

RESOLUTION NO. 2026-3517

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 3, 2026, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II, SECTION 5 “NUMBER; SELECTION; TERM”, SECTION 8 “PRESIDING OFFICERS”, AND ARTICLE VI, SECTION 105 “GENERAL AND SPECIAL ELECTIONS OF COMMISSION MEMBERS”; PROVIDING FOR THE ESTABLISHMENT OF FOUR-YEAR STAGGERED TERMS FOR THE MAYOR AND COMMISSIONERS; PROVIDING FOR THE SELECTION METHOD FOR THE VICE MAYOR; AND PROVIDING FOR A PLURALITY OR HIGHEST NUMBER OF VOTES FOR THE MAYOR, ELIMINATING THE MAYORAL RUN-OFF ELECTION; PROVIDING REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT 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; PROVIDING FOR AUTHORIZATION; CONFLICTS; 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 Charter currently provides for biennial elections, resulting in the Mayor and all four (4) Town Commissioners being subject to election every two (2) years; and

WHEREAS, the Town Commission has determined that the current biennial election structure does not provide for continuity of government or institutional knowledge on the Town Commission, and that a staggered election cycle would

better serve the interests of the Town and its residents by ensuring that experienced commissioners remain in office during each election cycle; and

WHEREAS, the Town Commission desires to propose an amendment to the Town Charter that would replace the current biennial election structure with a staggered four-year election cycle, commencing with the November 2028 General Election; and

WHEREAS, under the proposed amendment, the two (2) Town Commission seats whose holders received the lowest number of votes in the 2026 Town general election¹ shall be subject to election in November 2028, for four-year terms expiring in November 2032; and

WHEREAS, under the proposed amendment, the Mayor and the two (2) remaining Town Commission seats shall be subject to election in November 2030, for four-year terms expiring in November 2034, thereby establishing a permanent staggered cycle in which two (2) seats are elected in one cycle and three (3) seats are elected in the alternate cycle; and

WHEREAS, the proposed amendment further provides that following each general election at which Commission seats are filled, the members of the Town Commission shall elect a Vice Mayor from among themselves by a majority vote of the Commission; and

WHEREAS, Article II, Section 8 “Presiding Officers” and Article VI, Section 105 “General and special elections of commission members” of the Town Charter

¹ At the 2026 General Election, Andrea Travani and Gerardo Vildostegui received the lowest number of votes for Commission.

currently provide that the Mayor shall be elected by a 50% plus 1 majority vote, and that should no candidate for Mayor receive a 50% plus 1 majority vote at the general election, the two candidates for Mayor receiving the highest number of votes shall proceed to a run-off election; and

WHEREAS, the proposed amendment further provides that in any election in which the office of Mayor is placed directly before the voters, the candidate receiving a plurality of the votes cast (highest number of votes) shall be elected, and no runoff election shall be held; and

WHEREAS, the Town Commission finds that submission of the proposed Charter amendment to the electors of the Town is in the best interests of the Town and its residents and is consistent with the Town's commitment to stable, effective, and

WHEREAS, in accordance with provisions of the Charter of the 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 3, 2026, for the purpose of submitting to the electorate the proposed amendments to the Town Charter which are set forth herein; 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 this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. 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 Code; 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 3, 2026, to present to the qualified electors of the Town of Surfside, the ballot question provided in this Resolution. Notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida, at least thirty (30) days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week

commencing Sunday, September 27, 2026), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 11, 2026), and shall be in substantially the following form:

“THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF CHARTER AMENDMENT REFERENDUM SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2026-3517 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 3, 2026, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT QUESTION SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:

ESTABLISHING FOUR-YEAR STAGGERED TERMS, SELECTION METHOD FOR VICE MAYOR AND PLURALITY VOTE FOR MAYOR

The Charter provides for two-year terms for elected officials and requires that the Mayor win by a 50 plus 1 majority vote. Shall the Charter be amended to provide for four-year staggered terms for elected officials, change the method of selecting the Vice Mayor to majority vote of the Commission, and for the election of the Mayor by plurality (highest number of votes) at the general election, eliminating the runoff election for Mayor?

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.

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 3, 2026, as hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT

ESTABLISHING FOUR-YEAR STAGGERED TERMS, SELECTION METHOD FOR VICE MAYOR AND PLURALITY VOTE FOR MAYOR

The Charter provides for two-year terms for elected officials and requires that the Mayor win by a 50 plus 1 majority vote. Shall the Charter be amended to provide for four-year staggered terms for elected officials, change the method of selecting the Vice Mayor to majority vote of the Commission, and for the election of the Mayor by plurality (highest number of votes) at the general election, eliminating the runoff election for Mayor?

