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36 **WHEREAS**, changing the Town General Election will represent significant savings
37 to the Town in the cost of such Election; and

38 **WHEREAS**, to conform with the November General Election date, the terms of those
39 officials elected in 2026 which expire in March 2028 shall be extended one time only to
40 November 2028; and

41 **WHEREAS**, the Town Commission wishes to seek the approval of the electors by a
42 ballot question referendum concerning an amendment to Article VI – “Nominations and
43 Elections” Section 105(1). – “General and Special Elections of Commission Members” to
44 change the general election date for all members of the Town Commission from the third
45 Tuesday in March to the first Tuesday in November and any runoff election date to the
46 second Tuesday of the following month; and

47 **WHEREAS**, in accordance with the provision of the Charter of the Town of Surfside
48 (Chapter 27914, Laws of Florida, 1951) as amended, a special municipal election is hereby
49 directed to be held in the Town of Surfside at the Town Hall Commission Chambers, 9293
50 Harding Avenue, Surfside, Florida, from 7:00 o'clock a.m. until 7:00 o'clock p.m. Eastern
51 Standard Time, on the 17th day of March, 2026, said date being the third Tuesday in March
52 2026, for the purpose of submitting to the electorate the proposed referendum ballot
53 language concerning an amendment to Article VI – “Nominations and Elections” Section
54 105.(1) – “General and Special Elections of Commission Members” to change the general
55 election date from the third Tuesday in March to the first Tuesday in November; and

56 **WHEREAS**, in accordance with the provision of the Charter of the Town of Surfside
57 (Chapter 27914, Laws of Florida, 1951) as amended, a special municipal election is hereby
58 directed to be held in the Town of Surfside at the Town Hall Commission Chambers, 9293

Harding Avenue, Surfside, Florida, from 7:00 o'clock a.m. until 7:00 o'clock p.m. Eastern Standard Time, on the 17th day of March, 2026, said date being the third Tuesday in March 2026, for the purpose of submitting to the electorate the proposed referendum ballot language concerning an amendment to Article VI – "Nominations and Elections" Section 105.(4) and (5) – "General and Special Elections of Commission Members" to change the runoff election date from the third Tuesday in April to the second Tuesday in December; and

WHEREAS, 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 or by using the vote-by-mail (VBM) option; 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 accordance with Florida Statutes 50.0311. 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

82 **WHEREAS**, the Town Commission finds that this Resolution is in the best interest
83 and welfare of the Town.

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

86 **Section 1. Recitals.** The above-stated recitals are true and correct and are
87 incorporated herein by this reference.

88 **Section 2. Special Election Called; Notice of Election.** That a special election
89 is hereby called, to be held on Tuesday, March 17, 2026, to present to the qualified electors
90 of the Town of Surfside, the ballot question provided in this Resolution. Such publication
91 shall be made in accordance with F.S. 50.0311 and Section 100.342 and should be
92 completed once in the fifth week before the election and once in the third week before the
93 election, or as otherwise prescribed by law, and shall be in substantially the following form:

94 **“THE TOWN OF SURFSIDE, FLORIDA**
95 **NOTICE OF CHARTER AMENDMENTS REFERENDUM**
96 **SPECIAL ELECTION**
97

98 **PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO.**
99 **2026-3480 ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF**
100 **SURFSIDE, FLORIDA (“TOWN”), A SPECIAL ELECTION HAS BEEN CALLED**
101 **AND ORDERED TO BE HELD WITHIN THE TOWN ON TUESDAY, MARCH 17,**
102 **2026, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE**
103 **FOLLOWING CHARTER AMENDMENT QUESTIONS SHALL BE SUBMITTED TO**
104 **THE QUALIFIED ELECTORS OF THE TOWN:**
105

106
107 **QUESTION 1**

108
109 **CHANGING GENERAL AND RUNOFF ELECTION DATES STARTING IN**
110 **NOVEMBER 2028**
111

112 Shall the Charter be amended to change Surfside’s general election date
113 from March to November in even-numbered years, and any runoff to the
114 second Tuesday of the following month, and extending, one-time only, the

terms of officials elected in 2026 to November 2028?

Yes []
No []

Sandra N. 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, March 17, 2026, as hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT

QUESTION 1

CHANGING GENERAL AND RUNOFF ELECTION DATES STARTING IN NOVEMBER 2028

Shall the Charter be amended to change Surfside’s general election date from March to November in even-numbered years, and any runoff to the second Tuesday of the following month, and extending, one-time only, the terms of officials elected in 2026 to November 2028?

