



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Agenda for the April 19, 2016
Regular Town Council Meeting called for 6:30 P.M.**

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. PRESENTATIONS / TOWN PROCLAMATIONS

RECOGNITION OF POLICE OFFICERS JOSEPH BAUTISTA AND JULIO FERNANDEZ

E. MOTION TO SET THE AGENDA

ADDITIONS/ DELETIONS/ REMOVAL OF ITEMS FROM CONSENT AGENDA/ AND CHANGES TO AGENDA

F. GOOD AND WELFARE

G. MAYOR'S REPORT

H. COUNCIL COMMENTS

I. TOWN MANAGER REPORT

J. TOWN ATTORNEY REPORT

K. ORDINANCES – SECOND READING

None

M. ORDINANCES - FIRST READING

- 1. An Ordinance Amending Chapter 24, "Personnel," Article II, "Retirement," By Amending the Town of Golden Beach Employees Pension Plan.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 24, "PERSONNEL," ARTICLE II, "RETIREMENT," DIVISION 1 "GENERAL EMPLOYEES" BY AMENDING THE TOWN OF GOLDEN BEACH EMPLOYEES PENSION PLAN AT

SECTION 24-31 "DEFINITIONS," SECTION 24-32 "MEMBERSHIP," SECTION 24-33 "BENEFIT AMOUNTS AND ELIGIBILITY," SECTION 24-34 "OPTIONAL FORMS OF BENEFITS," SECTION 24-35 "CONTRIBUTIONS," AND SECTION 24-36 "ADMINISTRATION"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Resolution No. 569.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 569.16

N. QUASI JUDICIAL RESOLUTIONS

None

O. CONSENT AGENDA

2. Official Minutes of the March 15, 2016 Regular Town Council Meeting
3. A Resolution of the Town Council Approving a Mutual Aid Agreement between the Town of Golden Beach and the Town of Medley.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN OF GOLDEN BEACH AND THE TOWN OF MEDLEY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2445.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2445.16

P. TOWN RESOLUTIONS

4. A Resolution of the Town Council Accepting the General Purpose Financial Statements for Fiscal Year 2014/2015.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ACCEPTING THE GENERAL PURPOSE FINANCIAL STATEMENTS AND THE SINGLE AUDIT FOR FISCAL YEAR 2014/2015 ENDING

SEPTEMBER 30, 2015 PREPARED BY KEEFE,
MCCULLOUGH & CO., LLP; AND PROVIDING FOR AN
EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2446.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2446.16

5. A Resolution of the Town Council Approving the Proposal from Southeastern Engineering for New Checkmate Valves for Two Outfalls on Center Island.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE PROPOSAL PROVIDED BY SOUTHEASTERN ENGINEERING CONTRACTORS, INC. FOR THE INSTALLATION OF NEW CHECKMATE VALVES FOR THE TWO OUTFALLS ON CENTER ISLAND; PROVIDING FOR WAIVER OF BIDDING PROCEDURES; PROVIDING FOR IMPLEMENTATION; AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2447.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2447.16

6. A Resolution of the Town Council Establishing Eligibility Criteria for Continuation Health Insurance Benefits for Town Councilmembers and Eligible Dependents under the Town's Group Health Plan.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, ESTABLISHING ELIGIBILITY CRITERIA FOR CONTINUATION HEALTH INSURANCE BENEFITS FOR TOWN COUNCILMEMBERS AND THEIR ELIGIBLE DEPENDENTS UNDER THE TOWN'S GROUP HEALTH INSURANCE PLAN; PROVIDING CONTINUATION HEALTH INSURANCE BENEFITS FOR TOWN COUNCILMEMBERS AND THEIR ELIGIBLE DEPENDENTS UNDER THE TOWN'S PLAN IN THE SAME MANNER AS PROVIDED FOR RETIRED GENERAL EMPLOYEES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO OFFER TOWN COUNCILMEMBERS CONTINUATION HEALTH COVERAGE UNDER THE GROUP HEALTH INSURANCE PLAN; AUTHORIZING THE EXPENDITURE OF

BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 2448.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2448.16

Q. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Kenneth Bernstein:
None Requested

Councilmember Bernard Einstein:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Judy Lusskin:
None Requested

Town Manager Alexander Diaz
Canal Maintenance Update

R. ADJOURNMENT:

DECORUM:

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COUNCIL SHALL BE BARRED FROM THE COUNCIL CHAMBERS BY THE PRESIDING OFFICER. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACE CARDS SHALL BE ALLOWED IN THE COUNCIL CHAMBERS. PERSONS EXITING THE COUNCIL CHAMBERS SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COUNCIL CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS.

PURSUANT TO FLORIDA STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR THAT PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHER INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IF YOU NEED ASSISTANCE TO ATTEND THIS MEETING AND PARTICIPATE, PLEASE CALL THE TOWN MANAGER AT 305-932-0744 EXT 224 AT LEAST 24 HOURS PRIOR TO THE MEETING.

RESIDENTS AND MEMBERS OF THE PUBLIC ARE WELCOMED AND INVITED TO ATTEND.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 19, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Item Number:

1

Subject: Ordinance No. 569.16 – Amending Chapter 24, “Personnel,”
Article II “Retirement” to include the Town Manager as a
Member of the Town’s Retirement Plan

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 569.16 as presented.

Background:

This first reading ordinance sets the framework in allowing the Town Manager to join the Town’s Pension. If the Town Manager elects to join the Town’s Pension the Towns contribution to the 401(a) account would cease.

Prior to the second reading of the item, the Mayor, Town Manager and Town Attorney will finalize the terms and implementation of this Item.

In bringing this item in such a “raw” format, allows for the discussion and the determination of the willingness of the Town Council to support such an item.

Fiscal Impact:

Yet to be determined as the final negotiations and scenarios have not been explored.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 569.16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 24, "PERSONNEL," ARTICLE II, "RETIREMENT," DIVISION 1 "GENERAL EMPLOYEES" BY AMENDING THE TOWN OF GOLDEN BEACH EMPLOYEES PENSION PLAN AT SECTION 24-31 "DEFINITIONS," SECTION 24-32 "MEMBERSHIP," SECTION 24-33 "BENEFIT AMOUNTS AND ELIGIBILITY," SECTION 24-34 "OPTIONAL FORMS OF BENEFITS," SECTION 24-35 "CONTRIBUTIONS," AND SECTION 24-36 "ADMINISTRATION"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach, Florida ("Town Council") has established the Town of Golden Beach Employees Pension Plan (the "Plan") for members of the Plan as defined in Section 24-31 of the Town's Code of Ordinances ("Members"); and

WHEREAS, the Town Manager is not a member of the Plan, but instead participates in Town-sponsored deferred compensation plans; and

WHEREAS, the Town Council desires to include the Town Manager as a Plan Member, retroactive to his date of employment; and

WHEREAS, to accomplish the goal of including the Town Manager as a Plan Member, it is necessary to adopt an ordinance amending the Plan as set forth in Chapter 24, Article II of the Town Manager's Code of Ordinances; and

WHEREAS, the Town Council finds that adopting this Ordinance is in the best interest of the Town of Golden Beach, Florida (the "Town").

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, HEREBY ORDAINS AS FOLLOWS:¹

Section 1. Recitals Adopted. Each of the above recitals is hereby adopted and incorporated as if fully set forth in this Section.

¹Additions to existing code text are shown by underline; deletions from existing code text are shown by ~~strike through~~. Changes between first and second reading are indicated with **highlight**.

Section 2. Code Amended. That Section 24-31 “Definitions” of Division 1 “General Employees” of Article II “Retirement” of the Town Code is hereby amended to read as follows:

Sec. 24-31. - Definitions.

As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Town Manager means the appointed individual responsible for the administration of the government of the Town, which includes but is not limited to enforcing the Charter, Code of Ordinances and resolutions of the Council; preparing and submitting the annual budget and capital program; carrying out the orders of the Mayor in all administrative matters; and performing such other duties as may be specified by this Charter, the Code of Ordinances, the Mayor or the Council.

Credited Service means for each Member uninterrupted service (expressed as years and completed months) from the date the Member last entered employment as an Employee until the date the Member's employment shall be terminated by death, disability, retirement, resignation or discharge; provided however, the Credited Service of any Member shall not be deemed to be interrupted by:

- (1) Any authorized leave of absence or vacation provided that all Members similarly situated in similar circumstances shall be treated alike pursuant to uniform, nondiscriminatory rules;
- (2) Any service, voluntary or involuntary, in the Armed Forces of the United States, provided the Member is legally entitled to reemployment under the provisions of the Vietnam Era Veteran's Readjustment Act of 1974, the Uniformed Services Employment and Reemployment Rights Act, the Florida Statutes and any amendments thereto, or any law applicable to such reemployment, and provided further, that said Member shall apply for employment within three months following termination of such service for General Employee Members and as provided in Chapter 185 of the Florida Statutes for Police Officer Members.

No credit for benefit eligibility or computation purposes under the Plan shall be allowed for any such period of leave of absence as described in (1) above. A General Employee Member who left the City to perform military service in the Armed Forces of the United States and who is reemployed as provided above shall receive credit for such service if the Member redeposits any distribution received from the Fund and Employee contributions for the period of such military service without interest, a Police Officer Member who left the City to perform military service in the Armed Forces of the United States who is reemployed as provided above shall receive credit for such service as provided in Chapter 185 of the Florida Statutes.

A Police Officer Member may purchase Credited Service for all purposes, including vesting, for the years or fractional parts of years that the Police Officer Member was

engaged as a Police Officer for another employer or for military service in the Armed Forces of the United States, voluntarily or involuntarily, prior to employment with the City, provided that:

- (1) The Police Officer Member is not receiving or is entitled to receive a benefit from another governmental pension plan for such service.
- (2) The Police Officer Member pays into the Plan the full actuarial cost of such prior service.
- (3) The maximum credit for prior Police Officer service and/or prior military service pursuant to this section shall be five years.

A Town Manager Member who elects to participate in the Plan pursuant to Section 24-32(3) may purchase Credited Service for all purposes, including vesting, for the years or fractional parts of years that the Member participated in a Deferred Compensation plan, a 457 plan or other eligible plan or retirement system, provided that:

- (1) The Town Manager Member is not receiving or is entitled to receive a benefit from another governmental pension plan for such service.
- (3) Payment is made to the Plan within [INSERT] following the date of the Member's election to purchase the additional Credited Service.
- (3) The Town Manager Member pays into the Plan the full actuarial cost of such prior service.

Early Retirement Date means for each Member the first day of the month coincident with or next following the later of:

- (1) The completion of ten years of Credited Service, and
- (2) The attainment of his 55th birthday if a General Employee, or his 50th birthday if a Police Officer or Town Manager.

Employee means any person who is employed by the City on a full-time basis and whose salary or wages are subject to withholding for purposes of federal income taxes and the Federal Insurance Contributions Act. For this purpose, "full-time employment" shall mean at least 40 hours per week and at least six months per year. Persons employed under contract for a definite period, except for any individual serving as Town Manager, or any person employed for the performance of a particular, special service shall not be eligible for participation in the Plan.

General Employee means an Employee who is not a Police Officer or Town Manager.

Normal Retirement Date means for each Member the first day of the month coincident with or next following the attainment of his 65th birthday if a General Employee, or if a Police Officer or Town Manager age 55 with ten years of Credited Service or age 52 with 25 years of Credited Service. Provided that effective October 1, 2006 the Town Manager Member or Police Officer Members shall be eligible for normal retirement upon attainment

of age 52 and completion of 20 years of Credited Service. A Member may retire on his Normal Retirement Date or on the first day of any month thereafter.

Retiree means a person in receipt of retirement allowance payments under the Plan on the basis of Credited Service as an Employee.

Section 3. Code Amended. That Section 24-32 “Membership” of Division 1 “General Employees” of Article II “Retirement” of the Town Code is hereby amended to read as follows:

- (a) Conditions of Eligibility.
 - (1) Each Employee as of the Effective Date shall continue participation in the Plan without interruption.
 - (2) Each person who becomes an Employee after the Effective Date shall become a Member of the Plan as of his date of full-time employment upon completion of his Application for Membership.
 - (3) Any person serving as Town Manager previously participating in a Town sponsored Deferred Compensation plan, a 457 plan or other eligible plan or system who becomes an Employee upon the acceptance of a one-time, irrevocable option to transfer to this Plan, and become a Member upon completion of his Application for Membership.
- (b) Application for Membership. Each eligible Employee shall, within 30 days of becoming eligible (or [INSERT] days for the Town Manager), complete an application form covering the following points, as well as such other points or items as may be prescribed by the Board:
 - (1) Acceptance of the terms and conditions of the Plan,
 - (2) Designation of a Beneficiary or Beneficiaries, and
 - (3) Provision of acceptable evidence of his date of birth.
- (c) Transfer to the Plan. For purposes of subsection (a)(3) above, the Town Manager Member may purchase Credited Service under this Plan for all or a portion of the period of his employment, by paying into the Plan an amount equal to the sum of the required employer and employee contributions for each fiscal year of service, or portion thereof, purchased, as reflected in the applicable actuarial valuation report for each year. This payment shall include interest at a rate calculated from the end of each applicable fiscal year through the date of payment. Cost estimates shall be provided to the Member within [INSERT DAYS]. The Member shall be fully vested in such amounts paid or transferred to this Plan for the purchase of Credited Service. Payment of Credited service may derive from one or a combination of the following:
 - (1) Cash Payment.
 - (2) Direct transfer or rollover from a Deferred Compensation Fund account, a 457 plan or other eligible plan, provided the other retirement plan(s) permits such direct transfers or rollovers for the purchase of Credited Service under this Plan. The full

value of assets transferred from the Town Manager Member's Deferred Compensation Fund account, 457 plan or other eligible plan that permits such direct transfers or rollovers for the purchase of Credited Service under this Plan will be credited toward the purchase of Credited Service. The Town Manager Member shall not be permitted to selectively choose those years that result in the lowest purchase amount. Notwithstanding any other provision of Section 24-32, in no event may the maximum benefit percentage applicable to the Member be exceeded as the result of any purchase of Credited Service. This authorization to transfer or roll over such assets is irrevocable.

