

RESOLUTION NO. 14 - 2241

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING "QUALIFYING" (I.E., BECOMING A CANDIDATE FOR ELECTED OFFICE IN THE TOWN); PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; 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, in accordance with provisions of the Charter of the Town of Surfside, Florida 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 4, 2014, for the purpose of submitting to the electorate the question as set forth hereinafter; 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 of the Town of Surfside as soon as the ballots from the precinct has been tabulated; and

WHEREAS, the voting precinct in the Town of 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, Florida 33154. All Town electors shall vote at this polling place for this Special Election, and

WHEREAS, not less than thirty 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 in accordance with the provisions of Section 100.342, Florida Statutes, and the Code of the Town of Surfside.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Notice of Election

The Notice of Election shall be substantially in the following form:

THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AND WILL BE HELD IN SAID TOWN FROM 7:00A.M. UNTIL 7:00P.M. ON THE 4TH DAY OF NOVEMBER, 2014, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE TOWN OF SURFSIDE THE FOLLOWING QUESTION:

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 65-45 days before election while retaining Citizens’ 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?

_____ Yes

_____ No

Said Notice shall further set forth that Surfside Town Hall is the applicable polling place as set forth above, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

Section 3. Form of Ballot.

- A. That the official ballot to be used in the Special Election to be held on November 4, 2014, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

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 65-45 days before election while retaining Citizens’ 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?

_____ Yes

B. The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

Section 4. Registration to vote. Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the Town Clerk, Town Hall, 9293 Harding Avenue, Florida 33154, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on Monday, October 6, 2014. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 8th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

Section 5. Absentee Voters. That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

Section 6. Election Expenses. That the Town of Surfside shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

Section 7. Available for Public Inspection/Town Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections. The place, information and the full text of the proposed Charter amendments are available at the Office of the Town Clerk located at 9293 Harding Avenue, Surfside, Florida. Copies of this Resolution providing for this Charter amendment subject to this referendum approval is on file in the Office of the Town Clerk and 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.

Section 8. Severability. If any section, sentence, clause or phrase of the ballot measure or proposed Charter text is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure or Charter text.

Section 9. Authorization of Town Officials. The Town Manager, Town Attorney and Town Clerk are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.


Section 10. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED this 8th day of July, 2014.
Motion by Vice Mayor Tourgeman, second by Commissioner Karukin.

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

YES
YES
YES
YES
YES



Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, CMC, Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Town Attorney

TOWN OF SURFSIDE
NOVEMBER 4, 2014 SPECIAL ELECTION:
BALLOT QUESTION AND PROPOSED AMENDED TOWN CHARTER TEXT RE:
“QUALIFYING FOR ELECTED OFFICE”

I. BALLOT QUESTION:

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 65-45 days before election while retaining Citizens’ 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?

II. PROPOSED AMENDED TOWN CHARTER TEXT:

RELATED CHARTER SECTIONS:

Section 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 Clerk not more than ~~fifty-five~~ sixty-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.

~~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 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.

Section 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.