

**RESOLUTION NO. 2023- 3014**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON NOVEMBER 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II, SECTION 8 "PRESIDING OFFICERS" AND ARTICLE VI, SECTION 105 "GENERAL AND SPECIAL ELECTIONS OF COMMISSION MEMBERS", AS PRESENTED IN A BALLOT QUESTION ON AMENDMENTS TO THE TOWN CHARTER REQUIRING 50% PLUS 1 MAJORITY VOTE FOR MAYOR AND PROVIDING FOR RUN-OFF ELECTION; PROVIDING REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 97.1 of the Town Charter of the Town of Surfside ("Town") referencing Section 6.03 of Article 6 of the Home Rule Charter for Miami-Dade County provides the manner in which charter amendments shall be proposed; and

**WHEREAS**, pursuant to Section 128 of the Town Charter, the Town Commission appointed a Charter Review Board ("the Board") to review and provide written recommendations on proposed amendments to the Charter; and

**WHEREAS**, on August 2, 2023 and August 8, 2023, the Town Commission considered the recommendations of the Board and elected to submit the proposed charter amendment for approval or rejection by the electorate; and

**WHEREAS**, the Town Commission finds that it is in the best interests of the residents of the Town that the Town Charter be amended to provide for a run-off election

to be held after the Town's general election if no mayoral candidate receives a 50% plus 1 majority of the vote in the general election; and

**WHEREAS**, the Town Commission wishes to seek the approval of the electors by a ballot question referendum concerning amendments to the Town Charter to require that the mayor be elected by majority vote of the electors commencing with the Town's General Election in 2024; and

**WHEREAS**, in accordance with provisions of the Charter of the Town and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the Town of Surfside, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 7, 2023, for the purpose of submitting to the electorate the proposed amendment to the Town Charter which is set forth herein; and

**WHEREAS**, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk as soon as the ballots from the precinct have been tabulated and in accordance with Section 26-12 of the Town Code and applicable laws; and

**WHEREAS**, the voting precinct in the Town for said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Surfside, Florida 33154. All Town electors shall vote at this polling place for this Special Election; and

**WHEREAS**, not less than thirty (30) days' notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami

Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. Such publication shall be made once in the fifth week before the election and once in the third week before the election in accordance with the provisions of Section 100.342, Florida Statutes, and the Town Code.

**WHEREAS**, the Town Commission finds that this Resolution is in the best interest and welfare of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Special Election Called; Notice of Election.** That a special election is hereby called, to be held on Tuesday, November 7, 2023, to present to the qualified electors of the Town of Surfside, the ballot question provided in this Resolution. Notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida, at least thirty (30) days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing Sunday, October 1, 2023), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 15, 2023), and shall be in substantially the following form:

**“THE TOWN OF SURFSIDE, FLORIDA**

**NOTICE OF CHARTER AMENDMENT REFERENDUM SPECIAL  
ELECTION**

**PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2023-3014 ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ("TOWN"), A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE TOWN ON TUESDAY, NOVEMBER 7, 2023, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT QUESTION SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:**

**REQUIRING 50% PLUS 1 MAJORITY VOTE FOR MAYOR AND PROVIDING FOR RUN-OFF ELECTION**

The Charter currently provides that the Mayor is elected upon receiving the highest number of votes. Shall the Charter be amended to require that the Mayor be elected by a 50% plus 1 majority vote, and to provide for a run-off election between the two candidates receiving the most votes for Mayor if no candidate for such seat receives a majority of the vote?

YES [ ]  
NO [ ]

The polling place for the Special Election shall be the Surfside Town Hall located at 9293 Harding Avenue, Surfside, Florida 33154. All Town electors who are timely registered shall be eligible to vote. The enabling Resolution, including the charter amendment ballot question are available at the Office of the Town Clerk, located at the Surfside Town Hall.

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Sandra McCready, MMC, Town Clerk"

**Section 3. Form of Ballot; Ballot Question.** That the official ballot to be used in the Special Election to be held on Tuesday, November 7, 2023, as hereby called, shall be in substantially the following form, to-wit:

**"OFFICIAL BALLOT**

**REQUIRING 50% PLUS 1 MAJORITY VOTE FOR MAYOR AND PROVIDING FOR RUN-OFF ELECTION**

The Charter currently provides that the Mayor is elected upon receiving the highest number of votes. Shall the Charter be amended to require that the Mayor be elected by a 50% plus 1 majority vote, and to provide for a run-off

election between the two candidates receiving the most votes for Mayor if no candidate for such seat receives a majority of the vote?

