



**Town of Surfside
Special Town Commission Meeting
Proposed Charter Ballot Questions**

AGENDA

June 18, 2014

7 p.m.

**Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154**

1. Opening

A. Call to Order

B. Roll Call of Members

C. Pledge of Allegiance

D. Introduction by Linda Miller, Town Attorney

E. Presentation by Commissioner Michael Karukin - Charter Review Board Liaison

1. Power Point Presentation of the Proposed Charter Ballot Question

2. Charter Review Board Final Report, dated March 11, 2014

3. Charter Review Board Minutes

- *November 14, 2013*
- *December 2, 2013*
- *December 16, 2013*
- *January 6, 2014*
- *January 21, 2014*
- *February 3, 2014*
- *February 18, 2014*
- *February 24, 2014*
- *March 3, 2014*

**F. Discussion and Selection of Proposed Charter Ballot Questions – Linda Miller,
Town Attorney**

2. Adjournment

Respectfully submitted,

Michael P. Crotty
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



Special Town Commission Meeting

June 18, 2014

7:00 P.M.

Proposed Charter Ballot Questions

QUALIFICATIONS FOR OFFICE

SHALL CHARTER SECTION 6 BE AMENDED TO:

- DELETE REQUIREMENT THAT MEMBERS OF TOWN COMMISSION BE AT LEAST 21 YEARS OLD, THEREBY REQUIRING MEMBERS TO BE REGISTERED VOTERS AT LEAST 18 YEARS OLD CONSISTENT WITH EXISTING CHARTER REQUIREMENT THAT MEMBERS BE “QUALIFIED ELECTORS”;
- REQUIRE THAT COMMISSION MEMBERS BE TOWN RESIDENTS FOR ONE YEAR IMMEDIATELY PRECEDING QUALIFYING FOR ELECTED OFFICE INSTEAD OF ONE YEAR PRIOR TO REGISTERING TO VOTE; AND
- DELETE LANGUAGE REGARDING DUAL-OFFICE HOLDING?

Summarized Highlights*:

Proposed amendments delete the “21” year age requirement, so that qualified electors who are at least 18 years of age will qualify for election to the Town Commission. Also, the one year residency requirement shall be measured from a person’s qualifying for office instead of from the date that person registered to vote.

** See, Charter Review Board’s Final Report 2014 (Exhibit “A”) for more details. The Final Report can be found on the Town’s website under Public records.*

INDUCTION INTO OFFICE

SHALL THE CHARTER BE AMENDED TO ESTABLISH DATE AND RELATED PROCESS RELATING TO INDUCTION INTO OFFICE/COMMENCEMENT OF TERMS OF ALL NEWLY-ELECTED COMMISSION MEMBERS FROM 8PM ON DAY FOLLOWING ELECTION TO 7PM ON DAY IMMEDIATELY FOLLOWING COUNTY ELECTION SUPERVISOR'S ISSUANCE OF FINAL ELECTION RETURNS, AND CHANGE TIME OF REGULAR COMMISSION MEETINGS FROM 8PM TO TIME PRESCRIBED BY ORDINANCE?

Summarized Highlights*:

Proposed amendments provide for:

- Simultaneous, uniform induction date for all of the Town's elected officials;
- Induction takes place upon final election results having been certified by the Miami-Dade County Election's Department;
- Induction of all the Town's officials at 7 pm on the day following the County's issuance of Final Election Returns;
- Time of Town Commission meetings to be prescribed by Ordinance.

** See, Charter Review Board's Final Report 2014 (Exhibit "B") for more details. The Final Report can be found on the Town's website under Public records.*

VACANCY ON COMMISSION

SHALL CHARTER LANGUAGE GOVERNING “VACANCIES ON COMMISSION” BE AMENDED TO:

- CLARIFY WHEN VACANCIES OCCUR AND ESTABLISH PROCESS FOR FILLING VACANCIES;
- CONFORM RELATED ELECTION DATES AND SPECIFY TERM COMMENCEMENT WHEN FILLING VACANCY;
- EXPAND DEFINITION OF “VACANCY” TO INCLUDE WHEN COMMISSION SEATS REMAIN UNFILLED AFTER QUALIFYING ENDS; AND
- GRANT COMMISSION “GOOD CAUSE” POWER EXCUSING COMMISSION MEMBER’S FAILURE TO ATTEND MEETINGS RESULTING IN POSSIBLE VACANCY.

Summarized Highlights*:

Proposed amendments will include addressing the issue the Town faced at the Town’s 2012 General Elections: the existing Charter language did not expressly allow for the scheduling of a Special Election to fill vacant seats on the Commission when the vacancy was due to a lack of qualified candidates.

** See, Charter Review Board’s Final Report 2014 (Exhibit “C”) for more details. The Final Report can be found on the Town’s website under Public records.*

VACANCY IN CANDIDACY

PER CHARTER SECTION 105(8), IF MORE THAN FIVE CANDIDATES QUALIFY BUT SAID NUMBER IS REDUCED BEFORE ELECTION DATE, ELECTION IS POSTPONED AND SUPPLEMENTAL QUALIFYING OCCURS. SHALL THE CHARTER BE AMENDED TO DELETE THIS SECTION AND ESTABLISH A REVISED SUPPLEMENTAL QUALIFYING PROCESS FOR VACANCY IN CANDIDACY DUE TO DEATH, WITHDRAWAL OR REMOVAL FROM BALLOT OF CANDIDATES, SAID PROCESS INCLUDING TERM COMMENCEMENT AND VICE MAYOR SELECTION, AND ESTABLISH CONDITIONS FOR CANDIDATE(S) ELECTION BY OPERATION OF LAW?

Summarized Highlights*:

Proposed amendments provide clear expression as to the practical effects of a reduction in the number of qualified candidates after the qualifying period has ended, including:

- Deletes the existing language regarding situations in which "... five or more candidates ..." have qualified, thus providing greater applicability of this Charter section to cover all instances in which a vacancy in candidacy exists;

** See, Charter Review Board's Final Report 2014 (Exhibit "D") for more details. The Final Report can be found on the Town's website under Public records.*

VACANCY IN CANDIDACY, Cont.

- Provides for the election by operation of law of candidates when the number of such qualified candidates after the original qualifying period has ended are equal to or less than the number of Commission seats to be filled;
- Sets forth a supplemental qualifying period in those instances in which Commission seats remain unfilled due to either an insufficient number of candidates having qualified for election and/or due to the death, withdrawal or removal of a qualified candidate after the original qualifying period has ended; and
- Sets forth the effects of the supplemental qualifying period on a candidate's election (i.e., by operation of law or via popular vote on election day), and related provisions concerning commencement of terms.

Although existing Charter section 105(8) provides for the General Election to be postponed in order to allow for a supplemental qualifying period, proposed amendments have obviated the need to postpone the General Election, instead maintaining the scheduled election date, subject to the requirement established by the Miami-Dade County Department of Election that any supplemental qualifying period end by no later than 30 days before the election date.

CANVASSING BOARD

SHALL CHARTER SECTION 108 GOVERNING CANVASSING OF ELECTION RETURNS BY THE TOWN'S CANVASSING BOARD BE DELETED FROM THE TOWN CHARTER AND INCORPORATED INTO TOWN CODE CHAPTER 26 GOVERNING "ELECTIONS"?

Summarized Highlights*:

Proposed amendment streamlines the Charter and ensures consistency with Town Code provisions, the Charter Review Board recommends moving this section from the Charter into the Town Code Chapter 26 governing "Elections", ensuring that administrative matters dealing with Town elections are in one comprehensive Code chapter.

** See, Charter Review Board's Final Report 2014 (Exhibit "E") for more details. The Final Report can be found on the Town's website under Public records.*

QUALIFYING FOR ELECTED OFFICE

SHALL CHARTER LANGUAGE GOVERNING “QUALIFYING” (i.e., BECOMING A CANDIDATE) FOR ELECTED OFFICE BE AMENDED TO CHANGE TIME PERIOD FOR FILING A QUALIFYING PETITION FROM 55-35 DAYS BEFORE ELECTION TO 55-45 DAYS BEFORE ELECTION WHILE RETAINING CITIZEN’S RIGHTS TO OBTAIN SIGNATURES ON PETITION PRIOR TO SAID TIME PERIOD, CLARIFY RELATED FILING REQUIREMENTS, AND CLARIFY PROCEDURE RELATED TO DETERMINATION OF PETITION’S SUFFICIENCY?

Summarized Highlights*:

Proposed amendment provides for:

- change in dates for the filing of the Petition from the Charter's existing "55 to 35 days" prior to the election to "55 to 45 days" before said election, which change is made necessary in order for the Town to: 1) ensure that persons may obtain additional signatures, if needed, for their Petitions; and 2) allow for supplemental qualifying of additional candidates in the event the Petitions fail to produce a sufficient amount of candidates to fill all vacant seats on the Commission, all of which concerns must be met against the backdrop of the MDC Department of Election’s deadline requirements for finalization of candidate lists.

CLARIFICATION: *The ability of persons to obtain signatures for the Petitions has not changed and such persons may still obtain signatures well in advance of the Petition's filing date.*

** See, Charter Review Board’s Final Report 2014 (Exhibit “F”) for more details. The Final Report can be found on the Town’s website under Public records.*

STAGGERED TERMS/ INCREASE IN TERMS

SHALL THE CHARTER BE AMENDED TO INCREASE THE TERM OF OFFICE OF TOWN COMMISSIONER FROM TWO YEARS TO FOUR YEARS WHILE RETAINING MAYOR'S TWO YEAR TERM, ESTABLISH STAGGERED TERMS OF ALL COMMISSION MEMBERS, PROVIDE FOR SELECTION OF VICE MAYOR BY COMMISSION, AND CONFORM PROVISIONS REGARDING RUN-OFF ELECTION WITH RELATED PROCESS FOR DETERMINATION OF RUNOFF ELECTION OUTCOME?

Summarized Highlights*:

Proposed amendments provide for:

- Increased terms of the four Town Commissioners from two years to four years and establishes staggered terms for the entire Commission, to commence as of the 2016 General Election. The proposed increase in terms shall only apply to the four Town Commissioners and not to the Mayor.
- Determination of Vice Mayor shall be made by the Town Commission.

** See, Charter Review Board's Final Report 2014 (Exhibit "G") for more details. The Final Report can be found on the Town's website under Public records.*

RUNOFF ELECTION

CHARTER SECTION 105(5) REQUIRES A RUNOFF ELECTION IF GENERAL ELECTION RESULTS IN A TIE VOTE BETWEEN CANDIDATES FOR TOWN'S FIFTH COMMISSION SEAT. SHALL THE CHARTER BE AMENDED TO CLARIFY REQUIREMENT FOR RUNOFF ELECTION WHEN A TIE VOTE OCCURS FOR ANY COMMISSION SEAT (NOT ONLY THE FIFTH COMMISSION SEAT) WHEREIN CANDIDATES RECEIVING TIE VOTES HAVE NOT RECEIVED HIGHEST NUMBER OF VOTES FOR PURPOSES OF ELECTION, AND ESTABLISH PROCESS FOR DETERMINATION OF RUNOFF ELECTION OUTCOME?

Summarized Highlights*:

Proposed amendments intend to:

- Make clear the instances in which a Runoff Election shall be held by expanding upon the requirement for Runoff Election to tie votes for any Commission seat (not just the "fifth" seat) in those instances wherein it cannot be determined which candidates from the General Election have received the "highest" vote for purposes of election to the Town Commission.

** See, Charter Review Board's Final Report 2014 (Exhibit "H") for more details. The Final Report can be found on the Town's website under Public records.*



**TOWN OF SURFSIDE
COMMISSION COMMUNICATION MEMORANDUM**

TO: Elected Officials

CC: Michael P. Crotty, Town Manager
Sandra Novoa, CMC, Town Clerk

FROM: Jean Olin, Special Counsel *JO*
Linda Miller, Town Attorney *LM*
Charter Review Board

DATE: March 11, 2014

**SUBJECT: FINAL REPORT OF THE CHARTER REVIEW BOARD--
RECOMMENDING PHASE I AMENDMENTS TO THE TOWN OF SURFSIDE
CHARTER FOR FUTURE PLACEMENT ON TOWN'S ELECTION BALLOT AND
SUGGESTED PREPARATION OF VOTERS GUIDE FOR THE PURPOSE OF
INFORMING THE PUBLIC OF SUCH PROPOSED AMENDMENTS.**

I. BACKGROUND:

On November 6, 2012, the Town of Surfside's voters approved an amendment to the Town's Charter providing for mandatory review of the Town Charter every ten years. Charter Section 128 was thus created, authorizing the Town Commission to appoint a 5 member Charter Review Board to examine the Town's Charter for suggested revisions, further providing that "... upon completion of their work and written recommendations to the Commission, the Town Commission shall consider said recommendations at the next regularly scheduled Commission meeting. ..."

Inasmuch as the Town's appointed board members terms of office are coterminous with terms of the Town Commission members¹, the Charter Review Board ("CRB") members' terms will expire after this month's General Election. Therefore, the CRB is presenting its Final Report to the Town Commission at today's last regularly-scheduled Commission meeting occurring prior to the Election. Per Charter Section 128, the Town Commission is thus required to "consider" the CRB's recommendations.

¹ See, Town of Surfside Resolution No. 2007-1792.

II. CRB MEETINGS/RECOMMENDATIONS:

As a result of the limited three month+ timetable in which to conduct its review², thorough review of the entire Charter was not possible. CRB Chairman Lou Cohen, Vice Chair Marc Imberman, Anthony Blate, Terry Cohen and Marty Oppenheimer thus decided upon a two-Phase process for examination of Charter language, encompassing review of election-related issues during Phase I, with remaining examination of the Charter's provisions for Phase II consideration³. Pursuant to this recommended process, CRB was able to examine in detail what it perceived to be the most imminent Charter issues requiring review and revision, all such matters related to the Town's elections. During Phase II, it is envisioned that in addition to select substantive revisions, the Charter be reformatted into concise Article divisions reflecting individual topics, and that obsolete, redundant and/or superfluous Charter language will be deleted inasmuch as such matters will no longer be needed for inclusion within the Town's Charter. By deferring consideration of Phase II until after the voters have spoken regarding Phase I issues, it is believed that a complete vetting of remaining Charter issues will be possible, in order to eventually affect the Town's goal of a comprehensive revised Town Charter.

