

RESOLUTION NO. 2026-3518

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 AN AMENDMENT TO THE TOWN CHARTER AMENDING ARTICLE II, "TOWN COMMISSION", SECTION 11, "POWERS OF COMMISSION", SUBSECTION (16) TO REQUIRE A MAJORITY VOTE IN LIEU OF A UNANIMOUS VOTE OF THE TOWN COMMISSION FOR EXPENDITURES OVER \$2,000,000; PROVIDING FOR 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 OFFICE FOR THE SPECIAL ELECTION; PROVIDING FOR AUTHORIZATION; 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 is a municipal corporation organized and existing under the laws of the State of Florida, with authority to amend its Charter; and

WHEREAS, Article II, Section 11(16) of the Charter of the Town of Surfside (the "Charter") currently provides that the Town Commission must act by unanimous vote of the entire Commission in order to spend more than Two Million Dollars (\$2,000,000.00) on any single project, purchase, or investment, except in the case of an emergency; and

WHEREAS, the Town Commission has determined that the unanimous vote requirement set forth in Article II, Section 11(16) of the Charter impairs the Town's ability

to act efficiently and decisively on critical capital projects, infrastructure improvements, and other significant municipal expenditures that serve the public interest; and

WHEREAS, the unanimous vote requirement is inconsistent with fundamental principles of democratic governance, which contemplate that a duly elected majority of a legislative body present at a public meeting shall have the authority to bind that body on matters of municipal policy, including significant financial commitments made on behalf of the residents of the Town; and

WHEREAS, the unanimous vote requirement has created operational and administrative difficulties in practice, including the potential for a single dissenting Commissioner to exercise what is effectively a veto over expenditures that have the support of a majority of the Town Commission and that serve legitimate and pressing municipal needs; and

WHEREAS, the Town Commission has further determined that upon amending Section 11(16), voting on expenditures in excess of Two Million Dollars (\$2,000,000.00) shall be governed by the general voting rules applicable to the Town Commission, which require approval by a majority of Commission members present at a duly noticed meeting at which a quorum exists; and

WHEREAS, amendments to a municipal charter must be submitted to the electors of the municipality for approval at a referendum election, and the Town Commission desires to submit the proposed amendment to Article II, Section 11(16) of the Charter to the qualified electors of the Town for their consideration and approval; and

WHEREAS, the Town Commission has determined that it is in the best interests of the residents and taxpayers of the Town of Surfside to place the proposed Charter amendment on the ballot at the Special Election scheduled for November 3, 2026, in accordance with the applicable deadlines established by the Miami-Dade County Supervisor

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 ballot title and summary set forth in this Resolution have been prepared in accordance with the requirements of Section 101.161, Florida Statutes, and fairly and accurately inform the electors of the chief purpose of the proposed amendment; 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 SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2026-3518 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:

REQUIRING A MAJORITY VOTE OF THE TOWN COMMISSION FOR EXPENDITURES EXCEEDING \$2,000,000

The Town Charter currently requires a unanimous vote of the entire Town Commission for expenditures over \$2,000,000. Shall the Charter be amended to require a simple majority vote of the Town Commission in the case of any expenditure for any single project, purchase, or investment exceeding \$2,000,000?

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

“OFFICIAL BALLOT

REQUIRING A MAJORITY VOTE OF THE TOWN COMMISSION FOR EXPENDITURES EXCEEDING \$2,000,000

The Town Charter currently requires a unanimous vote of the entire Town Commission for expenditures over \$2,000,000. Shall the Charter be amended to require a simple majority vote of the Town Commission in the case of any expenditure for any single project, purchase, or investment exceeding \$2,000,000?

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. Implementation. The Town Manager and Town Clerk are hereby directed to take all necessary action to assist in the implementation of this Resolution.

Section 7. Effective Date. That this Resolution shall become effective immediately upon adoption.

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

Motion By: Commissioner Weingot

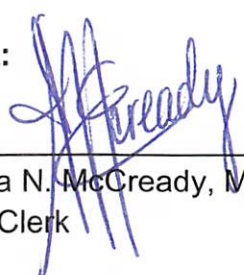
Second By: Mayor Danzinger

FINAL VOTE ON ADOPTION:

Commissioner Andrea Travani	<u>Yes</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 LEGAL SUFFICIENCY:



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

EXHIBIT "A"

TEXT OF PROPOSED CHARTER AMENDMENT OF THE TOWN OF SURFSIDE¹

TOWN OF SURFSIDE CHARTER

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ARTICLE II. - TOWN COMMISSION

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Sec. 11. Powers of commission.

- (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~~ majority vote of the members of the entire Town Commission present at a duly called meeting.

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