

RESOLUTION NO. 2021-2844

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON MARCH 15, 2022 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE IX. – “MISCELLANEOUS PROVISIONS,” ADDING SECTION 150 - “PROHIBITION ON STORAGE OF PRIVATELY-OWNED PROPERTY OVERNIGHT ON BEACH” TO PROVIDE FOR A PROHIBITION ON THE STORAGE OF PRIVATELY-OWNED PROPERTY OVERNIGHT ON THE BEACH; 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 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) Commission recognizes the importance of preserving its beaches in their natural state and protecting marine life, including sea turtles who nest on the beach, by prohibiting the overnight storage of private property on the beach; and

WHEREAS, the Town Commission wishes to seek the approval of the electors by a ballot question referendum concerning amendments to Town Charter at Article IX. – “Miscellaneous Provisions,” by adding Section 150. – “Prohibition on Storage of Privately-Owned Property Overnight on Beach”, to discourage and prohibit the overnight storage of private property on the beach, and require approval by at least four members of the Town Commission and a minimum of 60% of Town electors voting at a referendum election of the Town to repeal or amend this section; and

WHEREAS, Section 97.1 of the Town Charter 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 Town Charter 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, March 15, 2022, for the purpose of submitting to the electorate the proposed referendum ballot language concerning amendments to

Article IX. – “Miscellaneous Provisions,” to add Section 150 - “Prohibition on Storage of Privately-Owned Property Overnight on Beach” to ensure preservation of the beach and marine life; 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.

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

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

Section 2. Special Election Called; Notice of Election. That a special election is hereby called, to be held on Tuesday, March 15, 2022, 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, February 6, 2022), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, February 20, 2022), 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. 2021-2844 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, MARCH 15, 2022, 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:

PROHIBITING STORAGE OF PRIVATELY-OWNED PROPERTY OVERNIGHT ON BEACH

Shall the Charter be amended to prohibit the storage of privately-owned property overnight on the beach, from dusk until dawn, and to require approval by at least four members of the Town Commission and a minimum of 60% of Town electors voting at a referendum election to repeal or amend this section?

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. The form of ballot and ballot question for the charter amendment referendum special election provided for in Section 2 of this Resolution shall be substantially as follows:

“PROHIBITING STORAGE OF PRIVATELY-OWNED PROPERTY OVERNIGHT ON BEACH

Shall the Charter be amended to prohibit the storage of privately-owned property overnight on the beach, from dusk until dawn, and to require approval by at least four members of the Town Commission and a minimum of 60% of Town electors voting at a referendum election to repeal or amend this section?

YES []

NO []”

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

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 charter amendment Special Election Referendum if adopted and effective.


Section 8. Effective Date. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED this 14th day of December, 2021.

Moved By: Commissioner Salzhauer
Second By: Commissioner Velasquez


FINAL VOTE ON ADOPTION

Commissioner Charles Kesl	<u>Yes</u>
Commissioner Eliana R. Salzhauer	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>



Charles W. Burkett, Mayor

ATTEST:



Sandra McCready, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE RELIANCE OF THE TOWN OF SURFSIDE ONLY:**



Town Attorney

EXHIBIT "A"

TEXT OF PROPOSED CHARTER AMENDMENT OF THE TOWN OF SURFSIDE

PROHIBITING STORAGE OF PRIVATELY-OWNED PROPERTY OVERNIGHT ON BEACH

The Town of Surfside Charter Article IX, "Miscellaneous Provisions" is hereby amended to add Section 150 - "Prohibition on Storage of Privately-Owned Property Overnight on the Beach", to read as indicated below, with additions to existing Charter text being shown in underline; and deletions from existing Charter text being shown in ~~strikethrough~~.

Article IX. – MISCELLANEOUS PROVISIONS

Section 150. – Prohibition on Storage of Privately-Owned Property Overnight on Beach.

Privately-owned property shall not be stored on the beach overnight, from dusk until dawn. This section shall not be repealed or amended unless approved by at least four members of the Town Commission and a minimum of 60% of Town electors voting at a referendum election of the Town for such repeal or amendment.

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