ 101,417.75

Notes/Assumptions:

- Rates for Senior Engineer, hourly rate of \$245.00.
- Labor rates are consistent with those in the latest Toll Equipment Contractor (TEC) contract with Florida Turnpike Enterprise (FTE). Hour estimates do not include travel time.
- The current plan is to update server OS to Windows 2019 or 2022 and current long term support version of Linux.
- Current Infinity build is 426 (9.1.0.426). It's assumed that all existing build software will run properly on the Windows 2019 environment.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A PROPOSAL FROM TRANSORE IN THE AMOUNT OF \$355,068, UNDER THE SOLE SOURCE PROVISION PURSUANT TO SECTION 2.1.2 OF THE TOWN CODE, TO UPGRADE THE SERVERS AND SOFTWARE ON THE SUNPASS TOLL SYSTEM; PROVIDING FOR INCORPORATION OF RECITALS, AUTHORIZING EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the hardware and software equipment at the Sunpass toll system are over 10 years old and need to be replaced urgently to avoid disruption in toll operations from equipment failure;

WHEREAS, the Town previously engaged TransCore to perform services on the Sunpass gantry, as the sole service provider; and

WHEREAS, Section 2.1.1 of the Town Code provides an exemption from the competitive bidding requirements for procurements over \$10,000 that are available from a sole source supplier; and

WHEREAS, staff obtained a proposal from TransCore in the amount of \$355,068 to replace the hardware and software equipment on the Sunpass toll system.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bay Harbor Islands, Florida, as follows:

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

Section 2. The proposal from Transcore in the amount of \$355,068 to replace the hardware and software at the Sunpass Toll system, under the sole source provision, pursuant to Section 2.1.1 of the Town Code, is hereby approved in substantially the form attached hereto as Exhibit "A".

Section 3. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day of August 2024.

Josh Fuller, Mayor

ATTEST:

Yvonne P. Hamilton, Town Clerk

APPROVED AS TO FORM:

GREENSPOON MARDER LLP

TOWN ATTORNEYS

BY: Joseph S. Geller, Esq.

Sec. 2-1.2. Exemptions and waivers from competitive bidding.

- (a) The following shall be exempt from the competitive bidding requirements of section 2-1.1, but shall not obviate the need for the approval of the town council for any transaction exceeding \$10,000.00.
 - (1) Emergency purchases which are more fully described in section 2-1.3;
 - (2) Contracts for professional services;
 - (3) Contracts which are governed by F.S. § 287.055, the Consultants' Competitive Negotiation Act;
 - (4) Contracts for services governed by F.S. § 218.391, Auditor Selection Procedures;
 - (5) Other contracts for which the selection process is provided by state law;
 - (6) Contracts which utilize a bid or proposal which has been secured by another governmental entity "piggyback contract";
 - (7) Contracts made under cooperative bids by the town jointly with other governmental agencies;
 - (8) Contracts for procurements which are only available from a sole source of supply upon the filing of a written request for such exemption by a town department head to the town manager outlining the conditions and circumstances involved.
 - (b) The town council may, by resolution, waive competitive bidding requirements for a specific transaction if it is found to be in the best interest of the town.
- (Ord. No. 881, § 1, 5-11-09)

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 14.

ITEM: Consideration and Approval of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Sweetwater and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

DESCRIPTION:

The Mutual Aid Agreement provides for rendering of assistance for routine and law enforcement intensive situations between both agencies. This Mutual Aid Agreement combines the elements of a Voluntary Cooperation Agreement and a requested Operational Assistance Agreement as described in Chapter 23 Florida Statutes. Both the MOU and Joint Declaration are attached.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no fiscal impact on entering into these agreements.

BUDGET IMPACT:

Submitted By: Analily Perez, Compliance Manager
 Lindsley Noel

ATTACHMENTS

1.	Staff Memo for Council MOU City of Sweetwater
2.	Resolution - City of Sweetwater Mutual Aid Agreement
3.	Mutual Aid Agreement - Town of Bay Harbor Islands June 2024-City of Sweetwater



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lindsley Noel Chief of Police
DATE:	July 26, 2024
SUBJECT:	Town of Bay Harbor Islands – Consideration and Approval of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Sweetwater and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

RECOMMENDATION

Staff recommends that the Town Council approves and adopts the Mutual Aid Agreement which provides for rendering of assistance for routine and law enforcement intensive situations between both agencies. This Mutual Aid Agreement combines the elements of a Voluntary Cooperation Agreement and a requested Operational Assistance Agreement as described in Chapter 23 Florida Statutes. Both the Mutual Aid Agreement and Joint Declaration are attached.

BACKGROUND / ANALYSIS

The Town of Bay Harbor Islands periodically renews Mutual Aid Agreements with neighboring agencies to ensure public safety of their respective citizens by providing adequate levels of police services to address any foreseeable routine or emergency situations.

EXECUTE

The agreement shall take effect upon execution and approval by both parties and shall continue in full force and effect for five years after it takes effect.

Resolution Wording:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE CITY OF SWEETWATER FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

FINANCIAL ANALYSIS

There is no fiscal impact for entering into said agreement.

ATTACHMENTS

1. Town Memorandum
2. Mutual Aid Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA
APPROVING THE MUTUAL AID AGREEMENT AND
JOINT DECLARATION BETWEEN THE TOWN OF BAY
HARBOR ISLANDS AND THE CITY OF SWEETWATER
FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR
INCORPORATION OF RECITALS; AND SETTING AN
EFFECTIVE DATE.**

WHEREAS, it is the responsibility of the governments of the Town of Bay Harbor Islands, Florida and the City of Sweetwater, Florida, to ensure the public safety of their respective citizens by providing adequate levels of police services to address any foreseeable routine or emergency situations; 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 likely to be, beyond the control of the services, personnel, equipment, or facilities of the Town of Bay Harbor Islands' Police Department or the City of Sweetwater 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 Bay Harbor Islands, Florida and the City of Sweetwater; 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 as defined under Section 23.1225 of the Florida Statutes; and

WHEREAS, the Town of Bay Harbor Islands and the City of Sweetwater have the voluntary cooperation and assistance authority under the Florida Mutual Aid Act, Section 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 services 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 the rendering of assistance in law enforcement emergencies as defined in Section 252.34 of the Florida Statutes.

WHEREAS, the Town of Bay Harbor Islands and the City of Sweetwater are desirous of entering into a Mutual Aid Agreement and Joint Declaration (“Exhibit 1”) with each other to provide adequate levels of police service to ensure the public safety of their residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS:

Section 1. Recitals: The recitals listed above are incorporated in this Resolution as if fully set forth in this Resolution.

Section 2. Approval. The Town Council hereby approves the voluntary cooperation and operational assistance mutual aid agreement between the Town of Bay Harbor Islands and the City of Sweetwater.

Section 3. Authority of Town Manager. The Town Manager is authorized to execute this Mutual Aid Agreement.

Section 4. Effective Date. This Resolution shall be effective upon adoption.

PASSED and ADOPTED this 14th day of August 2024.

JOSHUA D. FULLER, MAYOR

ATTEST:

YVONNE P. HAMILTON, TOWN CLERK

APPROVED AS TO FORM:

**GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.**

**COMBINED VOLUNTARY COOPERATION AND
OPERATIONAL ASSISTANCE
MUTUAL AID AGREEMENT
BETWEEN
THE CITY OF SWEETWATER, FLORIDA AND
THE TOWN OF BAY HARBOR ISLANDS, FLORIDA**

WHEREAS, it is the responsibility of the governments of the City of Sweetwater, Florida, and the Town of Bay Harbor Islands, Florida, to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, under Florida Statutes Section 23.121(1) there is an 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 City of Sweetwater Police Department and the Town of Bay Harbor Islands; and

WHEREAS, it is in the best interest and advantage of the City of Sweetwater and the Town of Bay Harbor Islands to receive and extend mutual aid to each other 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, Florida Statutes; and
- (3) Joint provision of certain law enforcement services specified herein and allowed pursuant to Section 166.0495, Florida Statutes; and

WHEREAS, the City of Sweetwater and the Town of Bay Harbor Islands have the authority under Section 23.12, Florida Statutes, et seq., the Florida Mutual Aid Act, to enter into a combined mutual aid agreement for law enforcement services which:

- (1) Permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines; and
- (2) Provides for rendering or assistance in a law enforcement emergency.
- (3) Permits the provision of operational assistance to meet a request for assistance due to a civil disturbance or other emergency as defined in Section 252.34, Florida Statutes; and
- (4) Permits routine traffic patrol along boundary roads of neighboring jurisdictions pursuant to Section 23.1225 Florida Statutes.

NOW, THEREFORE, BE IT KNOWN, that the City of Sweetwater, a political subdivision of the State of Florida, and the Town of Bay Harbor Islands, a political subdivision of the State of 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 1: PROVISIONS FOR VOLUNTARY COOPERATION

Each of the aforesaid law enforcement agencies hereby approve and enter into this agreement whereby each of the agencies may provide voluntary cooperation and assistance of a routine or emergency law enforcement nature across jurisdictional lines. The nature of the law enforcement assistance to be rendered shall include but not be limited to:

- a. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the City of Sweetwater and the Town of Bay Harbor Islands for felony and

misdemeanor arrests, made pursuant to the laws of arrest, including arrestable traffic offenses, which spontaneously take place in the presence of the arresting officer, at such times as the arresting officer is traveling from place to place on official business outside of his or her jurisdiction, for example, to or from court, or at any time when the officer is within the territorial limits of his or her jurisdiction.

- b. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the City of Sweetwater and the Town of Bay Harbor Islands for arrests, made pursuant to the laws of arrest, of persons identified as a result of investigations of any offense constituting a felony or any act of Domestic Violence as defined in Section 741.28, Florida Statutes, when such offense occurred in the municipality employing the arresting officer.
- c. Concurrent law enforcement jurisdiction in and upon the jurisdictional waters of the City of Sweetwater and the Town of Bay Harbor Islands for arrests, made pursuant to the law of arrest, for felonies, misdemeanors, and boating infractions.
- d. Participating in exigent situations, without the need for a formal request, including, but not limited to, area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners, traffic stops near municipal boundaries, requests for assistance when no available local units are nearby, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call.
- e. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the City of Sweetwater and the Town of Bay Harbor Islands for any investigation of a felony, including, but not limited to: homicides, sex offenses, robberies,

assaults, batteries, burglaries, larcenies, gambling, motor vehicle thefts, financial crimes, drug violations pursuant to Chapter 893, Florida Statutes, and inter-agency task forces and/or joint investigations.

- f. Joint enforcement of all state laws and county ordinances city ordinances of the City of Sweetwater and the Town of Bay Harbor Islands and the exercise of arrest powers when a crime of violence or felony of any nature occurs in the presence of any sworn law enforcement officer, within the jurisdictional boundaries of either party.

Prior to any officer taking enforcement action pursuant to paragraphs (a) through (g) above, the officer shall notify the jurisdiction in which the action will be taken, unless exigent circumstances prevent such prior notification, in which case notification shall be made as soon after the action as practicable. If the agency having normal jurisdiction responds to the scene, the assisting agency's officer may 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.

These provisions are not intended to 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 exigent, critical, life-threatening, or public safety situations, prevent bodily injury to citizens, or secure apprehension of criminals whom the law enforcement officer may encounter.

SECTION II: PROVISIONS FOR OPERATIONAL ASSISTANCE

The aforesaid law enforcement agencies hereby approve and enter into this 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, technological, or manmade 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. Any act of terrorism as defined in Section 775.30, Florida Statutes;
6. Escapes from, or disturbances within, prisoner processing facilities;
7. Hostage, active shooter 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, including but not limited to, sporting events, concerts, parades, fairs, festivals, conventions and any National Special Security Event (NSSE) as designated by the United States Department of Homeland Security;
12. Security and escort duties for dignitaries;

13. Incidents requiring utilization of specialized units, including but not limited to, underwater, recovery, marine patrol, aircraft, canine, motorcycle, bicycle, mounted, SWAT, 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; and
17. Off-duty or special events;
18. DUI Checkpoints.

SECTION III: PROCEDURE FOR REQUESTING OEPARTIONAL ASSISTANCE

1. Mutual aid requested or rendered shall be approved by the Chief of Police, or designee. The Chief of Police, or designee, of the agency 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.

2. The Chief of Police, or designee, 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.

3. Specific reporting instructions for personnel rendering mutual aid will be included in the request for mutual aid. In the absence of such reporting instructions, personnel will report to the ranking on-duty supervisor on the scene.

4. 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.

5. Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures of the requesting agency or Chief of Police involved.

6. 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.

SECTION IV: COMMAND AND SUPERVISORY RESPONSIBILITY

a. COMMAND:

The personnel and equipment that are assigned by the assisting Chief of Police shall be under the immediate command of a supervising officer designated by the assisting Chief of Police.

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.

b. CONFLICTS:

Whenever an officer is rendering assistance pursuant to this 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 standing 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.

c. HANDLING COMPLAINTS:

Whenever there is cause to believe that a complaint has arisen as a result of cooperative effort as it may pertain to this agreement, the Chief of Police or his/her designee of the agency employing the officer who is the subject of the complaint shall be responsible for the investigation of the complaint. The Chief of Police or designee of the requesting agency should ascertain at a minimum:

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

If it is determined during the investigation of a complaint 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 V: LIABILITY

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

SECTION VI: POWERS, PRIVILEGES, IMMUNITIES AND COSTS

a. Employees of the City of Sweetwater and the Town of Bay Harbor Islands , 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), 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 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. The political subdivision that furnishes equipment pursuant to this 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 political subdivision furnishing aid pursuant to this agreement shall compensate its employees during the time of the rendering of aid and shall defray (provide for the payment of)

the actual travel and maintenance expenses of its employees while they are rendering aid, including any amounts paid or due for compensation for personal injury or death while its employees are rendering aid.

e. The privileges and immunities from liability, exemption from laws, ordinances and rules, and pension, insurance, relief, disability, workers' 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 provision of this mutual aid agreement. This section applies to paid, volunteer, reserve, part time and auxiliary 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.

SECTION VII: FORFEITURES

a. In the event an agency seizes any real property, vessel, motor vehicle, aircraft, currency or other property pursuant to the Florida Contraband Forfeiture Act during the performance of this agreement, the agency requesting assistance in the case of requested operational assistance and the seizing agency in the case of voluntary cooperation shall be responsible for maintaining any forfeiture action pursuant to Chapter 932, Florida Statutes. The agency pursuing the forfeiture action shall have the exclusive right to control and the responsibility to maintain the property in accordance with Chapter 932, Florida Statutes, to include, but not be limited to, the complete discretion to bring the action or dismiss the action.

The municipality/agency with the right to proceed with the forfeiture may allow the other municipality/agency to prosecute the forfeiture, with the written authorization of the Chief of Police and the legal counsel for each municipality/agency.

b. All proceeds from forfeited property as a result of or in accordance with this agreement shall be equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency pursuant of the provisions of the Florida Contraband Forfeiture Act., less the costs and attorney's fees associated with the forfeiture action.

SECTION VIII: INSURANCE

Each political subdivision shall provide, upon request, satisfactory proof of liability insurance by one or more of the means specified in Section 768.28, Florida Statutes, in an amount which is, in the judgment of the governing body of that political subdivision, 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 the notice or actual knowledge of such change.

SECTION IX: EFFECTIVE DATE

This agreement shall take effect upon full execution and approval by the hereinafter named officials and shall continue in full force and effect for five years after it takes effect. Under no circumstances may this agreement be renewed, amended or extended except in writing.

SECTION X: CANCELLATION

Either party may cancel its participation in this agreement upon sixty (60) days written notice to the other political subdivision. Cancellation will be at the discretion of any political subdivision to this mutual aid agreement.

IN WITNESS WHEREOF, the parties hereto cause to these presents to be signed on the date first written above.

AGREED AND ACKNOWLEDGED this _____ day of _____, _____.

FOR SWEETWATER

Jose "Pepe" Diaz
City Mayor
City of Sweetwater

Date: _____

ATTEST:

Carmen Garcia
City Clerk

FOR TOWN OF BAY HARBOR ISLANDS

Joshua D. Fuller.
Town Mayor
Town of Bay Harbor Islands

Date: _____

Jenice Rosado
Town Manager
Town of Bay Harbor Islands

Date: _____

ATTEST:

Yvonne P. Hamilton
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Ralph Ventura
City Attorney

Segio Diez
Chief of Police

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Joseph Geller
Town Attorney

Lindsley Noel
Chief of Police

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 15.

ITEM: Consideration and Approval of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of North Miami Beach and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

DESCRIPTION:

The Mutual Aid Agreement provides for rendering of assistance for routine and law enforcement intensive situations between both agencies. This Mutual Aid Agreement combines the elements of a Voluntary Cooperation Agreement and a requested Operational Assistance Agreement as described in Chapter 23 Florida Statutes. Both the MOU and Joint Declaration are attached.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no fiscal impact on entering into these agreements.

BUDGET IMPACT:

Submitted By: Analily Perez, Compliance Manager
 Lindsley Noel

ATTACHMENTS

1.	Staff Memo for Council MOU City of North Miami Beach
2.	Resolution - City of North Miami Beach Mutual Aid Agreement
3.	Mutual Aid Agreement - North Miami Beach and Town of Bay Harbor



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lindsley Noel Chief of Police
DATE:	July 26, 2024
SUBJECT:	Town of Bay Harbor Islands – Consideration and Approval of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of North Miami Beach and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

RECOMMENDATION

Staff recommends that the Town Council approves and adopts the Mutual Aid Agreement which provides for rendering of assistance for routine and law enforcement intensive situations between both agencies. This Mutual Aid Agreement combines the elements of a Voluntary Cooperation Agreement and a requested Operational Assistance Agreement as described in Chapter 23 Florida Statutes. Both the Mutual Aid Agreement and Joint Declaration are attached.

BACKGROUND / ANALYSIS

The Town of Bay Harbor Islands periodically renews Mutual Aid Agreements with neighboring agencies to ensure public safety of their respective citizens by providing adequate levels of police services to address any foreseeable routine or emergency situations.

EXECUTE

The agreement shall take effect upon execution and approval by both parties and shall continue in full force and effect until June 30, 2026.

Resolution Wording:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE CITY OF NORTH MIAMI BEACH FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

FINANCIAL ANALYSIS

There is no fiscal impact for entering into said agreement.

ATTACHMENTS

1. Town Memorandum
2. Mutual Aid Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA
APPROVING THE MUTUAL AID AGREEMENT AND
JOINT DECLARATION BETWEEN THE TOWN OF BAY
HARBOR ISLANDS AND THE CITY OF NORTH MIAMI
BEACH FOR LAW ENFORCEMENT SERVICES;
PROVIDING FOR INCORPORATION OF RECITALS; AND
SETTING AN EFFECTIVE DATE.**

WHEREAS, it is the responsibility of the governments of the Town of Bay Harbor Islands, Florida and the City of North Miami Beach, Florida, to ensure the public safety of their respective citizens by providing adequate levels of police services to address any foreseeable routine or emergency situations; 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 likely to be, beyond the control of the services, personnel, equipment, or facilities of the Town of Bay Harbor Islands' Police Department or the City of North Miami Beach 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 Bay Harbor Islands, Florida and the City of North Miami Beach; 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 as defined under Section 23.1225 of the Florida Statutes; and

WHEREAS, the Town of Bay Harbor Islands and the City of North Miami Beach have the voluntary cooperation and assistance authority under the Florida Mutual Aid Act, Section 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 services 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 the rendering of assistance in law enforcement emergencies as defined in Section 252.34 of the Florida Statutes.

WHEREAS, the Town of Bay Harbor Islands and the City of North Miami Beach are desirous of entering into a Mutual Aid Agreement and Joint Declaration (“Exhibit 1”) with each other to provide adequate levels of police service to ensure the public safety of their residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS:

Section 1. Recitals: The recitals listed above are incorporated in this Resolution as if fully set forth in this Resolution.

Section 2. Approval. The Town Council hereby approves the voluntary cooperation and operational assistance mutual aid agreement between the Town of Bay Harbor Islands and the City of North Miami Beach.

Section 3. Authority of Town Manager. The Town Manager is authorized to execute this Mutual Aid Agreement.

Section 4. Effective Date. This Resolution shall be effective upon adoption.

PASSED and ADOPTED this 14th day of August 2024.

JOSHUA D. FULLER, MAYOR

ATTEST:

YVONNE P. HAMILTON, TOWN CLERK

APPROVED AS TO FORM:

**GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.**

**VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE
MUTUAL AID AGREEMENT
BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA
AND THE TOWN OF BAY HARBOR ISLANDS, FLORIDA**

This Voluntary Cooperation and Operational Assistance Mutual Aid Agreement ("Cooperation Agreement") is made as of this _____ day of _____, 2024 (Effective Date), by and between the City of North Miami Beach, Florida, a municipal corporation having its principal office at 17011 NE 19th Avenue, 4th Floor, North Miami Beach, Florida 33162, and the Town of Bay Harbor Islands, Florida having its principal office at 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154.

RECITALS

WHEREAS, it is the responsibility of the governments of the City of North Miami Beach, Florida, and the Town of Bay Harbor Islands, 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 City of North Miami Beach Police Department or the Town of Bay Harbor Islands Police Department; and

WHEREAS, both parties desire 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 City of North Miami Beach, Florida and the Town of Bay Harbor Islands, 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 City of North Miami Beach and the Town of Bay Harbor Islands have the authority under the Florida Mutual Aid Act, Sections 23.12 - 23.127 of Florida

Statutes, to enter into this Cooperation Agreement for law enforcement service which:

- (1) Permits voluntary cooperation and operational assistance of a routine or emergency 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 City of North Miami Beach, Florida and the Town of Bay Harbor Islands, 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 voluntarily 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 circumstances requiring law enforcement intervention such as, but not limited to, those circumstances enumerated within Section II of this Cooperation Agreement, as set forth pursuant to and under the authority of Chapter 23 of the Florida Statutes.

SECTION II. PROVISIONS FOR OPERATIONAL ASSISTANCE

The parties to this Cooperation Agreement may request and render law enforcement assistance to each other for circumstances including, but not limited to, 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.

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.

Mutual aid requested or rendered requires approval by the Chief of Police, or designee, of each agency subject to this agreement. 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. 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.

Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures of the requesting agency subject to this agreement.

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 officer, **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 reasonably 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, when assistance is being rendered hereunder.

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 requesting 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 City of North Miami Beach and the Town of Bay Harbor Islands, 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 unreasonably deplete its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.
- (c) The party that furnishes equipment pursuant to this Cooperation Agreement will be responsible for the cost of loss or damage to that equipment, and 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 seeking 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 City of North Miami Beach receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the Town of Bay Harbor Islands 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 Town of Bay Harbor Islands receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the City of North Miami Beach 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.

SECTION IX. FORFEITURE

- (a) The municipality/agency in which any property is seized pursuant to the Florida Contraband Forfeiture Act shall have exclusive authority to initiate forfeiture proceedings under the Florida Contraband Forfeiture Act, for any matters which arise from a mutual aid event covered by this Cooperation Agreement.
- (b) However, the municipality/agency with the right to proceed with the forfeiture may allow the other municipality/agency to prosecute the forfeiture with the written authorization of the Chief of Police and the legal counsel for each municipality/agency.
- (c) The municipality/agency pursuing the forfeiture action shall bear the exclusive right and responsibility to control, maintain and store the property. The costs for control, maintenance and storage of the property shall be subtracted from the proceeds prior to distribution.
- (d) The property seized and forfeited in accordance with this agreement, and the proceeds, if any, shall be equitably distributed among the participating municipalities/agencies in proportion to the amount of investigation and

participation performed by each municipality/agency.

- (e) Any participating municipality/agency must request sharing, in writing before the entry of the Final Order of Forfeiture, or they will be barred from claiming any portion of the property forfeited.
- (f) This Cooperation Agreement creates no rights or benefits in favor of third parties and there are no intended third-party beneficiaries with regard to the provisions herein.

SECTION X. 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 (2021), 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 XI. EFFECTIVE DATE

This Agreement shall take effect upon execution and approval by both parties and shall continue in full force and effect until July 30, 2026. Under no circumstances may this agreement be renewed, amended, or extended except in writing.

SECTION XII. CANCELLATION

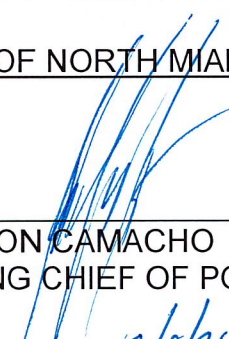
Either party may cancel its participation in this Agreement at any time upon delivery of written notice to the other party.

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

AGREED TO AND ACKNOWLEDGED this _____ day of _____, 2020⁴ JCE

CITY OF NORTH MIAMI BEACH

THE TOWN OF BAY HARBOR
ISLANDS



NELSON CAMACHO
ACTING CHIEF OF POLICE

LINDSLEY NOEL
CHIEF OF POLICE

Date: 7/8/24

Date: _____



MARIO DIAZ
CITY MANAGER

Date: 7/9/24



EVAN PIPER
MAYOR

Date: 7/9/24

ATTEST:



ANDRISE BERNARD, CMC
CITY CLERK

Date: 7/8/24

JENICE ROSADO
TOWN MANAGER

Date: _____

JOSHUA D. FULLER
MAYOR

Date: _____

YVONNE HAMILTON
TOWN CLERK

Date: 7/8/24

SIGNED AS TO FORM, LANGUAGE,
LEGALITY AND EXECUTION THEREOF



JOSEPH S. GELLER
CITY ATTORNEY

SIGNED AS TO FORM, LANGUAGE
LEGALITY AND EXECUTION THEREOF



JOSEPH S. GELLER
TOWN ATTORNEY

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 16.

ITEM: Consideration and Approval of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Hialeah and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

DESCRIPTION:

The Mutual Aid Agreement provides for rendering of assistance for routine and law enforcement intensive situations between both agencies. This Mutual Aid Agreement combines the elements of a Voluntary Cooperation Agreement and a requested Operational Assistance Agreement as described in Chapter 23 Florida Statutes. Both the MOU and Joint Declaration are attached.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no fiscal impact for entering into these agreements.

BUDGET IMPACT:

Submitted By: Analily Perez, Compliance Manager
 Lindsley Noel

ATTACHMENTS

1.	Staff Memo for Council MOU City of Hialeah
2.	Resolution - City of Hialeah Mutual Aid Agreement
3.	Mutual Aid Agreement - Hialeah and Town of Bay Harbor-City of Hialeah



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lindsley Noel Chief of Police
DATE:	July 26, 2024
SUBJECT:	Town of Bay Harbor Islands – Consideration and Approval of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Hialeah and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

RECOMMENDATION

Staff recommends that the Town Council approves and adopts the Mutual Aid Agreement which provides for rendering of assistance for routine and law enforcement intensive situations between both agencies. This Mutual Aid Agreement combines the elements of a Voluntary Cooperation Agreement and a requested Operational Assistance Agreement as described in Chapter 23 Florida Statutes. Both the Mutual Aid Agreement and Joint Declaration are attached.

BACKGROUND / ANALYSIS

The Town of Bay Harbor Islands periodically renews Mutual Aid Agreements with neighboring agencies to ensure public safety of their respective citizens by providing adequate levels of police services to address any foreseeable routine or emergency situations.

EXECUTE

The agreement shall take effect upon execution and approval by both parties and shall continue in full force and effect until September 30, 2028.

Resolution Wording:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE CITY OF HIALEAH FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

FINANCIAL ANALYSIS

There is no fiscal impact for entering into said agreement.

ATTACHMENTS

1. Town Memorandum
2. Mutual Aid Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA
APPROVING THE MUTUAL AID AGREEMENT AND
JOINT DECLARATION BETWEEN THE TOWN OF BAY
HARBOR ISLANDS AND THE CITY OF HIALEAH FOR
LAW ENFORCEMENT SERVICES; PROVIDING FOR
INCORPORATION OF RECITALS; AND SETTING AN
EFFECTIVE DATE.**

WHEREAS, it is the responsibility of the governments of the Town of Bay Harbor Islands, Florida and the City of Hialeah, Florida, to ensure the public safety of their respective citizens by providing adequate levels of police services to address any foreseeable routine or emergency situations; 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 likely to be, beyond the control of the services, personnel, equipment, or facilities of the Town of Bay Harbor Islands' Police Department or the City of Hialeah 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 Bay Harbor Islands, Florida and the City of Hialeah; 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 as defined under Section 23.1225 of the Florida Statutes; and

WHEREAS, the Town of Bay Harbor Islands and the City of Hialeah have the voluntary cooperation and assistance authority under the Florida Mutual Aid Act, Section 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 services 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 the rendering of assistance in law enforcement emergencies as defined in Section 252.34 of the Florida Statutes.

WHEREAS, the Town of Bay Harbor Islands and the City of Hialeah are desirous of entering into a Mutual Aid Agreement and Joint Declaration (“Exhibit 1”) with each other to provide adequate levels of police service to ensure the public safety of their residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS:

Section 1. Recitals: The recitals listed above are incorporated in this Resolution as if fully set forth in this Resolution.

Section 2. Approval. The Town Council hereby approves the voluntary cooperation and operational assistance mutual aid agreement between the Town of Bay Harbor Islands and the City of Hialeah.

Section 3. Authority of Town Manager. The Town Manager is authorized to execute this Mutual Aid Agreement.

Section 4. Effective Date. This Resolution shall be effective upon adoption.

PASSED and ADOPTED this 14th day of August 2024.

JOSHUA D. FULLER, MAYOR

ATTEST:

YVONNE P. HAMILTON, TOWN CLERK

APPROVED AS TO FORM:

**GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.**

**VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE
MUTUAL AID AGREEMENT
BETWEEN THE CITY OF HIALEAH, FLORIDA AND
TOWN OF BAY HARBOR ISLANDS, FLORIDA**

This Voluntary Cooperation and Operational Assistance Mutual Aid Agreement ("Cooperation Agreement"), as, is made as of this ____ day of _____, 2024 ("Effective Date"), by and between the TOWN OF BAY HARBOR ISLANDS, a municipal corporation having its principal office at 1030 95th Street, Bay Harbor Islands, FL 33154 and the City of Hialeah, Florida, having its principal office at 501 Palm Avenue, Hialeah, FL 33010, and states as follows:

RECITALS

WHEREAS, it is the responsibility of the governments of the City of Hialeah, Florida, and the TOWN OF BAY HARBOR ISLANDS, 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 City of Hialeah Police Department or the TOWN OF BAY HARBOR ISLANDS 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 City of Hialeah, Florida, and the TOWN OF BAY HARBOR ISLANDS, 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 City of Hialeah and the TOWN OF BAY HARBOR ISLANDS 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 services 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; and

NOW THEREFORE, BE IT KNOWN that the City of Hialeah, Florida, and the TOWN OF BAY HARBOR ISLANDS, 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 investigations 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.
17. DUI Checkpoints.
18. Off Duty Police Services/Special Events specified by the TOWN OF BAY HARBOR ISLANDS Chief of Police and approved by the City of Hialeah Chief of Police.

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 City of Hialeah and the TOWN OF BAY HARBOR ISLANDS, 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 and this Agreement, 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, reserve and auxiliary 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 City of Hialeah receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the TOWN OF BAY HARBOR ISLANDS 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 TOWN OF BAY HARBOR ISLANDS receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the City of Hialeah 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 TOWN OF BAY HARBOR ISLANDS and the City of Hialeah are authorized to pursue any property seized pursuant to the Florida Contraband Forfeiture Act. Each party shall have the exclusive authority to initiate forfeiture proceedings originating in its respective jurisdiction under the Florida Contraband Act for any matters which arise from a mutual aid event that is covered by this Cooperation Agreement. The agency

pursuing the forfeiture action shall have the exclusive right to control, and the responsibility to maintain the property including, but not limited to, the complete discretion to bring the action, dismiss the action, or settle the action. Each respective party, upon successfully prosecuting a forfeiture action, shall equitably share in those proceeds forfeited, in proportion to the amount of investigation and participation performed by each agency pursuant of the provisions of the "Florida Contraband Forfeiture Act."

SECTION IX. INSURANCE

Each party shall provide, upon request, satisfactory proof of liability insurance by one or more of the means specified in Section 768.28(16)(a) of the Florida Statutes, 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 September 30, 2028. 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.

SECTION XII. ENTIRE AGREEMENT

This Agreement and its attachments and exhibits constitute the sole and only agreement of the parties and accurately sets forth the rights, duties, and obligations of each to the other. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect.

(SIGNATURE PAGE TO FOLLOW)

AGREED TO AND ACKNOWLEDGED this _____ day of _____, 2024.

CITY OF, FLORIDA

CITY OF HIALEAH, FLORIDA

LINDSLEY NOEL
CHIEF OF POLICE

GEORGE FUENTE
CHIEF OF POLICE

Date: _____

Date: _____

JOSEPH GELLER
CITY ATTORNEY

RAFAEL E. SUAREZ-RIVAS,
CITY ATTORNEY

Date: _____

ESTEBAN BOVO, MAYOR

Date: _____

Date: _____

ATTEST:

ATTEST:

YVONNE P. HAMILTON, CITY CLERK

MARBELYS FATJO, CITY CLERK

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 17.

ITEM: Consideration and Approval of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Hialeah Gardens and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

DESCRIPTION:

The Mutual Aid Agreement provides for rendering of assistance for routine and law enforcement intensive situations between both agencies. This Mutual Aid Agreement combines the elements of a Voluntary Cooperation Agreement and a requested Operational Assistance Agreement as described in Chapter 23 Florida Statutes. Both the MOU and Joint Declaration are attached.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There is no fiscal impact for entering into these agreements.

BUDGET IMPACT:

Submitted By: Analily Perez, Compliance Manager

ATTACHMENTS

1.	Staff Memo for Council MOU City of Hialeah Gardens
2.	Resolution - City of Hialeah Gardens Mutual Aid Agreement
3.	Mutual Aid Agreement - Hialeah Gardens PD



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lindsley Noel Chief of Police
DATE:	July 26, 2024
SUBJECT:	Town of Bay Harbor Islands – Consideration and Approval of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the City of Hialeah Gardens and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

RECOMMENDATION

Staff recommends that the Town Council approves and adopts the Mutual Aid Agreement which provides for rendering of assistance for routine and law enforcement intensive situations between both agencies. This Mutual Aid Agreement combines the elements of a Voluntary Cooperation Agreement and a requested Operational Assistance Agreement as described in Chapter 23 Florida Statutes. Both the Mutual Aid Agreement and Joint Declaration are attached.

BACKGROUND / ANALYSIS

The Town of Bay Harbor Islands periodically renews Mutual Aid Agreements with neighboring agencies to ensure public safety of their respective citizens by providing adequate levels of police services to address any foreseeable routine or emergency situations.

EXECUTE

The agreement shall take effect upon execution and approval by both parties and shall continue in full force and effect for five years after it takes effect.

Resolution Wording:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE CITY OF HIALEAH GARDENS FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

FINANCIAL ANALYSIS

There is no fiscal impact for entering into said agreement.

ATTACHMENTS

1. Town Memorandum
2. Mutual Aid Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA
APPROVING THE MUTUAL AID AGREEMENT AND
JOINT DECLARATION BETWEEN THE TOWN OF BAY
HARBOR ISLANDS AND THE CITY OF HIALEAH
GARDENS FOR LAW ENFORCEMENT SERVICES;
PROVIDING FOR INCORPORATION OF RECITALS; AND
SETTING AN EFFECTIVE DATE.**

WHEREAS, it is the responsibility of the governments of the Town of Bay Harbor Islands, Florida and the City of Hialeah Gardens, Florida, to ensure the public safety of their respective citizens by providing adequate levels of police services to address any foreseeable routine or emergency situations; 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 likely to be, beyond the control of the services, personnel, equipment, or facilities of the Town of Bay Harbor Islands' Police Department or the City of Hialeah Gardens 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 Bay Harbor Islands, Florida and the City of Hialeah Gardens; 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 as defined under Section 23.1225 of the Florida Statutes; and

WHEREAS, the Town of Bay Harbor Islands and the City of Hialeah Gardens have the voluntary cooperation and assistance authority under the Florida Mutual Aid Act, Section 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 services 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 the rendering of assistance in law enforcement emergencies as defined in Section 252.34 of the Florida Statutes.

WHEREAS, the Town of Bay Harbor Islands and the City of Hialeah Gardens are desirous of entering into a Mutual Aid Agreement and Joint Declaration (“Exhibit 1”) with each other to provide adequate levels of police service to ensure the public safety of their residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS:

Section 1. Recitals: The recitals listed above are incorporated in this Resolution as if fully set forth in this Resolution.

Section 2. Approval. The Town Council hereby approves the voluntary cooperation and operational assistance mutual aid agreement between the Town of Bay Harbor Islands and the City of Hialeah Gardens.

Section 3. Authority of Town Manager. The Town Manager is authorized to execute this Mutual Aid Agreement.

Section 4. Effective Date. This Resolution shall be effective upon adoption.

PASSED and ADOPTED this 14th day of August 2024.

JOSHUA D. FULLER, MAYOR

ATTEST:

YVONNE P. HAMILTON, TOWN CLERK

APPROVED AS TO FORM:

**GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.**

**COMBINED VOLUNTARY COOPERATION AND
OPERATIONAL ASSISTANCE
MUTUAL AID AGREEMENT
BETWEEN
THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AND
THE CITY OF HIALEAH GARDENS, FLORIDA**

WHEREAS, it is the responsibility of the governments of the Town of Bay Harbor Islands, Florida, and the City of Hialeah Gardens, Florida, to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, under Florida Statutes Section 23.121(1) there is an 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 Bay Harbor Islands Police Department or the City of Hialeah Gardens Police Department; and

WHEREAS, it is in the best interest and advantage of the Town of Bay Harbor Islands and the City of Hialeah Gardens to receive and extend mutual aid to each other 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, Florida Statutes; and
- (3) Joint provision of certain law enforcement services specified herein and allowed pursuant to Section 166.0495, Florida Statutes; and

WHEREAS, the Town of Bay Harbor Islands and the City of Hialeah Gardens have the authority under Section 23.12, Florida Statutes, et seq., the Florida Mutual Aid Act, to enter into a combined mutual aid agreement for law enforcement services which:

- (1) Permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines; and
- (2) Provides for rendering or assistance in a law enforcement emergency.
- (3) Permits the provision of operational assistance to meet a request for assistance due to a civil disturbance or other emergency as defined in Section 252.34, Florida Statutes; and
- (4) Permits routine traffic patrol along boundary roads of neighboring jurisdictions pursuant to Section 23.1225 Florida Statutes.

NOW, THEREFORE, BE IT KNOWN, that the Town of Bay Harbor Islands, a political subdivision of the State of Florida, and the City of Hialeah Gardens, a political subdivision of the State of 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 1: PROVISIONS FOR VOLUNTARY COOPERATION

Each of the aforesaid law enforcement agencies hereby approve and enter into this agreement whereby each of the agencies may provide voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines. The nature of the law enforcement assistance to be rendered shall include but not be limited to:

- a. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the Town of Bay Harbor Islands and the City of Hialeah Gardens for felony and misdemeanor arrests, made pursuant to the laws of arrest, including arrestable

traffic offenses, which spontaneously take place in the presence of the arresting officer, at such times as the arresting officer is traveling from place to place on official business outside of his or her jurisdiction, for example, to or from court, or at any time when the officer is within the territorial limits of his or her jurisdiction.

- b. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the Town of Bay Harbor Islands and the City of Hialeah Gardens for arrests, made pursuant to the laws of arrest, of persons identified as a result of investigations of any offense constituting a felony or any act of Domestic Violence as defined in Section 741.28, Florida Statutes, when such offense occurred in the municipality employing the arresting officer.
- c. Concurrent law enforcement jurisdiction in and upon the jurisdictional waters of the Town of Bay Harbor Islands and the City of Hialeah Gardens for arrests, made pursuant to the law of arrest, for felonies, misdemeanors, and boating infractions.
- d. Participating in exigent situations, without the need for a formal request, including, but not limited to, area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners, traffic stops near municipal boundaries, requests for assistance when no available local units are nearby, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call.
- e. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the Town of Bay Harbor Islands and the City of Hialeah Gardens for any investigation of a felony, including, but not limited to: homicides, sex offenses, robberies, assaults, batteries, burglaries, larcenies, gambling, motor vehicle thefts,

financial crimes, drug violations pursuant to Chapter 893, Florida Statutes, and inter-agency task forces and/or joint investigations.

- f. Joint enforcement of all state laws and county ordinances city ordinances of the City of Hialeah Gardens and the Town of Bay Harbor Islands and the exercise of arrest powers when a crime of violence or felony of any nature occurs in the presence of any sworn law enforcement officer, within the jurisdictional boundaries of either party.

Prior to any officer taking enforcement action pursuant to paragraphs (a) through (g) above, the officer shall notify the jurisdiction in which the action will be taken, unless exigent circumstances prevent such prior notification, in which case notification shall be made as soon after the action as practicable. If the agency having normal jurisdiction responds to the scene, the assisting agency's officer may 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.

These provisions are not intended to 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 exigent, critical, life-threatening, or public safety situations, prevent bodily injury to citizens, or secure apprehension of criminals whom the law enforcement officer may encounter.

SECTION II: PROVISIONS FOR OPERATIONAL ASSISTANCE

The aforesaid law enforcement agencies hereby approve and enter into this 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, technological, or manmade 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. Any act of terrorism as defined in Section 775.30, Florida Statutes;
6. Escapes from, or disturbances within, prisoner processing facilities;
7. Hostage, active shooter 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, including but not limited to, sporting events, concerts, parades, fairs, festivals, conventions and any National Special Security Event (NSSE) as designated by the United States Department of Homeland Security;
12. Security and escort duties for dignitaries;
13. Incidents requiring utilization of specialized units, including but not limited to, underwater, recovery, marine patrol, aircraft, canine, motorcycle, bicycle, mounted, SWAT, 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; and

17. Off-duty special events;

18. DUI Checkpoints.

SECTION III: PROCEDURE FOR REQUESTING OEPARTIONAL ASSISTANCE

1. Mutual aid requested or rendered shall be approved by the Chief of Police, or designee. The Chief of Police, or designee, of the agency 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.

2. The Chief of Police, or designee, 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.

3. Specific reporting instructions for personnel rendering mutual aid will be included in the request for mutual aid. In the absence of such reporting instructions, personnel will report to the ranking on-duty supervisor on the scene.

4. 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.

5. Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures of the requesting agency or Chief of Police involved.

SECTION IV: COMMAND AND SUPERVISORY RESPONSIBILITY

a. COMMAND:

The personnel and equipment that are assigned by the assisting Chief of Police shall be under the immediate command of a supervising officer designated by the assisting Chief of Police.

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.

b. CONFLICTS:

Whenever an officer is rendering assistance pursuant to this 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 standing 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.

c. HANDLING COMPLAINTS:

Whenever there is cause to believe that a complaint has arisen as a result of cooperative effort as it may pertain to this agreement, the Chief of Police or his/her designee of the agency employing the officer who is the subject of the complaint shall be responsible for the investigation of the complaint. The Chief of Police or designee of the requesting agency should ascertain at a minimum:

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

If it is determined during the investigation of a complaint 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 V: LIABILITY

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

SECTION VI: POWERS, PRIVILEGES, IMMUNITIES AND COSTS

a. Employees of the City of Miami and the City of Hialeah Gardens, 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), 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 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. The political subdivision that furnishes equipment pursuant to this 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 political subdivision furnishing aid pursuant to this agreement shall compensate its employees during the time of the rendering of aid and shall defray (provide for the payment of) the actual travel and maintenance expenses of its employees while they are rendering aid, including

any amounts paid or due for compensation for personal injury or death while its employees are rendering aid.

e. The privileges and immunities from liability, exemption from laws, ordinances and rules, and pension, insurance, relief, disability, workers' 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 provision of this mutual aid agreement. This section applies to paid, volunteer, reserve, part time and auxiliary 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.

SECTION VII: FORFEITURES

a. In the event an agency seizes any real property, vessel, motor vehicle, aircraft, currency or other property pursuant to the Florida Contraband Forfeiture Act during the performance of this agreement, the agency requesting assistance in the case of requested operational assistance and the seizing agency in the case of voluntary cooperation shall be responsible for maintaining any forfeiture action pursuant to Chapter 932, Florida Statutes. The agency pursuing the forfeiture action shall have the exclusive right to control and the responsibility to maintain the property in accordance with Chapter 932, Florida Statutes, to include, but not be limited to, the complete discretion to bring the action or dismiss the action.

b. All proceeds from forfeited property as a result of or in accordance with this agreement shall be equitably distributed among the participating agencies in proportion to the

amount of investigation and participation performed by each agency pursuant of the provisions of the Florida Contraband Forfeiture Act., less the costs and attorney's fees associated with the forfeiture action.

SECTION VIII: INSURANCE

Each political subdivision shall provide, upon request, satisfactory proof of liability insurance by one or more of the means specified in Section 768.28, Florida Statutes, in an amount which is, in the judgment of the governing body of that political subdivision, 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 the notice or actual knowledge of such change.

SECTION IX: EFFECTIVE DATE

This agreement shall take effect upon full execution and approval by the hereinafter named officials and shall continue in full force and effect for five years after it takes effect. Under no circumstances may this agreement be renewed, amended or extended except in writing.

SECTION X: CANCELLATION

Either party may cancel its participation in this agreement upon sixty (60) days written notice to the other political subdivision. Cancellation will be at the discretion of any political subdivision to this mutual aid agreement.

IN WITNESS WHEREOF, the parties hereto cause to these presents to be signed on the date first written above.

AGREED AND ACKNOWLEDGED this _____ day of _____, _____.

Yioset De La Cruz
Mayor
City of Hialeah Gardens, FL

Date: _____

ATTEST:

Maria L. Joffee
City Clerk
City of Hialeah Gardens, FL

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Aida Martinez-Ruiz
City Attorney
City of Hialeah Gardens, FL

Luis Diaz
Chief of Police
City of Hialeah Gardens, FL

Joshua D. Fuller
Mayor
Town of Bay Harbor Islands, FL

Date: _____

ATTEST:

Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands, FL

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Joseph Geller, Esq.
Town Attorney
Town of Bay Harbor Islands, FL

Lindsley Noel
Chief of Police
Town of Bay Harbor Islands, FL

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 19.

ITEM: Consideration and Approval of a resolution approving Memorandums of Understanding (MOU) with the School Board of Miami-Dade County and Surfside and Bal Harbour for School Resource Officers at Ruth K. Broad/K-8. Enclosed are the MOUs.

DESCRIPTION:

Staff recommends that the Town Council approves and adopts the Memorandum of Understanding with the School Board and with the surrounding municipalities to fund the School Resource Officer (SRO) at Ruth K. Broad. It is the intent of all parties to enter into the Memorandum's of Understanding ("MOU's") to provide guidelines as to the roles and responsibilities of the Law Enforcement Agency and the MDSPD regarding the placement of school-based law enforcement officers (SBLEOs) at Miami-Dade County Public Schools ("MDCPS").

Discussion and possible action regarding renewal of funding for the School Resource Officer (SRO) at Ruth K. Broad for school year 24-25. In prior years, the Town of Bay Harbor, Bal Harbour and Surfside have collaborated with each other and with Miami-Dade County School Board so that the Town of Bay Harbor Islands is allowed to have and to fund its own SRO at Ruth K. Broad. Officer Brilliant has been the Town's assigned SRO for the last few years. Officer Brilliant knows the ins and outs of the school, its families and is an integral part of keeping our kids safe. The School Resource Officer position (Officer Brilliant) is budgeted for \$64,927.00 - FY 2024/25. Bal Harbour PD, Bay Harbor Islands PD, and Surfside PD will split the financial responsibility evenly, \$21,642.33 for each municipality. The total cost for Bay Harbor Islands PD will be \$21,642.33. The anticipated (provided Bal Harbour and Surfside fund their portion) amount needed at this time from Bay Harbor Islands PD to fund SRO = \$21,642.33.

RECOMMENDED ACTION:

Approve

FINANCIAL ANALYSIS:

The School Resource Officer position is budgeted for \$64,927.00 - FY 2024/25. Bal Harbour PD, Bay Harbor Islands PD, and Surfside PD will split the financial responsibility evenly, \$21,642.33 for each municipality. The total anticipated cost for Bay Harbor Islands PD will be \$21,642.33.

The total anticipated amount needed at this time from Bay Harbor Islands PD to fund SRO = \$21,642.33.

