

ORDINANCE NO. 2008-1493

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN CHARTER TO ADD SECTION 8. "PRESIDING OFFICERS"; TO ELIMINATE REQUIREMENT FOR COMMISSIONERS TO RUN FROM GROUPS AND REQUIRE ONLY MAYOR TO RUN FROM A GROUP; AND TO AMEND SECTION 105 (5), "GENERAL AND SPECIAL ELECTION OF COMMISSION MEMBERS"; MAKING PROVISIONS IN THE EVENT OF A TIE FOR THE FIFTH COMMISSION SEAT; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR COPIES OF THIS 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 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR ADOPTION OF ENABLING RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside ("Town") referencing Section 5.03 of Article 5 of the Home Rule Charter for Miami-Dade County provides the manner in which charter amendments shall be proposed; and

WHEREAS, the Town Commission wishes to submit these proposed charter amendments for approval or rejection by the electors; and

WHEREAS, pursuant to law, the electors of the Town shall have the power to approve or reject at the polls any ordinance submitted by the Town Commission to a vote of the electors.

NOW, THEREFORE, THE TOWN COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. Recitals: That each of the above-stated recitals are hereby adopted and confirmed.

Section 2. Proposed Amendments:¹

Section 8. Presiding officers

The Mayor shall be elected separately from his/her own group. The

¹ The words that are stricken through are intended to be deleted from this section of the Town Charter once it is approved. The words that are underscored constitute the proposed amendments to the section once it is approved.

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.

Section 105. General and special elections of commission members.

~~(5) At the election to be held in 1996, and biennially thereafter, there shall be elected a Mayor and four members of the Town Commission, one being elected for each of groups numbered 1, 2, 3 and 4, each of whom shall hold office for a term of two years. The Mayor and all Town Commissioners shall be elected from the Town at large. Each candidate shall designate the specific office or group for which he is qualifying, and no candidate for the office of Commissioner shall be permitted to qualify in more than one group or for the office of Mayor. There shall be but one general election for Mayor and the respective groups of Commissioners, and the candidates receiving the highest number of votes cast at said election shall be deemed elected to their respective offices. The Town Commission shall, at its first meeting after each general election, elect from its membership a Vice Mayor.~~

(5) At the election held in 2010, except for the Mayor who shall run in a separate group, all other Commissioners shall be elected in accordance with Section 8 hereinabove. A tie between two or more candidates for the fifth Commission seat shall be decided in a runoff election to be held the first Tuesday of April following the general election. The runoff election shall be held in the same manner and form as the general municipal election.²

Section 3. Form of Ballot:

A. The form of ballot of the charter amendments provided for in Section 2

shall be substantially, as follows:

² In the event that the ballot question proposing that the Commission (except for the Mayor) be elected from those candidates generally receiving the highest number of votes (rather than from separate groups) is not approved by the electorate, then these provisions relating to what occurs in the event of a tie for the fifth commission seat described in this section shall also shall not have any force and effect and the original charter provisions shall remain intact.

1. PRESIDING OFFICERS

The Charter currently provides for the Mayor and Commission to be elected from groups. It is proposed that except for the Mayor who shall continue to run from a separate group, the candidate receiving the highest number of votes shall become Vice-Mayor and that the remaining three highest vote getters become Commissioners.

Shall the above-described amendment be adopted?

Yes []
No []

2. GENERAL AND SPECIAL ELECTIONS OF COMMISSION MEMBERS

It is being proposed that if the Town elects its Commission from those who receive the highest number of votes and in the event of a tie between two or more commissioners for the fifth commission seat, a runoff election will be held on the first Tuesday in April following the regular March election.

Shall the above-described amendment be adopted?

Yes []
No []

B. That the form of ballot set forth above may be revised by a Resolution of the Town Commission.

Section 4. Charter Amendment to be Available for Public Inspection, and for the 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 ordinance 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. 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 5. Providing for Inclusion in the Town Charter: It is the intention of the Mayor and Town Commission and its is hereby ordained that the provisions of this

ordinance shall become and made a part of the Charter of the Town of Surfside, Florida, as to each charter amendment measure approved by a majority of voters on such measure in such election; that the sections of this ordinance may be renumbered or relettered to accomplish such intentions; and the word "ordinance" shall be changed to "section" or other appropriate word.

Section 6. Notice of Election. That notice of said election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the Town at least 30 days prior to said election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election, and shall be in substantially the following form:

"NOTICE OF ELECTION

PUBLIC NOTICE IS HEREBY GIVEN
THAT PURSUANT TO ORDINANCE NO.
_____ ADOPTED BY THE TOWN OF
SURFSIDE, FLORIDA, AN ELECTION
HAS BEEN CALLED AND ORDERED
TO BE HELD WITHIN THE TOWN ON
**TUESDAY, THE 4TH DAY OF
NOVEMBER, 2008** BETWEEN THE
HOURS OF 7:00 A.M. AND 7:00 P.M., AT
WHICH TIME THE FOLLOWING
CHARTER AMENDMENT PROPOSALS
SHALL BE SUBMITTED TO THE
QUALIFIED ELECTORS OF THE TOWN.

PRESIDING OFFICERS

The Charter currently provides for the Mayor and Commission to be elected from groups. It is proposed that except for the Mayor who shall continue to run from a separate group, the candidate receiving the highest number of votes shall become Vice-Mayor and that the remaining three highest vote getters become Commissioners.

3. GENERAL AND SPECIAL ELECTIONS OF COMMISSION MEMBERS

It is being proposed that if the Town elects its Commission from those who receive the highest number of votes and in the event of a tie between two or more commissioners for the fifth commission seat, a runoff election will be held on

the first Tuesday in April following the regular March election.

The full text of the proposed Town Charter Amendments is available at the office of the Town Clerk located at 9293 Harding Avenue, Surfside, Florida.

Town Clerk

Section 7. Severability: The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

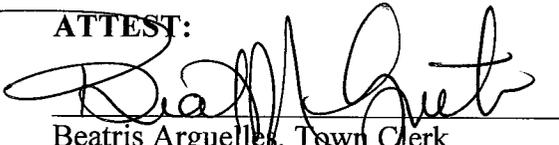
Section 8. Effective Date: This ordinance shall become effective upon adoption on second reading, and each of the charter amendment measures provided herein shall be effective only upon approval of a majority of electors voting on the measure, effective upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

PASSED AND ADOPTED upon first reading by a unanimous vote of the Town Commission of the Town of Surfside, Florida, this 10th day of June, 2008.

PASSED AND ADOPTED upon second reading by a unanimous vote of the Town Commission of the Town of Surfside, Florida, this 3rd day of July, 2008.

Charles W. Burkett, Mayor

ATTEST:



Beatris Arguelles, Town Clerk

APPROVED AS TO FORM:



Lynn M. Dannheisser, Town Attorney

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