



**CITY OF TAMARAC**  
**NOTICE OF WORKSHOP MEETING**  
**CITY COMMISSION OF TAMARAC, FL**  
**City Hall - Conference Room 105**  
**October 21, 2013**

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**CALL TO ORDER:**

**9:30 a.m.**

**ROLL CALL:**

**PLEDGE OF ALLEGIANCE:**

**Commissioner Diane Glasser**

**1. TO2291 - 2nd Budget Amendment**

Item No. 8 (a) on Ordinances First Reading. (TO2291) Motion to adopt an Ordinance of the City Commission of the City of Tamarac, Florida, **on first reading** amending Ordinance 2013-04, which amended the City of Tamarac Operating Budget, Revenues and Expenditures, the Capital Budget, and the Financial Policies for the Fiscal Year 2013, by increasing the Total Revenues and Expenditures by a Total of \$1,209,405 as detailed in Exhibit A attached hereto; providing for conflicts; providing for severability; providing for an effective date. - ***Financial Services Director Mark Mason***

**2. TR12414 - Amending Red Light Special Magistrate Appointment**

Item No. 6 (f) on the Consent Agenda. (TR12414) A Resolution of the City Commission of the City of Tamarac, Florida, amending Resolution No. 2013-81 to remove James D. Stokes as special magistrate for local red light camera hearings and appointing Alexia Gertz to serve as special magistrate for local red light camera hearings; providing for conflicts; providing for severability; and providing for an effective date. - ***Financial Services Director Mark Mason***

**3. Discussion Regarding Cancellation of Meetings**

Discussion regarding the cancellation of the November 25, 2013 Workshop, November 27, 2013 Commission Meeting, December 23, 2013 Workshop and the December 25, 2013 Commission Meeting. - ***City Clerk Patricia Teufel***

**4. Update on Green Initiatives**

Update on Green Initiatives - ***Public Services Director Jack Strain and Senior Engineer Samira Shalan***

**5. Other Business**

The City Commission may consider and act upon such other business as may come before it. In the event this agenda must be revised, such revised copies will be available to the public at the City Commission meeting.

Pursuant to Chapter 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is based.

The City of Tamarac complies with the provisions of the Americans with Disabilities Act. If you are a disabled

person requiring any accommodations or assistance, please notify the City Clerk's Office at (954) 597-3505 of such need at least 48 hours (2 days) in advance. Additionally, if you are hearing or speech impaired and need assistance, you may contact the Florida Relay Service at either of the following numbers: 1-800-955-8770 or 1-800-955-8771.

A handwritten signature in blue ink that reads "Patricia Teufel". The signature is fluid and cursive, with the first name "Patricia" and last name "Teufel" clearly legible.

Patricia Teufel, CMC  
City Clerk



**Title - 9:30 a.m.**

9:30 a.m.

**ATTACHMENTS:**

Name:

Description:

No Attachments Available



## **Title - Commissioner Diane Glasser**

Commissioner Diane Glasser

### **ATTACHMENTS:**

Name:

Description:

No Attachments Available



## Title - TO2291 - 2nd Budget Amendment

Item No. 8 (a) on Ordinances First Reading. (TO2291) Motion to adopt an Ordinance of the City Commission of the City of Tamarac, Florida, **on first reading** amending Ordinance 2013-04, which amended the City of Tamarac Operating Budget, Revenues and Expenditures, the Capital Budget, and the Financial Policies for the Fiscal Year 2013, by increasing the Total Revenues and Expenditures by a Total of \$1,209,405 as detailed in Exhibit A attached hereto; providing for conflicts; providing for severability; providing for an effective date. - ***Financial Services Director Mark Mason***

### **ATTACHMENTS:**

Name:

Description:

❏ [CM-Budget Amendment #2 TO 2291.docx](#)

TO#2291 Amending Ordinance 2013-04 FY13 Memo

❏ [Ordinance No 2013- \(2nd Budget Amendment 2013\) revised 10 14 13.docx](#)

TO#2291 Budget Amendment #2 Ordinance

❏ [Copy of Supprt for TO 2291 Exh A .pdf](#)

TO#2291 Exhibit A

❏ [Copy of Supprt for TO 2291 Exh B.pdf](#)

TO#2291 Exhibit B

**CITY OF TAMARAC**  
**INTEROFFICE MEMORANDUM**  
**FINANCE DEPARTMENT**  
**ADMINISTRATION DIVISION**

**TO: Michael C. Cernech**  
**City Manager**

**DATE: October 14, 2013**

**FROM: Mark C. Mason,**   
**Director of Financial Services**

**RE: TO 2291 Amending**  
**Ordinance 2013-04 FY 2013**  
**Budget**

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**Recommendation:**

I recommend approval of TO 2291 amending Ordinance 2013-04 which adopted the FY 2013 Annual Budget, in the amount of \$1,209,405 from \$132,681,173 to \$133,890,578.

**Issue:**

On April 24, 2013, the City Commission adopted Ordinance 2013-04 which amended the annual Operating Budget, Revenues and Expenditures, Capital Budget and Financial Policies for Fiscal Year 2013. Pursuant to Section 166.241(3), a municipality may amend its budget at any time during the course of the year or within 60 days following the end of the fiscal year. In addition, if any fund is increased or decreased then the budget amendment must be adopted in the same manner as the original budget unless otherwise specified in the charter of the respective municipality. The original budget was adopted via ordinance and the City of Tamarac's charter is silent on the subject matter.

**Background:**

Following is a summary of the recommended adjustments to the Fiscal Year 2013 Budget.

FUND TYPE	Adopted Budget			Amendment #2		
	Ord. 2013-04		Change	TO #2291		
General Fund	\$	45,964,233	\$	159,001	\$	46,123,234
Special Revenue Funds	✓ \$	24,752,638	✓ \$	335,621	✓ \$	25,088,259
Debt Service Funds	\$	18,346,800	\$	376,135	\$	18,722,935
Capital Project Funds	\$	5,546,178	\$	338,648	\$	5,884,826
Enterprise Funds	✓ \$	31,287,180	✓ \$	-	✓ \$	31,287,180
Internal Service Funds	\$	6,784,144	\$	-	\$	6,784,144
<b>Total</b>	\$	132,681,173	\$	1,209,405	\$	133,890,578

Amendments to the Budget generally reflect actions approved by the City Commission since the budget was adopted/amended but not included in the original/amended budget due to their unknown nature at the time, allocation of encumbrances, i.e. purchases approved in one fiscal year and being paid in the following fiscal year, transfer of funds from a Non-Departmental account to other departments in the General Fund, and items that have been evaluated for recommended inclusion in the current year budget due to updated information, debt issuances and additional capital improvements that have been identified and recommended to be started in the current year due to timing, pricing, etc.

Since the amended budget was adopted on April 24, 2013, several items have been approved by the City Commission so the budget now needs to be amended to allow for expenditures and reimbursements as they occur.

In addition, as noted above, grants have been approved in the amount of \$95,908 and agreements received so the budgets now need to be adopted to allow for expenditures and reimbursements as they occur. Also, a number of items have been evaluated for inclusion in the amendment and are enumerated below.

Items previously approved by the City Commission are as follows

Refunding the Capital Improvement Revenue Bonds, Series 2005. Included in this budget amendment is the bond proceeds and offsetting expenses that were over and above the original estimated \$15,000,000 to be issued in April 2013 increasing the budget by \$376,135.

Capital improvement adjustments to the budget include the following:

Appropriating additional funding for Fund 150 for a refund of permit fees in the amount \$70,927 to Winn-Dixie Stores, Inc. Approved by City Commission on October 24, 2012.

Appropriating additional funding in Fund 310 for the Mainlands Park, Project PW11A. Funding for contract agreement with DiPompeo Construction Corporation for the Design/build of Tamarac Mainlands Park. An additional appropriation of \$212,705 (including the contingency of \$134,000) will be included in the project account PW11A, which increased the total project budget. Approved by City Commission on May 8, 2013.

Increasing Information Technology Department budget for the approval of an Inter Local Agreement (ILA) with the Town of Southwest Ranches (TSR) for the provision of information technology support services. Revenues and operating expenditures increased by \$85,000, which increased the total department budget. Approved by the City Commission on May 22, 2013.

Establishing the budget in the amount of \$29,875 for the appropriation approved by the City Commission on June 12, 2013 from the Law Enforcement Trust Fund for the Tamarac Explorers Post and Specialized Training.