Given the limited amount of time in which to conduct its Phase I review, CRB has since mid-November, 2013 conducted 9 public meetings which included on February 18, 2014, a televised public meeting held for the purpose of seeking further citizen input regarding the proposed Phase I Charter amendments. At each CRB meeting, its members, along with Vice-Mayor Michael Karukin (serving as Town Commission Liaison to the CRB), engaged in meaningful debate and review of the Phase I Charter issues. Town Attorney Linda Miller and Special Counsel Jean Olin presented for CRB analysis the subject Phase I issues and related proposed amendments to the Charter. Town Manager Michael Crotty and Town Clerk Sandra Novoa provided their input and guidance as well. A special acknowledgement and appreciation goes to Irina Mocanu, the Assistant to the Office of Town Attorney for her support in preparation of the CRB Agenda packets and meeting schedule.

Accordingly, the CRB's recommended Charter amendments are attached, along with proposed ballot language for Town Commission consideration should it decide to place any of the Phase I issues on a future ballot. In this regard, pursuant to Miami-Dade County Charter section 6.04 and policy of the County's Election Department, **the last date by which the Town Commission may adopt a Resolution placing a Charter amendment on the County's August 26, 2014 ballot is May 23, 2014 (i.e., May 13, 2014 Town Commission meeting); alternatively, placement of a Charter amendment on the County's November 4, 2014 ballot**

² Charter Review Board appointment and scheduling issues resulted in the CRB's initial meeting taking place on November 14, 2013.

³ The CRB recommends that Phase II Charter review include analysis and discussion of Charter Article VIII governing "Initiative and Referendum", during which time CRB will have more time to vet possible policy changes as well as reformat existing language.

will require the Town Commission to adopt its Resolution by July 22, 2014 (i.e., July 8, 2014 Town Commission meeting). Should any of the Phase I issues be presented to the voters, the CRB further recommends that the Town Commission authorize the preparation of a "Voters Guide" in order to further inform the voters, as well as establish public meetings in order to allow for increased opportunity for explanation of proposed Charter changes.

III. CRB'S PHASE I PROPOSED CHARTER AMENDMENTS -- SUMMARY ANALYSIS:

The existing Town of Surfside Charter was adopted by Chapter 27914, Special Laws of Florida, Acts of 1951, and was drafted under the provisions of the State Constitution of 1885, which Constitution provided, in essence, that Florida municipalities had only the powers listed in their own Charters. Consequently, Charters drawn under the 1885 Constitution are very lengthy documents that enumerate in great (and often unnecessary) detail City powers. In 1968 the Florida Constitution was amended to completely change the basis of power for municipalities in Florida by granting "home rule power" to cities/towns, under which power municipalities now have all powers of local self-government, unless otherwise preempted by State law. The result is that a large majority of city charters, including the Town of Surfside's Charter, have become out of date.

The attached proposed Town Charter amendments have been drafted with the intention of complying with the current Florida Constitution of 1968 and the 1973 Municipal Home Rule Powers Act⁴. Due to such laws, referendum approval is required for all of these proposed Phase I Charter amendments, which proposed changes are briefly summarized as follows:

A. "Qualifications for Office":

Section 6 of the Town Charter requires that members of the Town Commission be at least 21 years old and a resident of the Town for at least one year before registering to vote. This proposed Charter amendment deletes the "21" year age requirement, so that qualified electors who are at least 18 years of age will now qualify for election to the Town Commission; also, the one year residency requirement shall now be measured from a person's qualifying for office instead of from the date that person registered to vote, which amendment is believed by CRB to more accurately reflect the intent behind this durational residency requirement that persons running for office be knowledgeable of Town issues when seeking election.

B. "Induction":

Charter Section 19 sets forth the time and date by which newly elected Town Commission members are inducted and sworn into office, and also establishes time commencement of regular meetings of the Town Commission. In order to provide for a simultaneous, uniform induction date for all of the Town's elected officials, and to ensure that

⁴ Florida Statute section 166.021, requiring voter approval of certain Charter amendments, and repeal/conversion to ordinances of remaining Charter provisions.

the inductions take place upon final election results having been certified by the Miami-Dade County Election's Department, this Charter amendment provides for induction of all of the Town's elected officials at 7pm on the day following the County's issuance of final election returns; further, the "8pm" commencement time for regular Commission meetings is proposed instead to be established by ordinance.

C. "Vacancy on Commission":

In reviewing Charter sections 15 and 16 dealing with the issue of vacant seats on the Town Commission and the procedure for filling said vacant seats, the CRB was concerned that said provisions fail to address issues recently faced by the Town. Specifically, and with particular reference to the Town's 2012 General Election in which existing Charter language did not expressly allow for the scheduling of a Special Election to fill vacant seats on the Commission when the vacancy was due to a lack of qualified candidates, the CRB has recommended amending the Charter's definition of "vacancy" to include such situation in which an insufficient number of candidates have qualified for office, so that should this situation reoccur, Town Charter section 16's process for filling such vacancy may be invoked as express authority for the needed Special Election.

Additional related CRB recommendations include providing the Town Commission with power to determine whether "good cause" exists to excuse a Commission member's failure to attend meetings resulting in a possible vacancy on the Commission, as well as expressly setting forth language clarifying the commencement of term for a Commission member elected to fill a vacancy.

D. "Vacancy in Candidacy":

Having identified the need to correct the above-referenced problems experienced by the Town during its 2012 General Election, the CRB reviewed existing Charter section 105(8) governing situations in which "... five or more candidates have qualified for the General Commission election..." and the number of qualified candidates are later reduced after the qualifying period ends. After much discussion and analysis, the CRB adopted its proposed amendments to this Charter section in order to provide clear expression as to the practical effects of a reduction in the number of qualified candidates after the qualifying period has ended, including:

- Deleting the existing language regarding situations in which "...five or more candidates..." have qualified, thus providing greater applicability of this Charter section to cover all instances in which a vacancy in candidacy exists;
- Providing for the election by operation of law of candidates when the number of such qualified candidates after the original qualifying period has ended are equal to or less than the number of Commission seats to be filled;
- Setting forth a supplemental qualifying period in those instances in which Commission seats remain unfilled due to either an insufficient number of candidates having qualified

- for election and/or due to the death, withdrawal or removal of a qualified candidate after the original qualifying period has ended; and
- Setting forth the effects of the supplemental qualifying period on a candidate's election (i.e., by operation of law or via popular vote on election day), and related provisions concerning commencement of terms.

Moreover, although existing Charter section 105(8) provides for the General Election to be postponed in order to allow for a supplemental qualifying period, the CRB amendments have obviated the need to postpone the General Election, instead maintaining the scheduled election date, subject to the requirement established by the Miami-Dade County Department of Election ("DOE") that any supplemental qualifying period end by no later than 30 days before the election date.

E. "Canvassing Board":

Charter section 108 establishes a Town "Canvassing Board" with election-related duties (as prescribed by Florida statute). In order to streamline the Charter and ensure consistency with Town Code provisions, CRB recommends moving this section from the Charter into the Town Code Chapter 26 governing "Elections", ensuring that administrative matters dealing with Town elections are in one comprehensive Code chapter.

F. "Qualifying":

After extended analysis regarding alternative methods of qualifying for elected municipal office, the CRB has recommended retaining existing Charter section 101's method of qualifying by Petition whereby persons seeking to become candidates must pay a \$25 qualifying fee and obtain the signatures of 25 qualified electors of the Town.

The CRB's proposed Charter amendments thus relate primarily to the change in dates for the filing of the Petition from the Charter's existing "55 to 35 days" prior to the election to "55 to 45 days" before said election, which change is made necessary in order for the Town to 1) ensure that persons may obtain additional signatures, if needed, for their Petitions; and 2) allow for supplemental qualifying of additional candidates in the event the Petitions fail to produce a sufficient amount of candidates to fill all vacant seats on the Commission, all of which concerns must be met against the backdrop of the DOE's above-referenced⁵ deadline requirements for finalization of candidate lists. In this regard, it is important to note that although the time period for the filing of Petitions is recommended for change, the ability of persons to obtain signatures for the Petitions has not changed and such persons may still obtain signatures well in advance of the Petition's filing date.

⁵ See "D" above re: "Vacancy in Candidacy".

G. “Staggered Terms/Increase in Terms”:

This proposed Charter amendment increases the terms of the four Town Commissioners from two years to four years and establishes staggered terms for the entire Commission, to commence as of the 2016 General Election. The proposed increase in terms shall only apply to the four Town Commissioners and not to the Mayor--the Mayor’s existing two year term shall remain the same. This suggested Charter change is thus unlike the Town’s 2007 Charter amendment which proposed increasing the term of all of the Town’s elected officials from two to four years. Inasmuch as the four Town Commissioners will therefore no longer be elected at the same General Election (instead, two Town Commissioners will be elected for four-year terms at each General Election), the current method established by Charter of selecting the Vice-Mayor (via the “highest vote getter”) will no longer be applicable and CRB has thus recommended that the determination of Vice-Mayor be made by the Town Commission.

H. “RunOff Election”:

Although the existing Charter provides for a Runoff Election if a tie vote results from the General Election, Charter section 105(5) limits said Runoff Election to ties between candidates “for the fifth Commission seat”. The proposed Charter changes are thus intended to make clear the instances in which a Runoff Election shall be held by expanding upon the requirement for Runoff Election to tie votes for any Commission seat (not just the “fifth” seat) in those instances wherein it cannot be determined which candidates from the General Election have received the “highest” vote for purposes of election to the Town Commission.

IV. CONCLUDING NOTE:

Should the Town Commission place any of the above Charter amendments on a Town election ballot and a majority of the Town’s voting residents approve said measure(s), the revised Charter language shall be filed with the Department of State and with the County, and shall become effective. Conversely, those amendments not approved by majority vote shall not go into effect, and the related existing Charter sections shall remain as said provisions existed prior to the election.

QUALIFICATIONS FOR OFFICE

Comment [JO1]: RECOMMENDED BY CRB ON 1/6/14.

SHALL CHARTER SECTION 6 BE AMENDED TO:

- DELETE REQUIREMENT THAT MEMBERS OF TOWN COMMISSION BE AT LEAST 21 YEARS OLD, THEREBY REQUIRING MEMBERS TO BE REGISTERED VOTERS AT LEAST 18 YEARS OLD CONSISTENT WITH EXISTING CHARTER REQUIREMENT THAT MEMBERS BE "QUALIFIED ELECTORS";
- REQUIRE THAT COMMISSION MEMBERS BE TOWN RESIDENTS FOR ONE YEAR IMMEDIATELY PRECEDING QUALIFYING FOR ELECTED OFFICE INSTEAD OF ONE YEAR PRIOR TO REGISTERING TO VOTE; AND
- DELETE LANGUAGE REGARDING DUAL-OFFICE HOLDING?

RELATED CHARTER SECTION:

Sec. 6. Qualifications.

The commissioners ~~members~~ shall be qualified electors of Dade County each being at least 18 years of age and a registered voter whose legal residence is in the Town of Surfside who shall be citizens of the United States, ~~at least twenty one years of age~~ and residents of the State of Florida and Town of Surfside for at least one year immediately preceding qualifying for elected office next preceding registration, and who shall have no other public office ~~except notary public, local civilian defense or war emergency appointments, membership in the National Guard, naval or military reserve, or membership or memberships on State of Florida or National Boards providing that the duties of the members of such board shall not interfere with the duties of the town commissioners.~~

INDUCTION INTO OFFICE

Comment [JO1]: RECOMMENDED BY CRB on 1/6/14 and 2/24/14..

SHALL THE CHARTER BE AMENDED TO ESTABLISH DATE AND RELATED PROCESS RELATING TO INDUCTION INTO OFFICE/COMMENCEMENT OF TERMS OF ALL NEWLY-ELECTED COMMISSION MEMBERS FROM 8PM ON DAY FOLLOWING ELECTION TO 7PM ON DAY IMMEDIATELY FOLLOWING COUNTY ELECTION SUPERVISOR'S ISSUANCE OF FINAL ELECTION RETURNS, AND CHANGE TIME OF REGULAR COMMISSION MEETINGS FROM 8PM TO TIME PRESCRIBED BY ORDINANCE?

RELATED CHARTER SECTIONS:

Sec. 19. Induction of commission into office; meetings of commission.

The term of all newly-elected commissioners shall commence at ~~8:00 p.m., on the day following their election~~ 7:00 p.m. on the first business day immediately following the County Supervisor of Election's issuance of Final Election Returns from the General Election, or if a Run-off Election is necessary, the terms of all new officers shall commence at 7:00pm on the first business day immediately following the County Supervisor of Election's issuance of Final Election Returns from the Run-Off Election, at which time they newly-elected commissioners shall be administered the oath of office. Moreover, if a Run-Off Election is necessary, any Commission meetings occurring between the date of the General Election and the induction of newly-elected Commissioners subsequent to the issuance of final election returns from the Run-Off Election, shall occur for the limited purpose of addressing emergency matters. The commission shall meet monthly at ~~8:00 in the evening of a time to be prescribed by ordinance on~~ the second Tuesday of each month, and on such other days or at such other time or times as may be prescribed by the commission, but not less frequently than once each month. All meetings of the town commission shall conform to the "Sunshine Law" of Dade County and of the State of Florida.

* * *

Sec. 5. Number; selection; term.

The commission shall have five members elected from the town at large in the manner and for terms provided in Article VI, or until ~~their successors have been elected and take office~~ the induction of said Town's elected officers as provided by this Charter.

Comment [JO2]: Deleted b/c unless Comm'ers elected by Group seats, can't determine a Comm'er's "successor".

Sec. 7. Salary.

Commencing with the term of office ~~beginning at 8:00 on the day following the General Election in 1978,~~ the mayor and members of commission shall be paid the sum of one dollar (\$1.00) per fiscal year for attendance at monthly council meetings, irrespective of the number of regular or special meetings attended within such fiscal year.

Comment [JO3]: Consistent with CL hold-over, this language makes clear that incumbents holdover until induction of new officers.

Sec. 105. General and special elections of commission members.

(1) On the third Tuesday in March in every even numbered calendar year, all members of the Town Commission shall be elected for terms of TWO (2) years, ~~provided, however, that Commission members elected for FOUR (4) year terms at the 1974 Election pursuant to the Charter provisions in existence prior to the adoption of this Amendment, shall remain in office until the expiration of the term to which they were elected under such prior provisions. At the Election to be held in the year 1976, and biennially thereafter, all members of the Town Commission shall be elected for terms of TWO (2) years; terms to~~

~~begin at 8 o'clock P.M. on the day following the Election~~ commence as provided in Charter Section 19.

* * *

(7) No general or special election of the Town of Surfside shall be held on a national or state legal holiday. Should the third Tuesday in March in any even numbered calendar year be declared such a legal holiday, then the regular election scheduled for that day shall be postponed to the first day thereafter that is not a legal holiday, and the induction of commissioners into office shall be deferred to the ~~next business day following such postponed election~~ first business day immediately following the County Supervisor of Election's issuance of Final Election Returns consistent with Charter Section 19, but such deferred induction shall not change the expiration dates of the terms of office of the candidates elected.

