

# GALT MILE NEWS

THE OFFICIAL PUBLICATION OF THE GMCA

NOVEMBER 2015



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## Thank You for Your Feedback!

*from the Sun Trolley*

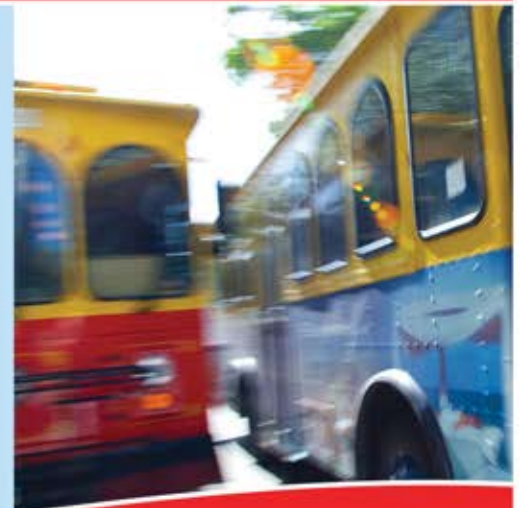


In September, we asked you to complete a 10-question survey to provide feedback on the FREE Sun Trolley Galt Link that currently runs Monday, Tuesday, Wednesday, Friday and Saturday from 8:30 a.m. to 4:30 p.m. Additionally we had the opportunity to meet many of you and obtain your feedback in person at our community meetings that were held on Thursday, October 1, 2015 at the Galt Ocean Mile Reading Library.

Thank you for participating and providing your input. It will help us to continue to improve our operations and ensure the service along the Galt Link continues to meet your needs.

If you would like to view the results of the survey, please visit [www.suntrolley.com/galt-link](http://www.suntrolley.com/galt-link).

**Thank you for your continued support of the Sun Trolley!**



### Stay Connected with the Sun trolley!

Sign up to receive information and alerts about the Galt Link via email at [www.suntrolley.com](http://www.suntrolley.com), follow the Sun Trolley on Facebook or call 954-TROLLEY for more info.



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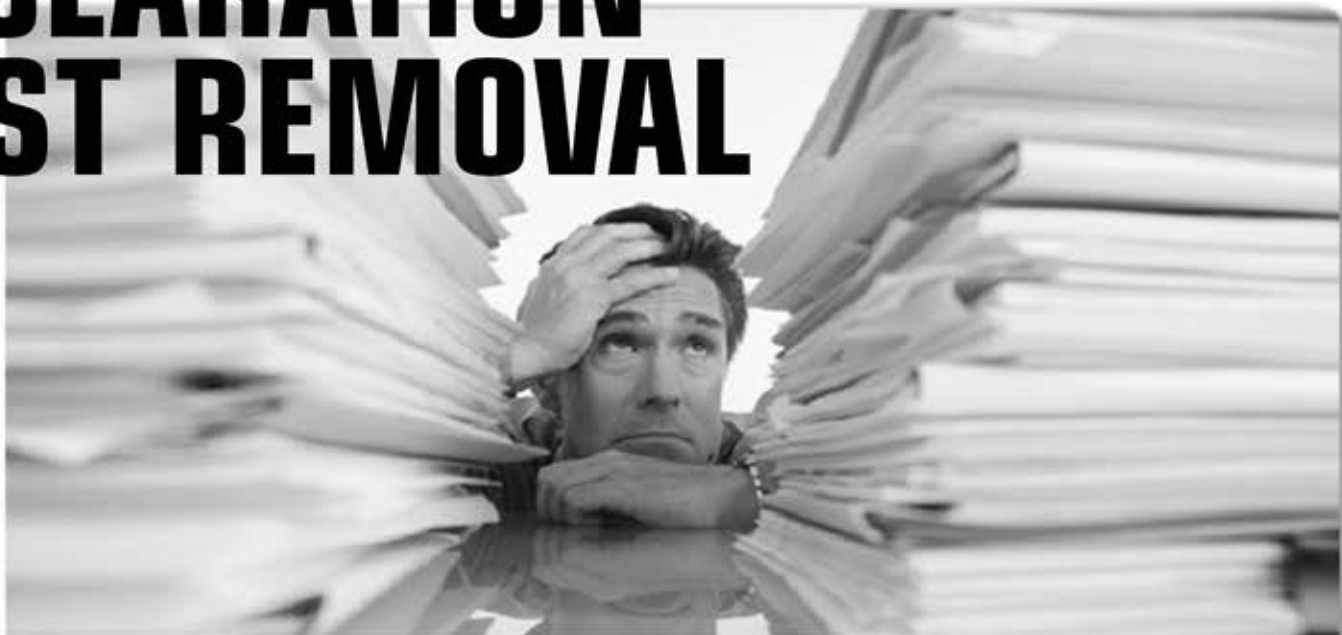
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# DECLARATION RUST REMOVAL

By Eric Berkowitz



On October 19, 2015, Association Attorney Donna Berger blogged about a threat to associations that never knocked the rust from their governing documents. If the declaration that anchors an association isn't regularly updated, the structure and protection it was designed to provide erodes. Berger likens relying on outdated documents to using a map where the topography has completely changed. Getting lost can cost a bundle - payable by unit owners.

In "Five Major Downsides to allowing your Association Documents to remain stagnant", Berger explores some of the more serious examples of neglect, along with their repercussions. Associations that fail to update their documents to save money - lamenting the cost of organizing a full membership vote or addressing requirements for lender consent - may subsequently spend far more on legal fees to enforce irrelevant provisions and rules that may currently violate State or Federal Law. One of the most glaring earmarks of a stagnant declaration is the absence of a clause known as "Kaufman language".

As a Federation, laws passed in any jurisdiction generally trump those created for some part of that jurisdiction. The regulatory food chain for Florida community associations is topped by the U.S. Constitution followed by federal treaties, trade agreements and Laws passed by Congress. Below these are the Florida Constitution and statutes enacted by State lawmakers. Then come the local laws and ordinances in effect when the association documents are recorded. Next are private contracts, like an association's Declaration. After this are the articles of incorporation, the bylaws, and finally - the rules and regulations. Rules created by an association board or bylaws amended by a vote of the full ownership do not supersede owner rights granted in the Declaration, or circumvent Federal, State or local laws.

