

RESOLUTION NO. 14 - 2277

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 4, 2014 SPECIAL ELECTION FOR THE TOWN OF SURFSIDE, AND DECLARING RESULTS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Certification of the results of the November 4, 2014 Town of Surfside Special Election have been received and are attached hereto as Composite Exhibit "A" and are incorporated herein; and

WHEREAS, said Certification reflects that:

Question "A" as set forth below was not approved by the electorate of the Town of Surfside¹;

Question "B" as set forth below was approved by the electorate of the Town of Surfside;

Question "C" as set forth below was approved by the electorate of the Town of Surfside;

Question "D" as set forth below was approved by the electorate of the Town of Surfside;

Question "E" as set forth below was approved by the electorate of the Town of Surfside;

Question "F" as set forth below was not approved by the electorate of the Town of Surfside; and

Question "G" as set forth below was approved by the electorate of the Town of Surfside.

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

Section 1. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. That the Miami-Dade County Canvassing Board having canvassed the returns of the November 4, 2014 Special Election of the Town of Surfside, the Mayor and Town Commissioners hereby adopt the Certificate as to the results of said Special Election and it is hereby ordered that the Certificate of Election and this Resolution be recorded in the minutes of this Town Commission meeting as a permanent record of the results of said Special Election; and

¹ The seven ballot questions have been lettered "A"; "B"; "C"; "D"; "E"; "F"; and "G" for ease of reference herein only and were not so lettered on the ballot.

be it further resolved that, as a result of the Town of Surfside November 4, 2014 Special Election, the votes upon the questions presented reflect the following results.

Question “A”:

Qualifications for Office

Shall Charter Section 6 be amended to:

- *Delete requirement that members of Town Commission be at least 21 years old, thereby requiring members to be registered voters at least 18 years old consistent with Charter requirement that members be “qualified electors”;*
- *Require that Commission members be Town residents for at least one year immediately preceding qualifying for elected office instead of one year prior to registering to vote; and*
- *Delete language regarding dual-office holding?*

619	Yes
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770	No
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Question “B”:

Vacancies on Commission

Shall Charter language governing “Vacancies on Commission” be amended to:

- *Clarify when vacancies occur and establish process for filling vacancies;*
- *Conform related election dates;*
- *Expand definition of “vacancy” to include when Commission seats remain unfilled after qualifying ends; and*
- *Grant Commission “good cause” power excusing Commission member’s failure to attend meetings resulting in possible vacancy?*

853	Yes
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405	No
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Question “C”:

Vacancy in Candidacy

Per Charter Section 105(8), if more than five candidates qualify but said number is reduced before

election date, election is postponed and supplemental qualifying occurs.

Shall the Charter be amended to delete this Section and establish a revised supplemental qualifying process for vacancy in candidacy due to death, withdrawal or removal from ballot of candidates, said process including term commencement and Vice Mayor selection, and establish conditions for candidate(s) election by operation of law?

766	Yes
<hr/> 456	No
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Question “D”:

Canvassing Board

Shall Charter Section 108 governing canvassing of election returns by the Town’s Canvassing Board be deleted from the Town Charter and incorporated into Town Code Chapter 26 governing “Elections”?

581	Yes
<hr/> 558	No
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Question “E”:

Qualifying for Elected Office

Shall Charter language governing “Qualifying” (i.e., becoming a candidate) for elected office be amended to change time period for filing a qualifying petition from 55-35 days before election to 65-45 days before election while retaining Citizens’ rights to obtain signatures on petition prior to said time period, clarify related filing requirements, and clarify procedure related to determination of petition’s sufficiency?

752	Yes
<hr/> 477	No
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Question “F”:

Establishing Elected Officials’ Staggered Terms and Increasing Town Commissioners’ Terms

from Two to Four Years

The Charter establishes two year, unstaggered terms for the Mayor and Town Commissioners.

Shall the Charter be amended to provide that commencing with Town's General Election in 2016, terms of Town Commissioners shall be increased from two years to four years while retaining Mayor's two year term, all Commission members' terms shall be staggered, Vice-Mayor selection shall be by Commission, and related provisions regarding Runoff Election shall be conformed to reflect staggered terms?

473	Yes
822	No

Question "G":

Runoff Election

Charter Section 105(5) requires a Runoff Election if General Election results in a tie vote between candidates for Town's fifth Commission seat.

