

**RESOLUTION NO. 2025-3435**

**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 TWO PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II SECTION 11 - "POWERS OF COMMISSION", AS PRESENTED IN A BALLOT QUESTION 1) TO ADD SECTION 11(16) AS AN AMENDMENT TO THE TOWN CHARTER REQUIRING A UNANIMOUS VOTE OF THE ENTIRE TOWN COMMISSION TO SPEND TOWN FUNDS EXCEEDING \$2,000,000 FOR ANY SINGLE PROJECT, PURCHASE OR INVESTMENT EXCEPT IN THE CASE OF AN "EMERGENCY" AS DEFINED IN TOWN CODE SEC. 2-262(a)(1) AND 2) SECTION 11(17) AS AN AMENDMENT TO THE TOWN CHARTER REQUIRING A PUBLIC REFERENDUM BE HELD IN WHICH AT LEAST 60% OF THE VOTERS SUPPORT THE USE OF TOWN FUNDS ON ANY SINGLE PROJECT, PURCHASE, OR INVESTMENT OF AN AMOUNT EQUAL TO OR MORE THAN 20% OF THE TOWN'S PRIOR FISCAL YEAR'S BUDGETED AD VALOREM TAX REVENUE; PROVIDING REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF THE 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**, the Town of Surfside ("Town") Commission recognizes the importance of regulating its purchasing powers in order to ensure the financial stability of the Town; and

**WHEREAS**, the Town Commission wishes to seek the approval of the electors by a ballot question referendum concerning an amendment to Article II, Section 11 of the Charter "Powers of commission" to require a unanimous vote of the entire Town Commission to spend Town funds exceeding \$2,000,000.00 for any single project,

purchase or investment, which amount shall be adjusted for inflation from 2025 forward, except in the case of an "emergency" as defined in Town Code Sec.2-262(a)(1); and

**WHEREAS**, the Town Commission wishes to seek the approval of the electors by a ballot question referendum concerning an amendment to Article II, Section 11 of the Charter "Powers of commission" to require a public referendum be held in which at least 60% of the electors support the use of town funds on any single project, purchase, or investment, of an amount equal to or more than 20% of the Town's prior fiscal year's budgeted ad valorem tax revenues; and

**WHEREAS**, in accordance with provisions of the Town Charter 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 an amendment to Article II, Section 11 of the Charter "Powers of commission" to require a unanimous vote of the Town Commission to spend Town funds exceeding \$2,000,000.00 for any single project, purchase or investment, which amount shall be adjusted for inflation from 2025 forward, except in the case of an "emergency" as defined in Town Code Sec.2-262(a)(1) ; and

**WHEREAS**, in accordance with provisions of the Town Charter 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 an amendment to Article II, Section 11 of the Charter "Powers of commission" to require a public referendum be held in which at least 60% of the electors support the use of Town funds on any single project, purchase, or investment, of an amount equal to or more than 20% of the Town's prior fiscal year's budgeted ad valorem tax revenues; 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 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 prescribed by law. 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

**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 4, 2025, to present to the qualified electors of the Town of Surfside, the ballot questions provided in this Resolution. 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 prescribed by law. 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 shall be in substantially the following form:

**"THE TOWN OF SURFSIDE, FLORIDA**

**NOTICE OF CHARTER AMENDMENTS REFERENDUM  
SPECIAL ELECTION**

**PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2025-3435 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 CHARTER AMENDMENT QUESTIONS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:**

**AMENDMENT REQUIRING UNANIMOUS VOTE FOR USE OF TOWN FUNDS EXCEEDING \$2,000,000**

Shall the Charter be amended to require a unanimous vote of the entire Town Commission to spend Town funds for any single project, purchase, or investment exceeding \$2,000,000.00, which amount shall be adjusted for inflation from 2025 forward, except in the case of an "emergency" as defined in Sec. 2-262(a)(1) of the Town Code?

YES      [      ]

NO        [      ]

**AMENDMENT REQUIRING 60% VOTER APPROVAL FOR USE OF TOWN FUNDS OVER SPECIFIED AMOUNTS**

Shall the Charter be amended to require a public referendum be held in which at least 60% of the electors support the use of Town funds, on any single project, purchase, or investment, of an amount equal to or more than 20% of the Town's prior fiscal year's budgeted ad valorem tax revenue?

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.

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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 4, 2025, as hereby called, shall be in substantially the following form, to-wit:

**"OFFICIAL BALLOT**

**AMENDMENT REQUIRING UNANIMOUS VOTE FOR USE OF TOWN FUNDS EXCEEDING \$2,000,000**

Shall the Charter be amended to require a unanimous vote of the entire Town Commission to spend Town funds for any single project, purchase, or investment exceeding \$2,000,000.00, which amount shall be adjusted for inflation from 2025 forward, except in the case of an "emergency" as defined in Sec. 2-262(a)(1) of the Town Code?

YES      [      ]

NO        [      ]

**AMENDMENT REQUIRING 60% VOTER APPROVAL FOR USE OF TOWN FUNDS OVER SPECIFIED AMOUNTS**

Shall the Charter be amended to require a public referendum be held in which at least 60% of the electors support the use of Town funds, on any single project, purchase, or investment, of an amount equal to or more than 20% of the Town's prior fiscal year's budgeted ad valorem tax revenue?