Every Florida association's governing documents are subject to the terms and provisions of the applicable common interest ownership statute (Chapter 718 for Condos, Chapter 719 for Co-ops, or Chapter 720 for HOAs). As lawmakers amend the enabling statute, the relevant impacts on associations are either procedural or substantive. Procedural amendments, such as changes to the election process, board member certification, access to records, etc., are retroactively applicable to all associations.

The substantive rights and duties of association members (which determine who insures, repairs, pays for or otherwise controls a property) are governed by the terms and provisions of the governing statute on the date the Declaration is recorded. Since the United States Constitution prohibits the enactment of laws that impair existing contract rights (such as those in the Declaration), substantive amendments (which alter statutory regulations and impact the economic or property rights of parties) are systematically ruled retroactively inapplicable by the courts.

Since Florida Condominiums are statutory creations, their formative declarations all cite Chapter 718 as the enabling legislation. In a seminal Florida case, *Kaufman v. Shere*, 347 So. 2d 627 (Fla. 3d DCA 1977), the judge ruled that associations could automatically adopt future substantive legislative changes as amendments to the declaration by enhancing the reference to Chapter 718 with the phrase, "as it may be amended from time to time," permanently circumventing the Constitutional doctrine that prohibits legislative impairment of contract rights. Lifted from the case name, the mitigating clause came to be known as "Kaufman language".

Inclusion of Kaufman Language in an association's governing documents entitles its members to benefit from subsequently legislated rights, resources and protections. In many Florida court cases, the presence or absence of Kaufman Language determined whether or not judges awarded associations Safe Harbor remuneration, statutory voting rights, tools to limit delinquencies (that might have otherwise triggered additional assessments), and any other benefits and protections enacted by the Florida Legislature.

The impact of Kaufman Language was crystallized in a 2011 landmark case (*Cohn v. The Grand Condominium Association, Inc.*, SC 10-430), in which a majority of residential unit owners in a Miami mixed use condominium was prevented from wresting control of the governing board from a minority of commercial interests. In disallowing voting rights granted in Section 718.404(2), Florida Statutes, the Florida Supreme Court cited the absence of Kaufman Language in its decision to block application of the statute.

In recent years, a series of Omnibus Association bills filed by former Senator Ellyn Bogdanoff, Senator Thad Altman, Senator Jeremy Ring and Statehouse Representative George Moraitis became State Law. This wave of new Statutory amendments provided unit owners with a laundry list of new protections, endowed cooperatives with rights previously granted to condominiums, equipped associations with critical survival mechanisms and expanded safe harbor lender obligations when foreclosing association units. When tested in court, associations that failed to amend governing documents with Kaufman Language saw these rights and protections systematically overturned.

Linking the importance of Kaufman Language to a more recent decision, Berger cites *Pudlit 2 Joint Venture, LLP v. Westwood Gardens HOA, Inc.*, Case No. 4D14-1385 (Fla. 4th DCA May 27, 2015). After purchasing two parcels in Westwood Gardens HOA at a foreclosure sale, and paying past due assessments to the Association (as provided in section 720.3085, F.S.), Pudlit sued the Association

Continued on page 8

**NOVEMBER/DEC**

**SUN MON TUE WED**

<p><b>15</b> Las Olas Outdoor Green Market 333 E Las Olas Blvd. &amp; SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436</p> <p>13.1 Half Marathon &amp; KARHU 5K - Fort Lauderdale START: 17th St near the Broward Convention Center FINISH: South Beach Park on A1A 6 to 10:30 a.m. Info.: 305-278-8668</p>	<p><b>16</b></p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m. Info.: 954-828-5033</p>	<p><b>17</b> BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Sanger: 954-563-7268</p> <p>Fort Lauderdale City Commission Meeting City Hall Regular Agenda: 6 p.m.</p>	<p><b>18</b> BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063</p> <p>South Florida Winter Business Expo Broward County Convention Center (Hall A) Topic: Biz to Biz Networking 3 to 8 p.m. Info.: 954-838-9644</p>
<p><b>22</b> Las Olas Outdoor Green Market 333 E Las Olas Blvd. &amp; SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436</p> <p>Winterfest Family Fun Day Riverside Hotel Lawn, 10 a.m. to 2 p.m. Info.: 954-767-0686</p>	<p><b>23</b> 12 Nights of Water Taxi Holiday Light Tour (Through 12/16) Mon, Tues, Wed 6 to 7:30 p.m. Info.: 954-467-6677</p> <p>Holiday Fantasy of Lights (Through 1/2) Tradewinds Park Open Nightly 6 to 10 p.m. Info.: www.holidaylightsdrive thru.com</p>	<p><b>24</b> BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Sanger: 954-563-7268</p>	<p><b>25</b> BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063</p>
<p><b>29</b> Las Olas Outdoor Green Market 333 E Las Olas Blvd. &amp; SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436</p> <p>LBTS Farmer's Market Town Hall, 4501 N. Ocean Dr., 9 a.m. to 2 p.m. Info.: www.lbtsevents.com/calendar</p>	<p><b>30</b></p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m. Info.: 954-828-5033</p>	<p><b>1</b> BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Sanger: 954-563-7268</p> <p>53rd Annual Christmas on Las Olas - 2015 600 - 1100 East Las Olas Blvd. 5 to 10 p.m. Info.: 954-258-8382</p>	<p><b>2</b> BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063</p> <p>Christmas-By-the-Sea Tree Lighting in Anglin's Square 5:30 to 9 p.m. Info.: www.lbtsevents.com/calendar</p>
<p><b>6</b> Las Olas Outdoor Green Market 333 E Las Olas Blvd. &amp; SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436</p> <p>Erev Chanukah</p> <p><b>Sunday Jazz Brunch</b> Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-396-3622</p>	<p><b>7</b></p>	<p><b>8</b> BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Sanger: 954-563-7268</p> <p>The South Florida Condo, HOA &amp; Coop Expo Broward County Convention Center 10 a.m. to 4:30 p.m. Info.: 212-683-5700</p>	<p><b>9</b> BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063</p>
<p><b>13</b> Las Olas Outdoor Green Market 333 E Las Olas Blvd. &amp; SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436</p> <p>Holiday Car Show Festival Flea Market Mall 10 a.m. to 4 p.m. Info.: 954-563-4000</p>	<p><b>14</b></p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m. Info.: 954-828-5033</p>	<p><b>15</b> BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Sanger: 954-563-7268</p> <p>Fort Lauderdale City Commission Meeting City Hall Regular Agenda: 6 p.m.</p>	<p><b>16</b> BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063</p>

