

ORDINANCE NO. 15 – 11035

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING PURSUANT TO FLORIDA STATUTE SECTIONS 100.3605(2) AND 166.021(4), SECTION 101 OF THE TOWN OF SURFSIDE CHARTER REGARDING “QUALIFYING FOR ELECTED OFFICE” WITH LIMITED APPLICABILITY TO ESTABLISHMENT OF QUALIFYING DATES FOR THE TOWN’S MARCH 15, 2016 GENERAL ELECTION, AND ESTABLISHING END DATE FOR SUPPLEMENTAL QUALIFYING PERIOD FOR SAID MARCH 15, 2016 ELECTION; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CHARTER/CODE, NOTIFICATION TO COUNTY AND EFFECTIVE DATE.

WHEREAS, Section 105(1) of the Town of Surfside Charter provides that the Town’s General Election for election of the Mayor and Town Commissioners shall be held “on the third Tuesday in March in every even numbered calendar year”, with the next General Election thus scheduled for March 15, 2016, and with related qualifying periods set forth in Charter section 101¹; and

WHEREAS, pursuant to the attached correspondence from the Miami-Dade County Elections Department (“DOE”), the Town must consider changing its General Election date and/or related qualifying dates due to the Legislature’s recent change of date for Presidential Preference Primary Election which is now to be held on the third Tuesday in March of each presidential election year, such that the statewide Presidential Preference Primary next year will now be held on the same March 15, 2016 date as the Town’s General Election; and

WHEREAS, in light of this change, should the Town intend to retain its March 15, 2016 General Election date, the qualifying periods set forth in Town Charter must be changed in order to accommodate the DOE’s December 22, 2015 deadline date by which names of candidates for the Town’s General Election must be provided to County DOE; and

¹ Section 101 of the Town Charter provides, in relevant part, that: “Any citizen who has the qualifications for the office of mayor or commissioner of the town, as provided in section 6 of this Charter, may nominate himself or herself or may seek to qualify for office by paying twenty five dollars as a qualifying fee simultaneously with the filing of all qualifying documents including a petition for this purpose signed by not less than twenty-five qualified electors with the Town Clerk not more than sixty-five days and not less than forty-five days prior to the election date,.... Upon the Clerk’s receipt of the Miami Dade County Elections Department’s certificate as to the petition's sufficiency, the Town Clerk shall then promptly forward the certificate on to the candidate, along with the petition if it has been found to be insufficient. Such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate, not less than forty days before the election. ...” (Emphasis added). See, also related Charter section 105(8) providing that: “...The Town shall by ordinance establish the number of days (no less in number than as advised by the Miami-Dade County Elections Department) prior to the election date by which no further supplemental qualifying period shall occur”.

WHEREAS, pursuant to Florida Statute sections 100.3605(2) and 166.021(4), municipalities in the State of Florida are permitted to change by ordinance Charter provisions regarding “the selection of election dates and qualifying periods for candidates and for changes in terms of office necessitated by such changes in election dates”; and

WHEREAS, the Town Manager, having conferred with the Town Attorney and Special Legal Counsel, Town Clerk and DOE, has determined that it is in the Town’s best fiscal interest to retain its March 15, 2016 General Election date and that the related qualifying dates for such Election be changed as specifically set forth below, with the issue of changing post-March 2016 Town of Surfside General election/qualifying dates to be reconsidered by the Town Commission after said Election in order to afford it opportunity to evaluate the advantages/disadvantages associated with Town General Election placement on a Countywide ballot.

NOW THEREFOR BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, THAT:

Section 1. Recitals. The above-referenced recitals are confirmed, adopted, and incorporated herein by reference.

Section 2. Change in Qualifying Dates. That with regard to the Town’s March 15, 2016 General Election, Charter section 101’s qualifying periods are hereby changed to establish a qualifying period to **commence on November 17, 2015 and to end on December 7, 2015** (i.e., 119 to 99 days prior to the Election), with any amended qualifying petition (as otherwise permitted pursuant to Charter section 101) to be filed by no later than December 11, 2015.

Section 3. Establishing End of Supplemental Qualifying Period. That with regard to the Town’s March 15, 2016 General Election, the end date for any supplemental qualifying period shall be December 17, 2015.

Section 4. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 6. Incorporation into the Charter. The provisions of Section 2 of this Ordinance dealing with the limited change in qualifying date for the Town’s March 15 2016 General Election, shall become and be made a part of Town Charter section 101, and all remaining language in Charter dealing with qualifying for office not otherwise in conflict with and/or expressly referred to in this Ordinance shall apply to said March 15, 2016 Election. The Town Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Town Charter in order to accomplish such intention, and sections of this Ordinance may be may be implemented into the Charter via footnote, or renumbered or re-lettered to accomplish such intentions, and the word “ordinance” may be changed to “Section”, or other appropriate word.

Section 7. Inclusion in the Code of Ordinances. The provisions of Section 3 of this Ordinance dealing with the establishment of date by which supplemental qualifying period shall end shall become and be made a part of Chapter 26 of the Town of Surfside Code of Ordinances. The Town Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Town Code in order to accomplish such intention, and sections of this Ordinance may be may be implemented into the Code via footnote, or renumbered or re-lettered to accomplish such intentions, and the word "ordinance" may be changed to "Section", or other appropriate word.

Section 8. Notification to Miami-Dade County. The Town Clerk is directed, upon adoption of this Ordinance on second and final reading, to notify the Miami-Dade County Elections Department of the subject changes in qualifying dates, and transmit official copies of this Ordinance to the Miami-Dade County Manager and Miami-Dade County Elections Supervisor.

Section 9. Effective Date. This Ordinance shall be effective upon final adoption on second reading.


PASSED and ADOPTED on first reading this 14th day of April, 2015.

PASSED and ADOPTED on second reading this 12th day of May, 2015



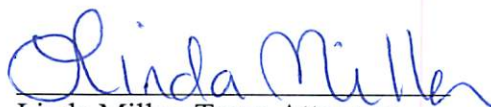
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: Vice Mayor Turgeman

On Final Reading Seconded by: Commissioner Oldbyk

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Michael Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Eli Tourgeman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>