Increasing funding for contract agreement with West Construction for Project Replace Playground at Sport Complex Park and Replace Turf tot at Caporella Park Project, project exceeds the FY12 Adopted Capital Improvement Program

in the amount of \$36,742 – a contingency in the amount of \$37,249 will be added to the project account GP12J & GP12H, which increased the total project budget. Approved by City Commission on July 10, 2013.

Increasing funding for the change order to the Major Arterial Corridor Study. A supplemental change order was proposed for additional work beyond the original scope of services, an additional \$11,155 added to available balance will be appropriated to project GP12A to complete the work. Approved by the City Commission on September 11, 2013.

Additional adjustments are recommended:

Increase City Attorney Budget – Increase budget to reflect increased costs for outside legal services not originally anticipated for in FY 2013 budget as well as increased costs from contract attorney for unanticipated services during the course of the year – increase in the amount of \$90,000 offset by a decrease in Non-Departmental Contingency.

Increase Park and Recreation Department – Appropriate funding to budget for the swimming pool management fee and shared revenues at the Caporella Aquatic Center – Due to Pool Management, LLC, failing to meet contractual obligations, the City of Tamarac terminated their contract and awarded a new contract agreement with Jeff Ellis Management, LLC. Contract amount negotiated exceed department budget in the amount of \$74,001.

Closed Centralized Grants Fund 153 and disbursed remaining funds to the General Fund - \$72,174 and Fire Fund - \$44,385 based upon closed grants in the system.

Increase Fund 150 - Building Department budget and Fund 301 - Capital Equipment reflecting charges allocated to Capital Vehicle Replacement budget, Project CV13A in the amount of \$22,352 for a vehicle purchased for the Building Fund.

Increase Fund 326 for final invoice in the amount \$2,685 for MPC Kalwall R & R project GP10B.

Increase Fund 310 for PW12A and PW13A – HVAC Replacement – Cost of replacements was higher than originally budgeted in FY2013 and FY2013.

Increase Fund 302 – Golf Course Fund in the amount of \$20,000 via a transfer from Fund 310 to cover the cost of the maintenance of the facility following the abandonment of the existing lease of the previous operator of the course.

The Exhibits to the budget amendment provide detailed information for all adjustments included in the amendment. Specifically, Exhibit A provides information regarding increases and decreases as well as the amended budget amount with a reference to Exhibit B that provides the detail associated with each adjustment. A presentation will be made supporting the recommended adjustments.



**ORDINANCE NO. 2013- \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING ORDINANCE 2013-04, WHICH AMENDED THE CITY OF TAMARAC OPERATING BUDGET, REVENUES AND EXPENDITURES, THE CAPITAL BUDGET, AND THE FINANCIAL POLICIES FOR THE FISCAL YEAR 2013, BY INCREASING THE TOTAL REVENUES AND EXPENDITURES BY A TOTAL OF \$1,209,405 AS DETAILED IN EXHIBIT A ATTACHED HERETO; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Tamarac, pursuant to Section 200.065, Florida Statutes adopted its Operating Budget, Revenues and Expenditures, the Capital Budget and the Financial Policies for the Fiscal year 2013 by approving Ordinance 2012-21 on September 19, 2012; and

**WHEREAS**, the City of Tamarac, pursuant to Section 166.241(3), Florida Statutes amended its Operating Budget, Revenues and Expenditures and the Capital Budget for Fiscal year 2013 by approving Ordinance 2013-04 on April 24, 2013; and

**WHEREAS**, the City Commission desires to amend its Operating Budget, Revenues and Expenditures, Capital Budget pursuant to Section 166.241(3).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing "WHEREAS" clauses are true and correct and are hereby ratified and confirmed by the City Commission.

**Section 2.** City of Tamarac Ordinance 2013-04 which amended the City of Tamarac Operating Budget, Revenues and Expenditures, the Capital Budget and the Financial Policies for the Fiscal year 2013, is hereby amended as detailed in Exhibit "A" and summarized in Exhibit "B," both of which are attached hereto and incorporated herein.

**Section 3.** All ordinances or parts of ordinances, or resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

**Section 5.** This Ordinance shall become effective immediately after its adoption by the Tamarac City Commission.

PASSED, FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2013.  
PASSED, SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST: BY: \_\_\_\_\_  
MAYOR BETH TALABISCO

\_\_\_\_\_  
PAT TUEFEL, CMC  
CITY CLERK

RECORD OF COMMISSION VOTE: 1<sup>ST</sup> Reading

MAYOR TALABISCO	_____
DIST 1: COMM. BUSHNELL	_____
DIST 2: COMM. GOMEZ	_____
DIST 3: COMM. GLASSER	_____
DIST 4: V/M. DRESSLER	_____

I HEREBY CERTIFY that  
I have approved this  
ORDINANCE as to form:

\_\_\_\_\_  
SAMUEL S. GOREN  
CITY ATTORNEY

RECORD OF COMMISSION VOTE: 2<sup>ND</sup> Reading

MAYOR TALABISCO	_____
DIST 1: COMM. BUSHNELL	_____
DIST 2: COMM. GOMEZ	_____
DIST 3: COMM. GLASSER	_____
DIST 4: V/M. DRESSLER	_____

**CITY OF TAMARAC, FLORIDA**  
**FY 2013 BUDGET**  
**ATTACHMENT TO TEMPORARY ORDINANCE 2291**

**ATTACHMENT A**

<b>FUND</b>	<b>FY 2013 BUDGET ORDINANCE O-2013-04</b>	<b>BA #2 INCREASE</b>	<b>Reference - Exhibit B</b>	<b>BA #2 (DECREASE)</b>	<b>AMENDED BUDGET #2</b>	<b>BA #2 NET CHANGE</b>
<b>General Fund</b>						
<b>Revenues</b>						
Taxes	\$ 25,486,126				\$ 25,486,126	\$ -
Licenses & Permits	4,965,000				4,965,000	-
Intergovernmental Revenue	6,979,084				6,979,084	-
Charges for Services	1,234,500				1,234,500	-
Fines & Forfeitures	391,000				391,000	-
Miscellaneous	1,065,318	85,000	05/22/13 D		1,150,318	85,000
Appropriation From Fund Balance	775,790	74,001			849,791	74,001
Other Sources	5,067,415				5,067,415	-
<b>Total General Fund Revenue</b>	<b>\$ 45,964,233</b>	<b>\$ 159,001</b>		<b>\$ -</b>	<b>\$ 46,123,234</b>	<b>\$ 159,001</b>
<b>Expenditures</b>						
City Commission	\$ 768,101				\$ 768,101	\$ -
City Manager	1,433,012				1,433,012	-
City Attorney	592,080	90,000	#1		682,080	90,000
City Clerk	624,366				624,366	-
Finance	2,583,770				2,583,770	-
Human Resources	1,062,116				1,062,116	-
Community Development	1,731,507				1,731,507	-
Police	13,261,255				13,261,255	-
Public Works	6,904,829				6,904,829	-
Parks & Recreation	4,183,888	74,001	#1		4,257,889	74,001
Information Technology	1,722,363	85,000	05/22/13 D		1,807,363	85,000
Non-Departmental	11,096,946		#1	90,000	11,006,946	(90,000)
<b>Total General Fund Expenditures</b>	<b>\$ 45,964,233</b>	<b>\$ 249,001</b>		<b>\$ 90,000</b>	<b>\$ 46,123,234</b>	<b>\$ 159,001</b>
<b>Fire Rescue Fund</b>						
<b>Revenues</b>						
Intergovernmental Revenue	\$ 120,361	\$ 12,700	8/28/2013 G			
		83,208	8/28/2013 H		\$ 216,269	\$ 95,908
Emergency Service Fees	2,248,000				2,248,000	-
Interest Income	16,000				16,000	-
Special Assessment	10,471,978				10,471,978	-
Interfund Transfers	6,015,223				6,015,223	-
Other Sources	531,230				531,230	-
Appropriation from Fund Balance	23,899				23,899	-
<b>Total Fire Rescue Fund Revenue</b>	<b>\$ 19,426,691</b>	<b>\$ 95,908</b>		<b>\$ -</b>	<b>\$ 19,522,599</b>	<b>\$ 95,908</b>
<b>Expenditures</b>						
Personal Services	\$ 15,053,774				\$ 15,053,774	\$ -
Operating Expenses	1,206,001				1,206,001	-
Capital Outlay	731,085	12,700	8/28/2013 G			
		83,208	8/28/2013 H		826,993	95,908
Debt Service	317,774				317,774	-
Other Uses	2,103,742				2,103,742	-
Reserves	14,315				14,315	-
<b>Total Fire Rescue Fund Expenditures</b>	<b>\$ 19,426,691</b>	<b>\$ 95,908</b>		<b>\$ -</b>	<b>\$ 19,522,599</b>	<b>\$ 95,908</b>
<b>Law Enforce Trust-State</b>						
<b>Revenues</b>						
Appropriation From Fund Balance	\$ -	\$ 29,875	6/12/13 E		29,875	29,875
<b>Total Law Enforce Trust-State Fund Revenues</b>	<b>\$ -</b>	<b>\$ 29,875</b>		<b>\$ -</b>	<b>\$ 29,875</b>	<b>\$ 29,875</b>
<b>Expenditures</b>						
Operating Expenses	\$ -	\$ 29,875	6/12/13 E		29,875	29,875
<b>Total Law Enforce Trust-State Fund Expenditures</b>	<b>\$ -</b>	<b>\$ 29,875</b>		<b>\$ -</b>	<b>\$ 29,875</b>	<b>\$ 29,875</b>
<b>Public Art Fund</b>						
<b>Revenues</b>						
Charges for Service	\$ 50,000				\$ 50,000	\$ -
Interest Income	15,000				15,000	-
Appropriation From Fund Balance	1,435,000				1,435,000	-
<b>Total Public Art Fund Revenues</b>	<b>\$ 1,500,000</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 1,500,000</b>	<b>\$ -</b>
<b>Expenditures</b>						
Operating Expenses	\$ 344,587				\$ 344,587	\$ -
Capital Outlay	106,413				106,413	-
Contingency	1,046,400				1,046,400	-
Reserve	2,600				2,600	-
<b>Total Public Art Fund Expenditures</b>	<b>\$ 1,500,000</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 1,500,000</b>	<b>\$ -</b>
<b>Local Option Gas Tax 3-Cents Fund</b>						
<b>Revenues</b>						
Taxes	\$ 364,367				\$ 364,367	\$ -
Appropriation From Fund Balance	752,747				752,747	-
<b>Total Local Option Gas Tax Revenue</b>	<b>\$ 1,117,114</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 1,117,114</b>	<b>\$ -</b>
<b>Expenditures</b>						