- (3) Conversion of accrued sick leave, vacation leave and floating holiday time. Accrued unused and accumulated sick leave, vacation leave and floating holiday time may be converted to a monetary value for the purchase of additional Credited Service. The total amount of sick and vacation leave, as well as floating holiday time used for the purchase of additional Credited Service under this section shall be deducted from the Member's unused and accumulated leave accruals.

Payment for all Credited Service purchased must be made within [INSERT DAYS] days of the completion of the Application for Membership pursuant to subsection (b) above.

- ~~(c)~~ d Change In Designation of Beneficiary. A Member may from time to time change his designated Beneficiary by written notice to the Board upon forms provided by the Board. Upon such change, the rights of all previously designated Beneficiaries to receive any benefit under the Plan shall cease.
- ~~(d)~~ e Exceptions from Membership. The City Council may designate certain Employees not to be included for membership in the Plan where the City provides comparable benefits in another program ~~such as the deferred compensation program sponsored by the International City Managers Association.~~ This designation may only apply to Employees whose employment is subject to appointment by the City Council. The Town Manager, by virtue of his eligibility pursuant subsection (a)(3) above, is not a designated Employee and, therefore, any previous exclusion designation relative to the position is null and void. Each other Employee must become a Member of the Plan as a condition of his employment.
- ~~(e)~~ f Election of increased benefits and employee contributions. Each member of the plan as of the date this section becomes effective shall, within 60 days following such effective date, make a written election either to continue no member contributions to the plan or to begin contributing three and one-half percent of earnings to the plan in the case of general employee members or three and three-tenths percent of earnings in the case of police officer members. Each such member who elects not to contribute shall be subject to a lower benefit accrual rate, as provided in Section 24-33(a)(1). Each such member who elects to begin contributing at the rates provided above shall be subject to a higher benefit accrual rate, as provided in Section 24-33(a)(1).

Section 4. Code Amended. That Section 24-33 “Benefit amounts and eligibility” of Division 1 “General Employees” of Article II “Retirement” of the Town Code is hereby amended to read as follows:

(a) Normal Retirement Benefit.

- (1) Amount. Each Member who retires on or after his or her Normal Retirement Date shall be eligible to receive his or her normal retirement benefit commencing on his or her actual retirement date.
 - a. The monthly normal retirement benefit for each member who does not contribute to the plan shall be an amount equal to two percent of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.
 - b. The monthly normal retirement benefit for each general employee member who contributes to the plan shall be an amount equal to two and one-quarter percent of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.
 - c. The monthly normal retirement benefit for each police officer member and the Town Manager member who contributes to the plan and retires after September 30, 2003, shall be an amount equal to 2¾-percent of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.
 - d. Effective October 1, 2006 the monthly normal retirement benefit for each Police Officer Member and the Town Manager Member, who contributes to the Plan and retires, shall be an amount equal to three percent of Average Monthly Earnings multiplied by the length of Credited Service rendered on or after October 1, 2006.

(c) Disability Retirement Provisions.

- (4) Determination of Disability. All questions relating to eligibility for initial payment or continuance of disability benefits shall be determined by the Board, taking into consideration the recommendations of the medical board and such other evidence of which the Board may avail itself. The general steps which the Board shall follow in its determination shall be as listed below, provided however, that the Board may in its discretion alter or modify these steps:

- e. Establish a date of disability. This date may be the date of injury causing the disability, the date when the Member could no longer perform his regular and continuous duties, the date when his sick pay and vacation pay are

exhausted or such other date as determined by the Board. Provided that for Police Officer Members or the Town Manager Member the date of disability for services incurred disability benefits shall be the date of the injury or illness occurred.

(5) Disability Retirement Benefits.

- b. Amount of Services Incurred Disability Benefit. For General Employee Members, 42 percent of the Member's monthly Earnings in effect on the date of disability provided, however, that such benefits shall be no less than ~~then~~ the Accrued Benefit and, subject in any event to the offsets listed below. For Police Officer Members and Town Manager Member 70 percent of the Member's monthly Earnings in effect on the date of disability, provided that such benefits shall be no less than ~~then~~ the Accrued Benefit and, subject in any event to the offsets listed below.

(e) Termination Benefits and Vesting. ***

Any member not eligible for an early, normal or delayed retirement benefit but who has a vested interest at time of termination shall receive such benefit commencing on the date which would have been his normal retirement date had he continued in employment with the city; provided however, a member may elect to receive his deferred benefit upon attaining age 55, in the case of a general employee member, or age 50, in the case of a police officer member or the Town Manager member, or any date thereafter, the benefit in such case to be actuarially reduced as for early retirement.

Section 5. Code Amended. That Section 24-34 "Optional forms of benefits" of Division 1 "General Employees" of Article II "Retirement" of the Town Code is hereby amended to read as follows:

Each Member entitled to a normal or vested retirement benefit shall have the right at any time prior to the date on which benefit payments begin to elect to have his benefit payable under any one of the options hereinafter set forth in lieu of the benefits otherwise provided herein, and to revoke any such elections and make a new election at any time prior to the actual beginning of payments. The value of optional benefits shall be Actuarially Equivalent to the value of benefits otherwise payable, and the present value of payments to the retiring Member must be at least equal to 50 percent of the total present value of payments to the retiring Member and his Beneficiary. The Member shall make such an election by written request to the Board, such request being retained in the Board's files.

(6) Option 6 - Deferred Retirement Option Plan for Town Manager Member. Effective upon the day the Town Manager becomes a Plan Member, there shall be a

Deferred Retirement Option Plan (DROP) created for the Town Manager Member, which shall be based on the identical terms and conditions of the DROP plan for Police Members as outlined in the collective bargaining agreement between the Town and the Florida State Lodge, Fraternal Order of Police, as may be amended from time to time. The DROP Plan for the Town Manager Member shall become part of the Plan and shall be administered by the Board as established herein.

Section 6. Code Amended. That Section 24-35 “Contributions” of Division 1 “General Employees” of Article II “Retirement” of the Town Code is hereby amended to read as follows:

(a) Member Contributions.

- (1) Amount. Except for those Members who elect not to contribute to the Plan, Members shall make regular contributions to the Fund at a rate equal to 3½ percent of their respective Earnings in the case of General Employee Members and 33/10 percent of Earnings in the case of Police Officer Members and the Town Manager Member. Provided that effective October 1, 2006 Police Officer Members and the Town Manager Member shall make regular contributions to the fund at a rate equal to six percent of their respective Earnings.

Section 7. Code Amended. That Section 24-36 “Administration” of Article II “Retirement” of Division 1 “General Employees” of Article II “Retirement” of the Town Code is hereby amended to read as follows

Sec. 24-36. - Administration.

- (c) The elective Trustees shall be elected in the following manner, to wit: By vote of all actively employed Police Officer ~~and~~ General Employee Members and the Town Manager Member at meetings to be held at places designated by the Board, of which meetings all qualified Members entitled to vote shall be notified in Person or by written notice often days in advance of said meeting. The Police Officer and General Employee receiving the highest number of votes shall be declared elected and shall take office immediately upon commencement of the terra of office for which elected or as soon thereafter as he shall qualify therefore. An election shall be held not more than 30 and not less than ten days prior to the commencement of the terms for which Trustees are to be elected. The Board shall establish and administer the election procedure for each election. The Board of Trustees shall meet, organize, and elect one of their members as Chairman, one member as Vice Chairman, and one member as Secretary within ten days after all the Trustees are elected and duly qualified.

Section 8. Repealer. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 10. Codification. That it is the intention of the Town Council, and hereby ordained, that the provisions of the Ordinance shall become and be made a part of the Code of the Town of Golden Beach; that the sections of this Ordinance may be re-numbered and/or re-lettered to accomplish such intentions; and that the word, "Ordinance," shall be changed to "Section" or such other appropriate word.

Section 11. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

[remainder of page intentionally left blank]

The Motion to adopt the foregoing Ordinance was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice-Mayor Kenneth Bernstein	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Judy Lusskin	_____
Councilmember Bernard Einstein	_____

PASSED AND ADOPTED on first reading this 19th day of April, 2016.

The Motion to adopt the foregoing Ordinance was offered by _____,
seconded by _____, and on roll the following vote ensued:

Mayor Glenn Singer	_____
Vice-Mayor Kenneth Bernstein	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Judy Lusskin	_____
Councilmember Bernard Einstein	_____

PASSED AND ADOPTED on second reading this ____ day of _____, 2016.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY




TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 19, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Lissette Perez, 
Town Clerk

Subject: **Town Council Minutes**

Item Numbers:

2

Recommendation:

It is recommended that the Town Council adopt the attached minutes of the Town's March 15, 2016 Regular Town Council meeting.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the March 15, 2016
Regular Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:04 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Councilmember Amy Isackson-Rojas, Councilmember Judy Lusskin, Councilmember Bernard Einstein, Vice Mayor *Kenneth Bernstein (arrived during Presentations and Town Proclamations)*

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Town Attorney Steve Helfman, Chief of Police Rudy Herbello, Finance Director Maria D. Camacho

C. PLEDGE OF ALLEGIANCE

Chief of Police Herbello led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

RECOGNITION OF EMPLOYEE OF THE FIRST QUARTER – KEN JONES, FACILITIES & MAINTENANCE DIRECTOR

RECOGNITION OF OFFICER OF THE QUARTER – DETECTIVE DAN ROSENBERG

RECOGNITION OF EMPLOYEE OF THE YEAR – OCEAN RESCUE LIFEGUARD JOHN FIALKOWSKI

E. MOTION TO SET THE AGENDA

ADDITIONS/ DELETIONS/ REMOVAL OF ITEMS FROM CONSENT AGENDA/ AND CHANGES TO AGENDA

F. GOOD AND WELFARE

None

G. MAYOR'S REPORT

Wished the Town Manager a happy birthday.

H. COUNCIL COMMENTS

Councilmember Einstein

Also wished the Town Manager a happy birthday.

Councilmember Rojas

Wished the Town Manager a happy birthday.

Vice Mayor Bernstein

Wished the Town Manager a happy birthday. Commented on how nice it is when the Town is running so smoothly and there are so very little comments.

Councilwoman Lusskin

Spoke on come of the events coming up with the Golden Beach Youth Leadership Group. Recognized and thanked Michael Glidden and Carole Larson for all of their hard work on the Town's events. Asked the Town Manager to mention something about Atlantic Broadband in his report on the progress the Town has made. Also stated that the gate arms are working beautifully.

I. TOWN MANAGER REPORT

Presented the Council with their annual stipend of \$1 for the 2015 calendar year.

Stated that the Town would be closing Tweddle Park for the redesign of the tennis courts and the dog park next week.

If there is an individual member that is having a problem they should reach out to Atlantic Broadband directly. Councilmember Rojas stated that she is still having problems with connectivity and Councilmember Lusskin as well.

Also stated that the Town has promoted part-time beach attendant Reynaldo Mundle to a full-time employee.

416 Golden Beach Drive – Mayor Singer asked that this item be discussed at the end of the meeting.

J. TOWN ATTORNEY REPORT

None

K. ORDINANCES – SECOND READING

None

M. ORDINANCES - FIRST READING

None

N. QUASI JUDICIAL RESOLUTIONS

None

O. CONSENT AGENDA

1. Official Minutes of the February 23, 2016 Special Town Council Meeting
2. Official Minutes of the February 23, 2016 Local Planning Agency Meeting
3. A Resolution of the Town Council Authorizing a \$5,000 Contribution to Teach for America.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF LAW ENFORCEMENT TRUST FUND (LETF) MONIES TO MAKE A \$5,000 CONTRIBUTION TO TEACH FOR AMERICA (TFA); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2442.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2442.16

4. A Resolution of the Town Council Approving the Purchase of a Police K-9.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF EQUIPMENT AND TRAINING OF ONE (1) POLICE CANINE (K-9); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2443.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2443.16

5. A Resolution of the Town Council Approving the Lease Agreement for Two Police Motorcycles.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PARTICIPATION IN A LEASE AGREEMENT FOR TWO POLICE MOTORCYCLES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2444.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2444.16

Motion to approve was made by Councilmember Rojas, seconded by Councilmember Lusskin.

Consensus vote 4 Ayes 0 Nays. Items O1 – O5 pass. **** Vice Mayor Bernstein stepped out during the vote. ****

Councilmember Einstein asked if the K-9 dog makes the Town any money.

Town Manager Diaz stated that the K-9 personnel are not necessarily in place to make money. They are an added tool for officer safety and apprehension.

P. TOWN RESOLUTIONS

None

Q. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Kenneth Bernstein:
None Requested

Councilmember Bernard Einstein:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Judy Lusskin:
None Requested

Town Manager Alexander Diaz

416 Golden Beach Drive – for the last decade the Town has been trying to address the issue with 416 Golden Beach Drive. The riprap and mangroves began to be a problem about 7 years ago when the Town started seeing more and more water coming from the property into the Town's streets. The Town Attorney recommended the Town speak with the Town's engineers to see if the Town can come up with an alternative to the situation. One of the things the engineers have designed is the installation of a berm on the property line to prevent the water from coming onto the Town's streets. For the last 7 years, the Town's administration has not taken any code enforcement action against the property in trying to get the property to be helpful and work with the Town to find a resolution. The property owner feels that the property is not in disarray and that there is nothing that needs to be fixed. The Town's engineers have come up with a \$17,000 berm design for

the property for the Town to try and mediate the water coming out from the property. Asked Council whether or not this is the next appropriate course of action or should the Town try to figure something else out.