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 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 amendments (the "Charter Amendments") are set forth in Exhibit "A", which is attached hereto and incorporated herein. The Charter Amendments shall become effective if the majority of the qualified electors of the Town voting on the Charter Amendments 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 Amendments, the Town Clerk shall file the adopted Charter Amendments 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 20th day of August, 2025.

Motion By: Commissioner Ruben A. Coto

Second By: Vice Mayor Tina Paul

**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>


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

ATTEST:

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



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

  
\_\_\_\_\_  
Thais Hernandez, Esq.  
Town Attorney

**EXHIBIT "A"**

**TEXT OF PROPOSED CHARTER AMENDMENT OF THE TOWN OF SURFSIDE<sup>1</sup>**

**TOWN OF SURFSIDE CHARTER**

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**AMENDMENT REQUIRING UNANIMOUS VOTE OF THE ENTIRE TOWN COMMISSION TO SPEND TOWN FUNDS EXCEEDING \$2,000,000 FOR ANY SINGLE PROJECT, PURCHASE, OR INVESTMENT**

**AND**

**AMENDMENT REQUIRING 60% VOTER APPROVAL FOR THE USE OF TOWN FUNDS, ON ANY SINGLE PROJECT, PURCHASE, OR INVESTMENT, EQUAL TO OR GREATER THAN 20% OF THE TOWN'S PRIOR FISCAL YEAR'S BUDGETED AD VALOREM TAX REVENUE**

The Town of Surfside Charter Article II, Section 11 - "Powers of commission" is hereby amended to read as indicated below, with additions to existing Charter text being shown in underline; and deletions from existing Charter text being shown in ~~strikethrough~~.

**Sec. 11. - Powers of commission.**

All powers of the town not specifically conferred on other officers and employees and the determination of all matters of policy shall be vested in the commission. Without limitation of the foregoing, the commission shall have power to:

- (1) Appoint and remove the town manager, municipal judge, associate municipal judge, town attorneys, prosecuting attorney and certified public accountants for audits.
- (2) Establish administrative departments as designated and described in the budget adopted under Sections 65 and 66.
- (3) Adopt the budget of the town.
- (4) Levy, assess and collect such general and special taxes and fees on all property within the town, and such special assessments for special and local improvements, and such excise, occupational, privilege and special service fees and taxes, within the limits herein provided, as shall be lawful for carrying out the purpose and powers of the town.

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<sup>1</sup>Proposed additions to existing Town Charter text are indicated by underlining; proposed deletions from existing Town Charter text are indicated by ~~strikethrough~~.



- (5) Authorize the issuance of bonds.
- (6) Adopt plats.
- (7) Appoint members of any or all advisory boards or commissions the commission may establish under this Charter and prescribe by ordinance their duties, responsibilities, authorized procedures and tenure of office.
- (8) Adopt and modify the official map of the town.
- (9) Regulate and restrict: (a) location, number of stories, height, size, cubic contents, construction, appearance and area of buildings and other structures (including billboards, signs and other advertising devices); (b) the percentage and portion of lots and lands that may be occupied or built on; (c) the density of population; (d) the use of buildings, structures and land for trade, industries, residence, apartment houses and all and any other purposes; (e) no authorization or permit shall be issued for the construction, repair, alteration, extension or replacement of any structure or building east of the "ocean bulkhead line" of the Town of Surfside, which "ocean bulkhead line" was established by ordinance no. 95, approved and adopted on the 8th day of February, 1943, and is presently set forth and described as section 6-20 [now section 14-76 et seq.] of the Code of the Town of Surfside, except that the commission may provide for the construction of groins, bulkheads, seawalls, jetties, breakwaters or other protective work east of the "ocean bulkhead line" by ordinance.
- (10) Adopt, modify and carry out plans for the clearance of slum districts and the rehabilitation of blighted areas.
- (11) Adopt, modify and carry out plans for the improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.
- (12) Grant public utility franchises and regulate the exercise thereof.
- (13) Provide for annual, monthly, continuing or special audits by independent certified public accountants.
- (14) Provide for life and/or disability insurance for employees of the Town of Surfside and/or its agents and/or its officers on a group insurance plan, and to pay all or such portions of the premium or premiums thereon as it may by ordinance determine; and to establish and create by ordinance a pension, annuity and retirement system for any or all groups of officers, or agents or employees of the Town of Surfside. Any pension or retirement system established under the provisions of this section shall be administered by a pension board appointed by the commission.

- (15) Regulate and license the sale, possession and custody of firearms within the town.
- (16) Use Town funds not exceeding \$2,000,000, adjusted for inflation from 2025 forward, for any single project, purchase, or investment, except in the case of an "emergency" as defined in Sec. 2-262(a)(1) of the Town Code. Use of Town funds exceeding \$2,000,000, as set forth herein, shall require a unanimous vote of the entire Town Commission.
- (17) Use Town funds on any single project, purchase, or investment in an amount equal to or less than 20% of the Town's prior fiscal year's budgeted ad valorem tax revenue without a public referendum supported by at least 60% of the electors. Use of Town funds exceeding said amount shall require a public referendum approved by at least 60% of the electors.