CITY OF TAMARAC, FLORIDA  
FY 2013 BUDGET  
ATTACHMENT TO TEMPORARY ORDINANCE 2291

ATTACHMENT A

FUND	FY 2013 BUDGET ORDINANCE O-2013-04	BA #2 INCREASE	Reference - Exhibit B	BA #2 (DECREASE)	AMENDED BUDGET #2	BA #2 NET CHANGE
Reserve	\$ 1,117,114				\$ 1,117,114	\$ -
<b>Total Local Option Gas Tax Expenditures</b>	<b>\$ 1,117,114</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 1,117,114</b>	<b>\$ -</b>
<b>Building Fund</b>						
<b>Revenues</b>						
Licenses & Permits	\$ 1,909,000				\$ 1,909,000	\$ -
Charges for Services	8,500				8,500	-
Fines & Forfeitures	200,000				200,000	-
Interest Income	1,500				1,500	-
Appropriation From Fund Balance	76,019					
		70,927	10/24/12 A			
		22,352	#4		169,298	93,279
<b>Total Building Fund Revenues</b>	<b>\$ 2,195,019</b>	<b>\$ 93,279</b>		<b>\$ -</b>	<b>\$ 2,288,298</b>	<b>\$ 93,279</b>
<b>Expenditures</b>						
Personal Services	\$ 1,630,150				\$ 1,630,150	\$ -
Operating Expenses	142,800	70,927	10/24/12 A		213,727	70,927
Capital Outlay	4,500				4,500	-
Other Uses	417,569	22,352	#4		439,921	22,352
<b>Total Building Fund Expenditures</b>	<b>\$ 2,195,019</b>	<b>\$ 93,279</b>		<b>\$ -</b>	<b>\$ 2,288,298</b>	<b>\$ 93,279</b>
<b>RCMP Grant Fund</b>						
<b>Revenues</b>						
Intergovernmental Revenue	\$ 100,000				\$ 100,000	\$ -
<b>Total RCMP Revenues</b>	<b>\$ 100,000</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 100,000</b>	<b>\$ -</b>
<b>Expenditures</b>						
Operating Expenses	\$ 100,000				\$ 100,000	\$ -
<b>Total RCMP Expenditures</b>	<b>\$ 100,000</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 100,000</b>	<b>\$ -</b>
<b>Grant Fund</b>						
<b>Revenues</b>						
Appropriation From Fund Balance	\$ -	\$ 116,559	#3		\$ 116,559	\$ 116,559
<b>Total Grant Fund Revenues</b>	<b>\$ -</b>	<b>\$ 116,559</b>		<b>\$ -</b>	<b>\$ 116,559</b>	<b>\$ 116,559</b>
<b>Expenditures</b>						
Transfer Out		\$ 116,559	#3		\$ 116,559	\$ 116,559
<b>Total Grant Fund Expenditures</b>	<b>\$ -</b>	<b>\$ 116,559</b>		<b>\$ -</b>	<b>\$ 116,559</b>	<b>\$ 116,559</b>
<b>Community Development Block Grant (CDBG) Fund</b>						
<b>Revenues</b>						
Intergovernmental Revenue	\$ 307,277				\$ 307,277	\$ -
<b>Total CDBG Revenues</b>	<b>\$ 307,277</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 307,277</b>	<b>\$ -</b>
<b>Expenditures</b>						
Personal Services	\$ 104,754				\$ 104,754	\$ -
Operating Expenses	202,523				202,523	-
<b>Total CDBG Expenditures</b>	<b>\$ 307,277</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 307,277</b>	<b>\$ -</b>
<b>State Housing Initiative Program Fund</b>						
<b>Revenues</b>						
Intergovernmental Revenue	\$ 23,704				\$ 23,704	\$ -
<b>Total State Housing Initiative Revenues</b>	<b>\$ 23,704</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 23,704</b>	<b>\$ -</b>
<b>Expenditures</b>						
Operating Expenses	\$ 2,370				\$ 2,370	\$ -
Other Uses	21,334				21,334	-
<b>Total State Housing Initiative Expenditures</b>	<b>\$ 23,704</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 23,704</b>	<b>\$ -</b>
<b>Home (HUD) Fund</b>						
<b>Revenues</b>						
Intergovernmental Revenue	\$ 82,833				\$ 82,833	\$ -
<b>Total Home Revenues</b>	<b>\$ 82,833</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 82,833</b>	<b>\$ -</b>
<b>Expenditures</b>						
Operating Expenses	\$ 77,833				\$ 77,833	\$ -
Reserves	5,000				5,000	-
<b>Total Home Expenditures</b>	<b>\$ 82,833</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 82,833</b>	<b>\$ -</b>
<b>General Obligation (GO) Debt Service</b>						
<b>Revenues</b>						
Taxes	\$ 261,800				\$ 261,800	\$ -
Interest Income	600				600	-