Mayor Singer stated that that water sits there; it affects Golden Beach Drive and residents vehicles and the sidewalks. Even when the rest of the Town is drive, that water sits there.

Councilmember Einstein asked for clarification as to the engineers findings.

Attorney Helfman stated that there are two things that are contributing to the problem: one is there is rising tide water coming into the property, the other is that there is also a stormwater problem. The site itself becomes so saturated with water that the water spills out onto the streets. The Town has requested that they put in the seawall and the property owners have stated that the Town settled with them back in 1995 and they do not need to put in the seawall.

Mayor Singer stated that the Town has even offered to pay to put in the seawall, with the stipulation that when they sold the house they would have to pay the Town back and the property owners would not agree to that either.

Councilmember Einstein stated that the Town revisited the seawall issue when it did the capital improvement project several years ago to see if everyone is in compliance. Inquired why this property owner didn't need to comply at that time.

Attorney Helfman stated that she has a contract with the Town. The Town can fight and go to court, but the Town will probably lose.

Councilmember Einstein stated that there is something that doesn't smell right with this.

Attorney Helfman stated that the Town made an agreement with her that she didn't have to put in a seawall in she only had to put in riprap, she did that, the Town can't go back on its agreement with her now.

Attorney Helfman stated that they have already started conversations with her attorney, and the property owners are tired of fighting with the Town. In the interim, the Town should consider putting in the berm to mediate the problem with the water spilling into the public right-of-way.

Mayor Singer stated that the problem he has with the berm is that it is going to be an eyesore.

Attorney Helfman stated that the he would be meeting with the property owner and her attorney along with the Manager and the Mayor to try to come to an agreement with the property owner.

Landscape Ordinance Workshop – Town Manager stated that the Administration is looking at a new landscape ordinance for the Town. Asking the Council if they want to be involved and have a workshop to go through the ordinance before bringing it to them for consideration.

Vice Mayor Bernstein asked what the impotence of doing this right now was.

Town Manager stated that its time to start asking homeowners to be as compliant as the Town has been. Also wants to address the hedge height requirements in the swales of homes and in the Town's swale.

Vice Mayor Bernstein stated that he would like to have a workshop. Other councilmembers also agreed that there should be a workshop.

Canal Maintenance Program Update- Town Manager stated that the Town has already spent over \$50,000 on how to address the Town's canal maintenance program. Administration will be revisiting this next year.

Town Manager reminded council that the next meeting is scheduled for April 19th. Asked that it be scheduled for 6:30 p.m. Council agreed with the change in time.

R. ADJOURNMENT:

A motion to adjourn the Council Meeting was made by Councilmember Luskin, seconded by Vice Mayor Bernstein.

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 7:52 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 19, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Item Number:

3

Subject: Resolution No. 2445.16 - Approving a Mutual Aid Agreement
with the Town of Medley Police Department

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2445.16 as presented.

Background:

The Town of Golden Beach has entered into a number of mutual aid agreements which enable the Police Department to receive assistance from other agencies and to aid those agencies when they request it. This agreement provides for the Police Department to request assistance from and to provide assistance to the Medley Police Department.

The Town Manager, in consultation with the Mayor, recommends the Town Council approve the new agreement.

Fiscal Impact:

There is no cost to the Town to participate.

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2445.16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN OF GOLDEN BEACH AND THE TOWN OF MEDLEY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach, Florida (the "Town") wishes to enter into a Mutual Aid Agreement (the "Agreement") with the Town of Medley Police Department, Florida, attached to this Resolution as Exhibit "A" between the Town and the Town of Surfside , described and outlined in the attached Agenda Item Report; and

WHEREAS, the Town Council believes that it is in the best interest to enter into the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. Agreement Approved. That the Agreement is hereby approved in substantially the form attached hereto as Exhibit "A," subject to approval by the Town Attorney as to form and legal sufficiency.

Section 3. Implementation. That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

Section 4. Effective Date. That this resolution shall become effective immediately upon approval of the Town Council.

Sponsored by **Town Administration**

The Motion to adopt the foregoing Resolution was offered by _____,

seconded by _____ and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Bernard Einstein	_____
Councilmember Judy Lusskin	_____
Councilmember Amy Isackson-Rojas	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,
Florida, this 19th day of April, 2016.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

**COMBINED VOLUNTARY COOPERATION AND
OPERATIONAL ASSISTANCE
MUTUAL AID AGREEMENT
BETWEEN
THE TOWN OF MEDLEY, FLORIDA AND
TOWN OF GOLDEN BEACH, FLORIDA**

This Voluntary Cooperation and Operational Assistance Mutual Aid Agreement is made as of this ____ day of _____, 2016, by and between the TOWN OF MEDLEY, FLORIDA, a Florida municipal corporation, having its principal office at 7777 NW 72 Avenue, Medley, Florida 33166, and the TOWN OF GOLDEN BEACH, FLORIDA, a Florida municipal corporation having its principal office at 1 Golden Beach Drive, Golden Beach , FL 33160, and states as follows:

WHEREAS, it is the responsibility of the governments of the Town of Medley, Florida, and the Town of Golden Beach, 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, 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 Medley Police Department or the Town of Golden Beach Police Department; and

WHEREAS, the Town of Medley and the Town of Golden Beach are so located in relation to each other that it is in the best interest and advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

- (1) Continuing, multi-jurisdictional criminal activity, 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, natural or manmade disasters or emergencies as defined under Section 252.34, Florida Statutes; and
- (3) Joint provision of certain law enforcement services specified herein and allowed pursuant to Florida Statute 166.0495; and

WHEREAS, the Town of Medley and the Town of Golden Beach have the authority under The Mutual Aid Act, Chapter 23, Part I, Florida Statutes, 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 of assistance in a law enforcement emergency.

NOW, THEREFORE, BE IT KNOWN, that the Town of Medley, a political subdivision of the State of Florida, and the Town of Golden Beach, 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 Medley and the Town of Golden Beach for arrests, made pursuant to the laws of arrest, for felonies and misdemeanors, 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 Medley and the Town of Golden Beach 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 Medley and the Town of Golden Beach for arrests, made pursuant to the laws of arrest, for felonies and 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 Medley and the Town of Golden Beach for investigations of homicides, sex offenses, robberies, assaults, batteries, burglaries, larcenies, gambling, motor vehicle thefts, drug violations pursuant to Chapter 893, Florida Statutes, and inter-agency task forces and/or joint investigations.

Prior to any officer taking enforcement action pursuant to paragraphs (a) through (e) 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 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. 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, 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.
17. Off-duty special events.
18. DUI Checkpoints.

SECTION III: PROCEDURE FOR REQUESTING OPERATIONAL ASSISTANCE

1. Mutual aid requested or rendered will 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 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 should 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 a 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 Town of Medley and the Town of Golden Beach 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), Fla. Stat. (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 provisions of this mutual aid agreement. This section applies 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.

SECTION VII: FORFEITURES

It is recognized that during the course of the operation of this agreement, property subject to forfeiture under Sections 932.701- 932.707, Florida Statutes, known as the "Florida Contraband Forfeiture Act," may be seized. The property shall be seized, forfeited, and 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."

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 execution and approval by the hereinafter named officials and shall continue in full force and effect until _____, 2020. 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 delivery of written notice to the other political subdivision.

IN WITNESS WHEREOF, the parties hereto cause to these presents to be signed on the date first written above.

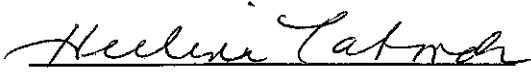
AGREED AND ACKNOWLEDGED this _____ day of _____, 2016.



ROBERTO MARTELL
Town Mayor
Town of Medley, Florida
Date: 3-7-2016

ALEXANDER DIAZ
Town Manager
Town of Golden Beach, Florida
Date: _____

ATTEST:

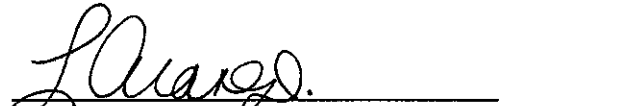


HERLINA TABORDA
Town Clerk
Town of Medley, Florida

ATTEST:

LISSETTE PEREZ
Town Clerk
Town of Golden Beach, Florida

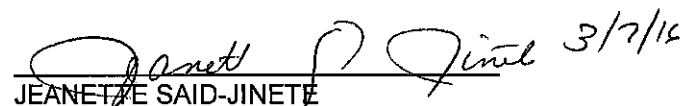
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



WEISS SEROTA HELFMAN COLE & BIERMANN, P.L.
Town Attorney
Town of Medley, Florida

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

STEPHEN HELFMAN, P.A.
Town Attorney
Town of Golden Beach, Florida



JEANETTE SAID-JINETE
Chief of Police
Town of Medley, Florida



RUDY HERBELLO
Chief of Police
Town of Golden Beach, Florida



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 19, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

AB

Item Number:

4

Subject: Resolution No. 2446.16- Accepting the Single Audit and the
General Purpose Financial Statements for Fiscal Year
2014/2015.

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2446.16 as presented.

Background:

The Town hired the firm of Keefe, McCullough & Co., LLP to conduct the annual audit for fiscal year 2014/2015 ending September 30, 2015.

The auditors have concluded the financial audit for Fiscal Year ending in 2015. The audit consists of the following:

- Financial Statement for fiscal year 2014/2015 ending September 30, 2015
- Report to Management which highlights the Internal Controls of the Town
- The Town had no findings or recommendations once again this year
- The single audit and the General Purpose Financial Statements for fiscal year 2014/2015
The single audit is a review of all State and Federal Funds received. The review assures compliance with the rules that govern said funds.

As your Manager my primary focus has always been keeping our financial position strong. In an effort to rebuild our coffers and provide for projects that were unforeseen during the 2014-2015 budget year we held back on our spending. To this effort, the audit shows that we had an Operating savings of \$466,714.

In addition, the Town never had to "tap" the General Fund, Fund Balance allocation of \$550,000 that was authorized to balance the Town's budget.

The audit shows that there is a balance of \$4,190,178 due to the General Fund. From other internal funds. Of which, \$2,281,165.00 that is due to the General Fund is mainly owed to the General Fund from the Stormwater Fund. By your action two years ago, we have set in place a re-payment program to that will allow for us to slowly repay our fund balance (reserves).

Fiscal Impact:

Our Fund Balance will be set at \$4,124,856 an increase of \$526,714 over the previous year. (See Page 13 of the Audit for more details)

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2446.16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ACCEPTING THE GENERAL PURPOSE FINANCIAL STATEMENTS AND THE SINGLE AUDIT FOR FISCAL YEAR 2014/2015 ENDING SEPTEMBER 30, 2015 PREPARED BY KEEFE, MCCULLOUGH & CO., LLP; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Keefe, McCullough & Co., LLP has prepared and submitted to the Town General Purpose Finance Statements and the Single Audit for Fiscal Year 2014-2015; and

WHEREAS, the Town Council intends to formally recognize and accept the statements and audit, copies of which are attached as Exhibit "A" to this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Financial Statements Accepted. That the Town hereby accepts the General Purpose Financial Statements and the Single Audit for fiscal year 2014/2015 ending September 30, 2015 prepared by Keefe, McCullough & Co., LLP.

Section 3. Effective Date. That this Resolution shall be effective immediately upon adoption.

Sponsored by the Town Administration.

The Motion to adopt the foregoing resolution was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Glenn Singer _____
Vice Mayor Kenneth Bernstein _____
Councilmember Judy Lusskin _____
Councilmember Bernard Einstein _____
Councilmember Amy Isackson-Rojas _____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,
Florida, this 19th day of April, 2016.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 19, 2016

Item Number:

To: Honorable Mayor Glenn Singer &
Town Council Members

5

From: Alexander Diaz, 
Town Manager

Subject: **Resolution No. 2447.16 – Approving the Proposal from
Southeastern Engineering for Work on Outfalls on Center Island**

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2447.16 as presented.

Background:

During the last few years we continue to see occasional flooding on Center Island. This item allows for some additional work to be performed to the Town's Storm Water System on Center Island to alleviate some of the occasional flooding.

Due to the low elevations of Center Island and the location of the Town's Stormwater Outfalls, we continue seeing occasional flooding throughout the island. There are many cost prohibitive solutions to the occasional flooding, such as raising the island and the streets, installing a force pump and other projects that cost well over a million dollars.

This solution should alleviate this occasional tide flooding and bring much needed relief to the residents of Center Island.

Fiscal Impact:

\$47,265.00 from the Town's Storm Water Funds

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2447.16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE PROPOSAL PROVIDED BY SOUTHEASTERN ENGINEERING CONTRACTORS, INC. FOR THE INSTALLATION OF NEW CHECKMATE VALVES FOR THE TWO OUTFALLS ON CENTER ISLAND; PROVIDING FOR WAIVER OF BIDDING PROCEDURES; PROVIDING FOR IMPLEMENTATION; AND AN EFFECTIVE DATE.