Regular Salaries & Wages- 001.5210.400012.000

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Lindsley Noel

ATTACHMENTS

1.	Staff Memo for Council MOU Miami Dade County School Board
2.	Resolution - School Resource Officer 2024-2025
3.	MOU 2024-2025 School Based LEO (MDCPS_ Bay Harbor Islands) updated
4.	2024 School Resource Officer SRO MOU Bay Harbor Bal Harbour Surfside 2024-25 - with JRN revisions



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lindsley Noel Chief of Police
DATE:	August 5, 2024
SUBJECT:	Town of Bay Harbor Islands –Renewal of funding for the School Resource Officer (SRO) at Ruth K. Broad for school year 24-25.

RECOMMENDATION

Staff recommends that the Town Council approves and adopts the Memorandum of Understanding with the School Board and with the surrounding municipalities to fund the School Resource Officer (SRO) at Ruth K. Broad. It is the intent of all parties to enter into the Memorandum's of Understanding ("MOU's") to provide guidelines as to the roles and responsibilities of the Law Enforcement Agency and the MDSPD regarding the placement of school-based law enforcement officers (SBLEOs) at Miami-Dade County Public Schools ("MDCPS").

BACKGROUND / ANALYSIS

Discussion and possible action regarding renewal of funding for the School Resource Officer (SRO) at Ruth K. Broad for school year 24-25. In prior years, the Town of Bay Harbor, Bal Harbour and Surfside have collaborated with each other and with Miami Dade County School Board so that the Town of Bay Harbor Islands is allowed to have and to fund its own SRO at Ruth K. Broad. Officer Brilliant has been the Town's assigned SRO for the last few years. Officer Brilliant knows the ins and outs of the school, its families and is an integral part of keeping our kids safe. The School Resource Officer position (Officer Brilliant) is budgeted for \$64,927.00 - FY 2024/25. Bal Harbour PD, Bay Harbor Islands PD, and Surfside PD will split the financial responsibility evenly, \$21,642.33 for each municipality. The total cost for Bay

Harbor Islands PD will be \$21,642.33. The anticipated (provided Bal Harbour and Surfside fund their portion) amount needed at this time from Bay Harbor Islands PD to fund SRO = \$21,642.33.

EXECUTE

The agreement shall take effect upon execution and approval by both parties and shall continue in full force till June 30th, 2025.

Resolution Wording:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE SCHOOL BOARD OF MIAMI DADE COUNTY, FLORIDA FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

FINANCIAL ANALYSIS

The School Resource Officer position is budgeted for \$64,927.00 - FY 2024/25. Bal Harbour PD, Bay Harbor Islands PD, and Surfside PD will split the financial responsibility evenly, \$21,642.33 for each municipality. The total anticipated cost for Bay Harbor Islands PD will be \$21,642.33.

The total anticipated amount needed at this time from Bay Harbor Islands PD to fund SRO = \$21,642.33.

ATTACHMENTS

1. Town Memorandum
2. Memorandum of Understanding with School Board of Miami Dade County, Florida
3. Memorandum of Understanding with Town of Surfside, and Village of Bal Harbour

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY FOR THE SCHOOL RESOURCE OFFICER PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING EXECUTION OF THE AGREEMENT, AUTHORIZING EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the has been partnering with the Town of Bay Harbor Islands and the Ruth K. Broad/K-8 Center to ensure the safety and welfare of students and staff on the school campus; and

WHEREAS, it is the goal of the Police Department's School Resource Officer (SRO) program to enhance the safety, security and success of the school district's institutions by maintaining close, consistent, and productive relationships with students, their families, and staff; and

WHEREAS, this Memorandum of Understanding for the SRO program will cover the 2023/2024 school year; and

WHEREAS, the amount reimbursedwill be...

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bay Harbor Islands, Florida, as follows:

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

Section 2. The Town Council hereby approves the Memorandum of Understanding for the School Resource Officer Program between the School Board of Miami-Dade County and the Town of Bay Harbor Islands, in substantially the form attached hereto as "Exhibit 1".

Section 3. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day of July 2024.

JOSHUA D. FULLER
MAYOR

ATTEST:

**YVONNE P. HAMILTON, CMC
TOWN CLERK**

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

**GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.**

Memorandum of Understanding

School Based Law Enforcement Officers

THIS AGREEMENT, made and entered into this ____ day of _____, 2024, is between The School Board of Miami-Dade County, Florida, a political subdivision of the State of Florida (“the School Board”), through The Miami-Dade Schools Police Department (“MDSPD”) and the Town of Bay Harbor Islands (“BHIPD”), through the Bay Harbor Islands Police Department (also referred to as “Law Enforcement Agency”), together referred to as “the Parties.”

Intent

It is the intent of both parties to enter in to this this Memorandum of Understanding (“MOU”) to provide guidelines as to the roles and responsibilities of the Law Enforcement Agency and the MDSPD regarding the placement of school-based law enforcement officers (SBLEOs) at Miami-Dade County Public Schools (“MDCPS”) as listed in item 9 below and in accordance with the terms set out below.

SBLEO Orientation

The MDSPD is responsible for providing an orientation for SBLEOs that will include information pertaining, but not limited to, MDCPS policies and procedures, lockdown and evacuation procedures, and confidentiality expectations as they relate to state and federal law. Every SBLEO is required to attend the orientation class prior to being assigned to a school site.

Roles and Responsibilities of SBLEOs

1. The primary mission of the SBLEOs is to support the MDSPD by providing a visible deterrent to crime and a safe learning environment for all students and staff.
2. Non-criminal violations of student conduct are the responsibility of school administrators.
3. The Law Enforcement Agency and the assigned SBLEO shall abide by state and federal law and School Board Policies, including The Family Education Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) (otherwise known as “FERPA”), which requires all student information be kept confidential and not disclosed to any third party. Also, The Law Enforcement Agency understands the broad nature of Florida’s Public Records Laws and agrees to act in compliance with Chapter 119 of Florida Statutes. With regard to juvenile information obtained by the Law Enforcement Agency, the Law Enforcement Agency agrees to abide by Florida Statute Section 985.04 and any other applicable state and federal laws.
4. SBLEOs shall adhere to their respective Law Enforcement Agency’s Standard Operating Procedures/General Orders (written policies).

5. The Law Enforcement Agency is responsible for conducting use of force investigations involving their SBLEO.
6. The Law Enforcement Agency and the assigned SBLEO shall abide by state law 1006.07(4) F.S. and be physically present on campus and directly involved in the execution of all active assailant emergency drills.
7. To ensure, as the entity responsible for maintaining records relating to training of BHIPD personnel, that all MDPD officers assigned as SBLEOs have completed crisis intervention training (CIT), as specified in section 1006.12, Florida Statutes, prior to their assignment as SBLEOs. This includes that for each SBLEO participating in covering a school shall, prior to being selected as an SBLEO for this detail, have completed mental health crisis intervention training or CIT and provide a copy of his or her certificate of completion to the department training coordinator and/or respective Off-Duty Coordinator. Any request related to CIT certification of MDPD SBLEOs by the Florida Auditor General's Office or the Florida Department of Education shall be directed to MDPD, as the entity responsible for maintaining records relating to training. Failure to comply with the above will result in non-payment for SBLEO services rendered by officers with no proof of CIT.
8. School site administrators are responsible for all personnel at MDCPS school sites. As such, SBLEOs must work cooperatively with school administration. SBLEOs must remain responsive to the chain of command within their respective Law Enforcement Agency and his/her primary supervisor shall be designated by the Law Enforcement Agency.
9. BHIPD agrees that, during the term of the MOU, at least one (1) BHIPD officer shall be present at Ruth K Broad/Bay Harbor K-8 Center, located at 1155 93 Street, Bay Harbor Islands, FL, during the entirety of the school day. Furthermore, MDSPD agrees that one (1) MDSPD officer also be present at Ruth K Broad/Bay Harbor K-8 Center during the entirety of the school day. For the purposes of this MOU, a "school day" is defined as a weekday in which school is in regular session, from the hours of 7:00am to 3:00pm or 8:00am to 4:00pm, and shall not include recess days, legal holidays, teacher planning days, summer days or days in which no students are present at the school, as a result of distance learning, or otherwise.
10. The Law Enforcement Agency agrees to notify the school Principal and MDSPD at least 24 hours in advance if the SBLEO is unable to report for duty or is required to leave the school campus during the school day. Notifications shall be made to the following email address: police@dadeschools.net.

Force Majeure and Warranties

The Parties shall not be responsible for interruptions of service due to forces of nature, war, manmade disasters or other such acts beyond the control of any the Parties.

Indemnification and Duty to Defend

Each party to this Agreement agrees to assume responsibility for the acts, omissions, or conduct of such party's own employees while participating herein and pursuant to this Agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable. "Assume Responsibility" shall mean incurring any and all costs associated with any suit, action, or claim for damages arising from the performance of this Agreement. Furthermore, each party agrees to indemnify the other party as set forth below.

Subject to the limitations of Florida Statutes Section 768.28, BHIPD agrees to indemnify, hold harmless and defend the School Board from and against any and all claims, suits, actions, damages, or causes of action arising out of the intentional wrongdoings or willful negligent acts of BHIPD, the Law Enforcement Agency and/or its SBLEOs arising out of or in connection with the provisions of this MOU.

Subject to the limitations of Florida Statutes Section 768.28, the School Board agrees to indemnify, hold harmless and defend BHIPD from and against any and all claims, suits, actions, damages, or causes of action arising out of the intentional wrongdoings or willful negligent acts of the School Board's employees arising out of or in connection with the provisions of this agreement.

Public Records

Both parties understand the broad nature of Florida's public records laws and agree to comply with the laws related to record retention and disclosure, in accordance with Chapter 119, Florida Statutes.

Notifications

Pursuant to 1006.07(9), the District is required to report all incidents occurring on the school campus related to safety and discipline, and does so through MDSPD generated police reports. When the SBLEO learns of an incident which requires him/her to take lawful action and/or write a police report, the SBLEO must call 305-995-2677 (COPS) and report such incident. A MDSPD supervisor will advise the SBLEO and a MDSPD unit will respond to handle the call for service and write a police report, unless otherwise determined. This will not preclude the SBLEO from taking immediate and necessary action during exigent circumstances. The SBLEO must also inform the school principal and/or designee of said action. These incidents may garner significant media attention; therefore, it is imperative MDSPD learn about such incidents from the SBLEO in an expedited manner so MDSPD can make the appropriate notifications within the District. Any other incident which may result in substantial media attention shall be reported by the SBLEO to MDSPD and school site administration. Any reports generated in conjuncture with this term must be categorized as "Assist other Agency."

Term of the MOU

Such activities are fully described herein below for a term concurrent with the School Board's Fiscal Year 2024-2025, which commences on July 1, 2024, and shall continue in full force and effect until June 30, 2025, unless terminated prior thereto by any or all of

the parties herein. Under no circumstances may this Agreement be renewed, amended, or extended except in writing and executed by both parties.

Each party reserves the right to terminate this MOU without cause by giving thirty (30) days written notice to the other party.

The addresses for The School Board for all purposes under this agreement and for all noticed hereunder shall be:

The School Board: The School Board of Miami-Dade County, Florida
Attn: Dr. Jose L. Dotres, Superintendent
1450 NE 2nd Avenue, Suite 912
Miami, Florida 33132

With a copy to: The Miami-Dade Schools Police Department
Attn: Chief Ivan E. Silva
3300 NW 27th Avenue
Miami, FL 33142

With a copy to: The School Board of Miami-Dade County, Florida
The School Board Attorney's Office
Attn: Walter J. Harvey, School Board Attorney
1450 NE 2nd Avenue, Suite 430
Miami, FL 33132

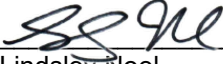
The addresses for BHIPD for all purposes under this agreement and for all noticed hereunder shall be:

Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
ATTN: Maria Lasday, Town Manager

With a copy to:

Joseph S. Geller, Esq.
Greenspoon Marder
200 East Broward Blvd, Suite 1800
Fort Lauderdale, FL 33301

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA	TOWN OF BAY HARBOR ISLANDS
BY: _____ Dr. Jose L. Dotres Superintendent of Schools or Designee <i>Date</i>	BY: _____ Joshua Fuller Mayor <i>Date</i> BY: _____ Jenice Rosado Town Manager <i>Date</i>

SUBMITTED BY: Ivan E. Silva <i>Date</i> Chief of Police APPROVED AS TO FORM AND LEGAL SUFFICIENCY AS TO THE SCHOOL BOARD CONTINGENT UPON EXECUTION OF A WAIVER Assistant School Board Attorney <i>Date</i>	APPROVED AS TO FORM AND LEGAL SUFFICIENCY AS TO LAW ENFORCEMENT AGENCY Joseph S. Geller, Esq. <i>Date</i> Assistant Town Attorney
OFFICE OF RISK AND BENEFITS MANAGEMENT Michael G. Fox <i>Date</i> Risk and Benefits Officer	BAY HARBOR ISLANDS POLICE DEPARTMENT  Lindsley Noel Chief of Police 8/5/2024 <i>Date</i>

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE TOWN OF SURFSIDE, THE
VILLAGE OF BAL HARBOUR, AND THE TOWN
OF BAY HARBOR ISLANDS**

This Memorandum of Understanding ("MOU") is entered into this _____ day of _____, 2024 by and between The Town of Surfside ("Surfside"), The Village of Bal Harbour ("Bal Harbour") and the Town of Bay Harbor Islands ("Bay Harbor Islands"). Surfside, Bal Harbour, and Bay Harbor Islands are collectively referred to as the "Parties" and individually as a "Party."

WHEREAS, Surfside, Bal Harbour, and Bay Harbor Islands are municipalities located within Miami-Dade County that border each other; and

WHEREAS, children who are residents of Surfside, Bal Harbour, and Bay Harbor Islands attend Ruth K. Broad K-8 Center School ("School") which is located in Bay Harbor Islands; and

WHEREAS, Bay Harbor Islands intends to execute a Memorandum of Understanding with the Miami-Dade County School Board ("School Board") in which the School Board will provide their own School Resource Officer ("SRO") at Ruth K. Broad; and

WHEREAS, in addition to the School Board's assigned SRO, the Town of Bay Harbor Islands will provide an additional SRO at Ruth K. Broad that will serve to further protect the safety of the children who reside within Surfside, Bal Harbour, and Bay Harbor Islands; and

WHEREAS, the Parties understand and agree that the cost of the Town of Bay Harbor Island's appointed Resource Officer will be approximately \$64,927.00, per year; and

WHEREAS, the Parties wish to equally share the cost of the Town appointed SRO. The equal share of the cost is \$21,642.33 for each of the parties (municipalities) involved; and

WHEREAS, the Parties find that the adoption of this Memorandum of Understanding is in the best interest of the residents of Surfside, Bal Harbour, and Bay Harbor Islands.

NOW, THEREFORE, the Parties agree as follows:

1. The above recitals are true and correct and are incorporated herein by reference.
2. The Parties agree to equally share the Excess Cost of the Resource Officer. ¹
3. Within thirty (30) days after the end of the school year, Bay Harbor Islands shall prepare and send Surfside and Bal Harbour an invoice identifying the hours worked by the Town appointed Resource Officer, the total cost of the Town appointed Resource Officer, and each Party's equal

¹ The anticipated Town appointed Resource Officer expense is \$64,927.00 divided by 3 (Bay Harbor / Bal Harbour / Surfside) equals \$21,642.33 each.

share of the Cost ("Invoice"). Surfside and Bal Harbour shall pay their equal share of the Cost within thirty (30) days of their receipt of the Invoice.

4. Bal Harbour and Surfside's obligations under this MOU are solely limited to their financial contribution of approximately \$21,642.33 each. Nothing in this agreement permits, and Bal Harbour and Surfside do not have the ability to exercise, any control over any aspect of the employment, duties, tasks, responsibilities, operations, actions or inactions of any Resource Officer(s) employed by Bay Harbor Islands. Under no circumstance shall this MOU provide the basis for any claim that: a) the Town appointed Resource Officer is an employee or agent of Bal Harbour or Surfside; or b) Bal Harbour or Surfside are a "joint employer" of the Town appointed Resource Officer or are in any way responsible for the actions or inactions of the Town appointed Resource Officer. Bay Harbor Islands shall be solely responsible for the employment of the Town's appointed Resource Officer and payment of salary, wages, and fringe benefits, if any, to the Town appointed Resource Officer. Bay Harbor Islands shall be solely responsible for any employment-based claims made by the Town appointed Resource Officer, including claims for the payment of salary, wages, fringe benefits, and for unlawful termination, and for any claims based on the employee's actions or inactions. Under no circumstance shall this MOU provide the basis for any Party to make a claim against any other Party for indemnification.
5. Bay Harbour agrees to assume responsibility for the acts, omissions, and/or conduct of its employee(s) while engaged in rendering services pursuant to this Agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable. Bay Harbour shall indemnify and defend the Town of Surfside and/or the Village of Bal Harbour for any claims or causes of action raised relating to the actions or inactions of its employee(s) under this Agreement. Nothing contained herein shall be considered a waiver of protections of sovereign immunity afforded under Sections 768.28, Florida Statutes.
6. The Parties agree that this MOU represents the Parties' entire agreement and it cannot be amended or modified without the express consent of the Parties.
7. The Parties have had the opportunity to consult with legal counsel of their choosing.
8. The Parties signify their agreement with this MOU by affixing their signatures below.
9. This MOU shall become effective the date on which it is fully ratified by the Parties ("Effective Date"). The term of this MOU shall run concurrently with the term of Bay Harbor Island's Memorandum of Understanding with the School Board, a copy of which is attached hereto as Exhibit "A."

Town of Bay Harbor Islands, Florida

By: _____
Jenice Rosado, Town Manager

Date: _____

Town of Surfside, Florida

By: _____

Date: _____

Town Manager

Village of Bal Harbour, Florida

By: _____

Date: _____

Jorge Gonzalez, Town Manager

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: A.

ITEM: Consideration and Approval of the issuance of a Request for Proposals (RFP) for 96th Street New Park and Kayak Launch – Design Building Project. Sponsored by Mayor Joshua Fuller.

DESCRIPTION:

The Town has identified the need for the Design and Build of a new Park at 9600 West Bay Harbor Drive as part of the Town’s recreation program. This new park will be for the use of the residents and shall include a kayak launch and paddle boards rental, as requested by the residents. This will be a phased project, which will include the developing of the concept plans prepared by FIU School Architecture, designing and constructing the new park.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

There will be a cost of \$225 to advertise the RFP notice.

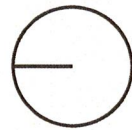
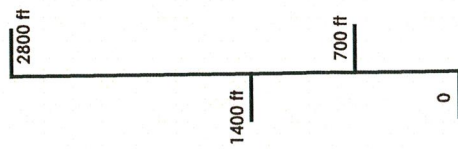
BUDGET IMPACT:

Submitted By: Cynthia Garcia, Deputy Clerk

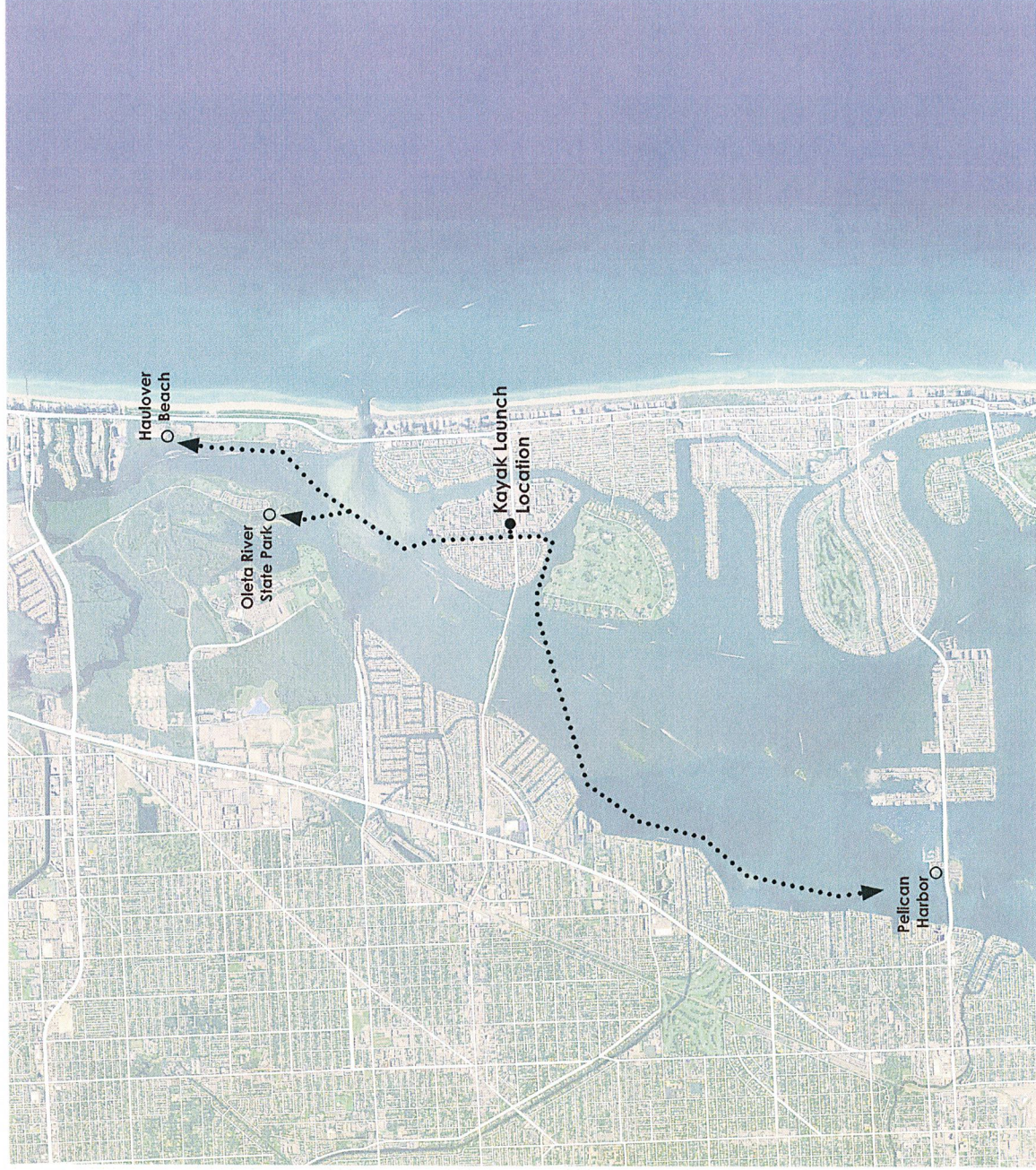
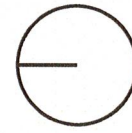
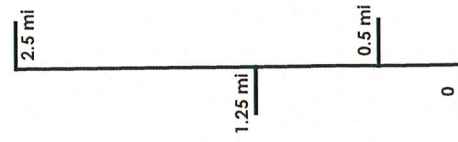
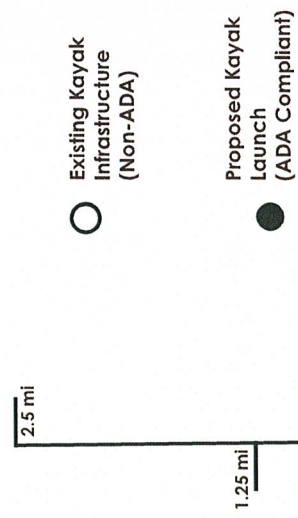
ATTACHMENTS

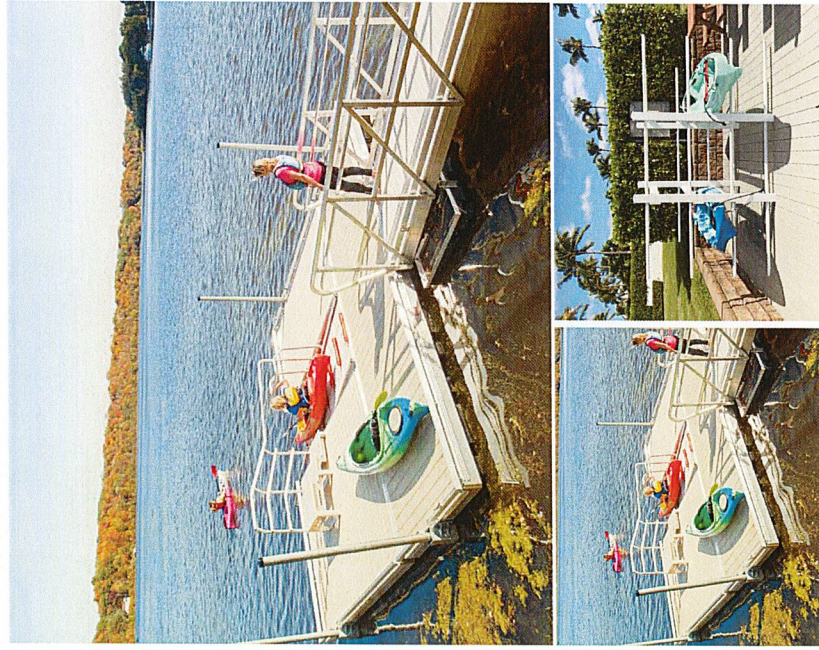
1.	Kayak Park
----	------------

Kayak Launch Location



Kayak Destinations





ADA KAYAK LAUNCH & STORAGE

Kayak Launch: <https://thedockdoctors.com/halfmoon-kayak-launch>
 Lesstor Kayak Storage: <https://kayakstorageracks.net/ks12/>



SITE AMENITIES

MDF, Beach Shower: <https://www.mostdependable.com/product/590-smss/>
 Landscape Forms, Flo Bike Rack: <https://bit.ly/LandscapeFormsFloBikeRack>
 Cycle Safe, Bike Repair Stand: <https://bit.ly/CycleSafeBikeRepairStand>
 Site Pieces, Bag Holder & Waste Bin: <https://bit.ly/3t8YO4J>



BENCHES & ADA PLATFORM LIFT

Landscape Forms Bench: <https://bit.ly/LandscapeFormsHebiBench>
 BC Lifts: <https://www.liftechsolutions.co.uk/wp-content/uploads/2021/11/Brochure-engelsk-version-2.pdf>

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 20.

ITEM: Consideration and Approval of a request by 1177 Bay Harbor Islands, LLC for modifications to the approved development plan for a new commercial mixed-use building to be located at 1177 Kane Concourse, Lots 5-8 / Block 21 & Lots 6-14, Bay Harbor Islands, Florida. Sponsored by Council Member Eric Rappaport. Enclosed are supporting documents.

DESCRIPTION:

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Staff Memo for Council Agenda -1177 Kane Concourse (1)
2.	BHI 1177 KC MXD 2024 Rev TC Staff Report April 30 2024
3.	1177 LOI 2.21.2024
4.	Letter re Return of TDR Units -- 1177 Kane Concourse
5.	1177 Kane -- August Presentation
6.	June Scheduling Letter -- 1177 Kane Concourse



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Michael Miller, AICP Consultant Town Planner
DATE:	August 7, 2024
SUBJECT:	Town of Bay Harbor Islands – Request for Modification to approved site plan for 1177 Kane Concourse Mixed Use Development Project - Increase in Density (54 DU to 66 DU) / Transfer of 8 TDRs Back to Town

RECOMMENDATION

Staff recommends that the Town Council considers the developer's recent request to increase the number of dwelling units in the project from 54 to 66 units. In exchange the developer will deed back 8 TDR units to the Town at no cost that were previously conveyed (24 total TDRs) to achieve the 90 units originally approved in 2019.

BACKGROUND / ANALYSIS

The 1177 Kane Concourse Site Development Plans were conditionally approved by the Town's PZB (now "DRB") on August 20, 2019. As approved, the plans proposed a mixed-use development consisting of up to 90 residential units, 81,014 square feet of office space, 15,496 square feet of commercial uses, and 520 parking spaces. The PZB plan approval was made contingent on the Town Council's approval (as required by the Town Code for a bonus building height increase that requires participation in the Public Benefit Program) of: (1) the transfer of twenty-four (24) residential units to the property under the Town's TDR program to allow up to a total of 90 units; (2) a 10' height bonus to develop at up to seventy-five (75) feet; and (3) the vacation of the alley between the north and south halves of the Property.

The project originally allowed up to 90 dwelling units (initially all rental units) but in 2023 the current developer decided to create condominium units for sale and voluntarily reduced the number of units by increasing the size of some of the units. The number of units was decreased from the original 90 to 54 units. Based on early sales results reported by the developer some of the largest units were not readily accepted by potential purchasers, therefore, the developer is seeking to reduce the number of larger units by providing more midsize units, which results in an increase of 12 units. The Town's base density allowed (34 DUA x 1.95 acres) will allow 66 units as is now requested.

Through Ordinance No. 1042, adopted on second reading on January 7, 2020, the Town Council approved a Development Agreement with the prior original owner of the Property. The Development Agreement approved the development of the Property as a mixed-use project of up to 90 units and 75 feet in height as set forth in the approved plans. In order to realize the density needed for the original Project, the Town agreed to convey twenty-four (24) residential units from the Town's "commercial area bank" of units under the Town's TDR program. As part of the currently pending site plan amendment application, the Applicant is proposing to adjust the residential density to sixty-six (66) units, a reduction of 24 units from the original approval. Since the project has reduced the density from 90 to 66 units the Applicant has voluntarily agreed to transfer back eight (8) residential units to the Town as a condition of the approval of the proposed site plan modification. The developer would like to retain the balance of the previous TDR units at this time to allow project flexibility in the future. The transfer, which will be at no cost to the Town, can be formalized through a deed or other document the Town deems appropriate. The Applicant has agreed to formalize the transfer following the approval of the application and the expiration of all relevant appeal periods with no appeals having been taken. The Applicant requests that its proposed transfer be made a condition of the Council's approval of the pending application.

EXECUTE

If the Applicant's request is acceptable, the developer will execute a deed for the transfer of 8 TDRs from the project back to the Town following the approval of the 1177 Kane Concourse application for density increase and the expiration of all relevant appeal periods.

FINANCIAL ANALYSIS

Currently the cost of Town-owned non- waterfront residential TDRs in the Commercial areas is \$100,000 per unit. This was last updated in August 2022.

Receiving 8 TDRs back would be the equivalent of \$800,000 dollars.

The Town currently has a total of 192 residential TDRs that are owned by the Town in the Commercial area.

ATTACHMENTS

**TOWN OF BAY HARBOR ISLANDS
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor & Town Councilmembers
Town of Bay Harbor Islands

Thru: Maria Lasday – Town Manager
Yvonne P. Hamilton, CMC – Town Clerk
Joseph S. Geller, Esq. – Town Attorney
Mike Mesa – Asst. Town Manager / Chief Building Official

From: Michael J. Miller, AICP 
Consultant Town Planner

Date: April 30th, 2024

Subject: Site Development Plan Application – 2024 Revisions
1177 Kane Concourse Mixed Use Development
Increase DU from 54 to 66 / 98,455 Sq. Ft. Office / 14,186 Sq. Ft. Comm.
Bay Harbor Islands Acct. No. SPR23-000005
MMPA Acct. No. 01-0702-1063D

RECOMMENDED ACTION

MMPA recommends the Town Council review the contents of this staff report, the most recent revised Site Development Plans, and the Design Review Board's recommendation, and if felt to be acceptable, **APPROVE** the plans as submitted or with modifications, as deemed appropriate and/or with conditions, that would approve several revisions deemed significant by staff to the original Site Development Plan approved by the P&Z Board (now DRB) on 8/20/19 (Res. No. 2185), and subsequently by the Town Council on 1/07/20 (Ord. No. 1042), and the applicant's 2023 revisions approved by the DRB on 5/02/23 and subsequently by the Town Council on 6/14/23, to allow the construction of a new mixed-use development located at 1177 Kane Concourse. It is recommended the suggested conditions listed in the summary section of this report be included.

GENERAL PROJECT INFORMATION

Land Use Designation: C – Commercial
Zoning District: B-1 Business District
General Location: 1177 Kane Concourse

Site Development Plan Application (2024 Revisions)
1177 Kane Concourse Mixed Use Development
Increase DU from 54 to 66 / 98,455 Sq. Ft. Office / 14,186 Sq. Ft. Commercial
Town Council Staff Report
April 30th, 2024
Page 2

Legal Description: Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, less the south 15 feet of Lots 9, 10, 11, 12, 13, 14 of Block 21; Lot 32 of Block 3; and the 20 foot alley south and adjacent to Lots 5, 6, 7, and 8, and north and adjacent to Lots 9, 10, 11, 12, 13, 14 of Block 21, "Bay Harbor Island" Subdivision, according to the plat thereof, as recorded in PB 46, at PG 5 of the Public Records of Miami-Dade County.

PROJECT DESCRIPTION / HISTORY

2020 Original Project - In 2018-20 the Town reviewed / processed / approved a Site Development Plan for the above referenced land re-development project. The Planning and Zoning Board (now DRB) approved the final Site Development Plan on August 20th, 2019, subject to several conditions (Res. No. 2185). As this site involved a request to vacate a portion of a public alley, acquire TDR units and increase the allowable building height from 65 feet to 75 feet the Town Council also had to approve the project through the Town's Public Benefit Program / Developer Agreement. This was approved by the Town Council on January 7th, 2020, by a 3-2 vote (Ordinance No. 1042). The Town Council required several site design modifications during their review that differed from the original PZB approval, including the maximum number of DU, changes to the office square footage, and physical site plan modifications. This 10-lot development is located within the business area of the Town and is the first approved by the Town with mixed-uses (commercial / residential). Per the Town Council approval and Developer Agreement the maximum number of dwelling units can be 90 DU. The maximum A/C square footage of office use can be 98,800 sq. ft. The maximum square footage of A/C commercial uses can be 14,900 sq. ft. per Ordinance No. 1042. As part of the Town's approval, the project received 24 TDR units from the Town's commercial account. The Town agreed to vacate that portion of the public alley in Block 21 within the boundaries of the site. To replace the alley access for landowners within this Block a replacement access easement was granted to the Town from the western termination of the public alley northward to 97th Street. As part of the consideration for the building height increase the Town acquired a waterfront lot at the northwest corner of Kane Concourse and WBHD, and several other considerations. The Development Agreement was finalized and recorded in the Miami-Dade County public records.

The Town subsequently received / reviewed / issued Building Permit plans for this development based on the original plans on November 1st, 2022. MMPA / staff reviewed the Building Permit plans prior to issuance to confirm consistency with the PZB (DRB) / TC approved plans, Code requirements and conditions of approval. Building permits were issued and the project is now under construction.

2023 Revisions - In late 2022 / early 2023 the Town was contacted to discuss several desired site modifications, including a reduction in the number of DU from 90 (89 on BP set) to 54. The residential units would not be "rental" as originally approved but sold via condominiums. Due to the change in the number of DU the residential floor layouts have changed – which caused changes to the exterior building appearance (windows / balconies). Some additional refinements were proposed to the ground level due to flood design issues. Some of the previous residential common facilities facing 97th Street (fitness center / offices) had to be relocated higher to meet FEMA / FBC flood criteria.

Site Development Plan Application (2024 Revisions)
1177 Kane Concourse Mixed Use Development
Increase DU from 54 to 66 / 98,455 Sq. Ft. Office / 14,186 Sq. Ft. Commercial
Town Council Staff Report
April 30th, 2024
Page 3

The Town's Design Review Board (DRB) reviewed and approved the "2023 Revisions" by a 4-0 vote on May 2nd, 2023, subject to the recommended staff conditions and additional conditions. The Town Council reviewed and approved the "2023 Revisions" on June 14th, 2023, by a 4-2 vote subject to the recommended conditions. The Town Council also requested that the east building façade architecture be re-examined for possible enhancements. Staff worked with the developer for some time to develop a possible acceptable enhanced east building façade, which is included.

2024 Proposed Revisions - In January 2024 the developer contacted Town staff to discuss some new desired refinements, including a DU increase based on initial consumer reaction to the 54 DU design / costs. In late January 2024 the property owner (1177 Bay Harbor Islands, LLC) submitted a revised Site Development Plan application, designed by the Arquitectonica firm. The revised 2024 plans consist at this time of 66 dwelling units (originally 90 / 2023 Revisions 54), 98,445 sq. ft. of office use, 4,881 sq. ft. of restaurant / outdoor café use, and 9,305 sq. ft. of retail use. The building is a "U" shaped modern architecture design dominated by glass and protruding rectangular designs; the open center facing West Bay Harbor Drive has a landscaped courtyard on the 2nd level connecting the commercial and residential portions of the building. The retail and restaurant components front Kane Concourse with transparent storefronts as required and outdoor dining space with four (4) stories of office above for a total of five (5) stories with rooftop canopy and landscaping. The residential portion of the building fronts 97th Street with seven (7) floors of residential over a lobby with a rooftop recreational area as required and parking, accessory uses that support the residential units, and ground level parking are underneath the building. There are seven (7) levels of parking garage on the east side of the property. Due to the proposed change in the number of DU some of the residential floor layouts have changed, as have some features (balconies / windows) on the north residential building facade to align with the interior floor layout changes. The proposed design revision with 66 dwelling units will still be condos vs. rentals and consist of four (4) dwelling unit types: 1-BR / 1.5 Bath units = 21 DU; 2-BR / 2.5 Baths = 26 DU; 3-BR / 3.5 Baths = 18 DU; 4-BR / 4.5 Baths = 1 DU. All of the units meet & exceed the Town's minimum square footage requirements (both pre-2019 and post-2019 sizes). The developer is also proposing some revisions to the 2nd Level recreational deck between the North / South towers. Finally, per the June 2023 Town Council directive, the developer submitted their new preferred east building façade architecture enhancements.

The Town's DRB reviewed & approved the "2024 Revisions" by a 6-0 vote on 4/16/24, subject to the MMPA staff conditions. However, the DRB strongly felt the 2023 east building façade design (score line rectilinear pattern) was preferable to the applicant's proposed 2024 design (paint).

Overall Site Design Characteristics & Summary / Background - The site is comprised of ten (10) platted lots and includes the now vacated portion of the Town's platted 20' alley in Block 21. The existing alley corridor is being maintained for access to the parking areas, loading areas and utilities under the building from W. Bay Harbor Drive to Bay Harbor Terrace. A replacement access / utility easement under the building located at the east end of the property with a large turning radius now exists to 97th Street. The former alley opening to W. Bay Harbor Drive is being modified to a right turn out only. Along Kane Concourse three (3) existing parking spaces are proposed to be used for valet drop-off, which requires an agreement with Town. As required by the Code there is a pedestrian walkway from Kane Concourse through the building to the parking and valet area to the rear under the building.

Site Development Plan Application (2024 Revisions)
1177 Kane Concourse Mixed Use Development
Increase DU from 54 to 66 / 98,455 Sq. Ft. Office / 14,186 Sq. Ft. Commercial
Town Council Staff Report
April 30th, 2024
Page 4

On 97th Street there is a lobby pick-up and drop-off area for the residential portion of the development with two (2) guest spaces located near the street. At that pick-up / drop-off area there is enough room for a vehicle to be temporarily parked and another vehicle can pass. A waiver was granted for the location of some of the guest spaces (garage), as there are 10 lots so technically 10 guest spaces are required to be placed "in the front setback" - but only 2 are provided within this setback – the balance will be in the parking garage. The entrance to the parking garage is from 97th Street between the pick-up / drop off area and the new alley access easement. The plans show the paver sidewalk system on WBHD being continued onto 97th Street to the eastern limits of the project. WBHD is shown to be modified by eliminating the on-street parking spaces & bicycle station with the streetscape altered with the Town's required street trees.

The applicant requested & received a shared parking / parking reduction for this mixed-use development and submitted a study with the original application. The revised application includes an updated Traffic Impact Report and an updated Shared Parking Reduction Study. Pursuant to Code requirements 553 parking spaces are required based on the revised design but based on shared parking principles about 407 spaces should be sufficient to satisfy their parking demand. The updated Plummer Parking Study states 438 spaces are needed, and 522 spaces are provided. There is flexibility and estimates are being made regarding restaurant and retail space buildouts. The updated Plummer & Associates Shared Parking Study was modified as requested to include the most recent data noted in the revised Site Development Plan drawings and applicant letter.

The Town's records indicate that the site was previously developed with an office building. The survey indicates the total area of the ten lots, including the alley proposed to be vacated, is 84,942 sq. ft. / 1.95 acres in size. This would allow a maximum of 66 dwelling units on the property at the maximum allowable base density of 34 DU/AC. The latest revised proposal is to build 66 DU (33.8 DU/AC) which would not require the developer to acquire any TDR units. However, the original approved design included up to 90 DU, so the Town deeded 24 TDR units to the developer as part of the 2020 Developer Agreement negotiations for the 10' building height increase. The Town received a waterfront park site and funds (\$500,000) to assist in its development, and other concessions. Technically via the Complan / Code no party may receive / hold TDR units unless they are being used in the development. In this case due to the DU decrease from 90 DU to 66 DU there is no need for the previous Town TDR transfer. However, the landowner wishes to retain the development rights for 90 DU for future project flexibility.

The site was formerly known as the "Taplin" property that changed ownership in late 2016. It was previously partially developed with an office building that totaled 21,078 sq. ft. that was demolished in mid-2017. Since 2004+/- the Town has undertaken numerous studies and Code modernizations / updates in virtually all land areas. The Comprehensive Plan was updated which included a system to allocate / monitor residential density allocations in multi-family areas due to errors in the original plan. This system has proved to be extremely useful to the community's property owners and the Town by generating revenue from the sale of TDR units. In 2002 a Town Charter limit was adopted limiting the height of buildings to 75 feet, unless a specific proposal was submitted to the electorate for a vote.

The former BAA "Business" Zoning District was created in 1957 and seldom modified in 50 years. Most of the commercial land parcels were developed during that time period. The Town officials believed the community had stagnated and real property tax revenue was in decline. In 2002 the Town retained an urban planning consultant (Glatting Jackson) and held a Community Visioning process. In 2003-04 the Town retained another urban planning consultant (Bermello Ajamil Partners) who studied / prepared design recommendations for the Kane Concourse / Downtown business properties in the Town. These efforts attempted to frame issues and set basic development / building massing visions for the community.

In 2005-06 the Town refined those design concepts and adopted a series of Land Development Regulation modifications to the renamed B-1 Business District. Mixed land uses (commercial / residential) have been allowed in the B-1 District since the district rules were written in the 1950s. Prior to the 2006 Code update the business district limited building heights to six (6) stories. At that time there was no definition as to what height constituted a "story" – this was added later at a maximum of 10 feet per floor – due to community concerns with excessive building height. The Bermello Ajamil Downtown Study recommended the commercial building heights be set at 75'. However, the Glatting Jackson Community Visioning Study recommended maintaining the 6-story limit. The Town Council at the time of adoption decided to remove the "story" limitation and set maximum building height at 65', allowing a project designer the freedom to create varying interior floor heights. Town staff / MMPA were not opposed to the 75' limit, as we were more concerned with the uncertain 6-story limit. Some of the main reasoning given was the existing low-scale of the buildings along the roadway and the fact that the height limit in the adjoining RM-2 Multi-family District areas north of 97th Street and south of 95th Street are 65'. It was felt the non-Kane Concourse frontage sites would be parking facilities or residential uses. The district has special setbacks for residential uses along those streets.

In response to a request from the owner's representatives to consider amending the Town Code to allow buildings to be a maximum of 75 feet, the Town Council, on January 8th, 2018, adopted Ordinance No. 1018 creating a Public Benefits Program. The program can allow a building height of 75 feet in exchange for participation in the program by providing certain public benefits found appropriate by the Town Council in order to achieve high-quality commercial, office or mixed-use developments with proper floor-to-ceiling heights.

REVISIONS TO PREVIOUSLY APPROVED SITE DEVELOPMENT PLANS

MMPA notes that the revised Site Development Plans appear to be generally consistent with the overall building design approved by the DRB in 2019-2020; however, some items have been altered significantly based on the DU reconfiguration. Most of the changes do not appear to be related to any Building / Fire Code requirements. It is to be expected that on occasion Building Codes / Fire Codes require certain plan refinements; however, if conflicts occur, they are to be discussed and plan modifications / re-approvals may be necessary. Fire Department / Building Codes cannot force changes if they violate Zoning Code requirements.

On February 8th, 2024, the Town's DRC staff met and discussed the latest revised project design. All DRC plan corrections were made; therefore, the project was approved to move ahead to the Design Review Board (DRB) for consideration.

Town Code Section 5-23.1(c) states as follows:

“Subsequent to Design Review Board approval, if the proposed structure or project is not constructed in substantial conformity with the plan proposed and approved by the Design Review Board, no certificate of occupancy shall be issued, and a fine may be levied against a real property owner in an amount not to exceed \$250.00 per day per unit for each day of continued violation. And in the event that a certificate of occupancy has been issued previously, it shall be subject to revocation and no further occupancy shall be permitted until the proposed structure or project is brought into substantial conformity with the plan approved by the Design Review Board. Provided further, in the event that occupancy is not discontinued, then a fine shall be levied in an amount up to of \$250.00 per day per unit for each day of continued occupancy until the proposed structure or project is brought into substantial conformity with the plan approved by the Design Review Board. The Town Manager, or their designee, may approve minor modifications to the final working plans and building permit plans that do not significantly alter the original design in order to meet building or fire codes, or other project refinements, provided the modifications do not conflict with any conditions of approval imposed by the Design Review Board or Town Council, and are otherwise in substantial conformity with the approved plans”.

MMPA finds that the latest revised site plan revisions meet the minimum Code requirements; however, some of the requested modifications were felt to be substantial by Town staff.

COMPREHENSIVE PLAN / ZONING

Comprehensive Plan – The property has a Future Land Use Map (FLUM) designation of “Commercial”. The maximum allowable base density is 34 DUA. Additional dwelling units may be acquired to increase the base density if approved by the Town Commission pursuant to the Transfer of Development Rights program established by §23-22.2. The developer is now seeking to build a total of 66 DU when 66 DU are allowed by the base density, therefore, no additional TDR units are required. However, based on the original 2020 approval for 90 DU the Town deeded 24 TDR units to this site. However, the landowner wishes to retain the development rights for 90 DU for future project flexibility. The proposed revised development will be consistent with the applicable FLUM designation and density allowance of the property.

Land Development Regulations / Zoning Code – The property has a Zoning classification of B-1, Business District. The maximum building height allowed in this area is 65 feet (measured from BFE + 1' FBC freeboard to top of main roof deck), with 75 feet maximum possible through participation in the Town's Public Benefits Program. The original 2020 project was approved with a 75-foot height and a Development Agreement was used. The proposed use of the property is consistent with this zoning classification. The revised site design is now consistent with the Code provisions.

PLATTING

Although the site does not require re-platting pursuant to §11-22, as the site is currently platted as described above, staff originally recommended that a new replat be prepared to simplify the site boundaries and alley vacation / easement dedication. However, the Town has agreed to an alternative form of Unity of Title (Covenant in Lieu) to legally tie the lots together prior to the issuance of building permits. This document was prepared and is now recorded.

BUILDING DESIGN / BUILDING LENGTH / BREEZEWAY

The new revised building is still a "U" shaped modern architecture design dominated by glass and protruding rectangular designs; the open center faces West Bay Harbor Drive has a landscaped courtyard on the second level connecting the commercial and residential portions of the building. The parking garage is enclosed with ventilation to the roof. The building is exempt from the breezeway requirement since it is within 50 feet of Kane Concourse pursuant to §23-11(C)(12).

Due to the type of requested plan modifications, the Town Manager / Building Official determined that the Design Review Board & Town Council will need to re-review / re-approve the new 2024 modifications.

SUMMARY / SUGGESTED CONDITIONS OF APPROVAL

The latest revised Site Development Plans submitted for the construction of a new mixed-use development complex located at 1177 Kane Concourse meet or exceed all Town Land Development and Landscape Code requirements. The applicant submitted plans that were reviewed & commented on by the Town, and all previous comments / issues have been addressed by the current plans. Following are recommended comments and conditions of approval based on the latest revised plans received from the architect on Jan. 25th, 2024, submitted to the Town for consideration:

1. This approval is based on the latest revised Site Development Plans prepared by Arquitectonica, dated 1/25/24, and signed-off by the DRC staff on 2/08/24, as well as any required modifications stated herein, and modifications required by the Design Review Board (DRB) or Town Council. Any substantial changes desired after the Design Review Board's / Town Council's approval may require separate approvals from the Town staff and/or Design Review Board & Town Council as specified by Code.
2. Based on the revised request for 66 DU - "0" TDR units are required. As the site is 1.95 acres, a max. of 66 DU are allowed by right (34 DUA base density) per Sec. 23-11(B1)(11). However, the original 2020 Town approval allowed up to 90 DU; therefore, the Town deeded 24 TDR units to the developer. Due to the building height increase a Developer Agreement was required via the Town's Public Benefit Program. If the Town approves this new site modification the developer seeks to retain the 24 public TDRs. The developer has stated they desire to keep the rights to the 90 DU for future project flexibility. MMPA recommends the 2024 Town approval include a provision that allows the Town to administratively approve DU quantity adjustments based on the Development Agreement limit (90 DU), to accommodate the initial DU sales and future occupant flexibility (combine / split / reconfigure / adjust interior sq. ft.).

