

ORDINANCE NO. 2025 -1795

AN ORDINANCE OF THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA REPLACING
SECTION 2-26 OF CHAPTER 2, ARTICLE 2
“RESERVED” WITH SECTION 2-26
“COMMISSIONERS’ USAGE OF OFFICES IN TOWN
HALL”; PROVIDING FOR CODIFICATION AND
INCLUSION IN THE CODE; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CONFLICTS;
AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article II, Section 7 of the Town of Surfside Charter provides that “the mayor and members of commission shall be paid the sum of one dollar (\$1.00) per fiscal year for attendance at monthly council meetings, irrespective of the number of regular or special meetings attended within such fiscal year”, implying a prohibition on additional perks and remuneration to the mayor and members of the Town Commission; and

WHEREAS, the Town Commission seeks to explicitly prohibit the Mayor, Vice-Mayor and any Commissioner from permanently occupying any designated office in Town Hall during their Term; and

WHEREAS, the Town Commission intends that such prohibitions be enforced regardless of approval of such actions by the majority of the Commission; and

WHEREAS, the adoption of the provisions set forth below are necessary to accomplish the above objectives; and

WHEREAS, the Town Commission held its first public hearing on Sept. 9, 2025, and approved the proposed amendment to the Code of Ordinances having complied with the notice requirements in Florida Statutes; and

WHEREAS, the Town Commission held its second public hearing on _____, 2025, and approved the proposed amendment to the Code of Ordinances having complied with the notice requirements in Florida Statutes; and

WHEREAS, the Town Commission hereby finds that this Ordinance is in the best interest and welfare of the residents and visitors of the Town.

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

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference:

Section 2. Town Code Amended. Chapter 2, Article II, Sec. 2-26 ("Reserved") is hereby replaced with the following:

Sec. 2-26. Reserved. – Commissioners' Usage of Offices in Town Hall.

The Town's commission-manager form of government depends on a separation of the legislative and administrative functions, with the latter reserved for the Town Manager. The regular, physical presence of elected officials in Town Hall, as well as their interactions with Town staff, can threaten that separation.

Notwithstanding the preceding, commissioners may have some legitimate need related to their official position to use space in Town Hall. The purpose of this Ordinance is to attempt to accommodate a commissioner's legitimate need to temporarily use space in Town Hall without infringing on the Town Manager's ability to perform his administrative functions without interference by commissioners with Town staff.

The Town Manager shall designate a space within Town Hall that commissioners can use, on occasion, for discrete, Town-related purposes such as meetings with constituents. The Town Manager shall ensure that all commissioners have equal access to that space, and that its use is limited to discrete, Town-related purposes. Prior to such use, and so that the Town Manager can make the necessary arrangements, Commissioners must notify the Town Manager in writing of any meetings to be held in Town Hall with non-Town personnel identifying the attendees, purpose, and anticipated duration of such meetings.

The Mayor, Vice-Mayor and commissioners are each prohibited from permanently occupying any office in Town Hall and from keeping their personal effects in any Town office. "Permanently" shall be defined as using any office or offices for a total amount of time exceeding three hours in any 5 calendar day period. The time limitation shall not apply to meetings with the Town Manager or Town Attorney.

The act of any commissioner in violating the provisions of this section shall constitute an act of misfeasance in office.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance 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 this Ordinance.

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~highlighted double-strikethrough~~ and double underline.

Section 4. Inclusion in the Code. 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, 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 5. Conflicts. Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon adoption on second reading.

PASSED on first reading on the 9th day of September, 2025.

PASSED AND ADOPTED on second reading on the 22nd day of October, 2025.

First Reading:

Motion by: Commissioner Velasquez

Second by: Commissioner Coto

Second Reading:

Motion by: Commissioner Vildostegui

Second by: Commissioner Velasquez

FINAL VOTE ON ADOPTION

Commissioner Gerardo Vildostegui

Yes

Commissioner Ruben A. Coto

Yes

Commissioner Nelly Velasquez

Yes

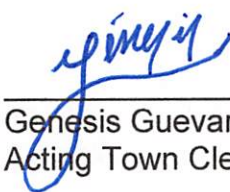
Vice Mayor Tina Paul

Yes

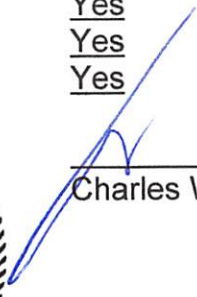
Mayor Charles W. Burkett

Yes

ATTEST:


Genesis Guevara
Acting Town Clerk




Charles W. Burkett, Mayor

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

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

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

109
110
111
112 

113 Thais Hernandez, Esq.
114 Town Attorney

Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double-strikethrough and double underline.