WHEREAS, the Town Council desires to install new checkmate valves for the two outfalls on center island within the Town; and

WHEREAS, the Town Council finds that compliance with the bid procedures set forth in the Town's Code of Ordinances (the "Town Code") is impractical and not in the best interest of the Town; and

WHEREAS, the Town Council has determined that the proposal submitted by Southeastern Engineering Contractors, Inc., attached hereto as Exhibit "A," (the "Proposal") is acceptable and will well serve the needs of the Town residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted and confirmed.

Section 2. Proposal Approved. The Southeastern Engineering Contractors, Inc. Proposal, attached hereto as Exhibit "A," is approved.

Section 3. Waiver of Competitive Bidding. The Town Council finds that compliance with the bid procedures within the Town Code is impractical and hereby waives such procedures in accordance with Section 2-275 of the Town Code.

Section 4. Implementation. The Town Mayor and Town Manager are hereby directed to take all steps necessary to implement this Resolution, including the execution of the Proposal.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

The Motion to adopt the foregoing Resolution was offered by Councilmember _____, seconded by _____ and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Amy Isackson-Rojas	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 19th day April, 2016.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

Install 2ea 30" Inline Tideflex Valves and Remove & Reinstall Existing Top Slab

Date: 3/22/2016

Item	Description	Unit	Qty	U. Price	Total
1	Mobilization	LS	1.00	1,950.00	1,950.00
2	MOT	LS	1.00	625.00	625.00
3	Remove and Reinstall Existing Top Slab and PRB	LS	1.00	3,340.00	3,340.00
4	Cleaning existing Pipe (Barnacle removal not included)	LS	1.00	1,500.00	1,500.00
5	Furnish & Install 30" Tideflex Valve	EA	2.00	19,680.00	39,360.00
6	Sod Restoration	LS	1.00	490.00	490.00

TOTAL 47,265.00
EXCLUSIONS:

- Performance Bond.
- Permit fees associated with our work.
- Uniformed Police Officer.
- Temporary fencing (site fencing).
- Concrete Sidewalk (Min. Charge \$1,620)
- Project Photos.


GENERAL NOTES:

The quotation provided was based on Plan C-01 Provided by the Town of Golden Beach

This proposal includes only the items listed above. Any other work that is not specifically listed should not be considered as part of this proposal.

SEC can provide, upon request, prices for other type of work.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 19, 2016

Item Number:

To: Honorable Mayor Glenn Singer &
Town Council Members

6

From: Alexander Diaz, *Alex B*
Town Manager

Subject: **Resolution No. 2448.16 – Establishing Eligibility Criteria for
Continuation of Health Insurance Benefits for Councilmembers**

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2448.16 as presented.

Background:

This Resolution ensures that residents of our Town who seeks and serve in an elected role for a period of ten or more years shall have continuation of their Town sponsored health insurance so long as they chose to participate.

This benefit is being offered in recognition for the members service to the Town.

Fiscal Impact:

Undeterminable; but in the worst case scenario that 5 non-members are added to the plan it is an approximate liability of \$20,000+/- per year.

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2448.16

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, ESTABLISHING ELIGIBILITY CRITERIA FOR CONTINUATION HEALTH INSURANCE BENEFITS FOR TOWN COUNCILMEMBERS AND THEIR ELIGIBLE DEPENDENTS UNDER THE TOWN'S GROUP HEALTH INSURANCE PLAN; PROVIDING CONTINUATION HEALTH INSURANCE BENEFITS FOR TOWN COUNCILMEMBERS AND THEIR ELIGIBLE DEPENDENTS UNDER THE TOWN'S PLAN IN THE SAME MANNER AS PROVIDED FOR RETIRED GENERAL EMPLOYEES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO OFFER TOWN COUNCILMEMBERS CONTINUATION HEALTH COVERAGE UNDER THE GROUP HEALTH INSURANCE PLAN; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 112.08, Florida Statutes, authorizes municipalities in Florida to provide and pay out of its available funds all or part of the contributions for health insurance for municipal officers and employees and eligible dependents;

WHEREAS, Section 112.0801, Florida Statutes, authorizes municipalities that provide health insurance for its officers and employees and their dependents to offer former personnel who retire and their eligible dependents the option of continuing to participate in the municipality's group health insurance plan;

WHEREAS, the Town maintains a group health plan for both its active and retired general employees and their eligible dependents;

WHEREAS, Town Resolution No. 2085.10 authorized the provision of health insurance under the Town's group health plan for Town councilmembers and their eligible

dependents, with the full cost of such insurance paid by the councilmember(s) electing coverage;

WHEREAS, Town Resolution No. 2085.10 also provided for continuation health insurance for Town councilmembers and their eligible dependents upon their retirement, with the full cost of such insurance paid by the councilmember(s) electing continuation coverage;

WHEREAS, Town Resolution No. 2290.13 authorized the Town to pay for Town councilmembers' group health coverage to the same extent as the Town pays for group health insurance coverage for its general employees;

WHEREAS, the Town desires to for the group health insurance coverage of its retired councilmembers to the same extent as the Town pays for group health insurance coverage for its retired general employees;

WHEREAS, the Town also desires to establish eligibility criteria for former Town councilmembers to receive Town-subsidized health care coverage following retirement;

WHEREAS, the Town has determined that it is in its best interests to provide Town councilmembers who serve at least ten (10) years in office, after the cessation of the service with the Town, with continuation health coverage in the same manner as retired general employees with respect to associated costs of continuation health coverage.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA:

Section 1. Recitals Adopted. Each of the recitals stated above is hereby adopted and confirmed.

Section 2. Eligibility Criteria of Councilmembers to Accept Continuation Coverage in the Town's Group Health Insurance Plan. To the extent coverage is available, Town councilmembers (including the Mayor) who have served at least ten (10) years in elected office with the Town shall, after completing their service to the Town, be offered continuation health coverage for themselves and their dependents. This criteria shall apply to all councilmembers in office at the time of the passage of this resolution and thereafter.

Section 3. Authorization to Pay for the Cost of Continuation Health Insurance for Town Councilmember. The Town shall pay for the cost of continuation health insurance benefits for retired Town councilmembers (including the Mayor) and their eligible dependents to the same extent paid for by the Town for its retired general employees. Each eligible councilmember, in his/her sole discretion, will determine whether to continue to participate in the Town's group health insurance plan upon leaving office.

Section 4. Authorization of Town Officials; Implementation. The Town Mayor and Manager are authorized to take all action necessary to implement this Resolution and provide continuation health insurance coverage to former councilmembers and their dependents under these terms and conditions, and to forward all necessary documents as may be required to implement continuation coverage and execute any required agreements or documents.

Section 5. Authorization for Fund Expenditure. The Town Mayor and Manager are authorized to expend budgeted funds to implement the terms and conditions of this Resolution.

Section 6. Conflict. All resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 7. Severability. Should any sentence, section, clause, part, or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

Section 8. Effective Date. This Resolution shall be effective immediately upon adoption.

The Motion to adopt the foregoing Resolution was offered by _____, seconded by _____ and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Amy Isackson-Rojas	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida this 19th day of April, 2016.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

BENTHIC SURVEY TECHNICAL MEMORANDUM**DATE:** March 2, 2016**TO:** Alexander Diaz, Town Manager of Golden Beach**FROM:** George Burke, Environmental Scientist
Sean Compel, P.E., LEED AP, Project Manager
Stantec Consulting Services, Inc.**SUBJECT:** Golden Beach Islands - Benthic Survey
Northern, Central and Southern Islands, Golden Beach
Miami-Dade County, FL

Background

The purpose of this memorandum is to provide the results of the benthic survey performed on February 2nd and 3rd, 2016 to determine the presence/absence and general limits of benthic resources, seagrasses in particular, on the eastern side of the three Golden Beach Islands in Miami-Dade County, FL (**See Figure 1**). These islands are located north of the limits of Biscayne Bay and between the Intracoastal Waterway (ICW) to the west, and the Atlantic Ocean to the east. The accumulation of sediment in the tidal canals surrounding these islands has become a navigational issue as these waterways have been reported to be too shallow for residents to operate their boats. The Town of Golden Beach is researching the feasibility of performing a maintenance dredge in these canals to allow access for their resident's boats. In order to determine the permitting requirements for the proposed dredging activities, a thorough benthic investigation was performed by a team of biologists from Stantec. This survey focused on identifying seagrasses, and specifically the presence/absence of the threatened Johnson's Seagrass (*Halophila johnsonii*) in these canals. This project area is located outside the limits of the Critical Habitat for this species in Biscayne Bay; however, if this species is present in these canals, Section 7 Formal Consultation with the National Marine Fisheries Service (NMFS) would be necessary per the Endangered Species Act (ESA). This formal consultation process can take several months to conclude which is why it was critical to determine the presence or absence of this species as early on as possible. We are aware that this survey was performed outside the optimal seagrass growing season (June-September, NOAA NMFS); however, this survey was done in an effort to initiate this formal consultation as early as possible (if determined to be necessary). Due to the timing of this survey, an additional survey will need to be completed during the seagrass growing season to fully quantify the extent of seagrass coverage in order to determine design and permitting implications (i.e. avoidance and minimization measures and/or potential mitigation requirements).



Figure 1. The map shows the three tidal canals that were surveyed around the Golden Beach Islands located on the eastern side of the ICW in Miami-Dade County, FL.

Methodology

The survey was performed by Stantec SCUBA divers on February 2nd and 3rd, 2016 and each of the three tidal canals were surveyed according to the same methodology. To begin, the canals on the east side of each island were traversed in the dive boat to gauge and record the existing water depths using the boat's sonar depth-finder. The depth-finder showed that the depths in the middle of the canals varied from around 11 feet at the deepest to approximately six (6) feet deep at the shallowest points. These observations were taken during low tide on both days of the survey to determine the approximate shallowest possible depth of these canals. Transects were performed across the canals from seawall to seawall in approximately evenly spaced intervals which averaged out to 16 transects per canal (**See Figure 2**). These transects were completed utilizing a three diver system. The first diver would lay the transect tape measure along the sea bottom across the canal, then, the other two divers would swim along the transect line with one diver documenting benthic conditions on the right side of the transect tape while the other diver documented the benthic conditions on the left side of the tape. The divers recorded observations every ten (10) feet along these transects using underwater data sheets and the total length of these transects varied between 70-150 feet throughout the survey. The end points of these transects were taken using a Trimble GeoXT Global Positioning System (GPS), overlaid onto a project aerial using ArcGis and the data were then transcribed onto the maps. The data that were documented included benthic substrate as well as any seagrass species that were observed along with their approximate percent coverage using the Braun-Blanquet method for coverage-abundance. This method uses the following number system to visually estimate percent coverage:

Braun-Blanquet Coverage-Abundance Scale	
No.	Percent Coverage
0.5	A few individual blades
1	<5% coverage
2	5-25% coverage
3	25-50% coverage
4	50-75% coverage
5	75-100% coverage

In addition to the written data from the divers, underwater photographs were taken throughout the survey to further document the benthic conditions.

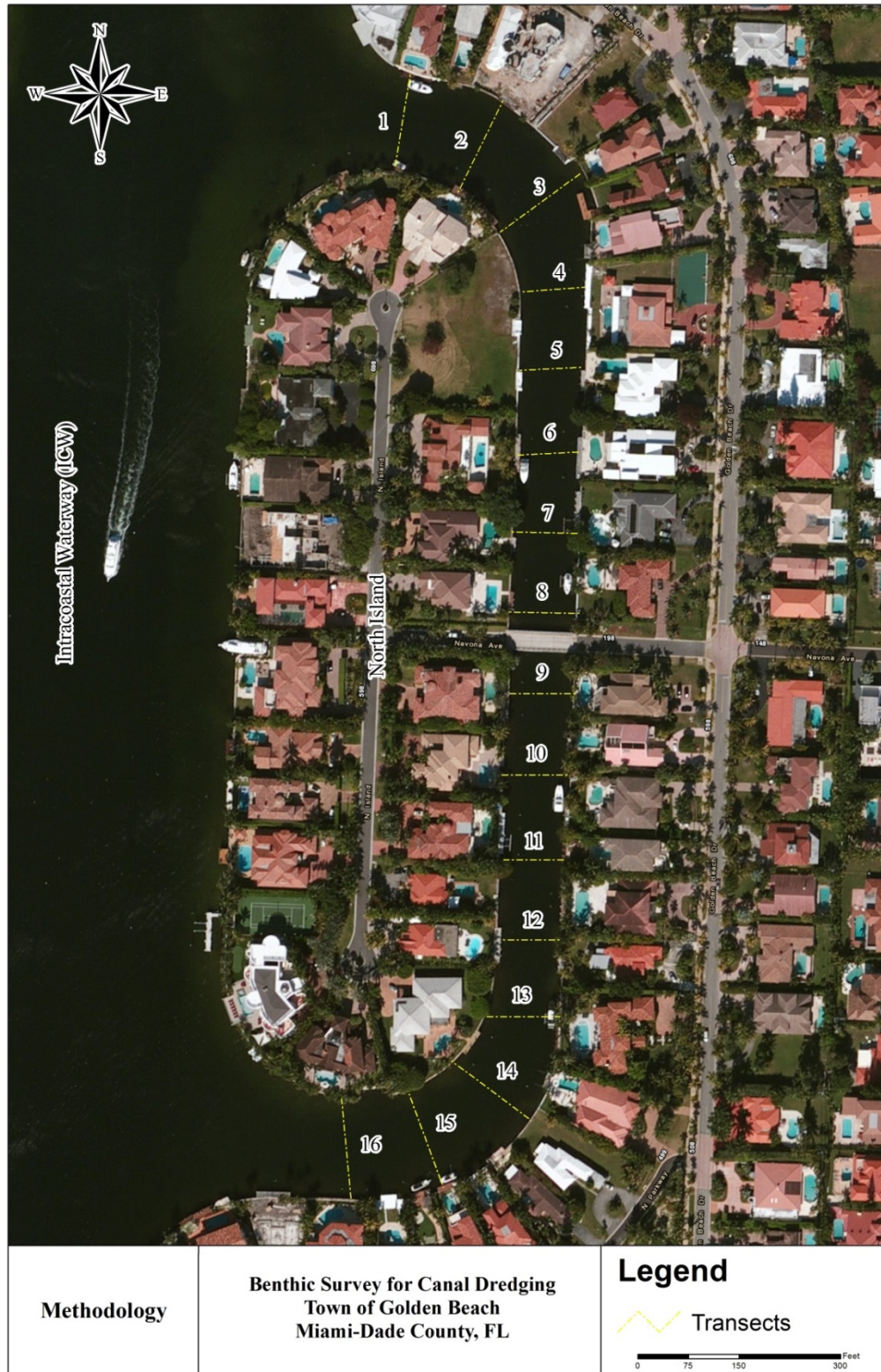


Figure 2. The map shows the benthic survey methodology of using 16 evenly spaced transects per canal (North Island canal shown here, but all three canals were surveyed using this methodology). Data was collected by two scientific divers, one on each side of the transect, every ten (10) feet along the length of each transect.