VACANCY ON COMMISSION

Comment [JO1]: RECOMMENDED BY CRB ON 1/6/14, 1/21/14, 2/3/14, 2/24/14 and 3/3/14..

SHALL CHARTER LANGUAGE GOVERNING "VACANCIES ON COMMISSION" BE AMENDED TO:

- CLARIFY WHEN VACANCIES OCCUR AND ESTABLISH PROCESS FOR FILLING VACANCIES;
- CONFORM RELATED ELECTION DATES AND SPECIFY TERM COMMENCEMENT WHEN FILLING VACANCY;
- EXPAND DEFINITION OF "VACANCY" TO INCLUDE WHEN COMMISSION SEATS REMAIN UNFILLED AFTER QUALIFYING ENDS; AND
- GRANT COMMISSION "GOOD CAUSE" POWER EXCUSING COMMISSION MEMBER'S FAILURE TO ATTEND MEETINGS RESULTING IN POSSIBLE VACANCY.

RELATED CHARTER SECTIONS:

Sec. 10. Duties of the ~~v~~Vice ~~m~~Mayor.

The ~~v~~Vice ~~m~~Mayor shall act as ~~m~~Mayor during the absence or disability of the ~~m~~Mayor, and, if a vacancy occurs in the office of ~~m~~Mayor, shall succeed to that office for the remainder of the unexpired term. ~~Council~~ The Commission shall then elect from among its members, as soon thereafter as practicable, ~~an assistant a~~ Vice ~~m~~Mayor to fill the vacancy thereby created in that office.

Sec. 15. Vacancies on commission—When deemed to exist.

Vacancies on the commission ~~may shall~~ be created ~~and deemed to exist by reason of~~ upon any one of the following circumstances:

- (1) By death or resignation of a member.
- (2) By recall ~~or other removal from office in any manner authorized by law.~~
- (3) By a member ceasing to possess the qualification of qualified elector for the office prescribed in section 6 of this ~~Charter, or by disqualification as provided in clause (e) of this section and/or by ceasing to be a resident of the Town.~~
- (4) By a member being convicted of a felony or crime involving moral turpitude.
- (5) By legal declaration of mental incompetence of a member.
- (6) When there are unfilled Commission seats as a result of no candidate(s) having qualified to fill such seats after the end of applicable qualifying periods for the General Election.

Comment [JO2]: Section 6 requires Commission member to be: --resident of town; and --qualified elector (resident and registered to vote).

~~(a) A vacancy on the commission shall be deemed to exist from the date of death of a member, or, in the event of the oral or written resignation of a member, from the date of the announcement of such resignation at the first regular commission meeting following its receipt unless it has previously been withdrawn.~~

~~(b) A vacancy on the commission shall be deemed to exist on the date a commissioner is recalled under the provisions of Article VII of this Charter.~~

~~(c) A vacancy on the commission shall be deemed to exist on the date a commissioner has maintained and resided in, a regular place of abode outside the corporate limits of the Town of Surfside for a longer period of time than thirty days; or a vacancy shall exist on the commission on the date a member ceases to be a qualified elector as defined in section 6 of this Charter; or a vacancy on the commission shall be deemed to exist on the date a commissioner ceases to be a resident of the Town of Surfside; or~~

(7) Subject to determination by the Town Commission, a vacancy on the Commission shall be deemed to exist on the date a commissioner has been absent without good cause from three consecutive regular monthly meetings of the commission, or has been absent without good cause from five regular monthly meetings of the commission within a calendar year. The Commission shall determine the issue of good cause¹ at a hearing to be publicly noticed in a newspaper of general circulation in the Town at least one week prior thereto, at which hearing the Commissioner in question shall have the burden of establishing good cause and shall be afforded the opportunity to present his position thereon but shall otherwise abstain from Commission vote and/or related deliberation by the Commission on the final determination of good cause. The final determination by the Commission that a Commissioner has forfeited his office by virtue of this subsection shall be by Resolution, and all votes and other acts of the Commissioner in question prior to the effective date of such Resolution shall be valid and otherwise unaffected by the subject Resolution.

~~(d) A vacancy on the commission shall be deemed to exist on the date a commissioner is convicted of a felony or a crime involving moral turpitude, or on the date he is declared mentally incompetent by a court of proper jurisdiction.~~

Sec. 16. Same—Procedure in filling.

Vacancies on the commission shall be filled for the remainder of the subject unexpired term as follows, unless otherwise specifically provided in the Charter:

Vacancies on the commission shall be filled within twenty (20) days by the remaining members of the commission if for an unexpired term of six (6) months or less. If a majority of the remaining members of the commission are unable to agree within the said twenty-day period on a commissioner to fill such vacancy, then an election to fill the vacancy shall be held within ~~thirty (30)~~ sixty (60) days thereafter.

Vacancies on the commission, if for an unexpired term of more than six (6) months, shall be filled by a special election called within ninety (90) days, or for vacancies other than as set forth in Charter section 15(6) shall be filled in a regular election if one is scheduled to be held within one hundred twenty (120) days of such vacancy, subject to Charter section 105(2).

Consistent with Charter section 19, the term of a commissioner elected to fill a vacancy shall commence on the first business day immediately following the County Supervisor of Election's issuance of Final Election Returns from the subject Election, at which time the newly-elected commissioner shall be administered the oath of office. However, in the event the election has not been held due to said commission member having been elected by operation of law pursuant to this Charter, such official's term shall commence thereafter upon the earlier of, the immediately following Commission meeting or the immediately following third business day, whereupon said official shall be administered the oath of office.

Should the commission fail or refuse to order an election as herein provided within the time required, such election may be ordered by any court of competent jurisdiction.

The qualifying of candidates for a special election to fill a vacancy shall be the same as provided for regular elections in Article VI of this Charter, and any run-off election, if needed, shall be held two weeks from the special election date.

Sec. 105. General and special elections of commission members. .

* * * * *

(2) Should a vacancy on the commission be filled at a general municipal election, pursuant to ~~Article~~

Comment [JO3]: Since qualifying period for General Election will have passed as of vacancy per Charter section 15(6), the election to fill such vacancy must be within the 90 days provision.

Comment [JO4]: This language added to clarify commencement of terms for commissioners elected to fill vacancies.

Comment [JO5]: Language added to clarify term commencement for official elected by operation of law (no election held).

Comment [JO6]: Consistent with existing Charter section 105(8) provision for Run-Off after General Election. Clerk confirmed with DOE that 2 week Run Off period still works.

¹ See, Town Code section 109 "Commission to judge qualifications, etc., of members".

~~II, section 13, [codified as Charter section 16],~~ the term of such vacancy shall be considered to have expired and the candidate elected ~~to fill such vacancy~~ shall be elected for a two year ~~term~~. The commission may implement the provisions of this section or other provisions of this Charter governing the filling of vacancies, by ordinance, not inconsistent with the provisions of this Charter.

(3) If two or more vacancies occur at approximately the same time they shall be filled separately in the order in which they occur. If all the places on the commission shall become vacant at once, or should a majority of the places on the commission ~~shall~~ become vacant ~~at once~~, the town manager shall within sixty days call a special election of members to serve for the remainder of the unexpired terms; the candidates receiving the highest number of votes shall be elected for the longest unexpired terms and the candidates receiving the next highest number of votes shall be elected for the shortest unexpired terms. Should the town manager fail or refuse to order an election as herein provided within the time required, such election may be ordered by any court of competent jurisdiction. * *

*

Comment [J07]:

This merely reflects that persons elected at General Election will serve for the current 2 year term (subject to change if "Staggered Term" language is approved).

VACANCY IN CANDIDACY

PER CHARTER SECTION 105(8), IF MORE THAN FIVE CANDIDATES QUALIFY BUT SAID NUMBER IS REDUCED BEFORE ELECTION DATE, ELECTION IS POSTPONED AND SUPPLEMENTAL QUALIFYING OCCURS. SHALL THE CHARTER BE AMENDED TO DELETE THIS SECTION AND ESTABLISH A REVISED SUPPLEMENTAL QUALIFYING PROCESS FOR VACANCY IN CANDIDACY DUE TO DEATH, WITHDRAWAL OR REMOVAL FROM BALLOT OF CANDIDATES, SAID PROCESS INCLUDING TERM COMMENCEMENT AND VICE MAYOR SELECTION, AND ESTABLISH CONDITIONS FOR CANDIDATE(S) ELECTION BY OPERATION OF LAW.

Comment [JO1]: RECOMMENDED BY CRB ON 1/21/14, 2/3/14 and 2/24/14.

RELATED CHARTER SECTIONS:

Sec. 105. General and special elections of commission members.

* * *

~~(8) If more than five (5) candidates qualify for the general Commission election, and if after the last date for qualifying and before the date of the election the number of candidates is reduced for any lawful reason to five (5) or less, the election shall be postponed by the Commission to a date not less than twenty eight (28) days nor more than thirty five (35) days from the scheduled date. Qualifying of candidates shall be reopened until fourteen (14) days before the new election date. The terms of all incumbent Commissioners shall be extended until their successors are duly elected.~~

Comment [JO2]: Per CRB, "postponed election" deleted.

~~A. If not more than one candidate has qualified for Mayor and/or the number of qualified candidates for Town Commissioner are equal to or less than the number of seats to be filled, then said candidates shall be elected by operation of law and no election for said Office(s) shall be conducted. Any remaining unfilled seats on the commission shall be filled in accordance with the supplemental qualifying process set forth in subsection B below, as applicable.~~

Comment [JO3]: Language deleted due to deletion of "postponed election".

Comment [JO4]: Includes situation in which either 1 or 0 candidates qualify for Mayor—if 0 candidates qualify then SQ will occur for that seat.

~~B. If more than one candidate has qualified for Mayor and/or the number of qualified candidates for Town Commissioner are greater than the number of seats to be filled, then the election shall be held for purposes of electing said officials. If however, following the qualifying period a qualified candidate withdraws, dies, or is removed from the ballot, leaving fewer than two qualified candidates for Mayor and/or a number of qualified candidates for Town Commissioner which are equal to or less than the number of seats to be filled, then a vacancy in candidacy shall have occurred, and there shall be one supplemental qualifying period of five (5) business days beginning on the first business day immediately following the vacancy. No further supplemental qualifying period shall thereafter be established at all if a vacancy occurs within 30 days prior to the date of the election.~~

Comment [JO5]: This process will resolve the problem that occurred in the Town's 2012 qualifying process.

~~(a) If after the end of all applicable qualifying periods there are two or more qualified candidates for Mayor and/or the number of qualified candidates for Town Commissioner are greater than the number of seats to be filled, then the election shall be held for purposes of electing said officials.~~

Comment [JO6]: DOE has recommended "30" days as this deadline.

~~(b) If after the end of all applicable qualifying periods there is only one qualified candidate for Mayor and/or the number of qualified candidates for Town Commissioner are equal in number or less than the number of seats to be filled, then said candidates shall be deemed elected by operation of law and no election for said Office(s) shall be conducted.~~

~~(c) Any unfilled Commission seats remaining after the end of all applicable qualifying periods for the General Election as a result of no candidates having qualified to fill such seats shall be deemed a vacancy on the commission, which shall be filled in accordance with the procedure set forth in section 16 of the Town Charter.~~

C. The terms of all newly-elected commissioners from the General/RunOff Election shall commence in accordance with Charter section 19 except in the event the election has not been held due to all said commission members having been elected by operation of law as set forth hereinabove, in which case all such officials' terms shall commence on the first business day immediately following the subject scheduled election date, whereupon they shall be administered the oath of office. Moreover, in the event at least one of the Town Commissioners has been elected by operation of law, the selection of vice-mayor shall be made by the new Town Commission.

Sec. 8. Presiding officers.

The mayor shall be elected separately from his/her own group. The four commissioners shall run at-large and the commissioner receiving the highest number of votes in the general election shall, for a term of two years immediately following thereafter, have the title of vice-mayor, subject to the limited exception provided for in Charter section 105(8)C. The commissioners receiving the second, third and fourth highest number of votes in the general election shall, for a term of two years immediately following thereafter, serve as the remaining commissioners.

Comment [JO7]: This way, no interference with 2 year term of incumbent.

No election b/c elected by operation of law, therefore there will be no certification of election results to wait for b/4 induction into office.

Comment [JO8]: Required b/c no way to determine which Commissioner received the 'highest' amount of votes per Charter section 8.

(This language is different from the proposed Charter amendments re: "Staggered Terms"--

Which version of text is adopted depends upon whether voters approve of this and of staggered term change--if voters approve of both then "staggered term" language shall be used.

Comment [JO9]: NOTE: THE FINAL CHARTER TEXT WILL BE DEPENDENT UPON WHICH OF THE PROPOSED CHARTER AMENDMENTS ARE APPROVED BY VOTERS.

CANVASSING BOARD

SHALL CHARTER SECTION 108 GOVERNING CANVASSING OF ELECTION RETURNS BY THE TOWN'S CANVASSING BOARD BE DELETED FROM THE TOWN CHARTER AND INCORPORATED INTO TOWN CODE CHAPTER 26 GOVERNING "ELECTIONS"?

Comment [JO1]: RECOMMENDED BY CRB ON 1/6/14.

RELATED CHARTER SECTION:

Sec. 108. Canvass of returns.

The result of the voting, when ascertained, shall be certified by returns in duplicate, signed by the Clerks and a majority of the inspectors of the election, one copy being retained by the Town Clerk and the other being delivered to the Canvassing Board. The Canvassing Board shall consist of the Town Manager, Town Clerk and one Commissioner, who shall be selected by the Town Commission at the time the election is called. If any of the foregoing are unable or unwilling to serve on the Canvassing Board, the Town Attorney shall serve as an alternate. However, two members of the Canvassing Board shall constitute a quorum for all purposes hereunder. The Canvassing Board shall meet after the polls close. At such meeting, the Canvassing Board shall canvass the returns and shall declare the results of the election as shown by the returns made by the clerk and inspectors of said election.

Comment [JO2]: THIS IS AN ADMINISTRATIVE MATTER WHICH IS MORE APPROPRIATE FOR PLACEMENT IN THE TOWN CODE CHAPTER DEALING WITH 'ELECTIONS'.
--Helps to streamline Charter.
--Provisions of Fla. Stat. sec.102.141(1) re: conditional qualifications of CB members apply.
If/when this section is moved to Code Chapter 26, outdated language should be deleted, including deletion of "Town Attorney" as alternate member, with "qualified elector chosen by Town Commission" substituted.

