

RESOLUTION NO. 2023- 3011

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 5 “NUMBER; SELECTION; TERM”, 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 ESTABLISHING FOUR-YEAR STAGGERED TERMS FOR THE MAYOR AND COMMISSIONERS AND SELECTION METHOD FOR VICE MAYOR COMMENCING WITH THE 2024 TOWN 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, 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, Section 8 of the Town Charter currently provides that the Mayor and

Commissioners are elected for a term of two (2) years, with candidates for Mayor running in one group and all other candidates for the office of Commission running at-large; and

WHEREAS, Section 8 of the Town Charter further provides that the candidate for Commissioner that receives the most votes becomes Vice Mayor; and

WHEREAS, the proposed Charter amendment would increase the term of office for the Mayor and Commissioners to four (4) years beginning with implementation at the 2024 Town General Election; and

WHEREAS, the proposed amendment also creates staggered terms and an implementation schedule by providing the Mayor and the two Commissioners receiving the most votes in the 2024 Town General Election with a four (4) year term and the candidates for Commissioner receiving the third and fourth highest votes a two (2) year term; and

WHEREAS, furthermore, the Commissioner receiving the highest number of votes in the 2024 Town General Election shall serve as Vice Mayor for a two-year term; and

WHEREAS, under the proposed amendment, the two Commission seats which received the two-year terms of office described above, shall be presented for election for a four-year term of office at the March, 2026 General Election; and

WHEREAS, as a result of completion of the implementation schedule described above, commencing with the March, 2026 General Election and for every General Election held every two years thereafter, all candidates elected to office shall receive a four-year term of office; and

WHEREAS, under the proposed amendment, commencing with the 2026 General Election and thereafter, the Vice Mayor, who shall serve a two-year term, and shall be the

Commissioner receiving the highest number of votes between the two most recent general elections; 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; and

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. 2023-3011 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:

ESTABLISHING FOUR-YEAR STAGGERED TERMS FOR MAYOR AND COMMISSIONERS AND SELECTION METHOD FOR VICE MAYOR

The Charter currently provides that the Mayor and Commissioners are elected to two-year terms, with the Commissioner receiving the most votes becoming Vice Mayor. Shall the Charter be amended to transition to four-year staggered terms for the Mayor and Commissioners commencing with the 2024 general election, and for the Vice Mayor to be the Commissioner receiving the highest number of votes between the last two general elections beginning with the 2026 general election?

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.

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

ESTABLISHING FOUR-YEAR STAGGERED TERMS FOR MAYOR AND COMMISSIONERS AND SELECTION METHOD FOR VICE MAYOR

The Charter currently provides that the Mayor and Commissioners are elected to two-year terms, with the Commissioner receiving the most votes becoming Vice Mayor. Shall the Charter be amended to transition to four-year staggered terms for the Mayor and Commissioners commencing with the 2024 general election, and for the Vice Mayor to be the Commissioner receiving the highest number of votes between the last two general elections beginning with the 2026 general election?

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: Vice Mayor Rose
Second By: Commissioner Landsman

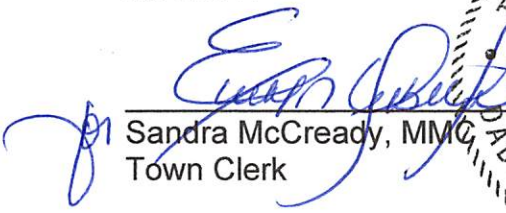
FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meisheid	<u>No</u>
Commissioner Nelly Velasquez	<u>No</u>
Vice Mayor Jeffrey Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>




Shlomo Danzinger, Mayor

ATTEST:



Sandra McCready, 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 SURFSIDE¹

TOWN OF SURFSIDE CHARTER

* * *

ARTICLE II. – TOWN COMMISSION

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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 section 8(B) or Article VI (as applicable), or until their successors have been elected and take office.

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Sec. 8. - Presiding officers; Transition to four-year staggered terms.

A. Except as otherwise provided in paragraph (B), below, and Subject to Charter Section 105, when applicable, 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, 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.

B. However, commencing with the March, 2024 General Election, a transition shall be made to provide for a four-year term for the Offices of Mayor and Commissioners, in lieu of two-year terms of office. This transition shall be made in accordance with the following implementation schedule, which is designed to provide for a smooth transition to staggered, four-year terms for the Offices of Mayor and Commissioners, to wit:

(i) At the March, 2024 General Election, the Mayor and the two candidates for Commissioner who are elected with the highest and second highest number of votes, shall be elected for a four-year term of office, and the two Commission candidates who are elected with the third and fourth highest number of votes shall be elected for a two-year term of office. The Commissioner receiving the

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

highest number of votes for Commissioner in the 2024 General Election shall, for a two-year term immediately following thereafter, have the title of Vice-Mayor, subject to the limited exception provided for in Charter Section 105(8)C. Further, in the event that at said election, candidates are elected as commissioner by operation of law rather than by vote of the electorate, the determination as to which of said candidates so elected by operation of law received the higher number of votes, for the purpose of determining which of said candidates receives the four-year term of office and the two-year term of office, will be made by the drawing of lots in the presence of and under the supervision and direction of the Town Clerk.

(ii) At the March, 2026 General Election, the two Commission places which received the two-year terms of office described in subparagraph (i) above, shall be presented for election for a four-year term of office. Accordingly, the two Commission candidates who are elected with the highest and second highest number of votes at the March, 2026 General Election shall be elected for a four-year term of office. The Commissioner receiving the highest number of votes for Commissioner between the 2024 General Election and the 2026 General Election shall, for a two-year term immediately following thereafter, have the title of Vice-Mayor, subject to the limited exception provided for in Charter Section 105(8)C.

(iii) As a result of completion of the implementation schedule described above in this paragraph (B), commencing with the March, 2026 General Election and for every General Election held every two years thereafter, all candidates elected to office shall receive a four-year term of office. The Commissioner receiving the highest number of votes for Commissioner between the two most recent General Elections shall, for a two-year term immediately following thereafter, have the title of Vice-Mayor, subject to the limited exception provided for in Charter Section 105(8)C.

(iv) The Town Commission may, by ordinance, provide further procedures for the implementation of this paragraph (B), if desired.

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ARTICLE VI. – NOMINATIONS AND ELECTIONS

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

(8)

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D. The provisions of Charter Section 8(B) shall supersede and prevail over any conflicting provisions of this Section 105 of the Charter.

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