Results

Water depth varied in the North Island Canal from 4-8 feet and 4-11 feet deep for the Central and South Islands. The middle areas of these canals were the deepest while the areas adjacent to the seawalls were the shallowest. Only two species of seagrass were documented within the survey area: shoal grass (*Halodule wrightii*) and paddle grass (*Halophila decipiens*). The *H. decipiens* was the dominant species observed and exhibited up to an approximate 75% coverage in some areas while the *H. wrightii* was predominantly present as several isolated blades in a mixed species, seagrass bed. The observed seagrasses were mainly documented within the first 20-30 feet from the seawalls between existing docks/boat lifts and typically did not extend further into the middle areas of the canal. The majority of the observed seagrasses were documented around the entrances of the canals from the ICW and these beds generally exhibited a less than 25% total coverage. The northern and southern entrances to the canal at the North Island were where the most plentiful seagrasses were observed while the remainder of this canal was nearly void of seagrasses. The canal at the Central Island exhibited the least amount of seagrass resources as only several isolated blades of *H. decipiens* were documented around the northern entrance of the canal. The seagrasses observed at the South Island displayed similar growth patterns to the seagrasses documented at the North Island, with the majority of the grasses being near the entrances of the canal adjacent to the ICW. Johnson's seagrass, *H. johnsonii*, was not documented during this survey in any of the canals. In addition, no other benthic resources were observed throughout the survey area. The benthic substrate throughout the entire survey area was consistently loose, silt/sand bottom that was several inches thick and was easily stirred up by any disturbance. See **Figure 3.1-3.3** and the **Representative Photographs** for further details of the survey results.

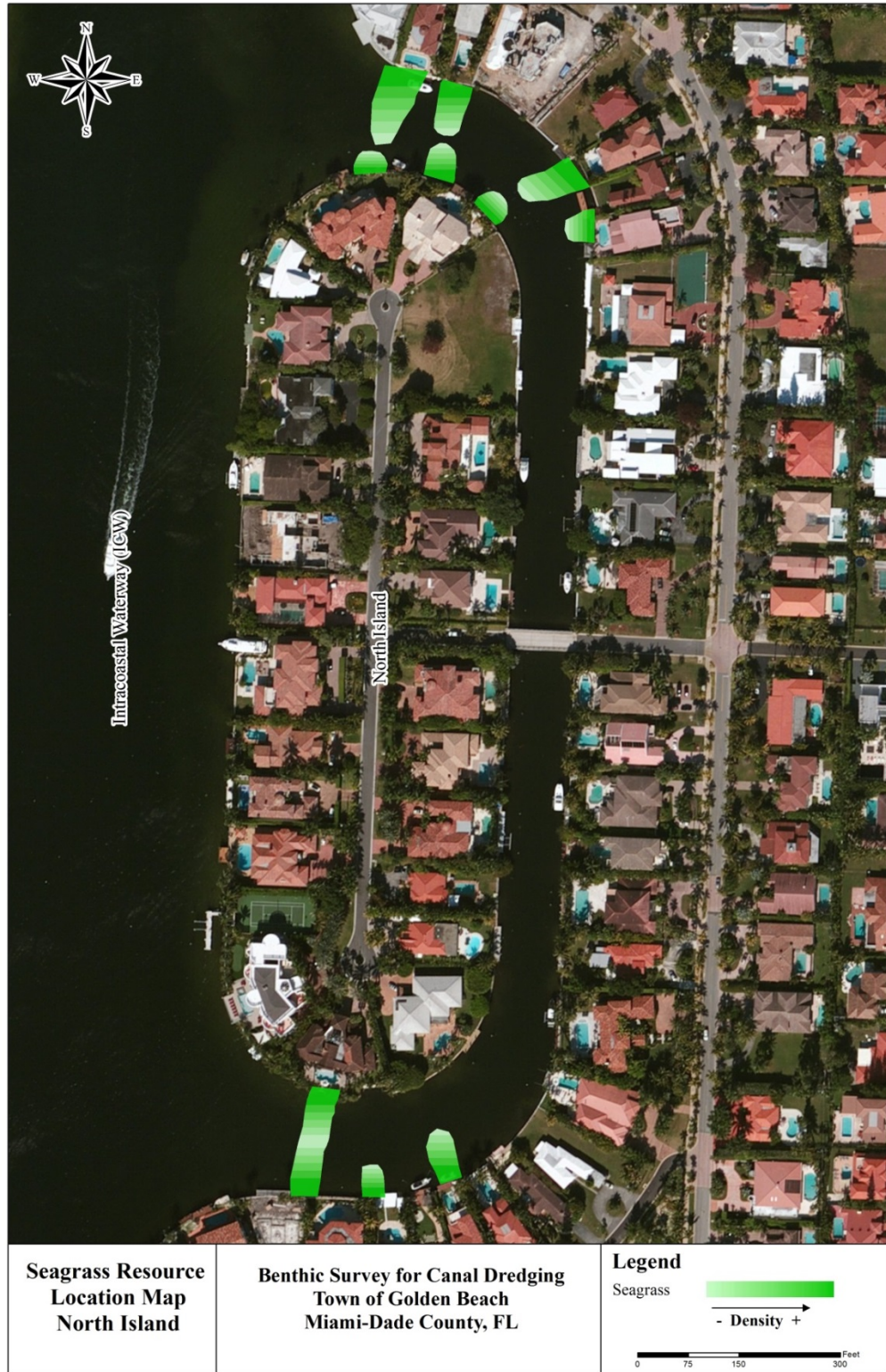


Figure 3.1. The map shows the locations and approximate densities of the seagrasses observed at the North Island. This pattern of more dense grasses along the seawall tapering out to much less dense grasses toward the middle of the canal was a trend observed throughout the survey and may be due to boat traffic disturbing the middle area more often.

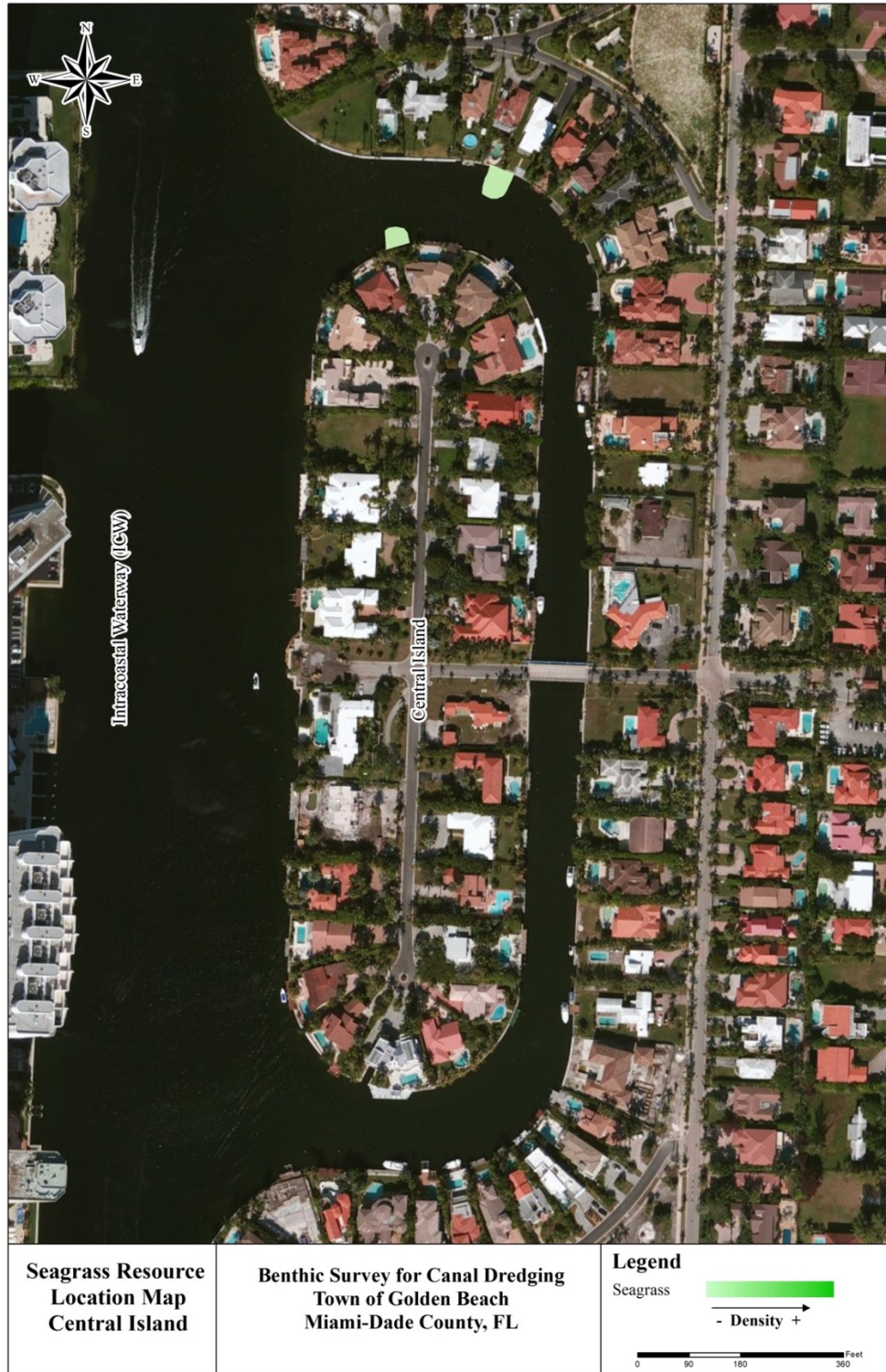


Figure 3.2. The map shows the seagrasses observed at the Central Island. This canal was nearly void of any seagrass resources and the only observed grasses in this area were isolated individual blades that did not even reach a 5% coverage.

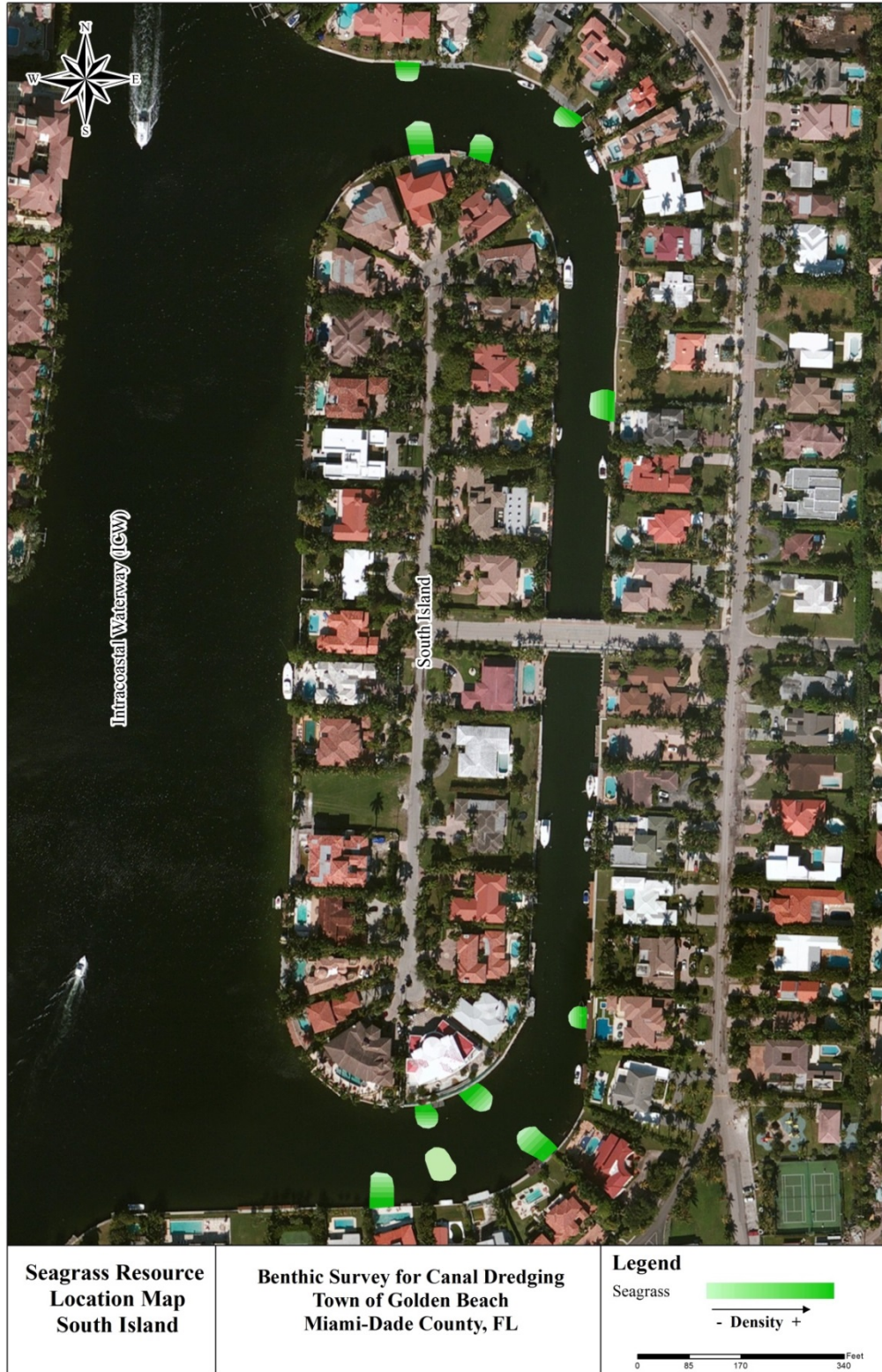


Figure 3.3. The map shows a similar growth pattern for the seagrass at the South Island Canal as what was observed at the North Island canal where the majority of the observed grasses are near the entrances of the canal. Again these grasses are more dense near the seawalls and taper off towards the middle of the canal.