QUALIFYING FOR ELECTED OFFICE

Comment [JO1]: APPROVED BY CRB ON 2/3/14, 2/18/14 and 2/24/14.

SHALL CHARTER LANGUAGE GOVERNING "QUALIFYING" (i.e., BECOMING A CANDIDATE) FOR ELECTED OFFICE BE AMENDED TO CHANGE TIME PERIOD FOR FILING A QUALIFYING PETITION FROM 55-35 DAYS BEFORE ELECTION TO 55-45 DAYS BEFORE ELECTION WHILE RETAINING CITIZEN'S RIGHTS TO OBTAIN SIGNATURES ON PETITION PRIOR TO SAID TIME PERIOD, CLARIFY RELATED FILING REQUIREMENTS, AND CLARIFY PROCEDURE RELATED TO DETERMINATION OF PETITION'S SUFFICIENCY?

Sec. 101. ~~Nomination of mayor and commission members~~ Generally. Qualifying for Elected Office.

Any citizen who ~~can qualify~~ has the qualifications for the office of mayor or commissioner of the town, as provided in section 6 of this Charter, may ~~nominate himself or herself or may be nominated for the commission~~ seek to qualify for office by paying twenty five dollars as a qualifying fee simultaneously with the filing of all qualifying documents including a petition for this purpose signed by not less than twenty-five qualified electors and filed with the Town eClerk not more than fifty-five days and not less than ~~thirty-five~~ forty-five days prior to the election date, unless said forty-fifth day falls on a legal holiday, Saturday or Sunday, in which event the qualifying period shall be extended to the immediately following business day terminating at 12:00 noon. The format of the petition shall be prescribed by the Town and made available in the Town Clerk's Office. Signatures may not be obtained until said Petitioner has filed the appointment of campaign treasurer and designation of campaign depository pursuant to state law, and are valid only for the qualifying period immediately following such filings. However, if a special election is held and a candidate decides not to participate in the special election, any petition signatures obtained prior to the special election qualifying period will remain valid for the regularly scheduled general election.

Comment [JO2]: See, Fla. Stat. 99.095(2)(a).

Comment [JO3]: Per State of Florida "Candidates' Handbook".

Comment [JO4]: Suggested deletion per 1A rights of citizens.

No elector shall sign nominating petitions for more than one person for each office or group, and should an elector do so, his or her signature shall be void except as to the petition or petitions first filed.

The signatures on the nominating petition need not all be subscribed to one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature, including the signature of the circulator, shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it.

The form of the nominating petition shall be substantially as follows:

~~We, the undersigned~~ electors of the Town of Surfside, hereby nominate _____ for the office of commissioner.

Name _____
Street and Address _____
Date of signing _____
_____ (spaces for signatures and required data)

Statement of Circulator
The undersigned is the circulator of the foregoing paper containing _____ signatures. Each

signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be.

	Signature of Circulator _____
	Address _____

Within five one business days after the filing of a nominating petition, the ~~the~~ Town Clerk shall ~~notify~~ through the United States mail the candidate and the person who filed the petition whether or not it is found to be signed by the required number of qualified electors deliver the petition to the Miami Dade County Department of Elections for purposes of determining the number of valid signatures on the petition. Upon the Clerk's receipt of the Miami Dade County Elections Department's certificate as to the petition's sufficiency, the Town Clerk shall then promptly forward the certificate on to the candidate, along with the petition if it has been found to be ~~If a petition is found insufficient the town clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient.~~ Such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate, not less than ~~twenty five~~ forty days before the election. Such petitions shall be preserved by the town clerk for two years from the date such petitions are filed. The name of each person who has filed a sufficient petition as prescribed above and satisfied qualifying requirements shall be printed on the ballot as a candidate for the office he/she has qualified for.

No candidate may qualify for the Office of Mayor and Town Commissioner in the same election.

~~Sec. 102. Same Qualifying, fee. The name of each nominee for commission, who has complied with all the requirements hereinbefore prescribed, shall be printed on the ballot as a candidate for the office of commissioner of the Town of Surfside upon such nominee paying to the Town of Surfside simultaneously with the filing of his nominating petition the sum of twenty five dollars as a qualifying fee, and upon submitting concurrently therewith a sworn statement of his or her name, address, occupation and willingness to serve if elected. No refund shall be made of the qualifying fee.~~

ESTABLISHING ELECTED OFFICIALS' STAGGERED TERMS AND INCREASING TOWN COMMISSIONERS' TERMS FROM TWO TO FOUR YEARS

THE CHARTER CURRENTLY PROVIDES FOR TWO YEAR, UNSTAGGERED TERMS FOR THE MAYOR AND TOWN COMMISSIONERS. SHALL THE CHARTER BE AMENDED TO INCREASE THE TERM OF OFFICE OF TOWN COMMISSIONER FROM TWO YEARS TO FOUR YEARS WHILE RETAINING MAYOR'S TWO YEAR TERM, ESTABLISH STAGGERED TERMS OF ALL COMMISSION MEMBERS, PROVIDE FOR SELECTION OF VICE MAYOR BY COMMISSION, AND CONFORM PROVISIONS REGARDING RUN-OFF ELECTION WITH RELATED PROCESS FOR DETERMINATION OF RUNOFF ELECTION OUTCOME?

RELATED CHARTER SECTIONS:

Sec. 8. Presiding officers.

Subject to Charter section 105, candidates receiving the highest number of votes shall be elected as follows: The mMayor shall be elected separately from his/her own group. The four Town eCommissioners shall run at-large and the commissioner receiving the highest number of votes in the general election shall, for a term of two years immediately following thereafter, have the title of vice-mayor. The commissioners receiving the second, third and fourth highest number of votes in the general election shall, for a term of two years immediately following thereafter, serve as the remaining commissioners. The Town Commission shall at its first meeting after each general election (or after runoff election, if held) elect from its membership a Vice-Mayor who during the absence or disability of the Mayor shall perform the duties of Mayor.

Sec. 10. Duties of the vVice mMayor.

The Town Commissioner serving as vVice mMayor shall act as mMayor during the absence or disability of the mMayor, and, if a vacancy occurs in the office of mMayor, shall succeed to that office for the remainder of the unexpired term until the next succeeding general election, at which time said Town Commissioner shall serve for any unexpired remainder of his term that exists as of said general election date. Council The Commission shall then elect from among its members, as soon thereafter as practicable, an assistant a Vice mMayor to fill the vacancy thereby created in that office.

Should the Vice Mayor succeed to the office of Mayor per above, the resulting vacancy in the office of Town Commissioner shall be filled by a person serving for that limited portion of the remainder of the subject Town Commissioner's unexpired term until the next succeeding general election.

Sec. 105. General and special elections of commission members.

(1) On the third Tuesday in March in every even numbered calendar year, all members of the Town Commission shall be elected election of the Mayor and Town Commissioners shall be conducted as follows in order to provide for their four year staggered terms: Commencing with the general election in 2016, the Mayor shall be elected for a term of two years therein and at each general election each two years thereafter, the two Town Commissioners receiving the highest number of votes shall each be elected for a term of four years therein and at each general election each four years thereafter, and the remaining two Town Commissioners receiving the third and fourth highest number of votes shall each

Comment [JO1]:

APPROVED BY CRB ON 2/3/14, 2/24/14 and 3/3/14.

THIS VERSION PROVIDES FOR INCREASE IN ONLY COMM'S TERM.

--If increase for all, then majority of Commission (Mayor and 2 Comm's) will be elected every 4 years--might affect election candidacies...

--If Mayor retains 2 year terms and only Comm's have 4 year terms, then above concern will not occur b/c every general election will be for Mayor and 2 Comm's. (i.e., CMB, Key Biscayne).

NOTE: VM selection ev 2 years for the 2 Commission candidates elected.

Comment [JO2]: FYI: SS Election of 11/6/07, voters disapproved of these ballot questions:

-- The Charter currently provides for two year, unstaggered terms for the Mayor and Commission Members. It is proposed that all two (2) year terms be changed to four (4) year terms with a transition being made so that the terms are staggered. Shall the above-described amendment be adopted?

-- The Charter currently does not provide for term limits. It is proposed that the Mayor and Commissioners be limited to eight (8) consecutive years provided that any Commissioner after having served eight (8) consecutive years may thereafter serve one (1) additional term, as Mayor, if elected. Shall the above-described amendment be adopted?

be elected for a term of two years until the 2018 general election at which time said two Town Commissioner seats shall each be elected for a term of four years therein and at each general election each four years thereafter, for terms of TWO (2) years, provided, however, that Commission members elected for FOUR (4) year terms at the 1974 Election pursuant to the Charter provisions in existence prior to the adoption of this Amendment, shall remain in office until the expiration of the term to which they were elected under such prior provisions. At the Election to be held in the year 1976, and biennially thereafter, all members of the Town Commission shall be elected for terms of TWO (2) years; terms to begin at 8 o'clock P.M. on the day following the Election commence as provided in Charter Section 19. In the event any one or more of the four Town Commissioners are deemed elected by method other than popular vote at the general election in 2016, the determination of two or four year terms for each of the four Town Commissioners shall be determined by lot immediately prior to the induction of officers.

(2) Should a vacancy on the commission be filled at a general municipal election, pursuant to Article II, section 13, [codified as Charter section 16], the term of such vacancy shall be considered to have expired and the candidate elected to fill such vacancy shall be elected for a two year term any remainder of the subject unexpired term as of said general election shall be filled by the candidate elected to fill such vacancy. The commission may implement the provisions of this section or other provisions of this Charter governing the filling of vacancies, by ordinance, not inconsistent with the provisions of this Charter.

* * *

(5) At the election held in 2010, except for the mayor who shall run in a separate group, all other members of the Commissioners receiving the highest number of votes shall be elected in accordance with Charter Section 8 hereinabove. A tie between two or more candidates for the fifth Commission seat shall be decided in a run-off election to shall be held the first Tuesday of April following the general election for those candidates receiving the following tie votes:

--tie vote among all candidates for Mayor and/or among all candidates for Town Commissioner;

--tie vote between two or more candidates for Town Commissioner after one Town Commissioner seat is filled.

A seat shall be considered "filled" as referenced hereinabove when a candidate receives the highest number of votes cast, in accordance with Charter section 8.

Should the highest votes in the run-off election result in a tie result, the outcome shall be determined by lot. The runoff election shall be held in the same manner and form as the general municipal election.

* * *

Comment [JO3]: Need to delete b/c there may not be 2 years remaining on the subject term as of the General election date (i.e., vacancy could occur when Comm'er has served for 3 years of 4 year term).

Comment [JO4]: This language is different from the proposed Charter amendments re: "RunOff", due to staggering of terms. Which version of text is adopted depends upon whether voters approve of this staggered term change--if voters approve of both "runoff" and "staggered terms" this language is used.

RUNOFF ELECTION

Comment [JO1]: APPROVED BY CRB ON 2/3/14.

CHARTER SECTION 105(5) REQUIRES A RUNOFF ELECTION IF GENERAL ELECTION RESULTS IN A TIE VOTE BETWEEN CANDIDATES FOR TOWN'S FIFTH COMMISSION SEAT. SHALL THE CHARTER BE AMENDED TO CLARIFY REQUIREMENT FOR RUNOFF ELECTION WHEN A TIE VOTE OCCURS FOR ANY COMMISSION SEAT (NOT ONLY THE FIFTH COMMISSION SEAT) WHEREIN CANDIDATES RECEIVING TIE VOTES HAVE NOT RECEIVED HIGHEST NUMBER OF VOTES FOR PURPOSES OF ELECTION, AND ESTABLISH PROCESS FOR DETERMINATION OF RUNOFF ELECTION OUTCOME?

RELATED CHARTER SECTIONS:

Sec. 105. General and special elections of commission members.

* *

~~(5) At the election held in 2010, except for the mayor who shall run in a separate group, all other members of the Commissioners receiving the highest number of votes shall be elected in accordance with Charter Section 8 hereinabove. A tie between two or more candidates for the fifth Commission seat shall be decided in a A run-off election to shall be held the first Tuesday of April following the general election for those candidates receiving the following tie votes:~~

Comment [JO2]: Tie could be another seat besides fifth seat, therefore need to amend, as underlined.

~~--tie vote among all candidates for Mayor and/or among all candidates for Town Commissioner;~~

~~--tie vote among four or more candidates for Town Commissioner after one Town Commissioner seat is filled;~~

Comment [JO3]: If staggered terms proposed on same ballot, language of text will be changed to reflect only 2 commission seats for each gen election--see proposed text.

~~--tie vote among three or more candidates for Town Commissioner after two Town Commissioner seats are filled;~~

~~--tie vote between two or more candidates for Town Commissioner after three Town Commissioner seats are filled.~~

~~A seat shall be considered "filled" as referenced hereinabove when a candidate receives the highest number of votes cast, in accordance with Charter section 8.~~

~~Should the highest votes in the run-off election result in a tie result, the outcome shall be determined by lot. The runoff election shall be held in the same manner and form as the general municipal election.~~

Sec. 8. Presiding officers.

Subject to Charter section 105, candidates receiving the highest number of votes shall be elected as follows: The mayor shall be elected separately from his/her own group. The four commissioners shall run at-large and the commissioner receiving the highest number of votes in the general election shall, for a term of two years immediately following thereafter, have the title of vice-mayor. The commissioners receiving the second, third and fourth highest number of votes in the general election shall, for a term of two years immediately following thereafter, serve as the remaining commissioners.



**TOWN OF SURFSIDE
CHARTER REVIEW BOARD MEETING**

Thursday, November 14, 2013 – 7:00 p.m.
9293 Harding Avenue – Town Hall - Chambers

MINUTES

Charter Review Board Members

Marty Oppenheimer (Mayor Dietch)
Marc Imberman (Vice Mayor Karukin)
Anthony Blate (Commissioner Graubart)
Terry Cohen (Commissioner Kligman)
Lou Cohen (Commissioner Olchyk)

Town Commission Liaison: Vice Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

1. **OPENING - Vice Mayor, Michael Karukin**
2. **Call to Order and Roll Call**
The meeting was called to order by Town Commission Liaison Vice Mayor Michael Karukin at 7:12pm.

Charter Review members noted above were present. Also in attendance; Town Employee Irina Mocanu, Special Outside Counsel Jean Olin, Recording Clerk Jenorgen "Jen" Guillen
3. **APPOINTMENT OF CHAIR**
The Charter Review Board recommended Lou Cohen as Chair. Marc Imberman moved; Anthony Blate seconded. The motion passed unanimously.
4. **APPOINTMENT OF VICE CHAIR**
The Charter Review Board recommended Marc Imberman as Vice Chair. Lou Cohen moved; Martin Oppenheimer seconded. The motion passed unanimously.
5. **ORIENTATION**
Town Attorney Linda Miller gave an orientation of the purpose to the Board and a history on the Town's Code. She also introduced Jean Olin as the special outside counsel for the Board. Jean Olin gave a brief description of her background. The Town Clerk Sandra Novoa handed out the Ballot deadlines on countywide election for 2014. Martin Oppenheimer asked when the Board

should submit recommendations to the Commission. Jean Olin suggested a month before Ballot dateline to meet deadline.