CITY OF TAMARAC, FLORIDA  
FY 2013 BUDGET  
ATTACHMENT TO TEMPORARY ORDINANCE 2291

ATTACHMENT A

FUND	FY 2013 BUDGET ORDINANCE O-2013-04	BA #2 INCREASE	Reference - Exhibit B	BA #2 (DECREASE)	AMENDED BUDGET #2	BA #2 NET CHANGE
<b>Total GO Debt Service Revenues</b>	\$ 262,400	\$ -		\$ -	\$ 262,400	\$ -
<u>Expenditures</u>						
Debt Service	\$ 262,400				\$ 262,400	\$ -
<b>Total GO Debt Service Expenditures</b>	\$ 262,400	\$ -		\$ -	\$ 262,400	\$ -
<b>Revenue Bond Fund</b>						
<u>Revenues</u>						
Interest Income	\$ 5,000				\$ 5,000	\$ -
Interfund Transfers	2,479,400				2,479,400	-
Debt Proceeds	15,000,000	376,135	04/10/2013 B		15,376,135	376,135
Appropriation from Fund Balance	600,000				600,000	-
<b>Total Revenue Bond Fund Revenues</b>	\$ 18,084,400	\$ 376,135		\$ -	\$ 18,460,535	\$ 376,135
<u>Expenditures</u>						
Debt Service	\$ 2,484,400	\$ 184,718	04/10/2013 B		\$ 2,669,118	\$ 184,718
Grant & Aid	\$ 15,000,000	\$ 191,417	04/10/2013 B		15,191,417	191,417
Other Uses	600,000				600,000	-
<b>Total Revenue Bond Fund Expenditures</b>	\$ 18,084,400	\$ 376,135		\$ -	\$ 18,460,535	\$ 376,135
<b>Capital Equipment Fund</b>						
<u>Revenues</u>						
Interfund Transfers	\$ 282,000	\$ 22,352	#4		\$ 304,352	\$ 22,352
Appropriation From Fund Balance	179,918				179,918	-
<b>Total Capital Equipment Fund Revenues</b>	\$ 461,918	\$ 22,352		\$ -	\$ 484,270	\$ 22,352
<u>Expenditures</u>						
Capital Outlay	\$ 461,918	22,352	#4		\$ 484,270	\$ 22,352
<b>Total Capital Equipment Fund Expenditures</b>	\$ 461,918	\$ 22,352		\$ -	\$ 484,270	\$ 22,352
<b>Golf Course CIP Fund</b>						
<u>Revenues</u>						
Miscellaneous	\$ 118,750				\$ 118,750	\$ -
Interfund Transfers	-	20,000	#5		\$ 20,000	\$ 20,000
Appropriation From Fund Balance	25,000				25,000	-
<b>Total Golf Course CIP Fund Revenues</b>	\$ 143,750	\$ 20,000		\$ -	\$ 163,750	\$ 20,000
<u>Expenditures</u>						
Capital Outlay	\$ -	20,000	#5		\$ 20,000	\$ 20,000
Reserves	25,000				25,000	-
Reserves	118,750				118,750	-
<b>Total Golf Course CIP Fund Expenditures</b>	\$ 143,750	\$ 20,000		\$ -	\$ 163,750	\$ 20,000
<b>General Capital Improvements Fund</b>						
<u>Revenues</u>						
Intergovernmental Revenue	\$ 200,000				\$ 200,000	\$ -
Appropriation From Fund Balance	954,730	212,705	5/08/2013 C			
		36,742	7/10/2013 F			
		11,155	9/11/2013 I			
		13,009	#4			
		20,000	#5		1,248,341	293,611
<b>Total Gen. Capital Improvements Revenues</b>	\$ 1,154,730	\$ 293,611		\$ -	\$ 1,448,341	\$ 293,611
<u>Expenditures</u>						
Capital Outlay	\$ 1,154,730	212,705	5/08/2013 C			
		36,742	7/10/2013 F			
		11,155	9/11/2013 I			
		13,009	#4		\$ 1,428,341	\$ 273,611
		20,000			20,000	20,000
Other Uses	-					
<b>Total Gen. Capital Improvements Expenditures</b>	\$ 1,154,730	\$ 293,611		\$ -	\$ 1,448,341	\$ 293,611
<b>Public Service Facilities Fund</b>						
<u>Revenues</u>						
Intergovernmental Revenue	\$ 1,216,740				\$ 1,216,740	\$ -
Interest Income	25,000				25,000	-
Appropriation From Fund Balance	967,209				967,209	-
<b>Total Public Service Facilities Revenues</b>	\$ 2,208,949	\$ -		\$ -	\$ 2,208,949	\$ -
<u>Expenditures</u>						
Operating Expenditures	\$ 40,144				\$ 40,144	\$ -
Capital Outlay	2,168,805				2,168,805	-
<b>Total Public Service Facilities Expenditures</b>	\$ 2,208,949	\$ -		\$ -	\$ 2,208,949	\$ -
<b>CIP 05 Revenue Bond Fund</b>						
<u>Revenues</u>						

CITY OF TAMARAC, FLORIDA  
FY 2013 BUDGET  
ATTACHMENT TO TEMPORARY ORDINANCE 2291

ATTACHMENT A

FUND	FY 2013 BUDGET ORDINANCE O-2013-04	BA #2 INCREASE	Reference - Exhibit B	BA #2 (DECREASE)	AMENDED BUDGET #2	BA #2 NET CHANGE
Appropriation From Fund Balance	\$ 976,831	\$ 2,685	#4		\$ 979,516	\$ 2,685
<b>Total CIP 05 Revenue Bond Fund Revenues</b>	<b>\$ 976,831</b>	<b>\$ 2,685</b>		<b>\$ -</b>	<b>\$ 979,516</b>	<b>\$ 2,685</b>
<u>Expenditures</u>						
Capital Outlay	\$ 976,831	\$ 2,685	#4		\$ 979,516	\$ 2,685
<b>Total CIP 05 Revenue Bond Fund Expenditures</b>	<b>\$ 976,831</b>	<b>\$ 2,685</b>		<b>\$ -</b>	<b>\$ 979,516</b>	<b>\$ 2,685</b>
<b>Tamarac Village Fund</b>						
<u>Revenues</u>						
Transfer From Fund 239	\$ 600,000				\$ 600,000	\$ -
<b>Total Tamarac Village Fund Revenues</b>	<b>\$ 600,000</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 600,000</b>	<b>\$ -</b>
<u>Expenditures</u>						
2011 Line of Credit	\$ 600,000				\$ 600,000	\$ -
<b>Total Tamarac Village Fund Expenditures</b>	<b>\$ 600,000</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 600,000</b>	<b>\$ -</b>
<b>Stormwater Management Fund</b>						
<u>Revenues</u>						
Stormwater Drainage Fees	\$ 5,246,979				\$ 5,246,979	\$ -
Investment Income & Misc Rev	60,000				60,000	-
<b>Total Stormwater Management Revenues</b>	<b>\$ 5,306,979</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 5,306,979</b>	<b>\$ -</b>
<u>Expenses</u>						
Personal Services	\$ 1,710,534				\$ 1,710,534	\$ -
Operating Expenses	1,933,325				1,933,325	-
Capital Outlay	201,041				201,041	-
Other Uses	400,000				400,000	-
Debt Service	399,400				399,400	-
Contingency	662,679				662,679	-
<b>Total Stormwater Management Expenditures</b>	<b>\$ 5,306,979</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 5,306,979</b>	<b>\$ -</b>
<b>Stormwater Capital Project</b>						
<u>Revenues</u>						
Interfund Transfers	\$ 539,880				\$ 539,880	\$ -
<b>Total Stormwater Capital Project Fund Revenues</b>	<b>\$ 539,880</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 539,880</b>	<b>\$ -</b>
<u>Expenditures</u>						
Capital Outlay	\$ 539,880				\$ 539,880	\$ -
<b>Total Stormwater Capital Project Fund Expenditures</b>	<b>\$ 539,880</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 539,880</b>	<b>\$ -</b>
<b>Utilities Fund</b>						
<u>Revenues</u>						
Charges for Services	\$ 22,670,846				\$ 22,670,846	\$ -
Interest Income	8,500				8,500	-
Miscellaneous	70,000				70,000	-
Interfund Transfers	2,650,000				2,650,000	-
Intergovernmental Revenue	36,725				36,725	-
Appropriation from Net Assets	4,250				4,250	-
<b>Total Utilities Fund Revenues</b>	<b>\$ 25,440,321</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 25,440,321</b>	<b>\$ -</b>
<u>Expenses</u>						
Personal Services	\$ 5,609,923				\$ 5,609,923	\$ -
Operating Expenses	12,556,670				12,556,670	-
Capital Outlay	3,014,950				3,014,950	-
Other Uses	2,379,250				2,379,250	-
Debt Service	904,400				904,400	-
Contingency	821,028				821,028	-
Reserves	154,100				154,100	-
<b>Total Utilities Fund Expenses</b>	<b>\$ 25,440,321</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 25,440,321</b>	<b>\$ -</b>
<b>Health Insurance Fund</b>						
<u>Revenues</u>						
Charges for Services	\$ 4,105,259				\$ 4,105,259	\$ -
<b>Total Health Insurance Fund Revenues</b>	<b>\$ 4,105,259</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 4,105,259</b>	<b>\$ -</b>
<u>Expenses</u>						
Operating Expenses	\$ 3,947,931				\$ 3,947,931	\$ -
Contingency	157,328				157,328	-
<b>Total Health Insurance Fund Expenses</b>	<b>\$ 4,105,259</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 4,105,259</b>	<b>\$ -</b>
<b>Risk Management Fund</b>						
<u>Revenues</u>						
Charges for Services	\$ 1,259,300				\$ 1,259,300	\$ -
Interest Income	50,000				50,000	-
Miscellaneous	15,000				15,000	-