Summary

The benthic survey documented the presence of two species of seagrasses, *H. wrightii* and *H. decipiens* in isolated pockets in the three Golden Beach island canals. Generally, the existing seagrasses were noted growing adjacent to the seawalls while much fewer seagrass was observed in the central portions of these canals. The majority of these patches were documented at the entrances points of the canals adjacent to the ICW. The survey did not identify the threatened Johnson's seagrass. As this seagrass species was not present in these canals, Section 7 Formal Consultation, which can be a lengthy process, will not be necessary for this project. An additional survey during optimal seagrass growing season (June-September, NOAA NMFS) will still need to be performed to fully quantify and map the limits of the existing seagrasses in order to design and eventually permit the project. As there are already seagrasses present in each of the canals it is safe to assume that the coverage will likely increase from the time this survey was performed to the upcoming survey to be performed during seagrass growing season. The existing seagrasses tended to grow at the entrances of the canals; these canal entrances also happened to be the slightly deeper areas observed in these canals and may not actually require dredging. The final dredge design will implement the findings from this follow up survey in order to avoid and minimize potential impacts to these existing seagrasses. If unavoidable impacts to seagrass are anticipated, a mitigation plan will be developed during permitting. This project will likely be completed as a maintenance dredge project which would potentially require Miami-Dade County (Department of Regulatory and Economic Resources, DRER), the State (Florida Department of Environmental Protection, FDEP) and Federal (US Army Corp. of Engineers, USACE) permits. For further details from the benthic survey please see the **Representative Photographs** attached.

Representative Photographs

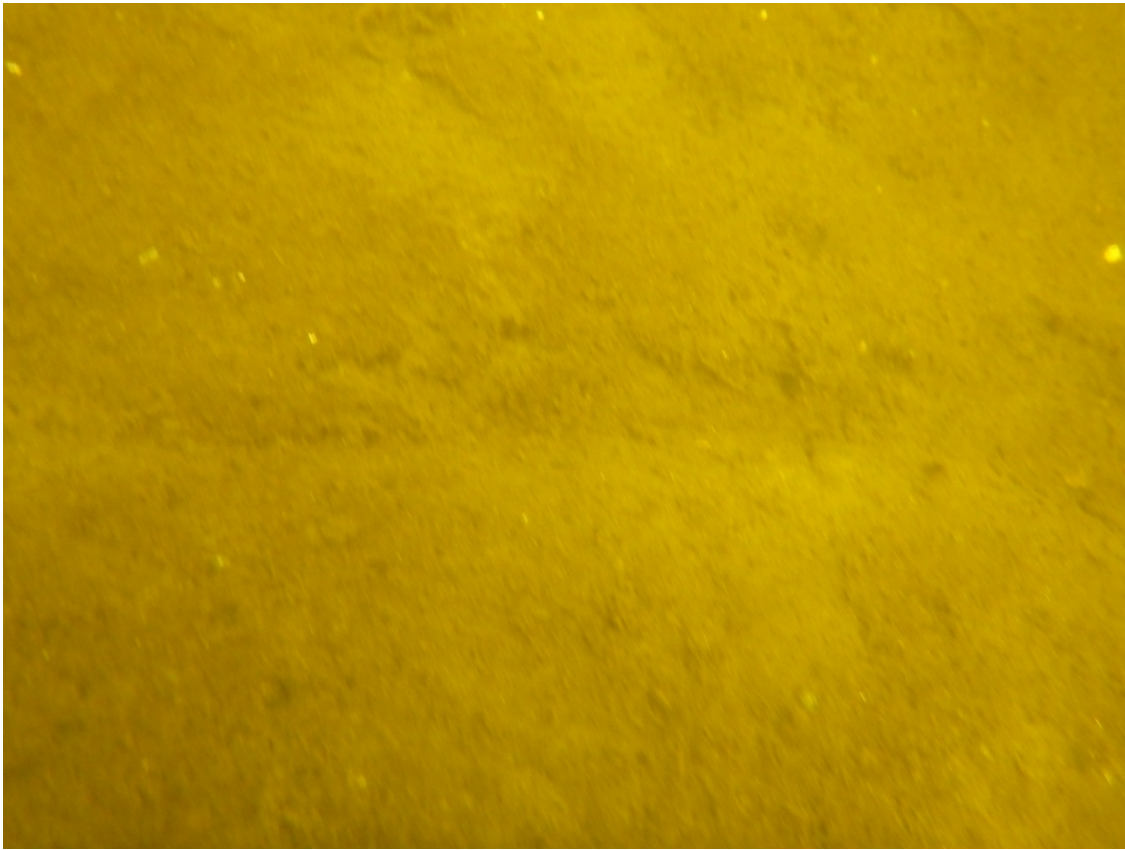


Photo 1. The representative benthic substrate observed in the canals surrounding the three Golden Beach Islands. The substrate was consistently sand/silt bottom that was easily stirred up and made turbid even from the fins of a swimming diver.

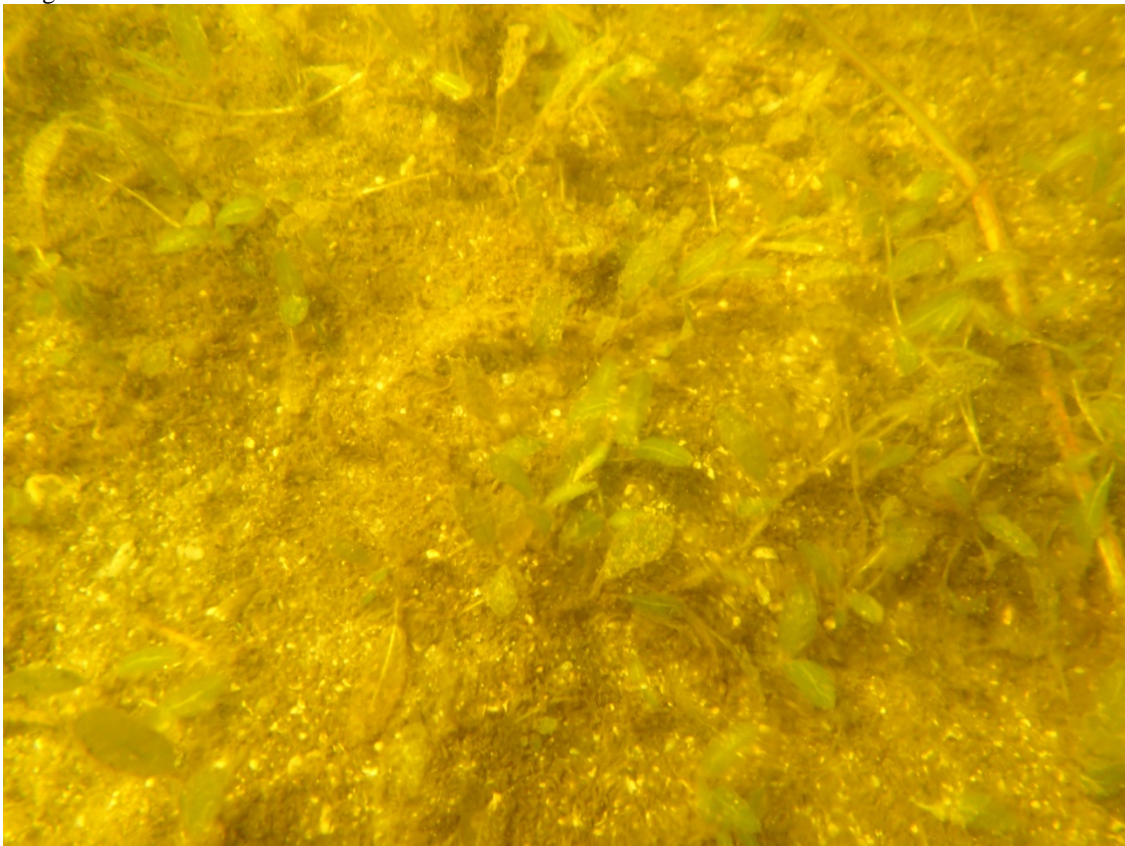


Photo 2. The photo shows the seagrass *H. decipiens* growing in moderate coverage. This species was the dominant seagrass species observed and was mainly observed near the mouth of the canals and displayed its highest density nearest to the seawalls lining the canals and was nearly non-existent towards the middle of the canals.

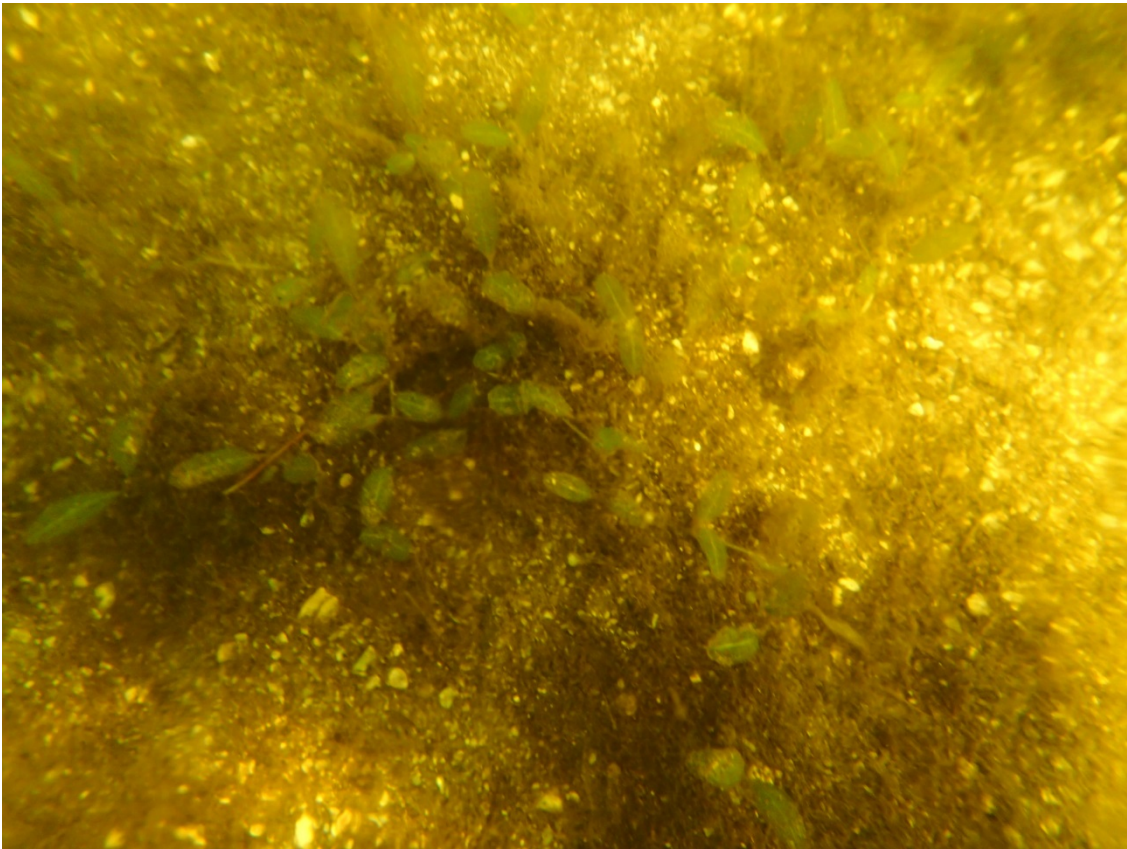


Photo 3. The photo again shows some healthy *H. decipiens* growing in the sand/silt substrate in the canals at Golden Beach.



Photo 4. This photo documents the underwater conditions that were typical during the dives performed for this survey at Golden Beach. The water had a yellowish hue and visibility was limited to around five feet.

PERMIT IMPLICATIONS TECHNICAL MEMORANDUM

DATE: March 28, 2016

TO: Alexander Diaz, Town Manager of Golden Beach

FROM: George Burke, Environmental Scientist
Ken Huntington, Senior Environmental Scientist
Sean Compel, P.E., LEED AP, Project Manager
Stantec Consulting Services, Inc.