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 and early voting 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 amendment (the “Charter Amendment”) is set forth in Exhibit “A”, which is attached hereto and incorporated herein. The Charter Amendment shall

become effective if the majority of the qualified electors of the Town voting on the Charter Amendment 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 Amendment, the Town Clerk shall file the adopted Charter Amendment 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. Conflicts. The amendments proposed herein shall govern and control over any sections of the Charter or parts thereof, or ordinances or parts thereof in the Town Code, in conflict herewith.

Section 9. Effective Date. This Resolution shall become effective immediately upon adoption.


PASSED AND ADOPTED this 12th day of May, 2026.

Motion By: Commissioner Weingot

Second By: Mayor Danzinger

FINAL VOTE ON ADOPTION:

Commissioner Andrea Travani	<u>No</u>
Commissioner Gerardo Vildostegui	<u>No</u>
Commissioner David Weingot	<u>Yes</u>
Vice Mayor Dayana Benmergui	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>



Shlomo Danzinger, Mayor


ATTEST:



Sandra N. McCready, MMC
Town Clerk



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



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

EXHIBIT "A"

TEXT OF PROPOSED CHARTER AMENDMENT OF THE TOWN OF SURFSIDE

TOWN OF SURFSIDE CHARTER

* * *

ARTICLE II. – TOWN COMMISSION

* * *

Sec. 5. - Number; selection; term.

The commission shall have five members elected from the town at large in the manner and for terms provided in section 8 or Article VI (as applicable), or until their successors have been elected and take office.

* * *

Sec. 8. - Presiding officers;

A. Term. The Mayor and Commissioners shall be elected for a term of four (4) years by plurality vote (highest number of votes). Subject to Charter section 105, candidates receiving the highest number of votes shall be elected as follows: The Mayor shall be elected by a 50% plus 1 majority vote and separately from his/her own group. The four Commissioners shall run at large and the Commissioner receiving the highest number of votes in the General Election shall, for a term of two years immediately following thereafter, have the title of Vice Mayor, subject to the limited exception provided for in Charter [Section 105\(8\)C](#). The Commissioners receiving the second, third and fourth highest number of votes in the General Election shall, for a term of two years immediately following thereafter, serve as the remaining Commissioners.

B. At Large Elections. All four (4) commissioners shall be elected at large, with those commissioners receiving the highest number of votes being elected, without a runoff. The Mayor shall be elected at large based upon a plurality (highest number of votes) vote without a runoff.

C. Vice Mayor. The Vice Mayor shall be selected by the Commission by a majority vote after each election.

D. Transition. The two (2) commissioners receiving the lowest number of votes in the 2026 General Election shall retain their term of office until re-elected or replaced at the 2028 General Election. The Mayor and the remaining two (2) commissioners elected at the 2026 General Election shall serve in those capacities

until the 2030 General Election. The current Vice Mayor shall retain the position up to the 2030 General Election. The foregoing terms shall apply to any successor(s) by virtue of vacancy.²

E. The Town Commission may, by ordinance, provide further procedures for the implementation of this paragraph (B), if desired.

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ARTICLE VI. – NOMINATIONS AND ELECTIONS

* * *

Sec. 105. - General and special elections of commission members.

* * *

(8)

* * *

D. The provisions of Charter Section 8(B) shall supersede and prevail over any conflicting provisions of this Section 105 of the Charter.

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ARTICLE VI. – NOMINATIONS AND ELECTIONS

* * *

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

* * *

(5) All members of the Commission receiving the highest required number of votes shall be elected in accordance with Charter Section 8. A run-off election shall be held the first Tuesday of April following the general election or as soon as possible in the event that there is for those candidates receiving the following tie votes:

- A. A Tie vote among all candidates for Mayor and/or among all candidates for Town Commissioner;
- B. A Tie vote among four or more candidates for Town Commissioner after one Town Commissioner seat is filled;
- C. A Tie vote among three or more candidates for Town Commissioner after two Town Commissioner seats are filled;

² This transition provision D. shall sunset and expire after the 2030 General Election.

— ~~D.~~ A Tie vote between two or more candidates for Town Commissioner after three Town Commissioner seats are filled.

~~E.~~ No candidate for Mayor that receives a 50% plus 1 majority vote.

A seat shall be considered "filled" as referenced hereinabove when a candidate receives the highest number of votes cast, in accordance with required under Charter section 8.

Should the votes in the run-off election result in a tie result, the outcome shall be determined by lot. The runoff election shall be held in the same manner and form as the general municipal election.

~~Should no candidate for Mayor receive a 50% plus 1 majority vote at the general election, the two candidates for Mayor receiving the highest number of votes shall proceed to a run-off election.~~

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