NOV 21: Lulu - Live Opera, Silverspot Cinema, 4441 Lyons Rd., Coconut Creek, 12:30 p.m., Tix.: WWW.SILVERSPOT.NET (see ad in paper)  
 NOV 21-22: Buckler's 40th Annual "The Harvest Festival" Expo, Dade Fair Expo Center, Info.: 386-860-0092  
 NOV 22: 2015 So Fla Tour de Cure, Birch State Park, Check in: 6 a.m.; Start: 7 a.m.; Finish: 3 p.m.; Info.: 954-772-8040 X 3017  
 NOV 22: IDF Walk for Primary Immunodeficiency, Esplanade Park, Check in: 8:30 a.m.; Start: 10 a.m.; Finish: 11 p.m.; Info.: 800-296-4433  
 NOV 22: 3rd Annual Be a Hero, 5K Run for a Kid, Check in: 6:30 a.m.; Start: 7:30 a.m.; Info.: 305-791-KID1  
 DEC 5-6: Orchard, Garden and Gourmet Food Festival at Bonnet House, 9 a.m. to 4 p.m., Info.: 954-703-2614 (see ad in paper)  
 DEC 6: 60th Annual Hollywood Beach Candy Cane Parade, Hollywood Beach Boardwalk, 7 to 9 p.m., Info.: 954-921-3404  
 DEC 12: The Best Bead Show, Courtyard by Marriot Cypress Creek, Info.: 610-241-8329  
 DEC 12: The Magic Flute - Encore Opera, Silverspot Cinema, 4441 Lyons Rd., Coconut Creek, 12:55 p.m., Tix.: WWW.SILVERSPOT.NET (see ad in paper)

# THINGS DO! CHECK OUT WHAT'S GOIN' ON.

THU

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SAT

## LOTS HAPPENING IN DECEMBER!

<p><b>19</b> Fall Riverwalk Get Downtown YOLO Plaza, Las Olas Blvd. 5 to 8 p.m. Info.: 954-468-1541 X 205</p> <p>9th Annual Broward County Fair (Through 11/29) Festival Flea Market (Sample Rd.) Info.: 954-214-2457</p>	<p><b>20</b> 6th Annual Boca Raton Wine &amp; Food Festival (Through 11/22) FAU Campus, Galdes Rd. Info.: 561-338-7594</p> <p>Friday Night Tunes Performer(s): The Legends Band (Blues, Old School) Carter Park, 7 to 10 p.m. Info.: 954-828-PARK</p>	<p><b>21</b> Gun &amp; Knife Show (Through 11/22) War Memorial Auditorium Info.: 954-828-5380</p> <p>Citywide Yard Sales Jaco Pastorius Park (4000 N. Dixie Hwy.) 8 a.m. to 1 p.m. Info.: 954-630-4507</p>
<p><b>26</b></p> <p>5th Annual Fort Lauderdale Turkey Trot &amp; Paddle DC Alexander Park (501 Ft. Lauderdale Beach Blvd.) Start: 7:30 a.m. Info.: 954-767-8866 X 25</p>	<p><b>27</b></p> <p>4th Annual Merrill Lynch Bull Run Huizenga Plaza 7:30 to 11 a.m. Info.: 954-802-9293</p>	<p><b>28</b></p> <p>16th Annual Downtown Delray Beach Thanksgiving Weekend Art Festival (Through 11/29) 330 E Atlantic Ave., Delray Beach 10 a.m. to 5 p.m. Info.: 954-472-3755</p>
<p><b>3</b></p> <p>Palm Beach Marathon Health &amp; Fitness Expo (Through 12/5) Meyer Amphitheatre, WPB Info.: info@palmbeachmarathon.com</p>	<p><b>4</b> West Palm Beach Antiques Festival (Through 12/6) South Florida Fairgrounds, WPB Info.: 941-697-7475</p>	<p><b>5</b> KID Inlet Challenge Bicycle Ride Bahia Mar, 7 a.m. Info.: 954-390-7620</p> <p>Household Hazardous Waste and Electronics Drop-off 6011 Nob Hill Road, Tamarac 9 a.m. to 2 p.m. Info.: 954-828-8000</p> <p>Ring of Honor Wrestling War Memorial Auditorium Info.: 443-297-8098</p>
<p><b>10</b></p> <p>Palm Beach Food &amp; Wine Festival (Through 12/13) Various locations in WPB 10 a.m. to 10 p.m. Info.: 561-389-1222</p>	<p><b>11</b> The Nutcracker (Through 12/13) Broward Center Au Rene Tix.: 954-462-0222</p> <p>Music Under the Stars Pompano Beach Great Lawn 6 to 9 p.m. Performer(s): Blues Brothers Soul Band Info.: 954-786-4111</p>	<p><b>12</b> Christmas Near the Beach ArtsPark at Young Circle 4 to 9 p.m. Info.: 954-428-4480</p> <p>Seminole Hard Rock Winterfest Boat Parade Intracoastal from New River in Fort Lauderdale to Lake Santa Barbara in Pompano Beach 6 p.m. Info.: 954-767-0686</p>
<p><b>17</b></p> <p>G.M.C.A. Advisory Board Meeting Nick's Italian Restaurant, 11 a.m.</p>	<p><b>18</b></p>	<p><b>19</b> 31st Annual Jingle Bell Jog 5K Sawgrass Technology Park Info.: 954-461-5515</p> <p>Delray Beach Jingle Bell Jog Anchor Park (340 South Ocean Blvd.), Delray Beach 7:30 a.m. Info.: 954-661-2732</p>

December 20  
Jingle Bell Jog  
Huizenga Plaza, 7:30 a.m.  
Info.: 954-661-2732

December 31  
New Year's Eve Downtown Countdown  
SW 2 St. (between SW 2 Ave. & SW 4 Ave.)  
4:30 p.m. to 3 a.m.  
Info.: 954-396-3622