Outside Counsel Jean Olin explained that the Town needed to verify that there were no amendments done to the Charter after the year 1973. There was a lengthy discussion regarding this issue and the streamlining of the charter.

6. PROCESS OF CHARTER REVIEW

A. Current Charter [TAB 1]

For Information purposes.

B. Memorandum on the Charter Review Board dated July 16, 2013 [TAB 2]

For information purposes.

C. Priorities

Board members discussed the topics in which should become priorities to tackle first.

MOTION

The Charter Review Board recommended Terms of Office (4 years staggered terms) and election issues to be the first topic to tackle first. Terry Cohen moved; Martin Oppenheimer seconded. The motion passed unanimously.

7. SELECTION OF FUTURE MEETING DATES/TIMES

Next meeting to be held on December 2, 2013 at 7:00 p.m. in the Commission Chambers.


8. PUBLIC COMMENTS

None

9. ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 9:05 pm.

Accepted this 33 day of December, 2013


Lou Cohen, Chair

Attest:



Jenorgen Guillen
Recording Clerk



CHARTER REVIEW BOARD MEETING

Town Hall – Commission Chambers

9293 Harding Avenue
Surfside, FL 33154

**Monday December 2, 2013
7:00 p.m.**

Town Commission Liaison: Vice Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)
Vice Chairman Marc Imberman (Vice Mayor Karukin)
Marty Oppenheimer (Mayor Dietch)
Anthony Blate (Commissioner Graubart)
Terry Cohen (Commissioner Kligman)

MINUTES

1. **CALL TO ORDER**

Chair Lou Cohen called the meeting to order at 7:01pm.

2. **ROLL CALL OF MEMBERS**

Town Clerk, Sandra Novoa, called the roll with the following members present: Chair, Lou Cohen, Board Member Marty Oppenheimer, Board Member Anthony Blate, Board Member, Terry Cohen (Exited 9:03pm).

Vice-Chair Marc Imberman was absent.

Also in attendance: Sandra Novoa, Town Clerk, Linda Miller, Town Attorney, Michael Crotty, Town Manager, Special Outside Counsel, Jean Olin, Vice-Mayor Michael Karukin, Commission Liaison (Entered 7:20pm).

3. APPROVAL OF MINUTES

Board Member Marty Oppenheimer made a motion to approve the minutes; Board Member, Terry Cohen seconded the motion. The motion passed unanimously.

4. BOARD MEMBER COMMENTS FOR DISCUSSION LIMITED TO 5 MINUTES EACH

Marty Oppenheimer:

- Clean up (Should be understandable to the public) Elaboration of the Home Rule Power needed.
- Elections
- Position of Town Clerk (Appointed by Manager or Town Commission?)
- Clarification on charitable donation
- Clear understanding of referenda and petitions
- Terms of Office
- Nepotism

Anthony Blate:

- Bonds

Terry Cohen:

- Resort Tax
- Commission Compensation

Lou Cohen:

- Elections (Staggered Terms and Length of terms)

5. 2010 DRAFT CHARTER REVISIONS (INCLUDES STRIKETHROUGHS AND UNDERLINES)

Jean Olin suggested having a report available, regarding election issues, to present to the Town Commission by the end of February.

There is a two-phase process.

Phase one: Determining what needs to be fixed.

Phase two: Going through existing language of prior Committee's report

There are approximately six issues related to elections that need to be presented to voters by way of ballot questions.

1. Section Six (6): Duration of residency; one-year requirement of residency prior to running/registering for office.
2. Vacancies in Commission
3. Induction into Office – Jean Olin is suggesting that the language be changed.
4. Qualifying for elected office.
5. Initiative and Referenda Petitions
6. Staggered Terms

Jean Olin suggested the following schedule in order to have the report completed by March 2014:

December 2nd - (Discuss issues 1 and 2 – {Duration of residency/Vacancies in Commission})

January 6th - (Discuss issues 3 and 4 – {Induction into Office/Qualifying for elected office})

January 20th (Discuss issue 5 – {Initiative and Referenda Petitions})

February 3rd - (Discuss issue 6 – {Staggered terms})

February 17th or 18th - (Heavy analysis of issues should be done. A public notice to residents to should be sent out and a meeting set-up for residents to ask questions regarding the report.

February 28 - (The last meeting for phase one. Evaluate the comments of the public and incorporate feedback if necessary into the report. The report will be finalized for presentation to the Town Commission at the first meeting in March).

Jean advised that it is a tentative schedule and there may be a chance that not all of the issues may be tackled, but there will be at least some issues to present to the Town Commission in a report in anticipation of what is to be presented in the November 14, 2014 ballot.

Jean Olin asked if all Board/Committee members' positions are automatically finished. Linda Miller stated that in April the new Commission has an opportunity to re-appoint Board/Committee members.

Phase two may take 10 months to one year.

The next Charter Review Board meeting is December 16, 2013.

Section 6 Page 8/10 – Residency. This provision does not have to be approved by voters. Whatever changes are made can be made by Ordinances through the Town Commission.

Qualified Elector – Registered voter and live in the Town.

Marty Oppenheimer made a motion to change the age for qualified electors to from 21 to 18; Terry Cohen seconded the motion. The motion passed unanimously.

Terry Cohen made a motion to amend Section 6 of the Charter to read as follow: The Commissioners shall be qualified electors of Dade County whose legal residence is in the Town of Surfside who shall be citizens of the United States, at least eighteen years of age and residents of the State of Florida and Town of Surfside at least one year immediately preceding date of qualifying for elected office (Deleting all other language following this statement from the original charter); Marty Oppenheimer seconded the motion. The motion passed unanimously. (This motion will be a ballot question).

Vacancies on the Commission (Section 15/16) have been deferred for the next meeting.

Induction of commission into office; meetings of commission (Section 19(105.1))

Jean Olin advised that the administering the oath the day after election isn't functional as the elected officials should be sworn in after Miami Dade County Elections Department issues its final certification of election results.

Jean suggested the following provision:

“On the first business day immediately following the County Election Supervisors issuance of final election returns, the Town Commission shall meet for the purpose of accepting said final returns. Should no run-off election be necessary new officers shall be declared elected upon the Commission's acceptance of final election returns, at which time the new officers shall be installed and shall enter upon their discharge of duties.

If a run-off election is, necessary, all new officers shall be declared elected subsequent to canvas of final run off returns on the first business day immediately following the County Election Supervisor's issuance of such final electoral return.

Moreover; if a final election is necessary, the Commission meeting occurring between the date of the general election and the Commission's acceptance of the final election return shall occur for the limited purpose of accepting the general election final returns or to address any emergency matter per the Florida State Statue.”

Jean recommends deleting the following from Section 105.1: “terms to begin at 8 o'clock P.M. on the day following the Election.”

Jean Olin to summarize this section and to provide it the next meeting.

Sandra Novoa, at the next meeting, will find the legislative history for each section being discussed.

6. **ELECTION ISSUES**
*Discussed under Item 5.
7. **SELECTION OF FUTURE MEETING DATES/TIMES**
*Discussed under Item 5.
8. **PUBLIC COMMENTS**
9. **ADJOURNMENT**

Anthony Blate made a motion to adjourn the meeting; Marty Oppenheimer seconded the motion. The motion passed unanimously. The meeting adjourned at 9:18pm.

Accepted this 23 day of December, 2013



Lou Cohen, Chair

Attest:



Recording Clerk



CHARTER REVIEW BOARD MEETING

Town Hall Chambers
9293 Harding Avenue
Surfside, FL 33154

Monday, December 16, 2013
7:00 p.m.

Town Commission Liaison: Vice Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)
Vice Chairman Marc Imberman (Vice Mayor Karukin)
Marty Oppenheimer (Mayor Dietch)
Anthony Blate (Commissioner Graubart)
Terry Cohen (Commissioner Kligman)

MINUTES

1. CALL TO ORDER

The meeting was called to order by Vice-Chair Marc Imberman at 7:01pm.

2. ROLL CALL OF MEMBERS

Irina Mocanu called the roll with the following members present: Terry Cohen, Anthony Blate, Marty Oppenheimer and Marc Imberman. Lou Cohen was absent.

Also in attendance: Irina Mocanu, Recording Clerk, Linda Miller, Town Attorney, Jean Olin, Special Outside Counsel, Commissioner Joseph Graubart (Entered at 7:04pm), Vice Mayor, Michael Karukin, Commission Liaison (Entered 7:12pm), Michael Crotty, Town Manager.

3. APPROVAL OF MINUTES

Marty Oppenheimer made a motion to approve the December 2, 2013 minutes as amended; Anthony Blate seconded the motion. The motion passed unanimously. The minutes were approved as amended.

4. ELECTION ISSUES – Presented by Jean Olin, Esq., Special Outside Counsel

Introduction by Attorney Olin: Since CRB has only 3 months to complete Charter review prior to its conclusion (due to General Election in March, 2014), the CRB will be conducting Phase I review of Charter issues limited to certain 'election' matters--CRB is intending on completing its review by end of February so that its report on said matters may be presented to Town Commission at its final meeting on March 11, 2014. CRB will meet every 2 weeks in order to analyze certain provisions of Charter regarding 'elections', with remaining global Charter review to be addressed in Phase II, at which time there will be greater amount of time for CRB to analyze and discuss repeal of existing Charter and adoption of new revised Charter (incorporating the issues resolved during Phase I).

A. *Qualifications for Office*

Marty Oppenheimer suggested tabling this section for the next meeting.

Linda Miller noted that tabling this and any sections of the Charter could delay the suggested timeline/Phase I/Phase II issue presentation agreed to by CRB as suggested by Jean Olin at the last meeting.

Marty Oppenheimer made a motion to modify the language of Section 6 of the Charter to read as follow: The Commissioners shall be qualified electors of Dade County whose legal residence is in the Town of Surfside who shall be citizens of the United States, and residents of the State of Florida and Town of Surfside for at least the one year immediately prior to the date of qualifying for elected office; Terry Cohen seconded the motion The motion passed unanimously.

Committee would like to see the sample ballot language for each Charter text amendment issue at the next month meeting.

B. *Induction into Office*

Marc Imberman advised that the current Charter, Section 19, start time for the new Commissioners is 8 pm. The Charter time preceding election is not necessarily the start time for a meeting, but for an induction ceremony for the newly elected Commission.

Jean Olin advised that the current Charter, as stated, leaves room for discussion. Existing Charter language results in different times in which members of commission are sworn in: those elected at General Election sworn in day after that election, whereas those elected at Run-Off Election are sworn in the day after that election. Since Commissioners are elected via "pool" and not "group seats", there is no way to know which incumbent Commissioners will hold over during the period occurring between the General and the Run-Off Election. This problem is resolved by changing language to provide instead for induction of all newly-elected officials at same time, i.e., after certification of General Election, or if Run-Off Election needed, after the certification of final election results from the Run-Off.

Mr. Imberman agreed that the induction of the newly elected Commission members should be when the election results are certified, and also suggested that if there is a quorum of the newly elected

Commission members after the General Election then all terms of incumbents would then end; but, if a majority of the Commission was not elected at the General Election and a Run-Off was thus needed in that event then the incumbents would hold-over until the final certification of election results from the Run-Off at which time all of the newly-elected Commission members would be inducted. Attorney Olin expressed her concern with this alternative, recommending need to have all newly elected officials sworn in at same time under same circumstances to allow for uniformity, recommending that the CRB adopt her suggested language.

Ms. Olin to draft language proposed by Mr. Imberman for next meeting, subject to further discussion.

Board members feel that adding a designated time for commencement of Commission meetings will be beneficial specifically concerning the induction--matter subject to further discussion at next meeting.

Members requested Ms. Olin draft for next meeting language reflecting the above discussions

C. Vacancy on Commission

Section 15 discusses the definition of a vacancy.

Section 16 discusses the procedure for filling in a vacancy.

Attorney Olin advised that change in dates for vacancies allow for additional time for the Commission to fill such vacancies, and explained other proposed changes.

Marty Oppenheimer made a motion to accept the amendment of Section 16 of the Charter (concerning the 60 days for calling of special election, if necessary.); Anthony Blate seconded the motion. The motion passed unanimously.

CRB approved proposed changes to Charter sections 15 and 16, with ballot language to be presented at next meeting.

D. Vacancy in Candidacy

Attorney Olin discussed issue and proposed changes, and explained interrelationship of issue regarding "Qualifying for Office"; CRC decided that qualifying has to be discussed same time as discussion of this issue as it pertains to this section of the Charter.

Marty Oppenheimer made a motion to table Vacancy in candidacy until the qualifying issue is discussed; Anthony Blate seconded the motion. The motion passed unanimously.

Attorney Olin to prepare material related to "Qualifying for Office" at next CRB meeting, for discussion along with issue of "Vacancy in Candidacy".

5. SELECTION OF FUTURE MEETING DATES/TIMES

The next meeting date is Monday, January 6, 2014.

Town Attorney Miller, along with Attorney Olin, restated that in order to complete Phase I of the CRB's work, the meetings need to be held at least every two weeks, reflecting this proposed schedule:

January 21, 2014.
February 3, 2014.
February 18, 2014 – Public Comment
February 24, 2014.

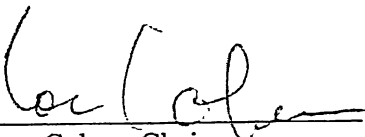
6. PUBLIC COMMENTS

N/A

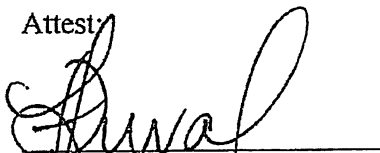
7. ADJOURNMENT

Marty Oppenheimer made a motion to adjourn the meeting; Anthony Blate seconded the motion. The motion passed unanimously. The meeting adjourned at 10:03pm.

Accepted this 6 day of January, 2014


Lou Cohen, Chairman

Attest


Frantza Duval
Recording Clerk



CHARTER REVIEW BOARD MEETING

Town Hall - Manny Crawford Conference Room

9293 Harding Avenue
Surfside, FL 33154

Monday January 6, 2014

7:00 p.m.