CITY OF TAMARAC, FLORIDA  
FY 2013 BUDGET  
ATTACHMENT TO TEMPORARY ORDINANCE 2291

ATTACHMENT A

FUND	FY 2013 BUDGET ORDINANCE O-2013-04	BA #2 INCREASE	Reference - Exhibit B	BA #2 (DECREASE)	AMENDED BUDGET #2	BA #2 NET CHANGE
Appropriation from Net Assets	1,354,585				1,354,585	-
<b>Total Risk Management Fund Revenues</b>	<b>\$ 2,678,885</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 2,678,885</b>	<b>\$ -</b>
<u>Expenses</u>						
Personal Services	\$ 374,108				\$ 374,108	\$ -
Operating Expenses	2,069,193				2,069,193	-
Contingency	235,584				235,584	-
<b>Total Risk Management Fund Expenses</b>	<b>\$ 2,678,885</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ 2,678,885</b>	<b>\$ -</b>
<b>Total FY12 Budget</b>	<b>\$ 132,681,173</b>				<b>\$ 133,890,578</b>	

FY 2013 BUDGET AMENDMENT #2			
BA#	Item	Summary of Adjustments	Dollar Amount
Approved 10/24/12			
A		Approved Temporary Resolution 12238 - Approval of authorizing the appropriate City official to approve a refund to Winn-Dixie Stores, Inc.	
		Increase revenues and expenditures	70,927
Approved 04/10/13			
B		Approved Temporary Resolution 12322 - Approval of issuing a bond and Capital Improvement Refunding Revenue Bonds, Series 2005 advance refunds the Capital Improvement Revenue Bond, Series 2005	
		Increase revenues and expenditures	376,135
Approved 05/08/13			
C		Approved Temporary Resolution 12316 - Approval of agreement with Di Pompeo Construction Corporation for the design/build of Tamarac Mainlands Park - Project PW11A	
		Increase appropriation from fund balance and expenditures	212,705
Approved 05/22/13			
D		Approved Temporary Resolution 12332 - Approval of an Inter Local Agreement (ILA) with the Town of Southwest Ranches (TSR) for the provision of information technology support services	
		Increase appropriation from fund balance and expenditures	85,000
Approved 06/12/13			
E		Approved Temporary Resolution 12349 - Approval to expend State Law Enforcement Trust Fund	
		Increase appropriation from fund balance and expenditures	29,875
Approved 07/10/13			
F		Approved Temporary Resolution 12362 - Increase funds for agreement with West Construction, Inc., for Project Replace Playground @ Sport Complex and Replace Turfot @ Caporella Park - Project GP12H & Project GP12J	
		Increase appropriation from fund balance and expenditures	36,742
Approved 08/28/13			
G		Approved Temporary Resolution 12382 - Approval of a sub-grant agreement with the State Homeland Security Grant Program for annual maintenance of the Mutual Aid Radio Communications (MARC) Unit - Project GT13K	
		Increase grant revenues and expenditures	12,700
Approved 08/28/13			
H		Approved Temporary Resolution 12381 - Acceptance of Grant Award from Florida Department of Health, Bureau of Emergency Medical Services for Emergency Medical Services Grant - Project GT13J	
		Increase grant revenues and expenditures	83,208
Approved 09/11/13			
I		Approved Temporary Resolution 12389 - Approval of supplement change order to the Major Arterial Corridor Study - Project GP12A	
		Increase appropriation from fund balance and expenditures	11,155
<b>SUBTOTAL ITEMS PREVIOUSLY APPROVED BY CITY COMMISSION AT THE ABOVE INDICATED MEETINGS</b>			<b>\$ 918,447</b>
#1	<b>General Fund Adjustments</b>		
		Increase appropriation from fund balance and expenditures	
		City Attorney	90,000
		Park and Recreation - Aquatic Center	74,001
		Decrease Non-Departmental - contingency	(90,000)
#3	<b>Transfer and Close Fund 153 - Grants Fund</b>		
		Increase appropriation from fund balance and transfer out Fund 153 - Closed Fund 153	116,559
#4	<b>Capital Projects</b>		
		Increase appropriation from fund balance and transfer out Fund 150 - Project CV13A - Building vehicle	22,352
		Increase transfer in to Fund 301 and capital outlay expense	22,352
		<b>Increase appropriation from fund balance and expenditures:</b>	
		Project GP10B - MPC Kalwall R&R - increasing budget expenditures exceeded budget	2,685
		Project PW12A - HVAC Program - renovation and upgrades to the Multi-Purpose Facility expenditures exceeded budget	8,540
		Project PW13A - HVAC Program - increasing budget expenditures exceeded budget	4,469
	<b>Golf Course Fund 302</b>		
#5		Increase appropriation from fund balance and transfer out Fund 310 - Fund 302 operating exp	20,000
		Increase transfer in to Fund 302 and operating expenditures	20,000
		<b>Total Budget Changes</b>	<b>\$ 1,209,405</b>
		<b>Total Ordinance</b>	<b>\$ 1,209,405</b>
		<b>Difference</b>	<b>\$ -</b>





## Title - TR12414 - Amending Red Light Special Magistrate Appointment

Item No. 6 (f) on the Consent Agenda. (TR12414) A Resolution of the City Commission of the City of Tamarac, Florida, amending Resolution No. 2013-81 to remove James D. Stokes as special magistrate for local red light camera hearings and appointing Alexia Gertz to serve as special magistrate for local red light camera hearings; providing for conflicts; providing for severability; and providing for an effective date. - **Financial Services Director Mark Mason**

### **ATTACHMENTS:**

Name:

- 📎 [CM-TR12414 Red Light Camera Magistrates.docx](#)
- 📎 [TR 12414 \(Amending Red Light Special Magistrate Appointment\).doc](#)
- 📎 [CA Memo AGO 2013-18.pdf](#)
- 📎 [R-2013-81.PDF](#)

Description:

- TR#12414 Amending Red light Special Magistrate
- TR12414 Resolution
- TR12414 Exhibit A
- TR12414 Exhibit B

**CITY OF TAMARAC**  
**INTEROFFICE MEMORANDUM**  
**FINANCE DEPARTMENT**  
**ADMINISTRATION DIVISION**

**TO: Michael C. Cernech,**  
**City Manager**

**DATE: October 14, 2013**

**FROM: Mark Mason,**   
**Director of Financial Services**

**RE: TR No. 12414 - Authorizing the**  
**appointment of Special**  
**Magistrates for Red Light**  
**Camera Hearings**

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**Recommendation:** The Director of Financial Services recommends TR #12414, which amends Resolution 2013-81 that appointed the City's Special Magistrates to preside over Red Light camera hearings, be placed on the October 23, 2013 agenda for approval.

**Issue:**

Following the Florida Legislature's recently passed legislation that transferred the authority to adjudicate reported Red Light camera violations from the Circuit Court to designated Special Magistrates appointed by local government agencies, the Florida Attorney General issued AGO 2013-18 on September 11, 2013 (Exhibit A) providing an opinion that Red Light Camera Special Magistrates could not serve more than one City and/or County due to the rules of dual office holding requiring the City to amend Resolution 2013-81 (Exhibit B) that appointed two Special Magistrates, one of who will be working for another City.

**Background:**

In 2010, the Florida Legislature adopted the "Mark Wandall Traffic Safety Program," § 316.0083, Florida Statutes (the "State Act"), which, among other things, expressly preempted to the State the subject matter of using unmanned cameras/monitoring devices, referred to as traffic infraction detectors, in the State Act and defined therein, to enforce violations of red light indications on traffic control devices as of July 1, 2010.

In 2010, the City Commission adopted Ordinance No. 2010-16, which authorized the use of unmanned traffic infraction detectors (red light cameras) to enforce red light violations within the City.

In October 2012, the City entered into an agreement with American Traffic Solutions to provide Red Light Cameras at certain intersections within the City.

During the 2013 Legislative Session, the Florida Legislature passed legislation, CS/CS/HB 7125 (hereinafter Chapter 2013-160, Laws of Florida) and was subsequently signed by the Governor on June 12, 2013. This legislation took effect on July 1, 2013 and provides for municipalities to conduct hearings for persons that receive Notices of Violation (NOV) and for those persons who wish to request a hearing in an effort to contest such NOV. The requests of

these hearings are granted with the provision that a Code Enforcement Special Magistrate is utilized as the hearing officer.

Chapter 2013-160 expressly required that a resolution designating Code Enforcement Special Magistrates to serve as Local Hearing Officers and provided that a Clerk shall be designated as well to serve as the Clerk to the Local Hearing Officer.