January 1  
Resolution 5K  
TY Park, 3300 N Park Rd. (Pavilion #5), Hollywood  
9 a.m.: 5K Run/Walk; 9:45 a.m.: Kid's Dash; 10 a.m.: Youth Mile  
Info.: 954-461-5515

January 1-3  
International Gem and Jewelry Show  
War Memorial Auditorium  
Info.: 301-294-1640

January 17  
Sunshine Music Fest  
Mizner Park Amphitheatre, Boca; 11 a.m. to 11 p.m.  
Info.: www.sunshinemusicfestival.com/boca-raton/



**FOR A COMPLETE LISTING OF EVENTS, GO TO THE CALENDAR AT WWW.GALTMILE.COM**

DEC 12-13: Flamingo Gardens - Garden of Lights, 9:30 a.m. to 5 p.m., Info.: 954-473-2955

DEC 19: Florida Gun & Knife Show, South Florida Fairgrounds, WPB, Info.: 321-777-7455

First Saturday of Every Month: Beach Cleanup, Commercial Blvd. & the Beach LBTS (Meet at Pavilion), 9 to 9:30 a.m., Info.: 954-776-1000

First Saturday of Every Month: North Beach Art Walk, 3280 NE 32nd St, 7 to 11 p.m., Info.: 954-537-3370

Second Saturday of Every Month: Beach Sweep, Fort Lauderdale Beach Park, 1100 Seabreeze Blvd., 7 to 11 a.m., Info.: 954-593-8501

Mondays: Food Trucks at ArtsPark, 5:30 to 10 p.m., Youngs Circle in Hollywood

Sundays: Tour-the River Ghost Tour, Stranahan House & Water Taxi, 7:30 p.m., Tix.: 954-524-4736

Saturdays: Saturday Night Under the South Florida Stars, Fox Astronomical Observatory at Markham Park, Sunset to Midnight, Info.: 954-384-0442

Daily: Yoga on the Beach, Ocean Manor Resort (4040 Galt Ocean Dr.), 9:30 a.m. (weather permitting), Mats supplied, \$10 donation, Open to the Public, Info.: 754-779-7519 or 516-840-1455



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Orchid Photo by  
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## Declaration...Continued

for its payment and declaratory judgment. Reversing the trial court, the Fourth District Court of Appeal noted a provision in the association's Declaration that relieved subsequent titleholders of responsibility for delinquent assessments, and held that obligations subsequently mandated by the governing statute could not impair contract rights provided in the declaration, despite the fact that Pudlit was never a party to the contract (declaration) prior to purchase. Had the association amended its Declaration with Kaufman Language, the statutory obligations would have become declaration amendments instead of Constitutional impairments, shielding the funds from judicial ambush.

Berger then rattled off some examples of how Florida associations are fiscally compromised by a failure to update governing documents. For instance, associations are often oblivious to language in their documents that unnecessarily impairs the standing of association liens, subordinating them to second or third mortgages. As a result, liens that would have ordinarily been satisfied became scrap paper, depriving the association Treasury of sorely needed funds. In many associations, neglected governing documents lack language that would enable the collection of interest and late fees in the highest amount permitted by law. The cost of this capricious gift to delinquent owners is eventually funded by the entire membership.

While the rebounding economy has plumped the housing market with homebuyers, financing terms play a major role in determining where their down payments are dropped. In neighborhoods that offer a panoply of similar units, as exemplified by "sister buildings" along the Galt Mile, perplexed residents often wonder why their units receive far fewer offers than identical units next door or down the block. Berger unravels one aspect of this varying demand.

As the Federal Government keeps pace with the need for improved FHA and VA financing options, or an insured reverse mortgage product also known as a Home Equity Conversion Mortgage (HECM), HUD bureaucrats sift through an association's records to ascertain whether homebuyers can purchase association properties with low-cost VA or FHA-backed mortgages. Before certifying an association's eligibility for these federally subsidized lending opportunities, agency staffers verify insurance coverage, adequacy of reserves, delinquency rate, percent-

age of tenants, and other standards that define risk. Associations are rejected if they fail to meet program guidelines or feature purchasing/leasing protocols that support discriminatory practices.

Berger describes how updating the association's governing documents can enhance unit values by tapping into this huge buyer pool. In short, she recommends a targeted review of provisions in the Declaration or Bylaws that are anathematic to FHA or VA mortgage eligibility. A stumbling block common to many associations is a right of first refusal tucked into the Declaration. Although the VA considers it a "deal breaker", the FHA will allow it unless used as a vehicle to preclude specific prospective purchasers, as when exercised to block unit ownership by blacks, Jews, single mothers, the disabled, etc. The agencies are also leery of leasing restrictions in the Declaration or bylaws, given their potential for abusing Fair Housing rights. However, if leasing restrictions embedded in the governing documents meet certain criteria approved by the agency, association units can be purchased or refinanced with FHA-insured mortgage products.

Most Galt Mile associations already meet the agencies' fiscal and risk management guidelines. Berger infers that a few tweaks to the governing documents might circumvent the remaining obstacles to agency certification. Given that eligible associations attract far more potential homebuyers; this incremental demand enables sellers to exact a purchase premium, enhancing the value of association units.

Every few years, the neighborhood association exhorts member associations to bring their governing documents into compliance with current State and Federal Law. After the 2011 decision in Cohn vs. The Grand Condominium Association, Inc., another alert was sent to association officials, suggesting that they consult with the association attorney if their association's governing documents were never amended with Kaufman Language.

