

RESOLUTION NO. 2025-3434

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 4, 2025 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A BALLOT QUESTION AS A NON-BINDING REFERENDUM CONCERNING THE CREATION OF A GATED COMMUNITY WITHIN THE TOWN; 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, the Town continues to encounter long standing and ongoing traffic concerns throughout its residential district; and

WHEREAS, the Town Commission wishes to seek the non-binding approval of the electors by a ballot question referendum concerning the creation of a gated community; 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 4, 2025, for the purpose of submitting to the electorate the proposed referendum ballot language concerning the creation of a gated community within the Town herein; and

WHEREAS, not less than thirty (30) days' notice of the adoption of this Resolution and of its provisions calling for a referendum shall be given by publication in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida, or by such other lawful means. 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 Charter and Code, or as otherwise prescribed by law; and

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 4, 2025, to present to the qualified electors of the Town of Surfside, the ballot question provided in this Resolution. Notice of said election and referendum shall be published in accordance with Sections 50.0311 and 100.342, Florida Statutes, at least thirty (30) days prior to said election, the first publication to be in the fifth week prior to the election and the second publication to be in the third week prior to the election, or as otherwise prescribed by law, and shall be in substantially the following form:

“THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF NON-BINDING REFERUNDUM SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2025-3434 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 4, 2025, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING BALLOT QUESTION AS A NON-BINDING REFERENDUM SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:

NON-BINDING REFERENDUM CONCERNING THE CREATION OF A GATED COMMUNITY IN THE TOWN

Do you favor the concept of a gated community?

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 THE CREATION OF A GATED COMMUNITY IN THE TOWN

Do you favor the concept of a gated community?

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 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 20th day of August, 2025.

Moved By: Commissioner Coto


Second By: Vice Mayor Paul

FINAL VOTE ON ADOPTION

FINAL VOTE ON ADOPTION


Commissioner Ruben A. Coto	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Absent</u>
Commissioner Gerardo Vildostegui	<u>No</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>

ATTEST:



Sandra McCready, MMC, Town Clerk

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



Thais Hernandez, Town Attorney



Charles W. Burkett, Mayor