Town Commission Liaison: Vice Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)

Vice Chairman Marc Imberman (Vice Mayor Karukin)

Anthony Blate (Commissioner Graubart)

Terry Cohen (Commissioner Kligman)

Marty Oppenheimer (Mayor Dietch)

MINUTES

1. CALL TO ORDER

Chairman, Lou Cohen, called the meeting to order at 7:00 pm.

2. ROLL CALL OF MEMBERS

The Town Clerk, Sandra Novoa, called the roll with the following members present: Lou Cohen, Marty Oppenheimer, Terry Cohen, Anthony Blate (Entered at 7:02pm). Marc Imberman was absent.

Also in attendance Linda Miller, Town Attorney, Sandra Novoa, Town Clerk, Michael Karukin, Commission Liaison, Jean Olin, Special Outside Counsel, Michael Crotty, Town Manager, Daniel Dietch, Mayor, Randi MacBride.

3. APPROVAL OF MINUTES

Marty Oppenheimer made a motion to approve the December 16, 2013 minutes; Terry Cohen seconded the motion. The motion passed unanimously. The minutes were approved.

Marty Oppenheimer thanked the staff for sending electronic copies of the agenda.

Vice-Mayor, Michael Karukin advised that the Town Commission requested he provide the Commission at its next meeting with a status report of CRB actions to date, and requested staff to prepare it.

4. ELECTION ISSUES (JEAN OLIN, ESQ.)

Attorney Jean Olin suggested that in the future, the Town prepare a voter's guide for the residents, which would include explanations of ballot questions in order to assist the residents to understand any Charter amendments presented on the Town's ballot.

A. Qualifications for Office

The Board reviewed the proposed text and ballot question and requested that it be amended to include a specific reference clarifying that the existing Charter language, requiring members of the Commission be "qualified voters" requires such members be at least 18 years of age.

Marty Oppenheimer made a motion to amend Section 6 of charter text to include that the "the registered voter age minimum should be at least 18 years of age." Anthony Blate seconded the motion. The motion passed unanimously.

Board gave final approval of proposed amendments and ballot language, for inclusion in CRB's final report to Commission.

Board directed Attorney Olin to finalize language consistent with discussion, with no need to bring revised text or ballot language back to the Board.

B. Vacancy on Commission

Marty Oppenheimer recommended changing proposed text of Section 10 to substitute the words "Commission" for "Council", and to substitute "vice-mayor" for "assistant mayor".

Anthony Blate made a motion to accept all Charter text amendments and ballot question presented on the agenda, including incorporation of Mr. Oppenheimer's changes; Terry Cohen seconded the motion. The motion passed unanimously. Proposed text amendments and ballot question to be included in CRB's final report to Commission.

Board reiterated its direction to Ms. Olin direction regarding no need to bring revised text or ballot language back to the Board, which direction applies to all subsequent final approvals granted by CRB of Charter text changes/ballot language, said language to be included in CRB's final report to Commission.

C. Induction into Office

Attorney Olin discussed the two proposed alternative Charter text/ballot questions regarding this issue, and explained the differences. The first proposal reflects the CRB's request from its last meeting, which proposal would allow for less than the entire 5 member Commission body to serve as the Commission in the event a majority is elected at the General Election and remaining members were to be elected at the Run-Off Election; Ms. Olin restated her advice from the last CRB meeting against adoption of this proposal, explaining legal basis and further advising the Board that she has found that no other local charter which similarly allows for only the newly-elected majority of a Commission to sit pending Run-Off Election results. She advised that such language can lead to confusion, unintended consequences (including adoption of legislation by only 2 members of the commission) and recommends instead that the alternative language proposed by Ms. Olin at the last meeting and on the present agenda, be adopted, providing that all elected officials from both the

general election and run-off be sworn in at the same time, with incumbent members of the commission retaining office until all newly-elected officials are inducted. The lame duck incumbent officials will, as drafted, only have emergency powers during this hold-over period. Brief discussion was had as to the meaning of "emergency powers", consistent with existing Charter section 25, Town Code and relevant case law.

Anthony Blate made a motion to accept the alternative Charter text amendments and ballot language as presented on the agenda and as recommended by Counsel; Terry Cohen seconded the motion. The motion passed unanimously.

D. Vacancy in Candidacy

Attorney Olin explained the proposed text, and applicability of Florida Statute 166.031(6) governing "Vacancy in Candidacy". Consistent with CRB's direction from last meeting, Ms. Olin deleted existing Charter language providing for postponed election in event of supplemental qualifying--further detailed explanation of draft amendments provided by Ms. Olin, including recommended alternative language providing for 5 day supplemental qualifying period, with no further qualifying if within "X" days from election, due to ballot printing deadlines established by County Department of Elections (said deadline to be determined and inserted into Charter text via Town Attorney and Town Clerk's consultation with DOE). Chairman Cohen expressed his concern that the "X" number of day provision be consistent, which Ms. Olin confirmed would be the case.

The Board expressed its concern with the supplemental qualifying period, to which Ms. Olin responded that the existing Charter provides for such, that the former CRB recommended retaining provision for supplemental qualifying, and that such period is required per the Florida Statute but only in instances of a candidate's death, withdrawal or removal after the original qualifying period has ended.

Public discussion ensued, and Mayor Dietch expressed that if sufficient number of candidates qualify, there should be no need for supplemental qualifying as set forth in statute. Ms. Olin discussed applicability of Statute and reaffirmed that it was limited to instances in which amount of candidates are reduced due to death, withdrawal or removal.

Marty Oppenheimer made a motion to accept the alternative Charter text/ballot question as presented with an amendment to Section 105 to provide that at the end of the regular qualifying period, if there is one candidate for mayor and the number of candidates for commission is equal or less than number of seats to be filled, they are elected without need for supplemental qualifying period; Anthony Blate seconded the motion. The motion passed unanimously.

Ms. Olin to revise the language as discussed, and to present same at the next meeting for Committee review, along with a related draft ballot question.

Olin made additional brief recommendations that the committee have a general discussion at the next meeting regarding its Phase I issue of "staggered terms/increasing terms" -- after the Board vets issue, subsequent changes to Charter sections previously addressed by Board may require additional review and amendments.

E. Qualifying for Elected Office

Attorney Olin explained proposed Charter text and ballot language, explaining that there is no constitutional right to qualify by nominating petition, and that the manner of qualifying is within the Town's discretion as

established in the Town Charter. Ms. Olin explained that the former CRB proposed deleting the existing provision for qualifying by nominating petitions, and provided instead for qualifying by paying a fee of \$100.

Ms. Olin advised that her proposal completely deletes the language of Section 101 and presents new text - which is a hybrid - proposing two ways to qualify for office: 1) via a fee of \$100 or 2) through a nominating petition signed by a percentage of the voters. If the percentage of votes is reached, the qualifying candidate does not have to pay a fee.

RECORDING BECAME UNAVAILABLE AT THIS POINT AND MINUTES HEREAFTER ARE BASED ON NOTES TAKEN BY TOWN CLERK

Discussion ensued among the Board regarding the two suggested methods of qualifying; the Board agreed that both the petition and paying the fee methods of qualifying were appropriate; Terry Cohen made a motion that the qualifying fee be set at \$100 and the amount of signatures for the nominating petition be set at 25, consistent with the existing Charter provision. Anthony Blate seconded the motion. The motion passed unanimously, CRB approved Charter text/ballot question as presented, subject to incorporation of "25 signatures" for nominating petition.

F. Canvassing Board

Attorney Olin explained the proposed text/ballot question, and applicability of the Florida Statute governing the Canvassing Board with explanation of its statutory duties; Ms. Olin suggested due to administrative nature of Board's duties, said provisions be incorporated into the Town Code Chapter on "Elections" and that any future amendments to language to be made upon incorporation into Town Code.

Marty Oppenheimer made a motion to approve the presented Charter text/ballot question regarding transfer of Charter Section 108 to the Town code; Terry Cohen seconded the motion. The motion passed unanimously.

5. SELECTION OF FUTURE MEETING DATES/TIMES

Town Attorney Miller reminded CRB that its next meeting is scheduled for January 21, 2014.

6. PUBLIC COMMENTS

Mayor Dietch commented on agenda item "D", as reflected above.

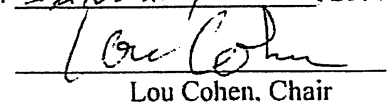
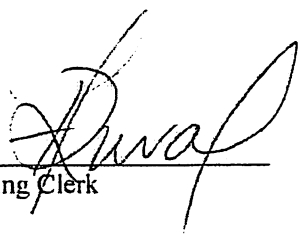
7. ADJOURNMENT

Marty Oppenheimer made a motion to adjourn the meeting; Terry Cohen seconded the motion. The motion passed unanimously. The meeting adjourned at 9:25pm.

Accepted this 21 day of JANUARY, 2014

Attest:

Recording Clerk


Lou Cohen, Chair



CHARTER REVIEW BOARD MEETING

Town Hall Manny Crawford Conference Room

9293 Harding Avenue
Surfside, FL 33154

Tuesday, January 21, 2014
7:00 p.m.

Town Commission Liaison: Vice-Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)
Vice Chairman Marc Imberman (Vice-Mayor Karukin)
Anthony Blate (Commissioner Graubart)
Terry Cohen (Commissioner Kligman)
Marty Oppenheimer (Mayor Dietch)

MINUTES

1. CALL TO ORDER

Chairman, Lou Cohen, called the meeting to order at 7:01pm.

2. ROLL CALL OF MEMBERS

The Town Clerk, Sandra Novoa, called the roll with the following members present: Lou Cohen, Terry Cohen, Marty Oppenheimer, Anthony Blate (Entered at 7:08pm). Marc Imberman was absent.

Also in attendance: Sandra Novoa, Town Clerk, Michael Karukin, Commission Liaison, Jean Olin, Special Outside Counsel, Irina Mocanu

3. APPROVAL OF MINUTES

Marty Oppenheimer made a motion to approve the January 6, 2014 minutes; Terry Cohen seconded the motion. The motion passed unanimously. The minutes were approved.

4. ELECTION ISSUES (JEAN OLIN, ESQ.)

Brief discussion was had as to the CRB's final report, which will be presented to the Town Commission at its March 11, 2014 meeting.

A. VACANCY IN CANDIDACY

Pursuant to the CRB's discussion of this issue at its last meeting, Attorney Olin further discussed the draft text, including the designation of "30 days" in the "X", representing the amount of time designated by the Miami Dade elections department required for finalization of Qualifying for Elected office (to allow for timely mailing of absentee ballots, etc), pursuant to outreach by Ms. Olin and the Town Clerk.

Attorney Olin also suggested the following revised language regarding "Vacancy in Candidacy" Charter Section 105 (8), for purposes of clarifying the text:

--subsection B (c) : "Any remaining unfilled commission seats existing within 30 days prior to the election shall be deemed a vacancy on the commission, which shall be filled, by the commission in which the vacancy exist in accordance with the procedures set forth in Section 16".

--subsection C: "The terms of all newly elected commissioners from the general or run-off election shall commence"...

The Board approved this revised language, and requested that Olin place the revised draft on the 2/3/14 agenda for final review.

--subsection B: "If more than one candidate has qualified for Mayor and/or the number of qualified candidates for Town Commissioner are greater than the number of seats to be filled, then the election shall be held for purposes of electing said officials. If however, following the qualifying period a qualified candidate withdraws, dies, or is removed from the ballot, leaving not more than one qualified candidate for Mayor and/or a number of qualified candidates for Town Commissioner which are equal to or less than the number of seats to be filled, then a vacancy in candidacy shall have occurred, and there shall be one supplemental qualifying period of five (5) days beginning on the first business day immediately following the vacancy, with candidates qualifying via method(s) provided in Section 101 of the Town Charter".

Terry Cohen made a motion to approve the all of the aforementioned language under Vacancy in Candidacy as discussed by Jean Olin; Marty Oppenheimer seconded the motion. The motion passed unanimously.

In light of the DOE's stated 30 day deadline date by which the Town must have completed its qualifying period, Attorney Olin explained its impact upon the qualifying period previously approved by CRB via amendment to Charter section 101, and suggested the Board reconsider its January 6, 2014 approval of charter text language concerning the method of qualification,. Sandra Novoa suggested a motion to reconsider the January 6, 2014 motion in order for this issue to be brought back to next month's meeting for discussion.

The Board discussed its previously-approved amendments to Charter section 101, and further evaluated its process. Attorney Olin advised that the Board might wish to consider further discussion of whether a change to the present qualifying process is needed.

Attorney Jean Olin advised that she did further research and found that other municipalities, comparable to Surfside, have only one method of qualifying, either fee or petition. Since the CRB had previously approved qualifying by both the fee and petition method, Ms. Olin felt

the Board might be interested in further evaluating the options for qualifying, and the periods for qualifying.

Marty Oppenheimer made a motion to re-consider the motion of the January 6, 2014 meeting concerning Section 101 Qualifying for Elected Official; Terry Cohen seconded the motion. The motion died with vote of 2-2.

Attorney Olin went on to suggest the following additional language to section 16 of the Charter regarding "Vacancy on the Commission": "... However; in the event the election has not been held due to said commission member having been elected by operation of law pursuant to this charter such official's term shall commence on the third business day immediately following said election by operation of law or at any meeting of the commission immediately following the election by operation of law; whichever occurs first, upon where said official shall be administered the oath of office".

Marty Oppenheimer made a motion to approve this revised language of "Vacancy on the Commission", subject to the final language being presented to the Board at next CRB meeting; Terry Cohen seconded the motion. The motion passed unanimously.

Further discussion ensued regarding CRB's prior approved language regarding Charter Section 101 amendments governing "Qualifying"; Marty Oppenheimer made a motion to reconsider Section 101 Qualifying for Elected Official; Terry Cohen seconded the motion. The motion passed unanimously. Attorney Olin to place on next CRB agenda draft language, with Administration to have an easel for the Board's use in order to evaluate existing and proposed amended qualifying dates.

B. STAGGERED TERMS

Vice-Mayor Michael Karukin, introduced the idea of staggered terms. He advised that under his proposal for staggered terms, the Mayor will serve two years and the remaining Commissioners will serve 4 years staggered terms, with the first order of business after each general election being the selection of the Vice-Mayor from among the four Town Commissioners.

Ms. Olin explained the differences between the two proposed Charter amendments governing "Staggered Terms". The first proposal reflects the amendment proposed in 2007 in which the Mayor and Town Commissioners would receive an increase in term from two to four years, all terms staggered subject to the process set forth in the draft text. The second proposal reflects the Vice-Mayor's proposal, as stated above. Under the Vice-Mayor's proposal, the Mayor and 2 Town Commissioners would be elected at each general election every two years. Under the original proposal from 2007, the Mayor and 2 Town Commissioners would be elected at the general election occurring every four years, with the remaining two Town Commissioners being elected at each intervening general election, causing a majority of the Commission to be elected every four years (which could affect timing of candidate's decision to run, etc).