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.

145 **Section 5. Charter Amendment Text; Effectiveness.** The text of the proposed
146 Charter amendments (the "Charter Amendments") are set forth in Exhibits "A" and "B", which
147 are attached hereto and incorporated herein. The Charter Amendments shall become
148 effective if the majority of the qualified electors of the Town voting on the Charter
149 Amendments vote for its adoption, and it shall be considered adopted and effective upon
150 the certification of the Special Election results. Following the adoption of the Charter
151 Amendments, the Town Clerk shall file the adopted Charter Amendments with the Clerk of
152 the Circuit Court of Miami-Dade County, Florida.

153 **Section 6. Available for Public Inspection; Town Clerk to Utilize the Services**
154 **of Miami-Dade County Supervisor of Elections.** Copies of this Resolution providing for
155 the special election referendum are on file in the Office of the Town Clerk located at 9293
156 Harding Avenue, Surfside, Florida and are available for public inspection during regular
157 business hours. Furthermore, the Town Clerk is authorized to utilize the services of Miami-
158 Dade County Supervisor of Elections for any assistance required in the administration of the
159 election. The Town shall pay all expenses for conducting this Special Election and will pay
160 such expenses to Miami-Dade County upon receipt of invoice or statement approved by the
161 Supervisor of Elections of Miami-Dade County, Florida.

162 **Section 7. Authorization of Town Officials.** The Town Manager, Town Attorney
163 and Town Clerk are hereby authorized to take all steps necessary to complete the execution
164 and implementation of the terms and purposes of this Resolution, and the Special Election
165 Referendum if adopted and effective.

166 **Section 8. Effective Date.** This Resolution shall become effective immediately
167 upon adoption.

PASSED AND ADOPTED this 13th day of January, 2026.

Motion by Commissioner Velasquez;

Second by Mayor Burkett.

FINAL VOTE ON ADOPTION

Commissioner Ruben A. Coto	<u>Absent</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Commissioner Gerardo Vildostegui	<u>Absent</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>

Charles W. Burkett, Mayor

ATTEST:


Sandra N. McCreedy, Town Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Thais Hernandez, Town Attorney

197 EXHIBIT "A"

198 TEXT OF PROPOSED CHARTER AMENDMENT TO
199 THE TOWN OF SURFSIDE CHARTER¹

200 * * *

201
202 CHANGING RUNOFF ELECTION DATE AND INSTALLATION/TERM
203 COMMENCEMENT, TRANSACTION OF BUSINESS
204

205 The Town of Surfside Charter Article VI – "Nominations and Elections" Section 105. –
206 "General and Special Elections of Commission Members" is hereby amended to read as
207 indicated below, with additions to existing Charter text being shown in underline; and
208 deletions from existing Charter text being shown in ~~strikethrough~~.
209

210 **Sec. 105. General and special elections of commission members.**

- 211 (1) On the ~~third~~ first Tuesday in ~~March~~ November every even numbered calendar
212 year, all members of the Town Commission shall be elected for terms of two (2)
213 years, provided, however, that Commission members elected for four (4) year
214 terms at the 1974 Election pursuant to the Charter provisions in existence prior to
215 the adoption of this Amendment, shall remain in office until the expiration of the
216 term to which they were elected under such prior provisions. At the Election to be
217 held in the year 1976, and biennially thereafter, all members of the Town
218 Commission shall be elected for terms of TWO (2) years; terms to begin at 8
219 o'clock P.M. on the day following the Election.
- 220 (2) Should a vacancy on the commission be filled at a general municipal election,
221 pursuant to Charter section 16, the term of such vacancy shall be considered to
222 have expired and the candidate elected shall be elected for a two-year term. The
223 commission may implement the provisions of this section or other provisions of
224 this Charter governing the filling of vacancies, by ordinance, not inconsistent with
225 the provisions of this Charter.
- 226 (3) If two or more vacancies occur at approximately the same time they shall be filled
227 separately in the order in which they occur. If all the places on the commission
228 shall become vacant at once, or should a majority of the places on the
229 commission become vacant, the Town Manager shall within sixty days call a
230 Special Election of members to serve for the remainder of the unexpired terms;
231 the candidates receiving the highest number of votes shall be elected for the
232 longest unexpired terms and the candidates receiving the next highest number of
233 votes shall be elected for the shortest unexpired terms. Should the Town
234 Manager fail or refuse to order an election as herein provided within the time
235 required, such election may be ordered by any court of competent jurisdiction.

