

ORDINANCE NO. 15 - 1634

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING TOWN OF SURFSIDE CODE CHAPTER 26 "ELECTIONS", BY ADDING THERETO SECTION 26-13 ENTITLED "SUPPLEMENTAL QUALIFYING PERIOD", FOR THE PURPOSE OF ESTABLISHING BY ORDINANCE, (PURSUANT TO TOWN CHARTER SECTION 105(8)) THAT NO FURTHER SUPPLEMENTAL QUALIFYING PERIOD SHALL BE ESTABLISHED IF A VACANCY IN CANDIDACY OCCURS WITHIN THIRTY-FIVE (35) DAYS PRIOR TO THE DATE OF AN ELECTION FOR THE OFFICE OF TOWN COMMISSIONER OR MAYOR; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CODE AND EFFECTIVE DATE.

WHEREAS, on November 4, 2014, the Town's voters approved five amendments to the Surfside Town Charter, including an amendment to Charter section 105(8) "Vacancy in Candidacy", which established a "Supplemental Qualifying period" to address those instances in which Commission seats remain unfilled due to either an insufficient number of candidates having qualified for election and/or due to the death, withdrawal or removal of a qualified candidate after the original qualifying period has ended; and

WHEREAS, Charter section 105(8) expressly provided that: "The Town shall by ordinance establish the number of days (no less in number than as advised by the Miami-Dade County Elections Department) prior to the election date by which no further supplemental qualifying period shall occur"; and

WHEREAS, the Miami-Dade County Elections Department advised the Town Clerk and Town Attorney during last year's Charter Review process that with regard to the Town's stand-alone elections¹, the County requires final candidate names by no later than 30 days prior to the Town's Election for Mayor and/or Commissioner; and

WHEREAS, this Ordinance has thus been prepared as a housekeeping matter for the purpose of providing that the Town's Supplemental Qualifying Period shall end no later than 35 days prior to the Town's election, thus allowing the Town Clerk time to administer the processing of qualifying petitions.

NOW THEREFOR BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, THAT:

¹ For those Town elections that may be held concurrent with Countywide elections, see companion item 4B5 on tonight's Town Commission agenda, dealing with the issues of proposed changes in related qualifying dates.

Section 1. Recitals. The above-referenced recitals are confirmed, adopted, and incorporated herein by reference.

Section 2. Code Amendment. That the Code of Ordinances of the Town of Surfside, Florida, Chapter 26 thereof entitled "Elections" is hereby amended by adding thereto the following Section 26-13 entitled "Supplemental Qualifying Period", reading as follows:

Section 26-13. Supplemental Qualifying Period.

Pursuant to provisions of Town Charter section 105(8), a supplemental qualifying period shall commence for five (5) business days beginning on the first business day immediately following a vacancy in candidacy for Town elected office. No further supplemental qualifying period shall thereafter be established if a vacancy in candidacy occurs within thirty-five (35) days prior to the date of the election for the office of Town Commissioner or Mayor.

Section 3. Notification to Miami-Dade County. The Town Clerk is directed, upon adoption of this Ordinance on second and final reading, to notify the Miami-Dade County Elections Department of the subject Code amendment, and transmit official copies of this Ordinance to the Miami-Dade County Manager and Miami-Dade County Elections Supervisor.

Section 4. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 6. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances as set forth in Section 2 above, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 7. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

PASSED and ADOPTED on first reading this 14th day of April, 2015.

PASSED and ADOPTED on second reading this 12th day of May, 2015



Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: Vice Mayor Tourgeman

On Final Reading Seconded by: Commissioner Olchyk

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Michael Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Eli Tourgeman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>