3. The original 2020 & revised 2023 eastern building façade, and 2024 proposed revised eastern building façade are entirely subjective and a matter of acceptable appearance. As the eastern building facade is essentially a “zero lot line” and the building is under construction, no encroachments such as architectural features can be applied. Therefore, the applicant’s study has been to improve the appearance by utilizing the original score lines with new paint features. If the DRB / TC does not approve the requested alternative design, a design acceptable to the Town must be submitted and approved prior to installation.
4. All of the original conditions of approval listed in the Town’s 2019 PZ Board Site Development Plan approval (Resolution No. 2185) and Town Council’s Public Benefits Program / Developer Agreement terms (Ordinance No. 1042), as well as the 2023 revisions, shall remain in full force and affect, unless modified herein.
5. If the Town’s DRB / TC approves this modified Site Development Plan, the new plans will supersede the previous Town approvals and the previous project will be null and void (so there are not 3 different Site Development Plans approved for this site).



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6229 office

305.377.6222 fax

gpenn@brzoninglaw.com

VIA HAND DELIVERY

February 21, 2024

Ms. Maria Lasday
Town Manager
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

RE: Letter of Intent for Design Review Board – 2024 Revisions to “1177 Kane Concourse” Plan.

Dear Ms. Lasday,

Our client, 1177 Bay Harbor Islands, LLC (the “Applicant”) is the owner and developer of the “1177 Kane Concourse” mixed-use development to be located on the northeast corner of Kane Concourse and W. Bay Harbor Drive. Please consider this letter the Applicant’s request for minor modifications to the approval development plan.

Original Public Hearing Approval of 1177 Kane Concourse Plans. The 1177 Kane Concourse Plans were conditionally approved by the Town’s PZB (now “DRB”) on August 20, 2019. As approved, the plans proposed a mixed-use development consisting of 90 residential units, 81,014 square feet of office space, 15,496 square feet of commercial uses, and 520 parking spaces, including mechanical parking lifts.

The PZB plan approval was made contingent on the Town Council’s approval (as required by the Town Code) of: (1) the transfer of twenty-four (24) residential units to the Property under the Town’s TDR program to allow a total residential density of 90 units; (2) a height bonus to develop at up to seventy-five (75) feet; and (3) the vacation of the alley between the north and south halves of the Property.

Development Agreement. Through Ordinance 1042, adopted on second reading on January 7, 2020, the Town

approved a Development Agreement with the prior owner of the Property. The Development Agreement approved the development of the Property with a mixed-use project of up to 90 units (66 units were permitted as of right) and 75 feet in height as set forth in the Plans. The Development Agreement was reviewed at two Town Council meetings as required by state law (November 19, 2019 and January 7, 2020). Public comment was heard at both meetings.

In order to realize the density needed for the Project, the Town agreed to convey twenty-four (24) residential units from the Town's "bank" of units under the Town's TDR program. The Town further agreed to approve the height increase from 65 feet to 75 feet through the Town's Public Benefit Program reflected in Section 23-11(c)(8) of the Town Code. Finally, the Town agreed to vacate the twenty (20) feet wide platted alley adjacent to Lots 5, 6, 7, and 8 within Block 21, which was accomplished through Town Resolution 2192, also approved on January 7, 2020.

In the Development Agreement, the Town confirmed that the proposed mixed-use development depicted on the Plans is consistent with the Town's Comprehensive Plan and zoning. The approval of the Development Agreement constituted the completion of the conditions of the Planning and Zoning Board approval issued in August 2019.

Approved 2023 Changes to Program. The Applicant secured Town approval for several minor revisions to the development program in 2023. Most notably, the Applicant reduced the residential unit count from the approved 90 units to 54 units. The remainder of the building's development program remained largely the same, with 13,002 square feet of proposed commercial uses and 79,038 square feet of office space. The need to comply with the Town's flood management requirements while retaining an attractive lobby area for residents also resulted in the relocation of most of the residential lobby and common areas such as office space and fitness facilities to the second floor, with an entrance stair located at grade. The architecture of the project remained essential identical to the approved plans, with minor changes made to reflect the reduction in the number of residential units. The Applicant further secured approval for a total of ten (10) valet-only tandem parking spaces within the parking structure.

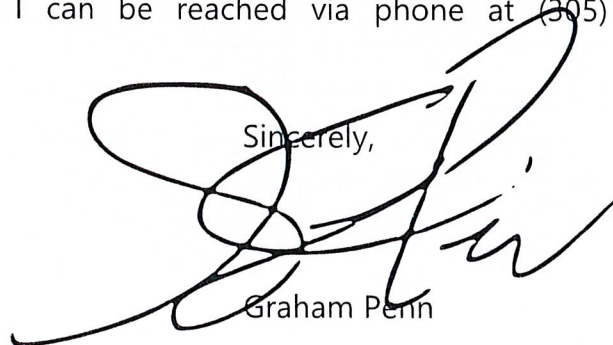
Proposed 2024 Revisions. The Applicant has further revisited the design in the period following the 2023 approval and is now proposing minor additional revisions. First, the Applicant is proposing to adjust the residential density to 66 units, an increase of twelve (12) units over the 2023 plan (and a reduction of 24 units from the original approval).

Second, the proposed changes will include minor revisions to the north building facade to reflect changes to the balconies and sliding doors. The proposed plan carries over the 2023 improvements, which replaced significant areas of masonry facade with glass. Third, the 2024 revisions also include significant improvements to the second level recreation deck located in the center of the Property facing west. Finally, the 2024 revisions include the proposed final design of the eastern building facade, incorporating a mix of greenwall elements and painted mural, mimicking the design through the alleyway.

Parking. Under the terms of the Development Agreement, the Applicant is obligated to retain 520 parking spaces on the Property, including mechanical lifts. The proposed reduction in residential density has significantly reduced the parking demand of the project, with 407 parking spaces now being required. The proposed plan provides 522 parking spaces. The Development Agreement requires the Applicant to provide one hour of free parking in the garage, which will encourage visitors to the building to park in the garage, rather than looking for parking elsewhere in the neighborhood.

Conclusion. We respectfully request the Town's review and approval of the proposed minor revisions to the 1177 Kane Concourse development plan. If you need any additional information, please let me know, I can be reached via phone at (305) 377-6229 or gpenn@brzoninglaw.com.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'G. Penn'.

Graham Penn



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6229 office
305.377.6222 fax
gpenn@brzoninglaw.com

VIA ELECTRONIC MAIL

August 5, 2024

Ms. Jenice Rosado
Town Manager
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

RE: Voluntary Return of Development Rights -- 2024 Revisions to "1177 Kane Concourse" Plan.

Dear Ms. Rosado,

Our client, 1177 Bay Harbor Islands, LLC (the "Applicant") is the owner and developer of the "1177 Kane Concourse" mixed-use development to be located on the northeast corner of Kane Concourse and W. Bay Harbor Drive. (the "Property") Please consider this letter the Applicant's voluntary agreement to return development rights to the Town as part of the Town's review of the proposed minor modifications to the approval development plan.

Original Public Hearing Approval of 1177 Kane Concourse Plans. The 1177 Kane Concourse Plans were conditionally approved by the Town's PZB (now "DRB") on August 20, 2019. As approved, the plans proposed a mixed-use development consisting of 90 residential units, 81,014 square feet of office space, 15,496 square feet of commercial uses, and 520 parking spaces, including mechanical parking lifts.

The PZB plan approval was made contingent on the Town Council's approval (as required by the Town Code) of: (1) the transfer of twenty-four (24) residential units to the Property under the Town's TDR program to allow a total residential density of 90 units; (2) a height bonus to develop at up to seventy-five (75) feet; and (3) the vacation of the alley between the north and south halves of the Property.

Development Agreement. Through Ordinance 1042, adopted on second reading on January 7, 2020, the Town approved a Development Agreement with the prior owner of the Property. The Development Agreement approved the development of the Property with a mixed-use project of up to 90 units and 75 feet in height as set forth in the Plans.

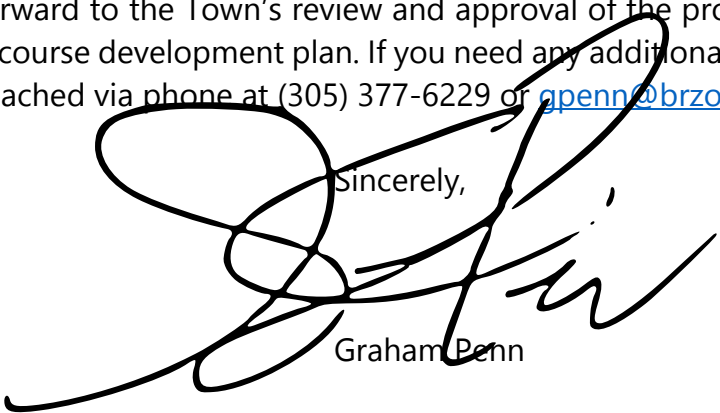
In order to realize the density needed for the Project, the Town agreed to convey twenty-four (24) residential units from the Town's "bank" of units under the Town's TDR program.

Proposed 2024 Density. As part of the currently pending site plan amendment application, the Applicant is proposing to adjust the residential density to sixty-six (66) units, a reduction of 24 units from the original approval.

Return of Transferred Units. As currently contemplated, the Project no longer needs the transferred residential units. The proposed 66 units represent the "as of right" density of the Property. In order to aid the Town in its future planning efforts for the Concourse, the Applicant has voluntarily agreed to transfer back **eight (8)** residential units to the Town as a condition of the approval of the proposed site plan modification. The transfer, which will be at no cost to the Town, can be formalized through a deed or other document the Town deems appropriate. The Applicant has agreed to formalize the transfer following the approval of the application and the expiration of all relevant appeal periods with no appeals having been taken. The Applicant requests that its proposed transfer be made a condition of the Council's approval of the pending application.

Conclusion. We look forward to the Town's review and approval of the proposed minor revisions to the 1177 Kane Concourse development plan. If you need any additional information, please let me know, I can be reached via phone at (305) 377-6229 or gpenn@brzoninglaw.com.

Sincerely,



Graham Penn

1177 KANE CONCOURSE
PROPOSED PROGRAM AND BUILDING MODIFICATIONS COMPARISON



1177 Kane Concourse

Bay Harbor Islands, FL 33154

May 5th, 2024

TOWN COUNCIL FINAL APPROVED SET

Architect:

ARQUITECTONICA

2900 OAK AVENUE
MIAMI, FLORIDA 33133
P: 305.372.1812
F: 305.372.1175
www.arquitectonica.com

Civil:

Kimley»Horn

355 ALHAMBRA CIRCLE
SUITE 1400
CORAL GABLE, FL 33134
P: 305.673.2025
www.kimley-horn.com

Traffic/Parking:

**DAVID PLUMMER &
ASSOCIATES**

1750 PONCE DE LEON BLVD
CORAL GABLES, FL 33134
P: 305.447.0900
www.dplummer.com

MEPFP:

exp.

396 ALHAMBRA CIRCLE
SUITE 202
CORAL GABLES, FL 33134
P: 305.631.2208
www.exp.com

Landscape Architect:

ARQUITECTONICAGEO

2900 OAK AVENUE
MIAMI, FLORIDA 33133
P: 305.372.1812
F: 305.372.1175
www.arquitectonica.com

No copies, transmissions, reproductions, or electronic manipulation of any portion of these drawings in whole or in part are to be made without the express written permission of Arquitectonica International. All designs indicated in these drawings are property of Arquitectonica International. All copyrights reserved (c) 2018.

Elements of 2024 Application

Element	Status
Minor revisions to the north building facade	Approved
Improvements to design of second floor recreation deck	Approved
Final design of eastern wall	Approved
Revisions to development mix	Pending

1177 KANE CONCOURSE
ENTITLEMENTS PROGRAM COMPARISON

ENTITLEMENTS PROGRAM
TOWN COUNCIL – APPROVED

	DEVELOPMENT AGREEMENT	PROPOSED PROGRAM
RESIDENTIAL UNITS	90	54
OFFICE	98,800	98,445
FOOD & BEV. + RETAIL NSF	14,900	15,832
PARKING SPACES	520	522

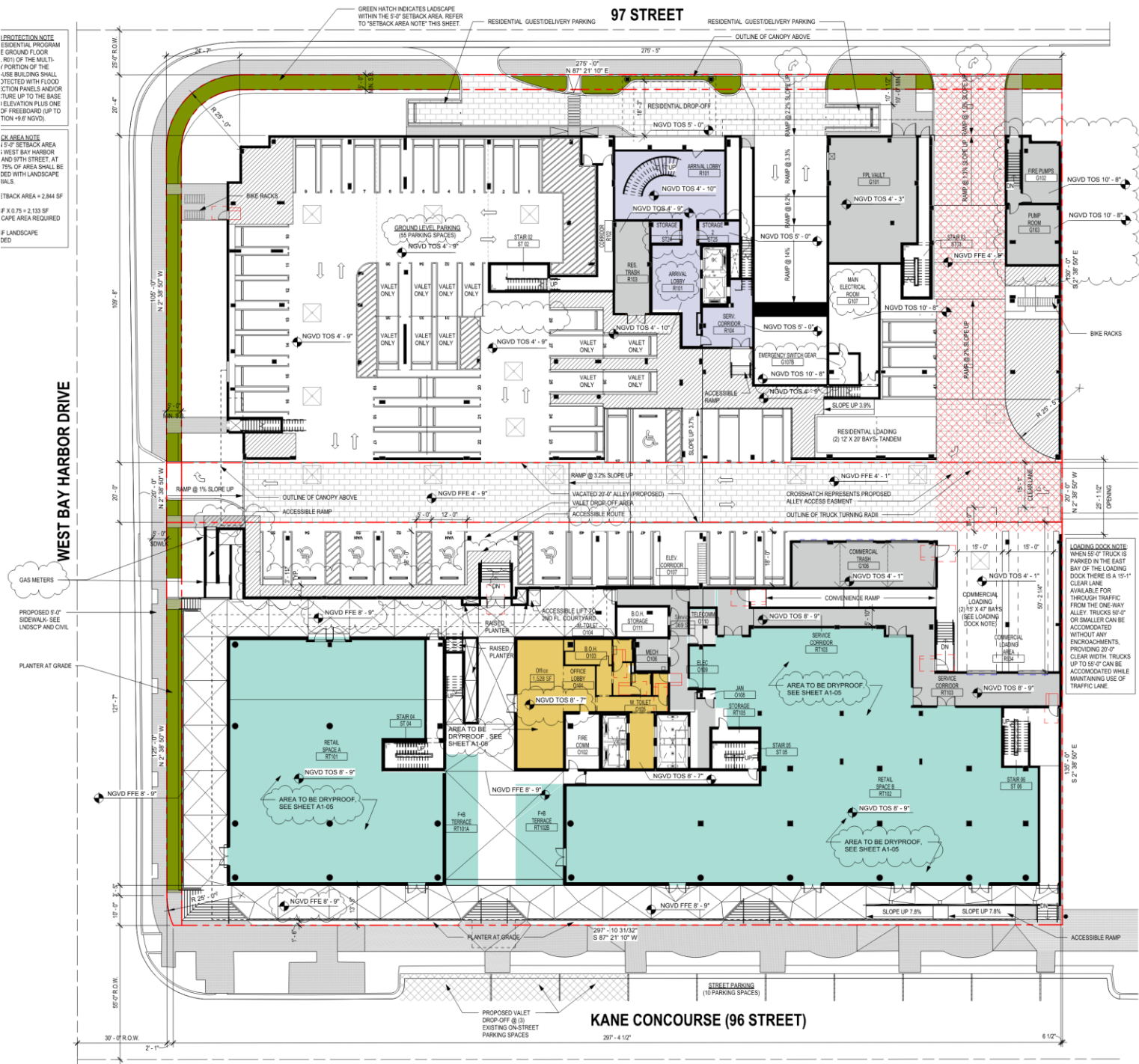
ENTITLEMENTS PROGRAM
CURRENT

	DEVELOPMENT AGREEMENT	PROPOSED PROGRAM
RESIDENTIAL UNITS	90	66
OFFICE	98,800	98,445
FOOD & BEV. + RETAIL NSF	14,900	15,832
PARKING SPACES	520	522

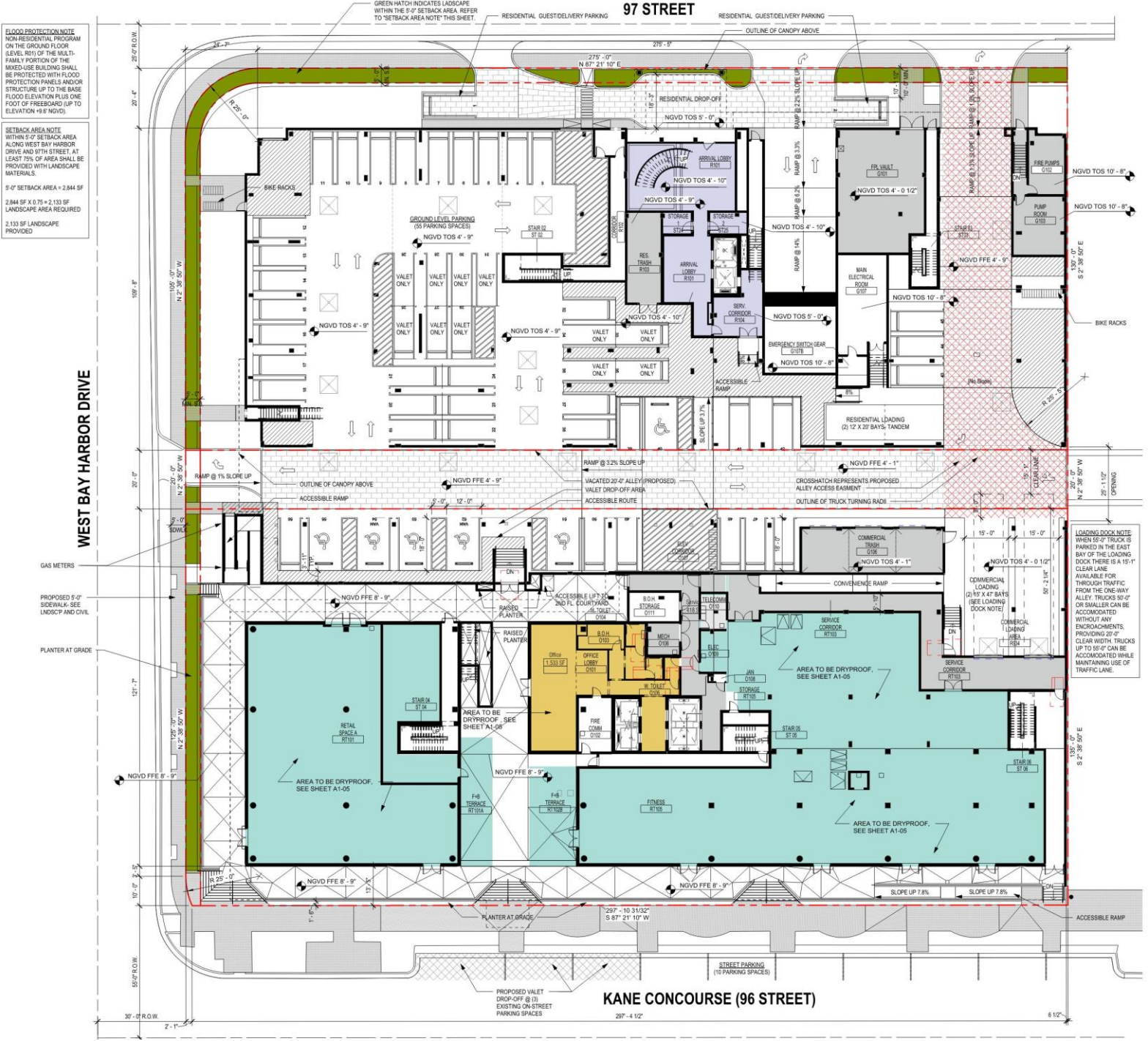
Proposed Additional Voluntary Condition

The Applicant has voluntarily agreed to transfer back **eight (8)** residential units to the Town at no cost to the Town. The transfer, which will be formalized through a deed or other document the Town deems appropriate, will be made following the expiration of all relevant appeal periods with no appeals having been taken.

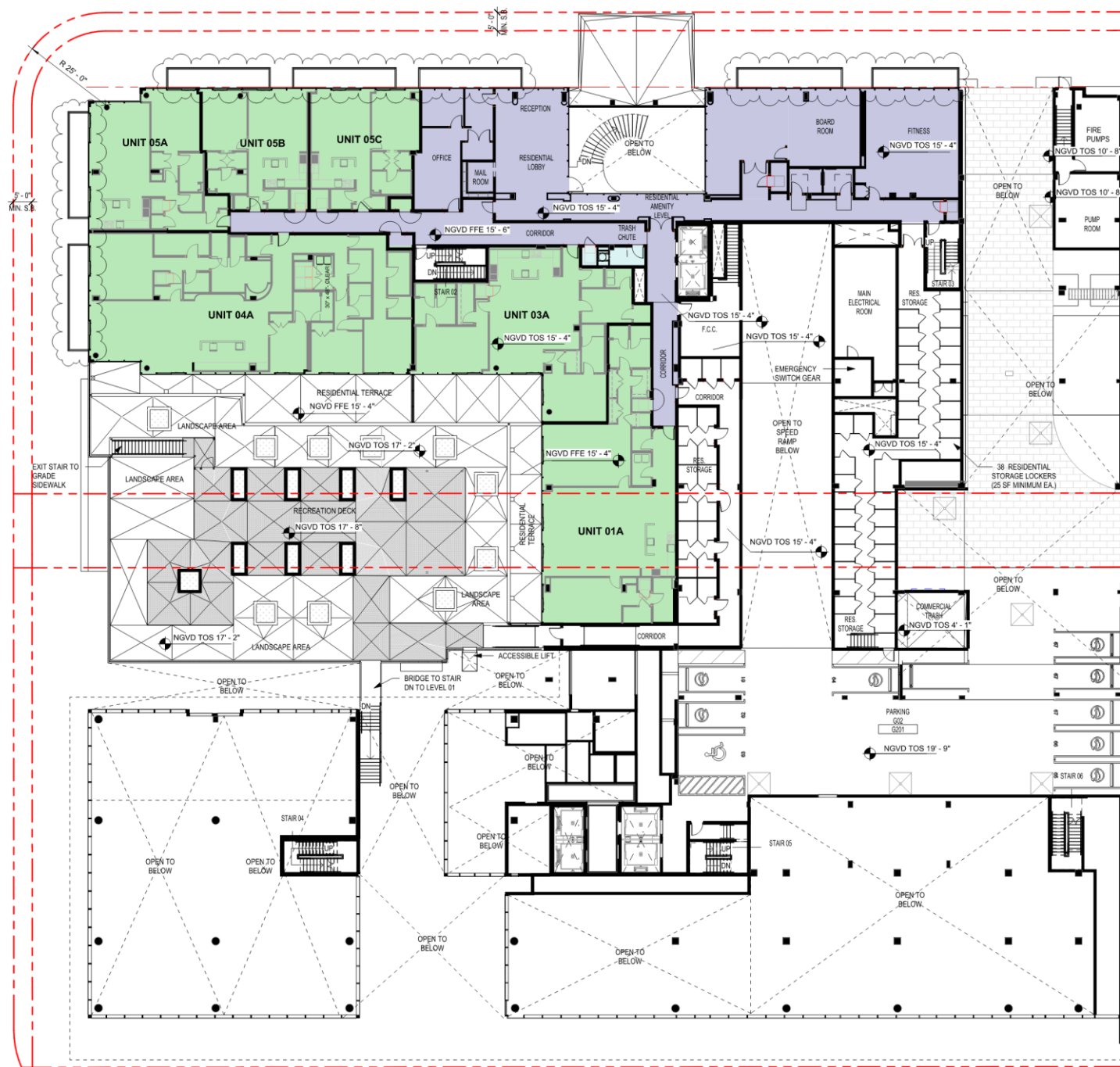
SITE PLAN
TOWN COUNCIL – APPROVED



CURRENT SITE PLAN

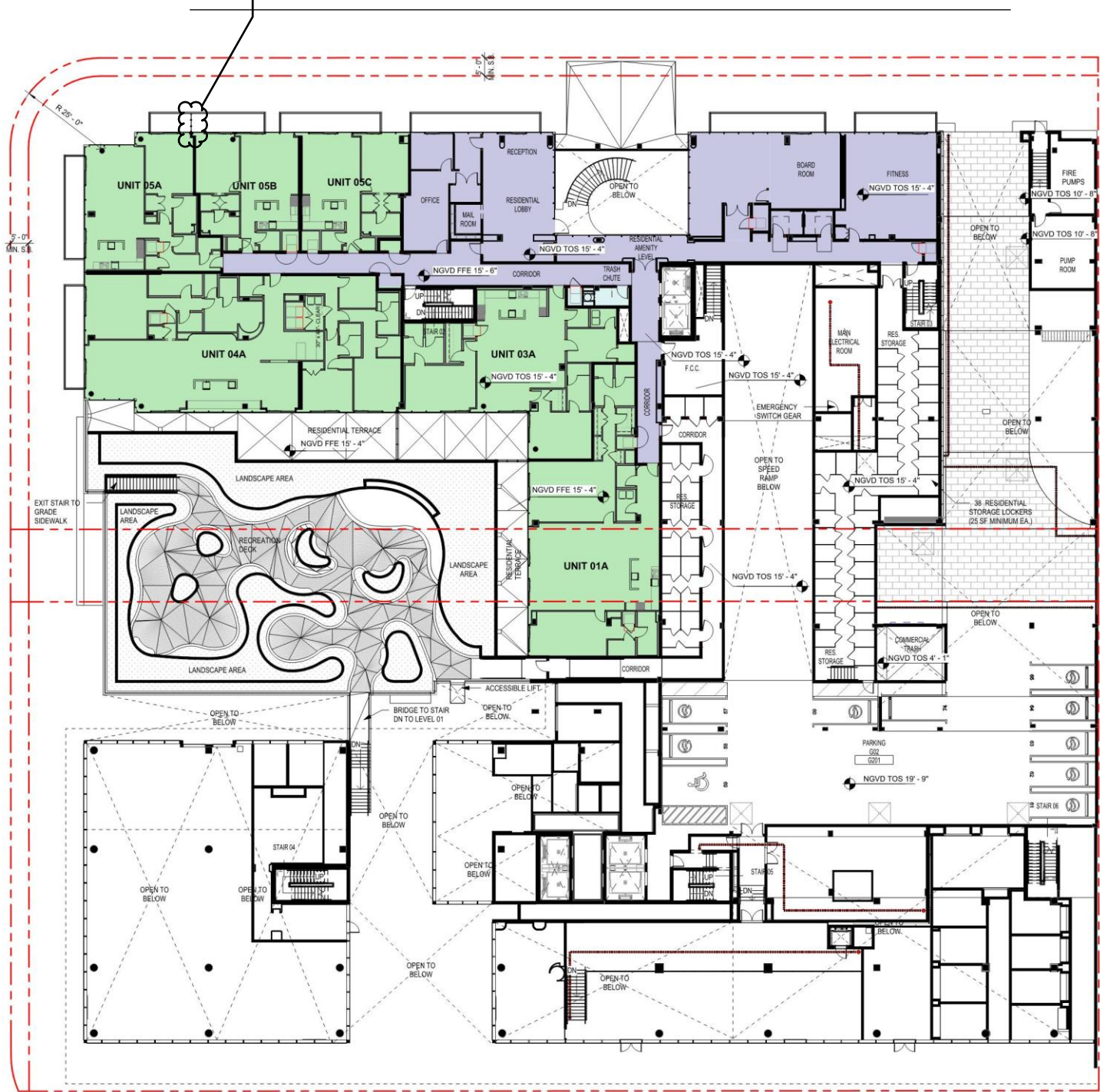


2ND FLOOR PLAN
COUNCIL MEETING 6/14/2023

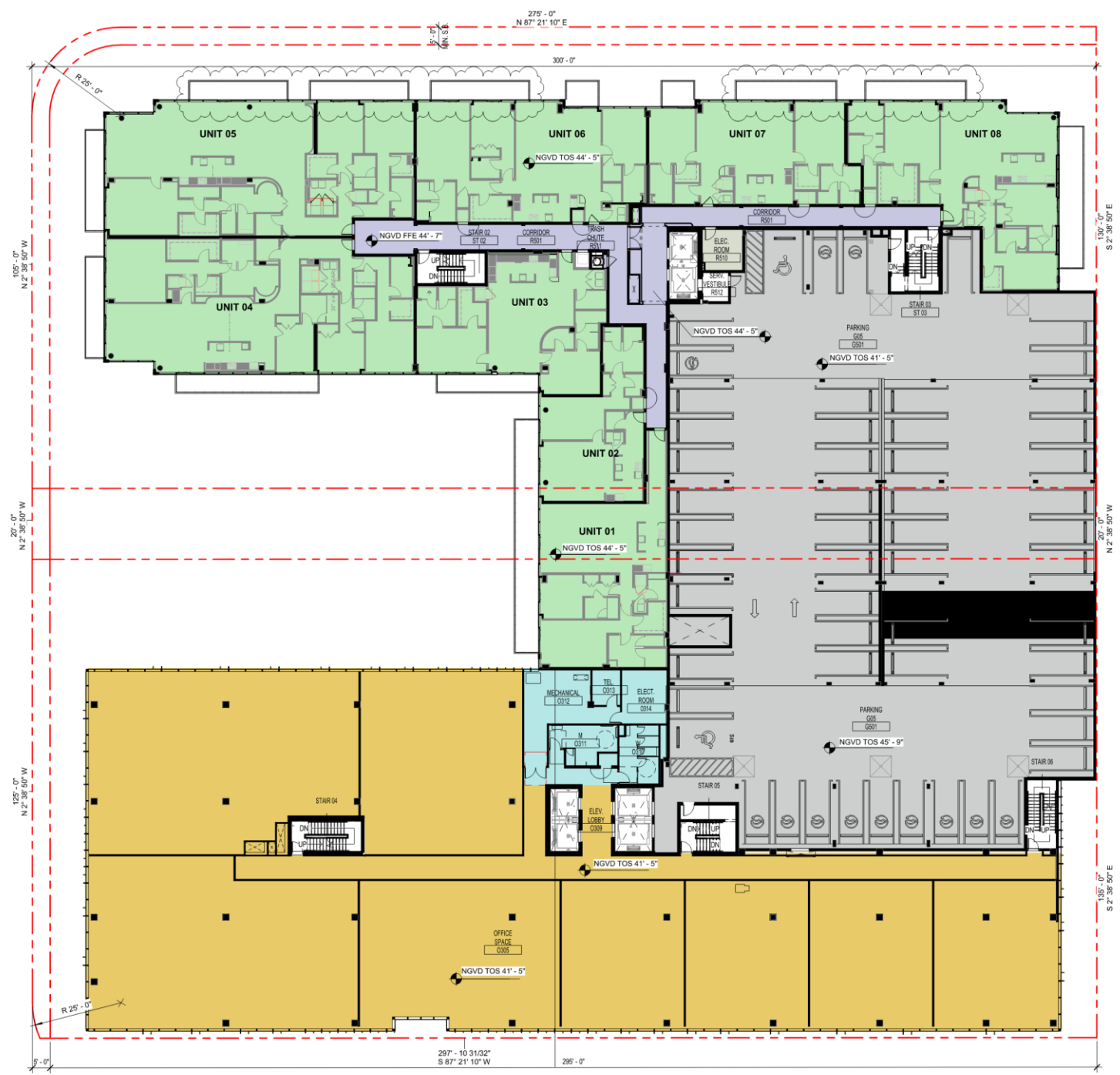


FROSTED GLASS BALCONY DIVIDERS,
REFER TO DETAIL 1/PAGE 16

CURRENT 2ND FLOOR PLAN

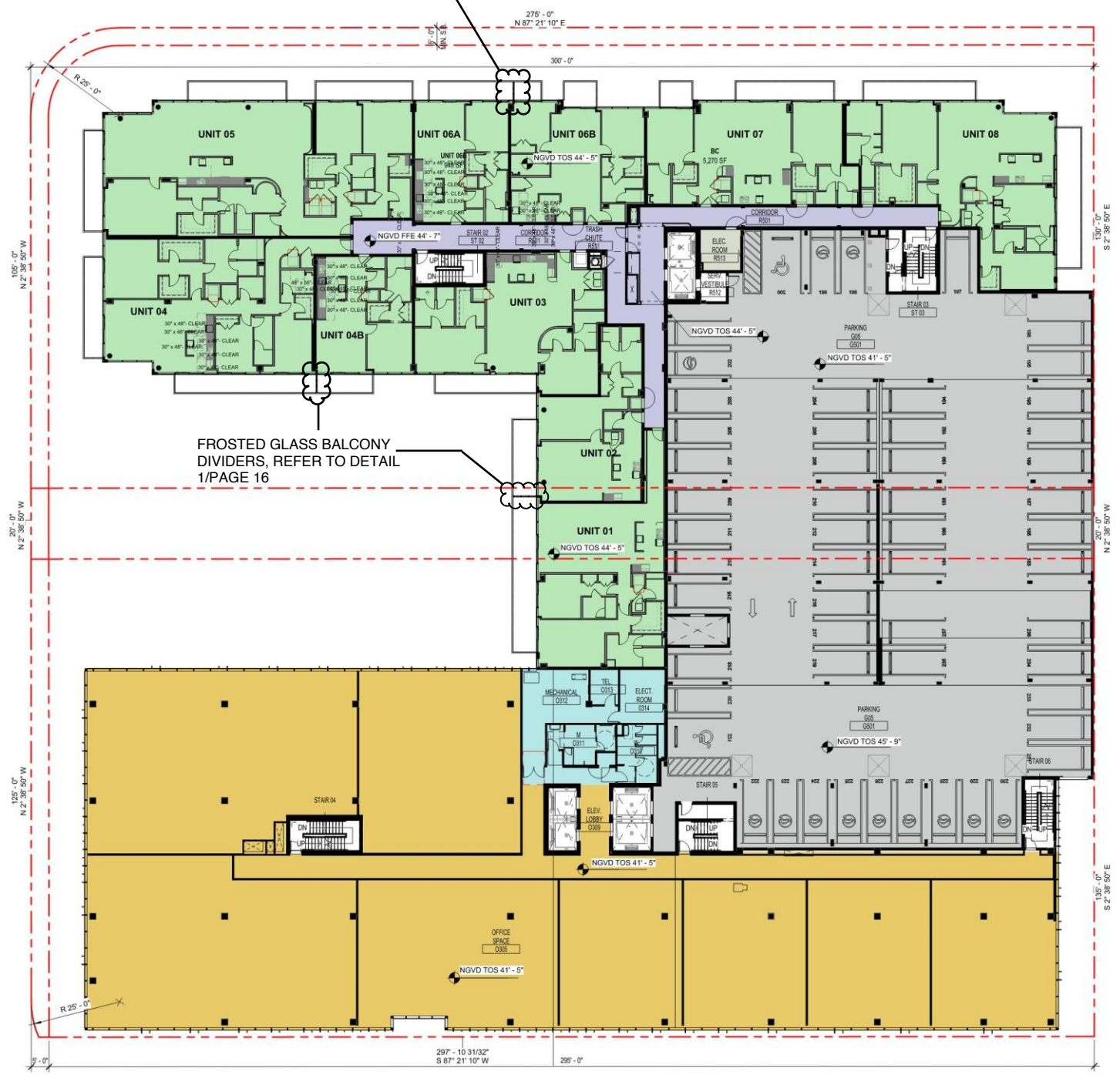


TYPICAL FLOOR PLAN COUNCIL MEETING 6/14/2023

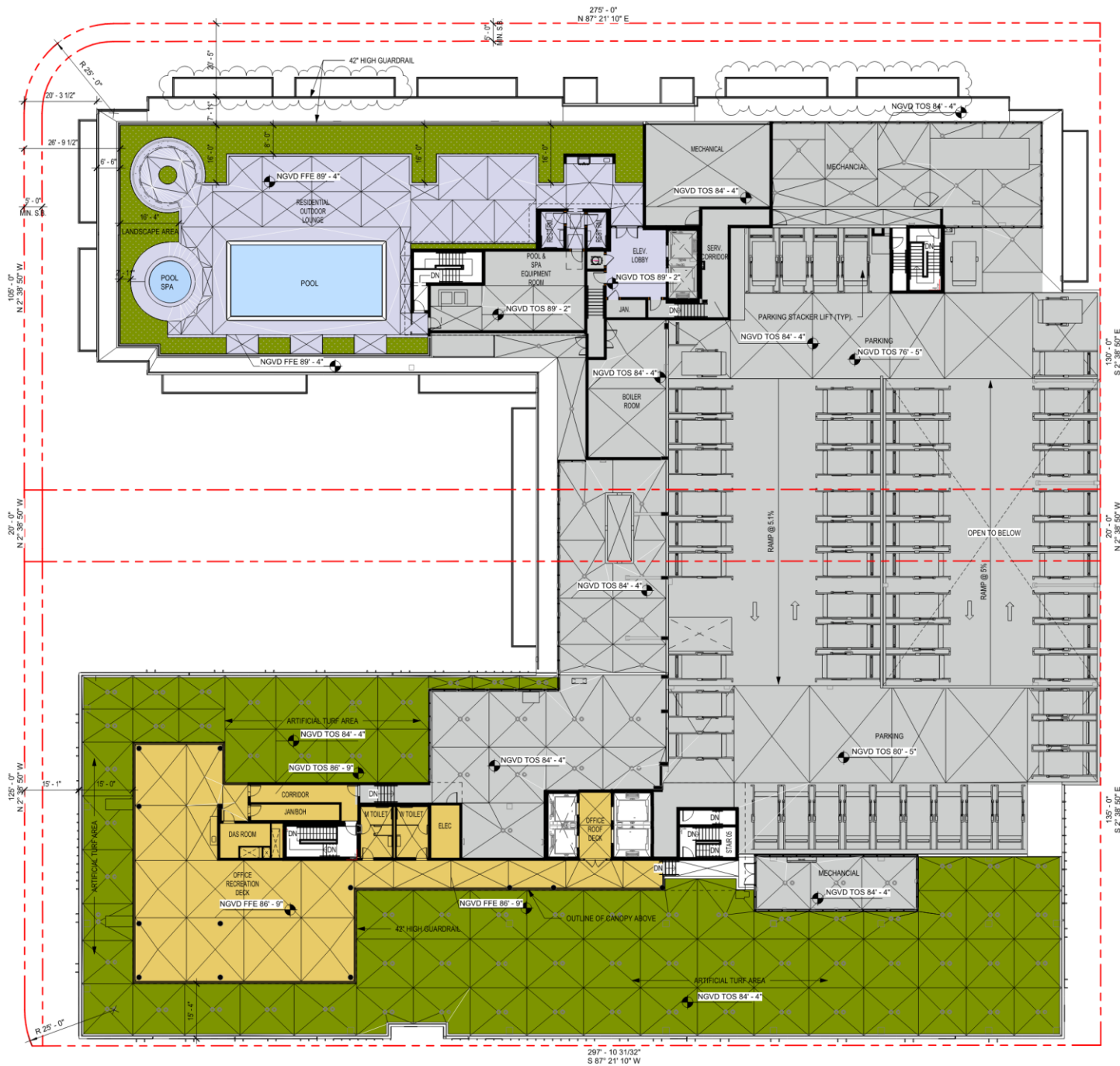


FROSTED GLASS BALCONY DIVIDERS,
REFER TO DETAIL 1/PAGE 16

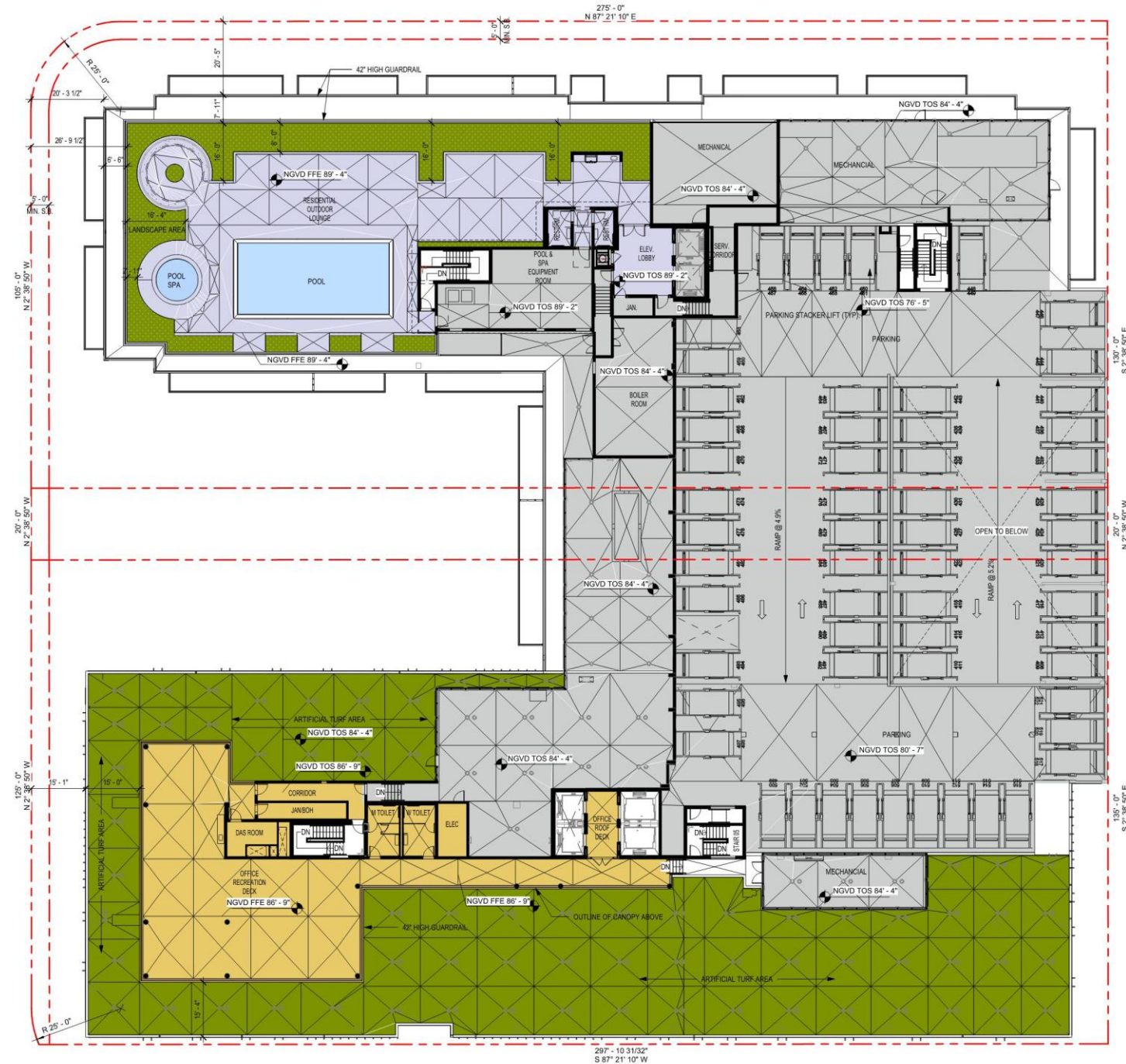
CURRENT TYPICAL FLOOR PLAN



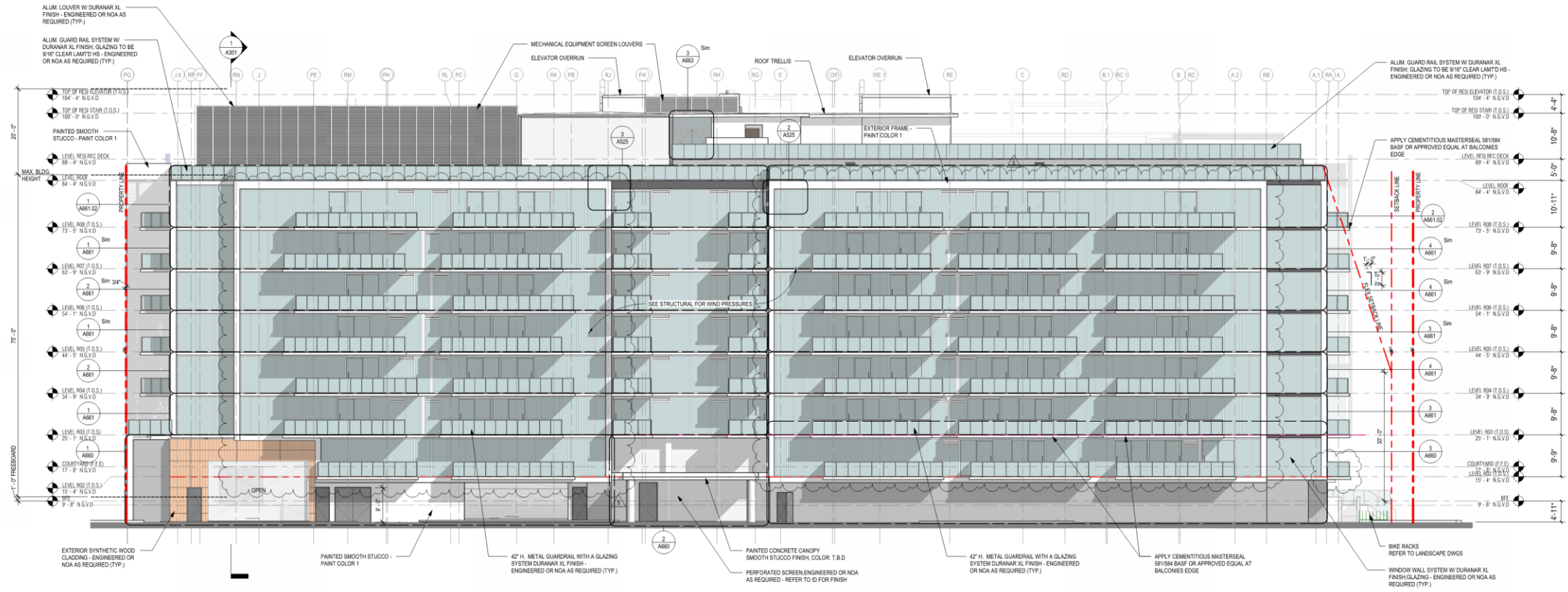
ROOF LEVEL
COUNCIL MEETING 6/14/2023



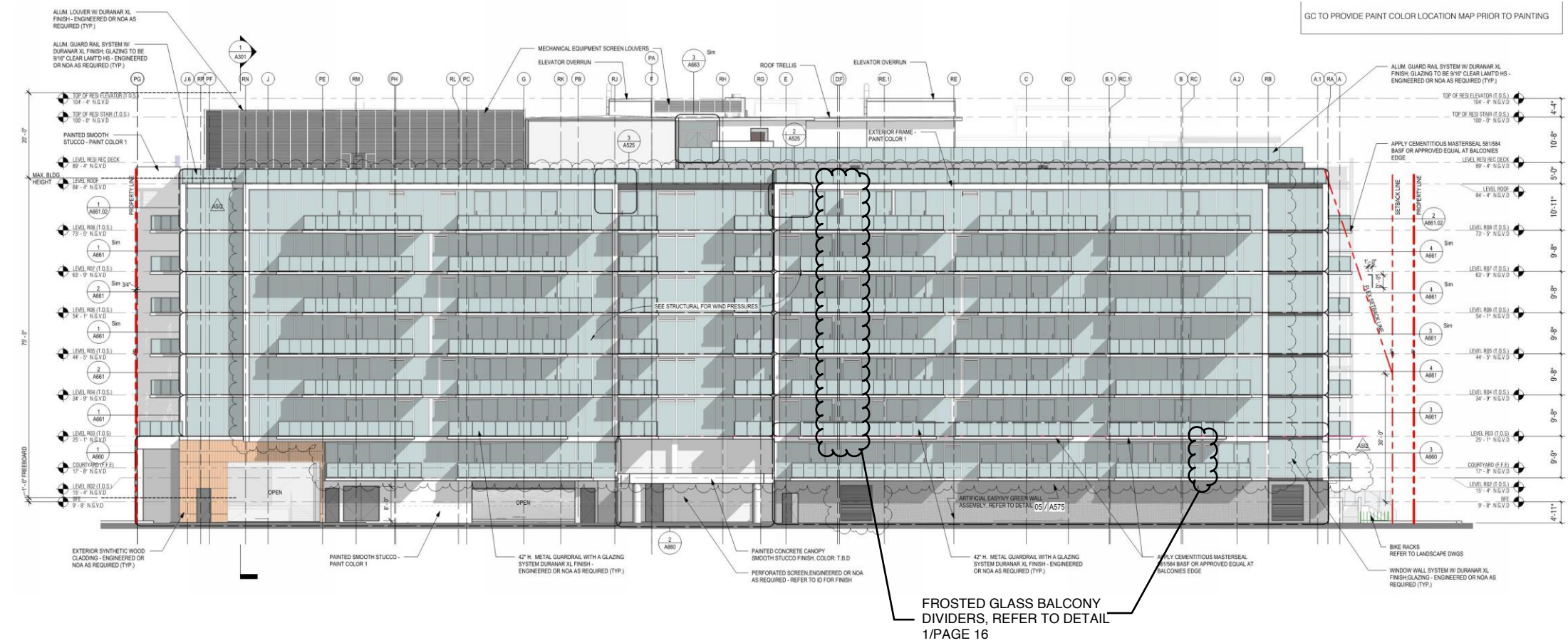
CURRENT ROOF LEVEL



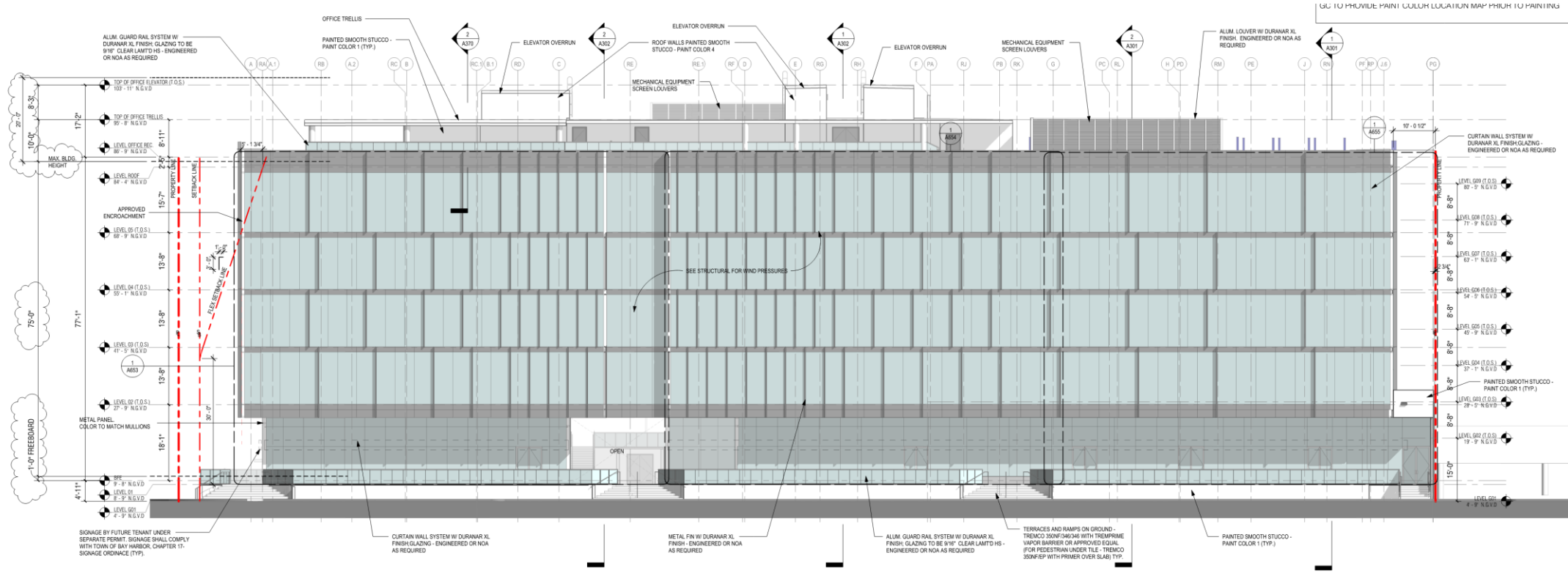
(NORTH ELEVATION) TOWN COUNCIL – APPROVED