SUBJECT: Golden Beach Islands - Benthic Survey Permit Implications
Northern, Central and Southern Islands, Golden Beach
Miami-Dade County, FL

The purpose of this memorandum is to summarize the implications associated with the permitting process for maintenance dredging of canals for the Town of Golden Beach that resulted from the benthic survey performed on February 2nd and 3rd, 2016. This proposed maintenance dredging project is located in the canals on the eastern sides of the Golden Beach Islands in Miami-Dade County, FL. Dredging these canals would typically require authorization from the U.S. Army Corps of Engineers (USACE), the Florida Department of Environmental Protection (FDEP) and the Miami-Dade County Department of Regulatory and Economic Resources (DRER).

The permits that may be required for the maintenance dredging of these canals include: a Class I Permit from DRER (County Permit), an Individual Environmental Resource Permit (ERP) or exemption from the FDEP (State permit), and a Regional General Permit for Maintenance Dredging in Residential Canals in Florida from the USACE (Federal permit). As part of the permitting process, a benthic survey is required to identify any resources within the project area that would be impacted by the proposed dredging activity. For the Federal permitting process, the National Marine Fisheries Service (NMFS) is a commenting agency for the USACE. The NMFS has established guidelines for conducting seagrass surveys in Florida for projects to be reviewed by the USACE. The NMFS typically requires the benthic survey to be performed during the active growing season (June-September) for all species of seagrass other than Johnson's seagrass (*Halophila johnsonii*). For Johnson's seagrass, the survey can be conducted at any time of the year in Miami-Dade County.

Johnson's Seagrass Review

Johnson's seagrass has been designated as a threatened species under the Endangered Species Act and the agency responsible for the evaluation of impacts to this species is the NMFS. Since the timeframes associated with the permitting process for this species can take 9-12 months, it is essential to collect data and begin the evaluation process as soon as possible to avoid any time delays. Areas of critical habitat have been identified for this species. Fortunately, this project for Golden Beach lies outside of the portion of Biscayne Bay that has been identified as critical habitat for this seagrass species.

Since the project is not within critical habitat, the evaluation of the potential impacts to Johnson's seagrass hinges on whether this species occurs within the project limits. If this species was found to be present in the canals to be dredged, Section 7 Formal Consultation with the NMFS would have to be conducted, which can take several months to process. This potential long review process was the reason for conducting the seagrass survey as soon as possible to determine whether the consultation process would be required. The critical observation of the survey for the Golden Beach Canals is that no Johnson's Seagrass was observed; therefore this lengthy NMFS consultation process will not be required for this project.

Other Seagrass Species

The Federal, State and Local permitting agencies also require an evaluation of impacts to other benthic resources including seagrasses and corals. Although no Johnson's seagrass was observed, other seagrass species were found in these canals proposed to be dredged. The benthic survey identified the presence of two (2) species of seagrasses, paddle grass (*Halophila decipiens*) and shoal grass (*Halodule wrightii*), in each of the three canals. Since this survey was performed outside of the recognized seagrass growing season of June through September, a follow-up seagrass survey will have to be performed. The results of this survey will then have to be submitted to each of the permitting agencies (USACE, FDEP and DRER) as well as to the NMFS as part of the review process.

The results of the recently conducted benthic survey show that existing seagrasses tended to grow at the entrances of the canals, adjacent to the Intracoastal Waterway (ICW). The densest patches were located in the areas adjacent to the seawalls. The canal entrances also happened to be slightly deeper, as they lead into the deeper ICW, and may not actually require dredging. This information is important because it may be possible to completely avoid these areas of seagrass coverage during the design of this dredging, which would eliminate any need for mitigation/monitoring. Further bathymetric information will need to be reviewed as well in order to further develop this dredging plan.

If the Town of Golden Beach would like to pursue dredging these canals to restore depths to their originally excavated depths, this project may qualify as a maintenance dredge for both the USACE and the FDEP. This determination is based on an assumption that the proposed dredging does not extend any deeper than the original excavation limits. The proof of the existing limits can be demonstrated by one of the two following options:

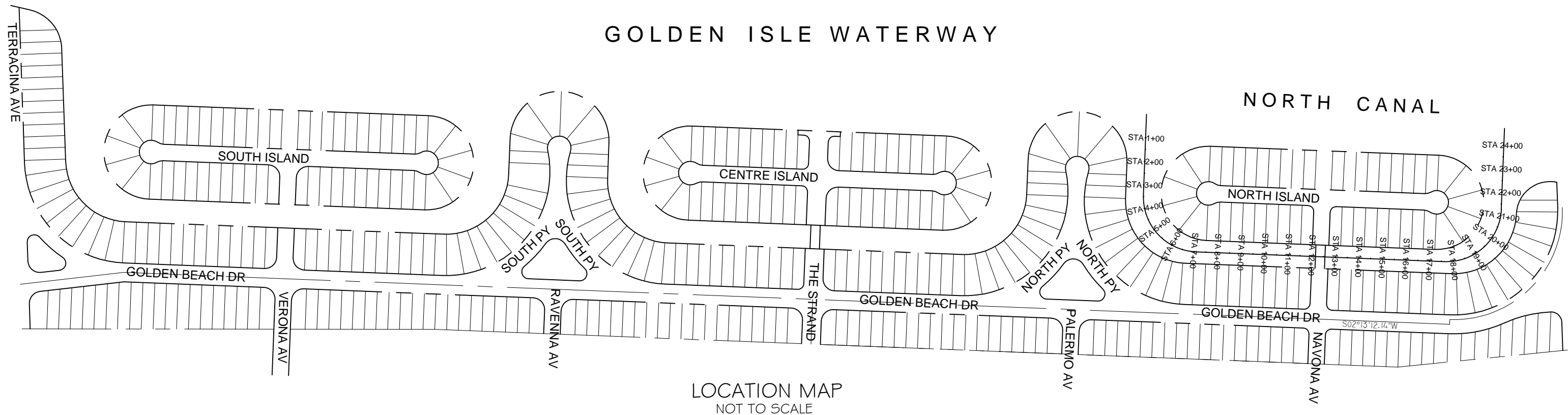
1. Using the elevations shown in an existing permit authorizing the original dredging
2. Providing evidence that accumulated sediments are only being removed down to the original depth of dredging. Please note that in the absence of a previous permit, the FDEP can only authorize maintenance dredging down to a depth of (-)5 feet NGVD by rule.

In contrast, if the Town would like to dredge deeper than these maintenance dredging depths, the permitting process becomes significantly more difficult. Therefore, we would recommend the canal dredging be designed to go no deeper than down to the original excavation limits.

This upcoming benthic survey will be performed during the seagrass growing season to satisfy the regulatory agency requirements. In addition, the follow up survey will be used by the design engineers to determine the most feasible avoidance and minimization measures to alleviate the potential mitigation and/or monitoring requirements that would result from impacts proposed to any existing seagrasses. If seagrass impacts are unavoidable, a mitigation plan will be developed during the permitting phase of the project and would likely require follow up monitoring which could last for several years. Further permit related issues that will need to be determined during the design phase of this project include the anticipated method of dredging, spoil disposal, and turbidity control measures (i.e. how will turbidity be contained to prevent damaging seagrasses outside the dredge limits).



MAP OF SPECIFIC PURPOSE SURVEY



SURVEYOR'S REPORT:

DATE OF FIELD SURVEY:

The date of completion of original field Survey was on February 22th, 2016.
The date of completion of CAD was on March 15th, 2016.

SURVEY LIMITS:

A portion of the North Canal, Section 02, Township 52 South, Range 42 East and Section 35 Township 51 South, Range 42 East, lying and being the City of Golden Beach, in Miami-Dade County, Florida.

ACCURACY:

The accuracy obtained by field measurement methods and office calculations of closed geometric figures meets and exceeds the Minimum Technical Standards requirement for Suburban Area (Linear: 1 foot in 7,500 feet) as defined in Rule 5J-17-05 of the Florida Administrative Code.

Elevations of well identified features as depicted on the Survey Map were measured to an estimated vertical position accuracy of 1/10 of a foot on ground surfaces.

Well identified features as depicted on the Survey Map were measured to an estimated horizontal position accuracy of 1/10 of a foot.

This Map of Survey is intended to be displayed at a scale of One inch equals Twenty feet or smaller.

PERTINENT INFORMATION USED IN THE PREPARATION OF SURVEY:

Bearings and Coordinates are relative to the State Plane Coordinate System, Florida East Zone (0901), North American Datum (N.A.D.) of 1983, adjustment of 2011 (NAD 83 / 2011) Epoch 2010.0000; with a bearing of S02°13'12\"/>

This property appears to be located in Flood Zone "AE" with the Base Flood Elevation being 6.0, as per Federal Emergency Management Agency (FEMA) Community-Panel Number 120642 Town of Golden Beach, Map No. 12086C0151, Suffix L, Map Revised Date: September 11, 2009.

Elevations shown hereon are based on the National Geodetic Vertical Datum of 1929, and a Benchmark supplied by the Public Works Department of Miami-Dade County, Florida.

Benchmark: E-203 Elevation: 5.39 (N.G.V.D. 29)
Located at a concrete wheelguard at the Southwest corner of a bridge going over Cutler Drain Canal, running along S.W. 152nd Street, West of the intersection of S.W. 77th Avenue and S.W. 152nd Street.

Plat of "Section E of GOLDEN BEACH" recorded in Plat Book 10 at Page 11 of the Public Records of Miami-Dade County, Florida.

RESTRICTIONS:

Since no other information were furnished other than that is cited under pertinent information, the Client is hereby advised that there may be legal restrictions on the Subject Property that are not shown on the Survey Map that may be found in the Public Records of Miami-Dade County.

The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual that may appear on the Public Records of this County.

No excavation or determination was made as to how the Subject Property is served by utilities.

No improvements were located, other than those shown. No underground foundations, improvements and/or utilities were located or shown hereon.

PURPOSE OF SURVEY:

The Specific Purpose of this survey is to show cross sections with elevations of the bottom of the Canal and the sediment layer of the North Canal located in the City of Golden Beach, Miami-Dade County, Florida.

CLIENT INFORMATION:

This Specific Purpose Survey was prepared at the insistence of and certified to:
Stantec.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Specific Purpose Survey" and the Survey Map resulting therefrom was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Specific Purpose Survey" meets the intent of the applicable provisions of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS, a Florida Corporation
Florida Certificate of Authorization Number LB7335

By: Lis R. Tolstoy, PSM _____ Date _____
Registered Surveyor and Mapper LS6759
State of Florida