Shall the Charter be amended to clarify requirement for Runoff Election when a tie vote occurs for any Commission seat (not only the fifth Commission seat) wherein candidates receiving tie votes have not received highest number of votes for purposes of election, and establish process for determination of Runoff Election outcome?

895	Yes
360	No

Section 3. Be it further resolved and determined that Question "A" was not approved, Question "B" was approved, Question "C" was approved, Question "D" was approved, Question "E" was approved, Question "F" was not approved, and Question "G" was approved.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED and ADOPTED on this day 9th day of December, 2014.

Motion by Commissioner Cohen.

Second by Commissioner Olchyk.

FINAL VOTE ON ADOPTION


Commissioner Barry Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

yes
~~Absent~~
yes
yes
yes



Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, Town Clerk

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



Linda Miller, Town Attorney

Official

**CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY**

We, the undersigned, ANDREW S. HAGUE, County Judge, Substitute Member/Chairperson, PENELOPE TOWNSLEY, Supervisor of Elections, Member, CARLOS GUZMAN, County Judge, Alternate Member, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Fourteenth day of November, 2014 A.D., and proceeded publicly to canvass the votes given for the charter amendments herein specified at the **Town of Surfside Special Election** held on the Fourth day of November, 2014 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

Qualifications for Office

Shall Charter Section 6 be amended to:

- Delete requirement that members of Town Commission be at least 21 years old, thereby requiring members to be registered voters at least 18 years old consistent with Charter requirement that members be "qualified electors";
- Require that Commission members be Town residents for at least one year immediately preceding qualifying for elected office instead of one year prior to registering to vote; and
- Delete language regarding dual-office holding?

YES 619 Votes

NO 770 Votes

Vacancies on Commission

Shall Charter language governing "Vacancies on Commission" be amended to:

- Clarify when vacancies occur and establish process for filling vacancies;
- Conform related election dates;
- Expand definition of "vacancy" to include when Commission seats remain unfilled after qualifying ends; and
- Grant Commission "good cause" power excusing Commission member's failure to attend meetings resulting in possible vacancy?

YES 853 Votes

NO 405 Votes

Vacancy in Candidacy

Per Charter Section 105(8), if more than five candidates qualify but said number is reduced before election date, election is postponed and supplemental qualifying occurs.

Shall the Charter be amended to delete this Section and establish a revised supplemental qualifying process for vacancy in candidacy due to death, withdrawal or removal from ballot of candidates, said process including term commencement and Vice Mayor selection, and establish conditions for candidate(s) election by operation of law?

YES 766 Votes

NO 456 Votes

Canvassing Board

Shall Charter Section 108 governing canvassing of election returns by the Town's Canvassing Board be deleted from the Town Charter and incorporated into Town Code Chapter 26 governing "Elections"?

YES 581 Votes

NO 558 Votes

Qualifying for Elected Office

Shall Charter language governing "Qualifying" (i.e., becoming a candidate) for elected office be amended to change time period for filing a qualifying petition from 55-35 days before election to 65-45 days before election while retaining Citizens' rights to obtain signatures on petition prior to said time period, clarify related filing requirements, and clarify procedure related to determination of petition's sufficiency?

YES 752 Votes

NO 477 Votes

Establishing Elected Officials' Staggered Terms and Increasing Town Commissioners' Terms from Two to Four Years

The Charter establishes two year, unstagged terms for the Mayor and Town Commissioners.

Shall the Charter be amended to provide that commencing with Town's General Election in 2016, terms of Town Commissioners shall be increased from two years to four years while retaining Mayor's two year term, all Commission members' terms shall be staggered, Vice-Mayor selection shall be by Commission, and related provisions regarding Runoff Election shall be conformed to reflect staggered terms?

YES 473 Votes

NO 822 Votes


Runoff Election

Charter Section 105(5) requires a Runoff Election if General Election results in a tie vote between candidates for Town's fifth Commission seat.

Shall the Charter be amended to clarify requirement for Runoff Election when a tie vote occurs for any Commission seat (not only the fifth Commission seat) wherein candidates receiving tie votes have not received highest number of votes for purposes of election, and establish process for determination of Runoff Election outcome?

YES 895 Votes

NO 360 Votes



County Judge ANDREW S. HAGUE
Substitute Member/Chairperson



Supervisor of Elections PENELOPE TOWNSLEY
Member

County Judge CARLOS GUZMAN
Alternate Member