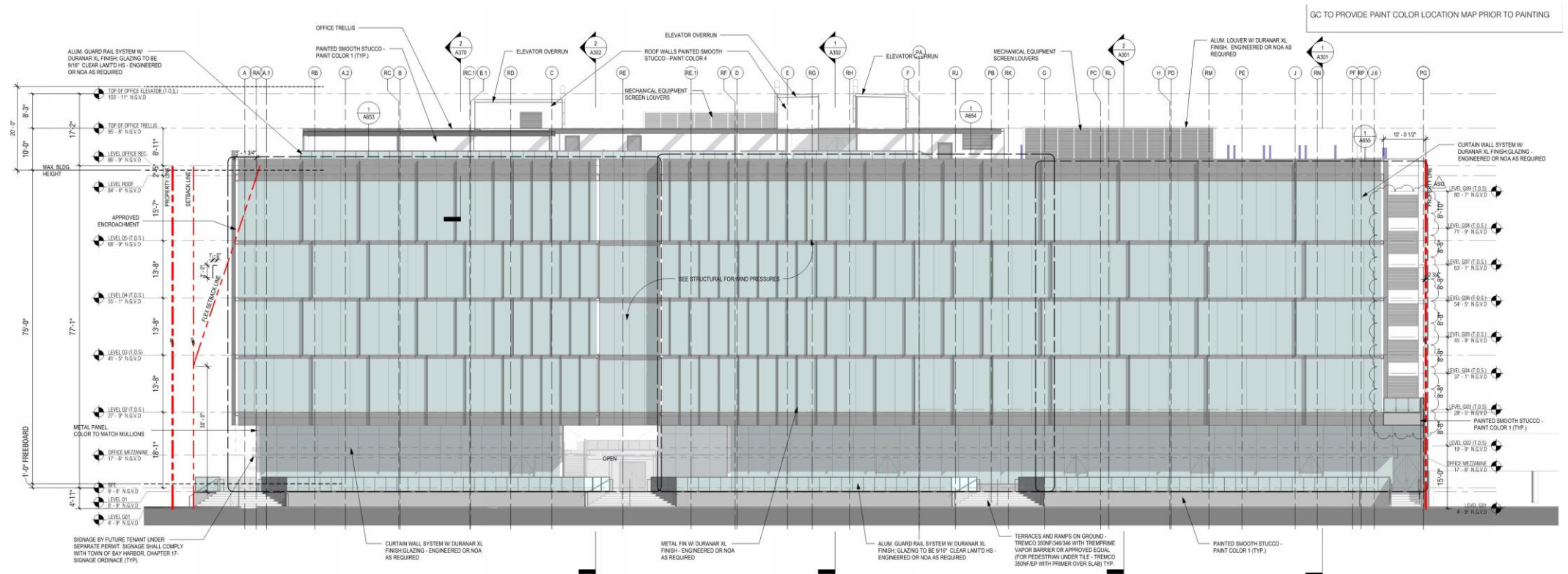
CURRENT NORTH ELEVATION



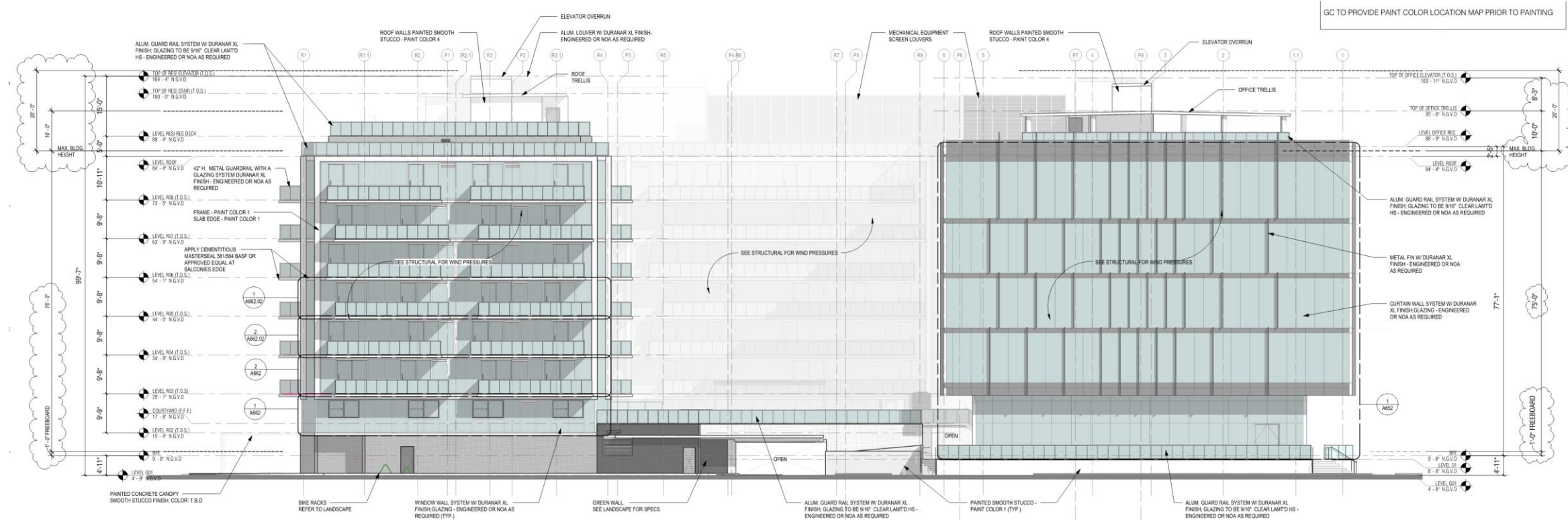
SOUTH ELEVATION
TOWN COUNCIL – APPROVED



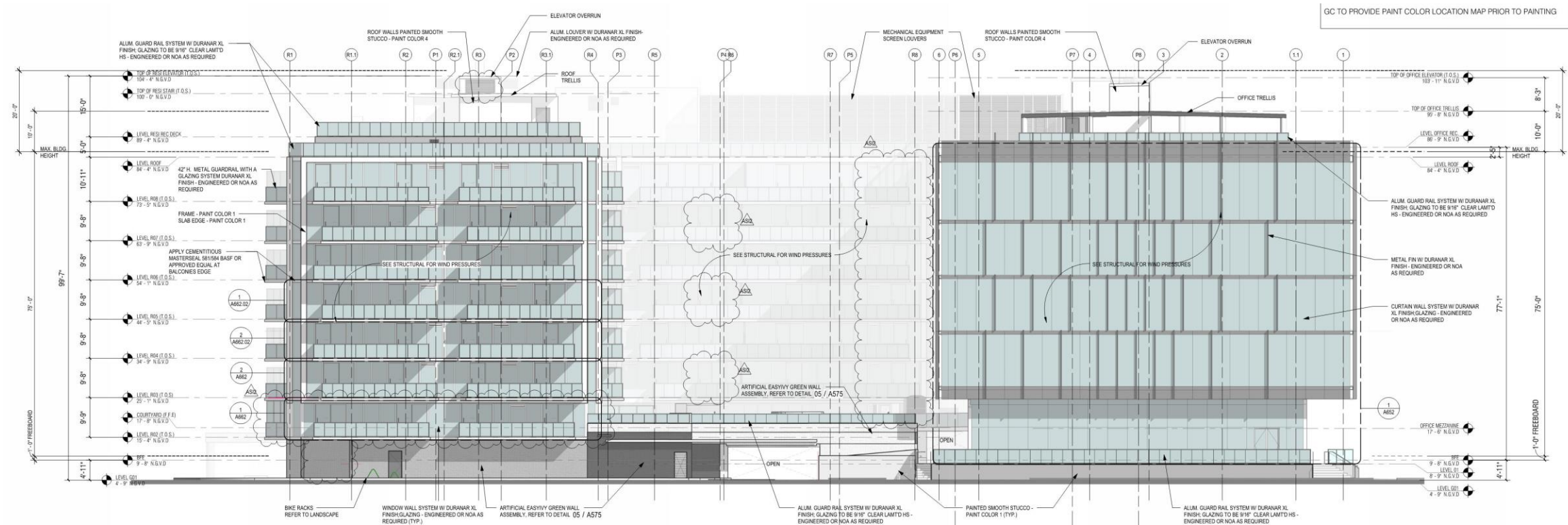
CURRENT SOUTH ELEVATION



(WEST ELEVATION) TOWN COUNCIL – APPROVED



CURRENT WEST ELEVATION



KANE CONC. & WBH DR. FACADES (SOUTH/WEST)
TOWN COUNCIL - APPROVED



V02 – Town Council Approved.

KANE CONC. & WBH DR. FACADES (SOUTH/WEST)



V02

WATERWAY PERSPECTIVE
TOWN COUNCIL - APPROVED



V05 – Town Council Approved.

WATERWAY PERSPECTIVE



V05

AERIAL PERSPECTIVE OF WEST FACADE
TOWN COUNCIL - APPROVED



V07 – Town Council Approved.

AERIAL PERSPECTIVE OF WEST FACADE



V07

RESIDENTIAL FAÇADE (NORTH) - COUNCIL MEETING 6/14/2023



FROSTED GLASS BALCONY
DIVIDERS, REFER TO DETAIL
1/PAGE 16

GARAGE FAÇADE (EAST)
TOWN COUNCIL - APPROVED



V01 – Town Council Approved.

GARAGE FAÇADE (EAST)



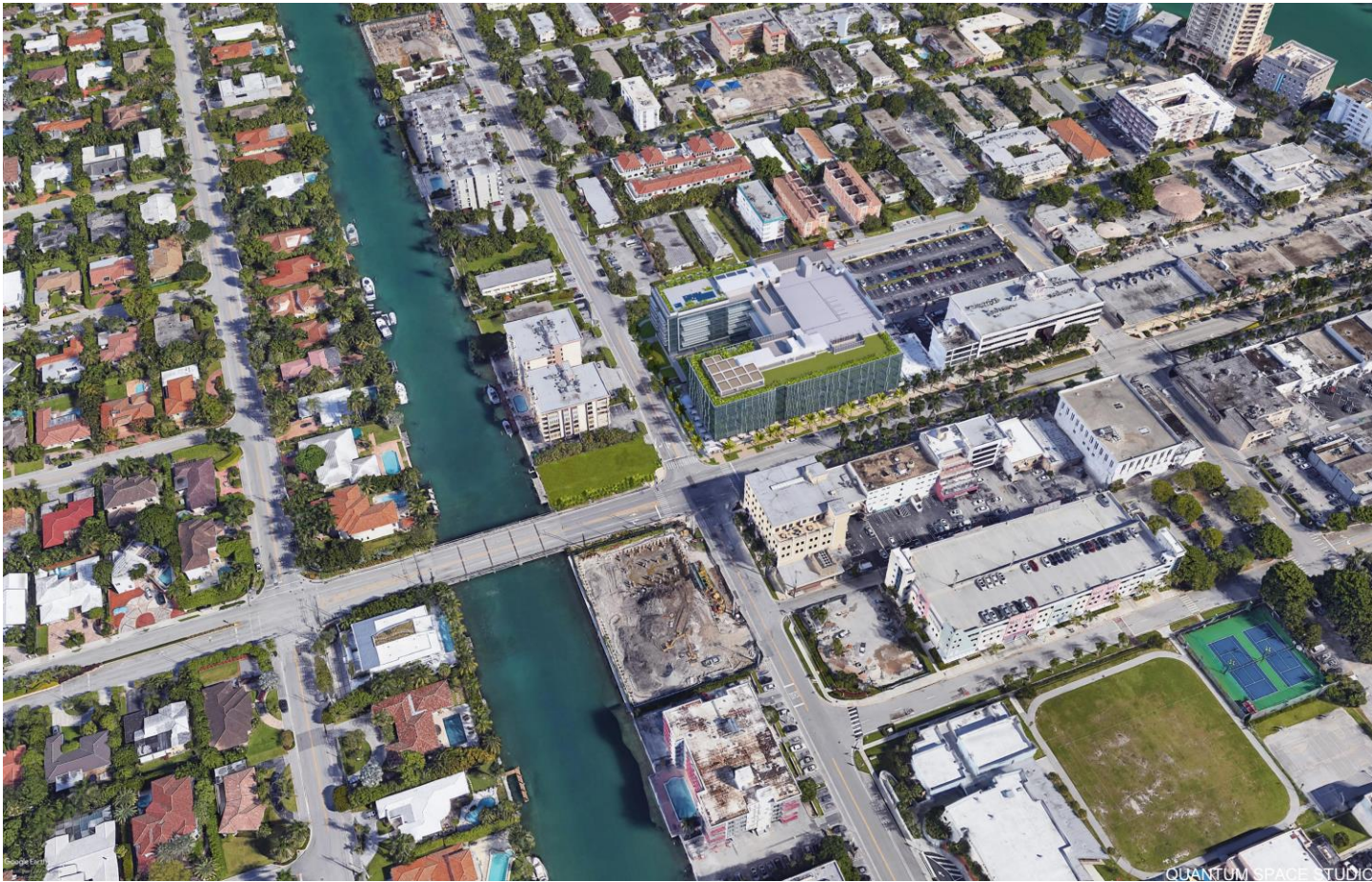
V01

AERIAL 1
TOWN COUNCIL - APPROVED

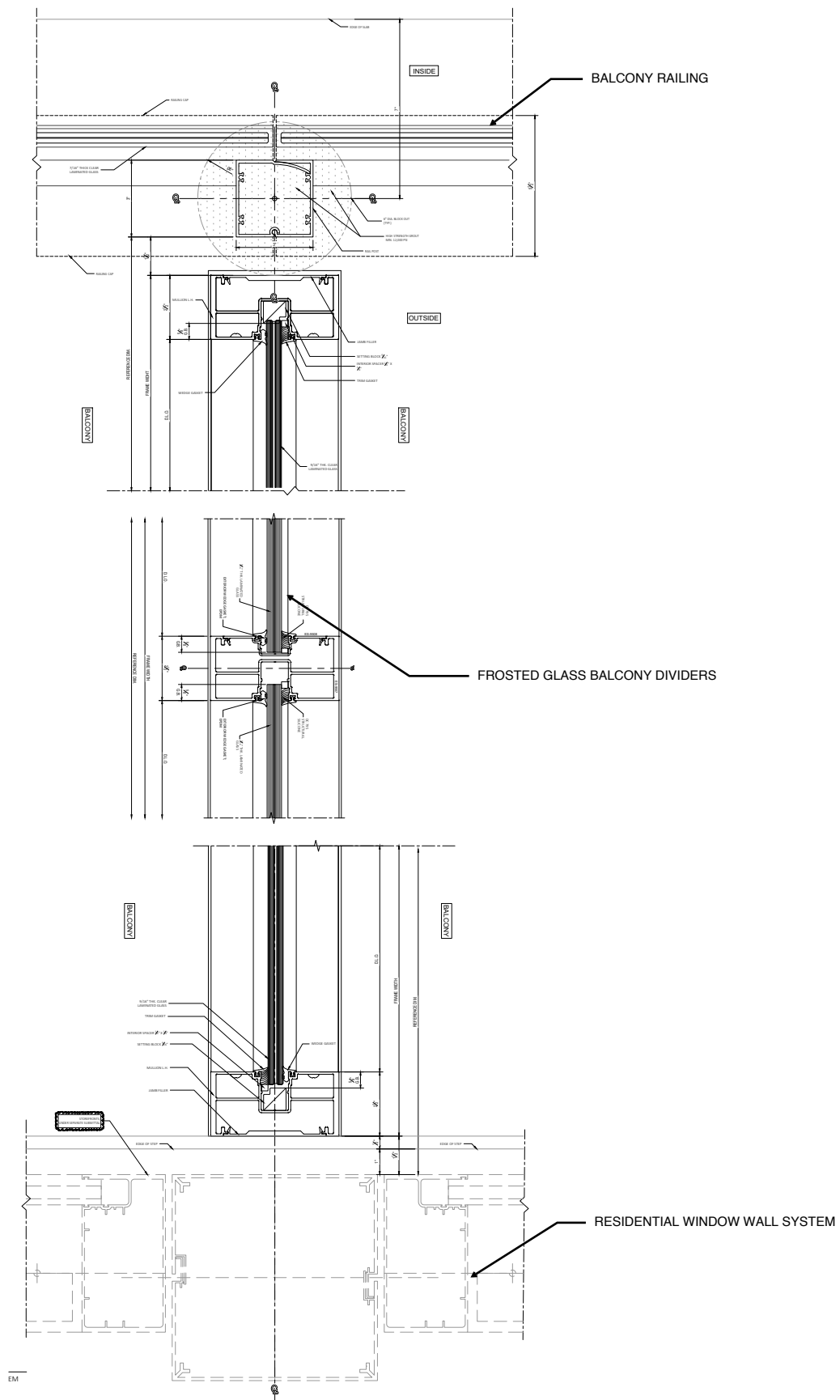


Aerial 1 – Town Council Approved.

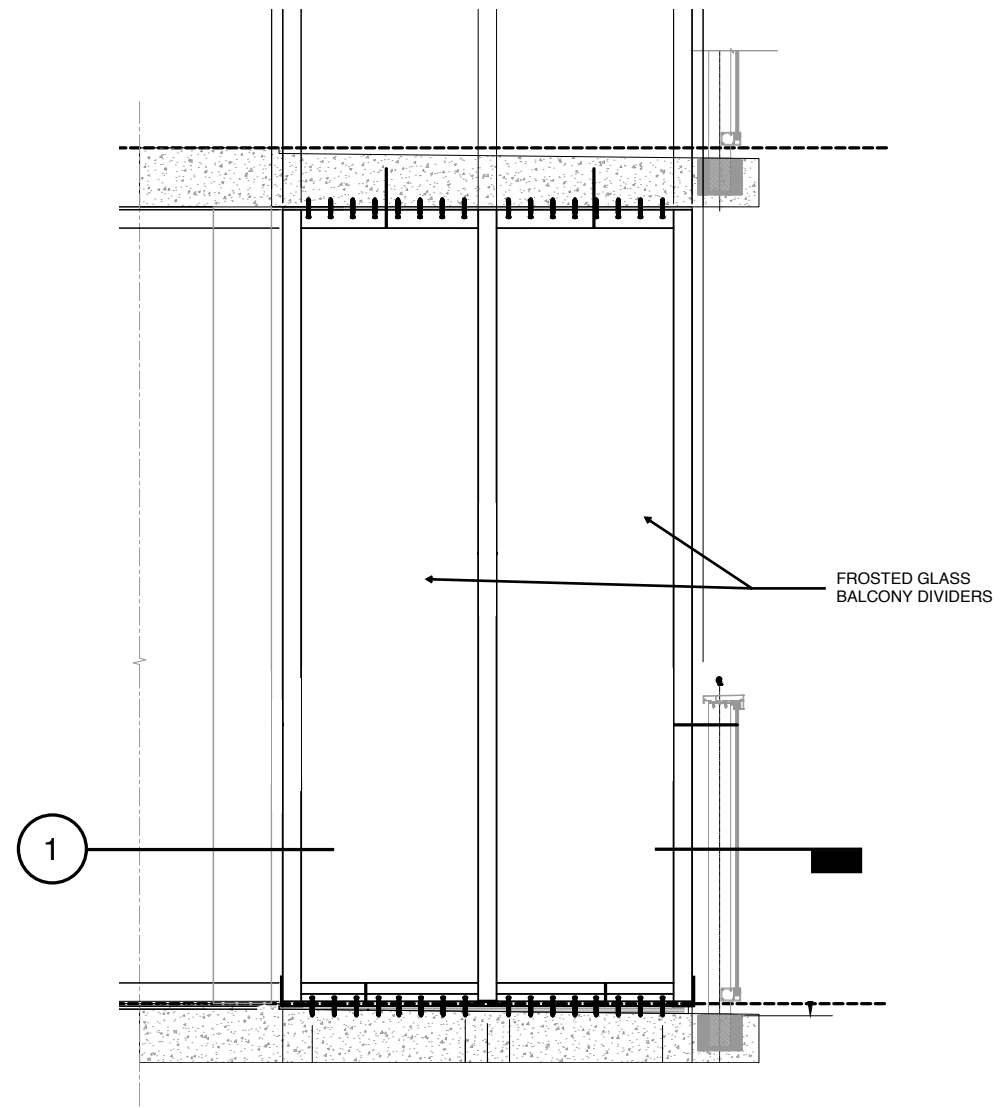
AERIAL 1



Aerial 1



1 - N.T.S - SECTION



2- N.T.S - DIVIDER ELEVATION



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6229 office
305.377.6222 fax
gpenn@brzoninglaw.com

VIA HAND DELIVERY

May 22, 2024

Ms. Maria Lasday
Town Manager
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

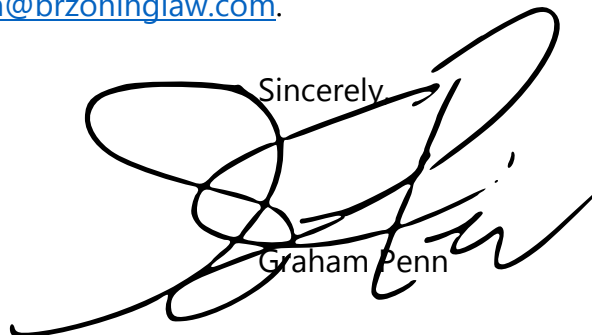
RE: Application Scheduling – 2024 Revisions to “1177 Kane Concourse” Plan.

Dear Ms. Lasday,

Our client, 1177 Bay Harbor Islands, LLC (the “Applicant”) is the owner and developer of the “1177 Kane Concourse” mixed-use development to be located on the northeast corner of Kane Concourse and W. Bay Harbor Drive. As you know, our site plan application was reviewed by the Council at its May meeting without a final decision. Please consider this letter the Applicant’s request for the application to be set on the Council’s June 18, 2024 hearing.

If you need any additional information, please let me know, I can be reached via phone at (305) 377-6229 or gpenn@brzoninglaw.com.

Sincerely,



Graham Penn

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 21.

ITEM: Consideration and Approval of an ordinance on Second Reading amending Sections 18-9 to Section 18-15 of the Town Code relating to regulation of bicycles, motorized, non-motorized and other similar devices. Sponsored by Council Member Eric Rappaport. Enclosed is a copy of the proposed ordinance.

DESCRIPTION:

The attached ordinance seeks to amend Chapter 18, Article 1, Section 18-9 of the Town Code, entitled “Prohibition of the riding of bicycles and motorized devices on town sidewalks located on bridges”, Section 18-11 “- Bicycle and Motorized devices parking”; addition retitled reserved to Section 18-10 entitled “Regulation of bicycles, motorized, and other similar devices (excluding bridges)”, Section 18-12 entitled “Requirement for Operators Under Sixteen (16) Years Old”, Section 18-13 entitled “Enforcement”, Section 18-14 entitled “Schedule of civil penalties”, and Section 18-15 entitled “Appeals”.

The "Florida Uniform Traffic Control Law" establishes consistent traffic regulations statewide, preventing conflicting local ordinances unless expressly permitted. The Town of Bay Harbor Islands has enacted specific bicycle regulations, including prohibiting riding on certain sidewalks and implementing bicycle parking rules. Counties and municipalities have authority over bicycle, motorized and non-motorized regulations, including share programs. Recent amendments to the Florida Statutes grant local governments authority to regulate bicycles and motorized devices, with similar rights and obligations to bicycle riders. Key regulations include helmet requirements for minors and lighting mandates for night riding. Bicyclists must adhere to road rules, yielding to pedestrians on sidewalks and following proper lane usage on roadways. Electric personal assistive mobility devices (EPAMDs) also have specific regulations, such as operating parameters and helmet requirements for minors. Local jurisdictions can regulate EPAMDs, with flexibility provided by the Department of Transportation. In response to these regulations and transportation changes, the Town of Bay Harbor Islands plans to adjust its ordinance to accommodate bicycles, motorized, and non-motorized devices.

Staff recommends that the Town Council approves the attached Ordinance amending Chapter 18, Article 1, Section 18-9 entitle “Prohibition of the riding of bicycles and motorized devices on town sidewalks located on bridges”, Section 18-11 “- Bicycle and Motorized devices parking”; addition retitled reserved to Section 18-10 entitle “Regulation of bicycles, motorized, and other similar devices (excluding bridges)”, Section 18-12 entitle “Requirement for Operators Under Sixteen (16) Years Old”, Section 18-13 entitle “Enforcement”, Section 18-14 entitle “Schedule of civil penalties”, and Section 18-15 entitle “Appeals”.

PREVIOUS MEETING VOTE:

Mayor Joshua Fuller - Yes

Vice Mayor Isaac Salver - Yes

Council Member Stephanie Bruder - Yes

Council Member Teri D'Amico - Yes

Council Member Molly Diallo - Yes

Council Member Eric Rappaport - Yes

Council Member Robert Yaffe – Yes

RECOMMENDED ACTION:
Council's Discretion

FINANCIAL ANALYSIS:

There is no fiscal impact to amend the code.

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Eric Rappaport, Council Member

ATTACHMENTS

1.	Staff Memo Sections 18-9 to Section 18-15 2nd :reading 8.14.24
2.	2nd Draft Sections 18-9 to Section 18-15 (8.14.24)



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Interim Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Consultant Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	August 14, 2024
SUBJECT:	Town of Bay Harbor Islands – Amending the Town’s Code of ordinances related to the regulation of Bicycles, motorized and other similar devices.

RECOMMENDATION

Staff recommends that the Town Council approves the attached Ordinance amending Chapter 18, Article 1, Section 18-9 entitle “Prohibition of the riding of bicycles and motorized devices on town sidewalks located on bridges”, Section 18-11 “- Bicycle and Motorized devices parking”; addition retitled reserved to Section 18-10 entitle “Regulation of bicycles, motorized, and other similar devices (excluding bridges)”, Section 18-12 entitle “Requirement for Operators Under Sixteen (16) Years Old”, Section 18-13 entitle “Enforcement”, Section 18-14 entitle “Schedule of civil penalties”, and Section 18-15 entitle “Appeals”. This amendment aims to enhance regulations related to motorized, non-motorized, and similar devices, thereby strengthening safety measures for all road users and fostering a more cohesive approach to traffic regulation within the Town of Bay Harbor Islands.

BACKGROUND

The "Florida Uniform Traffic Control Law" standardizes traffic regulations statewide, ensuring consistency in enforcement across counties and municipalities. Local governments are prohibited from enforcing ordinances that conflict with state traffic laws unless expressly

authorized. The Town of Bay Harbor Islands has also enacted specific regulations pertaining to bicycles. Section 18-9, titled "Prohibition of the riding of bicycles on town sidewalks located on bridges," was initially enacted on October 13, 2008. Additionally, Section 18-11, addressing "Bicycle parking," was approved on April 16, 2018, both following second (2nd) reading. Furthermore, counties or municipalities have the authority to regulate bicycles and motorized scooters on sidewalks within their jurisdictions. They also oversee bicycle and motorized scooter share programs, allowing short-term rentals within designated areas under legal constraints.

The Florida Statutes have been amended to grant counties and municipalities the authority to regulate bicycles and motorized devices in accordance with state and federal regulations. Users of micromobility devices and motorized scooters have rights and obligations similar to those of bicycle riders. A valid driver's license is unnecessary, and parking motorized devices in designed areas without hindering pedestrians. Furthermore, the Florida Statutes exempt motorized scooters from regulations pertaining to the sale of miniature motorcycles, underscoring their unique regulatory status within the state's traffic laws.

ANALYSIS

The regulations governing the operation of bicycles in Florida under state traffic control laws, primarily outlined in Section 316.2065, F.S. Bicyclists are considered vehicle operators and are obliged to adhere to the same rules of the road as other vehicle operators, encompassing compliance with traffic signs, signals, and lane markings.

Key regulations specified in Section 316.2065 include:

- **Bicycle Helmet Requirement:** Individuals under 16 years of age, whether riders or passengers, are mandated to wear a bicycle helmet for safety.
- **Rental of Bicycles to Minors:** It is prohibited to rent or lease a bicycle to a child under 16 years of age unless the child possesses a bicycle helmet, or the lessor provides one.
- **Lighting Requirements:** Bicycles in use between sunset and sunrise must be equipped with lamps on the front and rear, exhibiting white and red lights respectively, visible from specified distances to ensure visibility and safety during low light conditions.
- **Operation on Sidewalks and Roadways:** Bicyclists operating on sidewalks or crosswalks must yield to pedestrians and signal audibly before passing them. On roadways, bicyclists must ride in bicycle lanes where available or as close to the right-hand curb as practicable, with exceptions for overtaking, turning, or avoiding hazards.

These regulations aim to ensure bicyclists' safety, promote responsible cycling behavior, and minimize conflicts with other road users. Compliance is crucial to fostering a safe transportation environment for all. Regarding electric personal assistive mobility devices (EPAMDs), governed by Section 316.2128, F.S., key regulations include:

- **Operational Parameters:** EPAMDs may operate on roads with speed limits of 25 mph or less, marked bicycle paths, streets where bicycles are permitted, intersections, and sidewalks with pedestrian right-of-way adherence.
- **Licensing and Registration:** A valid driver's license is not required for EPAMD operation, and they need not be registered or insured.

- **Helmet Requirement:** Individuals under 16 must wear a properly fitted bicycle helmet while operating EPAMDs.
- **Local Regulation:** Counties or municipalities may regulate EPAMD operation if deemed necessary for safety, and the Department of Transportation may impose prohibitions on certain roads for safety reasons.

These regulations ensure the safe operation of EPAMDs while providing flexibility for local jurisdictions to address safety concerns. The Town of Bay Harbor Islands, considering these regulations and the evolving transportation landscape, proposes adjusting its ordinance to incorporate provisions for micromobility devices and motorized scooters. A pilot program, supervised by the Bay Harbor Islands Police Department, will be launched, integrating safety measures, community engagement, and regulatory enforcement.

EXECUTE

Adjusting the ordinance to enhance flexibility and efficiency, as proposed for the Town of Bay Harbor Islands, would bring it in line with Florida statutes, particularly those addressing motorized devices. This adjustment aims to ensure that regulations concerning the operation of bicycles and motorized devices remain relevant and responsive to the changing needs of the community. By aligning with established practices and considering the inclusion of regulations for motorized devices like electric scooters or micromobility devices, Bay Harbor Islands can strengthen safety measures for all road users while fostering a more cohesive approach to traffic regulation statewide.

To ensure a seamless transition, the Town will initiate a pilot program under the leadership of the Bay Harbor Islands Police Department. This program aims to enhance traffic safety within the community by integrating micromobility devices and motorized scooters while upholding compliance with state laws. Key components include the recruitment of crossing guards and volunteer parents, the designation of staging areas for devices, permission for their operation on sidewalks and bicycle paths, and public education on safety measures. Law enforcement will be responsible for enforcing regulations, with penalties for non-compliance. Additionally, efforts are underway to identify suitable locations for bicycle and micromobility device parking. The pilot program will span six (6) to eighteen (18) months to allow for effective regulation adjustment. At the one (1) year mark, the Town Manager or the Bay Harbor Islands Police Department will provide an update on the program's progress. The Town Council will adopt the ordinance, with provisions for further review and assistance if necessary.

CONCLUSION

In conclusion, the proposed ordinance amendments reflect Bay Harbor Islands' proactive approach to aligning local traffic regulations with the comprehensive framework established by the "Florida Uniform Traffic Control Law." This statewide standardization ensures consistency in traffic management across municipalities and counties while empowering local governments to tailor regulations to meet community needs within legal constraints. Bay Harbor Islands has historically implemented specific ordinances addressing bicycles, such as Section 18-9 prohibiting cycling on town sidewalks located on bridges, and Section 18-11 governing bicycle parking. These measures have evolved alongside state

statutes to regulate bicycles and motorized devices effectively. Recent amendments to Florida Statutes have further empowered local jurisdictions to regulate micromobility devices and motorized scooters, recognizing their unique role in modern transportation.

The proposed adjustments aim to enhance safety and operational efficiency by integrating updated regulations for bicycles and motorized devices into Bay Harbor Islands' ordinance framework. These revisions, guided by Florida's traffic laws, emphasize safety measures such as mandatory helmet use for minors and operational guidelines for electric personal assistive mobility devices (EPAMDs).

The Town Council's approval of the 1st reading on June 18, 2024, with no comments or changes. Moving forward, the Town's initiative to pilot a comprehensive regulatory framework, overseen by the Bay Harbor Islands Police Department, underscores its commitment to fostering a safe and inclusive transportation environment. This program will integrate community engagement, safety education, and robust enforcement strategies to ensure compliance and enhance road user safety. By adapting its ordinances to reflect current transportation trends and regulatory standards, Bay Harbor Islands seeks to improve mobility options while maintaining safety and accessibility for all residents and visitors. The Town Council's approval of these amendments will pave the way for a more cohesive and responsive approach to traffic regulation, positioning Bay Harbor Islands as a leader in sustainable and safe urban mobility.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1. Draft Ordinance
2. Chapter 316-2021 F.S.
3. Chapter 316 Sec.003- 2021 F.S.
4. Regulation of bicycles, motorized, and other similar devices study.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE REGULATION OF BICYCLES, MOTORIZED AND OTHER SIMILAR DEVICES; AMENDING CHAPTER 18, ARTICLE I, SECTION 18-9 "PROHIBITION OF THE RIDING OF BICYCLES AND MOTORIZED DEVICES", SECTION 18-11 "BICYCLES AND MOTORIZED DEVICES PARKING"; RETITLING FROM RESERVED TO SECTION 18-10 "REGULATION OF BICYCLES AND MOTORIZED DEVICES (EXCLUDING BRIDGES)", SECTION 18-12 "REQUIREMENT FOR OPERATORS UNDER SIXTEEN (16) YEARS OLD", SECTION 18-13 "ENFORCEMENT", SECTION 18-14 "SCHEDULE OF CIVIL PENALTIES", AND SECTION 18-15 "APPEALS"; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands originally adopted bicycle parking on April 16, 2018 to restrict interference with the flow of pedestrian and vehicular traffic and to ensure the safety of all persons traversing sidewalks, streets, rights-of-way, and public property in the town; and

WHEREAS, the Town Council of the Town of Bay Harbor Islands is charged with protecting and preserving the public health, safety and welfare of the residents and those coming into the Town of Bay Harbor Islands; and

WHEREAS, Section 316.2128, Florida Statutes, gives motorized scooters and micromobility devices all of the rights and duties applicable to the rider of a bicycle; and

WHEREAS, Section 316.2128, Florida Statutes, allows for local governments to regulate by ordinances the operation of micromobility and motorized scooters on streets, highways, sidewalks, and sidewalk areas within the local government's jurisdiction; and

WHEREAS, the Town Council of the Town of Bay Harbor Islands, wish to establish Sections 18-10, "Regulation of bicycles, motorized, and other similar devices (excluding bridges)", 18-12, "Requirement for Operators Under Sixteen (16) Years Old", 18-13 "Enforcement", 18-14, "Schedule of civil penalties", and 18-15 "Appeals" in Chapter 18 Streets and Sidewalks, to improve the safety for both residential and tourist micromobility users, protect pedestrians and cyclists, ensure vehicle access, regulate micromobility providers, and reduce the risk of micromobility vehicles becoming a nuisance within the Town; and

WHEREAS, the Town Council of the Town of Bay Harbor Islands, periodically reviews the Town's Code of Ordinances to ensure that the Code meet the needs of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That Chapter 18 of the Town Code entitled Streets and Sidewalks is hereby amended, Article I, Section 18-9 "Prohibition of the riding of bicycles and motorized devices on town sidewalks located on bridges", Section 18-10 "Regulation of bicycles, motorized, and other similar devices (excluding bridges)", and Section 18-11 "Bicycle and Motorized devices parking"; addition retitled reserved to Section 18-12 "Requirement for Operators Under Sixteen (16) Years Old", Section 18-13 "Enforcement", 18-14 "Schedule of civil penalties", and Section 18-15 "Appeals" to modify the provision related to bicycles, motorized and non-motorized fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 18th day of June 2024.

PASSED on Second Reading this ___ day of 2024.

MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC

TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP

TOWN ATTORNEYS

BY: JOSEPH S. GELLER, ESQ.

EXHIBIT A

Chapter 18 - STREETS AND SIDEWALKS

ARTICLE I. - IN GENERAL

Sec. 18-9. - Prohibition of the riding of bicycles, skateboards, scooters, and other similar devices (motorized or non-motorized) on town sidewalks located on bridges.

The riding of bicycles, electric bicycles, hover boards, electric scooters, scooters, shared mobility devices, and similar modes of transportation (motorized or non-motorized) on town sidewalks located on bridges shall be prohibited and unlawful with the exception of law enforcement officers in performance of their duties. Riders or operators of motorized or non-motorized devices must dismount and walk across all sidewalks situated on the bridges. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR s. 35.104, as may be amended.

Sec. 18-10. – ~~Reserved~~ Regulation of bicycles, motorized, non-motorized and other similar devices.

This section aims to grant the Town of Bay Harbor Islands the authority to regulate the use of micromobility devices, bicycles, electric bicycles, skateboards, hover boards, scooters, electric scooters, shared mobility devices, and similar modes of transportation (motorized or non-motorized) on Town roads as well as sidewalks.

1. Definitions.

- a. Bicycle: Every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include a scooter or similar device.
- b. Bicycle Lane: Any portion of a roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles.
- c. Electric Bicycle: A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:
 - i. “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
 - ii. “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle

- and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- iii. “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.
 - iv. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR s. 35.104, as may be amended.
- d. Moped: Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.
 - e. Motorized scooter or scooters: Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.
 - f. Motorized devices: Those powered by a motor or engine, such as electric scooters, hover boards, electric bicycles, electric skateboards, and other similar devices.
 - g. Micromobility device: Motorized scooters and electric bicycles as defined herein and shall include any motorized transportation device which is incapable of traveling at speeds greater than 20 miles per hour on level ground. This term shall also include those devices defined in section 316.003(41), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR § 35.104, as may be amended.
 - h. Non-motorized devices: Rely on human propulsion for movement, like bicycles, skateboards, scooters, or other similar devices.
 - i. Pedestrian: Any person on foot.
 - j. Public right-of-way or right-of-way: any public street, highway, sidewalk, parkway, alley, or public parking lot.

- k. Rider or operator: A person riding, driving, or otherwise operating a motorized or non-motorized device.
 - l. Roadway: That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term “roadway” refers to any such roadway separately, but not to all such roadways collectively.
2. Rules and regulations for motorized and/or non-motorized devices (excluding bridges).

This section supplements the general traffic laws of the State of Florida, with the aim of governing the operation of bicycles, electric bicycles, skateboards, hover boards, scooters, electric scooters, shared mobility devices, and similar modes of transportation (motorized or non-motorized). It emphasizes safety and well-being for all users of public rights-of-way. This section shall not be construed to regulate “wheelchairs” or “other power-driven mobility devices” as defined under the Americans with Disabilities Act (ADA), 28 CFR § 35.104, as may be amended.

- a. Riders of motorized and non-motorized devices shall comply with all applicable state, County and Town traffic laws, rules, and regulations as may be applicable to such devices.
- b. Riders of motorized and non-motorized devices may be ticketed for traffic violations, as applicable, in the same manner as motor vehicles.
- c. The operation of motorized and non-motorized devices on public sidewalks or walkways must yield the right-of-way to all pedestrians. All motorized and non-motorized devices within the town are limited to a maximum speed of 15 miles per hour on the public sidewalks. Devices capable of exceeding this speed limit are prohibited from being used on sidewalks.
- d. Motorized and non-motorized devices are allowed to operate within bike lanes, if available, on shared use paths, designated by the town, upon streets or other areas as authorized by the town manager. All devices are required to go with the flow of traffic.
- e. Ridership of more than one (1) person on any bicycle and motorized device is prohibited, unless such micromobility device is specifically designed to carry more than one person.
- f. It is prohibited for a rider or riders to sit where feet are supposed to be placed, unless such micromobility device is specifically designed with a seat.
- g. All bicycle and motorized devices must comply with the lighting standards set forth in section 316.2065(7), Florida Statutes, as may be amended,

which requires a reflective front white light visible from a distance of at least 500 feet and a reflective rear red light visible from a distance of at least 600 feet.

- h. In addition to town code, bicycles and motorized devices are subject to all state laws pertaining to micromobility devices, motorized scooters, or electric bicycles, as applicable, and as may be amended.

Sec. 18-11. – Bicycle, Motorized and Non-Motorized devices parking.

- a) Purpose. The purpose of this section is to restrict interference with the flow of pedestrian and vehicular traffic and to ensure the safety of all persons traversing sidewalks, streets, rights-of-way, and public property in the town. Motorized devices are those powered by a motor or engine, such as electric scooters, hover board electric bicycles, electric skateboards, and other similar devices.
- b) Bicycle Motorized and/or non-motorized devices parking. All bicycles, skateboards, scooters, and other similar devices (motorized and/or non-motorized) when parked within the town, shall be parked in areas or zones designated and marked by the town for such purpose or otherwise by agreement between the town and the ~~bicycle~~ device owner, unless parked within private property by the property owner or with the consent of the property owner.
 - 1) Motorized or non-motorized devices shall not be parked upon any public right-of-way (street, alley and/or sidewalk), except in a location designated for such parking.
 - 2) Motorized or non-motorized devices shall not be parked in a manner that obstructs the ingress or egress from any park or parking location.
 - 3) Motorized or non-motorized devices shall not be parked in a manner that prevents any right-of-way from maintaining at least 3 feet of walkway clearance.
- c) Removal of bicycles, motorized or non-motorized devices improperly parked. Law enforcement officers or public service aids are hereby authorized to remove bicycles improperly parked and bring them to an impoundment area, such other place of safety, or to an area designated or maintained by the town for bicycles. Abandoned and lost bicycles shall be administered pursuant to Chapter 705, Florida Statutes.
- d) Charges to be paid before property released from impoundment. No property retained in an impoundment area as herein provided shall be released therefrom until the charges for notice, transportation of such property into an impoundment area, and storage charges have been paid. Such charges shall be fixed by resolution based upon a computation of all actual expenses entered into the notice, removal, and storage of the same. Such charge or charges shall be

available for public inspection in the office of the ~~town clerk~~ Bay Harbor Islands Police department.

Sec. 18-12- Reserved Requirement for Operators Under Sixteen (16) Years Old.

Any person under the age of sixteen (16) years old shall operate a motorized and/or non-motorized device must wear a helmet that is properly fitted and is fastened securely upon the operator's head by a strap and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203 as provided in section 316.2065, Florida Statutes. It is unlawful for the parents, legal guardian, or custodian of a minor child to knowingly permit the child to violate any provision of this section.

- a) The offense maybe be issued to the parents, legal guardian, or custodian of a minor child. All devices will be impounded and will require a pickup from the parents, legal guardian, or custodian of a minor child to claim the device.

Sec. 18-13- Reserved Enforcement.

A violation of this section shall be a traffic infraction and is punishable by any allowable fine or action applicable under Florida law. The police department will enforce all violations related to the use of bicycles, skateboards, scooters, and similar devices (whether motorized or non-motorized).

- a) Bay Harbor Police department and public service aids may issue a bicycle, motorized, and non-motorized device safety brochure and a verbal warning to a bicycle or motorized rider or passenger who violates this subsection.
- b) Any person violating a provision of this chapter shall be subject to the penalties and remedies provided.
- c) Each violation, and each day, or portion thereof, that a violation of this section exists shall constitute a separate offense.