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

- 236 (4) All elections held on the ~~third~~ first Tuesday of ~~in March~~ November in even
237 numbered calendar years, or any postponements thereof, for the election of
238 commissioners shall be known as general municipal elections. All other elections
239 shall be known as special municipal elections.
- 240 (5) All members of the Commission receiving the required number of votes shall be
241 elected in accordance with Charter Section 8. A run-off election shall be held the
242 ~~first~~ second Tuesday of ~~April~~ December following the general election in the
243 event that there is:
- 244 A. A tie vote among all candidates for Mayor and/or among all candidates for
245 Town Commissioner;
- 246 B. A tie vote among four or more candidates for Town Commissioner after one
247 Town Commissioner seat is filled;
- 248 C. A tie vote among three or more candidates for Town Commissioner after two
249 Town Commissioner seats are filled;
- 250 D. A tie vote between two or more candidates for Town Commissioner after
251 three Town Commissioner seats are filled.
- 252 E. No candidate for Mayor that receives a 50% plus 1 majority vote.
- 253 A seat shall be considered "filled" as referenced hereinabove when a candidate
254 receives the number of votes required under Charter Section 8.
- 255 Should the votes in the run-off election result in a tie result, the outcome shall be
256 determined by lot. The runoff election shall be held in the same manner and form
257 as the general municipal election.
- 258 Should no candidate for Mayor receive a 50% plus 1 majority vote at the general
259 election, the two candidates for Mayor receiving the highest number of votes shall
260 proceed to a run-off election.
- 261 (6) All elections shall be conducted by secret ballot, with or without the use of voting
262 machines as the commission by ordinance may direct, and under rules to be
263 fixed by ordinance not inconsistent herewith.
- 264 (7) No general or special election of the Town of Surfside shall be held on a national
265 or state legal holiday. Should the third Tuesday in March in any even numbered
266 calendar year be declared such a legal holiday, then the regular election
267 scheduled for that day shall be postponed to the first day thereafter that is not a
268 legal holiday, and the induction of commissioners into office shall be deferred to
269 the next business day following such postponed election, but such deferred
270 induction shall not change the expiration dates of the terms of office of the
271 candidates elected.
- 272 (8) A. If not more than one candidate has qualified for Mayor and/or the number of
273 qualified candidates for Town Commissioner are equal to or less than the number
274 of seats to be filled, then said candidates shall be elected by operation of law and
275 no election for said Office(s) shall be conducted. Any remaining unfilled seats on

the commission shall be filled in accordance with the supplemental qualifying process set forth in subsection B below, as applicable.

B. If more than one candidate has qualified for Mayor and/or the number of qualified candidates for Town Commissioner are greater than the number of seats to be filled, then the election shall be held for purposes of electing said officials. If however, following the qualifying period a qualified candidate withdraws, dies, or is removed from the ballot, leaving fewer than two qualified candidates for Mayor and/or a number of qualified candidates for Town Commissioner which are equal to or less than the number of seats to be filled, then a vacancy in candidacy shall have occurred, and there shall be one supplemental qualifying period of five (5) business days beginning on the first business day immediately following the vacancy. 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.

(a) If after the end of all applicable qualifying periods there are two or more qualified candidates for Mayor and/or the number of qualified candidates for Town Commissioner are greater than the number of seats to be filled, then the election shall be held for purposes of electing said officials.

(b) If after the end of all applicable qualifying periods there is only one qualified candidate for Mayor and/or the number of qualified candidates for Town Commissioner are equal in number or less than the number of seats to be filled, then said candidates shall be deemed elected by operation of law and no election for said Office(s) shall be conducted.

(c) Any unfilled Commission seats remaining after the end of all applicable qualifying periods for the General Election as a result of no candidates having qualified to fill such seats shall be deemed a vacancy on the commission, which shall be filled in accordance with the procedure set forth in section 16 of the Town Charter.

C. The terms of all newly-elected commissioners from the General/RunOff Election shall commence in accordance with Charter section 19 except in the event the election has not been held due to all said commission members having been elected by operation of law as set forth hereinabove, in which case all such officials' terms shall commence on the first business day immediately following the subject scheduled election date, whereupon they shall be administered the oath of office. Moreover, in the event at least one of the Town Commissioners has been elected by operation of law, the selection of Vice Mayor shall be made by the new Town Commission.