While most Galt Mile associations conscientiously update their documents on a regular basis, some do not. Hopefully, when their unit owners discover that they don't have the same rights and protections enjoyed by their peers in neighboring associations; it won't come as a revelation on the courthouse steps. •



# Commissioner Chip LaMarca's



OCTOBER 2015 Newsletter



By Commissioner Chip LaMarca  
Forward By: the Editor

*On April 28, the Broward Commission attempted to craft an Ordinance to legalize services provided by transportation network companies (TNCs). Until then, Uber and Lyft had been operating in the shadows, raiding petty cash to fund tens of thousands in accrued driver citations. Miffed by an Uber corporate policy that encouraged drivers to violate County law, and resentful of the unrelenting pressure by Uber supporters to force their hand, Commissioners grudgingly amended the Motor Carriers Ordinance, adding stiff regulatory requirements for drivers, maintenance standards for their personal vehicles, incremental insurance coverage, even a mandated local business office.*

*Making good on an oft-repeated threat, on July 31, the TNCs suspended access to their cell phone-based online platform for Broward customers. Simultaneously, the TNCs sponsored an online petition to "Bring Uber Back", and loosed recruits on reluctant commissioners – emailing a truckload of abusive complaints and phoning anonymous threats to their homes and offices. Not surprisingly, the campaign yielded a quick dividend, as hard-line Commission rhetoric was soon replaced by a white flag and an olive branch.*

*At the County Board's September 1 public meeting, the Commission diluted the Ordinance requirements and agreed to a sea change. Instead of enforcing regulations governing the drivers, their vehicles and insurance standards, the County would delegate those responsibilities to the taxi companies - whether a TNC or a traditional livery business. To verify corporate compliance with the new law, twice annually, the County will peruse*

*each company's books - and perform random inspections of drivers and vehicles. When the proposed Ordinance was enacted into law at the October 13th Commission Meeting, Uber and Lyft agreed to clip the padlock on their cell phone apps, and resume service in Broward County.*

*The Commission also approved an agreement under which TNCs could provide passenger services at Fort Lauderdale Hollywood International Airport and Port Everglades. They will be charged \$4.50 to pick up a passenger at the Airport and \$2 for each fare at the Port.*

*Ironically, Broward County's record for enforcing safety measures in its Motor Carriers Ordinance is abysmal. Between 2012 and 2014, 62% of the applicants for a Chauffeur Registration who were rejected by staffers for cause - were approved anyway by the County's Consumer Protection Board. The TNCs have argued that they can do better.*

*Typically, deregulation is followed by a "Honeymoon Period", when newly empowered corporate communities seek to underscore their willingness to make the financial sacrifices required for responsible self-governance. As drooling shareholders - or corporate officials - grow impatient, sooner or later, they blink. How these self-regulating taxi companies ultimately respond will come out in the wash. For now, enjoy the ride. To catch LaMarca's October 2015 Uber/Lyft Update, Read on... - [editor]\**

I am pleased to report that the ride sharing company, Uber has resumed operations in Broward County as of this morning. As a Broward County Commissioner, I believe that making Broward a better place requires embracing progress and technology. Over the course of the last year, the Broward County Commission has taken steps to regulate Transportation Network Companies (TNCs) such as Uber and Lyft in Broward County. Transportation Network Companies use an internet application to match up passengers with drivers who operate their own vehicles to provide transportation for hire.

The ordinance regulating transportation network companies was designed to accommodate TNCs, expand transportation

options and establish measures to protect the public. In April of this year, Broward became the first county in South Florida, and one of the first in the nation to develop an ordinance specifically regulating transportation network companies. Since then, numerous public meetings and discussions have taken place to develop a regulatory framework to accommodate TNCs and provide fair competition for the established taxicab industry. Our laws need to be modernized and updated to reflect the technological advances in the transportation industry.

From my vantage point, TNCs aren't simply offering convenience, competition and choice to visitors and residents. They are providing jobs, full and part-time, to those looking to make ends meet or create their own schedule. Broward County is now advancing into the 21st century

and this ordinance will allow drivers for TNCs to operate legally so that we can meet the transportation needs of our residents and visitors.

I am proud to have supported these services from the beginning and extremely satisfied to see the majority of our commission come together with a final ordinance that provides for public safety and allows these companies to operate in Broward County.

Sign up at [Broward.org/District4](http://Broward.org/District4) to receive email updates from our office. If there is anything that we can do to assist you with your vision for a better Broward, please do not hesitate to contact our office at 954-357-7004 or by email at [clamarca@broward.org](mailto:clamarca@broward.org).

*Chip LaMarca*  
Broward County Commissioner, District 4 •

# COMMISSIONER BRUCE ROBERTS



*"Opening his November - December 2015 Newsletter with a measure of Holiday Season gratitude for his constituents, their input and our City, District 1 City Commissioner Bruce Roberts welcomes the economic windfall generated annually by Fort Lauderdale's International Boat Show, issues a blistering warning about the dangers of celebratory illegal fireworks, details how City schools qualified as licensed providers of a progressive after-school program called P.L.A.Y. (Promoting Lifetime Activities for Youth), cites the City Website for achieving a third place national ranking for government websites by the Center for Digital Government, reports City efforts to beat back the seasonal flooding caused by autumn King Tides, credits the Transportation and Mobility Department (TAM) with securing a \$42,000 grant to fund three additional painted intersections, notes that the City scored awards by Foreign Direct Investment (FDI) magazine for "Small American Cities of the Future 2015/16" in the Overall and Economic Potential categories.*

*After enumerating a series of upcoming municipal events, Roberts invites participation in a combined Open Streets - Winterfest Family Fun Day event on November 22, bids farewell to a relatively uneventful Hurricane Season with a reminder to remain vigilant, and applauds the 300 volunteers who advanced 20 community projects by participating in the October 24 "Make a Difference Day" events. Among the topics parsed in his newsletter, his description of the current King Tide seasonal flooding as "unprecedented" carries a warning.*

*Climate officials projected 4 periods of tidal threats during this year's autumn King Tide, from August 29 - September 2; September 26 - October 2; October 24 - 31; and November 24 - 27. King tides occur twice annually when the earth reaches a point in its rotation that aligns with the gravitational fields of the moon and sun to maximize gravitational pressure on the oceans, yielding monstrous high tides and lower low tides. These tidal extremes have grown increasingly severe in the last several decades - exacerbated by rising sea levels (SLR), and the rate of rise is accelerating. King tides provide us with a snapshot of daily coastal conditions in a few decades. In effect, unless the source of SLR is addressed, these seasonal brushes with catastrophic flooding will ultimately become our daily climate.*

*Florida's geological architecture heightens its vulnerability to tidal flooding. Since a thick layer of porous limestone sits under the Sunshine State, climate scientists have likened their challenge to "trying to control water with a wall of marbles." During king tide flooding, saltwater overruns seawalls and permeates the ground adjacent to canals, rivers and the ocean. By backing up through drains that ordinarily discharge stormwater to the ocean, king tide flooding is increasingly inundating inland areas.*

