

## **RESOLUTION NO. 2026 - 3480**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON MARCH 17, 2026, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE ONE BALLOT QUESTION CONTAINING PROPOSED AMENDMENTS TO THE TOWN CHARTER: AT ARTICLE VI - "NOMINATIONS AND ELECTIONS", SECTION 105. - "GENERAL AND SPECIAL ELECTIONS OF COMMISSION MEMBERS," TO CHANGE THE GENERAL ELECTION DATE FROM THE THIRD TUESDAY IN MARCH TO THE FIRST TUESDAY IN NOVEMBER, EXTENDING ONE-TIME ONLY, THE TERMS OF OFFICIALS ELECTED IN 2026 TO NOVEMBER 2028; 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.

26       **WHEREAS**, Section 97.1 of the Town Charter of the Town of Surfside ("Town")  
27       referencing Section 6.03 of Article 6 of the Home Rule Charter for Miami-Dade County  
28       provides the manner in which charter amendments shall be proposed; and

29           **WHEREAS**, the Town Commission met on December 9, 2025, and the Town  
30           Commission wishes to put a ballot question to the electorate regarding the possibility of  
31           changing the Town's General Elections from March to November; and

32                   **WHEREAS**, the Town Commission wishes to change the Town's General Elections  
33                    to coincide with Federal, State, and County General Elections; and

34                   **WHEREAS**, having the elections take place in November will positively impact voter  
35 turnout; and

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

59     Harding Avenue, Surfside, Florida, from 7:00 o'clock a.m. until 7:00 o'clock p.m. Eastern  
60     Standard Time, on the 17th day of March, 2026, said date being the third Tuesday in March  
61     2026, for the purpose of submitting to the electorate the proposed referendum ballot  
62     language concerning an amendment to Article VI – "Nominations and Elections" Section  
63     105.(4) and (5) – "General and Special Elections of Commission Members" to change the  
64     runoff election date from the third Tuesday in April to the second Tuesday in December; and

65                **WHEREAS**, the appropriate and proper Miami-Dade County election officials shall  
66     conduct the said Special Election hereby called, with acceptance of the certification of the  
67     results of said Special Election to be performed by the Town Commission. The official  
68     returns shall be furnished to the Town Clerk as soon as the ballots from the precinct have  
69     been tabulated and in accordance with Section 26-12 of the Town Code and applicable  
70     laws; and

71                **WHEREAS**, the voting precinct in the Town for said Special Election which has been  
72     established by the proper and appropriate Miami-Dade County Election Officials is located  
73     at Surfside Town Hall, 9293 Harding Avenue, Surfside, Florida 33154. All Town electors  
74     shall vote at this polling place for this Special Election or by using the vote-by-mail (VBM)  
75     option; and

76                **WHEREAS**, not less than thirty (30) days' notice of the adoption of this Resolution  
77     and of its provisions calling for a referendum shall be given by publication in accordance  
78     with Florida Statutes 50.0311. Such publication shall be made once in the fifth week before  
79     the election and once in the third week before the election in accordance with the provisions  
80     of Section 100.342, Florida Statutes, and the Town Charter and Code, or as otherwise  
81     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           **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

115                   terms of officials elected in 2026 to November 2028?

116

117                   Yes    [        ]  
118                   No     [        ]  
119

120

121                   

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122                   Sandra N. McCready, MMC, Town Clerk"

123                   **Section 3. Form of Ballot; Ballot Question.** That the official ballot to be used in  
124                   the Special Election to be held on Tuesday, March 17, 2026, as hereby called, shall be in  
125                   substantially the following form, to-wit:

126                   **"OFFICIAL BALLOT**

127

128                   **QUESTION 1**

129                   **CHANGING GENERAL AND RUNOFF ELECTION DATES STARTING IN**  
130                   **NOVEMBER 2028**

131  
132                   Shall the Charter be amended to change Surfside's general election date  
133                   from March to November in even-numbered years, and any runoff to the  
134                   second Tuesday of the following month, and extending, one-time only, the  
135                   terms of officials elected in 2026 to November 2028?

136

137                   Yes    [        ]  
138                   No     [        ]"  
139

140

141                   **Section 4. Balloting.** That balloting shall be conducted between the hours of 7:00  
142                   a.m. until 7:00 p.m. on election day at the regular polling place for Town elections. Vote-by-  
143                   mail ballots shall be provided as authorized by law. All qualified Town electors who are  
144                   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.

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

169

170

171 Motion by Commissioner Velasquez;

172

173 Second by Mayor Burkett.

174

175 **FINAL VOTE ON ADOPTION**

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177 Commissioner Ruben A. Coto Absent

178 Commissioner Nelly Velasquez Yes

179 Commissioner Gerardo Vildostegui Absent

180 Vice Mayor Tina Paul Yes

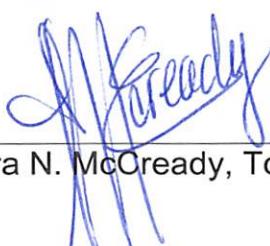
181 Mayor Charles W. Burkett Yes

182

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

185

186 **ATTEST:**



187 \_\_\_\_\_  
188 Sandra N. McCready, Town Clerk



189 \_\_\_\_\_  
190 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**



191 \_\_\_\_\_  
192 Thais Hernandez, Town Attorney

193

194

195

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## EXHIBIT "A"

198 **TEXT OF PROPOSED CHARTER AMENDMENT TO**  
199 **THE TOWN OF SURFSIDE CHARTER<sup>1</sup>**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.

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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~~.

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

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

278 B. If more than one candidate has qualified for Mayor and/or the number of  
279 qualified candidates for Town Commissioner are greater than the number of  
280 seats to be filled, then the election shall be held for purposes of electing said  
281 officials. If however, following the qualifying period a qualified candidate  
282 withdraws, dies, or is removed from the ballot, leaving fewer than two  
283 qualified candidates for Mayor and/or a number of qualified candidates for  
284 Town Commissioner which are equal to or less than the number of seats to  
285 be filled, then a vacancy in candidacy shall have occurred, and there shall be  
286 one supplemental qualifying period of five (5) business days beginning on  
287 the first business day immediately following the vacancy. The Town shall by  
288 ordinance establish the number of days (no less in number than as advised  
289 by the Miami-Dade County Elections Department) prior to the election date  
290 by which no further supplemental qualifying period shall occur.

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

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

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

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