

RESOLUTION NO. 2020

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER SECTION 83 - "ELECTION NOT REQUIRED FOR REVENUE BONDS", SECTION 90 - "INTERIM CERTIFICATES, ETC."; SECTION 93 - "LIMITATIONS ON BONDS AND BONDED INDEBTEDNESS", AS PRESENTED IN A BALLOT QUESTION ON AMENDMENTS TO THE TOWN CHARTER "ESTABLISHING REQUIREMENTS FOR APPROVAL AND REFERENDUM OF TOWN ELECTORS FOR CERTAIN INDEBTEDNESS"; PROVIDING FOR NOTICE OF ELECTION; 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 seeking Town resident and elector approval of certain indebtedness exceeding 15% of the Town's average annual property tax revenue for the preceding five (5) years and which is not fully repayable within a maximum of seven years; and

WHEREAS, the Town Commission wishes to seek the approval of the electors by a ballot question referendum concerning amendments to Town Charter Section 83 - "Election not Required for Revenue Bonds", Section 90 - "Interim Certificates, etc." and Section 93 - "Limitations on Bonds and Bonded Indebtedness", in order to require Town Commission approval of at a minimum three (3) Commission members followed by Town elector referendum approval by majority vote of any indebtedness that exceeds 15% of the Town's average annual property tax revenue for the preceding five (5) years and which is not fully repayable within a maximum of seven years; 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, November 3, 2020, for the purpose of submitting to the electorate the proposed referendum ballot language concerning amendments to Section 83 - “Election not Required for Revenue Bonds”, Section 90 – “Interim Certificates, etc.” and Section 93 – “Limitations on Bonds and Bonded Indebtedness” to require approval by a minimum of three (3) Commission members and a majority of Town electors by referendum of certain indebtedness; 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, November 3, 2020, in conjunction with a County-wide election, 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, September 27, 2020), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 11, 2020), and shall be in substantially the following form:

“THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF CHARTER AMENDMENT SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. _____ 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, NOVEMBER 3, 2020, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING BALLOT QUESTION REFERENDUM SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:

ESTABLISHING REQUIREMENTS FOR APPROVAL AND REFERENDUM OF TOWN ELECTORS FOR CERTAIN INDEBTEDNESS

Shall the Charter be amended to require that any indebtedness incurred after the effective date of this amendment, exceeding 15% of the Town’s average annual property tax revenue for the preceding five years and which is not fully repayable within a maximum of seven years, be approved by a minimum of three (3) members of the Town Commission followed by approval by referendum of the Town electors by majority vote?

YES []

NO []

The polling place for the Special Election shall be the Surfside Town Hall located at 9293 Harding Avenue, Surfside, Florida 33154 and any other polling places provided for the Town election. All Town electors who are timely registered shall be eligible to vote. The enabling Resolution, including the 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. The form of ballot for the charter amendment special election provided for in Section 2 of this Resolution shall be substantially as follows:

“ESTABLISHING REQUIREMENTS FOR APPROVAL AND REFERENDUM OF TOWN ELECTORS FOR CERTAIN INDEBTEDNESS

Shall the Charter be amended to require that any indebtedness incurred after the effective date of this amendment, exceeding 15% of the Town’s average annual property tax revenue for the preceding five years and which is not fully repayable within a maximum of seven

years, be approved by a minimum of three (3) members of the Town Commission followed by approval by referendum of the Town electors by majority vote?

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 places 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 July, 2020.

Moved By: _____
Second By: _____

FINAL VOTE ON ADOPTION

Commissioner Charles Kesl _____
Commissioner Eliana R. Salzhauer _____
Commissioner Nelly Velasquez _____
Vice Mayor Tina Paul _____
Mayor Charles W. Burkett _____

Charles W. Burkett, Mayor

ATTEST:

Sandra McCready, MMC, Town Clerk

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

Town Attorney

EXHIBIT “A”

TEXT OF PROPOSED CHARTER AMENDMENT OF THE TOWN OF SURFSIDE

ESTABLISHING REQUIREMENTS FOR APPROVAL AND REFERENDUM OF TOWN ELECTORS FOR CERTAIN INDEBTEDNESS

The Town of Surfside Charter Section 83 - “Election not Required for Revenue Bonds”, Section 90 – “Interim Certificates, etc.” and Section 93 – “Limitations on Bonds and Bonded Indebtedness”, are hereby amended 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 V. – BORROWING FOR MUNICIPAL PROJECTS

* * *

Sec. 83. - Election not required for revenue bonds.

Subject to the requirements of Section 93 – “Limitations on Indebtedness”, ~~No~~ election shall be required for the issuance of bonds by the Town of Surfside under this Charter if the initial ordinance authorized the issuance of bonds payable exclusively from the revenue of a municipal project.

* * *

Sec. 90. - Interim certificates, etc.

Pending the preparation or delivery of the definitive bonds for the purpose of financing the construction of a municipal project, and subject to the requirements of Section 93 – “Limitations on Indebtedness”, interim certificates or other temporary obligations may be issued by the Town of Surfside to the purchaser of such bonds. Such interim certificates or other temporary obligations shall be in such form and contain such terms, conditions and provisions as the commission of the Town of Surfside may determine.

* * *

Sec. 93. - Limitations on ~~bonds and bonded~~ indebtedness.

~~Bonds~~ Indebtedness issued by the Town of Surfside ~~may or may not~~ shall be limited as follows:

- (a) The total amount of general obligation bonds of the Town of Surfside outstanding in any one fiscal year shall not exceed fifteen per centum of the assessed value of the taxable property of the town according to the assessment roll;

- (b) Bonds payable exclusively from the revenue of a municipal project may be issued under this Article notwithstanding and without regard to any limitation on indebtedness prescribed by this or any other law, and subject to the requirements of subsection 93(e) below;
- (c) Bonds, other than bonds payable exclusively from the revenue of a municipal project, issued by the Town of Surfside under this Article shall be considered in computing the amount of indebtedness which the town may incur under any other law; and
- (d) Bonds, payable exclusively from the revenue of a municipal project or from special assessments, issued by the Town of Surfside under this Article shall not be considered in computing the amount of indebtedness which the Town of Surfside may incur under any other law; and
- (e) Notwithstanding anything to the contrary in this Charter, any indebtedness incurred, after the effective date of this Charter amendment, exceeding 15% of the Town's average annual property tax revenue for the preceding five years and which is not fully repayable within a maximum of seven years, shall require approval by a minimum of three (3) members of the Town Commission by ordinance followed by approval by referendum of the Town electors by majority vote.
- (f) For purposes of this section 93 "Indebtedness" shall be defined as any financial obligation of the town to repay borrowed money or funds.

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