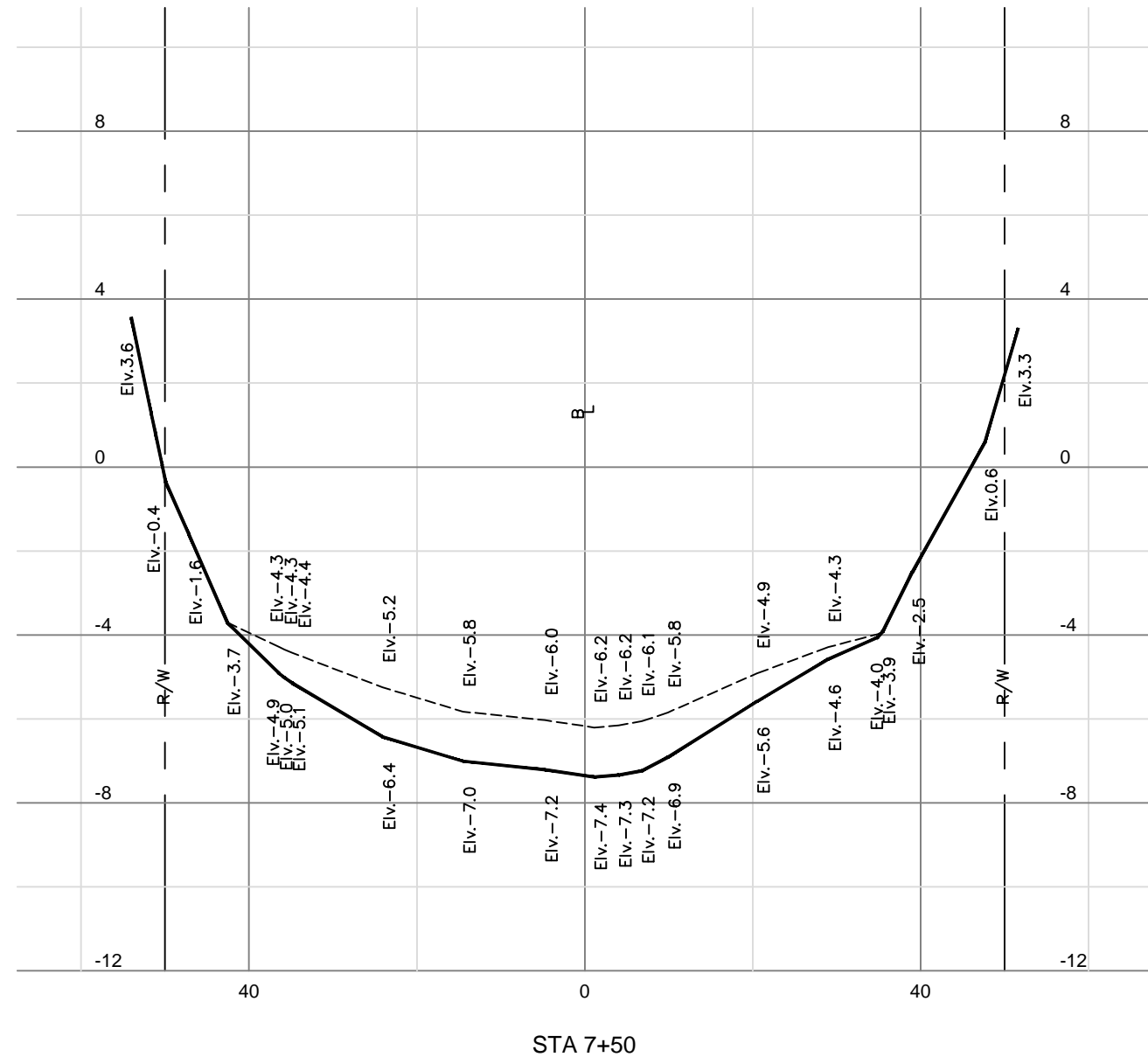
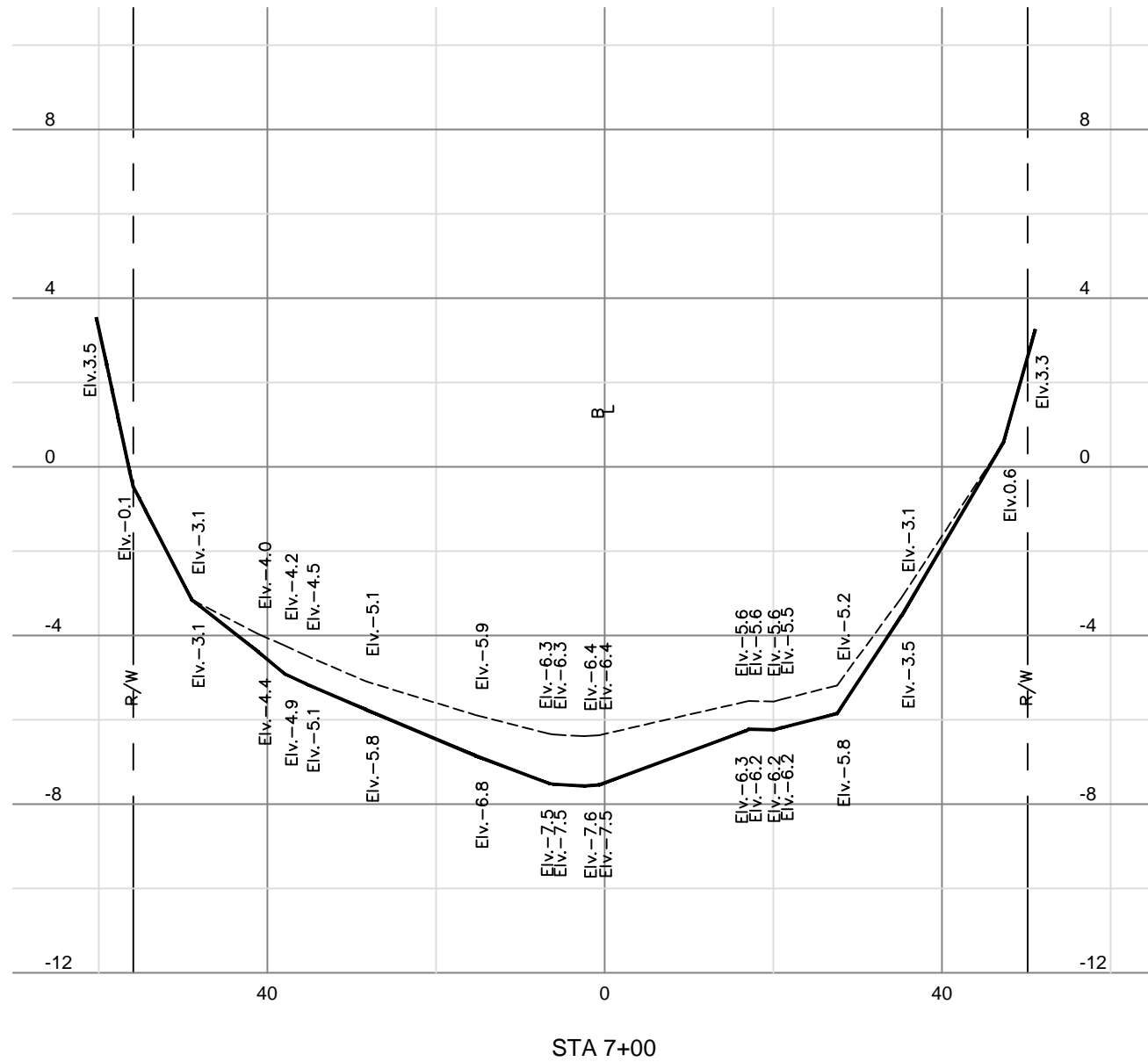
NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

LONGITUDE
SURVEYORS

7715 NW 48TH STREET, SUITE 310
DORAL, FLORIDA 33166
PHONE: (305) 463-0912 FAX: (305) 513-5680
WWW.LONGITUDESURVEYORS.COM

LEGEND

- = CENTERLINE
- = BASELINE
- T.O.B. = TOP OF BANK
- R/W = RIGHT OF WAY
- STA 00+00 = CROSS SECTIONS
- = SEDIMENT
- = BOTTOM
- ELV. = ELEVATION



1" = 20' HORIZONTAL
1" = 4' VERTICAL



7715 NW 48TH STREET, SUITE 310
DORAL, FLORIDA 33166
PHONE: (305)463-0912 FAX: (305)513-5680
WWW.LONGITUDESURVEYORS.COM

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

NORTH CANAL
GOLDEN BEACH

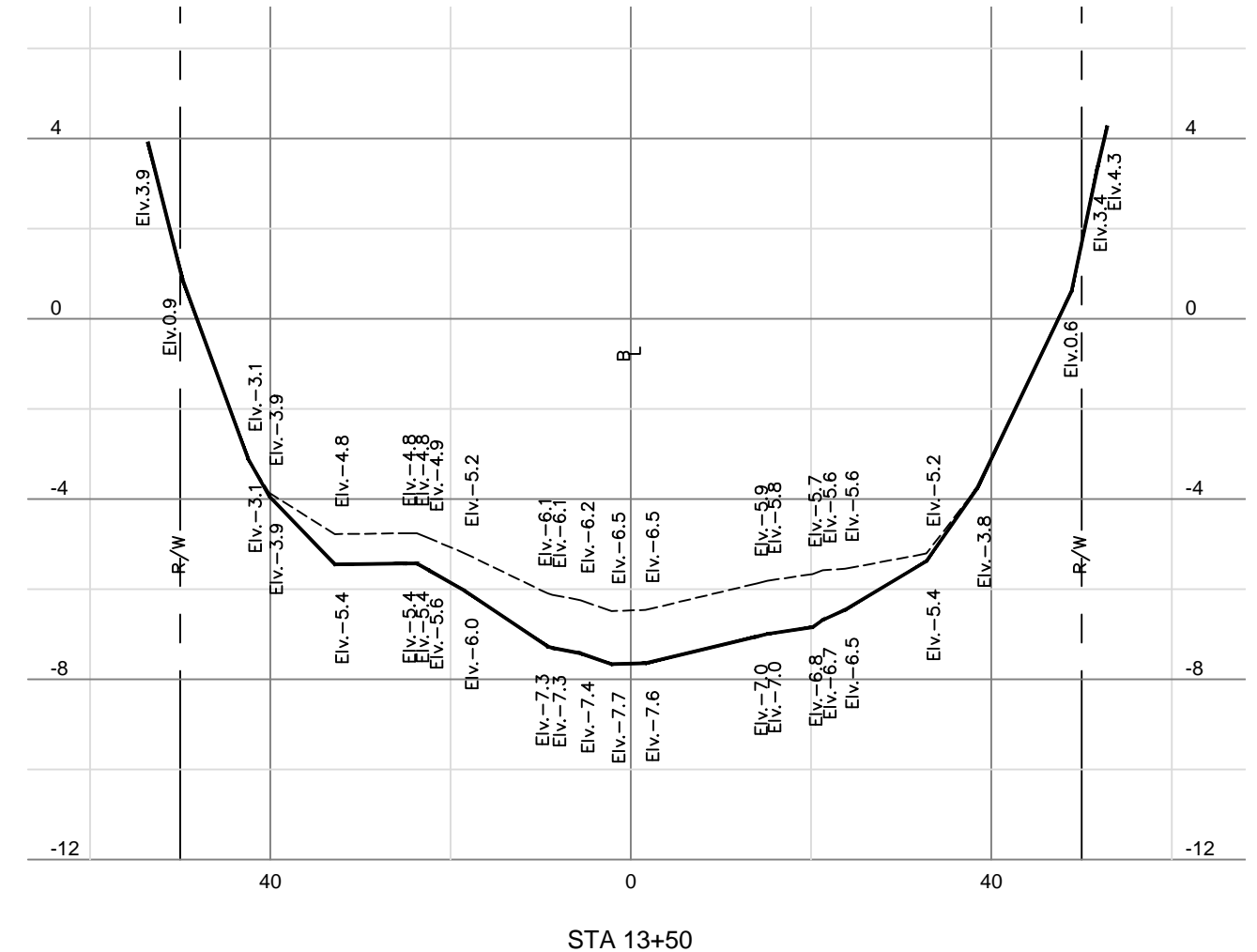
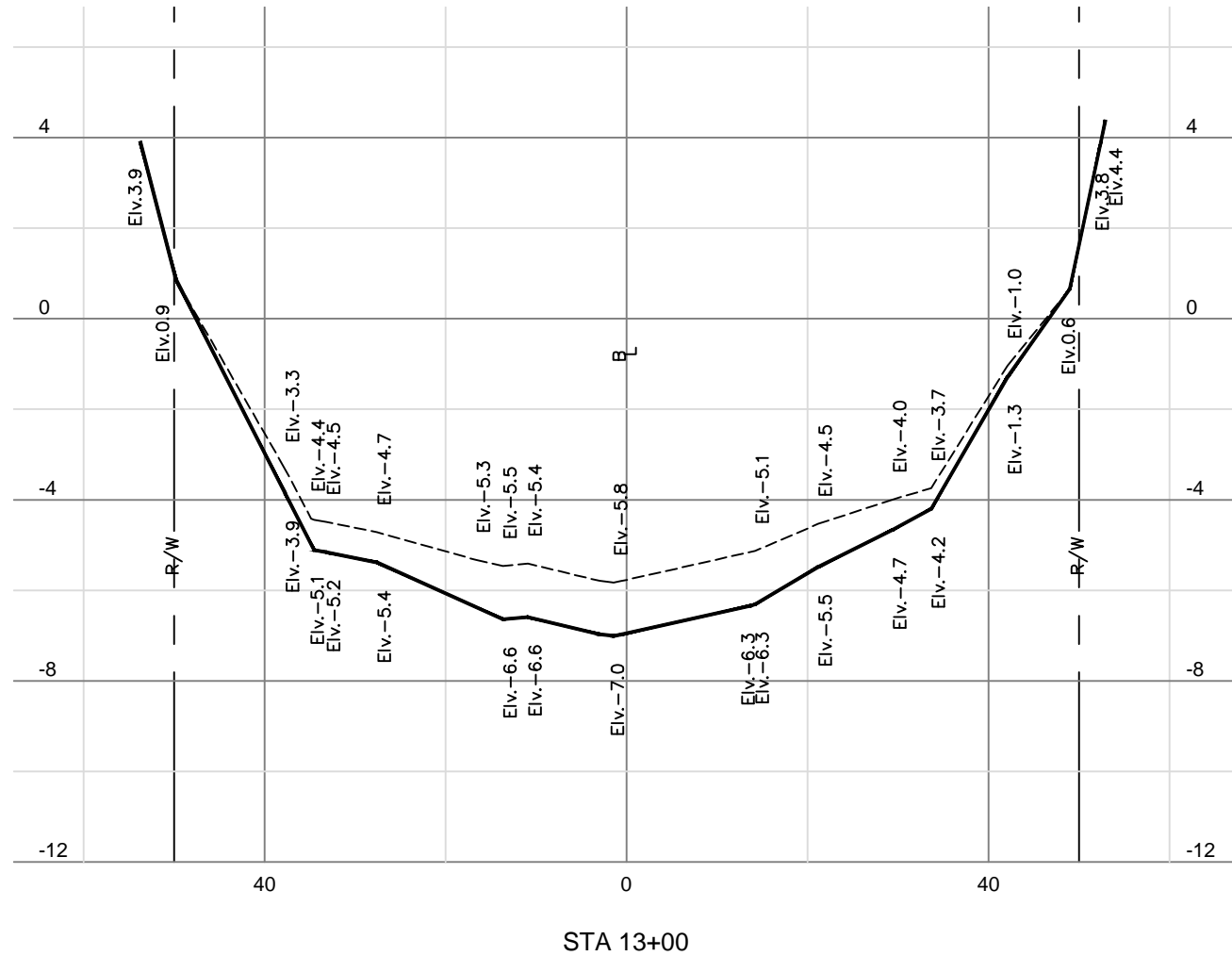
DATE	DRAWN BY	CHECKED BY
03/15/16	GS	RT

CROSS SECTIONS

SHEET NO.

14 OF 36

JOB NO.: 16014.0.00
FIELD BOOK: EFB



1" = 20' HORIZONTAL
1" = 4' VERTICAL

LONGITUDE
SURVEYORS
7715 NW 48TH STREET, SUITE 310
DORAL, FLORIDA 33166
PHONE: (305)463-0912 FAX: (305)513-5680
WWW.LONGITUDESURVEYORS.COM

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

NORTH CANAL GOLDEN BEACH		
DATE	DRAWN BY	CHECKED BY
03/15/16	GS	RT

CROSS SECTIONS

JOB NO.: 16014.0.00
FIELD BOOK: EFB

SHEET NO.
20 OF 36