

RESOLUTION NO. 2023- 3013

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 without any increase in ad valorem or property taxes; 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. 2023-3013 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, only when the debt is repayable from such infrastructure project revenues, without any increase in ad valorem or property taxes?

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, only when the debt is repayable from such infrastructure project revenues, without any increase in ad valorem or property taxes?

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: Vice Mayor Rose

Second By: Commissioner Landsman

FINAL VOTE ON ADOPTION:

| | |
|--------------------------------|------------|
| Commissioner Fred Landsman | <u>Yes</u> |
| Commissioner Marianne Meisheid | <u>No</u> |
| Commissioner Nelly Velasquez | <u>No</u> |
| Vice Mayor Jeffrey Rose | <u>Yes</u> |
| Mayor Shlomo Danzinger | <u>Yes</u> |

Shlomo Danzinger

Shlomo Danzinger, Mayor

ATTEST:

Sandra McCready

Sandra McCready, MMC
Town Clerk



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

L. Chang

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, A~~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, when the debt is repayable 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 ~~striketthrough~~.

- (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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