Sec. 18-14- Reserved Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

- a) Penalties

<u>Code section</u>	<u>Description of violation</u>	<u>Civil penalty</u>
	<u>The riding of bicycles and motorized devices in a prohibited area.</u> • <u>Town bridges sidewalk</u>	<u>First offense: \$50.00</u> <u>Second offense: \$100.00</u>

	• <u>Construction site</u> • <u>Riding into oncoming traffic</u>	<u>Third or subsequent offense: \$250.00, plus impound fee.</u>
	<u>The riding of a motorized or non-motorized strike, hit and/or injured a pedestrian.</u>	<u>First offense: \$500.00</u> <u>Second or subsequent offense: \$1,000.00 plus impound fee.</u> <u>Sec. 316.027, Florida Statutes: The fee will be determined by Law enforcements</u>
	<u>Ridership of more than one (1) person on any bicycle and motorized device.</u>	<u>First offense: \$50.00</u> <u>Second or subsequent offense: \$100.00</u>
	<u>Any person under the age of sixteen (16) years old operating a motorized and/or non-motorized device without a helmet.</u>	<u>First offense: \$50.00</u> <u>Second or subsequent offense: \$100.00, plus impound fee</u>
	<u>Operating a bicycle and motorized device without lighting standards.</u>	<u>First offense: A warning citation</u> <u>Second or subsequent offense: \$50.00, plus impound fee</u>
	<u>Impound of motorized and/or motorized per devices.</u>	<u>First offense: \$25.00</u> <u>Second or subsequent offense: \$50.00 plus \$10.00 per day</u>

Sec. 18-15- Reserved Appeals.

1. A violator who has been served with a notice shall elect either to:
 - a. Pay the civil penalty in the manner and within the time indicated on the notice; or
 - b. Request an administrative hearing before the special magistrate to appeal the decision of the Law enforcement officer which resulted in the issuance of the fine.

2. An appeal of the notice shall be accomplished by filing a request in writing to the address indicated on the notice, not later than forty-five (45) calendar days after the date of service of the notice.
3. If the named violator, after notice, fails to pay the civil penalty or to timely request an administrative hearing before the special magistrate, the special magistrate shall be informed of such failure by report from the law enforcement officer in the form of an affidavit. Failure of the violator to appeal the decision of the law enforcement officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special magistrate. A waiver of the right to administrative hearing shall be treated as an admission of the violation, and penalties may be assessed accordingly.

Secs. 18-126 —18-20. - Reserved.

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 22.

ITEM: Consideration and Approval of an ordinance on Second Reading amending Section 2-1.1 and Section 2-1.2 of the Town Code relating to procurement limitations. Sponsored by Council Member Eric Rappaport. Enclosed is a copy of the proposed ordinance.

DESCRIPTION:

The ordinance proposes to amend Chapter 2, Article 1, Section 2-1.1 entitled “Procurement limitations; Competitive bidding” and Section 2-1.2 entitled “Exemptions and waivers from competitive bidding”.

The proposed ordinance aims to amend procurement regulations in Bay Harbor Islands due to a significant cost increase since 2009. Specifically, it suggests increasing the threshold from \$10,000 to \$25,000, allowing town staff to swiftly deliver repair services without obtaining three quotes for minor repairs. This adjustment aligns with practices in other municipalities, such as North Miami Beach, City of Miami, Village of Bal Harbour, Sunny Isles Beach, and Miami Beach, which have varying thresholds and procedures for procurement. For instance, in North Miami Beach, purchases under \$25,000 can be made by the City Manager without competitive bidding or commission approval. These comparisons illustrate the need for flexibility and efficiency in procurement processes, as well as the need to adjust Bay Harbor Islands' ordinance to maintain alignment with similar practices.

Staff recommends that the Town Council approves the attached Ordinance amending Chapter 2, Article 1, Section 2-1.1 entitled “Procurement limitations; Competitive bidding” and Section 2-1.2 entitled “Exemptions and waivers from competitive bidding”.

PREVIOUS MEETING VOTE:

Mayor Joshua Fuller - Yes
Vice Mayor Isaac Salver - Yes
Council Member Stephanie Bruder - Yes
Council Member Teri D'Amico - Yes
Council Member Molly Diallo - Yes
Council Member Eric Rappaport - Yes
Council Member Robert Yaffe – Yes

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Eric Rappaport, Council Member

ATTACHMENTS

1.	2nd Reading Draft Ordinance Procurement 8.14.24
2.	Procurement Study
3.	2nd Reading Memo Ordinance Procurement

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO PROCUREMENT LIMITATIONS; AMENDING CHAPTER 2, ARTICLE I, SECTION 2-1.1 PROCUREMENT LIMITATIONS; COMPETITIVE BIDDING AND SECTION 2-1.2 EXEMPTIONS AND WAIVERS FROM COMPETITIVE BIDDING; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands originally adopted a Procurement Code in 2009 to regulate and restricting all purchases of or contracts for materials, supplies, equipment, improvements or services (collectively "procurements").

WHEREAS, the Town Council of the Town of Bay Harbor Islands is charged with protecting and preserving the public health, safety and welfare of the residents and those coming into the Town of Bay Harbor Islands; and

WHEREAS, the Town Council of the Town of Bay Harbor Islands, periodically reviews Town's Code of Ordinances to ensure that the Code meet the needs of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Charter 2 Administration Code is hereby amended to modify Article I, Section 2-1.1 "Procurement limitations; competitive bidding" and Section 2-1.2 "Exemptions and waivers from competitive bidding" to modify the provision related to increase the expended amount fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 18th day of June 2024.

PASSED on Second Reading this ___ day of TBA.

MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

Exhibit "A"

Amendments to the Town of Bay Harbor Islands Code of Ordinances

Chapter 2 – ADMINISTRATION

ARTICLE I. - IN GENERAL

Sec. 2-1.1. - Procurement limitations; competitive bidding.

Subject to the exceptions enumerated in section 2-1.2, all purchases of or contracts for materials, supplies, equipment, improvements or services (collectively "procurements") shall be made or entered into in accordance with the provisions of this section.

- a) Procurements less than ~~\$10,000.00~~ 25,000.00. Procurements where the total amount to be expended is not in excess of ~~\$10,000.00~~ 25,000.00 may be made by the town manager or his/her designee without the necessity of approval by the town council and without competitive bidding. Single purchases or contracts in excess of ~~\$10,000.00~~ 25,000.00 shall not be broken down to amounts of less than ~~\$10,000.00~~ 25,000.00 to avoid the requirements of this section.
- b) Procurements greater than ~~\$10,000.00~~ 25,000.00 but less than ~~\$20,000.00~~ 50,000.00. Procurements where the total amount to be expended is in excess of ~~\$10,000.00~~ 25,000.00 but which does not exceed ~~\$20,000.00~~ 50,000.00 may be made by the town manager or his/her designee, without the necessity of approval by the town council. A minimum of three (3) price quotations shall be obtained when practicable. Price quotations or refusals to submit a price quotation may be obtained verbally, but must be documented in writing. Single purchases or contracts in excess of ~~\$20,000.00~~ 50,000.00 shall not be broken down to amounts of less than ~~\$20,000.00~~ 50,000.00 to avoid the requirements of this section.
- c) Procurements greater than ~~\$20,000.00~~ 50,000.00. Procurements where the amount to be expended is in excess of ~~\$20,000.00~~ 50,000.00 shall be approved by the town council. A public invitation to bid shall be prepared and advertised on the town's website and in a newspaper of general circulation. A minimum of three (3) written bids shall be obtained when practicable. Bids, price quotations or refusals to submit a bid or price quotation shall be documented in writing and provided to the town council for review and approval. In the event a procurement governed by this section is for an indefinite quantity of goods or services, the goods and services shall be memorialized by a written agreement that shall be no more than a three (3)-year term, with a two (2)-year option at the town council's discretion. All open-ended procurement/service agreements shall state that they shall be terminable without cause upon written notice by the town manager.
- d) Exception to procurement limitation. The town manager may procure automobile fuel, legal advertisements and normal utilities including gas,

electric and communication services in an amount in excess of ~~\$20,000.00~~50,000.00 without the approval of the town council, provided the procurement is consistent with the town budget.

Sec. 2-1.2. - Exemptions and waivers from competitive bidding.

- a) The following shall be exempt from the competitive bidding requirements of section 2-1.1, but shall not obviate the need for the approval of the town council for any transaction exceeding ~~\$10,000.00~~ 25,000.00.
- 1) Emergency purchases which are more fully described in section 2-1.3;
 - 2) Contracts for professional services;
 - 3) Contracts which are governed by F.S. § 287.055, the Consultants' Competitive Negotiation Act;(4)
 - 4) Contracts for services governed by F.S. § 218.391, Auditor Selection Procedures;
 - 5) Other contracts for which the selection process is provided by state law;
 - 6) Contracts which utilize a bid or proposal which has been secured by another governmental entity "piggyback contract".
 - 7) Contracts made under cooperative bids by the town jointly with other governmental agencies;
 - 8) Contracts for procurements which are only available from a sole source of supply upon the filing of a written request for such exemption by a town department head to the town manager outlining the conditions and circumstances involved.
- b) The town council may, by resolution, waive competitive bidding requirements for a specific transaction if it is found to be in the best interest of the town.

City	Section	Purchases
North Miami Beach		-\$25,000.00 may be made or entered into by the City manager without submittal to the town commission and without competitive bidding. -\$25,000.00 or more, but which do not exceed \$50,000.00 may be made, or entered, by the City manager without submittal to the town commission but shall require compliance with the competitive bidding. Waivers of Bid. -The City Manager may waive the formal bidding procedure up to \$50,000.00. -The City Commission may waive the formal bidding procedure over \$50,000.00.
City of Miami	Sec. 18-77. - Authority of the chief procurement officer.	-To approve all purchases and awards up to \$25,000.00. - Awards not in excess of \$50,000.00 for goods and services, and not in excess of \$100,000.00 for contracts for public works and improvements. -\$25,000.00 or more, but which do not exceed \$50,000.00 may be made, or entered, by the City manager without submittal to the town commission but shall require compliance with the competitive bidding. -All bid awards in excess of \$50,000.00 must be approved by the city commission upon recommendation by the city manager.
Bal Harbour	Sec. 2-141. - Village Manager Purchasing Authority.	-Does not exceed \$20,000.00 without the approval of the Village Council.
Sunny Isles Beach	62-6- Purchasing limitations; effect on competitive bidding requirement.	-2,500.00 may be made or entered into by the City Manager without submittal to the City Commission and without competitive bidding. -\$2,500.00, but which do not exceed \$50,000.00 may be made, or entered, by the City Manager without submittal to the City Commission, but shall require compliance with the informal competitive bidding requirements - Excess of \$50,000.00 requires the City Commission approval.
Surfside	Sec. 3-6. - Purchasing limitations; effect	-\$15,000.00 may be made or entered into by the town manager without submittal to the town commission and without competitive bidding.

	<u>on competitive bidding requirement.</u>	-\$15,000.00 or more, but which do not exceed \$25,000.00 may be made, or entered, by the town manager without submittal to the town commission but shall require compliance with the competitive bidding. - Excess of \$25,000.00 requires the Town Commission approval.
North Bay Village	<u>Section 36.25 - Procurement requirements.</u>	Bonds -For construction contracts exceeding \$50,000.00 may be made or entered into by the Village manager without submittal to the town commission but shall require compliance with the competitive bidding. Small purchase -\$5,000.00 may be made or entered into by the Village manager without submittal to the town commission and without competitive bidding. -\$5,000.00 or more, but which do not exceed \$15,000.00 may be made, or entered, by the Village manager without submittal to the town commission but shall require compliance with the competitive bidding.
Miami Beach	<u>Sec. 2-366. - Generally.</u>	The City Manager can approve without a bid with the following thresholds: -Goods and services: \$100,000.00. -Construction-related services: \$300,000.00



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Interim Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Consultant Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	August 14, 2024
SUBJECT:	Town of Bay Harbor Islands – Amending the Town’s Code of ordinances related to Procurement limitations.

RECOMMENDATION

Staff recommends that the Town Council approve the attached Ordinance amending Chapter 2, Article 1, Sections 2-1.1 and 2-1.2 of the Town Code. These amendments aim to update procurement provisions to better manage inflation and respond more effectively to service needs.

BACKGROUND

On May 11, 2009, the Town of Bay Harbor Islands initially enacted Section 2-1.1 "Procurement limitations; competitive bidding" and Section 2-1.2 "Exemptions and waivers from competitive bidding" on 2nd reading. These sections were established to regulate and restrict all procurements, encompassing purchases of materials, supplies, equipment, improvements, or services. Since then, the expenses associated with sidewalk repair, sewer

pump maintenance, streetlight upkeep, water line maintenance, water valve procurement, milling, and resurfacing have seen a significant increase of over 35% from 2009 to 2024.

Currently, the Town's procurement code allows:

- Procurements up to \$10,000 may be approved by the Town Manager or designee without Town Council approval or competitive bidding.
- Procurements between \$10,000 and \$20,000 may be made by the Town Manager or designee without Town Council approval but require at least three bids.
- Procurements over \$20,000 require Town Council approval, with a public invitation to bid, advertisement on the Town's website, and in a newspaper. A minimum of three written bids must be obtained, if practicable.

Considering this substantial rise in costs, there's a pressing need to adjust the existing ordinance. Such adjustments would foster greater adaptability and efficiency in procurement processes. Specifically, enabling vendors to promptly deliver repair services without the necessity of obtaining three quotes for minor repairs would streamline operations and save valuable time. In response to the substantial rise in costs and to streamline procurement processes, the proposed amendment includes the following changes:

- **Increase Procurement Threshold:** The threshold for procurements that can be approved by the Town Manager or designee without Town Council approval will be increased from \$10,000 to \$25,000.
- **Revise Bidding Requirements:** The requirement for obtaining at least three bids will be increased from \$25,000 to \$50,000. For procurements between \$25,000 and \$50,000, the Town Manager or designee will be required to obtain a minimum of three price quotations, but Town Council approval will not be necessary.
- **Town Council Requirements:** Procurements exceeding \$50,000 will require Town Council approval, with a public invitation to bid, advertisement on the Town's website, and in a newspaper. A minimum of three written bids must be obtained, if practicable.

These changes aim to address inflation, enhance flexibility, and improve efficiency in procurement processes, allowing the Town to respond more effectively to service needs.

ANALYSIS

From this analysis, it's evident that there are varying thresholds and procedures for procurement among the different cities. Adjusting the ordinance to provide greater flexibility and efficiency, as proposed for the Town of Bay Harbor Islands, would align with the practices of other municipalities, and could streamline procurement processes in response to inflationary cost increases.

1. North Miami Beach:

- Purchases up to \$25,000 can be made by the City manager without commission approval or competitive bidding.
- Purchases exceeding \$25,000 but not exceeding \$50,000 require compliance with competitive bidding but do not need commission approval.

2. City of Miami:

- The chief procurement officer can approve purchases and awards up to \$25,000.

- Awards up to \$50,000 for goods and services, and up to \$100,000 for contracts for public works and improvements, can be made without commission approval but require compliance with competitive bidding.
 - Bid awards exceeding \$50,000 must be approved by the city commission upon recommendation by the city manager.
3. **Village of Bal Harbour:**
 - Purchases not exceeding \$20,000 require approval from the Village Council.
 4. **Sunny Isles Beach:**
 - Purchases up to \$2,500 can be made by the City Manager without commission approval or competitive bidding.
 - Purchases exceeding \$2,500 but not exceeding \$50,000 require compliance with informal competitive bidding but do not need commission approval.
 - Purchases exceeding \$50,000 require commission approval.
 5. **Town of Surfside:**
 - Purchases up to \$15,000 can be made by the town manager without commission approval or competitive bidding.
 - Purchases exceeding \$15,000 but not exceeding \$25,000 require compliance with competitive bidding but do not need commission approval.
 - Purchases exceeding \$25,000 require commission approval.
 6. **North Bay Village:**
 - For construction contracts exceeding \$50,000, compliance with competitive bidding is required but commission approval is not needed.
 - Purchases up to \$5,000 can be made by the Village manager without commission approval or competitive bidding.
 - Purchases exceeding \$5,000 but not exceeding \$15,000 require compliance with competitive bidding but do not need commission approval.
 7. **Miami Beach:**
 - The City Manager can approve purchases without bidding up to \$100,000 for goods and services, and up to \$300,000 for construction-related services.

Based on this review, it is proposed to increase the procurement threshold from \$10,000 to \$25,000 and to raise the limit for requiring three bids from \$20,000 to \$50,000.

CONCLUSION

To enhance operational efficiency and address inflationary cost increases, the Town of Bay Harbor Islands proposes increasing the procurement threshold from \$10,000 to \$25,000. Under the revised ordinance, the Town Manager or their designee will be authorized to make procurements up to \$25,000 without Town Council approval and without competitive bidding. For procurements exceeding \$25,000 but not exceeding \$50,000, the Town Manager or their designee may proceed without Town Council approval, provided that a minimum of three price quotations are obtained when practicable. Procurements exceeding \$50,000 will require Town Council approval.

These revisions aim to streamline procurement processes, reduce administrative delays, and better align with practices observed in other municipalities. Staff recommends that the Town Council approve the attached Ordinance to implement these necessary updates.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1. Draft Ordinance
2. Procurement Study

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 23.

ITEM: Consideration and Approval of an ordinance on Second Reading amending Section 5-5(h) of the Town Code to provide for maintenance of construction job sites twice daily within specific time frames from 9:00 a.m. to 11:00 a.m. and from 4:00 p.m. to 6:00 p.m., Monday through Friday, and once daily between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and Sundays. Sponsored by Council Members Stephanie Bruder and Robert Yaffe. Enclosed is a copy of the proposed ordinance.

DESCRIPTION:

The proposed amendments to Chapter 15, Article 1, Section 5-5(h) represent a proactive step towards enhancing the regulation of construction site operations within our community. By establishing clear guidelines for the timing of maintenance activities, such as watering and debris cleanup, we aim to mitigate disruptions to residents and improve overall environmental quality. The Town Council focused on minor changes during the initial reading on June 18, 2024, limiting watering maintenance to weekends and excluding legal holidays. The ordinance is scheduled for second reading on August 14, 2024, for final adoption. Please review the highlighted changes below.

Section 5-5 of the Town Code is being amended to provide off-street loading zone regulations, as indicated by the new language below:

Sec. 5-5. - Construction site operations.

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses arising as a result of unauthorized access to construction sites, or from loose and unsecured materials at construction sites during emergency weather conditions, to minimize exposure and prohibit activities which may pose a danger to persons located off the construction site, from debris, materials or activities carried on at the construction site by enacting the following regulations.

(h) Job site maintenance. The owner, occupant or user of a Construction Site shall complete job site maintenance a minimum of twice daily within specific time frames: between 9:00 a.m. to 11:00 a.m. and between 4:00 p.m. to 6:00 p.m., Monday through Friday. Pursuant to section 12-26(1)(a), no construction activities are permitted on Saturdays or Sundays, except for watering for dust mitigation purposes. Watering maintenance on Saturdays and Sundays will be required unless the Building Official determines it is unnecessary. Legal holidays are exempt from any job site maintenance activities. on a daily basis, prior to the conclusion of each day's work. Daily job site maintenance shall include the following:

1. Sweeping of public roadways which are directly affected by construction site dust, debris or activities;
 1. A magnetic sweeper is required for picking up ferrous materials like nails, screws, metal shavings, and other small metallic objects.
2. Pick up and disposal of litter at or generated by the construction site;
3. Washing down of any street signs or public facilities which are impacted by dust or

- debris from the construction site activity;
4. Stacking of construction materials in a manner which assures that the materials and the material packaging shall not fall or be transported into any canals, drainage facilities or other water bodies in the vicinity of adjacent to the site;
 5. Watering of exposed loose earth at the site so as to minimize off-site transport of particulate matter.
 6. Compliance with additional job site maintenance components which are described in an applicable construction staging plan for the construction site.

Staff recommends that the Town Council approves the attached Ordinance amending Chapter 15, Article 1, Section 5-5(h) titled "Construction site operations".

PREVIOUS MEETING VOTE:

Mayor Joshua Fuller - Yes
 Vice Mayor Isaac Salver - Yes
 Council Member Stephanie Bruder - Yes
 Council Member Teri D'Amico - Yes
 Council Member Molly Diallo - Yes
 Council Member Eric Rappaport - Yes
 Council Member Robert Yaffe – Yes

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no fiscal impact.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
 Stephanie Bruder, Council Member

ATTACHMENTS

1.	Staff Memo for Council Agenda Items Sec. 5-5 8.14.24
2.	2nd DRAFT Sec.5-5. - Construction site operations 8.14.24



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	August 14, 2024
SUBJECT:	Town of Bay Harbor Islands – Amending the Town’s Code of ordinances related to provide a specific time frames for maintenance on construction job sites.

RECOMMENDATION

Staff recommends that the Town Council approves the attached Ordinance amending Chapter 15, Article 1, Section 5-5(h) titled “Construction site operations”. This amendment is to update the regulations concerning the timing of construction site maintenance activities.

BACKGROUND / ANALYSIS

The Town of Bay Harbor Islands proposed ordinance aims to amend Chapter 15, Article 1, Section 5-5(h) titled “Construction site operations” to establish regulations concerning the timing of construction site maintenance activities. These activities include watering exposed loose dirt, picking up litter, and sweeping the public right-of-way for dust, debris, nails, etc.

Councilwoman Mrs. Bruder directed staff on May 8, 2024, to incorporate specific time frames for watering construction job sites. Concerns were raised due to instances where construction site watering occurred during school and lunch hours, causing inconvenience to residents. Another issue identified was weekend construction activities, which are generally not permitted unless approved by the town manager. These activities resulted in airborne dust

and dirt, impacting residents walking in the town over the weekends. The first reading of this proposed amendment took place on June 18, 2024, during which the Town Council made a few minor changes.

EXECUTE

In response to these concerns, staff has proposed the following amendments to the code:

- Maintenance activities, including watering, must occur a minimum of twice daily within specific time frames: between 9:00 a.m. to 11:00 a.m. and between 4:00 p.m. to 6:00 p.m., Monday through Friday.
- According to Section 12-26(1)(a), no construction activities are allowed on Saturdays or Sundays, except for necessary watering to mitigate dust. The necessity of watering on Saturdays and Sundays will be determined by the Building Official. Legal holidays will be exempt from any job site maintenance activities.

These proposed amendments aim to regulate construction site operations effectively, addressing community concerns and aligning with Council directives.

CONCLUSION

The proposed amendments to Chapter 15, Article 1, Section 5-5(h) represent a proactive step towards enhancing the regulation of construction site operations within our community. By establishing clear guidelines for the timing of maintenance activities, such as watering and debris cleanup, we aim to mitigate disruptions to residents and improve overall environmental quality. The Town Council focused on minor changes during the initial reading on June 18, 2024, limiting watering maintenance to weekends and excluding legal holidays. The ordinance is scheduled for second reading on August 14, 2024, for final adoption. Please review the highlighted changes below.

Section 5-5 of the Town Code is being amended to provide off-street loading zone regulations, as indicated by the new language below:

Sec. 5-5. - Construction site operations.

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses arising as a result of unauthorized access to construction sites, or from loose and unsecured materials at construction sites during emergency weather conditions, to minimize exposure and prohibit activities which may pose a danger to persons located off the construction site, from debris, materials or activities carried on at the construction site by enacting the following regulations.
departments.

(h) Job site maintenance. The owner, occupant or user of a Construction Site shall complete job site maintenance a minimum of twice daily within specific time frames: between 9:00 a.m. to 11:00 a.m. and between 4:00 p.m. to 6:00 p.m., Monday through Friday. Pursuant to section 12-26(1)(a), no construction activities are permitted on Saturdays or Sundays, except for watering for dust mitigation purposes. Watering maintenance on Saturdays and Sundays will be required unless the Building Official determines it is unnecessary. Legal holidays should be exempt from any job site maintenance activities. on a daily basis, prior to the conclusion of each day's work. Daily job site maintenance shall include the following:

- 1) Sweeping of public roadways which are directly affected by construction site dust, debris or activities;
 - a) A magnetic sweeper is required for picking up ferrous materials like nails, screws, metal shavings, and other small metallic objects.
- 2) Pick up and disposal of litter at or generated by the construction site;
- 3) Washing down of any street signs or public facilities which are impacted by dust or debris from the construction site activity;
- 4) Stacking of construction materials in a manner which assures that the materials and the material packaging shall not fall or be transported into any canals, drainage facilities or other water bodies in the vicinity of adjacent to the site;
- 5) Watering of exposed loose earth at the site so as to minimize off-site transport of particulate matter.
- 6) Compliance with additional job site maintenance components which are described in an applicable construction staging plan for the construction site.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1. 2nd Reading Draft Ordinance
2. 1st Reading Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO JOB SITE MAINTENANCE, AMENDING CHAPTER 5, BUILDING AND CONSTRUCTION, ARTICLE I, CONSTRUCTION SITE OPERATIONS, SECTION 5-5(h), JOB SITE MAINTENANCE;. PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands originally adopted a Building and Construction Code in 1961 to promote the public health, safety, and general welfare and to minimize public and private losses arising as a result of unauthorized access to construction sites, or from loose and unsecured materials at construction sites during emergency weather conditions, to minimize exposure and prohibit activities which may pose a danger to persons located off the construction site, from debris, materials or activities carried on at the construction site by enacting the regulations; and

WHEREAS, the Town Council periodically studies various land development trends and issues, and considers strategies and design guidelines to encourage the proper re-development of lands within the Town, and amends its Codes accordingly; and

WHEREAS, the Town Council held duly advertised public hearings to consider the proposed modifications to the Town's Building and Construction Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Chapter 5 Buildings and Construction Code is hereby amended to modify Article I, Construction site operations Section 5-5(h) “Job site maintenance” to modify the provision related to the days and the time frame fully set forth in the attached Exhibit “A”, and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands’ Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 18 day of June 2024.

PASSED on Second Reading this __ day of August 2024.

MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

EXHIBIT A

Chapter 15 – BUILDINGS AND CONSTRUCTION

ARTICLE I. - IN GENERAL

Sec. 5-5. - Construction site operations.

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses arising as a result of unauthorized access to construction sites, or from loose and unsecured materials at construction sites during emergency weather conditions, to minimize exposure and prohibit activities which may pose a danger to persons located off the construction site, from debris, materials or activities carried on at the construction site by enacting the following regulations.

(h) Job site maintenance. The owner, occupant or user of a Construction Site shall complete job site maintenance a minimum of twice daily within specific time frames: between 9:00 a.m. to 11:00 a.m. and between 4:00 p.m. to 6:00 p.m., Monday through Friday. Pursuant to [section 12-26\(1\)\(a\)](#), no construction activities are permitted on Saturdays or Sundays, except for watering for dust mitigation purposes. Watering maintenance on Saturdays and Sundays will be required unless the Building Official determines it is unnecessary. Legal holidays are exempt from any job site maintenance activities. ~~on a daily basis, prior to the conclusion of each day's work.~~ Daily job site maintenance shall include the following:

- 1) Sweeping of public roadways which are directly affected by construction site dust, debris or activities;
 - a) A magnetic sweeper is required for picking up ferrous materials like nails, screws, metal shavings, and other small metallic objects.
- 2) Pick up and disposal of litter at or generated by the construction site;
- 3) Washing down of any street signs or public facilities which are impacted by dust or debris from the construction site activity;
- 4) Stacking of construction materials in a manner which assures that the materials and the material packaging shall not fall or be transported into any canals, drainage facilities or other water bodies in the vicinity of adjacent to the site;
- 5) Watering of exposed loose earth at the site so as to minimize off-site transport of particulate matter.
- 6) Compliance with additional job site maintenance components which are described in an applicable construction staging plan for the construction site.

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 24.

ITEM: Consideration and Approval of an ordinance on Second Reading amending Section 23-33 of the Town Code relating to loading zone regulations. Sponsored by Council Member Stephanie Bruder. Enclosed is the proposed ordinance.

DESCRIPTION:

The ordinance received approval during its first reading on May 8, 2024, and the second reading on June 18, 2024, was deferred to incorporate minor adjustments recommended by the Town Council. The ordinance is scheduled to be returned for second reading on August 14, 2024, for final adoption. Please review the highlighted changes below.

Section 23-33 of the Town Code is being amended to provide off-street loading zone regulations, as indicated by the new language below:

The off-street loading zone required by this article shall be located on the same plot or parcel of land they are intended to serve. Any building or structure currently in existence or constructed thereafter, which undergoes a structural alteration resulting in an increase in floor area value of twenty-five (25) percent or more, must include a designated loading zone within the property. For new construction utilizing enclosed structures for vehicle storage or parking, all required loading spaces must be located internally

Effective from [Date of Adoption], projects with an active issued building permit, under building permit review, or that have received development site plan approval from the Design Review Board may proceed with their pre-approved plans if no changes are made, unless there is a floor area increase exceeding twenty-five (25) percent. However, the Town Council has the discretion to grant exceptions if the property owner(s) demonstrate a public benefit. In cases where such an agreement exists and the floor area increases by twenty-five (25) percent or more, Town Council approval is required.

1. Definitions

- a. Off-Street Loading Zone: A designated area within a property intended for the standing, loading, or unloading of trucks, situated off the public right-of-way.
- b. Commercial Vehicle: Any vehicle used for the transportation of goods or materials as part of a commercial enterprise.

2. Loading Zone Requirements

- a. Off-street loading spaces required for businesses, commercial establishments, offices, mixed-used, hotels, or motels shall be provided in addition to required parking spaces.
- b. Off-street loading zones shall have a minimum width of twelve (12) feet, a minimum depth of thirty (30) feet, and a vertical clearance of at least fourteen and a half (14 ½) feet to accommodate standard commercial vehicles.
- c. Loading zones must be designated with markings and signage to clearly identify their location.
- d. Off-street loading zones are required to have a wearing surface consisting of at least one (1) inch of asphalt concrete, situated atop a compacted lime rock base measuring six (6) inches. This setup is designed to facilitate drainage, thereby minimizing the accumulation of standing water and potential damage to abutting

- properties and/or public rights-of-way (streets and alley).
- e. Loading zones shall be logically and conveniently arranged within the owner's private property, ensuring minimal interference with pedestrian and vehicular traffic. Off-street loading zones cannot be utilized or entered by neighboring properties. Each plot or parcel of land is required to designate its individual off-street loading area. Additionally, reversing out of off-street loading zones is prohibited.
 - f. Multi-family Only: All off-street loading must occur on private property, unless deemed as non-conforming. In such cases, loading and unloading activities are permitted to only utilize the swale area within the right-of-way and cannot last for more than fifteen (15) minutes.
 - g. Non-Confirming Properties.
- 1. Any non-conforming property undergoing structural alterations that result in a twenty-five (25) percent or greater increase in floor area must include a designated loading zone within the property.
 - 2. Non-conforming properties in the town, which do not have adequate space for off-street loading, are permitted to utilize only the swale area within the right-of-way during designated hours: 6:00 am to 10:00 am and 7:00 pm to 11:00 pm. Additionally, it is specified that at no time shall the alleys and Kane Concourse (96th Street) be used for an off-street loading space. The town manager or designee reserves the right to modify the timeframe if deemed necessary.
- 2. Prohibited
 - a. Commercial vehicles loading or unloading is strictly prohibited from parking or blocking Kane Concourse (96th Street) at any time. Additionally, commercial vehicles loading or unloading is strictly prohibited in the alleys depicted on the recorded plat for Bay Harbor Islands between Blocks 11, 12, 20, and 21 at any time.
 - b. It shall be unlawful for any commercial vehicle to load or unload within the town between the hours of 11:00 p.m. and 6:00 a.m. The town manager or designee reserves the right to modify the timeframe if deemed necessary.
 - c. The loading zones shall not be placed in a sight triangle.
 - d. Reversing or backing out of an off-street loading zone into the public right-of-way is prohibited, excluding single-family, duplex and multifamily only.

PREVIOUS MEETING VOTE:

Mayor Joshua Fuller - Yes
Vice Mayor Isaac Salver - Yes
Council Member Stephanie Bruder - Yes
Council Member Teri D'Amico - Yes
Council Member Molly Diallo - Yes
Council Member Eric Rappaport - Yes
Council Member Robert Yaffe - Yes

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
 Stephanie Bruder, Council Member

ATTACHMENTS

1.	Loading zone study
2.	Staff Memo for Council Agenda Items Loading Zone 2nd Reading
3.	Final 2nd Draft Ordinance Off-Street Loading Zone 8.14.24

City	Section	Location	Size	Screening	Number	Design
Bal Harbour	ARTICLE VI. - OFF-STREET LOADING FACILITIES	-All loading berths shall be located on the same zoning Lot as the use served. - No permitted or required loading berth shall be located within 30 feet of the nearest point of intersection of any two Streets. - No loading berth shall be located in a required front Setback area. Any loading berth located in a required side Setback area may be open to the sky, provided it is effectively screened from the abutting Lot. - Each off-street loading berth shall be designed with appropriate means of vehicular access in a manner which will least interfere with traffic movement, and shall be subject to approval by the Building Department.	-An off-street loading berth shall be at least 12 feet in width by at least 30 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.	- Completely screened from the right-of-way and adjacent properties by building walls, a uniformly painted solid fence, wall, or structural gates or door, or any combination thereof, or landscaping not less than eight feet in height. - All existing loading berths shall be screened from the public right-of-way and adjacent properties as follows: - Such screening may include structural gates or doors; nonstructural screens, fencing, walls, gates or doors; or landscaping a minimum of eight feet in height. - The owner, manager or operator of each hotel or condominium or apartment building currently failing to provide the appropriate screening, shall, within 90 days of the effective date of this section, submit an application and appropriate plans to the Architectural Review Board providing for compliance with this section. - Installation/construction and/or implementation of the approved plans, complying with this Section, must be complete no later than 90 days after the approval of such plans by the Architectural Review Board.	-Hotels. For Buildings containing 10,000 to 200,000 square feet of gross floor area, one off-street loading berth shall be provided, plus one additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof. -Multiple-Family Dwellings. For Buildings containing 20,000 to 200,000 square feet of gross floor area, one off-street loading berth shall be provided, plus one additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.	- All open off-street loading berths shall be surfaced with a dustless all-weather material capable of bearing a live load of 200 pounds per square foot. - Space allocated to any off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

Sunny Isles Beach	ARTICLE VIII - Off-Street Parking, Loading and Driveway Standards	-Adequate space for loading and unloading of materials, goods or things, and for delivery and shipping, shall be provided and maintained on the same plot as the building, which it serves. -Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required loading space, and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve. -Such loading spaces shall not be located in the front yard.	- An off-street loading space shall be an area at the grade level at least 10 feet wide by 25 feet long with fourteen-foot vertical clearance.		For each retail store, storage warehouse, wholesale establishment, market, restaurant, funeral home, laundry, dry cleaning establishment, commercial building, office building, or similar building or use which has an aggregate gross floor area of: [1] Five thousand square feet to 25,000 square feet: one space. [2] Twenty-five thousand one square feet to 60,000 square feet: two spaces. [3] Sixty thousand one square feet to 120,000 square feet: three spaces. [4] One hundred twenty thousand one square feet to 200,000 square feet: four spaces. [5] Two hundred thousand one square feet to 290,000 square feet: five spaces. [6] Plus for each additional 90,000 square feet over 290,000 square feet: one space. (b) Convenience store: one space. (c) For each multiple dwelling residential or apartment hotel building: -0 to 100 units:1 space -Over 100 units: 2 spaces	-Plans for buildings or uses requiring off-street loading facilities under the provisions of this section shall clearly indicate the location, dimensions, clearances and access of all such required off-street loading facilities. -No area or facilities supplied to meet the required off-street parking requirements for a use shall be utilized for, or be deemed to meet, the requirements of this section for off-street loading facilities.		

Surfside	DIVISION 2. - OFF-STREET LOADING	- logical and convenient arrangement of pedestrian walkways, bikeways, roadways, driveways, driving aisles and off street parking and loading spaces on-site. The town manager or his designee reserves the right to modify on-site circulation if deemed necessary based on individual circumstances and so as to cause the least practical interference with the use of adjacent property and with the movement of pedestrian or vehicular traffic. -a loading space is a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks	-loading or unloading of trucks, having a minimum width of 12 feet, a minimum depth of 30 feet, and a vertical clearance of at least 14½ feet.		Use	Sq. ft.	#	-Off street loading facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with at least one inch of asphalt concrete as a wearing surface on a six inch compacted lime rock base. -The parking required herein is in addition to space required for the loading and unloading of trucks or other vehicles used in connection with a business, commercial, or industrial use.
					Business, Commercial	10,000—60,000	1	
					Office Building	Greater than 60,000	2	
					Multifamily Dwelling Building	20,000—100,000	1	
					Hotel or Motel	Greater than 100,000	2	
Miami Beach	ARTICLE IV. - OFF-STREET LOADING	-a loading space is a space within the main building or on the same lot, -For the new construction of multi-family, hotel, and commercial buildings utilizing enclosed structures for the storage and/or parking of vehicles, all required loading spaces shall be located internally. -For a change of use in an existing building, required loading shall either be provided in accordance with the off-street loading schedule above, or a detailed plan delineating on-street loading, as approved by the parking department. -For properties located within a locally designated historic district, or historic	-delivery vehicles expected to be used but not less than ten feet by 20 feet,		-retail store, department store, restaurant, wholesale house, warehouse, repair, general service, manufacturing or industrial establishment, or similar use a. Over 2,000 but not over 10,000: One space. b. Over 10,000 but not over 20,000: Two spaces. c. Over 20,000 but not over 40,000: Three spaces. d. Over 40,000 but not over 60,000: Four spaces. e. For each additional 50,000 over 60,000: One space. -office building, hospital or similar institutions, places of public assembly, or similar use			-Off-street loading facilities shall be drained to prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable city specifications. Off-street loading areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and shall not be used for the sale, repair, dismantling, or

		site, the historic preservation board may waive the requirements for off-street loading spaces for properties containing a contributing structure provided that a detailed plan delineating on-street loading is approved by the parking department.			a. Over 5,000 but not over 10,000: One space. b. Over 10,000 but not over 100,000: Two spaces. c. Over 100,000 but not over 200,000: Three spaces. d. For each additional 100,000 over 200,000: One space - any residential building or hotel building: a. Over 36 units but not more than 50 units: One space. b. Over 50 units but not more than 100 units: Two spaces. c. Over 100 units but not more than 200 units: Three spaces. d. For each additional 100 units or fraction thereof over 200 units: One space.	servicing of any vehicles, equipment, materials, or supplies. -The location and design of entrances and exits shall be in accordance with applicable traffic regulations and standards as designed for truck loading and unloading, such entrance or exit shall be designed to provide at least one off-street loading space. However, no such loading space shall be located in the required front yard setback. -Required off-street loading spaces are not to be included as off-street parking spaces in the computation of required off-street parking spaces.
--	--	--	--	--	---	--

Miami Beach (Special Zone)

Sec.142-754(12) Loading. Where loading is permitted, it shall be designed as follows, in addition to the requirements for driveways:

- a) Loading shall at a minimum be setback behind the area required to be habitable for each street class designation.
- b) Loading for nonresidential uses that are on lots over 45,000 square feet shall provide for loading spaces that do not require vehicles to reverse into or out of the site, unless waived by the design review board.
- c) Driveways for parking and loading shall be combined, unless waived by the design review board.
- d) Loading areas shall be closed when not in use.
- e) Garbage rooms shall be noise-baffled, enclosed, and air-conditioned.

- f) Trash containers shall be located in loading areas.
- g) Trash containers shall utilized rubber tired wheels.
- h) Delivery trucks shall not be allowed to idle in the loading areas
- i) Loading for commercial and hotel uses and trash pick-ups with vehicles of more than two axles may only commence between the hours of 6:00 a.m. and 7:00 a.m., 9:00 a.m. and 3:00 p.m., and 6:00 p.m. and 9:00 p.m. on weekdays; and 9:00 a.m. and 9:00 p.m. on weekends, unless waived by the planning board with conditional use approval. Notwithstanding the foregoing, hybrid or electric vehicles may commence loading at 5:00 a.m. instead of 6:00 a.m. on weekdays.
- j) Loading for commercial and hotel uses with vehicles of two axles or less may occur between the hours of 6:00 a.m. and 11:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. Notwithstanding the foregoing, hybrid or electric vehicles may commence loading at 5:00 a.m. instead of 6:00 a.m. on weekdays.
- k) Required off-street loading may be provided on another site within the TC-C district or within 1,500 feet of the site, provided it is not located in a residential district.

Bay Harbor Islands

Sec. 2-17. - Application for variance.

(B) Administrative variances. A person or entity seeking an administrative variance, as specified herein, shall submit a written application to the town clerk on a form provided by the town clerk. A completed application and all supporting documents as hereinafter provided must be submitted to the town clerk in order to be considered by the town administration. As a condition precedent to applying for an administrative variance, neither the applicant nor the subject property shall have any existing code violations with the town or unpaid fines due and owing to the town. All existing code violation(s) shall be complied with and the citations shall be closed by the town and any unpaid fines shall be paid in full prior to the processing of an application for an administrative variance. The data and documents to be submitted to the town clerk with the application are as follows:

(f) The town manager shall create and maintain an administrative committee of at least three persons to review and act upon administrative variances, which shall be composed of town staff and/or professional consultants as deemed necessary and desirable. Variances may be granted by the town's administrative committee under the provisions of this section if:

(2) The application is for a variation of minimum yard setbacks, maximum structural dimensions, minimum landscaping requirements, minimum number of off-street parking spaces and **loading spaces**, or signage area. The maximum allowable variance that may be approved by the administrative committee shall not exceed ten percent of the applicable criteria listed above. If a greater amount of variance is required the request must be acted upon by the town council.

Sec. 19-24. - Parking of commercial vehicles.

(a) It shall be unlawful to park a commercial vehicle within the town between the hours of 6:00 p.m. and 8:00 a.m. unless:

(1) The same commercial vehicle is fully enclosed in a garage or other structure; or

(2) The commercial vehicle is being used for construction work in the town and is parked on the site of the construction work.

(b) A commercial vehicle may park at any time in off-street parking facility if it does not exceed six and one-half feet in width and 18 feet in overall length provided that not more than one commercial vehicle owned, leased or used by any single company, business or individual, may be parked in any off-street parking facility at any time.

Sec. 23-11. - Land development regulations.

(C) B-1 Business district.

Alleys depicted on the recorded plat for Bay Harbor Islands between Blocks 11, 12, 20 and 21 No building or structure or part thereof, other than permissible accessory and/or decorative structures specified in section 23-12 shall encroach into the public right-of-way. Notwithstanding and above, setbacks shall be provided to provide for required loading areas and service deliveries so that the alley is not blocked from vehicular traffic movements.

Sec. 23-32. - Standing space on lots where parking spaces provided away from the lot.

With respect to the provision for off-street parking as applied to any property on Blocks 11, 12, 20, or [21](#), and Lots 1 and 2 of Block 1 of Bay Harbor Islands as hereinabove described, there shall be provided on the same lot containing a structure, adequate space for standing, loading and unloading, in order to avoid interference with public use of the town's streets and alleys.



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	August 14, 2024
SUBJECT:	Town of Bay Harbor Islands – Amending the Town’s Code of ordinances related to the off-street loading zone.

RECOMMENDATION

Staff recommends that the Town Council approve the attached Ordinance amending Chapter 23, Article II, by renaming the “Reserved” Section 23-33 to “Off-Street Loading Zone.” This amendment aims to update the provisions related to off-street loading zones on private property and to restrict stopping and loading in the public right-of-way.

BACKGROUND / ANALYSIS

The Town of Bay Harbor Islands has encountered ongoing issues with commercial vehicles obstructing public rights-of-way, such as streets and alleys. Section 23-11(C)(3) emphasizes the necessity of setbacks to ensure that loading areas and service deliveries do not impede vehicular traffic in alleys. Additionally, Section 23-32 mandates that properties provide adequate space on-site for standing, loading, and unloading to prevent interference with public use of town streets and alleys. Despite these regulations, there has been a notable lack of compliance from property owners, leading to frequent blockages in town alleys.

On April 10, 2024, Councilwoman Mrs. Bruder mandated that Town Staff draft an ordinance requiring all loading zones to be established on private property. This directive was informed

by a comprehensive study comparing loading zone practices among neighboring municipalities such as the Village of Bal Harbour, Town of Surfside, Sunny Isles Beach, and Miami Beach. The comparative analysis highlighted effective strategies and regulatory frameworks that enhance traffic management and pedestrian safety.

Key Provisions of the Ordinance:

- **Space Dimensions:** Specifies minimum dimensions for off-street loading zones to accommodate commercial vehicles without obstructing public access.
- **Surface Materials:** Defines appropriate surface materials to ensure durability and suitability for loading and unloading activities.
- **Operational Restrictions:** Outlines operational guidelines to manage loading and unloading activities efficiently, minimizing disruption to neighboring properties and traffic flow.

The first reading of the proposed ordinance took place on May 8, 2024, with subsequent minor revisions to include specific provisions:

- Off-street loading zones cannot be utilized or entered by neighboring properties. Each plot or parcel of land is required to designate its individual off-street loading area.
- For multi-family residences, all off-street loading must occur on private property, except in cases deemed as non-conforming. In such instances, loading and unloading activities are permitted only in the swale area within the right-of-way and must not exceed fifteen (15) minutes.

The second reading of the proposed ordinance was held on June 18, 2024. At the request of the Town Council, additional wording was incorporated to accommodate projects with an active issued building permit, under building permit review, or that have received development site plan approval from the Design Review Board. These projects may proceed with their pre-approved plans if no changes are made, unless there is a floor area increase exceeding twenty-five (25) percent. The Town Council retains discretion to grant exceptions if property owners demonstrate a public benefit. For floor area increases of twenty-five (25) percent or more, Town Council approval is required. The ordinance is scheduled to be returned for second reading on August 14, 2024, for final adoption.

EXECUTE

To align with the council directive and the findings of the comparative analysis, we propose the following steps:

- Drafting a comprehensive ordinance outlining requirements for off-street loading zones on private property.
- Initiating an educational campaign to inform stakeholders about compliance and the benefits of designated loading zones.
- Implementing phased enforcement to ensure adherence to new regulations.
- Establishing monitoring mechanisms to evaluate the effectiveness of the ordinance and adjust as necessary based on stakeholder feedback.

CONCLUSION

The ordinance received approval during its first reading on May 8, 2024, and second reading on June 18, 2024, was deferred to incorporate minor adjustments recommended by the Town

Council. The ordinance is scheduled to be returned for second reading on August 14, 2024, for final adoption. Please review the highlighted changes below.

Section 23-33 of the Town Code is being amended to provide off-street loading zone regulations, as indicated by the new language below:

The off-street loading zone required by this article shall be located on the same plot or parcel of land they are intended to serve. Any building or structure currently in existence or constructed thereafter, which undergoes a structural alteration resulting in an increase in floor area value of twenty-five (25) percent or more, must include a designated loading zone within the property. For new construction utilizing enclosed structures for vehicle storage or parking, all required loading spaces must be located internally

Effective from [Date of Adoption], projects with an active issued building permit, under building permit review, or that have received development site plan approval from the Design Review Board may proceed with their pre-approved plans if no changes are made, unless there is a floor area increase exceeding twenty-five (25) percent. However, the Town Council has the discretion to grant exceptions if the property owner(s) demonstrate a public benefit. In cases where such an agreement exists and the floor area increases by twenty-five (25) percent or more, Town Council approval is required.

1. Definitions

- a. Off-Street Loading Zone: A designated area within a property intended for the standing, loading, or unloading of trucks, situated off the public right-of-way.
- b. Commercial Vehicle: Any vehicle used for the transportation of goods or materials as part of a commercial enterprise.

2. Loading Zone Requirements

- a. Off-street loading spaces required for businesses, commercial establishments, offices, mixed-used, hotels, or motels shall be provided in addition to required parking spaces.
- b. Off-street loading zones shall have a minimum width of twelve (12) feet, a minimum depth of thirty (30) feet, and a vertical clearance of at least fourteen and a half (14 ½) feet to accommodate standard commercial vehicles.
- c. Loading zones must be designated with markings and signage to clearly identify their location.
- d. Off-street loading zones are required to have a wearing surface consisting of at least one (1) inch of asphalt concrete, situated atop a compacted lime rock base measuring six (6) inches. This setup is designed to facilitate drainage, thereby minimizing the accumulation of standing water and potential damage to abutting properties and/or public rights-of-way (streets and alley).
- e. Loading zones shall be logically and conveniently arranged within the owner's private property, ensuring minimal interference with pedestrian and vehicular traffic. Off-street loading zones cannot be utilized or entered by neighboring properties. Each plot or parcel of land is required to designate

its individual off-street loading area. Additionally, reversing out of off-street loading zones is prohibited.

