

**RESOLUTION NO. 2026-3519**

**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 (17) TO REMOVE THE REQUIREMENT THAT A SIXTY PERCENT (60%) VOTE OF THE ELECTORS IS NEEDED TO EXPEND MORE THAN TWENTY PERCENT (20%) OF THE MOST RECENT BUDGETED PROPERTY TAX REVENUE COLLECTIONS; PROVIDING FOR REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR THE 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 its Town Charter and the laws of the State of Florida; and

**WHEREAS**, the Town Commission has determined that the supermajority voter approval requirement imposed by Article II, Section 11(17) of the Town Charter creates operational and fiscal impediment to the Town's ability to effectively manage its finances, respond to the needs of its residents, and exercise its lawful governmental functions in a timely manner; and

**WHEREAS**, the supermajority threshold established by Article II, Section 11(17) imposes a standard beyond that required for ordinary municipal fiscal decision-making and has the effect of unduly restricting the Town Commission's ability to appropriate and expend funds in furtherance of the public health, safety, and welfare; and

**WHEREAS**, by way of concrete example, the Town has identified an essential watermain replacement project along Collins Avenue, the cost of which exceeds twenty percent (20%) of the Town's most recent property tax revenue collections, thereby triggering the supermajority referendum requirement of Article II, Section 11(17); and

**WHEREAS**, the referendum requirement imposed by Article II, Section 11(17) has caused significant delay in the Town's ability to proceed with said watermain replacement project, and the Town Commission has determined that the cost, time, and uncertainty associated with conducting a vote for this essential infrastructure improvement are entirely infeasible, with the result that the Town may be compelled to abandon this essential project effecting the critical public health, safety, and welfare interests of the Town residents; and

**WHEREAS**, the Town Charter authorizes the Town Commission to propose amendments to the Town Charter for submission to the electors of the Town at a special election called for that purpose; and

**WHEREAS**, the Town Commission desires to submit to the electors of the Town the question of whether Article II, Section 11(17) of the Town Charter should be deleted in its entirety; and

**WHEREAS**, the Town Commission has determined that a special election for such purpose shall be held on Tuesday, November 3, 2026, and that such election shall be conducted in accordance with the Town Charter and applicable 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 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 AMENDMENTS  
SPECIAL ELECTION**

**PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO  
RESOLUTION NO. 2026-3519 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:**

**REMOVING 60% VOTER APPROVAL REQUIREMENT FOR ANY EXPENDITURE ON ANY SINGLE PROJECT, PURCHASE, OR INVESTMENT**

Shall the Charter be amended to remove the requirement that a public vote be held in which at least 60% of the electors approve the expenditure of any single project, purchase, or investment, of an amount equal to or more than 20% of the Town’s most recent year’s annual property tax revenue collections?

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**

**REMOVING 60% VOTER APPROVAL REQUIREMENT FOR ANY EXPENDITURE ON ANY SINGLE PROJECT, PURCHASE, OR INVESTMENT.**

Shall the Charter be amended to remove the requirement that a public vote be held in which at least 60% of the electors approve the expenditure of any single

project, purchase, or investment, of an amount equal to or more than 20% of the Town's most recent year's annual property tax revenue collections?

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 12<sup>th</sup> day of May 2026.

Motion By: Commissioner Vildostegui

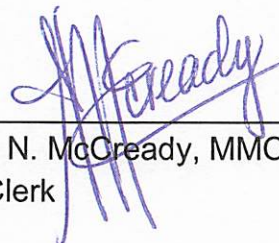
Second By: Commissioner Travani

**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>

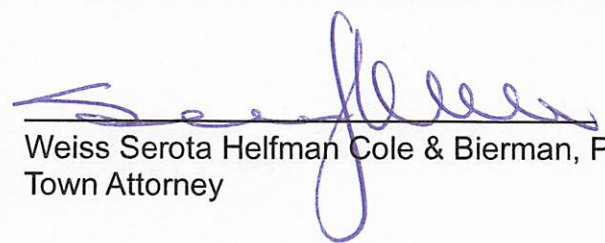
  
\_\_\_\_\_  
Shlomo Danzinger, Mayor

Attest:

  
\_\_\_\_\_  
Sandra N. McCreedy, 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 SURFSIDE<sup>1</sup>**

**TOWN OF SURFSIDE CHARTER**

\* \* \*

**ARTICLE II. - TOWN COMMISSION**

\* \* \*

**Sec. 11. Powers of 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 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.~~

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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~~.