

**RESOLUTION NO. 2020-2702**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A BALLOT QUESTION AS A NON-BINDING REFERENDUM CONCERNING UNDERGROUNDING OF UTILITIES; PROVIDING FOR NOTICE OF ELECTION; PROVIDING REQUISITE BALLOT LANGUAGE 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; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, as a coastal community susceptible to wind and storm events, the Town of Surfside (“Town”) Commission recognizes the importance of undergrounding utilities and the positive aesthetic impacts of such undergrounding; and

**WHEREAS**, the Town Commission wishes to seek the non-binding approval of the electors by a ballot question referendum concerning the undergrounding of electric and other public utilities and the expenditure of funds for such purposes; and

**WHEREAS**, in accordance with provisions of the Charter of the Town of Surfside (“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 3, 2020, for the purpose of submitting to the electorate the proposed referendum ballot language concerning undergrounding of utilities which is set forth herein; and

**WHEREAS**, not less than thirty (30) days’ notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. Such publication shall be made once in the fifth week before the election and once in the third week before the election in accordance with the provisions of Section 100.342, Florida Statutes, and the Town Code.

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

**Section 1. Recitals Adopted.** The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Special Election Called; Notice of Election.** That a special election is hereby called, to be held on Tuesday, November 3, 2020, in conjunction with a County-wide election, to present to the qualified electors of the Town of Surfside, the ballot question provided in this Resolution. Notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. at least thirty (30) days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing Sunday, September 27, 2020), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 11, 2020), and shall be in substantially the following form:

**“THE TOWN OF SURFSIDE, FLORIDA**

**NOTICE OF REFERENDUM SPECIAL ELECTION**

**PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. \_\_\_\_\_ ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE TOWN ON TUESDAY, NOVEMBER 3, 2020, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING BALLOT QUESTION REFERENDUM SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:**

**NON-BINDING REFERENDUM CONCERNING UNDERGROUNDING OF UTILITIES**

Do you favor the undergrounding of Surfside’s powerlines and other utilities in order to improve safety and promote sustainability and resilience, at an estimated cost of \$16,000,000 to \$18,000,000?

YES [ ]

NO [ ]

The polling place for the Special Election shall be the Surfside Town Hall located at 9293 Harding Avenue, Surfside, Florida 33154 and any other polling places provided for the Town election. All Town electors who are timely registered shall be eligible to vote. The enabling Resolution, including the ballot question are available at the Office of the Town Clerk, located at the Surfside Town Hall.

\_\_\_\_\_  
Sandra McCready, MMC, Town Clerk”

**Section 3. Form of Ballot.** The form of ballot for the referendum special election provided for in Section 2 of this Resolution shall be substantially as follows:

**“NON-BINDING REFERENDUM CONCERNING UNDERGROUNDING OF UTILITIES**

Do you favor the undergrounding of Surfside’s powerlines and other utilities in order to improve safety and promote sustainability and resilience, at an estimated cost of \$16,000,000 to \$18,000,000?

YES [ ]

NO [ ] “

The form of the ballot to be used in this Special Election and its preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

**Section 4. Balloting.** That balloting shall be conducted between the hours of 7:00 a.m. until 7:00 p.m. on election day at the regular polling places for Town elections. Vote-by-mail ballots and early voting shall be provided as authorized by law. All qualified Town electors who are timely registered in accordance with law shall be entitled to vote.

**Section 5. 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 6. 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 non-binding Special Election Referendum if adopted and effective.

**Section 7. Effective Date.** This Resolution shall be effective immediately upon its adoption.

**PASSED AND ADOPTED** this 14th day of July, 2020.

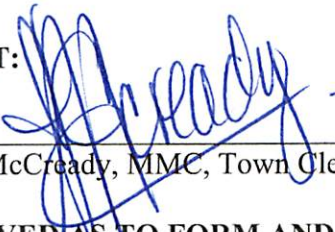
**Moved By:** Commissioner Velasquez  
**Second By:** Vice Mayor Paul

**FINAL VOTE ON ADOPTION**

Commissioner Charles Kesl	<u>No</u>
Commissioner Eliana R. Salzhauer	<u>No</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>

  
\_\_\_\_\_  
Charles W. Burkett, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Sandra McCready, MMC, Town Clerk

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

  
\_\_\_\_\_  
Town Attorney