- f. Multi-family Only: All off-street loading must occur on private property, unless deemed as non-conforming. In such cases, loading and unloading activities are permitted to only utilize the swale area within the right-of-way and cannot last for more than fifteen (15) minutes.
 - g. Non-Confirming Properties.
 - i. Any non-conforming property undergoing structural alterations that result in a twenty-five (25) percent or greater increase in floor area must include a designated loading zone within the property.
 - ii. Non-conforming properties in the town, which do not have adequate space for off-street loading, are permitted to utilize only the swale area within the right-of-way during designated hours: 6:00 am to 10:00 am and 7:00 pm to 11:00 pm. Additionally, it is specified that at no time shall the alleys and Kane Concourse (96th Street) be used for an off-street loading space. The town manager or designee reserves the right to modify the timeframe if deemed necessary.
2. Prohibited
- a. Commercial vehicles loading or unloading is strictly prohibited from parking or blocking Kane Concourse (96th Street) at any time. Additionally, commercial vehicles loading or unloading is strictly prohibited in the alleys depicted on the recorded plat for Bay Harbor Islands between Blocks 11, 12, 20, and 21 at any time.
 - b. It shall be unlawful for any commercial vehicle to load or unload on within the town between the hours of 11:00 p.m. and 6:00 a.m. The town manager or designee reserves the right to modify the timeframe if deemed necessary.
 - c. The loading zones shall not be placed in a sight triangle.
 - d. Reversing or backing out of an off-street loading zone into the public right-of-way is prohibited, excluding single-family, duplex and multi-family only.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1. 2nd Reading Draft Ordinance
2. Regulation of off-site loading zone study.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO OFF-STREET LOADING; AMENDING CHAPTER 23, ARTICLE II, SECTION 23-33 RETITLING FROM RESERVED TO OFF-STREET LOADING ZONE PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands desires to adopt an Off-street loading Code to regulate loading and unloading on private property; and

WHEREAS, the Town Council periodically studies various land development trends and issues, and considers strategies and design guidelines to encourage the proper re-development of lands within the Town, and amends its Codes accordingly; and

WHEREAS, after studying of the existing Code provisions, the Town Council finds that a need exists to modify the existing Code provisions; and

WHEREAS, the Town Council held duly advertised public hearings to consider the proposed modifications to the Town's Building and Construction Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Chapter 23 Zoning and Planning Code is hereby amended to modify Article II, by retitling "Reserved" Section 23-33 to "Off-Street Loading Zone" to modify the provision related to loading zones on private property fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 8th day of May 2024.

PASSED on Second Reading this 14th day of August 2024.

MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

Exhibit "A"

Amendments to the Town of Bay Harbor Islands Code of Ordinances

Chapter 23 – ZONING AND PLANNING

ARTICLE I. – ZONING REGULATIONS

Sec. 23-11. - Land development regulations.

In all area districts hereinabove set forth and designated, there shall be front, rear and side yard setbacks provided for of not less than the dimensions specified, and other land development standards, as follows, to wit:

(C) B-1 Business district.

Building setbacks:

(3) Alleys depicted on the recorded plat for Bay Harbor Islands between Blocks 11, 12, 20 and 21 No building or structure or part thereof, other than permissible accessory and/or decorative structures specified in section 23-12 shall encroach into the public right-of-way. **Notwithstanding and above, setbacks shall be provided to provide for required loading areas and service deliveries so that the alley is not blocked from vehicular traffic movements.**

Sec. 23-32. - Standing space on lots where parking spaces are provided away from the lot.

With respect to the provision for off-street parking as applied to any property on Blocks 11, 12, 20, or 21, and Lots 1 and 2 of Block 1 of Bay Harbor Islands as hereinabove described, **there shall be provided on the same lot containing a structure, adequate space for standing, loading and unloading, in order to avoid interference with public use of the town's streets and alleys.**

Sec. 23-33. –Reserved Off-Street Loading Zone

The off-street loading zone required by this article shall be located on the same plot or parcel of land they are intended to serve. Any building or structure currently in existence or constructed thereafter, which undergoes a structural alteration resulting in an increase in floor area of twenty-five (25) percent or more, must include a designated loading zone within the property. For new construction utilizing enclosed structures for vehicle storage or parking, all required loading spaces must be located internally

Effective from [Date of Adoption], projects with an active issued building permit, under building permit review, or that have received development site plan approval from the Design Review Board may proceed with their pre-approved plans if no changes are

made, unless there is a floor area increase exceeding twenty-five (25) percent. However, the Town Council has the discretion to grant exceptions if the property owner(s) demonstrate a public benefit. In cases where such an agreement exists and the floor area increases by twenty-five (25) percent or more, Town Council approval is required.

1. Definitions

- a. Off-Street Loading Zone: A designated area within a property intended for the standing, loading, or unloading of trucks, situated off the public right-of-way.
- b. Commercial Vehicle: Any vehicle used for the transportation of goods or materials as part of a commercial enterprise.

2. Loading Zone Requirements

- a. Off-street loading spaces required for businesses, commercial establishments, offices, mixed-used, hotels, or motels shall be provided in addition to required parking spaces.
- b. Off-street loading zones shall have a minimum width of twelve (12) feet, a minimum depth of thirty (30) feet, and a vertical clearance of at least fourteen and a half (14 ½) feet to accommodate standard commercial vehicles.
- c. Loading zones must be designated with markings and signage to clearly identify their location.
- d. Off-street loading zones are required to have a wearing surface consisting of at least one (1) inch of asphalt concrete, situated atop a compacted lime rock base measuring six (6) inches. This setup is designed to facilitate drainage, thereby minimizing the accumulation of standing water and potential damage to abutting properties and/or public rights-of-way (streets and alley).
- e. Loading zones shall be logically and conveniently arranged within the owner's private property, ensuring minimal interference with pedestrian and vehicular traffic. Off-street loading zones cannot be utilized or entered by neighboring properties. Each plot or parcel of land is required to designate its individual off-street loading area. Additionally, reversing out of off-street loading zones is prohibited.
- f. Multi-family Only: All off-street loading must occur on private property, unless deemed as non-conforming. In such cases, loading and unloading activities are permitted to only utilize the swale area within the right-of-way and cannot last for more than fifteen (15) minutes.
- g. Non-Conforming Properties.
 - i. Any non-conforming property undergoing structural alterations that result in a twenty-five (25) percent or greater increase in floor area must include a designated loading zone within the property.
 - ii. Non-conforming properties in the town, which do not have adequate space for off-street loading, are permitted to utilize only the swale area within the right-of-way during designated hours: 6:00 am to 10:00 am and 7:00 pm to 11:00 pm. Additionally, it is specified that at no time shall the alleys and Kane Concourse (96th Street) be used for an off-street loading space. The town manager or designee reserves the right to modify the timeframe if deemed necessary.

3. Prohibited

- a. Commercial vehicles loading or unloading is strictly prohibited from parking or blocking Kane Concourse (96th Street) at any time. Additionally, commercial vehicles loading or unloading is strictly prohibited in the alleys depicted on the recorded plat for Bay Harbor Islands between Blocks 11, 12, 20, and 21 at any time.
- b. It shall be unlawful for any commercial vehicle to load or unload within the town between the hours of 11:00 p.m. and 6:00 a.m. The town manager or designee reserves the right to modify the timeframe if deemed necessary.
- c. The loading zones shall not be placed in a sight triangle.
- d. Reversing or backing out of an off-street loading zone into the public right-of-way is prohibited, excluding single-family, duplex and multi-family only.

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 25.

ITEM: Consideration and Approval of an ordinance on First Reading amending Section 5-23.01 of the Town Code regarding of appointments to the Design Review Board. Sponsored by Council Member Eric Rappaport. Enclosed is a copy of the proposed ordinance.

DESCRIPTION:

To facilitate a smooth transition for the Design Review Board and other town boards and committees, the Town has established a standardized application process. This new procedure requires all prospective and current board members to complete a fresh application and submit their resumes via email to the Town Clerk. The goal of this approach is to streamline both the appointment and reappointment processes, thereby improving transparency and efficiency. By adopting this system, the Town of Bay Harbor Islands aims to better manage board memberships, ensure the selection of qualified individuals, and address previous concerns about board composition and oversight.

The Town has made significant changes to enhance the Design Review Board's functionality. The board's size will be reduced from seven to five members, all of whom must possess relevant professional experience. The quorum requirement has also been lowered to three members. These adjustments address past difficulties with meeting quorum and aim to streamline board operations. Additionally, a new application process requires applicants to submit an application, cover letter, and resume via email, promoting a more transparent and organized system for board appointments. These measures are intended to improve the board's effectiveness, ensure qualified and engaged members, and enhance overall governance to better serve the community.

Staff recommends that the Town Council approves the attached Ordinance amending Chapter 5, Article II, Section 5-23.01 entitled "Design Review Board Membership". This amendment aims to update the provisions related to the process of appointing the Design Review Board members and alternates.

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	1st Reading Staff Memo (Design Review Board)
2.	1st Reading - Ordinance - Sec. 5-23.01. - Design review board membership
3.	Town of Bay Harbor Islands DRB Application



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Interim Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Consultant Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	August 14, 2024
SUBJECT:	Town of Bay Harbor Islands – Amending the Town’s Code of ordinances related to the Design Review Board.

RECOMMENDATION

Staff recommends that the Town Council approves the attached Ordinance amending Chapter 5, Article II, Section 5-23.01 entitle “Design Review Board Membership”. This amendment aims to update the provisions related to the process of appointing the Design Review Board members and alternates.

BACKGROUND

On September 10, 2012, the Town Council resigned from the Planning and Zoning Board to address conflicts of interest stemming from appeals of its decisions being reviewed by the same council members. The Planning and Zoning Board initially comprised seven (7) members: five (5) with expertise in fields such as engineering, architecture, land use and zoning law, city planning, or construction, and two (2) town residents without professional license requirements.

Legislation HB 401, enacted on July 1, 2021, reformed the Florida Building Code and amended Chapter 163, which regulates Land Development Regulations for single-family and duplex properties. The legislative amendments have sparked ongoing efforts to amend or repeal the new regulations to preserve local control over land development. In response to

these changes, which raised concerns among local governments, the Town Council directed staff to draft an ordinance incorporating suggestions, including renaming the Planning and Zoning Board to the Design Review Board. This change took effect on November 30, 2021.

ANALYSIS

Historically, the Town of Bay Harbor Islands has struggled to recruit seven (7) Design Review Board members with both professional qualifications and town residency. The current board comprises seven (7) members, with five (5) required to be employed full-time or have prior full-time experience in fields such as engineering, architecture, land use and zoning law, city planning, or construction, though residency is not required for these members. The remaining two (2) members must be town residents for at least one (1) year, but they do not need professional licenses or designations. Each member serves a two (2) year term unless they resign.

Over the past year, the Town Council has expressed concerns about the board's processes and regulations. Specifically, there is no formal application or reapplication process for board members, and there is a lack of oversight to ensure the board operates effectively. A review of the board's composition shows that, out of seven (7) members, six (6) are town residents, and all seven (7) have professional backgrounds. However, meeting attendance has been inconsistent, with an average of five (5) members attending the ten (10) scheduled meetings per year.

Comparative analysis of similar boards in neighboring towns—such as Surfside, Bal Harbour, and Sunny Isles Beach—reveals that their boards or committees are typically comprised solely of residents. For example, Bal Harbour's architectural review board has five (5) members, and Surfside's Planning and Zoning Board also consists of five (5) members.

To address these issues and enhance board functionality, the Town of Bay Harbor Islands has updated the ordinance to introduce more stringent professional requirements and reduce the board size from seven (7) to five (5) members with two (2) alternatives. This change aims to ensure that a quorum can be met more consistently, as demonstrated by the cancellation of a February 2023 meeting due to a lack of quorum. Additionally, a new advisory board application process has been developed to streamline the application and reapplication procedures.

EXECUTE

To ensure a smooth transition for the Design Review Board and other town boards and committees, the Town has introduced a standardized application process. This process requires all prospective and current board members to complete a new application and submit a copy of their resume. Applicants must email their completed application and resume to the Town Clerk.

This approach aims to streamline the appointment and reappointment process, enhancing transparency and efficiency. By implementing this application system, the Town of Bay Harbor Islands will better manage board memberships, ensure that qualified individuals are considered, and address past concerns about the board's composition and operational oversight.

CONCLUSION

The Town of Bay Harbor Islands has taken significant steps to address historical challenges with its Design Review Board and enhance its functionality. To resolve issues related to board member qualifications and attendance, the Town has restructured the board to consist of five (5) members, including those with relevant professional experience, while reducing the required quorum to three (3) members. This adjustment addresses previous difficulties in meeting quorum requirements and aims to streamline board operations.

In response to feedback and observed inefficiencies, the Town has introduced a new application process for board positions. This process requires applicants to submit an application, cover letter and resume via email, ensuring a more transparent and organized appointment system.

Overall, these measures will improve the effectiveness of the Design Review Board, ensure that members are well-qualified and engaged, and address concerns related to board operations and oversight. By implementing these changes, the Town of Bay Harbor Islands aims to enhance its governance, maintain high standards for board performance, and better serve its community.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1. Draft Ordinance
2. Application for Advisory Board/ Committee Appointments

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTIONS 5-23.01 OF THE TOWN'S CODE OF ORDINANCES AS RELATED TO THE DESIGN REVIEW BOARD; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE II ENTITLED DESIGN REVIEW BOARD; SECTIONS 5-23.01 ENTITLED DESIGN REVIEW BOARD MEMBERSHIP; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands originally adopted the Design Review Board on September 10, 2021, to review and evaluate applications as to whether the designs of the new development, redevelopment and/or improvements within the town is compatible with existing development; and

WHEREAS, the Town of Bay Harbor Islands desires to amend the Town Code to update the regulations concerning the appointment of Board members; and

WHEREAS, the Town Council periodically studies various land development trends and issues, and if felt to be appropriate amends the Town's Land Development Code regulations accordingly; and

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Building and Construction Code is hereby amended to modify Sections 5-23.-01 related to the planning, design and zoning board approval, as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become

and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

its passage and adoption.

PASSED on First Reading this 14th day of August 2024.

PASSED on Second Reading this TBA.

JOSHUS D. FULLER

MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC

TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP

TOWN ATTORNEYS

BY: JOSEPH S. GELLER, ESQ.

EXHIBIT A

Sec. 5-23.01. - Design Review Board Membership.; ~~appointment; vacancies; terms; removal; meetings; officers; and quorum.~~

a) *Members.* ~~Effective November 30th, 2021, the planning and zoning board which heretofore existed, shall be retitled as the design review board consisting of seven members. Up to five of the members shall be presently employed full time or were employed full time in the field of engineering, architecture, land use and zoning law, city planning, construction, or any other field which substantially relates to the planning and development of real estate. The Design Review Board, formerly known as the Planning and Zoning Board until its renaming on November 30, 2021, shall be composed of five (5) members and two (2) alternates. This board serves in an advisory role to the Town Council. The alternate shall have no voice and no vote until he or she is called by the town clerk to replace an absent regular member. To apply, the following requirements must be met:~~

1) ~~Five (5) members and two (2) alternates must meet at least one of the following criteria. They must be currently employed full-time in, or have been employed full-time in the past in:~~

- ~~i. Florida licensed PE or professional experience in engineer;~~
- ~~ii. Florida-licensed architect or professional experience in architecture;~~
- ~~iii. Florida-licensed attorney with professional experience in land use and zoning law;~~
- ~~iv. Certified planner (AICP) or professional experience in urban and regional planning;~~
- ~~v. Florida-licensed general contractor or a construction management professional, construction project manager, construction superintendent or construction estimator;~~
- ~~vi. Registered interior designer or professional experience in interior design;~~
- ~~vii. Florida-licensed landscape architect, arborist or professional experience in horticulture;~~
- ~~viii. Education and/or experience in sustainability and resiliency, which may include environmental science;~~
- ~~ix. Florida- licensed broker or real estate;~~
- ~~x. Other related profession.~~

- 2) ~~The professional two remaining~~ All members and alternates shall be residents of the town for a minimum of one (1) year. and they are not required to possess any professional license or professional designation.
 - 3) Each member of the design review board shall serve for a two-year term unless they resign, are no longer able to serve, or are otherwise removed as set forth in subsection (d).
- b) *Staggered board Term.* ~~The design review board shall be a staggered board. As such, as a one-time event in 2020, three of the seven appointed members appointed by the town council (who shall be selected randomly through a lottery type drawing") shall serve on the design review board for a one-year term. After the 2020 appointments, each member shall be appointed to serve on the design review board for two (2) year terms as set forth in subsection (a), above. Effective January 2025, the Design Review Board will transition to a non-staggered system where all board members and alternates will be appointed to serve two-year term. At the end of each term, both members and alternates must submit a new application to be considered for reappointment.~~
- c) *Appointment to the Design Review Board.* ~~Each Town council member shall submit one or more persons as candidates for consideration by the town council for appointment to the Design Review Board. All candidates are required to complete the Town's advisory board/committee application. Both new candidates and current members seeking reappointment must submit the necessary documentation. Along with the completed application, candidates must provide a cover letter, a resume, and evidence of their professional qualifications. If applicable, candidates must also include their license number. The members and alternates of the Design Review Board shall be appointed by resolution by the Town Council. All application documents must be emailed to the Town Clerk before any deadline.~~
- 1) The Town Council shall appoint five (5) board members and two (2) alternate by the majority vote of the Council present at the meeting. In order for a candidate to be appointed to the design review board, the candidate must meet the membership requirement of subsection (a) and must be approved by at least five (5) four (4) town council members, to act in an advisory capacity to the town council.
 - 2) The Town Council shall take into consideration a candidate's educational, technical, and professional experience. The candidate's profession, degrees, and training in engineering, architecture, planning, or other mobility safety

matters shall be taken into consideration by the Town Council when appointing members.

- d) *Vacancies.* ~~Should a design review board member resign, lose the residency requirement of subsection (b), be removed pursuant to subsection (d), or otherwise not be able to serve on the design review board for whatever reason, the member's vacancy shall be filled pursuant to subsection (b).~~ The Town Clerk shall issue a public notice regarding any vacancies on the Design Review Board. In the event that a Design Review Board member resigns, fails to meet the residency requirement specified in subsection (b), is removed in accordance with subsection (e), or is otherwise unable to fulfill their duties, the vacancy shall be filled by one (1) of the alternates to complete the remaining term. The Town Council shall appoint an alternate to serve as a member by a majority vote of the Council members present at the meeting.
- e) *Removal of members.* The Town Council, upon vote of at least ~~five (5)~~ four (4) Council members, may remove any Design Review Board member, with or without cause, at any time. ~~Any member who misses three (3) consecutive regularly scheduled design review board meetings or misses five (5) meetings in any 12-month period may be removed from the design review board.~~
- f) *Meetings.* One regularly scheduled Design Review Board meeting shall be scheduled monthly, in the evening on the first Tuesday of every month, or, if a different meeting date is deemed necessary, then the meeting can be rescheduled to a date to be selected by the board chair or the town manager, except that no regularly scheduled meetings shall be held in the months of July and December. If additional meeting(s) are desired, the chairperson, or ~~at least~~ a minimum of two (2) members of the board, or the mayor, or ~~at least~~ a minimum of two (2) town council members, may request a meeting, subject to availability and approval by a majority of the board members. The Town Clerk shall be responsible for publishing public notice of all Design Review Board meetings.
- I. No item may be discussed for longer than 45 minutes ~~absent a successful~~ without a motion to extend the time for discussion time, which shall be done only in increments not to exceed 15 minutes.
 - II. Meetings of the Design Review Board shall conclude by 11:00 p.m., provided that any item which has begun to be heard by the board before 11:00 p.m. shall be allowed to proceed until there is a board vote on the item (subject to the 45-minute limit established above). Any unfinished business shall be deferred to the next meeting.

III. There will be a two (2) minute time limit for each speaker during public comments.

- g) *Officers.* One member shall be elected by the Design Review Board as chairperson. One member shall be elected by the Design Review Board as vice-chairperson. The chairperson and vice-chairperson shall serve a term of one (1) year. A new election shall occur at the conclusion of the one (1) year term. In the event that the chairperson position becomes vacant within the one-year term, the vice-chairperson shall be appointed as chairperson for the duration of the prior chairperson's term and the Design Review Board shall elect a member to the vice-chairperson position for the duration of the prior vice-chairperson's term. The chairperson shall preside at overall Design and Review Board meetings. In the chairperson's absence, the vice-chairperson shall preside. ~~The chairperson~~ Town Clerk shall submit ~~any and all~~ reports and recommendations of the Design Review Board to the Town Council, at the following month's Council meeting. ~~The town shall provide a secretary for the design review board, and~~ The Town Clerk shall be the custodian of all records, books, and journals of the design review board.
- h) *Quorum.* ~~Four~~ Three (3) present members shall constitute a quorum.
- i) *Attendance.* All members and alternates are required to attend all regular scheduled meetings. Any members or alternates who miss three (3) consecutive regularly scheduled Design Review Board meetings or miss five (5) meetings in any twelve (12) month period may be removed from the design review board.
- j) [Rules, regulations.] The town council shall promulgate such rules and regulations as may be reasonably necessary to govern the operations of the design review board in the performance of its duties. Proper public meeting decorum shall occur, with respect for landowners, developers, board members, speakers and design professionals. In the absence of contrary rules approved by the town as to any matter, Robert's Rules of Order, Newly Revised, shall govern.



TOWN OF BAY HARBOR ISLANDS

APPLICATION FOR ADVISORY BOARD/COMMITTEE APPOINTMENTS

Please Completely Fill Out & Return this Application to the Town Clerk's Office for Processing. Town of Bay Harbor Islands·
1030 95th Street, Trailer 2 Bay Harbor Islands, FL 33154 ·
(305)-866-6241

Your Service to our Town is Earnestly Solicited

Service on a Board or Committee provides citizens with an opportunity to help shape policy and direction for the Town of Bay Harbor Islands. Residents are cordially invited to apply for appointment by the Town Council to a Town Board/Committee. Application must be completely filled out with a cover letter and/or resume. Please check Boards/Committees for which you wish to be considered:

☒ Design Review Board ☐ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency

Application is for: ☐ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: Design Review Board

* Per Section 112.317 Florida Statutes, Members of Some Boards are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: Enter First and Last Name E-Mail: Enter Email Residency Years: Select years

Residential Address: Enter your Address Bay Harbor Islands, FL Zip Code: 33154

Telephone number: Enter Phone Number Cell number: Enter Cell Number Business number: Enter Business Number

EDUCATION:

High School: Enter Name of High School Location: Enter the City, State

College: Enter Name of University or College Location: Enter the City, State

Year Completed: Enter Year Degree: Enter Your Degree Major: Enter Your Major

Other professional or technical training (Name of School, course name, etc.) Enter Name of School

EMPLOYMENT:

Please provide your current/pervious employment (attached a copy of a cover letter and/or resume)

Current/ Pervious Employer: Enter Name of Employment

Address: Enter your Address

Title: Job Title Years of Service: Enter Year

If you are applying for the **Design Review Board**, please check one of the following professional. Florida-licensed architect or professional experience in architecture;

Other professional: Enter Other Professional

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

Enter any specific expertise and/ or abilities.

ACKNOWLEDGMENT (Check Below:)

- ☐ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
- ☐ I understand that appointment to any of the positions indicated above is a voluntary service.
- ☐ If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.
- ☐ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board/committee.
- ☐ I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.
- ☐ I understand that I may sit on only one Council appointed board.

Please enter today's date

Signature of Applicant

Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present:

Absent:

Years served:

Elected:

☐ SEAT 1

☐ SEAT 2 (NO PROFESSIONAL)

☐ SEAT 3

☐ SEAT 4

☐ SEAT 5

☐ ALTERNATE 1

☐ ALTERNATE 2 (NO PROFESSIONAL)

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 26.

ITEM: Consideration and Approval of an ordinance on first reading amending Chapter 15 of the Town Code, by adding Section 15-2 regarding appointments to the Parks & Recreation Committee. Sponsored by Council Member Eric Rappaport. Enclosed is the proposed ordinance.

DESCRIPTION:

To facilitate a smooth transition for the Parks and Recreation Committee and other town boards and committees, the Town has established a standardized application process. This new procedure requires all prospective and current board members to complete a fresh application and submit it via email to the Town Clerk. The goal of this approach is to streamline both the appointment and reappointment processes, thereby improving transparency and efficiency. By adopting this system, the Town of Bay Harbor Islands aims to better manage board memberships, ensure the selection of qualified individuals, and address previous concerns about board composition and oversight.

The new ordinance will establish four (4) mandatory quarterly meetings each year, ensuring better planning and quorum consistency. It will set the Committee's size at five (5) members and two (2) alternates, with specific residency requirements and two-year terms. This restructuring is intended to improve the Committee's effectiveness and align its operations with the Town Code, thereby supporting the Town Council's goal of promoting public welfare. The ordinance will be presented for the First Reading on August 14, 2024, with the Second Reading to be scheduled subsequently.

Staff recommends that the Town Council approves the attached Ordinance amending Chapter 15, Article I, Section 15-2 to retitle from "Reserved" to "Parks and Recreation Committee". This amendment aims to update the provisions related to the process of appointing the Parks and Recreation Committee members and alternates.

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no financial impact to amend the code.

BUDGET IMPACT:

Submitted By:

Yvonne Hamilton, Town Clerk

Eric Rappaport, Council Member

ATTACHMENTS

1.	1st Reading Staff Memo for Council Agenda Items (Parks & Recreation Committee)
2.	Ordinance - 1st Reading Article Parks and Rec.
3.	Town of Bay Harbor Islands - Application example (P&R)



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Interim Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Consultant Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	August 14, 2024
SUBJECT:	Town of Bay Harbor Islands – Amending the Town’s Code of ordinances related to the Parks and Recreation Committee.

RECOMMENDATION

Staff recommends that the Town Council approves the attached Ordinance amending Chapter 15, Article I, Section 15-2 to retitle from “Reserved” to “Parks and Recreation Committee”. This amendment aims to update the provisions related to the process of appointing the Parks and Recreation Committee members and alternates.

BACKGROUND

The Town Council of Bay Harbor Islands is dedicated to the public health, safety, and welfare of its residents and visitors. On August 14, 2017, the Town Council established the Parks and Recreation Committee to address issues related to the planning and development of parks. This Committee is tasked with overseeing the provision of educational, recreational, leisure, and cultural activities within the community. The proposed ordinance seeks to update and refine the Committee’s role, structure, and procedures to better meet the Town's evolving needs.

ANALYSIS

The proposed ordinance introduces significant updates to Chapter 15 of the Town Code, which has previously relied on a resolution for the Parks and Recreation Committee's operations. The Committee currently does not have fixed meeting dates and schedules meetings as needed, with the Chair contacting the staff liaison, typically on short notice. This short timeframe has proved insufficient for preparing agendas and ensuring a quorum, leading to challenges in organizing effective meetings. To address these issues, the ordinance will mandate the establishment of four (4) mandatory quarterly meeting dates at the beginning of each year. By setting these dates in advance, the Committee's meetings will be added to the Town calendar, allowing for better preparation and ensuring that a quorum can be achieved consistently.

The ordinance specifies that the Committee will consist of a minimum of five (5) members and up to two (2) alternates. Alternates will participate in discussions and assist in establishing a quorum but will not vote if a quorum is already present. Members must be residents of the Town or demonstrate ownership in a local business for at least six (6) months, and they will serve two-year terms. Members wishing to continue after their term must reapply. The ordinance also requires that the Committee meet at least quarterly, with the meetings scheduled in advance, and submit written reports detailing its recommendations to the Town Clerk. The Committee will adopt its own rules of procedure and ensure compliance with public records and sunshine laws. Any expenditures or consultant assistance will need prior approval from the Town Council. Furthermore, a quorum will be established with the presence of three members, and the Town Manager will appoint a staff liaison to support the Committee, manage agendas, and ensure compliance with public notice requirements.

Additionally, a new advisory board/committee application process has been developed to streamline both the application and reapplication procedures for prospective Committee members. This updated process is designed to make it easier for candidates to apply and for the Town Council to review and appoint members efficiently.

EXECUTE

To implement the updated ordinance, several key actions will be taken. First, the Town Code will be amended to integrate the provisions of the Parks and Recreation Committee directly into Chapter 15, replacing the previous framework established by resolution. This change will formalize the Committee's structure and operations within the Town Code. Following this, the Town Clerk will publish a notice to inform the public of any vacancies on the Committee. The Town Council will then proceed with the appointment of new members according to the updated ordinance requirements. This process will involve reviewing applications and making appointments based on a majority vote of the Council members. Additionally, the Committee will be required to set its four (4) mandatory quarterly meeting dates at the beginning of each year, which will be added to the Town calendar. This advanced scheduling will facilitate better preparation for meetings, including the development of agendas and ensuring a quorum. The Town Clerk will oversee compliance with public notice and reporting requirements to ensure that all procedures are followed correctly. These steps are designed to ensure a smooth transition to the new ordinance and to enhance the efficiency and effectiveness of the Parks and Recreation Committee's operations.

CONCLUSION

The updated ordinance is designed to modernize and streamline the Parks and Recreation Committee's operations by incorporating its provisions directly into the Town Code. This transition from a resolution to an ordinance aims to enhance the effectiveness and clarity of the Committee's role in addressing community needs related to park development and recreational activities. By formalizing the Committee's structure, membership requirements, and procedural protocols, the Town seeks to better support the Town Council in its mission to promote public welfare. The ordinance will be presented for passage on First Reading on August 14, 2024, with the Second Reading scheduled for a later date to be announced.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1. Draft Ordinance
2. Application for Advisory Board/Committee Appointments

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO REGULATION OF THE PARKS AND RECREATION COMMITTEE; AMENDING CHAPTER 15, ARTICLE I, RETITLING FROM RESERVED TO SECTION 15-2 "THE PARKS AND RECREATION COMMITTEE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Bay Harbor Islands is responsible for the public health, safety, and welfare of the citizens of the Town of Bay Harbor Islands and those coming to the Town; and

WHEREAS, the Town Council originally adopted a Resolution for the Parks and Recreation Committee on August 14, 2017, to provide recommendations on issues relating to the planning and developing of parks and certain education, recreation, leisure and cultural development for the citizens of the Town of Bay Harbor Islands; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That Chapter 15 of the Town Code entitled Parks and Recreation is hereby retitled reserved to Section 15-2 "The Parks and Recreation Committee", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 14th day of August 2024.

PASSED on Second Reading this __ day of 2024.

JOSHUS D. FULLER

MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC

TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP

TOWN ATTORNEYS

BY: JOSEPH S. GELLER, ESQ.

EXHIBIT A

ARTICLE I. - IN GENERAL

Sec. 15-2. ~~-Reserved~~ The Parks and Recreation Committee

The Parks and Recreation Committee is charged with advising the Town Council upon issues involving the development and renovation of parks and recreational facilities that provide the Town of Bay Harbor Islands residents with opportunities for education, recreation, leisure and cultural development. The Committee will accomplish this mission through long-range planning and policy formation based upon monitoring public need and usage of park and recreational facilities for recommendation to the Town Council.

- a) *Members.* The membership of the Parks and Recreation Committee shall be five (5) members and two (2) additional members may be appointed by the Town Council to serve as alternates. Alternates may attend Committee Meetings in order to establish a quorum and, thereafter, participate in the discussion and vote on the matters presented. Alternates shall not vote or participate in discussion if a quorum is present without the alternate(s).
 - 1. All appointments shall be residents of the Town for a minimum of six (6) months or shall demonstrate an ownership interest for a minimum of six (6) months in a business located in the Town for a minimum of six (6) months.
- b) *Terms.* Members and alternates of the Parks and Recreation Committee shall be appointed to serve two-year terms. To be considered for reappointment, all members and alternates must reapply at the end of their term.
- c) *Appointments.* All candidates are required to complete the Town's advisory board/committee application. Both new candidates and current members seeking reappointment must submit the necessary documentation, along with the completed application and evidence of their residency. The members and alternates of the Parks and Recreation Committee shall be appointed by resolution by the Town Council. All application documents must be emailed to the Town Clerk before any deadline.
 - 1. The Town Council shall appoint five (5) board members and two (2) alternate by the majority vote of the Council present at the meeting. In order for a candidate to be appointed to the Parks and Recreation Committee, the candidate must meet the membership requirement and must be approved by at least four (4) town council members, to act in an advisory capacity to the Town Council.

- d) *Vacancies.* The Town Clerk shall issue a public notice regarding any vacancies on the Parks and Precreation Committee. In the event that a Parks and Recreation Committee member resigns, fails to meet the residency requirement, is removed in accordance with subsection (e), or is otherwise unable to fulfill their duties, the vacancy shall be filled by one (1) of the alternates to complete the remaining term. The Town Council shall appoint an alternate to serve as a member by a majority vote of the Council members present at the meeting.
- e) *Removal of members.* The Town Council, upon the vote of at least four (4) Council members, may remove any Parks and Precreation Committee member, with or without cause, at any time.
- f) *Meetings.* The Committee shall meet at least quarterly. The chairperson shall have the right to call meetings more often. The Town Clerk shall advise the Town Council if a Committee has not met at least once a quarter, at which time, the Town Council shall take a vote as to whether to dissolve the Committee.
 - 1. During the organizational meeting of the Committee each year, the membership shall elect a committee member to serve as Chairperson. The Committee may also elect a Secretary and a Vice Chairperson to preside in the absence of the Chair.
 - 2. Meetings of the Parks and Recreations Committee shall conclude by 9:00 p.m., provided that any item which has begun to be heard by the board before 9:00 p.m. shall be allowed to proceed until there is a board vote on the item. Any unfinished business shall be deferred to the next meeting.
 - 3. There will be a two (2) minute time limit for each speaker during public comments.
- g) *Notice of Meetings.* The Town Clerk shall be responsible for providing public notice of all Parks and Recreation Committee meetings.
- h) *Quorum.* The presence of a majority of the Committee members shall constitute a quorum. If a quorum is not present, the meeting shall not take place and no discussions, presentations, or exchange amongst Committee members shall occur.
- i) *Attendance.* Committee members who are absent three (3) or more times during a twelve (12) month period shall be subject to removal by the Town Council. The Committee staff liaison shall notify the Town Clerk when a member is absent more than three (3) times in a twelve (12) month period. The Town Clerk shall notify the Town Council of such absence and the Council shall decide if replacement is necessary and a vacancy exists. Compensation. Committee members shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.

- j) Staff Liaison. The Town Manager shall designate a staff member to serve as a liaison to the Committee. The liaison shall attend Committee meetings and provide staff support.
- k) Agenda. The staff liaison, in consultation with the chairperson, shall prepare an agenda for each Committee meeting. The agenda shall be submitted to the Town Clerk for posting.
- l) Committee Reports. The Chairperson or his/her designee shall submit a written report to the Town Clerk, that shall set forth the Committee's recommendations to the Town Council. The contents of the report shall be approved by the Committee prior to the submission to the Town Clerk and the Committee's presentation of the report to the Town Council, through its representative, at a publicly held meeting.
- m) Rules of Procedures. The Committee may adopt its own order of business and rules of procedure governing its meetings, and adverse not inconsistent with the provisions set forth herein. Such rules and procedures shall be filed with the Town Clerk. The Committee shall comply with all requirements of Chapter 119 (Public Records) and 286 (Sunshine Law), of the Florida Statutes, together with the Town Code of Ordinances.



TOWN OF BAY HARBOR ISLANDS

APPLICATION FOR ADVISORY BOARD/COMMITTEE APPOINTMENTS

Please Completely Fill Out & Return this Application to the Town Clerk's Office for Processing. Town of Bay Harbor Islands·
1030 95th Street, Trailer 2 Bay Harbor Islands, FL 33154 ·
(305)-866-6241

Your Service to our Town is Earnestly Solicited

Service on a Board or Committee provides citizens with an opportunity to help shape policy and direction for the Town of Bay Harbor Islands. Residents are cordially invited to apply for appointment by the Town Council to a Town Board/Committee. Application must be completely filled out with a cover letter and/or resume. Please check Boards/Committees for which you wish to be considered:

☐ Design Review Board ☒ Parks & Recreation Committee ☐ Charter & Ordinance Committee ☐ Sustainability & Resiliency

Application is for: ☐ New Appointment ☐ Re-submission ☐ If you currently serve on a Board, please state which Board: Parks & Recreation

* Per Section 112.317 Florida Statutes, Members of Some Boards are required to file a Financial Disclosure Report.

Please type or print information

PERSONAL:

Name: John

E-Mail: Smith

Residency Years: 5 yrs

Residential Address: 1234 W Bay Harbor Blvd

Bay Harbor Islands, FL Zip Code: 33154

Telephone number: 305-123-4567

Cell number: Enter Cell Number

Business number: Enter Business Number

EDUCATION:

High School: Enter Name of High School

Location: Enter the City, State

College: Enter Name of University or College

Location: Enter the City, State

Year Completed: Enter Year

Degree: Enter Your Degree

Major: Enter Your Major

Other professional or technical training (Name of School, course name, etc.) Enter Name of High School

EMPLOYMENT:

Please provide your current/pervious employment (attached a copy of a cover letter and/or resume)

Current/ Pervious Employer: Enter Name of Employment

Address: Enter your Address

Title: Job Title

Years of Service: Enter Year

If you are applying for the **Design Review Board**, please check one of the following professional. Please select a profession from the list

Other professional: N/A

OTHER QUALIFICATIONS:

Briefly describe any specific expertise and/or abilities that would pertain to your service on a Town Board/Committee:

Enter any specific expertise and/ or abilities.

ACKNOWLEDGMENT (Check Below:)

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review, and I waive any objections to such publication.
- ☒ I understand that appointment to any of the positions indicated above is a voluntary service.
- ☒ If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws or ordinances of the Town, County, and State of Florida, particularly those pertaining to the conduct of public office and the financial disclosure requirements, if applicable, to my position.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board/committee.
- ☒ I understand that if appointed, I must take the oath of office prescribed in the Florida Statutes.
- ☒ I understand that I may sit on only one Council appointed board.

8/14/2024

Signature of Applicant

Date

OFFICE USE ONLY

If the applicant is reapplying, provide their attendance.

Present: **Select days**

Absent: **Select days**

Years served: **Years Served**

The Council member nominating the applicant:

- | | | |
|--|---|--|
| ☐ Mayor Joshua D. Fuller | ☐ Vice Mayor Isaac Salver | ☐ Council Member Stephanie Bruder |
| ☐ Council Member Molly Diallo | ☐ Council Member Teri D'Amico | |
| ☐ Council Member Eric Rappaport | ☐ Council Member Robert H. Yaffe | |

Elected:

- | | | | | |
|--------------------------------------|--|---------------------------------|---------------------------------|---------------------------------|
| ☐ SEAT 1 | ☐ SEAT 2 (NO PROFESSIONAL) | ☐ SEAT 3 | ☐ SEAT 4 | ☐ SEAT 5 |
| ☐ ALTERNATE 1 | ☐ ALTERNATE 2 (NO PROFESSIONAL) | | | |

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 27.

ITEM: Consideration and Approval of an ordinance on first reading amending Section 12-26 of the Town Code regarding permissible hours for construction activity and landscaping and Section 12-27 regarding penalties. Enclosed is the draft ordinance and supporting documents. Sponsored by Council Member Robert Yaffe.

DESCRIPTION:

The updated ordinance standardizes permissible construction and landscaping hours to minimize disruptions and ensure consistency. Construction activities are restricted to weekdays from 9:00 a.m. to 6:00 p.m., adhering to a standard 9-hour workday. The ordinance introduces mandatory monthly meetings for ongoing construction projects to keep them informed about any changes in regulations. It also adjusts penalties for violations, introducing escalating fines and additional penalties for repeat offenses, including the issuance of Stop Work Orders. These updates aim to improve enforcement and compliance by clearly defining acceptable activities and associated penalties.

Additionally, the revised ordinance establishes a tiered penalty system for violations of construction and building regulations. A "Stop Work Order" will take effect on the next business day, with fines starting at \$1,000 for the first violation and increasing for subsequent infractions. The penalties include progressively longer durations for "Stop Work Orders," designed to deter repeated non-compliance and ensure corrective actions are implemented.

Staff recommends that the Town Council approve the attached Ordinance amending Section 12-26 of the Town Code regarding permissible hours for construction activity and landscaping and Section 12-27 regarding penalties. The proposed revisions aim to clarify and streamline regulations, improve enforcement, and enhance compliance with construction and landscaping activities within the Town.

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

There is no cost to amend the ordinance.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Robert Yaffe, Council Member

ATTACHMENTS

1.	Staff Memo for Council Agenda Items (Chapter 12)
2.	1 Draft Chapter 12 Sec. 12-26 & 12-27



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Interim Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Consultant Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Lorrainia Belle Town Planner
DATE:	August 14, 2024
SUBJECT:	Town of Bay Harbor Islands – Amending the Town’s Code of ordinances to clarify Section 12-26 of the Town Code regarding permissible hours for construction activity and landscaping and Section 12-27 regarding penalties.

RECOMMENDATION

Staff recommends that the Town Council approves the attached Ordinance amending Section 12-26 of the Town Code regarding permissible hours for construction activity and landscaping and Section 12-27 regarding penalties. The proposed revisions aim to clarify and streamline regulations, improve enforcement, and enhance compliance with construction and landscaping activities within the Town.

BACKGROUND

On May 8, 2024, the Town Council approved an amendment to Section 12-26, which specifies the permissible hours for construction and landscaping activities within the Town, including timing restrictions and specific rules for each activity. Section 12-27 was also updated to establish penalties for violations, incorporating a “Stop Work Order” provision. These updates were intended to address enforcement challenges and enhance compliance with Town standards by detailing permissible work times, interior repair hours, and landscaping procedures.

However, the amendment did not fully clarify the "Stop Work Order," particularly concerning whether the specified hours (8 hours or 24 hours) refer to work hours or

calendar hours. To resolve this, the hours have been clarified to reflect workdays, and a detailed description of what constitutes a "Stop Work Order" has been provided. This clarification ensures that all parties have a clear understanding of the regulations and enforcement measures.

The updated regulations establish a clear framework for managing construction activities and penalties for non-compliance. The purpose is to enhance oversight and communication between the Town and construction projects, and to ensure that violations of construction regulations are addressed effectively.

ANALYSIS

The updated ordinance standardizes permissible construction and landscaping hours to ensure consistency and minimize disruptions. Construction activities are limited to weekdays from 9:00 a.m. to 6:00 p.m., adhering to a standard 9-hour workday as outlined in Section 12-26(1)(a). New requirements include mandatory monthly meetings for active construction projects to keep stakeholders informed about any ordinance changes. Penalties for violations have been revised, with escalating fines and additional sanctions for repeat offenses, including Stop Work Orders. These measures are designed to improve enforcement and compliance by clearly defining acceptable activities and associated penalties.

The revised ordinance introduces a tiered penalty system for violations of construction and building regulations. A "Stop Work Order" will take effect on the next business day, with initial fines set at \$1,000 for the first violation, increasing for subsequent infractions. The penalties also include extended durations for "Stop Work Orders," aimed at deterring repeated non-compliance and ensuring that necessary corrective actions are taken.

EXECUTE

To implement these updates, the Town will amend the relevant sections of the Town Code. The revised regulations will be communicated to all stakeholders, including property owners, contractors, and landscaping companies. A new process for issuing and managing Stop Work Orders will be put into place, and a schedule for monthly meetings with the Code Enforcement department will be established for all active projects. The Town will also ensure that the updated regulations are reflected in public notices and enforcement practices to facilitate a smooth transition.

CONCLUSION

The proposed amendments to Sections 12-26 and 12-27 are designed to improve the clarity and effectiveness of construction and landscaping regulations within the Town. By defining permissible hours, setting clear penalties, and introducing new procedural requirements, the Town aims to enhance compliance, reduce disruptions, and support effective enforcement. The updates will provide a structured approach to managing construction and landscaping activities, ultimately benefiting the community by ensuring orderly and consistent practices.

Section 12-26 and 12-27 of the Town Code is being amended to provide clarity and effectiveness of construction and landscaping regulations within the Town, as indicated by the new underlined language below:

Sec. 12-26. - Permissible hours for construction activity and landscaping.

- (1) The performance of construction activity and landscaping within the town shall be allowed pursuant to the following schedule:
 - (a) Construction activity. Construction activity is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. No construction activity is permitted on Saturdays, Sundays, or legal holidays as defined hereinafter in subsection (2) below, except for watering in connection with dust mitigation. The arrival and departure of workers are limited to thirty (30) minutes before and after the above stated construction activity hours. All such pre-work and post-work activities shall be restricted to areas within 100 feet of the actual construction site. The Town may designate suitable locations for workers to congregate for those early arrival and/or late departure times, subject to rules and regulations to be promulgated by the Town. Workers shall remain in their vehicles when possible and not disturb neighboring properties or the Town in general. The Town may create and enforce rules and regulations to limit visible or outdoor worker activities, including but not limited to sanitation, the changing of clothes, cooking and eating, excessive noise, and the like. Unless a valid parking permit has been issued, all worker vehicles shall leave the designated temporary parking locations before 9:00 a.m. Noise / music emission must be in accordance with Section 12-20 through Section 12-23. Failure to comply with the above regulations may result in penalties as set forth in subsection 12-27.
 - (b) Interior repair and maintenance activity. Repair and maintenance activity inside a dwelling is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. Repair and maintenance activity inside a dwelling is permitted on Saturdays between the hours of 10:00 a.m. and 5:00 p.m., provided that the activity does not result in audible noise outside the dwelling.
 - (c) Landscaping activity. Landscaping activity is permitted from 9:00 a.m. until 6:00 p.m. Monday to Friday. On Saturdays, landscaping activity is permitted between the hours of 10:00 a.m. and 5:00 p.m., but only by owners and tenants. There shall be no use of leaf blowers on Saturdays. No commercial landscapers are permitted to perform work in the town on Saturdays.
 - (d) Town projects. Town projects are permitted from 8:00 a.m. until 6:00 p.m. Monday to Friday. Weekends and night-time hours shall be allowed at the discretion of the town manager, in the public's best interest to finish roadway and right of way projects expeditiously to minimize traffic impact and long-term inconvenience to residents and visitors of the town.
 - (e) Notwithstanding the 9:00 a.m. start time provided for in sections 1(a) and 1(b) above, projects that have submitted applications for new construction and foundation permits as of June 8, 2015 shall be permitted to perform construction activities from 8:00 a.m.
- (2) Except for watering as provided for in subsection (1)(a) above, no construction, repair, maintenance, or landscaping activity is permitted on Sundays or legal holidays, and the same is hereby specifically prohibited. For purposes of this section, the term "legal holidays" is defined as any day observed by the town as a legal holiday.
- (3) Notwithstanding the 9:00 a.m. start time provided for in sections 1(a) and 1(b) above, projects that have submitted applications for new construction and foundation permits as of June 8, 2015 shall be permitted to perform construction activities from 8:00 a.m.

until 6:00 p.m. Monday through Friday so long as all new construction and foundation permit(s) remain in full force and effect, except for construction activity located within 375 feet of Ruth K. Broad K-8 that shall commence no earlier than 9:00 a.m. Monday through Friday.

- (4) Effective from [Date of Adoption], all projects with active construction sites including new developments, redevelopments, and interior repairs with an issued building permit shall be required to attend monthly meetings with the Code Enforcement department. These meetings are mandatory and will be scheduled for the following Monday of each Town Council meeting. If the project representative is unable to attend, all communication must be provided at least three business days prior to the meeting. The meeting will ensure the project representatives are informed about any new or forthcoming ordinances approved by the Town Council.

Sec. 12-27. - Penalties.

This section establishes a detailed framework for fines and penalties related to violations of construction and building regulations within the Town. It aims to ensure compliance by imposing escalating penalties and additional actions for repeated infractions. Construction work is permitted from 9:00 a.m. to 6:00 p.m., Monday through Friday, with a standard workday of 9 hours, as specified in Section 12-26(1)(a). The following fines and penalties shall be imposed on violators of this article:

- (a) If a "Stop Work Order" is issued, it will take effect on the next business day, excluding Saturdays, Sundays, and legal holidays. The Town Manager or designee has the authority to sign the "Stop Work Order" for violations specified in Section 12-26(1)(a). Code enforcement shall promptly issue a written "Stop Work Order," signed by the Town Manager or designee, for any work conducted in violation of this section or any related permit conditions. This order shall be delivered to the property owner, the owner's agent, or the individual performing the work. The stop work order will specify the reasons for its issuance and the conditions that must be met before work can resume. No further work may take place until the necessary corrective actions, as determined by the Code officer, have been completed. For the purposes of this order nine (9) hours will be regarded as equivalent to one (1) "workday".
- i. For the first violation, the violator shall receive a notice of violation imposing a fine of \$1,000.00.
 - ii. Second violation: \$2,000.00 plus ~~eight-hour~~ one (1) workday of Stop Work Order. After a second violation, the property owner, the owner's agent, or the person performing the work shall meet with the Code officer to review the Code requirements and will be informed of the consequences for any future violations.
 - iii. Third violation: \$3,000.00 plus ~~twenty-four hour~~ three (3) workdays of Stop Work Order.
 - iv. Each subsequent violation: \$5,000.00 plus ~~forty-eight hour~~ five (5) workdays of Stop Work Order.

