

RESOLUTION NO. 14 - 2243

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 "RUNOFF ELECTION"; 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:

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?

_____ 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”

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?

_____ 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 Commissioner 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:
"RUNOFF ELECTION"

I. BALLOT QUESTION:

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?

II. PROPOSED AMENDED TOWN CHARTER TEXT:

RELATED CHARTER SECTIONS:

Section 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, a~~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 RunOff 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 among four or more candidates for Town Commissioner after one Town Commissioner seat is filled;

--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 RunOff 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.

Section 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.