*This year, the late September King Tide featured a buffet of cosmic phenomena, specifically - a "Supermoon" lunar eclipse. When the moon reaches its full phase at or near its closest approach to Earth (AKA perigee), the resulting "Supermoon" appears abnormally large and bright. As the full perigee moon embarked on a rare passage through the earth's rusty shadow on September 27, skywatchers were treated to a Blood Moon, named for its blood-red hue. While the lunar eclipse only served to tint the celestial showcase, the Supermoon's proximity to earth intensified the mammoth gravitational consequences of King Tide.*

*By 2050, climate scientists project that Miami and other South Florida coastal cities - like Fort Lauderdale - face a greater financial risk from flooding than any other urban areas in the world. Miami Beach is in the second year of a five year, \$500 million project to evacuate flooded thoroughfares into Biscayne Bay via nearby canals. At \$3 - \$5 million apiece, huge pumps perched on elevated sidewalks kept certain flood-prone streets relatively dry during the recent King Tide flooding, although local residents in other areas fitted with pumps - such as Indian Creek Drive - observed little or no improvement. Since pumps fed the water into canals, if and when a canal overflowed, instead of emptying into the Bay, effluent was returned to the streets where it was pumped back to the canal - zeroing out any benefit.*

*Contending that the system didn't fail, but was overwhelmed by the worst flooding since Superstorm Sandy, Miami Beach Assistant Public Works Director Jay Fink observed that when "water levels in the canals exceeded elevations of the sea walls," pumps were unable eliminate the accumulated water until after the tides receded. In short, when seawater breached the sea walls, the accelerated accumulation turned the system into a bookend. A variation of this scenario played out in Fort Lauderdale, where scores of tidal valves were embedded into the streets of Intracoastal communities. The valves serve as backflow preventers, allowing stormwater to flow through the drains, but slam shut as the water level rises, preventing seawater from backing up into the street through the sewer system. While the tidal valves expedite effluent evacuation once the tides recede, they can't stop water from pouring over a sea wall.*



*Like Mr. Fink in Miami, President Duke Siotkas of the Riviera Isles Homeowner Association in Fort Lauderdale observed that although the valves generally worked, on certain streets they were simply overwhelmed, commenting "It's akin to trying to pump water out of a glass that is underwater." Having repeatedly watched annual tidal events temporarily turn their neighborhood streets into swampland, the Riviera Isles Homeowner Association first installed tidal valves in 2010 as a proactive pilot project. If the valves were subsequently proven functionally successful, the City pledged to reimburse the Homeowner Association for the cost of installing 17 one-way tidal control valves manufactured by Tideflex.*



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Roberts...Continued

In 2012, when Public Works staffers finally confirmed that the valves helped mitigate flooding impacts, the City made good on its promise to pick up the tab. By adding \$541,600 to a \$700,000 grant from the Florida Department of Environmental Protection, the program was templated for expansion to Las Olas Isles, Venice Isles, and other Fort Lauderdale waterfront neighborhoods. So far, the City has embedded more than 50 tidal valves, primarily in the streets of Riviera Isle, Hendricks Isle, and Victoria Park.

In addition to collaborative Climate Resiliency projects with County, State and Federal agencies that create cost-sharing opportunities, abate flood insurance costs and enhance eligibility for elusive grant funds, the City expedited a local Stormwater Management Plan after Superstorm Sandy devoured a section of State Road A1A. Along with additional tidal valves, an \$8.5 million annual appropriation to the Stormwater Management Fund underwrites a Chinese menu of mitigation tools and strategies.

Dispersed throughout the City are Recharge Drainage Wells (which collect water from the stormwater system and pipes it directly to the aquifer), exfiltration trenches (sixteen miles of perforated pipes – French Drains – through which water soaks into the subsoil and the aquifer), Bioswales that slope to the street are heavily landscaped with native vegetation and fitted with underlying drains that collect and divert water, and pervious pavers or PaveDrain systems (instead of ponding or burdening storm drains, water passes through paved sidewalks, parking lots, etc. into the soil and the aquifer).

At a UN Climate Change summit on September 23, 2014, President Barack Obama identified the South Florida coast as among the nation's regions most vulnerable to SLR flooding. A recent economic report funded by former New York Mayor Michael Bloomberg, former U.S. Treasury Secretary Henry Paulson and Thomas Steyer (founder of Farallon Capital Management LLC), admonished "Florida faces more risk than any other state that private, insurable property could be inundated by high tide, storm surge and sea level rise."

Closer to home, Florida Governor Rick Scott has banned the terms "Climate Change" and "Global Warming" by State agencies, and vetoed funds for flood control projects

in Miami and elsewhere. U.S. Senator Marco Rubio used to promise his hometown Miami constituents that he would fight against the global warming that seasonally left them ankle-deep in sewage and stormwater. Trading in science for a Tea Party fan base, Rubio has since repeatedly stated "Human activity is not causing these dramatic changes to our climate." When confronted on "Meet the Press" by overwhelming scientific evidence to the contrary, incredibly, he blurted "I believe the climate is changing because there's never been a moment where the climate is not changing." There you go – who needs science?

Since State and local funding opportunities lack the scope and outreach required to roll back the dilemma's worldwide root cause, absent federal resources and an international resiliency strategy, local governments are constrained to mitigating the impacts of Climate Change with increasingly costly infrastructure tweaks – one decade at a time. However, there may be light at the end of the tunnel.

From November 30 through December 11, representatives of nearly 200 nations will descend on Paris for the 21st Conference of the United Nations Framework Convention on Climate Change – and try to hammer out a plan for lowering the greenhouse gas emissions responsible for warming the planet and boosting sea levels. For the first time, most of the world's largest emitters will present limits authorized by their respective governments, including the United States and China (the single greatest source of greenhouse gas emissions).

Although the State Department is pushing for a broad political agreement that has buy-in from each country, it won't carry the legal authority of a treaty. The Constitution requires that treaties be ratified by a two-thirds vote in the Senate. Since Climate Change remains a partisan political piñata in Washington DC, the Administration plans to circumvent the Constitutional stumbling block by executing a pact will not be binding on future administrations. Even so, by documenting emission limits for the key players, the agreement will meet a primary conference goal and move the process forward.