FINANCIAL ANALYSIS

GL Line Item Number: N/A

Total Amount Budgeted: N/A

Encumbered Amount: N/A

Balance Remaining: N/A

ATTACHMENTS

1. Draft Ordinance

ORDINANCE NO. ___

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-26 ENTITLED PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; AMENDING SECTION 12-27 ENTITLED PENALTIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands originally adopted a Nuisance Code in 1951 regulating construction activities among other activities for the community; and

WHEREAS, the Town Council periodically studies various land development trends and issues, and considers strategies and design guidelines to encourage the proper re-development of lands within the Town, and amends its Codes accordingly; and

WHEREAS, after studying of the existing Code provisions, the Town Council finds that a need exists to modify the existing Code provisions; and

WHEREAS, the Town Council held duly advertised public hearings to consider the proposed modifications to the Town's Building and Construction Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2: That the Town of Bay Harbor Islands Code of Ordinances is hereby amended to modify Chapter 12 entitled "Nuisances" by amending Article II entitled "Noise", as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this 14th day of August 2024

PASSED on Second Reading this__ day of September
2024.

JOSHUA D. FULLER
MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC TOWN
CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GREENSPOON MARDER, LLP TOWN
ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

Exhibit "A"

Amendments to the Town of Bay Harbor Islands Code of Ordinances

Chapter 12 - NUISANCES

ARTICLE II. - NOISE

Sec. 12-26. - Permissible hours for construction activity and landscaping.

(1) The performance of construction activity and landscaping within the town shall be allowed pursuant to the following schedule:

- (a) *Construction activity.* Construction activity is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. No construction activity is permitted on Saturdays, Sundays, or legal holidays as defined hereinafter in subsection (2) below, except for watering in connection with dust mitigation. The arrival and departure of workers are limited to thirty (30) minutes before and after the above stated construction activity hours. All such pre-work and post-work activities shall be restricted to areas within 100 feet of the actual construction site. The Town may designate suitable locations for workers to congregate for those early arrival and/or late departure times, subject to rules and regulations to be promulgated by the Town. Workers shall remain in their vehicles when possible and not disturb neighboring properties or the Town in general. The Town may create and enforce rules and regulations to limit visible or outdoor worker activities, including but not limited to sanitation, the changing of clothes, cooking and eating, excessive noise, and the like. Unless a valid parking permit has been issued, all worker vehicles shall leave the designated temporary parking locations before 9:00 a.m. Noise / music emission must be in accordance with Section 12-20 through Section 12-23. Failure to comply with the above regulations may result in penalties as set forth in subsection 12-27.
- (b) *Interior repair and maintenance activity.* Repair and maintenance activity inside a dwelling is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. Repair and maintenance activity inside a dwelling is permitted on Saturdays between the hours of 10:00 a.m. and 5:00 p.m., provided that the activity does not result in audible noise outside the dwelling.
- (c) *Landscaping activity.* Landscaping activity is permitted from 9:00 a.m. until 6:00 p.m. Monday to Friday. On Saturdays, landscaping activity is permitted between the hours of 10:00 a.m. and 5:00 p.m., but only by owners and tenants. There shall be no use of leaf blowers on Saturdays. No commercial landscapers are permitted to perform work in the town on Saturdays.

(d) *Town projects.* Town projects are permitted from 8:00 a.m. until 6:00 p.m. Monday to Friday. Weekends and night-time hours shall be allowed at the discretion of the town manager, in the public's best interest to finish roadway and right of way projects expeditiously to minimize traffic impact and long-term inconvenience to residents and visitors of the town.

(2) Except for watering as provided for in subsection (1)(a) above, no construction, repair, maintenance, or landscaping activity is permitted on Sundays or legal holidays, and the same is hereby specifically prohibited. For purposes of this section, the term "legal holidays" is defined as any day observed by the town as a legal holiday.

(3) Notwithstanding the 9:00 a.m. start time provided for in sections 1(a) and 1(b) above, projects that have submitted applications for new construction and foundation permits as of June 8, 2015 shall be permitted to perform construction activities from 8:00 a.m. until 6:00 p.m. Monday through Friday so long as all new construction and foundation permit(s) remain in full force and effect, except for construction activity located within 375 feet of Ruth K. Broad K-8 that shall commence no earlier than 9:00 a.m. Monday through Friday.

(4) Effective from [Date of Adoption], all projects with active construction sites including new developments, redevelopments, and interior repairs with an issued building permit shall be required to attend monthly meetings with the Code Enforcement department. These meetings are mandatory and will be scheduled for the following week after the Town Council meeting. If a project representative is unable to attend a meeting, a \$250.00 fee will be imposed for each missed meeting. The meeting will ensure the project representatives are informed about any new or forthcoming ordinances approved by the Town Council.

Sec. 12-27. - Penalties.

This section establishes a detailed framework for fines and penalties related to violations of construction and building regulations within the Town. It aims to ensure compliance by imposing escalating penalties and additional actions for repeated infractions. Construction work is permitted from 9:00 a.m. to 6:00 p.m., Monday through Friday, with a standard workday of 9 hours, as specified in Section 12-26(1)(a). The following fines and penalties shall be imposed on violators of this article:

(a) An issued "Stop Work Order", will take effect on the next business day, excluding Saturdays, Sundays, and legal holidays. The Town Manager or designee has the authority to sign the "Stop Work Order" for violations specified in Section 12-26(1)(a). Code enforcement shall promptly issue a written "Stop Work Order," sign by the Town Manager or designee, for any work conducted in violation of this section or any related permit conditions. This order shall be delivered to the property owner, the owner's agent, or the individual performing the work. The stop work order will specify the reasons for its issuance and the conditions that must be met before work can resume. No further work may take place until the necessary corrective actions, as determined by the Code officer, have been completed. For the purposes of this order, nine (9) hours will be regarded as equivalent to one (1) "workday".

- i. For the first violation, the violator shall receive a notice of violation imposing a fine of \$1,000.00.
 - ii. Second violation: \$2,000.00 plus ~~eight-hour~~ one (1) workday of Stop Work Order. After a second violation, the property owner, the owner's agent, or the person performing the work shall meet with the Code officer to review the Code requirements and will be informed of the consequences for any future violations.
 - iii. Third violation: \$3,000.00 plus ~~twenty-four hour~~ three (3) workdays of Stop Work Order.
 - iv. Each subsequent violation: \$5,000.00 plus ~~forty-eight hour~~ five (5) workdays of Stop Work Order.
- (b) However, notwithstanding the foregoing, for violation of section 12-26.1(b) and (c), the violator shall receive, for the first violation, a notice of violation imposing a fine of \$250.00, and for any subsequent violations, a notice of violation imposing a fine of \$500.00.
- (c) *Enforcement.* Failure to abide by the provisions of Section 12-26 shall constitute a violation of the Town Code. Each day that a violation continues shall be deemed a separate violation. Any owner, occupant, worker, or user of a construction site who fails to comply with the Code or adopted rules and regulations or fails to correct a violation of this section, after being given notice by the town, may be assessed a fine. In addition, the Building Official may prohibit the temporary parking of workers, suspend construction activities, or other actions for subsequent or repeat violations, including Stop Work Orders.

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 28.

ITEM: Request for Approval of the extension of a temporary Sales Center at 10301 East Bay Harbor Drive in connection with the development of the properties at 9781 and 9927-9955, 10190 & 10301 East Bay Harbor Drive, by 10301 Bay Harbor Development LLC. Sponsored by Council Member Molly Diallo. Enclosed is the applicant's Letter of Intent.

DESCRIPTION:

This request is for an additional extension of the temporary Sales Center at 10301 East Bay Harbor Drive in connection with the development of the properties at 9781 and 9927-9955, 10190 & 10301 East Bay Harbor Drive, by 10301 Bay Harbor Development LLC. The applicant is requesting the continued use of the existing sales center that was used for the Onda project for their development projects. The Town Council has granted prior extensions for this sales center in the past. The current extension request would allow for usage of the sales center location through December 31, 2025. The applicant, in appreciation for the extension of the sales center, would like to donate 50K to the Town to be used for event enhancements, transportation needs and overall beautification. Sponsored by Council Member Molly Diallo.

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

50K donation to be used for the Town's event enhancements, transportation needs and overall beautification.

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Molly Diallo, Council Member

ATTACHMENTS

1.	Staff Memo for Council Agenda 10301 EBHD Sales Center Ext
2.	Sales Center Extension LOI 10190_final



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Michael Miller, AICP Consultant Town Planner
DATE:	August 8, 2024
SUBJECT:	Request by 10301 Bay Harbor Development LLC for a 1-Year Extension for a Temporary Sales Center for Several Future Multifamily Residential Developments to be located at 9781 and 9927-9955, 10190 & 10301 East Bay Harbor Drive Sales Center Location: 10301 East Bay Harbor Drive

RECOMMENDATION

Staff recommends that the Town Council review the letter dated May 24, 2024, from the law firm representing a developer that controls & has obtained Site Plan approvals for several sites near the site (Regency Development Group) and consider extending the use of the subject property for a temporary Sales Center for one (1) additional year (August 2025).

BACKGROUND / ANALYSIS

The site has been developed as a temporary real estate sales center for several years, initially only for the new ONDA multifamily development located on the adjoining site west of the Sales Center. The applicant has apparently owned the subject site for a few years and is an affiliate of the Regency Development Group, who has already received approval from the Town for three (3) new multifamily redevelopment projects near the Sales Center site.

In addition, the developer is seeking approval of a fourth new multifamily redevelopment project in the same area.

On August 8, 2023 the Town Council granted a 1-year extension and accepted a donation of \$52,000 from the developer. The temporary sales center approval will expire in August 2024. They are now requesting another 1-year extension.

FINANCIAL ANALYSIS

There is no known financial impact to the Town. The Town will receive a nominal fee for the renewal of a Business Tax Receipt (BTR).

ATTACHMENTS



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6236 office
305.377.6222 fax
mamster@brzoninglaw.com

VIA ELECTRONIC MAIL & HAND DELIVERY

May 24, 2024

Maria Lasday, Town Manager
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida 33154

Re: Letter of Intent – Request for Extension of Temporary Sales
Office located at 10301 East Bay Harbor Drive, Town of Harbor
Islands

Dear Ms. Lasday:

This law firm represents 10301 Bay Harbor Drive, LLC, (the "Applicant"), the owner of the property located at 10301 East Bay Harbor Drive (the "Property") in the Town of Bay Harbor Islands (the "Town"). Please accept this letter as the Applicant's letter of intent in support of a request for an extension of the temporary sales office for the Property.

Property. The Property, shown in Figure 1, fronts the long curve of East Bay Harbor Drive and 103 street. It is further identified by Miami-Dade County Property Appraiser Folio Nos. 13-3227-001-0800 and consists of one (1) lot, platted as Lots 1 of Block 4, of the Bay Harbor Island Plat as recorded in Plat Book 46 at Page 5 of the public records of Miami-Dade County. The Property is approximately 14,460 square feet in size (0.331 acres), and it is zoned RM-1, Multiple Family Residential District (waterfront lots). The Property is currently improved with a temporary sale center and associated parking and landscaping. The prior approved plans, including conceptual plans are attached hereto, as Exhibit "A".

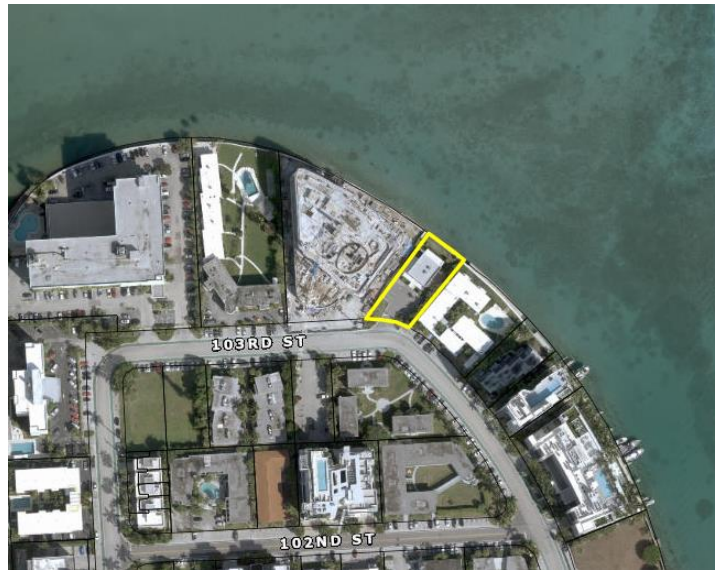


Figure 1

Property History. Under prior ownership, the Property was originally approved as a temporary sales office for the Onda Residences, an abutting development to the northeast of the Property. The Applicant has owned the Property for a few years and is an affiliate of the Regency Development Group, who have received approval for three (3) multifamily residential projects located in the immediate neighborhood. The Applicant is also in the process of seeking a fourth approval for a multifamily residential project located one (1) block south of the Property at 10190 East Bay Harbor Drive (the "Proposed Project"). The Town's Design Review Board approved multifamily residential developments located at 9955 East Bay Harbor Drive (32 units), 9781 East Bay Harbor Drive (9 units), and on the Property (9 units). All three (3) approved projects have and continue to use the current temporary sales office. The Applicant's Proposed Project contains 20 units.

Approved Projects Status. The Applicant is nearing completion of building permits for both 9781 and 9955 East Bay Harbor Drive and intends to break ground in late summer and fall of this year, respectively. Close to half of the units for each of these developments have been sold. For 10301 East Bay Harbor Drive, the Applicant will submit for building permit within a few months and notes that that process takes many months, likely eight (8) or more, and the Applicant anticipates breaking ground in late 2025. While not yet approved, the Applicant intends to submit permits later this year for the Proposed Project and be able to break ground by the end of 2025.

Request. The Applicant seeks to extend the use of the Property as a temporary sales office for an additional year, through August 2025. Pursuant to Section 5-5(g)(9) of the Town's Code of Ordinances, a temporary sales office approval is required at the discretion of the Town Council provided; (a) the location of an office provides for safe and efficient completion of the project with minimal disruption to existing residences, businesses, parking and traffic flows, and to ensure that the public services and facilities are available; (b) no office may exceed one story/12 feet in height above grade; and (c) the office and all related temporary facilities must be removed prior to the issuance of a certificate of occupancy.

Here, the Property has been approved for a temporary sales office with parking on the Property. The Applicant continues to maintain the beautiful building and associated landscaping. The Applicant requests a one-year extension through August 2025 to further sales for the approved projects and to start sales this summer for the Proposed Project. Use of the existing facility, specifically built for this purpose results in minimal disruption to existing residences, businesses, parking and traffic flows. In addition, the temporary sales office has already met the development standards set forth in the Town's Code of Ordinances.

Conclusion. The extension of the temporary sales office on the Property will provide the least amount of disruption for the neighborhood and is in compliance with the Town Code, with mindful consideration for current residents. Should you have any questions, comments, or require additional information, please contact me at (305) 377-6236.

Very truly yours,



Matthew Amster

Attachment

cc: Alex Troyanovsky
Michael Yanopoulos, Esq.

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 29.

ITEM: Consideration and Approval of a resolution granting the authority to the Town Manager to apply for a Line of Credit for emergency purposes, should the need arise. Sponsored by Council Member Stephanie Bruder. Enclosed is the proposed resolution.

DESCRIPTION:

The Town feels that it is prudent to be prepared for unanticipated emergency events and has reached out to various financial institutions & financial advisors to inquire about obtaining a line of credit for these types of unanticipated emergencies. For example, events such as hurricanes may leave the Town with unanticipated financial expenses for payment for items such as clean-up, infrastructure repairs, collection / disposal of solid waste or expenses associated with ensuring public safety. The financial institutions & financial advisors which the Town has reached out to have indicated that it is not prudent for the Town to obtain a line of credit in the absence of an actual emergency due to the excess money the Town will pay for “unutilized fees” (averaging 50K annually) associated with holding such a line of credit prior to the actual emergency. The recommendation from the financial institutions and the financial advisors is that the Town has a resolution on file authorizing the Town Manager to enter into the line of credit should it be needed during an emergency. With a pre-approved resolution authorizing the Town Manager to enter into a line of credit, the line of credit would be able to be secured within a matter of two weeks.

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Staff Memo for Council Agenda Items - Line of Credit
2.	Resolution - Line of Credit



**TOWN OF BAY HARBOR ISLANDS
BUILDING, PLANNING AND ZONING DEPARTMENT
MEMORANDUM**

TO:	Mayor and Town Council Members
FROM:	Jenice Rosado, ICMA-CM Town Manager
CC:	Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
DATE:	August 14, 2024
SUBJECT:	Line of Credit for Emergency Purposes

RECOMMENDATION

It is recommended that the Town Council consider putting the Town in a position to apply for a Line of Credit for emergency purposes, if necessary, during a hurricane or other declared emergency event in the Town.

BACKGROUND / ANALYSIS

The Town feels that it is prudent to be prepared for unanticipated emergency events and has reached out to various financial institutions & financial advisors to inquire about obtaining a line of credit for these types of unanticipated emergencies. For example, events such as hurricanes may leave the Town with unanticipated financial expenses for payment for items such as clean-up, infrastructure repairs, collection / disposal of solid waste or expenses associated with ensuring public safety. The financial institutions & financial advisors which the Town has reached out to have indicated that it is not prudent for the Town to obtain a line of credit in the absence of an actual emergency due to the excess money the Town will pay for “unutilized fees” (averaging 50K annually) associated with holding such a line of credit prior to the actual emergency. The recommendation from the financial institutions and the financial advisors is that the Town has a resolution on file authorizing the Town Manager to enter into the line of credit should it be needed during an emergency. With a pre-approved resolution authorizing the Town Manager to enter into a line of credit, the line of credit would be able to be secured within a matter of two weeks.

EXECUTE

If an emergency occurs and the immediate need for funds arises, while the line of credit is processing, the Town may tap into reserve funds to pay for the emergency expenditures. Funds would be reallocated back into reserves immediately following FEMA reimbursement.

FINANCIAL ANALYSIS

The cost associated with the issuance of a line of credit regarding a financial advisor and legal counsel would be approximately \$40,000.

ATTACHMENTS

1. Draft Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, GRANTING THE AUTHORITY TO THE TOWN MANAGER TO APPLY FOR A LINE OF CREDIT, WHEN NECESSARY, FOR EMERGENCY PURPOSES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Bay Harbor Islands, Florida desires to obtain liquidity financing for the purpose of enabling the town to better respond to an emergency event such as, but not limited to hurricanes, or other natural, biological, or man-made disasters that would require the payment of clean-up, collection and disposal of solid waste or other permitted cost to assure public safety and provide cash flow relief to the Town's General Fund; and

WHEREAS, a short-term financing, in the form of a line of credit, would assist the town by helping to fulfill unappropriated financial obligations that may result from responding to an emergency; and

WHEREAS, the Town Council of the Town of Bay Harbor Islands has determined it would be in the best interest of the Town to authorize the Town manager to apply for a line of credit for emergency purposes, when necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS:

Section 1. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. The Town Council hereby authorizes the Town Manager to borrow funds under a Line of Credit for emergency purposes not to exceed \$10 Million.

Section 3. The Town Manager shall notify the Town Council prior to borrowing any funds.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED and ADOPTED this 14th day of August 2024.

Joshua D. Fuller, Mayor

ATTEST:

Yvonne P. Hamilton, Town Clerk

APPROVED AS TO FORM:

**GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: Joseph S. Geller, Esq.**

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 30.

ITEM: Discussion and Possible regarding a resolution to enter into an Employment Agreement with Town Manager Jenice Rosado. Sponsored by Council Member Stephanie Bruder. Enclosed are the draft resolution and proposed agreement.

DESCRIPTION:

The attached proposed Town Manager contract outlines the terms and conditions of the Town Manager's employment. Items addressed within the contract are comparable and in line with the surrounding municipalities' pay and benefits (see attached survey).

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

Former Town Manager's annual salary & benefits (base salary, auto, and housing allowance) = \$309,550

Proposed Town Manager's annual salary & benefits (base salary, auto, and 457ICMA) = \$259,800

Annual salary savings for Town Manager = \$49,750

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Resolution - Jenice Rosado Town Manager Employment Agreement-August 14, 2024
2.	TM Contract
3.	Miami Dade County City Manager Salary Survey

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA,
APPROVING AN EMPLOYMENT AGREEMENT
WITH TOWN MANAGER JENICE ROSADO;
PROVIDING FOR INCORPORATION OF RECITALS;
AUTHORIZING EXECUTION OF THE AGREEMENT,
AUTHORIZING EXPENDITURE OF FUNDS; AND
SETTING AN EFFECTIVE DATE.**

WHEREAS, the Town Council appointed Jenice Rosado as the permanent Town Manager on June 18, 2024 and authorized the Town Attorney to negotiate an Employment Agreement (“Agreement”) for Town Manager services; and

WHEREAS, a copy of the agreement setting the terms and conditions of employment for town manager services is attached hereto as Exhibit 1; and

WHEREAS, after careful consideration, the Council has determined it is in the best interest and welfare of the citizens of the Town to approve the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bay Harbor Islands, Florida, as follows:

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

Section 2. The Agreement between the Town of Bay Harbor Islands and Town Manager Jenice Rosado is hereby approved in substantially the form attached hereto as “Exhibit 1”, and the Council authorizes the Mayor to execute the Agreement.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day of August 2024.

JOSHUA D. FULLER
MAYOR

ATTEST:

**YVONNE P. HAMILTON, CMC
TOWN CLERK**

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

**GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.**

**TOWN OF BAY HARBOR ISLANDS
TOWN MANAGER EMPLOYMENT AGREEMENT**

THIS TOWN MANAGER EMPLOYMENT AGREEMENT (“Agreement”), executed on this ____ day of _____, 2024, is by and between the Town of Bay Harbor Islands, Florida, a Florida municipal corporation (“Town”), and JENICE ROSADO (“Rosado” or “Town Manager”).

WITNESSETH:

WHEREAS, Article III, Section 3.01 of the Town’s Charter requires that there shall be a Town Manager who shall be the Chief Administrative Officer of the Town; and

WHEREAS, the Town desires to employ Rosado to serve as Town Manager of the Town, as provided in Article III of the Town Charter and as set forth in this Agreement; and

WHEREAS, the Town desires to provide for certain benefits and compensation for the Town Manager to establish conditions of employment applicable to the Town Manager; and

WHEREAS, Rosado desires to accept employment as the Town Manager of the Town under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises as set forth in this Agreement, the parties agree as follows:

Section 1. Employment.

- A.** The Town hereby hires and appoints Jenice Rosado as its Town Manager, under the terms established herein, to perform the duties and functions specified in the Town Charter and the Town’s Code of Ordinances (“Code”) and to perform such other legally permissible and proper duties and functions as the Town Council shall, from time to time, assign to the Town Manager.
- B.** The Town’s employment of Rosado as the Interim Town Manager began on June 10, 2024, and the Town Council appointed Rosado as the permanent Town Manager on June 18, 2024 (“Commencement Date”).
- C.** This Agreement shall remain in effect until terminated by the Town or the Town Manager, as provided for in this Agreement (“Term”).

Section 2. Duties and Obligations

- A.** The Town Manager shall fulfill and perform all duties, responsibilities, and obligations set forth in the Town Charter and Code as the Chief Administrative Officer of the Town to the best of her abilities, in a professional fashion, with full decorum, as historically

required of the Town Manager of the Town, and pursuant to the Code of Ethics of the International City/County Management Association, and applicable local, county, state and federal ethics codes, and all requirements of the Town's Employee Policies & Procedures Manual ("Employee Manual"), as may be amended from time to time.

- B. The position of Town Manager is an exempt position pursuant to the Federal Fair Labor Standards Act. The Town Manager shall dedicate no less than an average of forth (40) hours per week in the performance of her duties hereunder spread over a five (5) day work week (Monday through Friday). The Town Manager shall attend all meetings of the Town, and make herself accessible to the Town Council, Town employees, and Town agents during weekends, if reasonably necessary. The Town Manager or her designee shall attend all Town sponsored events held on weekends. The Town Manager shall be on call 24 hours a day to respond to emergencies within the Town and shall inform the Town Council of such emergencies as soon as reasonably practical.
- C. In the event the Town Manager is unable to perform her duties for more than fourteen (14) consecutive days, the Town Council shall designate an Acting Town Manager in accordance with the Town Charter and Code.

Section 3. Salary and Evaluation

- A. The Town shall pay the Town Manager an annual base salary of Two Hundred Fifty Thousand Dollars (\$250,000.00) payable in equal installments at the same time that all other Town employees are paid, retroactively effective June 10, 2024.
- B. The Town will provide the Town Manager with the same cost of living adjustments that it provides to the Town's other employees.
- C. The Town agrees to increase said base salary and/or other benefits of the Town Manager in such amounts and to such an extent as the Town Council may determine desirable based on annual performance. The Town's HR Director will email each Town Council member the ICMA Town Manager standard evaluation form on May 1st of each year and will be tasked with collecting the results of the evaluations. The evaluation results for the Town Manager will be placed on the Town Council Agenda in August of each year for determination of annual merit increase based on performance and merit increase shall be a max of 5% of the Town Manager's base salary.

Section 4. Automobile Allowance, Communications and Computer Equipment

- A. The Town shall grant the Town Manager an automobile allowance of Six Hundred Dollars (\$600.00) per month. The Town also agrees to reimburse the Town Manager for mileage for travel outside of Miami-Dade County associated with business of the Town pursuant to the Employee Manual.

- B. The Town shall provide the Town Manager with a Town cell phone to use for Town business purposes as set forth in the Employee Manual.
- C. The Town shall provide the Town Manager with a laptop computer or any other necessary equipment to use for Town business purposes as set forth in the Employee Manual.

Section 5. Dues and Subscriptions

The Town agrees to pay the Town Manager's reasonable and customary professional dues and subscriptions that are necessary for full participation in national, regional, state and local associations and organizations for the Town Manager's growth and advancement for the Town, including the International City/County Management Association and the Florida City and County Management Association. The Town shall pay other dues and subscriptions on behalf of the Town Manager as are approved in the Town's annual budget (on a line-item basis) or as authorized separately by the Town Council.

Section 6. Professional Development

Subject to the Town's prior approval, which shall not be unreasonably withheld, the Town agrees to pay reasonable and customary travel and per diem expenses for the Town Manager's travel to and attendance at the International City/County Management Association's annual conference, the Florida City and County Management Association's annual conference, the Miami-Dade League of Cities' annual conference, and the Florida League of Cities' annual conference. The Town Council may choose to pay for the Town Manager's attendance at other seminars, conferences, and committee meetings as it deems appropriate.

Section 7. Community Involvement

The Town recognizes the desirability of representation in and before local civic and other organizations and encourages the Town Manager to participate in these organizations to foster a continuing awareness of the Town's activities as well as the community's attitudes and ideas.

Section 8. Vacation and Sick Leave

Town Manager shall receive five (5) weeks of paid vacation per year. The Town Manager shall receive sick time and personal days as set forth in the Employee Manual. Unused vacation and sick leave shall rollover annually. The Town Manager will be allowed to cash out sick / vacation time annually as set forth in the Employee Manual.

Section 9. Paid Holidays

The Town Manager is entitled to the same paid holidays that the other Town employees receive, as set forth in the Employee Manual.

Section 10. Health, Dental, Life, Vision and Disability Insurance

The Town Manager shall be eligible to participate in the Health, Dental, Life, Vision and Disability Insurance that are offered to the Town's employees, pursuant to the Employee Manual and all terms and conditions of such insurance plans and policies required by the Town's insurance companies.

Section 11. Pension/Retirement/457 Plan

The Town Manager shall be eligible to participate in the Pension, Retirement, 457 Plan(s) that are offered to the Town's employees, pursuant to the Employee Manual and all terms and conditions of such plans and policies required by the Town's sponsors and plan administrators. The Town shall contribute \$100 bi-weekly to the Town Manager's 457 plan.

Section 12. Termination by the Town and Severance Pay

- A.** The Town Manager shall serve at the pleasure of the Town Council. The Town Council may terminate this Agreement and the Town Manager's employment with the Town at any time, with or without cause, pursuant to Section 3.01 of the Town Charter (as may be amended from time to time).
- B.** Should the Town Council terminate the services of the Town Manager "without cause", within ten (10) business days following such termination: 1) The Town Manager shall return to the Town any and all Town property which the Town Manager has in her possession, use and/or control; and 2) the Town shall pay the Town Manager all unused banked vacation, sick & personal time. The Town Manager shall also be paid a lump sum severance pay equal to twenty (20) weeks of her base salary ("Severance Pay") in exchange for the Town Manager's execution of a general release of all claims that the Town Manager may have against the Town, its Council Members, agents, attorneys, insurers, and employees for all matters related to, arising out of, or concerning this Agreement and the Town Manager's employment from the beginning of time until the date of the general release ("General Release"). The General Release shall be prepared by the Town Attorney.
- C.** Should the Town Council terminate the services of the Town Manager "with cause", within ten (10) business days following such termination: 1) The Town Manager shall return to the Town any and all Town property which the Town Manager has in her possession, use and/or control; and 2) the Town shall pay the Town Manager all unused banked vacation, sick & personal time. Additionally, the Town may elect to pay Severance Pay, in its sole and absolute discretion, in exchange for the Town Manager's

execution of the General Release. For purposes of this Agreement termination “with cause” is defined as any of the following:

1. Misconduct as defined by Florida Statutes Section 443.036(29) (as may be amended).
2. Misfeasance, malfeasance and/or nonfeasance in performance of the Town Manager’s duties and responsibilities.
3. Conviction or a plea of guilty or no contest to a misdemeanor or felony, whether or not adjudication is withheld.
4. Neglect of any duty or obligation, including the inability or unwillingness to properly discharge the responsibilities of the Town Manager.
5. Violation of the Employee Manual, which would subject any other Town employee to termination.
6. The commission of any fraudulent act against the interest of the Town.
7. The commission of any act which involves moral turpitude, or which causes the Town disrepute.
8. A violation of the International City/County Management Association Code of Ethics, and any applicable local, county, state and federal ethics codes.

Section 13. Resignation/Termination by the Town Manager

The Town Manager may resign and terminate this Agreement at any time by delivering to the Town Council a written notice of resignation no later than sixty (60) days prior to the effective date of the termination. If the Town Manager terminates this Agreement, the Town Manager shall only be entitled to payment of all unused banked vacation, sick & personal time. The Town shall not be obligated to pay the Town Manager Severance Pay. The Town may elect to pay the Severance Pay, in its sole and absolute discretion, in exchange for the Town Manager’s execution of the General Release. The Town shall have no further financial obligation to the Town Manager pursuant to this Agreement. The Town Manager shall return to the Town any and all Town property which the Town Manager has in her possession, use and/or control within ten (10) business days of her termination.

Section 14. Disability

If the Town Manager becomes permanently disabled or is otherwise unable to perform her duties because of sickness, accident, injury, mental incapacity or health for a period of four

(4) consecutive weeks beyond any leave authorized by the Employee Manual, the Town shall have the option to terminate this Agreement, and the Town Manager shall receive the Severance Payment in exchange for the General Release (if Town Manager or Town Manager's guardian or attorney in fact or law is lawfully capable of executing the General Release).

Section 15. Indemnification

The Town shall indemnify the Town Manager as set forth in Section 2.2 of the Code (as may be amended from time to time). The Town, however, shall not be required to indemnify the Town Manager and shall not be liable for the acts or omissions of the Town Manager committed while acting outside the scope of her duties as required by this Agreement, or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful negligence or disregard of human life or property ("Unauthorized Acts"). The Town Manager shall indemnify and hold the Town harmless from and against all claims and damages including legal fees and expenses that the Town may incur or otherwise pay, for or on her behalf, or in connection with the Unauthorized Acts.

Section 16. Bonding

The Town agrees to bear the full cost of any fidelity or other bonds required of the Town Manager under any policy, regulation, ordinance or law.

Section 17. Attorney's Fees

If any litigation is commenced between the parties concerning, relating to or arising out of this Agreement, the party prevailing in such litigation will be entitled, in addition to such other relief as may be granted, to reasonable attorneys' fees and costs incurred in connection therewith, including appellate fees and expenses. The prevailing party shall also be entitled to receive all reasonable attorneys' fees and costs incurred to litigate the amount of reasonable attorneys' fees that shall be awarded pursuant to this section.

Section 18. General Provisions

- A.** If any provision, or any portion thereof, contained in this Agreement is held by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.
- B.** The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.
- C.** This Agreement shall be binding upon and inure to the benefit of the heirs at law or personal representative of the Town Manager.

- D. This Agreement contains the entire agreement of the parties and supersedes any prior conversation, negotiation, or understanding applicable to the matters set forth herein. This Agreement may only be revised or amended in writing signed by both parties.
- E. Florida law shall govern this Agreement and any litigation that may arise from this Agreement, shall be filed, and litigated in Miami-Dade County, Florida.
- F. The parties acknowledge that each has shared equally in the drafting and preparation of this Agreement and, accordingly, no court construing this Agreement shall construe it more strictly against one party than the other and every covenant, term and provision of this Agreement shall be construed simply according to its fair meaning.
- G. This Agreement may be executed in duplicate or counterparts, each of which shall be deemed an original and all of which together shall be deemed one and the same instrument. Signed copies shall be valid for all purposes in lieu of the originals.
- H. No term, condition or covenant of this Agreement shall be binding on either party until both parties have signed it.
- I. This Agreement shall not be effective until it is: a) signed by all parties; and b) approved by the Town Council.

Executed by the TOWN this 14th day of August 2024.

TOWN OF BAY HARBOR ISLANDS

By: _____
JOSHUA FULLER
MAYOR

ATTEST:

YVONNE HAMILTON
TOWN CLERK

Executed by the TOWN MANAGER this 14th day of August 2024.

Witnesses:

Signature By: _____
JENICE ROSADO

TOWN MANAGER

Print Name

Signature

Print Name

City Manager Performance Evaluation

City of _____

Evaluation period: _____ to _____

Governing Body Member's Name

Each member of the governing body should complete this evaluation form, sign it in the space below, and return it to _____. The deadline for submitting this performance evaluation is _____. Evaluations will be summarized and included on the agenda for discussion at the work session on _____.

Mayor's Signature

Date

Governing Body Member's Signature

Date Submitted

INSTRUCTIONS

This evaluation form contains ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the city manager's performance.

5 = Excellent (almost always exceeds the performance standard)

4 = Above average (generally exceeds the performance standard)

3 = Average (generally meets the performance standard)

2 = Below average (usually does not meet the performance standard)

1 = Poor (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly.

Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the governing body to the city manager as part of the agenda for the meeting indicated on the cover page.

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

_____ Diligent and thorough in the discharge of duties, "self-starter"

_____ Exercises good judgment

_____ Displays enthusiasm, cooperation, and will to adapt

_____ Mental and physical stamina appropriate for the position

_____ Exhibits composure, appearance and attitude appropriate for executive position

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

2. PROFESSIONAL SKILLS AND STATUS

- _____ Maintains knowledge of current developments affecting the practice of local government management
- _____ Demonstrates a capacity for innovation and creativity
- _____ Anticipates and analyzes problems to develop effective approaches for solving them
- _____ Willing to try new ideas proposed by governing body members and/or staff
- _____ Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

3. RELATIONS WITH ELECTED MEMBERS OF THE GOVERNING BODY

- _____ Carries out directives of the body as a whole as opposed to those of any one member or minority group
- _____ Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
- _____ Disseminates complete and accurate information equally to all members in a timely manner
- _____ Assists by facilitating decision making without usurping authority
- _____ Responds well to requests, advice, and constructive criticism

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

4. POLICY EXECUTION

- _____ Implements governing body actions in accordance with the intent of council
- _____ Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- _____ Understands, supports, and enforces local government's laws, policies, and ordinances
- _____ Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
- _____ Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

5. REPORTING

- _____ Provides regular information and reports to the governing body concerning matters of importance to the local government, using the city charter as guide
- _____ Responds in a timely manner to requests from the governing body for special reports
- _____ Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature
- _____ Reports produced by the manager are accurate, comprehensive, concise and written to their intended audience
- _____ Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

6. CITIZEN RELATIONS

- _____ Responsive to requests from citizens
- _____ Demonstrates a dedication to service to the community and its citizens
- _____ Maintains a nonpartisan approach in dealing with the news media
- _____ Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- _____ Gives an appropriate effort to maintain citizen satisfaction with city services

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

7. STAFFING

- _____ Recruits and retains competent personnel for staff positions
- _____ Applies an appropriate level of supervision to improve any areas of substandard performance
- _____ Stays accurately informed and appropriately concerned about employee relations
- _____ Professionally manages the compensation and benefits plan
- _____ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

8. SUPERVISION

- _____ Encourages heads of departments to make decisions within their jurisdictions with minimal city manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- _____ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- _____ Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the city manager's office
- _____ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- _____ Encourages teamwork, innovation, and effective problem-solving among the staff members

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

9. FISCAL MANAGEMENT

- _____ Prepares a balanced budget to provide services at a level directed by council
- _____ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- _____ Prepares a budget and budgetary recommendations in an intelligent and accessible format
- _____ Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- _____ Appropriately monitors and manages fiscal activities of the organization

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

10. COMMUNITY

- _____ Shares responsibility for addressing the difficult issues facing the city
- _____ Avoids unnecessary controversy
- _____ Cooperates with neighboring communities and the county
- _____ Helps the council address future needs and develop adequate plans to address long term trends
- _____ Cooperates with other regional, state and federal government agencies

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principle results achieved during the rating period? _____

What performance area(s) would you identify as most critical for improvement? _____

What constructive suggestions or assistance can you offer the manager to enhance performance? _____

What other comments do you have for the manager; e.g., priorities, expectations, goals or objectives for the new rating period? _____

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	City Name	County	Years of Service as a mgr	Contract	Type of Contract	Length of Contract	Annual Salary	Performance Bonus	P Bonus is Based on	Amount of Exp Allowance	Car Allowance per month	Housing Allowance	Severance Pay	Severance Pay Amount	Severance Pay includes Pension and Health
2	Aventura	Miami-Dade County	5	Yes	Employment Agreement	Indefinite	\$267,752.28	Yes	Annual evaluation by City Commission	\$70 phone/month	\$500.00	N/A	Yes	16 weeks salary, plus any accrue leave he has	N/A
3	Bal Harbour	Miami-Dade County	4	Yes	Employment Agreement	Indefinite	\$325,000.00	One time retention bonus of \$25,000 upon completion of 5 years of service	Years of service	Reasonable professional dues and subscriptions and professional development, Cell phone allowance of \$150/month	Car provided by Village	N/A	Yes	20 weeks' salary	Yes
4	Bay Harbor Islands	Miami-Dade County	3	Yes	Employment Agreement	Indefinite	\$283,550.00	No	N/A	Town provides a cell phone. Reasonable professional dues and subscriptions and professional development.	\$500 monthly allowance for transportation.	N/A	Yes	12 weeks salary	N/A
5	Biscayne Park	Miami-Dade County	>1	Yes	Employment Agreement	Indefinite	\$100,000.00	No	N/A	Professional development and dues	\$400	No	Yes	8 weeks after probationary period, 4 weeks added each year with a cap of 16 weeks	No
6	Coral Gables	Miami-Dade County	5	Yes	At Will of the City Commission	N/A	\$285,222.00	N/A	N/A	N/A	\$650.00	N/A	Yes	20 weeks of salary	20 weeks paid of full salary
7	Cutler Bay	Miami-Dade County	10	Yes	Employment Agreement	3 years	\$300,633.32	Yes	3% merit pay increase based on performance	\$250.00 Expense Allowance + \$200.00 Phone Allowance	\$600.00	N/A	Yes	Twenty (20) weeks of Regular Base Salary	Yes for Health Care
8	Doral	Miami-Dade County	1	Yes	Employment Agreement	Indefinite	\$257,875.08	Salary auto increased 5% a year	N/A	Dues and Subscriptions, professional development	\$700 a month or a City Vehicle. Plus \$500 monthly stipend	N/A	Yes	20 weeks	No
9	El Portal	Miami-Dade County	5	Yes	Employment Agreement		\$134,894.00	Yes	5% increase after 1st year of employment and after the 1st year, 3% increase	Necessary professional dues and subscriptions	\$420.00	N/A			100%

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
10	Golden Beach	Miami-Dade County	16	Yes	Employment Agreement	3 years	\$305,586.00	Yes	Annual performance review	N/A	\$13,343 per year	N/A	Yes	12 months aggregate salary	Medical
11	Homestead	Miami-Dade County	2	Yes	Employment Agreement	3 years	\$260,000.00	Possibly	Based on Evaluation	Reasonable professional dues and subscriptions; applicable travel and subsistence expenses for professional development; \$200 for cell phone	\$750.00	N/A	Yes	Lesser of either 20 weeks salary or the unexpired portion of the term	Continues while receiving severance pay
12	Key Biscayne	Miami-Dade County	2	Yes	Employment Agreement	Indefinite	\$233,771.36	N/A	N/A	N/A	\$500.00	N/A	Yes	90 days	N/A
13	Miami	Miami-Dade County	4				\$423,822.00				City provided vehicle		Yes	5 months' salary	Yes
14	Miami Beach	Miami-Dade County	2	Yes	Employment Agreement	4 years	\$360,500.00	Yes, up to 10% per year	meeting agreed upon objectives (in agreement but not yet implemented)	Reasonable dues and subscriptions	\$800.00	No	Yes	12 weeks pay	Health and dental insurance for employee and family for one year
15	Miami Gardens	Miami-Dade County	11	Yes	Employment Agreement	Continues until termination	\$299,251.68	No	N/A	Cell allowance \$150/month	\$600.00	0	Yes	20 weeks' salary	Yes

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
16	Miami Lakes	Miami-Dade County	2	Yes	Employment Agreement	5 years	\$220,375.00	N/A	N/A	Customary dues and subscriptions	\$650.00	N/A	Yes	16 Weeks	Yes
17	Miami Shores	Miami-Dade County	1	Yes	Employment Agreement	Open Ended	\$206,246.14	N/A	Subject to Village Council discretion; however, the Village pays \$6,500 Executive Bonus (per annum)	\$6500 executive allowance	Car provided	N/A	Yes	Lump sum severance pay equal to 20 weeks	Health Insurance
18	Miami Springs	Miami-Dade County	>1	Yes	Employment Agreement	Indefinite	\$180,000.00	No	N/A	N/A	\$450.00	No	Yes	On or prior to 9/5/24 = 4 weeks, from 9/6/24 to 9/5/25 = 6 weeks, from 9/6/25 to 9/5/26 = 7 weeks, after 9/5/27 = 12 weeks	Yes, health insurance
19	North Bay Village	Miami-Dade County	4	Yes - Charter Officer	Employment Contract	Annual Review	\$208,372.32	Up to \$25,000 Annually (\$5k p/goal)	Established goals by each Elected Official	\$400/month	7,199.92 annually	N/A	Yes	20 Weeks if term w/o cause after June 13, 2022	Yes
20	North Miami	Miami-Dade County		Yes	Employment Agreement Contract	3 years	\$272,584.00			Cell Phone \$200/month	\$750/month		Yes	20 weeks salary and unused leave	
21	North Miami Beach	Miami-Dade County	>1	Yes	Employment Agreement		\$234,333.33	\$15,000	Completion of 5 years with City	Professional dues and subscriptions, \$150 for cell phone	Vehicle Provided		Yes	15 weeks in first year, 18 weeks in second year and 20 weeks in remaining years	No
22	Palmetto Bay	Miami-Dade County	3	Yes	Employment Agreement	3 years	\$202,854.00	Same Merit Pay Increase and COLA as employees			\$700.00	None	Yes	20 weeks	1 year of medical insurance benefits for each full two years of service

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
23	Pinecrest	Miami-Dade County	14	Yes	Perpetual		\$261,826.50	N/A	N/A		\$600	No	Yes	Lump Sum = Four (4) months of salary and retirement contribution	Health Insurance premiums for 6 months
24	South Miami	Miami-Dade County	>1	Yes	Employment Agreement	3 years	\$259,703.39	No	N/A	Professional development and dues	\$600.00		Yes	4 months' salary minimum	Yes
25	Sunny Isles Beach	Miami-Dade County	2	Yes	Employment Agreement	Until termination or resignation	\$268,830.00	No	N/A	City provided cell phone	\$600.00	No	Yes	20 weeks	
26	Surfside	Miami-Dade County	1	Yes	Employment Agreement	open-ended	\$226,600.00			N/A	750/month	N/A	Yes	20 weeks	No
27	West Miami	Miami-Dade County	>1	Yes	Employment Agreement	5 years	\$204,750.00	Yes	Commission Annual Evaluation	\$1,500.00	\$500.00	No	Yes	One year	Yes

	P	Q	R	S	T	U	V	W	X	Y	Z
1	Annual Leave Days	Sick Leave	Personal Days	Paid Holidays	Medical Insurance, Portion the City Pays	Dental Insurance, Portion, the City Pays	Vision Insurance, Portion, the City Pays	Life Insurance Amount Paid By City	Short Term Disability Paid by City	Long Term Disability Paid by City	Pension
2	20 days	95 hours per year	2	10	100%	100%	100%	1x annual salary	100%	100%	City 401 plan - pays 18% of base salary.
3	4 weeks	Same as other non- union Village employees		Same as other non- union Village employees	100% for employee and dependents	100% for employee and dependents	100% for employee and dependents				401, 457, and/or other deferred compensation plan designated by employee
4	5 weeks	Same as other employees		Same as other employees	Same as other employees	Included in Medical Insurance amount	Same as other employees	Same as other employees	Same as other employees	Same as other employees	Participates in General Employees' Pension Plan
5	Same as full time employees	Same as full time employees	40 hours in compensatory time	Same as full time employees	Same as non-union employees	Same as non-union employees	Same as non-union employees	One years salary	Same as non-union employees	Same as non-union employees	FRS Senior Management
6	152 hours	110 hours	N/A	12 days	100%	100%	100%	551153%	100%	100%	25% of yearly base
7	23	Same as other Town employees	Same as other Town employees	All holidays recognized by the Town	Same as other Town employees	Same as other Town employees	Same as other Town employees	\$310,000 death benefit 10-year term policy, if TM is underwritten for the highest rating for a Standard Plus Non- Tobacco user by the	Same as other Town employees	Same as other Town employees	FRS
8	26 days (PTO) plus 75 hours		2	12	100% for employee and family, or an allowance of \$1,000 total monthly.	100% for employee and family, or an allowance of \$1,000 total monthly.	100% for employee and family, or an allowance of \$1,000 total monthly.	800k max	100%	100%	Not to exceed 18% to 401k, vested immediately. Maximum allowed into ICMA-RC Deferred Comp Plan
9	20	10 (same 10 days of PTO)	N/A	10	100%	100%	100%	100%	50%	50%	FRS

	P	Q	R	S	T	U	V	W	X	Y	Z
10	4 weeks, accrued in the same manner as other general employees	2 weeks	Up to 40 hours of paid administrative leave at the discretion of the Mayor	15	100%	100%	100%	100%	Insurance covers 66.57% of salary should the Town Manager go out on disability	Insurance covers 66.57% of salary should the Town Manager go out on disability	Yes but can elect to participate in DROP on same terms and conditions for police members. Town pays corresponding increase to actuarially determined contribution.
11	Credited with 24 hours; accrues 4 hrs/week; up to 440 hours	3 hrs/week; up to 1,440 hours	N/A	Same as other general employees	100% employee and dependents	0%	0%	2 x annual salary	0	0	18% of Employee's base salary into a 401a retirement plan; Employee not required to make a contribution into plan
12	20/yr	120 hours/yr	4/yr	11	N/A	N/A	N/A	Yes	N/A	Yes	Retirement Plan (401a)
13	20	12	N/A	11	100%	100%	100%	2x annual salary	100%	100%	20% annual salary
14	Same as unclassified employees, plus 120 hours annually	Included in annual leave days		10	100% for employee and dependents	100% for employee and dependents	100% for employee and dependents	100%	100%	100%	\$26,000 to 457 deferred compensation plan annually, plus \$7,000 to IRA account.
15	240 hours	0	32	0	\$ 2,027.58 (100%)	\$ 116.04 (100%)	\$ 15.14 (100%)	\$ 112.00 (100%)	\$ 74.26 (100%)	\$ 164.18 (100%)	\$ 4,683.58 - Florida Retirement System – Employee contributes 3%

	P	Q	R	S	T	U	V	W	X	Y	Z
16	21 days (year 2) 22 days (year 3) 23 days (year 4)	6	2	13	100% for Employee and Family	100% for Employee and Family	0	1X salary	Yes	N/A	FRS contribution at senior management rate OR in lieu of FRS, corresponding amount goes to a 401 plan
17	160 hours	96 hours	2 days	Yes	Employee only 100% based plan	Employee only 100% based plan	Employee only 100% based plan	\$200,000	Yes	Yes	Village contributes 100% into 401(a) in lieu of payments to Village's regular pension plan.
18	15 days per year	12 sick days per year (standard employee amount)	N/A	9 paid holidays 3 floating holidays 1 birthday holiday	Standard Employee rates	Standard employee rates	Standard employee rates	Standard employee 1x insurance	No	No	14.8970% to a 401(a) plan
19	4 weeks	12	3	9	\$24,324.96 Annually for medical, dental, vision			\$150,000 Coverage Life & AD&D			Contributes % to ICMA equivalent to what would be contributed toward FRS
20	Same as other unclassified administrative staff in the City	Same as other unclassified administrative staff in the City		Same as other unclassified administrative staff in the City	Same as other unclassified administrative staff in the City	Same as other unclassified administrative staff in the City		Same as other unclassified administrative staff in the City	Same as other unclassified administrative staff in the City	Same as other unclassified administrative staff in the City	10% of City Manager's current salary into ICMA account, payable weekly
21	160 hours per year	96 hours per year		Same as City employees	Coverage for employee and family in group plan, or a monthly allowance equal to the premium.	Coverage for employee and family in group plan, or a monthly allowance equal to the premium.	Coverage for employee and family in group plan, or a monthly allowance equal to the premium.	20000000%	100%	100%	18% of Employee's base salary into a 410, 457, and/or a deferred compensation retirement plan
22	8 hours accrues bi- weekly	N/A (grouped with annual leave days)	N/A (grouped with annual leave days)	11 federal holidays, 1 birthday, 2 floating holidays	100%	100%	100%	Yes	Limited to \$1,500 annual cost to village	Limited to \$4,000 annual cost to village	401(a) - 6% village contribution, plus up to 6% matching contribution; 457 - maximum percent allowed

	P	Q	R	S	T	U	V	W	X	Y	Z
23	20	12	2	12	100%	100%	100%	100%	100%	100%	23.10%
24	Accrued at 2.33 days per month	Accrue 1 day per month			At a minimum, equal to that which is provided to all other City employees	At a minimum, equal to that which is provided to all other City employees	At a minimum, equal to that which is provided to all other City employees	2 times annual base salary	Yes	Yes	14% of salary into retirement plan
25	4 weeks	12	5	2 floating holidays	100%	100%	100%	\$100,000 whole life insurance policy, \$300,000 term life insurance policy	Disability policy equivalent to the amount of annual salary	Disability policy equivalent to the amount of annual salary	Statutory amount for FRS, optional ICMA
26	15 days per year	96 hrs	3	11	100%	100%	100%	Yes	Yes	Yes	Defined benefit plan
27	21	30	1	Regular holidays plus 2 floating	100% for Employee	100% for Employee	100% for Employee	\$250,000 policy	No	No	City contributes 31.57% of salary to FRS, employee contributes 3%,vested in 5 years. \$8,500 annually to deferred comp account.