On July 10, 2013, the City Commission approved Resolution 2013-81 appointing Alexia Gertz and James Stokes to serve as Special Magistrates for the Red Light Camera Program.

On October 1, 2013, the City Attorney's office issued Memorandum 2013-198 providing background and AGO 2013-18 indicating that Special Magistrates for the Red Light Programs, unlike Special Magistrates for Code Enforcement, cannot service two governmental units as that would be considered as dual office holding.

In light of that information, the City Attorney's office contract Mr. James Stokes who advised that he would serve the City of Boynton Beach as their Special Magistrate thus eliminating him as the City's second Special Magistrate. Ms. Alexia Gertz has advised that she will continue to contract with the City of Tamarac.

**Fiscal Impact:** It is anticipated that the administrative fee of \$125.00, which was approved by the City Commission, will be sufficient to cover the costs of the Special Magistrate.

Attachments: Temporary Resolution No. 12414  
Exhibit 1 – Resolution No. R-2013-81  
Memorandum from City Attorney's Office

CITY OF TAMARAC FLORIDA  
RESOLUTION R-2013-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING RESOLUTION NO. 2013-81 TO REMOVE JAMES D. STOKES AS SPECIAL MAGISTRATE FOR LOCAL RED LIGHT CAMERA HEARINGS AND APPOINTING ALEXIA GERTZ TO SERVE AS SPECIAL MAGISTRATE FOR LOCAL RED LIGHT CAMERA HEARINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Tamarac adopted Resolution 2013-81 authorizing ALEXIA GERTZ and JAMES STOKES to preside over local red light camera hearings; and

**WHEREAS**, ALEXIA GERTZ and JAMES STOKES meet the requirements set forth in the City of Tamarac Code to serve as Special Magistrate and to preside over local red light camera hearings; and

**WHEREAS**, on September 11, 2013, Florida's Attorney General issued an opinion, in which she opined that, with regard to red light camera hearings, Magistrates may not work for more than one city simultaneously, due to a concern over the Florida Constitution dual office-holding prohibition; and

**WHEREAS**, the City desires to appoint magistrates in a manner consistent with Florida law; and

**WHEREAS**, James Stokes has contracted with the City of Boynton Beach to serve as its local red light camera Magistrate, and according to the Florida Attorney General, should not simultaneously serve as Tamarac's red light camera Magistrate.

**WHEREAS**, the City seeks to amend Resolution No. 2013-81 to remove James D. Stokes as a Special Magistrate for local red light camera hearings; and

**WHEREAS**, the City Commission finds the amendment of Resolution No. 2013-81 to be in the best interests of the citizens and residents of the City of Tamarac.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA AS FOLLOWS:**

**Section 1.** The foregoing "WHEREAS" clauses are confirmed and ratified as being true and correct and are hereby incorporated herein.

**Section 2.** Resolution No. 2013-81 is hereby amended to remove James D. Stokes as a Special Magistrate for local red light camera hearings. The remainder of Resolution No. 2013-81, including the appointment of Alexia Gertz a Special Magistrate for local red light camera hearings, shall remain in full force and effect.

**Section 4.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 6.** This Resolution shall become effective immediately upon its passage and adoption.

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SIGNATURE PAGE FOLLOWS.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF TAMARAC,  
FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

CITY OF TAMARAC FLORIDA

\_\_\_\_\_  
BETH TALABISCO, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA TEUFEL, CMC  
INTERIM CITY CLERK

RECORD OF COMMISSION VOTE:

MAYOR TALABISCO \_\_\_\_\_  
DIST 1: COMM. BUSHNELL \_\_\_\_\_  
DIST 2: COMM. GOMEZ \_\_\_\_\_  
DIST 3: COMM. GLASSER \_\_\_\_\_  
DIST 4: V/M. DRESSLER \_\_\_\_\_

I HEREBY CERTIFY THAT I HAVE  
APPROVED THIS RESOLUTION  
AS TO FORM:

\_\_\_\_\_  
SAMUEL S. GOREN  
CITY ATTORNEY

SSG:SHB

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## INTER-OFFICE CORRESPONDENCE

### MEMORANDUM NO. 2013-198

TO: Mayor Beth Talabisco  
Members of the City Commission  
Michael Cernech, City Manager  
Captain Neal Glassman, Chief of Police

CC: Mark Woods, Code Enforcement Manager  
Mark Mason, Finance Director

FROM: Samuel S. Goren, City Attorney *SSG*  
Michael D. Cirullo, Assistant City Attorney *MDC*  
Shana H. Bridgeman, Assistant City Attorney *SHB*

RE: City of Tamarac ("City") / Red Light Camera Special Magistrates

DATE: October 1, 2013

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This memorandum is in reference to AGO-2013-18, which was recently issued by the Florida Attorney General's Office. Pursuant to Laws of Florida 2013-15 and 2013-160, Florida's legislature made several modifications to the red light camera statutes which were subsequently approved by the Governor. In part, the new legislation required the City to adopt a Resolution specifically authorizing the City's Code Enforcement Special Magistrate(s) to conduct local hearings for red light camera violations.

On August 28, 2013, the City passed Resolution 2013-81, appointing Alexia Gertz and James Stokes to serve as Special Magistrates for the City's red light camera hearings. Subsequently, on September 11, 2013, the Attorney General issued the attached opinion, stating that with regard to red light camera hearings, Magistrates may not work for more than one city simultaneously. James Stokes has contracted with the City of Boynton Beach to serve as its Magistrate. Thus, he cannot simultaneously serve as Tamarac's red light camera Magistrate. As such, the City will have to repeal Resolution 2013-81, reissue the Resolution as to Alexia Gertz, and locate a second Magistrate to assist with red light camera hearings.

Our office is in the process of preparing the appropriate Resolutions. We are also available to assist with locating another Magistrate to replace James Stokes. In the interim, should you have any questions, please do not hesitate to contact us.

*Enclosure*

SSG:SHB

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## Florida Attorney General Advisory Legal Opinion

Number: AGO 2013-18

Date: September 11, 2013

Subject: Dual Office-Holding -- Code Enforcement Boards

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The Honorable Steve Leifman  
County Judge  
Richard E. Gerstein Justice Building  
1351 Northwest 12th Street  
Miami, Florida 33125

RE: DUAL OFFICE-HOLDING - CODE ENFORCEMENT BOARDS - TRAFFIC  
INFRACTIONS - RED LIGHT CAMERAS - CIVIL TRAFFIC INFRACTION HEARING  
OFFICER - LOCAL HEARING OFFICER - whether a local hearing officer as  
defined in section 316.003(91), Fla. Stat., is an officer for purposes  
of dual office-holding; whether civil traffic infraction hearing  
officers can serve as local hearing officers. ss. 316.003 and  
316.0083, Fla. Stat.

Dear Judge Leifman:

You have asked for my opinion on substantially the following  
questions:

1. Whether a "local hearing officer" as defined in section 316.003  
(91), Florida Statutes, is an officer for purposes of Florida's  
constitutional dual office-holding prohibition in Article II, section  
(5) (a), Florida Constitution?
2. Whether an individual may serve simultaneously as a civil traffic  
infraction hearing officer and a local hearing officer without  
violating Article II, section (5) (a), Florida Constitution, in light  
of the language contained in section 316.003(91), Florida Statutes?

In sum:

1. A "local hearing officer" as that term is defined in section  
316.003(91), Florida Statutes, is an officer for purposes of Article  
II, section (5) (a), Florida Constitution.
2. The language of section 316.003(91), Florida Statutes, appears to  
provide an *ex officio* exception to the constitutional dual office-  
holding prohibition for currently appointed code enforcement boards or  
special magistrates for charter county, noncharter county, or

municipal code enforcement boards to also act as "local hearing officers" for purposes of conducting hearings related to violations of section 316.0083, Florida Statutes. However, civil traffic infraction hearing officers have not been included by the Legislature within the scope of this *ex officio* exemption and would violate Article II, section 5(a), Florida Constitution, by simultaneously serving in both offices.

As Associate Administrative Judge for the Miami-Dade County Criminal Division, you oversee the traffic court/infraction section of the circuit court. You advise that this includes matters involving the civil traffic infraction hearing officer program. Civil traffic infraction hearing officers are appointed as provided by the Florida Rules of Traffic Court and have the power to adjudicate civil traffic infractions including red light camera matters. Your questions arise because the Florida Legislature amended section 316.003, Florida Statutes, during the 2013 legislative session to include a definition of "local hearing officer." In light of the changes to the statute, local governments have been contacting the judicial circuit to determine whether they may hire civil traffic infraction hearing officers as "local hearing officers" to preside over their red light camera hearings pursuant to section 316.0083, Florida Statutes.