Vice-Mayor Karukin advised that there might be a high probability of the staggered terms ballot measure passing on the election ballot for the two (2) years for the Mayor and four (4) year staggered term for the rest of the Commission. Surfside is the one of the few municipalities in the state of Florida that doesn't run under the staggered term policy. Attorney Olin will place on the next CRB agenda both of the subjects proposed drafts re: staggered terms, for further discussion by the Board.

C. RUNOFF ELECTION

Due to the length of tonight's meeting, the Board decided to table this issue for the next meeting.

5. SELECTION OF FUTURE MEETING DATES/TIMES

February 3, 2014 – The meeting will be held at 5:00pm in order to allow time for the Board to complete its analysis of Phase I issues.

February 18, 2014 – The meeting seeking public comment of the CRB's work product for this Phase I of the Town's charter review will be televised in the Commission Chambers.

6. PUBLIC COMMENTS

N/A

7. ADJOURNMENT


Marty Oppenheimer made a motion to adjourn; Terry Cohen seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:16pm.

Accepted this 3 day of February, 2014



Lou Cohen, Chair

Attest


Recording Clerk



CHARTER REVIEW BOARD MEETING

Town Hall Manny Crawford Conference Room
9293 Harding Avenue
Surfside, FL 33154

Monday February 3, 2014
5:00 p.m.

Town Commission Liaison: Vice-Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)
Vice Chairman Marc Imberman (Vice Mayor Karukin)
Anthony Blate (Commissioner Graubart)
Terry Cohen (Commissioner Kligman)
Marty Oppenheimer (Mayor Dietch)

MINUTES

1. CALL TO ORDER

The meeting was called to order by Chairman, Lou Cohen at 5:05 p.m.

2. ROLL CALL OF MEMBERS

The Town Clerk, Sandra Novoa, called the roll with the following members present: Lou Cohen, Anthony Blate, Terry Cohen, and Marty Oppenheimer. Marc Imberman was absent.

Also in attendance: Sandra Novoa, Town Clerk, Michael Karukin, Commission Liaison, Linda Miller, Town Attorney, Jean Olin, Special Outside Counsel, Irina Mocanu, Michael Crotty, Town Manager

3. APPROVAL OF MINUTES [TAB 3]

Marty Oppenheimer made a motion to approve the January 21, 2014 minutes as amended; Terry Cohen seconded the motion. The motion passed unanimously. The minutes were approved.

4. ELECTION ISSUES (JEAN OLIN, ESQ.)

I. "OLD BUSINESS" (approved at CRB 1/21/14 meeting):

A. Vacancy in Candidacy [TAB 4 I A]

Attorney Jean Olin presented this matter as approved at the last CRB meeting, including supplemental qualifying periods under the stated conditions, with any remaining unfilled Commission seats after all qualifying ends to be treated as a "vacancy on the commission", to be filled pursuant to procedures set forth in Charter sections 15 and 16 involving special election and/or appointment, depending upon amount of term remainder.

Anthony Blate made a motion to accept the revised language under the Vacancy in Candidacy in the Charter under Section 105; Marty Oppenheimer seconded the motion. The motion passed unanimously.

B. Vacancy on Commission [TAB 4 I B]

Attorney Olin presented this text as approved at last meeting of CRB, including language regarding induction date person elected by operation of law to fill vacancy on commission.

Terry Cohen made a motion to accept the revised amended language under the Vacancy on Commission in the Charter; Marty Oppenheimer seconded the motion. The motion passed unanimously.

II. "NEW BUSINESS":

A. QUALIFYING (matter being reconsidered, per CRB 1/21/14 vote):

1) Fee and Petition methods [TAB 4 II A1]

Marty Oppenheimer made a motion to maintain the current process of the nominating petitions and fees; Terry Cohen seconded the motion. The motion passed unanimously.

2) Alternative: Retain/amend existing Petition method only [TAB 4 II A2]

Attorney Olin discussed initial need for CRB to decide upon viability of keeping existing method of the nominating petition, with Board to resolve issue of whether the process for qualifying by petition is sufficient for qualifying in Surfside elections

Marty Oppenheimer stated his belief that both the petition and fee method of qualifying is preferable to limiting qualifying by the petition method.

Michael Karukin stated his belief that the petition method is working in the Town and that the signature requirements for petitions, rather than paying a flat fee in order to qualify, allows for less frivolous candidates in qualifying.

Lou Cohen is against the fee method of qualifying due to the ease of being able to qualify.

Attorney Olin explained this alternative draft for retaining the petition method of qualifying, including her suggestion to delete existing language limiting the citizens to sign only a limited number of petitions, citing citizens first amendment rights. Ms. Olin further explained that the act of signing one's name to a petition only states that you want that person's name on the ballot, and does not of course commit that signor to vote for any one person.

The Town Clerk explained the existing time period for qualifying via petition, and suggested that the current 55-35 day period be changed to 55-45 days, which Attorney Olin explained would allow for the supplemental qualifying period discussed in "Vacancy in Candidacy" sections, as well as allow the Town Clerk to comply with the County Election Department's required 30 day deadline prior to the election date by which time DOE must know names of candidates on the ballot. The Clerk suggested that consistent with existing Charter, persons who do not have enough signatures on a petition be permitted until the 40th day before the election to submit any additional signatures.

Anthony Blate made a motion accept the above time lines as discussed for qualifying for elected office and to accept the agenda's amended language to Section 101; Terry Cohen seconded the motion. The motion passed unanimously.

B. FOUR YEAR/STAGGERED TERMS:

- 1) **Term increase/staggering applicable to Mayor and Town Commissioners [TAB 4 II B1]**
This section provides for an increase in terms for all elected officials for four years with an election every two years.

- 2) **Alternative: Increase in term applicable only to Town Commissioners, with selection of Vice-Mayor by Commission [TAB 4 II B2]**
As explained by Attorney Olin, per Vice-Mayor Karukin's request this alternative was drafted to provide for an increase in terms of the four Town Commissioners from two years to four years with the Mayor retaining a two year term, all said terms to be staggered, per process set forth in agenda language., and with the selection of Vice Mayor to be by the Commission as opposed to the existing method whereby the Commissioner receiving the highest number of votes is determined to be the Vice-Mayor. Ms. Olin also explained the need to amend "RunOff" language in event this staggered term language is approved, and discussion ensued regarding the proposed revised "RunOff" language.

Michael Karukin stated that staggered terms promote stability within the government and that staggered term elections do not cost any additional money for the Town than what is already being spent on its biennial elections.

Marty Oppenheimer made a motion to accept the alternate proposed language for staggered terms under item 4 II B2 where the Mayor serves two years and the remaining Commission each serve fours under staggered terms; Terry Cohen seconded the motion. The motion passed 3-1 with Anthony Blate voting against it.

C. RUN OFF ELECTION: [TAB 4 II C]

Attorney Olin distinguished between the need for different "RunOff" language in the event the "Staggered Term" Charter amendment is adopted vs. if said amendment is not adopted. This language addresses amendments required to address the current RunOff process, and the language is specific to make clear what differing vote results would trigger a need for runoff, -- such as a tie among all Mayoral or Town Commissioner candidates, ties among not just the "fifth candidate" as existing Charter states, etc. Alternative, less lengthy language was offered by Ms. Olin, with the CRB voting to approve the more detailed language.

Terry Cohen made a motion to approve the revised language under the Run-Off Section of the Charter; Anthony Blate seconded the motion. The motion passed unanimously.

D. INITIATIVE AND REFERENDUM PETITIONS: [TAB 4 II D]

Attorney Olin explained the agenda material, laying out distinctions between the existing Charter provisions and the proposed language of former CRB, and opined that although current language should be reformatted, preempted and antiquated provisions be deleted, the current language in the Initiative and Referendum Petition sections do not present legal issues, as the other Charter sections in Phase I have, with explanation provided.

Ms. Olin asked the Board if the current process for Initiative and Referendum petitions is not working in any way in Surfside, and the response was that there was no problems. She recommended that these sections be analyzed in Phase II of the charter review process to allow the CRB time to vet the policy matters recommended by former CRB, such as changing current percentage required for the number of petitioners from 15% to 10%.

SIGNATURE
Marty Oppenheimer made a motion to defer review of these charter sections until all items in Phase I have been completed. There is no second, the motion died.

In light of above discussion, Lou Cohen made a motion to defer these sections to Phase II; Terry Cohen seconded the motion. The motion carried 3-1 with Marty Oppenheimer voting against it.

5. SELECTION OF FUTURE MEETING DATES/TIMES

The next Board meeting is February 18, 2014 at 7 p.m., at which time the public will be invited to make comment on Phase I issues and proposed Charter amendments.

Lou Cohen recommended discussing each issue just as in the Board's regular meeting, but made simpler for the residents.

Attorney Olin will be prepared to explain each item by brief summary.

Lou Cohen will speak to Michael Karukin regarding which CRB members will be speaking at the February 18, 2014 meeting.

At its February 24, 2014 meeting, CRB Board will review matters from the February 18, 2014 meeting and decide what, if any, changes are needed to the Phase I issue recommendations. After that, the Town Attorney and Ms. Olin will prepare the CRB's report to be presented to the Town Commission at its March 11, 2014 Commission meeting.

The February 24, 2014 meeting will be scheduled for 5 p.m.

6. PUBLIC COMMENTS

7. ADJOURNMENT

Marty Oppenheimer made a motion to adjourn the meeting; Anthony Blate seconded the motion. The motion passed unanimously. The meeting ended at 7:44 p.m.



CHARTER REVIEW BOARD MEETING

Town Commission Chambers

9293 Harding Avenue
Surfside, FL 33154

Monday February 18, 2014
7:00 p.m.

Town Commission Liaison: Vice-Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)
Vice Chairman Marc Imberman (Vice Mayor Karukin)
Anthony Blate (Commissioner Graubart)
Terry Cohen (Commissioner Kligman)
Marty Oppenheimer (Mayor Dietch)

MINUTES

1. CALL TO ORDER

The meeting was called to order by Chairman, Lou Cohen at 7:04pm

2. ROLL CALL OF MEMBERS

The Town Clerk, Sandra Novoa, called the roll with the following members present: Lou Cohen, Anthony Blate, Terry Cohen, and Marty Oppenheimer. Marc Imberman was absent.

Also in attendance: Sandra Novoa, Town Clerk, Michael Karukin, Commission Liaison, Linda Miller, Town Attorney, Jean Olin, Special Outside Counsel, Irina Mocanu, Michael Crotty, Town Manager

3. APPROVAL OF MINUTES [TAB 3]

Marty Oppenheimer made a motion to approve the minutes as amended; Terry Cohen seconded the motion. The motion passed unanimously.

4. SUMMARY OF THE CHARTER REVIEW PROCESS BY CHAIRMAN LOU COHEN

The Board decided to review the charter in two phases tackling election issues within the first phase. The objective was to make the charter more comprehensible and comprehensive for residents to understand.

5. OPEN DISCUSSION ON ELECTION ISSUES

Attorney Jean Olin was requested by Chairman Cohen to provide brief summary of each CRB proposed Phase I Charter issue, with detailed text provided in agenda package for citizen review/comment:

A. Qualifications for Office [TAB 5A]

Special Counsel Jean Olin discussed the proposed Charter changes regarding the requirements for qualifications for elected office in Surfside, most notably the change pertaining to a Commission member's age from 21 to 18, reflecting the age of a "qualified elector".

Attorney Olin advised the residents watching that the Charter Review Board proposes Charter text amendments and the Town Commission recommends/approves the final Charter changes to text and ballot language.

B. Induction [TAB 5B]

Attorney Olin advised that when looking at or changing text within the Charter, the Charter Review Board was required to also look at other corresponding text in the Charter as well to ensure consistency in Charter language.

Ms. Olin discussed the proposed Charter changes to Section 5 of the Charter, noting that the existing holdover language has been deleted since its applicability raises confusion given the existing method of electing Town Commissioners by "pool". If in the future, there is a need to invoke the holdover language, the common law theory of holdover may be invoked by the Town Attorney.

Olin further discussed the CRB's proposed Charter change which will ensure that induction of newly elected Town officers will take place after the Miami Dade County Department of Elections has issued its final certification of election returns.

This Charter change will also provide that the time period between the general and runoff election, the incumbent members of Town Commission can make decisions based on emergency actions, affecting the public's health, safety, and welfare.

C. Vacancy on Commission [TAB 5C]

CRB engaged in discussion regarding Phase II process of Charter review, and Attorney Olin recommended during said Phase that the Charter text be reformatted in order to remove archaic and obsolete language and to format Charter sections into separate-issue Articles.

Ms. Olin explained the basic changes to the "Vacancy on Commission" language, as proposed by CRB.

In order to inform the voters of the Phase I issue, the Board reiterated its suggestion that a Voter's Guide be drafted prior to the scheduled public vote--Terry Cohen also recommended that the board come up with a voter guide's for the residents to help them easily understand all the ballot questions and charter language.

Michael Karukin inquired as to who would be responsible in creating the voter's guide for the resident.

The Town Attorney, through the direction of the Town Commission, will be responsible for the voter's guide.

D. Vacancy in Candidacy [TAB 5D]

Ms. Olin explained the basic changes to existing Charter language regarding "Vacancy in Candidacy", noting the need for amending language in order particularly to address problems with existing Charter language, experienced by the Town during its 2012 General Election. The proposed revised language will no longer provide for a 'postponed election in event more than 5 candidates qualify and said number of candidates is reduced prior to election date"-- the proposed new language reflects statutory requirements that the Charter provide procedure for supplemental qualifying due to reduction in number of qualified candidates due to "death, withdrawal or removal" of candidate before election. Mr. Karukin noted that the existing process of calling a special election will remain if there is not sufficient number of candidates at the end of the supplemental qualifying period, with Attorney Olin explaining that this process would occur since such vacancy would be now invoke the procedures related to a "Vacancy on Commission".

Olin further discussed that the proposed changes provide that if any of the newly elected commissioners are elected by operation of law then the selection of vice mayor will be decided by the commission by majority vote.

E. Canvassing Board [TAB 5E]

Attorney Olin explained the duties and nature of the Canvassing Board, which under the existing Charter includes 3 individuals: the Town Manager, Town Clerk, and an one member for the Commission. If one member cannot sit then the Town Attorney serves as an alternative.

It is recommended that this section be moved from the Charter into the Code Chapter dealing with "Elections" in order that the Town's administrative provisions regarding elections be consolidated.