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 31.

ITEM: Discussion and Possible action regarding Shepard Broad Causeway Bridge Monitoring Device and Services. Sponsored by Council Member Teri D'Amico.

DESCRIPTION:

Staff was instructed to investigate the use of monitoring devices on the Shepard Broad Causeway Bridge in order to be alerted of possible deterioration and additional damage to the bridge that could diminish the safety of the bridge.

The staff contacted Encardio Rite and Proqio Group, which specialize in providing a range of sensors to monitor crucial parameters such as tilt, strain, and cracks on the bridge. Additionally, they offer communication technologies for automated monitoring.

The Encardio Rite uses a proprietary infrastructure data intelligence platform and the Proqio Group, integrates data from various sensors, remote sensing technologies, and surveying tools to offer visualization, analysis, and early warning systems for bridges.

A conference call was performed, and the bridge-specific requirements were discussed. We are coordinating with them to then work with our team and partners in order to provide the Town with the monitoring technologies tailored to our bridge.

The call resulted in the need for an engineering evaluation report to establish the required technologies needed for the Causeway Bridge. In order to design and implement a successful structural health monitoring program for an existing bridge, here are some basic steps that need to be taken:

1. Engineering analysis and evaluation to define concerns for the specific bridge components and locations for monitoring purposes.
2. Design a monitoring program to develop a layout and select a monitoring system
3. Procure a Monitoring firm for installation and implementation.
4. Monitor and evaluate a long-term evaluation based on near real-time data and assessment.

The staff coordinated a meeting with the local representative for Encardio, Mr. Rafael Texeira for the week of 08/12/24. To provide an estimated cost for the project.

In addition, the staff has also reached out to the following companies:

- GEODAQ - provides [Bridge Structural Health Monitoring](#) among other monitoring services. Meetings to be coordinated.
- Conemco - provides Vibration Monitoring, among other monitoring services. Meetings to be coordinated.

The Town staff will coordinate meetings with bridge monitoring and engineering vibration

monitoring companies to evaluate the best company that can meet the Town's needs.

RECOMMENDED ACTION:

Discussion

FINANCIAL ANALYSIS:

The project is specifically to provide Shepard Broad Causeway Bridge Monitoring Devices and Services. The company will need to design a monitoring program to develop a layout and select an ongoing monitoring system, collection, and analysis of the data. Due to the unique conditions of the Shepard Broad Causeway Bridge, this system needs to be tailored and built for its specific needs.

Therefore, the funding will be provided from the Causeway Fund

GL Line-Item Number: 401.5415.400063.000.

Total Amount Budgeted: \$12,101,393.01

Encumbered Amount: To be Determined

Balance Remaining: To be Determined

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk
Teri D'Amico, Council Member

ATTACHMENTS

1.	Encardio Rite - Joseph_Blanc Bridge_Monitoring System
2.	Bridge Monitoring - GEODAQ
3.	Staff Memo for Council Agenda Item - Bridge Monitoring on Shepard Broad Causeway Bridge

Project dossier



PROJECT DOSSIER

Joseph Blanc Bridge Project, Belarus

PROJECT OVERVIEW

Joseph Blanc Bridge is an existing old bridge in Le Bouchet Mont-Charvin, France, dating from 1937. The bridge required repair works following slow landslides that modified the load-bearing conditions of the span on the right bank of the bridge and detached the deck from its support.

In August 2021, the Department of Haute-Savoie undertook repair works. The repair works consisted of replacing the weak span with a 9.6 m long temporary metal deck, in a scheduled time frame of 13 weeks. The objective was to restore the structural stability of the bridge within short period of time such that it was open for traffic soon.

Project	Joseph Blanc Bridge Rehabilitation Project
Location	Le Bouchet Mont-Charvin, France
Duration	2021 - 2023

SCOPE OF WORKS

Encardio-Rite scope of works included:

- Supply of instrumentation through our local distributor in the region
- Technical support for the sensors installation, datalogger commissioning and configuration for automatic monitoring at desired frequency
- Setting up an online web-based data management system (WDMS) with instant alerts via SMS/emails.





INSTRUMENTS USED

- Tilt meter
Model EAN-92M-B digital tilt meters were used to monitor tilt of the structure.
- Crack meter
Model EDJ-40V vibrating wire type surface mounting uniaxial crack meter was used to monitor the change in width of the existing cracks on the bridge.
- Datalogger
The digital tilt meters and the vw crack meter with suitable interface were connected to model ESDL-30 digital datalogger. The datalogger has plug-and-play feature.

The data was collected at desired intervals (every 1 hour) and transmitted wirelessly via cellular network to the cloud server with our web based data management software.

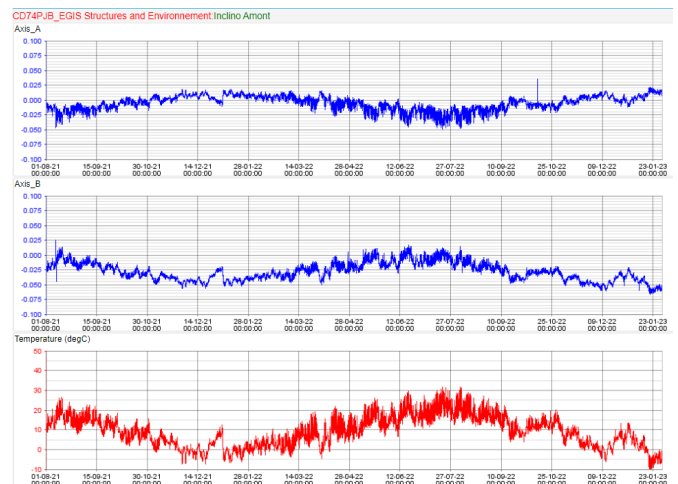


Model EDJ-40V Crack meter installed

RESULTS

The remote data collection system and online data management platform displayed the structural health of the bridge. The data management software processed, analyzed and presented the collected data with threshold limit alerts.

The data was available in near real time to all the stakeholders on their laptops/mobiles, with instant alerts via SMS/emails.



Tilt meter data - collected at every hour



TUNNELS



HYDROELECTRIC



CONSTRUCTION



STRUCTURAL



METRO & RAIL



BRIDGES



MINING

Encardio-Rite Group - India | Bhutan | Nepal | Bahrain | Qatar | Saudi Arabia | UAE | Greece | Spain | UK | USA

Encardio-Rite Electronics Pvt. Ltd. A-7, Industrial Estate, Talkatora Road, Lucknow, UP-226011, India | geotech@encardio.com | www.encardio.com



[Home](#)

[Products](#) ▾

[Applications](#) ▾

[Projects](#)

[About Us](#)

[Contact](#)

[SCHEDULE
A DEMO](#)



Bridge Monitoring

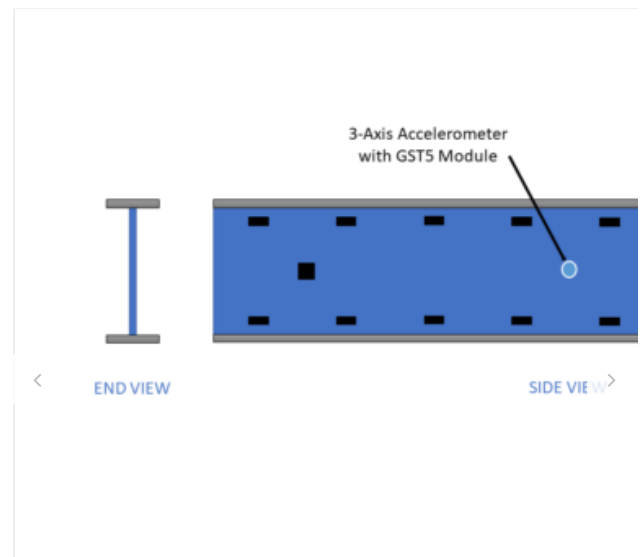
Bridge Monitoring

Bridge Monitoring

Bridge and overpass structure monitoring

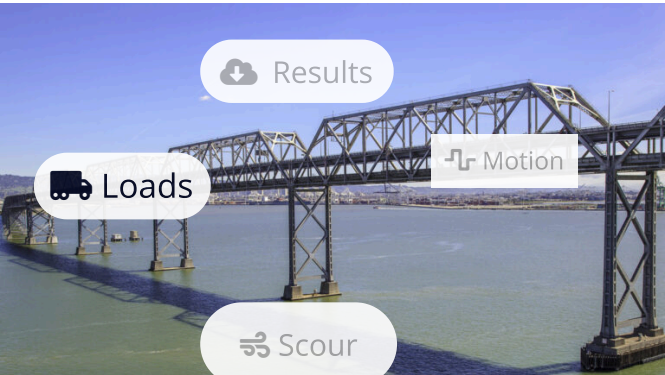
Complete monitoring solutions for bridge
and overpass structures. Monitor long-

term performance with our PRO-5 sensor network for reliable and accurate displacement, stress and temperature results.



Example Girder Span

A network of PRO5 modules provides data for stresses and displacements.



Hover over image to discover features



Additional Information

Uses

- Bridge Span Displacement Profiles
- Axial, Shear and Bending Stresses
- Acceleration
- Temperature changes
- Vehicle Speed and Vehicle Count
- River Flow Velocity
- High-Definition Video or Pictures

Relevant Products

Geodaq in Action

Project Spotlight

Bay Area Rapid Transit (BART) Rail
Monitoring in Transbay Tube

ALL PROJECTS





Tell Us About Your Project

Get in touch with us to share your needs and
project requirements.
We're happy to help.

[SCHEDULE A DEMO →](#)

**SIGNUM INGNEIERIA SAS –
Distributor**

Bogotá – **Colombia.**
Dimas Robles
dr@signum-ing.com

INGECIENCIA SAC – Distributor

Lima- **Perú.**
Felipe Morales
fmorales@ingeciencia.com
www.signum-ing.com

**APK INFRATECH SOLUTIONS –
Distributor**

New Dehli, **India**
Ankit Sinha
ankitsinha@apkinfratech.com



Geodaq specializes in
geotechnical and

[Products](#) [Applications](#) [Projects](#) [About Us](#)
[Contact](#)

 **(916) 930-
9800**

structural sensors, high-speed remote data acquisition modules, web-based data analytics, and installation services with full technical support.

INFO@GEODAQ.COM

© 2024 Geodag, Inc.

[BACK TO TOP](#) 



TOWN OF BAY HARBOR ISLANDS ENGINEERING DEPARTMENT MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Rodney Carrero-Santana Town Engineer
DATE:	August 14, 2024
SUBJECT:	Discussion and Possible action regarding Shepard Broad Causeway Bridge Monitoring Device and Services.

RECOMMENDATION

Staff recommends that due to the continuing deterioration and the various repairs that have been performed on the Shepard Broad Causeway Bridge, monitoring devices and data analytic services be provided in order to evaluate the bridge's health.

BACKGROUND / ANALYSIS

Staff was instructed to investigate the use of monitoring devices on the Shepard Broad Causeway Bridge in order to be alerted of possible deterioration and additional damage to the bridge that could diminish the safety of the bridge.

The staff has contacted Encardio Rite and Proqio Group, that specialize in providing a range of sensors to monitor crucial parameters such as tilt, strain, and cracks on the bridge. Additionally, they offer communication technologies for automated monitoring.

The Encardio Rite uses a proprietary infrastructure data intelligence platform and the Proqio Group, integrates data from various sensors, remote sensing technologies, and surveying tools to offer visualization, analysis, and early warning systems for bridges.

A conference call was performed, and the bridge specific requirements were discussed. We are coordinating with them to then work with our team and partners in order to provide the Town with the monitoring technologies tailored to our bridge.

The call resulted in the need for an engineering evaluation report to establish the required technologies needed for the Causeway Bridge. In order to design and implement a successful structural health monitoring program for an existing bridge, here are some basic steps that need to be taken:

1. Engineering analysis and evaluation to define concerns for the specific bridge components and locations for monitoring purposes.
2. Design a monitoring program to develop a layout and select a monitoring system
3. Procure a Monitoring firm for installation and implementation.
4. Monitor and evaluate a long-term evaluation based on near real-time data and assessment.

The staff coordinated a meeting with the local representative for Encardio, Mr. Rafael Texeira for the week of 08/12/24. To provide an estimated cost for the project. In addition, the staff has also reached out to the following companies:

- GEODAQ - provides Bridge Structural Health Monitoring among other monitoring services. Meetings to be coordinated.
- Conemco - provides Vibration Monitoring, among other monitoring services. Meetings to be coordinated.

EXECUTE

The Town staff will coordinate meetings with bridge monitoring and engineering vibration monitoring companies to evaluate the best company that can meet the Town's needs.

FINANCIAL ANALYSIS

The project is specifically to provide Shepard Broad Causeway Bridge Monitoring Devices and Services. The company will need to design a monitoring program to develop a layout and select an ongoing monitoring system, collection, and analysis of the data. Due to the unique conditions of the Shepard Broad Causeway Bridge, this system needs to be tailored and built for its specific needs.

Therefore, the funding will be provided from the Causeway Fund

GL Line-Item Number: 401.5415.400063.000.

Total Amount Budgeted: \$12,101,393.01

Encumbered Amount: To be Determined

Balance Remaining: To be Determined

ATTACHMENTS

Encardio Rite - Joseph Blanc - Bridge Monitoring System

Bridge Monitoring - GEODAQ

AGENDA ITEM REPORT

August 14, 2024

ITEM NUMBER: 18.

ITEM: Consideration and Approval of a resolution amending Resolution No. 2269 to revise the fees for the Broad Causeway SunPass Toll. Enclosed are the draft resolution and a list of the proposed fees.

DESCRIPTION:

Discussion of possible increase to the Broad Causeway tolls. Estimates are presented based on two scenarios:

From current rates

Resolution No 2269 September 14, 2022					
Bay Harbor Islands Toll Rate			Toll by Plate - w/ out Sunpass		
2x Axles	\$	1.75		\$	3.00
Each additional axles	\$	6.00		\$	7.50
3x axles	\$	7.75		\$	10.50
4x axles	\$	13.75		\$	18.00
5x axles	\$	19.75		\$	25.50

1. An increase of 10% for each additional axle over 2, will collect an additional estimated revenue of \$71,007.00 during Fiscal Year (FY) 2025 based on FY2023 vehicle count with 3+ axles. From an estimated \$861,249 in FY2023 to an estimated \$932.256 in FY2025.

New Rates Based on 10% Increase 3+ Axles Only October 1, 2024					
Bay Harbor Islands Toll Rate			Toll by Plate - w/ out Sunpass		
2x Axles	\$	1.75		\$	3.00
Each additional axles	\$	6.60	10.00%	\$	8.00 6.67%
3x axles	\$	8.35	7.74%	\$	11.00 4.76%
4x axles	\$	14.95	8.73%	\$	19.00 5.56%
5x axles	\$	21.55	9.11%	\$	27.00 5.88%

2. A \$.25 increase to 2 axles vehicles and \$1.00 increase per additional axle will collect an additional estimated \$1,656,479 in revenue during FY2025 based on FY2023 vehicle count. From a revenue of \$11,477,008 in FY2023 to an estimated \$13,133,487 during FY2025.

New Rates Based on \$.25 & \$1.00 Increase October 1, 2024					
Bay Harbor Islands Toll Rate			Toll by Plate - w/ out Sunpass		
2x Axles	\$	2.00		\$	3.25
Each additional axles	\$	7.00	16.67%	\$	8.50 13.33%
3x axles	\$	9.00	16.13%	\$	11.75 11.90%
4x axles	\$	16.00	16.36%	\$	20.25 12.50%
5x axles	\$	23.00	16.46%	\$	28.75 12.75%

Venetian Causeway Cost: 2 Axles \$2.25

Rickenbacker Causeway: 2 Axles \$2.25 / Residents Annual Plan \$24

RECOMMENDED ACTION:

Approve.

FINANCIAL ANALYSIS:

Broad Causeway SunPass/Toll-by-Plate collection revenue estimate will increase by \$71,007.00 or \$1,656,479 in the FY 2024-2025.

BUDGET IMPACT:

Name	Impact Date	Fund(s)	Account(s)	Project #(s)	Amount Budgeted
SunPass Toll Fee Increase	10/01/2024	\$71,007 or \$1,656,479	401.9990.344621.000	SunPass Toll Increase	\$18,069,700

Submitted By: Alex Rosario Garcia
Stephanie Bruder, Council Member

ATTACHMENTS

1.	2269 - Revising Tolls on the Shepard Broad Causeway
2.	Tolls Increase Analysis
3.	Staff Memo -Toll Increase
4.	Resolution - Toll Increase - Shepard Broad Causeway



TOWN OF BAY HARBOR ISLANDS MEMORANDUM

TO:	Mayor and Town Council Members
THRU:	Jenice Rosado, ICMA-CM Town Manager Mike Mesa, CBO, CFM, Assistant Town Manager/ Building Official
CC:	Joseph S. Geller, Esq., Town Attorney Yvonne P. Hamilton, CMC, Town Clerk
FROM:	Alex Rosario Garcia, Accounting Manager
DATE:	August 14, 2024
SUBJECT:	Broad Causeway Toll Fees Increase

RECOMMENDATION

Staff recommends that the Town Council approves an increase to the Broad Causeway toll and revises Resolution No. 2269. The staff has provided two rate increase options for the Council's consideration (option 1 & option 2 detailed below).

BACKGROUND / ANALYSIS

The Broad Causeway provides a critical connection between US-1 and A1A. In the event of an emergency, it also is the main evacuation route for the municipalities of Bay Harbor Islands, Bal Harbor, Surfside, and Indian Creek. The toll serves to provide critical funding to the Town for the repairs and maintenance on the Causeway's bridges as well as potential replacement options. Additionally, while the current toll equipment and back-office systems are functional, an update is proactively and strategically necessary to avoid unexpected equipment failures and potential security issues due to end-of-life hardware and software in the future. An increase in tolls will also assist in funding the updates to the hardware and software.

The last time toll rates were increased was in September 2022 under Resolution No. 2269. At that time the increases were \$.25 for two (2) axles vehicles and \$1.00 for each additional axle. Toll rates are typically subject to periodic reviews and adjustments to account for

inflation, maintenance costs, and other factors. Increases over time are common to guarantee the financial sustainability of toll road operations. Town staff has provided an in-depth analysis on the toll revenues and has developed two options for toll increases: Option 1 which provides for a 10% increase for each additional axel over two (2) or Option 2 which provides for an increase of \$.25 for two (2) axles vehicles and \$1.00 for each additional axle. Option 2 generates significantly more revenue than Option 1.

One significant aspect of toll roads is their role in generating revenue for maintenance and infrastructure development. Toll roads provide a dedicated income stream that is specifically earmarked for the upkeep and improvement of the road network. This revenue generation model guarantees that the roads remain in good condition, enhancing safety for drivers and overall efficiency of transportation systems. The funds collected from tolls are typically reinvested back into the roads through maintenance activities such as repaving, repairing potholes, installing new signage, and upgrading safety features.

EXECUTE

If the increase in toll rates is implemented by vote of the Town Council, the Town shall implement the increase in rates effective October 1, 2024. Furthermore, the Town shall inform the Florida Department of Transportation of any changes in the toll amounts to be charged and the date they are in effect no less than thirty (30) days before the new toll amounts are to be in effect.

FINANCIAL ANALYSIS

See below current toll rates and attached toll increase analysis.

Current toll rates:

Resolution No 2269 September 14, 2022					
Bay Harbor Islands Toll Rate			Toll by Plate - w/ out Sunpass		
2x Axles		\$ 1.75		\$ 3.00	
Each additional axles		\$ 6.00		\$ 7.50	
3x axles		\$ 7.75		\$ 10.50	
4x axles		\$ 13.75		\$ 18.00	
5x axles		\$ 19.75		\$ 25.50	
Annual Pass Plan		\$ 350.00			
Six Mo Pass Plan		\$ 225.00			

Option 1:

An increase of 10% for each additional axle over two (2), will collect an additional estimated revenue of \$71,0007.00 during fiscal year 2025.

New Rates Based on 10% Increase 3+ Axles Only October 1, 2024						
Bay Harbor Islands Toll Rate			Toll by Plate - w/ out Sunpass			
2x Axles	\$	1.75		\$	3.00	
Each additional axles	\$	6.60	10.00%	\$	8.00	6.67%
3x axles	\$	8.35	7.74%	\$	11.00	4.76%
4x axles	\$	14.95	8.73%	\$	19.00	5.56%
5x axles	\$	21.55	9.11%	\$	27.00	5.88%
Annual Pass Plan	\$	350.00				
Six Mo Pass Plan	\$	225.00				

Option 2:

An increase of \$.25 for two (2) axles vehicles and \$1.00 for each additional axle, will collect an additional estimated \$1,656,479.00 in revenue during fiscal year 2025. A 14% increase over FY2023.

New Rates Based on \$.25 & \$1.00 Increase October 1, 2024						
Bay Harbor Islands Toll Rate			Toll by Plate - w/ out Sunpass			
2x Axles	\$	2.00		\$	3.25	
Each additional axles	\$	7.00	16.67%	\$	8.50	13.33%
3x axles	\$	9.00	16.13%	\$	11.75	11.90%
4x axles	\$	16.00	16.36%	\$	20.25	12.50%
5x axles	\$	23.00	16.46%	\$	28.75	12.75%
Annual Pass Plan	\$	350.00				
Six Mo Pass Plan	\$	225.00				

ATTACHMENTS

1. Resolution No. 2269
2. Toll Increase Analysis

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF BAY HARBOR ISLANDS,
FLORIDA, REVISING RESOLUTION NO. 2269
REGARDING THE SCHEDULE OF TOLLS ON
THE SHEPARD BROAD CAUSEWAY;
REPEALING OTHER RESOLUTIONS;
PROVIDING FOR INCORPORATION OF
RECITALS; AND SETTING AN EFFECTIVE
DATE.**

WHEREAS, the Town Council of the Town of Bay Harbor Islands is responsible for the public health, safety, and welfare of the citizens of the Town of Bay Harbor Islands and those coming to the Town, and

WHEREAS, the Town has contracted with the Florida's Turnpike Enterprise to implement the use of its SunPass billing system for the collection of tolls on the Shepard Broad Causeway; and

WHEREAS, the maintenance, and operations of the toll collection system on the Shepard Broad Causeway is managed by the Town in conjunction with the Florida's Turnpike Enterprise and there are certain requirements associated with the Florida's Turnpike Enterprise's management; and

WHEREAS, the Town Council desires to adjust the schedule of tolls as set forth in Option ____ as outlined in Exhibit "A" attached hereto.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS AS FOLLOWS:

Section 1. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. The schedule of toll fees outlined in Option ____ attached hereto as Exhibit "A" is hereby approved.

There shall be no charge for bicycles or pedestrians.

Section 3. Notwithstanding the above, the following regulations are hereby established. These shall replace and supersede those regulations set forth in Resolution No. 2269 adopted on September 14, 2022.

- I. The schedule of tolls shall be as follows:
 - (a) Shepard Broad Causeway Annual Toll Pass Plans (which shall be restricted to Class 1 vehicles) allow an unlimited number of trips through the Shepard Broad Causeway for one year at the cost of \$350.00 per year, effective beginning on the date of activation. In addition, a six (6) month Shepard Broad Causeway Toll Pass Plan (which shall be restricted Class 1 vehicles) will be offered at the cost of \$225.00 for 6-months beginning from date of activation.
 - (b) Shepard Broad Causeway Toll Pass Plans for vehicles owned by the municipalities of Bal Harbour Village, the Town of Surfside, and Indian Creek Village will be sold for one half the cost of the Toll Pass Plan, per year. These Shepard Broad Causeway Toll Pass Plans will also be valid for unlimited trips. Any municipally owned vehicle not associated with a Pass Plan will be required to pay the full fare for passage through the Shepard Broad Causeway Toll.
 - (c) All governmental agencies, other than the municipalities previously mentioned, will be charged and shall pay full fare for passage through the Shepard Broad Causeway Toll.
 - (d) All current Council members and Town officials of the Town of Bay Harbor Islands, and all previous Council members who served a minimum of one term and Town officials who served the Town or were otherwise employed by the Town for a continuous period of ten (10) years or more, will be issued two "non-revenue Pass Plans" as an additional benefit from their employment with the Town. Each person presently employed by the Town of Bay Harbor Islands will be issued one "non-revenue Pass Plan" as an additional benefit from his or her employment with the Town.
2. The SunPass/ETC rates described in this Resolution may be adjusted from time to time by the Town Council.
3. The Town Manager may establish such other operational and administrative procedures as are necessary for the effective and efficient operation of the Shepard Broad Causeway Toll.
4. All Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed.
5. This resolution shall become effective upon adoption.

PASSED and **ADOPTED** this 14th day of August 2024.

JOSHUA D. FULLER
MAYOR

ATTEST:

YVONNE P. HAMILTON, CMC
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL
SUFFICIENCY:

GREENSPOON MARDER LLP
TOWN ATTORNEYS
BY: JOSEPH S. GELLER, ESQ.

Option 1:

An increase of 10% for each additional axle over two (2), will collect an estimated revenue of \$71,0007.00 during fiscal year 2025.

New Rates Based on 10% Increase 3+ Axles Only October 1, 2024					
Bay Harbor Islands Toll Rate			Toll by Plate - w/ out Sunpass		
2x Axles	\$ 1.75		\$ 3.00		
Each additional axles	\$ 6.60	10.00%	\$ 8.00	6.67%	
3x axles	\$ 8.35	7.74%	\$ 11.00	4.76%	
4x axles	\$ 14.95	8.73%	\$ 19.00	5.56%	
5x axles	\$ 21.55	9.11%	\$ 27.00	5.88%	
Annual Pass Plan	\$ 350.00				
Six Mo Pass Plan	\$ 225.00				

Option 2:

An increase of \$.25 for two (2) axles vehicles and \$1.00 for each additional axle, will collect an estimated \$1,656,479.00 in revenue during fiscal year 2025. A 14% increase over FY2023.

New Rates Based on \$.25 & \$1.00 Increase October 1, 2024					
Bay Harbor Islands Toll Rate			Toll by Plate - w/ out Sunpass		
2x Axles	\$ 2.00		\$ 3.25		
Each additional axles	\$ 7.00	16.67%	\$ 8.50	13.33%	
3x axles	\$ 9.00	16.13%	\$ 11.75	11.90%	
4x axles	\$ 16.00	16.36%	\$ 20.25	12.50%	
5x axles	\$ 23.00	16.46%	\$ 28.75	12.75%	
Annual Pass Plan	\$ 350.00				
Six Mo Pass Plan	\$ 225.00				

RESOLUTION NO. 2269

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
BAY HARBOR ISLANDS, FLORIDA, REVISING RESOLUTION
NO. 2100 REGARDING THE SCHEDULE OF TOLLS ON THE
SHEPARD BROAD CAUSEWAY; REPEALING OTHER
RESOLUTIONS; INCORPORATING RECITALS; AND SETTING
AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Bay Harbor Islands is responsible for the public health, safety, and welfare of the citizens of the Town of Bay Harbor Islands and those coming to the Town, and

WHEREAS, the Town has contracted with the Florida's Turnpike Enterprise to implement the use of its SunPass billing system for the collection of tolls on the Shepard Broad Causeway; and

WHEREAS, the maintenance, and operations of the toll collection system on the Shepard Broad Causeway is managed by the Town in conjunction with the Florida's Turnpike Enterprise and there are certain requirements associated with the Florida's Turnpike Enterprise's management; and

WHEREAS, the Town Council desires to adjust the schedule of tolls as set forth below.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
BAY HARBOR ISLANDS AS FOLLOWS:**

Section 1. Recitals. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. The schedule of tolls shall be as follows:

SunPass/ETC Rate	<u>Toll by Plate</u>	
2x Axles	\$1.75	\$3.00
each additional axles	\$6.00	\$7.50
3x axles	\$7.75	\$10.50
4x axles	\$13.75	\$18.00
5x axles	\$19.75	\$25.50

There shall be no charge for bicycles or pedestrians.

Section 3. Notwithstanding the above, the following regulations are hereby established. These shall replace and supersede those regulations set forth in Resolution No. 2100 adopted on September 12, 2016.

1. The schedule of tolls shall be as follows:

- (a) Shepard Broad Causeway Annual Toll Pass Plans (which shall be restricted to Class 1 vehicles) allowing an unlimited number of trips through the Shepard Broad Causeway for one year will be at the cost of \$350.00 per year, effective beginning on the date of activation. In addition, a six (6) month Shepard Broad Causeway Toll Pass Plan (which shall be restricted Class 1 vehicles) will be offered at the cost of \$225.00 for 6-months beginning from date of activation.
- (b) Shepard Broad Causeway Toll Pass Plans for vehicles owned by the municipalities of Bal Harbour Village, the Town of Surfside, and Indian Creek Village will be sold for one half the cost of the Toll Pass Plan, per year. These Shepard Broad Causeway Toll Pass Plans will also be valid for unlimited trips. Any municipally owned vehicle not associated with a Pass Plan will be required to pay the full fare for passage through the Shepard Broad Causeway Toll.
- (c) All governmental agencies, other than the municipalities previously mentioned, will be charged and shall pay full-fare for passage through the Shepard Broad Causeway Toll.

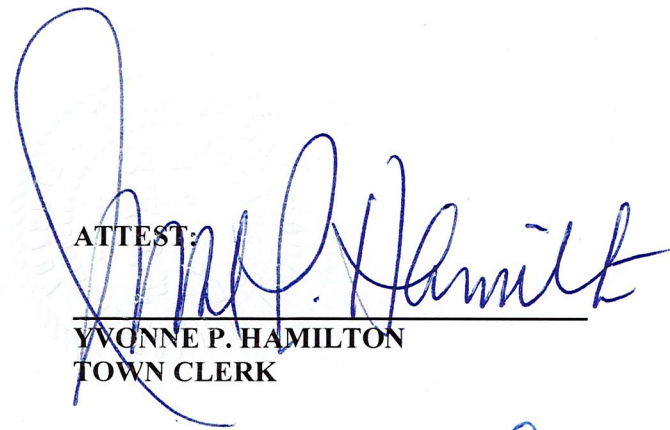
- (d) All current Council members and Town officials of the Town of Bay Harbor Islands, and all previous Council members who served a minimum of one term and Town officials who served the Town or were otherwise employed by the Town for a continuous period of ten (10) years or more, will be issued two "non-revenue Pass Plans" as an additional benefit from their employment with the Town. Each person presently employed by the Town of Bay Harbor Islands will be issued one "non-revenue Pass Plan" as an additional benefit from his or her employment with the Town.
2. The SunPass/ETC rates described in this Resolution, may be adjusted from time to time by the Town Council.
3. The Town Manager may establish such other operational and administrative procedures as are necessary for the effective and efficient operation of the Shepard Broad Causeway Toll.
4. All Resolutions or parts of Resolutions in conflict are hereby repealed with this Resolution are hereby repealed.
5. This resolution shall become effective upon adoption.

PASSED AND ADOPTED this 14th day of September, 2022.



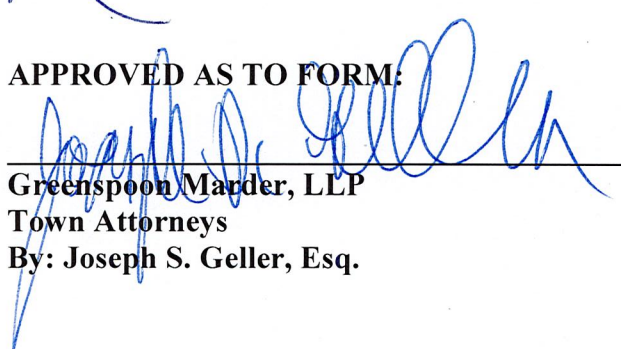
JOSHUA FULLER
MAYOR

ATTEST:



YVONNE P. HAMILTON
TOWN CLERK

APPROVED AS TO FORM:



Greenspoon Marder, LLP
Town Attorneys
By: Joseph S. Geller, Esq.

RESOLUTION NO. 2100

**RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS
REVISING THE SCHEDULE OF TOLLS AND METHOD OF
COLLECTION FOR USE OF THE BROAD CAUSEWAY
SYSTEM.**

WHEREAS, the Town Council of the Town of Bay Harbor Islands is responsible for the public health, safety, and welfare of the citizens of the Town of Bay Harbor Islands and those coming to the Town, and

WHEREAS, the Town has contracted with the Florida Turnpike Enterprise to implement the use of its "Sunpass" for the toll facility on the Broad Causeway; and

WHEREAS, the maintenance, and operations of the toll facility on Broad Causeway will be managed by the Town in conjunction with the Florida Turnpike Enterprise and there are certain requirements associated with the Florida Turnpike Enterprise's management; and

WHEREAS, in the loan agreement for the Town's Promissory Note (Series 2012 Bonds on the Broad Causeway), the Town is required to maintain net revenues equal to 125% of debt service on this loan.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS AS FOLLOWS:

Section 1. The schedule of tolls shall be as follows:

<u>Bay Harbor Islands Toll Rate</u>		<u>Toll by Plate – w/ out Sunpass</u>	
2x Axles	\$1.00 \$ 1.50	\$1.25	\$ 2.00
Automobiles, Pick-up Trucks and Vans			
each additional axles	\$ 5.00		\$ 6.50
3x axles	\$ 6.00		\$ 7.75
4x axles	\$ 11.00		\$ 14.25
5x axles	\$ 16.00		\$ 20.75

There shall be no charge for mopeds, bicycles and pedestrians.

Section 2. Notwithstanding the above, the following regulations are hereby established. These shall replace and supersede those regulations set forth in Resolution No. 2090 adopted on May 9, 2016.

1. The schedule of tolls shall be as follows:

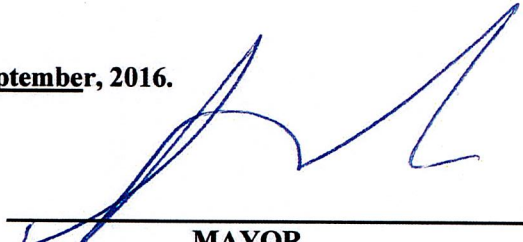
- (a) Bay Harbor Islands Annual accounts (which shall be restricted Class 1 vehicles only except as noted in paragraph (e) below) allowing an unlimited number of trips through the Broad Causeway ~~toll facility~~ will be sold for an initial cost of ~~\$250.00~~ \$300.00 per year ~~from the date in which purchased.~~ The Annual ~~Sunpass~~ account shall be valid from October 1 of the year in which purchased, through September 30 of the succeeding year. The purchase price for the Annual ~~Sunpass~~ will not be pro-rated and will cost \$250.00 regardless of the date upon which it is purchased.

(1) Notwithstanding the above, a six (6) month option will be offered. The new option will allow the purchase a six (6) month pass for the cost of \$175 from the time of the purchase. The Pass will be available anytime during the year and be effective six (6) months from the date of purchase.

(2) Existing Annual Pass customers who are in good standing at the time of renewal shall have an annual renewal fee of: i) \$250.00 if they renew on or before September 30, 2016; or ii) \$275.00 if they renew on October 1, 2016 through December 31, 2016. Beginning on January 1, 2017, the Annual pass shall cost \$300.00 for all customers.

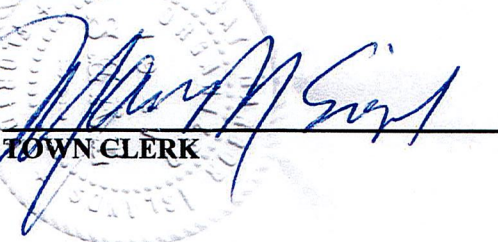
- (b) The Bay Harbor Islands Annual Sunpass accounts for vehicles owned by the municipalities of Bal Harbour Village, the Town of Surfside, and Indian Creek Village will be sold for one-half the cost per account, per year. These Annual Bay Harbor Islands Sunpass accounts also will be valid for unlimited trips. Any municipally owned vehicle which does not have an account will be required to pay the full fare for passage through the Broad Causeway Toll Facility.
 - (c) All governmental agencies, other than the municipalities previously mentioned, will be charged and shall pay full-fare for passage through the Broad Causeway Toll Facility.
 - (d) All current Council members and Town officials of the Town of Bay Harbor Islands, and all previous Council members who served a minimum of one term and Town officials who served the Town or were otherwise employed by the Town for a continuous period of ten (10) years or more, will be issued two (2) "non-revenue unlimited Bay Harbor Islands Sunpass accounts" as an additional benefit from their employment with the Town. Each person presently employed by the Town of Bay Harbor Islands will be issued one (1) Bay Harbor Islands Sunpass Account as an additional benefit from his or her employment with the Town.
 - (e) Upon the filing of an application with the Town of Bay Harbor Islands, members of the clergy will be granted a Bay Harbor Islands Annual Sunpass account at no cost in accordance with the provisions of applicable state law, provided however that an application for renewal of the Bay Harbor Islands Annual Sunpass account shall be filed annually, and further provided that the Sunpass transponder must be purchased and activated by the clergy member.
 - (f) Certain handicapped individuals who are exempt from payment of tolls within the State of Florida pursuant to applicable Florida law, may apply to the Town of Bay Harbor Islands for an Annual Sunpass account at no cost, providing however that they have complied with the provisions of State law and possess a valid Florida Department of Transportation Permit (decal). Further, the Sunpass transponder must be purchased and activated by the individual applying for exemption.
- 2. The Sunpass account rates described in this Resolution, may be adjusted from time to time by the Town Council. The Town Manager shall be authorized to establish such administrative fees as the collection of non Sunpass toll vehicles.
 - 3. The Town Manager may establish such other operational and administrative procedures as are necessary for the effective and efficient operation of the new ~~Broad Causeway~~ Toll Collection and Management System.
 - 4. This resolution shall become effective and will be implemented in accordance with the physical installation of the new system.

PASSED AND ADOPTED this 12th day of September, 2016.



MAYOR

ATTEST:



TOWN CLERK

Resolution No 2100 September 12, 2016				
Bay Harbor Islands Toll Rate		Toll by Plate - w/ out Sunpass		
2x Axles	\$ 1.50		\$ 2.00	
Each additional axles	\$ 5.00		\$ 6.50	
3x axles	\$ 6.00		\$ 7.75	
4x axles	\$ 11.00		\$ 14.25	
5x axles	\$ 16.00		\$ 20.75	
Annual Pass Plan	\$ 300.00			
Six Mo Pass Plan	\$ 175.00			

Resolution No 2269 September 14, 2022				
Bay Harbor Islands Toll Rate		Toll by Plate - w/ out Sunpass		
2x Axles	\$ 1.75		\$ 3.00	
Each additional axles	\$ 6.00		\$ 7.50	
3x axles	\$ 7.75		\$ 10.50	
4x axles	\$ 13.75		\$ 18.00	
5x axles	\$ 19.75		\$ 25.50	
Annual Pass Plan	\$ 350.00			
Six Mo Pass Plan	\$ 225.00			

Toll Increases 2016 to 2022				
Bay Harbor Islands Toll Rate		Toll by Plate - w/ out Sunpass		
2x Axles	\$ 0.25	16.67%	\$ 1.00	50.00%
Each additional axles	\$ 1.00	20.00%	\$ 1.00	15.38%
3x axles	\$ 1.75	29.17%	\$ 2.75	35.48%
4x axles	\$ 2.75	25.00%	\$ 3.75	26.32%
5x axles	\$ 3.75	23.44%	\$ 4.75	22.89%
Annual Pass Plan	\$ 50.00	16.67%		
Six Mo Pass Plan	\$ 50.00	28.57%		

Estimated FY2023 Revenue by Vehicle Classification				
Veh Class	Tot Veh	Estimated Tot Rev with SunPass		
2x Axles	6,066,148	\$	10,615,759.00	
3x Axles	61,051	\$	473,145.25	
4x Axles	19,066	\$	262,157.50	
5x Axles	5,981	\$	118,124.75	
6x Axles	243	\$	6,257.25	\$ 25.75
7x Axles	38	\$	1,206.50	\$ 31.75
8x Axles	6	\$	226.50	\$ 37.75
9x Axles	3	\$	131.25	\$ 43.75
Total	6,152,536	\$	11,477,008.00	
3x or more	86,388	\$	861,249.00	Estimate
NOTE: Not all vehicles result in Revenue				
Actual Revenue FY2023		\$	11,477,008.18	

Estimated FY2024 Revenue by Vehicle Classification (As of July 3, 2024)				
Veh Class	Tot Veh	Estimated Tot Rev with SunPass		
2x Axles	4,688,796	\$	8,205,393.00	
3x Axles	52,894	\$	409,928.50	
4x Axles	15,898	\$	218,597.50	
5x Axles	5,803	\$	114,609.25	
6x Axles	297	\$	7,647.75	\$ 25.75
7x Axles	50	\$	1,587.50	\$ 31.75
8x Axles	24	\$	906.00	\$ 37.75
9x Axles	1	\$	43.75	\$ 43.75
Total	4,763,763	\$	8,958,713.25	
3x or more	74,967	\$	753,320.25	Estimate
NOTE: Not all vehicles result in Revenue				

Table A. Miami-Fort Lauderdale-West Palm Beach, FL, CPI-U 2-month and 12-month percent changes, all items index, not seasonally adjusted

Month	2020		2021		2022		2023		2024	
	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month
February	0.4	1.4	0.8	1.4	2.8	9.3	2.1	9.2	1.4	4.9
April	-1.0	-0.5	1.6	4.1	1.5	9.1	1.4	9.0	1.0	4.5
June	0.7	0.7	1.6	5.1	2.5	10.1	0.5	6.9		
August	1.0	1.4	0.2	4.2	0.4	10.2	1.2	7.8		
October	0.1	1.0	1.5	5.7	0.9	9.6	0.5	7.4		
December	-0.2	1.1	1.2	7.1	1.4	9.9	-0.2	5.7		

The Miami-Fort Lauderdale-West Palm Beach Consumer Price Index for June 2024 is scheduled to be released on Thursday, July 11, 2024, at 8:30 a.m. (ET).

New Rates Based on 10% Increase 3+ Axles Only October 1, 2024				
Bay Harbor Islands Toll Rate		Toll by Plate - w/ out Sunpass		
2x Axles	\$ 1.75		\$ 3.00	
Each additional axles	\$ 6.60	10.00%	\$ 8.00	6.67%
3x axles	\$ 8.35	7.74%	\$ 11.00	4.76%
4x axles	\$ 14.95	8.73%	\$ 19.00	5.56%
5x axles	\$ 21.55	9.11%	\$ 27.00	5.88%
Annual Pass Plan	\$ 350.00			
Six Mo Pass Plan	\$ 225.00			

Estimated FY2025 Revenue by Vehicle Classification- With 10% Increase (3+ Axles) Based on FY23 Totals				
Veh Class	Tot Veh	Estimated Tot Rev with SunPass		
2x Axles	6,066,148	\$	10,615,759.00	
3x Axles	61,051	\$	509,775.85	
4x Axles	19,066	\$	285,036.70	
5x Axles	5,981	\$	128,890.55	
6x Axles	243	\$	6,840.45	\$ 28.15
7x Axles	38	\$	1,320.50	\$ 34.75
8x Axles	6	\$	248.10	\$ 41.35
9x Axles	3	\$	143.85	\$ 47.95
Total	6,152,536	\$	11,548,015.00	
3x or more	86,388	\$	932,256.00	Estimate
NOTE: Not all vehicles result in Revenue				

Additional Revenue based on FY2023 #s \$ 71,007.00

New Rates Based on \$.25 & \$1.00 Increase October 1, 2024				
Bay Harbor Islands Toll Rate		Toll by Plate - w/ out Sunpass		
2x Axles	\$ 2.00		\$ 3.25	
Each additional axles	\$ 7.00	16.67%	\$ 8.50	13.33%
3x axles	\$ 9.00	16.13%	\$ 11.75	11.90%
4x axles	\$ 16.00	16.36%	\$ 20.25	12.50%
5x axles	\$ 23.00	16.46%	\$ 28.75	12.75%
Annual Pass Plan	\$ 350.00			
Six Mo Pass Plan	\$ 225.00			

Estimated FY2025 Revenue by Vehicle Classification- With \$.25 & \$1.00 Increase Based on FY23 Totals				
Veh Class	Tot Veh	Estimated Tot Rev with SunPass		
2x Axles	6,066,148	\$	12,132,296.00	
3x Axles	61,051	\$	549,459.00	
4x Axles	19,066	\$	305,056.00	
5x Axles	5,981	\$	137,563.00	
6x Axles	243	\$	7,290.00	\$ 30.00
7x Axles	38	\$	1,406.00	\$ 37.00
8x Axles	6	\$	264.00	\$ 44.00
9x Axles	3	\$	153.00	\$ 51.00
Total	6,152,536	\$	13,133,487.00	
All Axles	86,388	\$	13,133,487.00	Estimate
NOTE: Not all vehicles result in Revenue				

Additional Revenue based on FY2023 #s \$ 1,656,479.00
Actual Revenue FY2023 \$ 11,477,008.18

14%

Venetian Causeway Cost: 2 Axles \$2.25
Rickenbacker Causeway Cost: 2 Axles \$2.25 / Residents Annual Plan \$24