The "Mark Wandall Traffic Safety Program," section 316.0083, Florida Statutes, provides that the Department of Highway Safety and Motor Vehicles, a county, or a municipality may authorize a traffic infraction enforcement officer[1] to issue traffic citations for violations of section 316.074(1) or section 316.075(1)(c)1., Florida Statutes. Any person who receives a notice of violation under the act "may request a hearing within 60 days following the notification of violation or pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person." [2]

Procedures for conducting hearings under the act were adopted in section 5, Chapter 2013-160, Laws of Florida. In a local jurisdiction that elects to authorize traffic infraction enforcement officers to issue citations, the charter county, noncharter county, or municipality is required to "designate by resolution existing staff to serve as the clerk to the local hearing officer." [3] The act defines "local hearing officer" in what is now subsection (91) of section 316.003, Florida Statutes, as added by Chapter 2013-160, Laws of Florida:

"LOCAL HEARING OFFICER. (The person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a), who is authorized to conduct hearings related to a notice of violation issued pursuant to 316.0083. The charter county, noncharter county, or municipality may use its currently appointed code

enforcement board or special magistrate to serve as the local hearing officer. The department may enter into an interlocal agreement to use the local hearing officer of a county or municipality."

Any petitioner who requests a hearing shall be scheduled for a hearing by the clerk to the local hearing officer.[4] All testimony at the hearing is under oath and must be recorded. The hearing officer is required to take the testimony of the traffic infraction enforcement officer and the petitioner and is authorized to take testimony from others. Formal rules of evidence do not apply to these hearings, but "due process shall be observed and govern the proceedings." [5]

At the conclusion of the hearing:

"the local hearing officer shall determine whether a violation under this section has occurred, in which case the hearing officer shall uphold or dismiss the violation. The local hearing officer shall issue a final administrative order including the determination and, if the notice of violation is upheld, require the petitioner to pay the penalty previously assessed under paragraph (1) (b), and may also require the petitioner to pay county or municipal costs, not to exceed \$250. The final administrative order shall be mailed to the petitioner by first-class mail." [6]

The final administrative order may be appealed by an aggrieved party (including the local jurisdiction) as provided in section 162.11, Florida Statutes, which provides for appeals of orders of county or municipal code enforcement boards. [7]

Based on the duties and responsibilities exercised by "local hearing officers" under section 316.0083, Florida Statutes, it is my opinion that they would come within the scope of section (5) (a), Article II, Florida Constitution, for purposes of the dual office-holding prohibition. This office has, in several previously issued Attorney General Opinions, concluded that quasi-judicial actors such as special magistrates and hearing officers are officers for purposes of Florida's constitutional prohibition on dual office-holding. [8]

The constitutional dual office-holding prohibition limits an individual's ability to serve in two offices simultaneously under the government of the state, counties, or municipalities. Section 5(a), Article II of the Florida Constitution, provides:

"No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a

member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers."

In Attorney General Opinion 2010-19, this office was asked whether service as a code enforcement hearing officer for one city would preclude service as a special magistrate for another. Recognizing previous determinations that service as a special magistrate for a value adjustment board constitutes an office within the scope of Article II, section 5(a), Florida Constitution, and that service on a code enforcement board also constitutes an office for purposes of the prohibition on dual office-holding, it was concluded that an individual serving as a hearing officer could not simultaneously serve as a special magistrate without violating the dual office-holding prohibition.[9]

Similarly, this office concluded in Attorney General Opinion 2012-17 that a special magistrate appointed to serve the county value adjustment board would violate the constitutional dual office-holding prohibition by serving as a city's hearing officer, without regard to whether the officer is simultaneously conducting hearings during the term of office.

However, it is a long-settled rule in this state that, assuming a particular officeholder is subject to the constitutional dual office-holding prohibition, a legislative designation of that officer to perform *ex officio* the function of another or additional office is not a holding of two offices at the same time in violation of the Constitution, provided the duties imposed are consistent with those being exercised.[10] Section 4, Chapter 2013-160, Laws of Florida, includes what appears to be an *ex officio* designation within the definition of a "local hearing officer." As amended, the statute provides that the charter county, noncharter county, or municipality that elects to undertake a traffic infraction enforcement program "may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer." I read this language as related to the authority set forth in section 162.03(2), Florida Statutes, for "[a] charter county, a noncharter county, or a municipality" to "give[ ] code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances." [11] Based on the reference in Chapter 2013-160, Laws of Florida, to the procedures in section 162.11, Florida Statutes, for appeal of final administrative orders, it appears that the reference to "currently appointed code enforcement board[s] or special magistrate[s]" is a specific reference to those officers involved in county or municipal code enforcement pursuant to Chapter 162, Florida Statutes, rather than to hearing officers or special magistrates serving in other capacities.[12] Thus, in response to your second question, a civil traffic infraction

hearing officer is not included within the scope of this *ex officio* exemption and would violate Article II, section 5(a), Florida Constitution, by simultaneously serving in both offices.[13]

In sum, it is my opinion that a "local hearing officer" as that term is defined in section 316.003(91), Florida Statutes, is an officer for purposes of Article II, section (5) (a), Florida Constitution, and thus, would be precluded from holding simultaneously any other state, county, or municipal office. However, the language of section 316.003 (91), Florida Statutes, appears to provide an *ex officio* exception to the constitutional dual office-holding prohibition for currently appointed code enforcement boards or special magistrates for charter county, noncharter county, or municipal code enforcement boards to also act as "local hearing officers" for purposes of conducting hearings related to violations of section 316.0083, Florida Statutes. However, civil traffic infraction hearing officers have not been included by the Legislature within the scope of this *ex officio* exemption and would violate Article II, section 5(a), Florida Constitution, by simultaneously serving in both offices.

Sincerely,

Pam Bondi  
Attorney General

PB/tgh

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[1] See s. 316.640(5) (a), Fla. Stat., providing that "[a]ny sheriff's department or police department of a municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes instruction in traffic enforcement procedures and court presentation . . . , but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13." Traffic infraction enforcement officers are authorized to issue traffic citations for certain non-criminal traffic infractions. The statute does not permit the carrying of firearms or other weapons and traffic infraction enforcement officers do not have arrest authority other than the authority to issue traffic citations as provided in subsection (5).

[2] Section 316.0083(1) (b) 1.c., Fla. Stat., as amended by s. 5, Ch. 2013-160, Laws of Fla.

[3] Section 316.0083(5) (b), Fla. Stat., as added by s. 5, Ch. 2013-160, Laws of Fla.

[4] *Supra* n.3 at (5) (c).

[5] *Id.* at (5) (d) .

[6] *Id.* at (5) (e) .

[7] Section 162.11, Fla. Stat., provides that:

"An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed."

[8] See, e.g., Ops. Att'y Gen. Fla. 12-17 (2012) (special magistrate for county value adjustment board may not also serve as city's hearing officer); 10-19 (2010) (attorney who is city commissioner, member of a planning and zoning commission, code enforcement hearing officer or member of regional planning commission may not serve as special magistrate, hearing officer, or magistrate without violating dual office-holding prohibition); and Inf. Op. to Hinds, dated November 20, 2008 (general magistrate serving as civil traffic infraction hearing officer).

[9] See Op. Att'y Gen. Fla. 05-29 (2005) (service as special magistrate for value adjustment board constitutes an office within the scope of Art. II, s. 5(a), Fla. Const., and service on code enforcement board constitutes an office for purposes of dual office-holding prohibition). See also *Rodriguez v. Tax Adjustment Experts of Florida, Inc.*, 551 So. 2d 537 (Fla. 3d DCA 1989) (special masters for value adjustment boards are quasi-judicial officers).

[10] See *State v. Florida State Turnpike Authority*, 80 So. 2d 337, 338 (Fla. 1955); *State ex rel. Gibbs v. Gordon*, 189 So. 437 (Fla. 1939); *City of Riviera Beach v. Palm Beach County Solid Waste Authority*, 502 So. 2d 1335 (Fla. 4th DCA 1987) (special act authorizing county commissioners to sit as members of county solid waste authority does not violate Art. II, s. 5(a), Fla. Const.); *City of Orlando v. State Department of Insurance*, 528 So. 2d 468 (Fla. 1st DCA 1988) (where the statutes had been amended to authorize municipal officials to serve on the board of trustees of municipal police and firefighters' pensions trust funds, such provision did not violate the constitutional dual office-holding prohibition). And see Ops. Att'y Gen. Fla. 00-72 (2000) (legislative designation that a representative from county government, the school district, the sheriff's office, the circuit court, and the county children's board serve on a Community Alliance constituted an *ex officio* designation of officers from the enumerated governmental entities); 80-97 (1980) (membership of elected municipal officer on metropolitan planning organization as prescribed by statute does not violate Art. II, s. 5, Fla. Const.); 02-44 (2002); and 03-20 (2003).