YES [ ]

NO [ ] ”

**Section 4. Balloting.** That balloting shall be conducted between the hours of 7:00 a.m. until 7:00 p.m. on election day at the regular polling place for Town elections. Vote-by-mail ballots and early voting shall be provided as authorized by law. All qualified Town electors who are timely registered in accordance with law shall be entitled to vote.

**Section 5. Charter Amendment Text; Effectiveness.** The text of the proposed Charter amendment (the “Charter Amendment”) is set forth in Exhibit “A”, which is attached hereto and incorporated herein. The Charter Amendment shall become effective if the majority of the qualified electors of the Town voting on the Charter Amendment vote for its adoption, and it shall be considered adopted and effective upon the certification of the Special Election results. Following the adoption of the Charter Amendment, the Town Clerk shall file the adopted Charter Amendment with the Clerk of the Circuit Court of Miami- Dade County, Florida.

**Section 6. Available for Public Inspection; Town Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections.** Copies of this Resolution providing for the special election referendum are on file in the Office of the Town Clerk located at 9293 Harding Avenue, Surfside, Florida and are available for public inspection during regular business hours. Furthermore, the Town Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election. The Town shall pay all expenses for conducting this Special

Election and will pay such expenses to Miami-Dade County upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

**Section 7. Authorization of Town Officials.** The Town Manager, Town Attorney and Town Clerk are hereby authorized to take all steps necessary to complete the execution and implementation of the terms and purposes of this Resolution, and the Special Election Referendum if adopted and effective.

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

PASSED AND ADOPTED this 22nd day of August, 2023.

Motion By: Commissioner Landsman

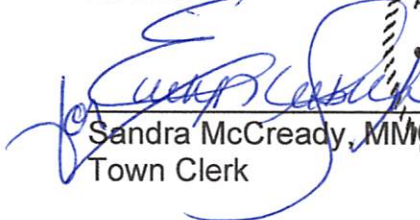
Second By: Vice Mayor Rose

**FINAL VOTE ON ADOPTION:**

|                                |            |
|--------------------------------|------------|
| Commissioner Fred Landsman     | <u>Yes</u> |
| Commissioner Marianne Meisheid | <u>Yes</u> |
| Commissioner Nelly Velasquez   | <u>Yes</u> |
| Vice Mayor Jeffrey Rose        | <u>Yes</u> |
| Mayor Shlomo Danzinger         | <u>Yes</u> |


  
\_\_\_\_\_  
Shlomo Danzinger, Mayor

**ATTEST:**

  
Sandra McCreedy, MMC  
Town Clerk



**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney

**EXHIBIT "A"**

**TEXT OF PROPOSED CHARTER AMENDMENT OF THE TOWN OF SURFSIDE<sup>1</sup>**

**TOWN OF SURFSIDE CHARTER**

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**ARTICLE II. – TOWN COMMISSION**

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**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 by a 50% plus 1 majority vote and 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.

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**ARTICLE VI. – NOMINATIONS AND ELECTIONS**

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

\* \* \*

- (5) All members of the Commission receiving the highest required number of votes shall be elected in accordance with Charter Section 8. A run-off election shall be held the first Tuesday of April following the general election in the event that there is for those candidates receiving the following tie votes:
- A. A Tie vote among all candidates for Mayor and/or among all candidates for Town Commissioner;
  - B. A Tie vote among four or more candidates for Town Commissioner after one Town Commissioner seat is filled;

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<sup>1</sup> Proposed additions to existing Town Charter text are indicated by underlining; proposed deletions from existing Town Charter text are indicated by ~~strikethrough~~.

- C.     A ~~T~~tie vote among three or more candidates for Town Commissioner after two Town Commissioner seats are filled;
- D.     A ~~T~~tie vote between two or more candidates for Town Commissioner after three Town Commissioner seats are filled.
- E.     No candidate for Mayor that receives a 50% plus 1 majority vote.

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

Should no candidate for Mayor receive a 50% plus 1 majority vote at the general election, the two candidates for Mayor receiving the highest number of votes shall proceed to a run-off election.

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