Continued on page 12

*Ultimately, the process anticipates generating an agreement that will curb emission trajectories sufficiently to yield a maximum average temperature increase of 2 degrees Centigrade, a threshold past which climate scientists largely concur that the damage becomes catastrophic and irreversible. While a Paris agreement is a critical step in advancing the process, there is still a long way to go.*

*Economists, climate scientists and the sovereign participants agree that engaging those outside the UN process will expedite this planetary objective, including cities & other local governments, businesses, trade, labor & civic organizations, Wall Street, NGOs – and virtually anyone with a functioning survival instinct and/or an incentive to protect the value of their home.*

*Even those who believe that the flooding reports are Communist propaganda or perceive Global Warming as Biblical retribution still expect the City to fund whatever infrastructure upgrades are required to keep their homes dry, their streets passable and the SLR wolf from their door (as described by Commissioner Roberts). Hopefully, enough of the world will be sufficiently grounded to address this threat before it turns city blocks into Papier Mâché. Until then, peruse Commissioner Roberts' November – December 2015 Newsletter. – [editor]\**

## NOV/DEC 2015 DISTRICT 1 NEWSLETTER COMMISSIONER BRUCE G. ROBERTS

**Have a Happy Holiday Season:** We would like to personally wish you all a very happy and safe holiday season. Despite any challenges we may have faced this past year, we are reminded to be thankful for family and friends and the many advantages and opportunities we have. Everyone in District 1 should know that we are grateful for all the input you have provided on the many issues that come before Commission and those that affect our quality of life. We truly appreciate the opportunity to work with and serve you, as we find solutions that will allow the City to remain one of the most beautiful and best cities in which to live, work, play and raise a family. Be safe and let us all welcome in 2016 with high spirits, a vision for the future and a pride in our home - Fort Lauderdale.

**Fort Lauderdale's 56th Annual International Boat Show:** We welcomed the 56th boat show November 6-9, 2015 to approximately 130,000 attendees. It is important to remember that visitors from around the world visit Fort Lauderdale, and that this event helps to contribute to over half a billion dollars to our local economy, generates tens of millions of dollars in marine commerce, showcases our City to a worldwide audience, and provides a tremendous economic boost to our hotels, restaurants, retail and entertainment establishments. I would like to thank all of you for helping to make this such a successful event as I know the amount of traffic that comes to Fort Lauderdale can be an extreme burden within our community.

**Be a Good Neighbor When It Comes to Fireworks:** There are several times a year when our neighbors like to celebrate by using fireworks and New Year's Eve is not far off. If not used in a designated area, these fireworks can be dangerous, as well as illegal. Several people are affected by fireworks especially veterans. The flashes and loud bangs from fireworks can trigger painful memories from the battlefield. Thousands of Americans, many of them children, are injured each year in incidents associated with fireworks. Most of these injuries occur during the Fourth of July holiday and include serious burns, loss of fingers and blindness. Our pets can also suffer, especially when left alone. Some can run off and get lost or injured. When fireworks are being used in your neighborhood, it should be reported to the police at 954-764-4357. We want everyone to enjoy the Holidays...please be a good neighbor and refrain from illegal use of fireworks.

**P.L.A.Y. and Childcare Food Program:** In June, all seven after-school sites (Bass, Carter, Croissant, Lauderdale Manors, Osswald, Riverland and Warfield Parks) completed the necessary requirements to become a licensed after-school program facility (or provider). Becoming a licensed after-school program requires adhering to specific guidelines on safety, staff development, facility standards, training, adult to child ratios, and filing procedures. This includes 40 hours of training that all staff completed on safety, child development, behavioral observation, facility rules and age appropriate practices, etc. Now that the City is a licensed aftercare provider, it is eligible to receive funds to provide healthy snacks and beverages for participating children. Parks & Recreation staff has completed all requirements and have been approved by the Florida Department of Health to participate in the Childcare Food/After-school Meals Program for up to an annual estimated reimbursement of \$58,000. This will allow for the City to provide nearly 600 children with nutritious snacks and beverages Monday-Friday during the after-school program. As a licensed aftercare provider, the City is eligible for grant funding opportunities through BC to enhance programming efforts for youth in an after-school environment and staff will be pursuing these monies, as applicable, going forward. Formerly known as FIT KIDZ, the program has been renamed P.L.A.Y. (Promoting Lifetime Activities for Youth) Fort Lauderdale After-school Program, which will include fitness, wellness education, homework assistance, cultural arts, sports instruction, sports development, special events, and much more.

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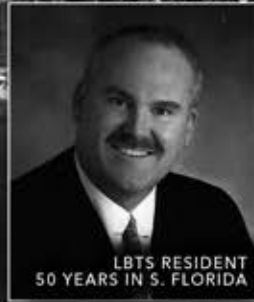
**City Website Wins Award in Annual Competition:** The City's website was awarded third place among city sites, nationwide, by the Center for Digital Government. The annual Best of the Web Awards is a leading state and local government website competition that recognizes and honors outstanding government websites for their innovation, functionality, productivity and performance. Our Website was recognized for its increased opportunities for engagement and effective social media integration. We were commended for the internally developed Ethics Trac mobile application and for the expanded customer service portal, Lauderserv. The site's innovative transparency, organization and ease of use helped us beat other top contenders including Los Angeles, CA; Boulder, CO and Raleigh, NC. If you would like to utilize our webpage, here is the link: <http://www.fortlauderdale.gov/home>

**Unprecedented King Tides:** The recent King Tides were a vivid reminder that our community is vulnerable to the effects of sea level rise. Recorded tides were roughly 18 inches above the average high tides for the year. While that may not sound like a lot, it affected our neighbors and our ability to provide services to them. During high tides, streets in low-lying areas were flooded, some to the point of being impassable. We saw waste carts floating down streets and had a handful of reports of water entering homes and businesses. Your efforts are an example of how we build teamwork. The effects could have been worse however, had our Community Builders not taken action. Stormwater crews cleared clogged stormdrains and used vacuum (vac) trucks to reduce water accumulation and keep roads safe and drivable. Utilities staff monitored pump stations to ensure the stormwater system was operating efficiently and they worked with Engineering to construct a temporary sand berm along Coconut Isle Drive that stemmed tidal flooding and kept the street dry. Building a berm of sand was an innovative idea from a neighbor that was submitted using the Lauderserv mobile app found on our web page. Engineering also worked with a contractor to install a new tidal valve on Del Mar, which stopped tidal flooding on that street. The Sustainability Division monitored tidal heights and worked with Public Affairs to respond to numerous media inquiries and keep our neighbors informed. The 24-Hour Customer Service Center (954-828-8000) handled incoming calls and coordinated appropriate responses. Expect more King times throughout November.

