

**RESOLUTION NO. 18-\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PLACING A NON-BINDING STRAW BALLOT MEASURE ON THE SPECIAL ELECTION BALLOT FOR MIAMI LAKES, FLORIDA, TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE TOWN OF MIAMI LAKES WHETHER THEY SUPPORT THE TOWN COUNCIL ADOPTING A 4.6% FRANCHISE FEE AGREEMENT WITH FLORIDA POWER AND LIGHT AND EARMARK 1.5% TO FUND THE PLACEMENT OF PERMANENT SCHOOL RESOURCE OFFICERS IN EACH OF THE TOWN'S PRIMARY AND SECONDARY PUBLIC SCHOOLS; PROVIDING REQUISITE BALLOT LANGUAGE; PROVIDING FOR BALLOTING PROCEDURES; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR COPIES; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. (MESTRE)**

**WHEREAS**, the Town of Miami Lakes (the "Town") Council recognizes the need to fund and place permanent, School Resource Officers ("SRO") at each of the Town's primary and secondary public schools; and

**WHEREAS**, Florida Power and Light ("FPL") has offered the Town a franchise agreement as the provider of electricity for Town; and

**WHEREAS**, as consideration for the agreement, FPL will collect and forward fees in an amount ranging from 0.5% to 6.0; and

**WHEREAS**, this agreement will replace the current franchise agreement currently in place with Miami-Dade County, which is set to expire; and

**WHEREAS**, the Council desires to determine whether the residents of Miami Lakes support a 4.6% franchise fee agreement with FPL, with an earmark of 1.5% for the placement and funding of permanent SRO's at each of the Town's primary and secondary public schools.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.** The foregoing Recitals are true and correct and incorporated herein by this reference.

**Section 2.**     **Non-Binding Referendum.** A non-binding referendum election is hereby called to be held on Tuesday, November 6, 2018 in conjunction with the general elections, for the purpose of submitting to the qualified electors of Miami Lakes the non-binding straw ballot measure as set forth in Section 4 of this Resolution.

**Section 3.**     **Election Called.** A special election is hereby called, to be held on Tuesday, the 6<sup>th</sup> day of November 2018, to present to the qualified electors of the Town of Miami Lakes, the non-binding straw ballot measure provided in Section 4 of this Resolution. That the Town Council may by Resolution alter the date of the election in the event that the Council finds that unforeseen circumstances require it to do so.

**Section 4.**     **Form of Ballot.** The form of ballot for the non-binding straw ballot measure provided in Section 2 of this Resolution shall be substantially, as follows:

Non-Binding Straw Ballot Measure Regarding the Town's Potential Execution of A 4.6% Franchise Agreement with FPL in Order to Fund Permanent School Resource Officer's at Each of the Town's Public Schools.

The Town may enter into a Franchise Agreement with FPL for the provision of electricity. As consideration, the Town can impose a fee between 0.5 - 6%. Should the Town agree to and collect a 4.6% franchise fee, and earmark 1.5% of the collected fees to fund permanent School Resource Officers to be stationed at each of the Town's Public Schools.

Yes [   ]

No [   ]

**Section 5.**     **Balloting** Balloting shall be conducted on Tuesday, November 6, 2018, between the hours of 7:00AM and 7:00 PM, at the regular polling places provided for Town elections. Absentee balloting shall be available as authorized by law. Early voting pursuant to Section 101.657 of Florida Statutes shall be provided. All qualified Town electors who are timely registered in accordance with law shall be entitled to vote. The Town Clerk is authorized to obtain any necessary election administration services from the Miami-Dade County Supervisor of Elections. The County registration books shall remain open at the Office of the County Supervisor of Elections until the date at which the registration books shall close in accordance with the provisions of the general election laws. The Town Clerk, with necessary assistance from Miami-Dade County Supervisor of Elections, is hereby authorized to take all appropriate actions necessary to carry into effect and accomplish the electoral provisions of this Resolution. This Special Election shall be canvassed by the Town Clerk in accordance with any applicable provisions of the general election laws of the State or County. The Town Clerk is hereby authorized to take any action which is necessary or expedient to implement this section or to comply with any applicable law.

**Section 6.**     **Notice of Election .** That notice of said election shall be published in accordance with Section 100.342, Florida Statute, in a newspaper of general circulation within the Town at least 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 30, 2018 ), and the second publication to be in the third week prior to the election ( to-wit: during the week commencing Sunday, October, 14, 2018), and shall be in substantially the following form:

“NOTICE OF ELECTION”

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. \_\_\_\_\_ DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, (THE “TOWN”), A SPECIAL ELECTION HAS CALLED AND ORDER TO BE HELD WITHIN THE TOWN ON TUESDAY NOVEMBER 6, 2018, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSALS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN.

Non-Binding Straw Ballot Measure Regarding the Town’s Potential Execution of A 4.6% Franchise Agreement with FPL in Order to Fund Permanent School Resource Officer’s at Each of the Town’s Public Schools.

The Town may enter into a Franchise Agreement with FPL for the provision of electricity. As consideration, the Town can impose a fee between 0.5 - 6%. Should the Town agree to and collect a 4.6% franchise fee, and earmark 1.5% of the collected fees to fund permanent School Resource Officers to be stationed at each of the Town’s Public Schools.

Yes [ ☐ ]

No [ ☐ ]

**Section 7.** **Copies.** Copies of this Resolution proposing the Charter Amendments are on file at the office of the Town Clerk located at Town of Miami Lakes 6601 Main Street, Miami Lakes, Florida 33014, and are available for public inspection during regular business hours.

**Section 8.** **Intent.** The Ballot measure presented to the electors of the Town of Miami Lakes pursuant to this Resolution is presented on a non-binding basis and shall serve only for the purpose of providing the Town Council with an expression of the Town Elector’s sentiments on the measure.

**Section 9.**     **Severability.** That the provisions of this Resolution are declared to be severable, and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but they shall remain in effect, it being the legislative intent that this Resolution shall stand, notwithstanding the invalidity of any part.

**Section 10.**   **Authorization of Town Clerk.** The Town Clerk, with necessary assistance from Miami-Dade County Supervisor of Elections, is hereby authorized to take all appropriate actions necessary to carry into effect and accomplish the electoral provisions of this Resolution.

**Section 9.**     **Effective Date.** This Resolution shall take effect immediately upon adoption.

**THIS SPACE INTENTIONALLY LEFT BLANK**

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

The foregoing resolution was offered by \_\_\_\_\_ who moved its adoption. The motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Timothy Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

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Manny Cid  
MAYOR

Attest:

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Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

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Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY