



Town of Surfside
Special Town Commission Meeting
AGENDA
Tuesday, August 22, 2023
5:00 PM
Commission Chambers

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.06 (a)3 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once this capacity has been reached, people will be asked to watch the meeting from the first floor.

1. Opening

1.A Call to Order

1.B Roll Call of Members

1.C Pledge of Allegiance

2. Mayor, Commission and Staff Communication

2.A Charter Amendment - Establishing Four-Year Staggered Terms for the Mayor and Commissioners Commencing with the 2024 Town Election - Town Attorney

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 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II, SECTION 5 “NUMBER; SELECTION; TERM”, SECTION 8 “PRESIDING OFFICERS”, AND ARTICLE VI, SECTION 105 “GENERAL AND SPECIAL ELECTIONS OF COMMISSION MEMBERS”, AS PRESENTED IN A BALLOT QUESTION ON AMENDMENTS TO THE TOWN CHARTER ESTABLISHING FOUR-YEAR STAGGERED TERMS FOR THE MAYOR AND COMMISSIONERS COMMENCING WITH THE 2024 TOWN 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 AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Calling Special Election Charter Amendment - Four-Year Staggered Terms.DOCX](#)

2.B Charter Amendment - Requiring 50% Plus 1 Majority Vote for Mayor and Providing for Run-Off Election - Town Attorney

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 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II, SECTION 8 “PRESIDING OFFICERS” AND ARTICLE VI, SECTION 105 “GENERAL AND SPECIAL ELECTIONS OF COMMISSION MEMBERS”, AS PRESENTED IN A BALLOT QUESTION ON AMENDMENTS TO THE TOWN CHARTER REQUIRING 50% PLUS 1 MAJORITY VOTE FOR MAYOR AND PROVIDING FOR RUN-OFF 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 AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Charter Amendment-Requiring 50% plus 1 Majority Vote for Mayor and Providing for Run-Off Election.DOCX](#)

2.C Charter Amendment - Creating a Procedure for Determination of Qualifications and/or Permanent Residency of Commissioners - Town Attorney

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 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II, SECTION 6 “QUALIFICATIONS” AND SECTION 15 “VACANCIES ON COMMISSION—WHEN DEEMED TO EXIST”, AS PRESENTED IN A BALLOT QUESTION ON AMENDMENTS TO THE TOWN CHARTER CREATING A PROCEDURE FOR DETERMINATION OF REQUIRED QUALIFICATIONS AND/OR PERMANENT RESIDENCY OF COMMISSIONERS; 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 AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Calling Special Election Charter Amendment - Public Hearing Procedure for Qualifications-Residency Determination](#)

2.D Charter Amendment - Allowing the Town Clerk to File an Appeal with the Personnel Appeals Board - Town Attorney

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 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II, SECTION 31.1 “PERSONNEL APPEALS BOARD”, AS PRESENTED IN A BALLOT QUESTION ON AMENDMENTS TO THE TOWN CHARTER ALLOWING THE TOWN CLERK TO FILE AN APPEAL WITH THE PERSONNEL APPEALS BOARD; 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 AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Calling Special Election Charter Amendment - Personnel Appeals Board.DOCX](#)

2.E Charter Amendment - Removing Limitations on Indebtedness for Emergency and/or Infrastructure Projects Not Exceeding \$10 Million Dollars - Town Attorney

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 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT

ARTICLE V, SECTION 93 “LIMITATIONS ON INDEBTEDNESS”, AS PRESENTED IN A BALLOT QUESTION ON AN AMENDMENT TO THE TOWN CHARTER REMOVING LIMITATIONS ON INDEBTEDNESS FOR EMERGENCY AND/OR INFRASTRUCTURE PROJECTS NOT EXCEEDING \$10 MILLION DOLLARS; 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 AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Charter Amendment - Removing Limitations on Indebtedness for Emergency and/or Infrastructure Projects Not Exceeding \\$10 Million Dollars.DOCX](#)

3. Adjournment

Respectfully submitted,

Hector R. Gomez
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

TWO OR MORE MEMBERS OF THE TOWN COMMISSION AND/OR TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



MEMORANDUM

ITEM NO. 2.A

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Town Attorney

Date: August 22, 2023

Subject: **Charter Amendment - Establishing Four-Year Staggered Terms for the Mayor and Commissioners Commencing with the 2024 Town Election**

For the Town Commission to consider the adoption of the Resolution calling a special election on the proposed Charter amendment.

Pursuant to Section 128 of the Town Charter, the Town Commission appointed a Charter Review Board (“the Board”) to review and provide written recommendations on proposed amendments to the Charter.

At a Special Town Commission Meeting on August 2, 2023, the Town Commission considered the recommendations of the Board and elected to submit the proposed charter amendment for approval or rejection by the electorate at a Special Election to be held on November 7, 2023.

Section 8 of the Town Charter currently provides that the Mayor and Commissioners are elected for a term of two (2) years, with candidates for Mayor running in one group and all other candidates for the office of Commission running at-large.

The proposed Charter amendment would amend Section 5, Section 8, and Section 105 of the Charter to:

- Increase the term of office for the Mayor and Commissioners to four (4) years beginning with implementation at the 2024 Town General Election
- Create staggered terms and an implementation schedule by providing the Mayor and the two Commissioners receiving the most votes in the 2024 Town General Election with a four (4) year term and the candidates for Commissioner receiving the third and fourth highest votes a two (2) year term, and the two Commission seats which received the two-year terms of office described above, shall be presented for election for a four-year term of office at the March, 2026 General Election.

As a result of completion of the implementation schedule described above, commencing with the March, 2026 General Election and for every General Election held every two years

thereafter, all candidates elected to office shall receive a four-year term of office.

[Resolution Calling Special Election Charter Amendment - Four-Year Staggered Terms.DOCX](#)

RESOLUTION NO. 2023-_____

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 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II, SECTION 5 “NUMBER; SELECTION; TERM”, SECTION 8 “PRESIDING OFFICERS”, AND ARTICLE VI, SECTION 105 “GENERAL AND SPECIAL ELECTIONS OF COMMISSION MEMBERS”, AS PRESENTED IN A BALLOT QUESTION ON AMENDMENTS TO THE TOWN CHARTER ESTABLISHING FOUR-YEAR STAGGERED TERMS FOR THE MAYOR AND COMMISSIONERS COMMENCING WITH THE 2024 TOWN 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 AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”) 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, pursuant to Section 128 of the Town Charter, the Town Commission appointed a Charter Review Board (“the Board”) to review and provide written recommendations on proposed amendments to the Charter; and

WHEREAS, on August 2, 2023, the Town Commission considered the recommendations of the Board and elected to submit the proposed charter amendment for approval or rejection by the electorate; and

WHEREAS, Section 8 of the Town Charter currently provides that the Mayor and

Commissioners are elected for a term of two (2) years, with candidates for Mayor running in one group and all other candidates for the office of Commission running at-large; and

WHEREAS, Section 8 of the Town Charter further provides that the candidate for Commissioner that receives the most votes becomes Vice Mayor; and

WHEREAS, the proposed Charter amendment would increase the term of office for the Mayor and Commissioners to four (4) years beginning with implementation at the 2024 Town General Election; and

WHEREAS, the proposed amendment also creates staggered terms and an implementation schedule by providing the Mayor and the two Commissioners receiving the most votes in the 2024 Town General Election with a four (4) year term and the candidates for Commissioner receiving the third and fourth highest votes a two (2) year term; and

WHEREAS, under the proposed amendment, the two Commission seats which received the two-year terms of office described above, shall be presented for election for a four-year term of office at the March, 2026 General Election; and

WHEREAS, as a result of completion of the implementation schedule described above, commencing with the March, 2026 General Election and for every General Election held every two years thereafter, all candidates elected to office shall receive a four-year term of office; and

WHEREAS, in accordance with provisions of the Charter of the Town 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

7, 2023, for the purpose of submitting to the electorate the proposed amendment to the Town Charter which is set forth herein; and

WHEREAS, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk as soon as the ballots from the precinct have been tabulated and in accordance with Section 26-12 of the Town Code and applicable laws; and

WHEREAS, the voting precinct in the Town for said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Surfside, Florida 33154. All Town electors shall vote at this polling place for this Special Election; 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; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the Town.

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

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Special Election Called; Notice of Election. That a special election is hereby called, to be held on Tuesday, November 7, 2023, 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, October 1, 2023), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 15, 2023), 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. 2023-_____ 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 7, 2023, 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:

ESTABLISHING FOUR-YEAR STAGGERED TERMS FOR THE MAYOR AND COMMISSIONERS COMMENCING WITH THE 2024 TOWN ELECTION

The Charter currently provides that the Mayor and Commissioners are elected to two year terms. Shall the Charter be amended to transition to four-year staggered terms for the Mayor and Commissioners commencing with the 2024 election?

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. That the official ballot to be used in the Special Election to be held on Tuesday, November 7, 2023, as hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT

ESTABLISHING FOUR-YEAR STAGGERED TERMS FOR THE MAYOR AND COMMISSIONERS COMMENCING WITH THE 2024 TOWN ELECTION

The Charter currently provides that the Mayor and Commissioners are elected to two year terms. Shall the Charter be amended to transition to four-year staggered terms for the Mayor and Commissioners commencing with the 2024 election?

YES []

NO [] ”

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 Special Election Referendum if adopted and effective.

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

PASSED AND ADOPTED this ___ day of _____, 2023.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman _____
Commissioner Marianne Meisheid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

Shlomo Danzinger, Mayor

ATTEST:

Sandra McCready, MMC
Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

EXHIBIT "A"

TEXT OF PROPOSED CHARTER AMENDMENT OF THE TOWN OF SURFSIDE¹

TOWN OF SURFSIDE CHARTER

* * *

ARTICLE II. – TOWN COMMISSION

* * *

Sec. 5. - Number; selection; term.

The commission shall have five members elected from the town at large in the manner and for terms provided in section 8(B) or Article VI (as applicable), or until their successors have been elected and take office.

* * *

Sec. 8. - Presiding officers; Transition to four-year staggered terms.

A. Except as otherwise provided in paragraph (B), below, and Subject to Charter Section 105, when applicable, candidates receiving the highest number of votes shall be elected as follows: The Mayor shall be elected separately from his/her own group. The 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, subject to the limited exception provided for in Charter Section 105(8)C. 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.

B. However, commencing with the March, 2024 General Election, a transition shall be made to provide for a four-year term for the Offices of Mayor and Commissioners, in lieu of two-year terms of office. This transition shall be made in accordance with the following implementation schedule, which is designed to provide for a smooth transition to staggered, four-year terms for the Offices of Mayor and Commissioners, to wit:

(i) At the March, 2024 General Election, the Mayor and the two candidates for Commissioner who are elected with the highest and second highest number of votes, shall be elected for a four-year term of office, and the two Commission candidates who are elected with the third and fourth highest number of votes shall be elected for a two-year term of office. Further, in the event that at said

¹ Proposed additions to existing Town Charter text are indicated by underlining; proposed deletions from existing Town Charter text are indicated by ~~strike through~~.

election, candidates are elected as commissioner by operation of law rather than by vote of the electorate, the determination as to which of said candidates so elected by operation of law received the higher number of votes, for the purpose of determining which of said candidates receives the four-year term of office and the two- year term of office, will be made by the drawing of lots in the presence of and under the supervision and direction of the Town Clerk.

(ii) At the March, 2026 General Election, the two Commission places which received the two-year terms of office described in subparagraph (i) above, shall be presented for election for a four-year term of office. Accordingly, the two Commission candidates who are elected with the highest and second highest number of votes at the March, 2026 General Election shall be elected for a four-year term of office.

(iii) As a result of completion of the implementation schedule described above in this paragraph (B), commencing with the March, 2026 General Election and for every General Election held every two years thereafter, all candidates elected to office shall receive a four-year term of office.

(iv) The Town Commission may, by ordinance, provide further procedures for the implementation of this paragraph (B), if desired.

* * *

ARTICLE VI. – NOMINATIONS AND ELECTIONS

* * *

Sec. 105. - General and special elections of commission members.

* * *

(8)

* * *

D. The provisions of Charter Section 8(B) shall supersede and prevail over any conflicting provisions of this Section 105 of the Charter.

* * *



MEMORANDUM

ITEM NO. 2.B

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Town Attorney

Date: August 22, 2023

Subject: **Charter Amendment - Requiring 50% Plus 1 Majority Vote for Mayor and Providing for Run-Off Election**

For the Town Commission to consider the adoption of the Resolution calling a special election on the proposed Charter amendment.

Pursuant to Section 128 of the Town Charter, the Town Commission appointed a Charter Review Board (“the Board”) to review and provide written recommendations on proposed amendments to the Charter.

At a Special Town Commission meeting on August 2, 2023, the Town Commission considered the recommendations of the Board and elected to submit various proposed charter amendments for approval or rejection by the electorate at a Special Election to be held on November 7, 2023.

At a Regular Town Commission meeting August 8, 2023, the Town Commission elected to submit a proposed charter amendment to provide for a run-off election to be held after the Town’s general election if no mayoral candidate receives a 50% plus 1 majority of the vote in the general election.

Section 8 of the Charter currently provides that the Mayor is elected upon receiving the highest number of votes. Section 105 of the Charter provides that a run-off election shall be held the first Tuesday of April following the general election in the event of a tie vote. The proposed Charter amendment would amend Section 8 and Section 105 to require that the Mayor be elected by majority vote of the electors commencing with the Town’s General Election in 2024, and provide for a run-off election between the two candidates receiving the most votes for Mayor if no candidate for such seat receives a 50% plus 1 majority of the vote.

[Resolution Charter Amendment-Requiring 50% plus 1 Majority Vote for Mayor and Providing for Run-Off Election.DOCX](#)

RESOLUTION NO. 2023-_____

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 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II, SECTION 8 “PRESIDING OFFICERS” AND ARTICLE VI, SECTION 105 “GENERAL AND SPECIAL ELECTIONS OF COMMISSION MEMBERS”, AS PRESENTED IN A BALLOT QUESTION ON AMENDMENTS TO THE TOWN CHARTER REQUIRING 50% PLUS 1 MAJORITY VOTE FOR MAYOR AND PROVIDING FOR RUN-OFF 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 AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”) 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, pursuant to Section 128 of the Town Charter, the Town Commission appointed a Charter Review Board (“the Board”) to review and provide written recommendations on proposed amendments to the Charter; and

WHEREAS, on August 2, 2023 and August 8, 2023, the Town Commission considered the recommendations of the Board and elected to submit the proposed charter amendment for approval or rejection by the electorate; and

WHEREAS, the Town Commission finds that it is in the best interests of the residents of the Town that the Town Charter be amended to provide for a run-off election

to be held after the Town's general election if no mayoral candidate receives a 50% plus 1 majority of the vote in the general election; and

WHEREAS, the Town Commission wishes to seek the approval of the electors by a ballot question referendum concerning amendments to the Town Charter to require that the mayor be elected by majority vote of the electors commencing with the Town's General Election in 2024; and

WHEREAS, in accordance with provisions of the Charter of the Town 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 7, 2023, for the purpose of submitting to the electorate the proposed amendment to the Town Charter which is set forth herein; and

WHEREAS, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk as soon as the ballots from the precinct have been tabulated and in accordance with Section 26-12 of the Town Code and applicable laws; and

WHEREAS, the voting precinct in the Town for said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Surfside, Florida 33154. All Town electors shall vote at this polling place for this Special Election; 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.

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the Town.

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

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Special Election Called; Notice of Election. That a special election is hereby called, to be held on Tuesday, November 7, 2023, 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, October 1, 2023), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 15, 2023), 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. 2023-_____ 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 7, 2023, 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:

REQUIRING 50% PLUS 1 MAJORITY VOTE FOR MAYOR AND PROVIDING FOR RUN-OFF ELECTION

The Charter currently provides that the Mayor is elected upon receiving the highest number of votes. Shall the Charter be amended to require that the Mayor be elected by a 50% plus 1 majority vote, and to provide for a run-off election between the two candidates receiving the most votes for Mayor if no candidate for such seat receives a majority of the vote?

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. That the official ballot to be used in the Special Election to be held on Tuesday, November 7, 2023, as hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT

REQUIRING MAJORITY VOTE FOR MAYOR AND PROVIDING FOR RUN-OFF ELECTION

The Charter currently provides that the Mayor is elected upon receiving the highest number of votes. Shall the Charter be amended to require that the Mayor be elected by a 50% plus 1 majority vote, and to provide for a run-off

election between the two candidates receiving the most votes for Mayor if no candidate for such seat receives a majority of the vote?

YES []

NO [] ”

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 Special Election Referendum if adopted and effective.

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

PASSED AND ADOPTED this ___ day of _____, 2023.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman _____
Commissioner Marianne Meischeid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

Shlomo Danzinger, Mayor

ATTEST:

Sandra McCready, MMC
Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

EXHIBIT "A"

TEXT OF PROPOSED CHARTER AMENDMENT OF THE TOWN OF SURFSIDE¹

TOWN OF SURFSIDE CHARTER

* * *

ARTICLE II. – TOWN COMMISSION

* * *

Sec. 8. Presiding officers.

Subject to Charter section 105, candidates receiving the highest number of votes shall be elected as follows: The Mayor shall be elected by a 50% plus 1 majority vote and separately from his/her own group. The 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, subject to the limited exception provided for in Charter Section 105(8)C. 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.

* * *

ARTICLE VI. – NOMINATIONS AND ELECTIONS

* * *

Sec. 105. General and special elections of commission members.

* * *

- (5) All members of the Commission receiving the highest required number of votes shall be elected in accordance with Charter Section 8. A run-off election shall be held the first Tuesday of April following the general election in the event that there is for those candidates receiving the following tie votes:
- A. A Tie vote among all candidates for Mayor and/or among all candidates for Town Commissioner;
 - B. A Tie vote among four or more candidates for Town Commissioner after one Town Commissioner seat is filled;

¹ Proposed additions to existing Town Charter text are indicated by underlining; proposed deletions from existing Town Charter text are indicated by ~~strike through~~.

- C. A Tie vote among three or more candidates for Town Commissioner after two Town Commissioner seats are filled;
- D. A Tie vote between two or more candidates for Town Commissioner after three Town Commissioner seats are filled.
- E. No candidate for Mayor that receives a 50% plus 1 majority vote.

A seat shall be considered "filled" as referenced hereinabove when a candidate receives the ~~highest~~ number of votes ~~cast, in accordance with~~ required under Charter section 8.

Should the ~~highest~~ votes in the run-off election result in a tie result, the outcome shall be determined by lot. The runoff election shall be held in the same manner and form as the general municipal election.

Should no candidate for Mayor receive a 50% plus 1 majority vote at the general election, the two candidates for Mayor receiving the highest number of votes shall proceed to a run-off election.

* * *



MEMORANDUM

ITEM NO. 2.C

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Town Attorney

Date: August 22, 2023

Subject: **Charter Amendment - Creating a Procedure for Determination of Qualifications and/or Permanent Residency of Commissioners**

For the Town Commission to consider the adoption of the Resolution calling a special election on the proposed Charter amendment.

Pursuant to Section 128 of the Town Charter, the Town Commission appointed a Charter Review Board (“the Board”) to review and provide written recommendations on proposed amendments to the Charter.

At a Special Town Commission Meeting on August 2, 2023, the Town Commission considered the recommendations of the Board and elected to submit the proposed charter amendment for approval or rejection by the electorate at a Special Election to be held on November 7, 2023.

Section 6 of the Charter provides for qualifications of commissioners and is proposed to be amended to clarify that once elected, each commissioner shall maintain permanent residency in the Town.

Section 15 of the Town Charter currently provides that a vacancy shall be created and deemed to exist upon any one of the circumstances set forth in Section 15, including by a member ceasing to possess the qualification of qualified elector for the office prescribed in Section 6 of the Charter and/or by ceasing to be a resident of the Town. However, there is no prescribed process to determine whether a vacancy has been created and deemed to exist due to a member ceasing to possess qualifications and/or by ceasing to be a resident.

The proposed amendment would amend Section 6 and Section 15 of the Charter to create a public hearing procedure, initiated upon majority vote of the Commission or a minimum of 3% of qualified electors in the Town, for the Commission to determine whether a vacancy on the Commission exists due to a commissioner ceasing to possess and maintain qualifications and/or permanent residency within the Town. The public hearing procedure may not be initiated by petition of the qualified electors more frequently than once every six months.

Resolution Calling Special Election Charter Amendment - Public Hearing Procedure for Qualifications-Residency Determination

RESOLUTION NO. 2023-_____

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 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II, SECTION 6 “QUALIFICATIONS” AND SECTION 15 “VACANCIES ON COMMISSION—WHEN DEEMED TO EXIST”, AS PRESENTED IN A BALLOT QUESTION ON AMENDMENTS TO THE TOWN CHARTER CREATING A PROCEDURE FOR DETERMINATION OF REQUIRED QUALIFICATIONS AND/OR PERMANENT RESIDENCY OF COMMISSIONERS; 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 AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”), referencing Section 6.03 of the Home Rule Charter for Miami-Dade County, provides the manner in which charter amendments shall be proposed; and

WHEREAS, pursuant to Section 128 of the Town Charter, the Town Commission appointed a Charter Review Board (“the Board”) to review and provide written recommendations on proposed amendments to the Charter; and

WHEREAS, on August 2, 2023, the Town Commission considered the recommendations of the Board and elected to submit the proposed charter amendment for approval or rejection by the electorate; and

WHEREAS, the Town Commission recognizes the importance of Commissioners possessing and maintaining qualification and residency requirements for the duration of their term in office; and

WHEREAS, the Town Commission wishes to seek the approval of the electors by a ballot question referendum concerning amendments to Town Charter Article II, Section 6 “Qualifications” and Section 15 “Vacancies on commission—When deemed to exist”, to create a public hearing procedure, initiated upon majority vote of the Commission or a minimum of 3% of qualified electors in the Town, for the Commission to determine whether a vacancy on the Commission exists due to a commissioner ceasing to possess and maintain qualifications and/or residency within the Town; and

WHEREAS, in accordance with provisions of the Charter of the Town 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 7, 2023, for the purpose of submitting to the electorate the proposed amendment to the Town Charter which is set forth herein; and

WHEREAS, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk as soon as the ballots from the precinct have been tabulated and in accordance with Section 26-12 of the Town Code and applicable laws; and

WHEREAS, the voting precinct in the Town for said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Surfside, Florida 33154. All Town electors shall vote at this polling place for this Special Election; 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; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the Town.

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

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Special Election Called; Notice of Election. That a special election is hereby called, to be held on Tuesday, November 7, 2023, 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, October 1, 2023), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 15, 2023), 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. 2023-_____ 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 7, 2023, 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:

CREATING A PROCEDURE FOR DETERMINATION OF REQUIRED QUALIFICATIONS AND/OR PERMANENT RESIDENCY OF COMMISSIONERS

Shall the Charter be amended to create a public hearing procedure, initiated upon majority vote of the Commission or a minimum of 3% of qualified electors in the Town, for a determination as to whether a vacancy on the Commission exists due to a commissioner ceasing to possess and maintain required qualifications and/or permanent residency within the Town?

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. That the official ballot to be used in the Special Election to be held on Tuesday, November 7, 2023, as hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT

CREATING A PROCEDURE FOR DETERMINATION OF REQUIRED QUALIFICATIONS AND/OR PERMANENT RESIDENCY OF COMMISSIONERS

Shall the Charter be amended to create a public hearing procedure, initiated upon majority vote of the Commission or a minimum of 3% of qualified electors in the Town, for a determination as to whether a vacancy on the Commission exists due to a commissioner ceasing to possess and maintain required qualifications and/or permanent residency within the Town?

YES []

NO [] ”

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 Special Election Referendum if adopted and effective.

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

PASSED AND ADOPTED this ___ day of _____, 2023.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman _____
Commissioner Marianne Meischeid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

Shlomo Danzinger, Mayor

ATTEST:

Sandra McCready, MMC
Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

EXHIBIT “A”

TEXT OF PROPOSED CHARTER AMENDMENT OF THE TOWN OF SURFSIDE¹

TOWN OF SURFSIDE CHARTER

* * *

ARTICLE II. – TOWN COMMISSION

* * *

Sec. 6. - Qualifications.

The commissioners shall be qualified electors of Dade County whose legal residence is in the Town of Surfside who shall be citizens of the United States, at least twenty-one years of age and residents of the State of Florida and Town of Surfside for at least one year next preceding registration, and who shall have no other public office except notary public, local civilian defense or war emergency appointments, membership in the National Guard, naval or military reserve, or membership or memberships on State of Florida or National Boards providing that the duties of the members of such board shall not interfere with the duties of the town commissioners. Once elected, the commissioners shall maintain permanent residency in the Town.

* * *

Sec. 15. - Vacancies on commission—When deemed to exist.

Vacancies on the commission shall be created and deemed to exist upon any one of the following circumstances:

- (1) By death or resignation of a member.
- (2) By recall or other removal from office in any manner authorized by law.
- (3) By a member ceasing to possess and maintain the qualification of qualified elector for the office prescribed in section 6 of this Charter and/or by ceasing to be a permanent resident of the Town for the duration of the term of office. The Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to qualifications of its members, including whether the member ceases to maintain his/her permanent residence in the Town, at a hearing to be publicly noticed in a newspaper of general circulation in the Town at least one week prior thereto. The commissioner in question shall have the burden of establishing qualifications and/or residency and shall be afforded the opportunity to present his/her position thereon but shall otherwise abstain from

¹ Proposed additions to existing Town Charter text are indicated by underlining; proposed deletions from existing Town Charter text are indicated by ~~strike through~~.

Commission vote and/or related deliberation by the Commission on the final determination of qualifications and/or residency. The final determination by the Commission that a commissioner has forfeited his/her office by virtue of this subsection shall be by Resolution. All votes and other acts of the commissioner in question prior to the effective date of such Resolution shall be valid and otherwise unaffected by the subject Resolution. This public hearing procedure may be initiated by majority vote of the Commission or after certification of a petition by a minimum of 3% of qualified electors of the Town in the manner prescribed for initiatives in this charter or applicable law. Notwithstanding the foregoing, a public hearing to determine the issue of qualifications and/or residency may not be initiated by petition of the qualified electors more frequently than once every six months.

- (4) By a member being convicted of a felony or crime involving moral turpitude.
- (5) By legal declaration of mental incompetence of a member.
- (6) When there are unfilled Commission seats as a result of no candidate(s) having qualified to fill such seats after the end of applicable qualifying periods for the General Election.
- (7) Subject to determination by the Town Commission, a vacancy on the Commission shall be deemed to exist on the date a commissioner has been absent without good cause from three consecutive regular monthly meetings of the commission, or has been absent without good cause from five regular monthly meetings of the commission within a calendar year. The Commission shall determine the issue of good cause at a hearing to be publicly noticed in a newspaper of general circulation in the Town at least one week prior thereto, at which hearing the Commissioner in question shall have the burden of establishing good cause and shall be afforded the opportunity to present his position thereon but shall otherwise abstain from Commission vote and/or related deliberation by the Commission on the final determination of good cause. The final determination by the Commission that a Commissioner has forfeited his office by virtue of this subsection shall be by Resolution, and all votes and other acts of the Commissioner in question prior to the effective date of such Resolution shall be valid and otherwise unaffected by the subject Resolution.

* * *



MEMORANDUM

ITEM NO. 2.D

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Town Attorney

Date: August 22, 2023

Subject: **Charter Amendment - Allowing the Town Clerk to File an Appeal with the Personnel Appeals Board**

For the Town Commission to consider the adoption of the Resolution calling a special election on the proposed Charter amendment.

Pursuant to Section 128 of the Town Charter, the Town Commission appointed a Charter Review Board (“the Board”) to review and provide written recommendations on proposed amendments to the Charter.

At a Special Town Commission Meeting on August 2, 2023, the Town Commission considered the recommendations of the Board and elected to submit the proposed charter amendment for approval or rejection by the electorate at a Special Election to be held on November 7, 2023.

Section 31.1 of the Town Charter allows certain employees to file an appeal with the Personnel Appeals Board if they claim to have been discharged or reduced in pay or rank without cause, and provides that all employees who have been continuously employed by the Town for at least two years may appeal to the Board, except for the town manager, town clerk, town prosecutor, and town attorneys and town judges.

The proposed Charter amendment to Section 31.1. would allow the Town Clerk, as an employee of the Town, to file an appeal with the Personnel Appeal Board in connection with a claimed discharge or reduction in pay or rank without cause and request a hearing.

[Resolution Calling Special Election Charter Amendment - Personnel Appeals Board.DOCX](#)

RESOLUTION NO. 2023-_____

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 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II, SECTION 31.1 “PERSONNEL APPEALS BOARD”, AS PRESENTED IN A BALLOT QUESTION ON AMENDMENTS TO THE TOWN CHARTER ALLOWING THE TOWN CLERK TO FILE AN APPEAL WITH THE PERSONNEL APPEALS BOARD; 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 AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”) 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, pursuant to Section 128 of the Town Charter, the Town Commission appointed a Charter Review Board (“the Board”) to review and provide written recommendations on proposed amendments to the Charter; and

WHEREAS, on August 2, 2023, the Town Commission considered the recommendations of the Board and elected to submit the proposed charter amendment for approval or rejection by the electorate; and

WHEREAS, Section 31.1 “Personnel Appeals Board” of the Town Charter allows certain employees to file an appeal with the Personnel Appeals Board if they claim to have been discharged or reduced in pay or rank without cause, and provides that all employees who have been continuously employed by the Town for at least two years may

appeal to the Board, except for the town manager, town clerk, town prosecutor, and town attorneys and town judges; and

WHEREAS, the proposed Charter amendment to Section 31.1. would allow the Town Clerk, as an employee of the Town, to file an appeal with the Personnel Appeal Board in connection with a claimed discharge or reduction in pay or rank without cause and request a hearing; and

WHEREAS, in accordance with provisions of the Charter of the Town 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 7, 2023, for the purpose of submitting to the electorate the proposed amendment to the Town Charter which is set forth herein; and

WHEREAS, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk as soon as the ballots from the precinct have been tabulated and in accordance with Section 26-12 of the Town Code and applicable laws; and

WHEREAS, the voting precinct in the Town for said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is located at Surfside Town Hall, 9293 Harding Avenue, Surfside, Florida 33154. All Town electors shall vote at this polling place for this Special Election; 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.

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the Town.

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

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Special Election Called; Notice of Election. That a special election is hereby called, to be held on Tuesday, November 7, 2023, 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, October 1, 2023), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 15, 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. 2023-_____ 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 7, 2023, 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:

ALLOWING THE TOWN CLERK TO FILE AN APPEAL WITH THE PERSONNEL APPEALS BOARD

The Charter currently provides that certain employees may file an appeal with the Personnel Appeals Board if they claim to have been discharged or reduced in pay or rank without cause, but excludes the Town Clerk. Shall the Charter be amended to allow the Town Clerk to file an appeal with the Personnel Appeal Board for a claimed discharge or reduction in pay or rank without cause and request a hearing?

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. That the official ballot to be used in the Special Election to be held on Tuesday, November 7, 2023, as hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT

ALLOWING THE TOWN CLERK TO FILE AN APPEAL WITH THE PERSONNEL APPEALS BOARD

The Charter currently provides that certain employees may file an appeal with the Personnel Appeals Board if they claim to have been discharged or reduced in pay or rank without cause, but excludes the Town Clerk. Shall the Charter be amended to allow the Town Clerk to file an appeal with the Personnel Appeal Board for a claimed discharge or reduction in pay or rank without cause and request a hearing?

YES []

NO [] ”

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 Special Election Referendum if adopted and effective.

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

PASSED AND ADOPTED this ____ day of _____, 2023.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman _____
Commissioner Marianne Meisheid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

Shlomo Danzinger, Mayor

ATTEST:

Sandra McCready, MMC
Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

EXHIBIT "A"

TEXT OF PROPOSED CHARTER AMENDMENT OF THE TOWN OF SURFSIDE¹

TOWN OF SURFSIDE CHARTER

* * *

ARTICLE II. – TOWN COMMISSION

* * *

Sec. 31.1. Personnel appeals board.

The town commission shall appoint a Personnel Appeals Board consisting of five qualified electors of Dade County, Florida, whose legal residence is in the Town of Surfside, to serve without compensation for two-year terms, and to fill vacancies thereon for unexpired terms. Any employee of the town, except the town manager, ~~town clerk,~~ town prosecutor, town attorneys and town judges, who immediately prior thereto have been continuously employed by the Town of Surfside for at least two years, if he claims to have been discharged or reduced in pay or rank without cause, may file within twenty days from his discharge or reduction in pay or rank, with the Personnel Appeals Board, a statement of appeal which must allege that he has been continuously employed by the Town of Surfside for at least two years next preceding the filing of the statement of appeal set forth the facts regarding the discharge or reduction in pay or rank and request a hearing. Within fourteen days after the filing of such appeal, the Personnel Appeals Board shall notify the employee of the date for formal hearing, which shall be no later than thirty days after the date of the filing of the statement of appeal.

The decision of the Personnel Appeals Board, if concurred in by four members of said Board, shall be binding upon the town and the employee. Such decision may either order a new hearing, or dismiss the appeal on the merits, or order the reinstatement of the employee absolutely or on terms and conditions, or may require such other action as may be just.

The town commission shall make such rules of procedure for the Personnel Appeals Board, by ordinance, from time to time as it may deem necessary.

* * *

¹Proposed additions to existing Town Charter text are indicated by underlining; proposed deletions from existing Town Charter text are indicated by ~~strike through~~.



MEMORANDUM

ITEM NO. 2.E

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Town Attorney

Date: August 22, 2023

Subject: **Charter Amendment - Removing Limitations on Indebtedness for Emergency and/or Infrastructure Projects Not Exceeding \$10 Million Dollars**

For the Town Commission to consider the adoption of the Resolution calling a special election on the proposed Charter amendment.

Pursuant to Section 128 of the Town Charter, the Town Commission appointed a Charter Review Board ("the Board") to review and provide written recommendations on proposed amendments to the Charter.

At a Special Town Commission Meeting on August 2, 2023, the Town Commission considered the recommendations of the Board and elected to submit the proposed charter amendment for approval or rejection by the electorate at a Special Election to be held on November 7, 2023.

Section 93 of the Town Charter currently requires 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 (7) years.

The proposed Charter Amendment would allow the Town to address important and/or exigent emergencies and infrastructure improvements or repairs, by amending Section 93 to remove limitations on indebtedness incurred by the Town for Town emergency and/or for infrastructure projects not exceeding \$10 million dollars, when the debt is repayable from such infrastructure project revenues.