F. Qualifying [TAB 5F]

Attorney Olin explained the definition of "qualifying" for elected office, and the basis proposed Charter changes recommended by CRB. The existing time for qualifying via petition changed from 55-35 day period to 55-45 days, allowing for the supplemental qualifying period as well as allowing the Town Clerk to comply with the County Election Department required 30 day deadline prior to the election date by which time DOE must know names of candidates on the ballot. Although the proposed Charter text change includes a revised petition form, Mr. Karukin suggested that rather than set forth the form in the Charter, the text merely reference its availability in the Town Clerk's office -- Ms. Olin to change this Charter text accordingly.

G. Initiative and Referendum [TAB 5G]

Ms. Olin explained her outline noting recommendations of prior CRB's Charter changes, with her comments thereon, and explained her prior discussions with CRB that upon review of this Charter language, the sections require reformatting and changes to policy and/or ministerial matters but the language itself did not present legal issues as she found in other Phase I issues. One change recommended by prior CRB that may be discussed in phase II as a policy matter involves changing percentage of required signatures for Initiative/Referendum Petitions from 15% to 10%.

CRB has thus proposed that these sections be reviewed under Phase II of the charter review process.

H. Staggered Terms/Increase in Terms [TAB 5H]

Ms. Olin explained that this CRB recommendation was drafted to provide for an increase in terms of the four Town Commissioners from two years to four years with the Mayor retaining a two year term, all said terms to be staggered, per process set forth in agenda language. and with the selection of Vice Mayor to be by the Commission as opposed to the existing method whereby the Commissioner receiving the highest number of votes is

determined to be the Vice-Mayor.

Marty Oppenheimer recommended a proposed change to Section 8 of the Charter: Instead of "The City" it should read "The Town", said language to be corrected by Ms. Olin.

Ms. Olin also explained the need to amend "Run-Off" language in event this staggered term language is approved.

I. Run-off Election [TAB 5I]

This newly suggested text provides language to correct every scenario in which there is a potential for a run-off election.

6. PUBLIC COMMENTS

No public in attendance, thus no public comments.

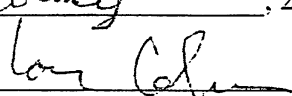
7. CONFIRMATION OF THE FEBRUARY 24, 2014 CRB MEETING AT 5:00 PM.

Board will meet on February 24, 2014 at 5 pm to discuss final recommended Charter changes of Phase I issues, and will also meet on March 3, 2014 at 8:30 am to review and approve the Town Attorney's final report of the CRB for presentation to the Town Commission at its March 11, 2014 meeting.

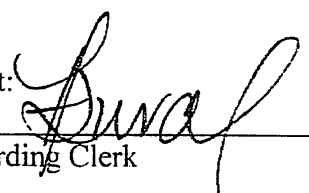
8. ADJOURNMENT

Marty Oppenheimer made a motion to adjourn; Terry Cohen seconded the motion. The motion passed unanimously. The meeting ended at 8:50pm.

Accepted this 24 day of February, 2014



Lou Cohen, Chair

Attest: 

Recording Clerk



CHARTER REVIEW BOARD MEETING

Manny Crawford Conference Room

9293 Harding Avenue
Surfside, FL 33154

Monday, February 24, 2014
5:00 p.m.

Town Commission Liaison: Vice-Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)
Vice Chairman Marc Imberman (Vice-Mayor Karukin)
Anthony Blate (Commissioner Graubart)
Terry Cohen (Commissioner Kligman)
Marty Oppenheimer (Mayor Dietch)

MINUTES

1. CALL TO ORDER

The meeting was called to order by Chairman, Lou Cohen at 5:04pm

2. ROLL CALL OF MEMBERS

The Town Clerk, Sandra Novoa, called the roll with the following members present: Lou Cohen, Terry Cohen, Marty Oppenheimer, Anthony Blate (Entered at 5:05pm).
March Imberman and Michael Karukin are absent.

Also in attendance: Sandra Novoa, Town Clerk, Linda Miller, Town Attorney, Jean Olin Special Outside Counsel, Irina Mocanu, Michael Crotty, Town Manager, Town Commissioner Joseph Graubart

3. APPROVAL OF MINUTES [Note: Will be provided separately.]

Marty Oppenheimer made a motion to approve the minutes; Terry Cohen seconded the motion. The motion passed unanimously.

4. OPEN DISCUSSION ON ELECTION ISSUES: Special Counsel Jean Olin introduced purpose of this meeting is to review final changes to Charter texts from last public meeting.

A. Qualifying [TAB 4A]

Attorney Olin explained that per CRB request, the only language that has been changed in this section is that which reads “format of the petition shall be prescribed and available in the Town Clerk’s Office.”

Marty Oppenheimer made a motion to accept the revised language in Section 101 of the charter under Qualifying for Elected Office; Terry Cohen seconded the motion. The motion passed unanimously.

B. Staggered/Increased Terms [TAB 4B]

Attorney Olin explained the changes to this language, particularly the method of determining which elected Town Commissioners from the General Election in 2016 would have two or four year terms, in event one or more of Town Commissioners are elected by operation of law; also discussed was language providing that person filling vacancy will serve for remainder of subject term.

Lou Cohen recommends clarifying the wording in Charter section 105(1) to expressly include the word “seats” as follows: “...the remaining two Town Commissioners receiving the third and fourth highest number of votes shall each be elected for a term of two years until the 2018 general election at which time said two Town Commissioner seats shall each be elected for a term of four years therein and at each general election each four years thereafter.”

Marty Oppenheimer made a motion to approve the amended language; Terry Cohen seconded the motion. The motion passed unanimously.

C. Vacancy in Candidacy [TAB 4C]

Attorney Olin explained the changes to Section 105 (subsections a, b, and c) to more accurately reflect that the contingencies stated therein shall occur after the “applicable qualifying periods have ended”.

Marty Oppenheimer made a motion to accept the changes; Terry Cohen seconded the motion. The motion passed unanimously.

D. Vacancy on Commission [TAB 4D]

Attorney Olin explained the changes herein, most notably including within the definition of “vacancy” instances in which there are unfilled seats on the Town Commission due to insufficient amount of candidates having qualified to fill such seats. Ms. Olin also drafted language for CRB consideration to address situation in which due to lack of candidates, a majority on the Commission does not exist, and procedure for filling said seat to effect a majority until said seat is permanently filled--per Olin, this draft provision may or may not be included in the Charter, subject to CRB determination as to whether such inclusion is needed in the Charter at this time, and if not, possibly consider including this language in the Charter at a future date if needed.

The Board discussed clarification on which Commission the draft language in Section 16 is referring to when it says the “members of the immediately prior Town Commission”.

Attorney Olin also explained her amendments to Charter section 105(2) for purposes of clarifying that persons elected at a General Election will serve for the current 2 year term, subject to change if the “Staggered Term/Increase in Term” Charter amendment is approved. If staggered terms are approved then there is certain language that needs to be amended in Phase 2 of the charter.

Marty Oppenheimer raised the issue of the effect of “Staggered Term” Charter amendment on Charter Section 10, noting that if staggered terms are approved, issues arise as to the Town Commissioner/Vice Mayor with a four year term who succeeds to office of Mayor, questioning whether the method of ensuring that that Commissioner may serve his/her entire term of four years. Olin suggested that CRB consider changing the following language under Section 10 under Duties of the Vice Mayor to read: “The vice mayor assumes the office of the mayor until the next succeeding general election and thereafter at which time the vice mayor serves the remaining time of the his/her original term.” After extensive discussion, the CRB decided to wait until voters have spoken on whether “Staggered Term” charter amendment is approved or not, at which time this issue may be revisited.

Marty Oppenheimer therefore made a motion to not recommend the above proposed changes to Section 10 and the first two paragraphs in red font within Section 16 under Vacancy on Commission until Charter Review Phase II; Terry Cohen seconded the motion. The motion passed unanimously.

Michael Crotty advised that since the Town Charter will need additional extensive revision during Phase II Charter Review, he will bring this matter before the Town Commission for further discussion.

CRB again discussed that a voter's guide would be very beneficial to assist the residents in understanding the Town Charter prior to any election on Phase I Charter amendment issues.

E. Induction into Office [SUPPLEMENTAL]

Ms. Olin raised the question of whether CRB wishes to revisit its prior recommendation changing Charter section 19 to delete a specific time for commencement of regular Commission meetings, and CRB agreed that the recommended change providing for meeting time "prescribed by ordinance" is fine the way CRB proposed.

Olin also explained her reasoning for her further clarifying in Charter section 5 language regarding hold-over of officials "...until...the induction of the Town's elected officials."

Marty Oppenheimer made a motion to accept the change; Anthony Blate seconded the motion. The motion passed unanimously.

5. CONFIRMATION OF THE MARCH 3, 2014 CRB MEETING AT 8:30 A.M. At this meeting, CRB will review its "Final Report" as prepared by Town Attorney and Special Counsel, which report will be presented to Town Commission at its March 11, 2014 meeting.

6. PUBLIC COMMENTS

Town Commissioner Joseph Graubart inquired as to what is required of the Commission when the final report is brought before the Town Commission. Town Attorney explained that the matter will be

discussed by the Commission and that the report is just a recommendation of changes to the charter, which Final Report will be considered by the newly elected Town Commission as well.

7. ADJOURNMENT

Marty Oppenheimer made a motion to adjourn; Terry Cohen seconded the motion. The motion passed unanimously. The meeting ended at 6:43pm.

Accepted this 5 day of March, 2014

Lou Cohen

Lou Cohen, Chair

Attest:

Duval
Recording Clerk



CHARTER REVIEW BOARD MEETING

Manny Crawford Conference Room

**9293 Harding Avenue
Surfside, FL 33154**

Monday, March 3, 2014

8:30 a.m.

Town Commission Liaison: Vice-Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)

Vice Chairman Marc Imberman (Vice-Mayor Karukin)

Anthony Blate (Commissioner Graubart)

Terry Cohen (Commissioner Kligman)

Marty Oppenheimer (Mayor Dietch)

MINUTES

1. CALL TO ORDER

The meeting was called to order by Lou Cohen at 8:36am

2. ROLL CALL OF MEMBERS

The Recording Clerk, Frantza Duval, called the roll with the following members present: Lou Cohen, Terry Cohen, Marty Oppenheimer, Marc Imberman. Anthony Blate is absent.

Also in attendance: Sandra Novoa, Town Clerk, Linda Miller, Town Attorney, Jean Olin, Special Outside Counsel, Irina Mocanu, Michael Karukin, Michael Crotty, Town Manager, Frantza Duval, Recording Clerk.

3. APPROVAL OF MINUTES [Note: Will be provided separately.]

Marc Imberman made a motion to approve the minutes; Marty Oppenheimer seconded the motion. The motion passed unanimously. The minutes were approved.

4. APPROVAL OF THE CHARTER REVIEW BOARD'S FINAL REPORT WITH ATTACHMENTS [TAB 4]: Discussion ensued regarding the draft "Final Report", and CRB comments: Town Attorney Miller noted that Board member Blate sent a letter to the Board noting the need to change the reference on page 2 of the Report from "February 3, 2014" to "February 18, 2014", with Mr. Blate otherwise approving the Report.

A. Qualifications for Office [TAB A]

There were no additional recommendations made in this section.

B. Induction [TAB B]

There were no additional recommendations made in this section.

C. Vacancy on Commission [TAB C]

Attorney Jean Olin explained her suggestion to include words "...unless otherwise specifically provided in the Charter..." in Section 16, with discussion, and CRB approved.

D. Vacancy in Candidacy [TAB D]

Attorney Jean Olin explained her suggestion to include the word "all" preceding the word "applicable" in Charter section 105(8)B at subsections a, b, and c.

Marc Imberman made a motion to accept the amended language; Terry Cohen seconded the motion. The motion passed unanimously.

E. Canvassing Board [TAB E]

There were no additional recommendations made in this section.

F. Qualifying [TAB F]

There were no additional recommendations made in this section.

G. Initiative and Referendum [TAB G]

Michael Karukin recommended deleting the language on page 5 of the Report reading: "...nor has it been the subject of prior Town controversy", explaining that the Town has previously had legal issues pertaining to signatures on a petition.

Attorney Olin suggested revisiting the charter to make sure that given the new information the proposed language in her outline regarding “Initiative and Referendum” is accurate.

Marty Oppenheimer stated that in light of CRB’s decision to defer review of this matter until Charter Review Phase II, there is no need to even mention or include Section G in the CRB’s Final Report, and CRB Board members agreed. Attorney Olin will make a reference in the Report that the Board briefly reviewed “Initiative and Referendum” and have deferred this item to Phase II of the Charter review.

H. Staggered/Increased Terms [TAB H]

Attorney Olin explained that although at the last CRB meeting the issue of the proposed impact of increased/staggered terms on Charter Section 10 would present need for future Charter amendment to be addressed during Phase II, Ms. Olin explained her concern that the draft Charter amendments be comprehensive and thus presented for CRB consideration additional revised language specifically addressing the CRB’s intent as discussed at its March 3, 2014 meeting concerning Charter section 10.

Marc Imberman inquired as to what would happen if the staggered term/increase term amendments are approved by the votes and a Town Commissioner wants to run for the seat of Mayor. Attorney Olin advised that pursuant to the State’s “Resign to Run” law, if the subject Commissioner and Mayor’s term run concurrently then the Commissioner would be required to submit a written irrevocable resignation letter.

Michael Karukin noted that at “H” on page 6 of the Final Report the summary of “Staggered Terms/Increase in Terms” references the increase in term for Town Commissioners but does not expressly state that the Mayor’s term will remain at 2 years. Mr. Karukin thus suggested that a second sentence be added to “H” reading: “The increase in terms shall not apply to the mayor whose term shall remain at two years”.

CRB discussed all of the above-referenced additional language and approved same, noting that the Town Commission will ultimately decide whether or not they want to proceed with the recommended Charter changes.

The Board requested that Attorney Olin be present at the March 11, 2014 Town Commission meeting to present the CRB’s Final Report, with Ms. Olin acknowledging that she will be present at the Commission meeting for purposes of presentation and response to any related questions/concerns.

Marc Imberman made a motion to accept all of the amended language; Terry Cohen seconded the motion. The motion passed unanimously.

I. Run-Off Election [TAB I]

There were no additional recommendations made in this section.

MOTION

Marty Oppenheimer made a motion to accept the Final Report with the recommended changes; Marc Imberman seconded the motion. The motion passed unanimously. The Final Report has been accepted as amended. CRB expressed its appreciation to Ms. Olin for her work.

5. PUBLIC COMMENTS

No public in attendance, thus no public comments.

6. ADJOURNMENT

Marc Imberman made a motion to adjourn the meeting; Marty Oppenheimer seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:23am.