[11] And see CS/CS/HB 7125, House of Representatives Final Bill Analysis, dated June 18, 2013, p. 31, stating that "[t]o facilitate the hearings, local governments may use their currently appointed code enforcement board or special magistrate to serve as the local hearing officer."

[12] It is a well-recognized principle of statutory construction that the mention of one thing implies the exclusion of another - *expressio unius est exclusio alterius*. Thus, when a statute enumerates the things upon which it is to operate, or forbids certain things, it is ordinarily to be construed as excluding from its operation all things not expressly mentioned. See *Thayer v. State*, 335 So. 2d 815, 817 (Fla. 1976); *Dobbs v. Sea Isle Hotel*, 56 So. 2d 341, 342 (Fla. 1952); *Ideal Farms Drainage District v. Certain Lands*, 19 So. 2d 234 (Fla. 1944).

[13] And see Op. Att'y Gen. Fla. 96-91 (1996), concluding that a person simultaneously serving as a value adjustment board special master and a civil traffic hearing officer would violate the constitutional dual office-holding provision.

CITY OF TAMARAC, FLORIDA

RESOLUTION NO. R 2013 - 81

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TAMARAC APPOINTING ALEXIA GERTZ TO SERVE AS SPECIAL MAGISTRATE FOR LOCAL RED LIGHT CAMERA HEARINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tamarac (herein referred to as the "City") has adopted Resolution R-2013-73 (attached hereto as Exhibit "1", incorporate within, and made a specific part thereof) authorizing the City's Special Magistrates to preside over local red light camera hearings; and

WHEREAS, ALEXIA GERTZ and JAMES STOKES meet the requirements set forth in the City's Code of Ordinances to serve as Special Magistrate and to preside over local red light camera hearings as needed; and

WHEREAS, ALEXIA GERTZ and JAMES STOKES do not currently prosecute red light camera violations and do not intend to prosecute such violations in the foreseeable future; and

WHEREAS, ALEXIA GERTZ shall immediately cease to serve as a Special Magistrate for the City if she elects to prosecute red light camera violations at any time in the future; and

WHEREAS, JAMES STOKES shall immediately cease to serve as a Special Magistrate for the City if he elects to prosecute red light camera violations at any time in the future; and

WHEREAS, the City Commission of the City of Tamarac, Florida deems it to be in the best interests of the citizens and residents of the City of Tamarac to appoint ALEXIA GERTZ and JAMES STOKES to serve as Special Magistrate.



NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE  
CITY OF TAMARAC, FLORIDA:

Section 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are incorporated by this reference as if fully set forth herein. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

Section 2: That the City Commission of the City of Tamarac, Florida hereby appoints ALEXIA GERTZ and JAMES STOKES to serve as Special Magistrate and to preside over local red light camera hearings as needed.

Section 3: The City Commission hereby authorizes and directs the City's Administrative staff to do all things necessary and expedient to effectuate the intent of this Resolution.

Section 4: All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then such holding shall in no way affect the validity of the remaining portions of this resolution.

Section 6: This resolution shall become effective upon its passage and adoption by the City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF TAMARAC,

FLORIDA this 28 day of August, 2013.



BETH TALABISCO,  
MAYOR

ATTEST:

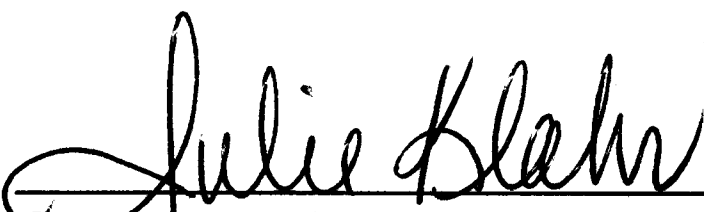


PATRICIA TEUFEL, CMC  
CITY CLERK

RECORD OF COMMISSION VOTE:

MAYOR TALABISCO yes  
DIST 1: COMM. BUSHNELL yes  
DIST 2: COMM. ATKINS-GRAD absent  
DIST 3: COMM. GLASSER yes  
DIST 4: V/M. DRESSLER yes

I HEREBY CERTIFY THAT I HAVE  
APPROVED THIS RESOLUTION  
AS TO FORM:



SAMUEL S. GOREN  
CITY ATTORNEY

Ex 1

**CITY OF TAMARAC, FLORIDA**

**RESOLUTION R-2013- 73**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF TAMARAC DESIGNATING THE CITY'S CODE ENFORCEMENT SPECIAL MAGISTRATES TO SERVE AS LOCAL HEARING OFFICERS PURSUANT TO CHAPTER 2013-160, LAWS OF FLORIDA; AUTHORIZING THE CITY MANAGER TO USE CODE ENFORCEMENT STAFF TO IMPLEMENT CHAPTER 2013-160, LAWS OF FLORIDA; DIRECTING THE CITY ADMINISTRATION TO TAKE ANY AND ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature passed CS/CS/HB7125 during the 2013 Legislative Session providing for hearings related to notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code; and

**WHEREAS**, the Governor of the State of Florida signed CS/CS/HB7125 into law on June 12, 2013, resulting in the Chapter 2013-160, Laws of Florida taking effect on July 1, 2013; and

**WHEREAS**, City Ordinance 2013-10 implements and incorporates Chapter 2013-160, Laws of Florida into the City Code; and

**WHEREAS**, the use of a local hearing officers promotes home rule and allows citizens of Tamarac to have a local method of contesting notices of violation for red light camera traffic infractions; and

**WHEREAS**, the City Commission of the City of Tamarac desires to use existing resources, staff, and magistrates to implement Chapter 2013-160, Laws of Florida.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE  
CITY OF TAMARAC, FLORIDA:**

**Section 1:** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are incorporated herein by this reference.

**Section 2:** The City of Tamarac's Code Enforcement Special Magistrates are designated to serve as Local Hearing Officers, as set forth at Section 4 of Chapter 2013-160, Laws of Florida.

**Section 3:** The City Manager is authorized to use code enforcement staff, as well as other City resources, to implement the authorizations contained in Chapter 2013-160, Laws of Florida and to have the code enforcement magistrate clerk, or such other person designated by the City Manager, to serve as the Clerk to the Local Hearing Officer for purposes of Notice of Violation hearings.

**Section 4:** The City Commission hereby authorizes and directs the City Administration to do all things necessary and expedient to effectuate the intent of this Resolution.

**Section 5:** All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

**Section 6:** If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then such holding shall in no way affect the validity of the remaining portions of this resolution.

**Section 7:** This resolution shall become effective upon its passage and adoption by the City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF TAMARAC,

FLORIDA THIS 10 DAY OF July, 2013.

CITY OF TAMARAC FLORIDA

Beth Talabisco  
BETH TALABISCO, MAYOR

ATTEST:

Patricia Teufel  
PATRICIA TEUFEL CMC  
CITY CLERK

RECORD OF COMMISSION VOTE:

MAYOR TALABISCO yes  
DIST 1: COMM. BUSHNELL yes  
DIST 2: COMM. ATKINSGRAD yes  
DIST 3: COMM. GLASSER yes  
DIST 4: V/M. DRESSLER yes

I HEREBY CERTIFY THAT I HAVE  
APPROVED THIS RESOLUTION  
AS TO FORM

Julie Klahr  
for SAMUEL S. GOREN  
CITY ATTORNEY



## **Title - Discussion Regarding Cancellation of Meetings**

Discussion regarding the cancellation of the November 25, 2013 Workshop, November 27, 2013 Commission Meeting, December 23, 2013 Workshop and the December 25, 2013 Commission Meeting. - ***City Clerk Patricia Teufel***

### **ATTACHMENTS:**

Name:

Description:

No Attachments Available



## Title - Update on Green Initiatives

Update on Green Initiatives - ***Public Services Director Jack Strain and Senior Engineer Samira Shalan***

### **ATTACHMENTS:**

Name:

Description:

No Attachments Available



## Title - Other Business

### **ATTACHMENTS:**

Name:

Description:

No Attachments Available