**TAM Receives Art of Community Grant:** Offsetting costs to implement community building projects is a huge bonus for our neighbors. Recently, the Transportation and Mobility Department secured a \$42,000 Art of Community grant from the Community Foundation of Broward to install three painted intersections on Breakers Avenue at Belmar Street, Windamar Street and Riomar Street. The grant also includes funding for pedestrian and ADA accessibility upgrades on Riomar Street. This project, which requires neighbors to actively participate in the process, will provide a safer mobility experience, create a sense of place that reflects the character of the area, promote civic engagement, encourage traffic calming, and add to the City's ever-growing public art displays. This Complete Streets project also fulfills our goal of transforming Fort Lauderdale into a fully connected City with streets that accommodate all types of users from pedestrians to bicyclists to transit riders and motorists.

Continued on page 14

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**City of Fort Lauderdale: Top 10 Small American Cities of the Future 2015/16 Awards:** The City has received two awards from Foreign Direct Investment (fDi) magazine at the 2015 International Economic Development Council conference. These two awards are for the "Small American Cities of the Future 2015/16" category. (Small cities are defined with populations between 100,000 and 350,000) Fort Lauderdale is ranked #5 overall as a Small American City of the Future (#1 Sunnyvale, CA; #2 Waterloo, Ontario; #3 Stamford, CT; #4 Irvine, CA) and ranked #2 in the Economic Potential category (#1 Sunnyvale, CA; #3 Irvine, CA; #4 Waterloo, Ontario; #5 Salt Lake City, UT).

**Mark Your Calendar for Holiday Events:**

**NOV 24: LIGHT UP THE BEACH**

5:30 to 6:30 p.m.: **VIP Reception**

(hosted by the Greater Fort Lauderdale Chamber of Commerce) @ The Ritz-Carlton (Via Luna Outdoor Terrace - 1 North Fort Lauderdale Beach Blvd.)

6:30 p.m.: **Holiday Lighting Ceremony**

A1A and Las Olas Blvd., Featuring live entertainment, the illumination of a larger-than-life holiday display, and more than 10,000 holiday lights.

7:00 - 8:30 p.m. **Holiday Concert**

@ DC Alexander Park (501 Seabreeze Blvd.). Free concert featuring the Florida 9th District American Legion Symphonic Band performing holiday classics!

**DEC 4: LIGHT UP SISTRUNK**

5:30 to 8 p.m., More information will be forthcoming.

**DEC 12: SEMINOLE HARD ROCK WINTERFEST BOAT PARADE**

5:30, More information will be forthcoming.

**Come Play in the Street on November 22:** Our fellow Community Builders in the Transportation and Mobility Department are busy organizing the second Open Streets Fort Lauderdale event, which will take place on Sunday, November 22, from 10 a.m. to 3 p.m. on E. Las Olas Boulevard. Open Streets Fort Lauderdale. taking place again this year in partnership with

Winterfest Family Fun Day, is a free event that offers people of all ages an opportunity to "play" in the street without cars. In addition to walking, jogging, skating, and biking, this year's Open Streets event includes a variety of recreational activities such as yoga, Zumba, spinning, dancing, street hockey with the Florida Panthers, line dancing, and much more! There will also be bike and pedestrian safety activities, cultural experiences and entertainment, and healthy living demonstrations for everyone to enjoy. This is a fantastic event that supports our shared citywide vision of creating a more connected community and promotes healthy living.

**Farewell Hurrican Season:** This month marks the end of hurricane season. While, thus far, it has been an uneventful year in our area, I appreciate the efforts of our Community Builders to ensure we are well-prepared in the event conditions suddenly change. As there is still one month left in the season, I encourage employees to remain ready so we can respond if needed. As a reminder, it is a good idea to have the Employee Hotline phone number, 954-828-5900, stored in your cell phone, so you can call to hear important information and updates regarding the status of City operations. You can also visit the City website to access information regarding hurricanes and learn how you can protect yourself, your family, and your property in the event of a natural disaster. Although we have not had any major storms in our area this season, we have endured localized flooding in vulnerable areas of our City as a result of seasonal high tides. As a coastal community with numerous low-lying areas and 300 miles of canal coastline, we need to remain vigilant, especially as high tide levels are expected to return between November 24 and November 27, 2015.

**We Made A Difference:** Congratulations to all of our Community Builders who participated in Fort Lauderdale's second "Make A Difference Day" on Saturday, October 24, 2015.

Continued on page 15



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This citywide day of service featured more than 20 volunteer community projects that enhanced our City. Close to 300 participants cleaned up the beach and City streets, removed invasive plants, and beautified neighborhoods through landscaping, painting and mulching projects. It was uplifting to see so many Community Builders, neighbors, schools, businesses, non-profits, agencies and organizations working side by side giving their time, talent and energy to make a meaningful difference in our community. For more information about upcoming volunteer events, please contact Jorg Hruschka in the City's Neighbor Volunteer Office at [jhruschka@fortlauderdale.gov](mailto:jhruschka@fortlauderdale.gov) or 954-828-5568.

**Office Contact:** Robbi Uptegrove – 954-828-5033;  
email: [ruptegrove@fortlauderdale.gov](mailto:ruptegrove@fortlauderdale.gov)

In addition to hosting two pre-agenda meetings twice a month, I am also available to attend your HOA meetings to update your neighborhood on what is going on in the City as well as answer any questions/concerns you may have. Please contact Robbi to schedule.

**Email List:** If you would like to be on our email list so that you receive information pertaining to the City – especially District 1 (i.e. news releases, meeting notices, events), please let Robbi know and she will add you. •

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