[Resolution Charter Amendment - Removing Limitations on Indebtedness for Emergency and/or Infrastructure Projects Not Exceeding \\$10 Million Dollars.DOCX](#)

RESOLUTION NO. 2023-_____

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 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE V, SECTION 93 “LIMITATIONS ON INDEBTEDNESS”, AS PRESENTED IN A BALLOT QUESTION ON AN AMENDMENT TO THE TOWN CHARTER REMOVING LIMITATIONS ON INDEBTEDNESS FOR EMERGENCY AND/OR INFRASTRUCTURE PROJECTS NOT EXCEEDING \$10 MILLION DOLLARS; 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 AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 97.1 of the Town Charter of the Town of Surfside (“Town”) 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, pursuant to Section 128 of the Town Charter, the Town Commission appointed a Charter Review Board (“the Board”) to review and provide written recommendations on proposed amendments to the Charter; and

WHEREAS, on August 2, 2023, the Town Commission considered the recommendations of the Board and elected to submit the proposed charter amendment for approval or rejection by the electorate; and

WHEREAS, the Town Commission recognizes the importance of seeking Town resident and elector approval of certain indebtedness not having a dedicated revenue source for repayment; and

WHEREAS, Section 93 of the Town Charter currently requires 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 (7) years; and

WHEREAS, the Town Commission wishes to seek the approval of the electors by a ballot question referendum concerning amendments to the Town Charter at Article V, Section 93 "Limitations on Indebtedness", to remove limitations on indebtedness incurred by the Town for Town emergency and/or for infrastructure projects not exceeding \$10 million dollars, when the debt is repayable from such infrastructure project revenues; and

WHEREAS, in accordance with provisions of the Charter of the Town 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 7, 2023, for the purpose of submitting to the electorate the proposed amendment to the Town Charter which is set forth herein; and

WHEREAS, that the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the Town Commission. The official returns shall be furnished to the Town Clerk as soon as the ballots from the precinct have been tabulated and in accordance with Section 26-12 of the Town Code and applicable laws; and

WHEREAS, the voting precinct in the Town for said Special Election which has been established by the proper and appropriate Miami-Dade County Election Officials is

located at Surfside Town Hall, 9293 Harding Avenue, Surfside, Florida 33154. All Town electors shall vote at this polling place for this Special Election; 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; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the Town.

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

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Special Election Called; Notice of Election. That a special election is hereby called, to be held on Tuesday, November 7, 2023, 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, October 1, 2023), and the second publication to be in the third week prior to the election (to-wit: during the

week commencing Sunday, October 15, 2023), 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. 2023-_____ 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 7, 2023, 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:

REMOVING LIMITATIONS ON INDEBTEDNESS FOR EMERGENCY AND/OR INFRASTRUCTURE PROJECTS NOT EXCEEDING \$10 MILLION DOLLARS

Shall the Charter be amended to remove limitations on indebtedness for debt issued by the Town for emergency and/or infrastructure projects not exceeding \$10 million dollars, which is payable from such infrastructure project revenues?

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. That the official ballot to be used in the Special Election to be held on Tuesday, November 7, 2023, as hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT

REMOVING LIMITATIONS ON INDEBTEDNESS FOR EMERGENCY AND/OR INFRASTRUCTURE PROJECTS NOT EXCEEDING \$10 MILLION DOLLARS

Shall the Charter be amended to remove limitations on indebtedness for debt issued by the Town for emergency and/or infrastructure projects not exceeding \$10 million dollars, which is payable from such infrastructure project revenues?

YES []

NO [] ”

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 Special Election Referendum if adopted and effective.

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

PASSED AND ADOPTED this ____ day of _____, 2023.

Motion By: _____

Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman _____

Commissioner Marianne Meisheid _____

Commissioner Nelly Velasquez _____

Vice Mayor Jeffrey Rose _____

Mayor Shlomo Danzinger _____

Shlomo Danzinger, Mayor

ATTEST:

Sandra McCready, MMC
Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

EXHIBIT "A"

TEXT OF PROPOSED CHARTER AMENDMENT OF THE TOWN OF SURFSIDE¹

TOWN OF SURFSIDE CHARTER

* * *

ARTICLE V. – BORROWING FOR MUNICIPAL PROJECTS

* * *

Sec. 93. Limitations on indebtedness.

Indebtedness issued by the Town of Surfside 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 issued for Town emergency and/or infrastructure projects not exceeding \$10 million dollars 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. Notwithstanding the limitations of this Section 93(e), including but not limited to the requirement for a referendum, indebtedness may be incurred or issued for Town emergency and/or infrastructure projects not exceeding \$10 million dollars, which is payable from such infrastructure project revenues.

¹Proposed additions to existing Town Charter text are indicated by underlining; proposed deletions from existing Town Charter text are indicated by ~~strike through~~.

- (f) For purposes of this section 93, "Indebtedness" shall be defined as any financial obligation of the town to repay borrowed money or funds.

* * *