

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

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF A PROPOSED CHARTER AMENDMENT; PROVIDING THE REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE TOWN CHARTER TO BE HELD ON AUGUST 28, 2018; PROVIDING FOR NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council recognizes the need to provide the Town with Councilmembers that are educated and knowledgeable in the areas of good governance; and

**WHEREAS**, in order to achieve this goal, and pursuant to Section 6.1 of the Town Charter, the Town Council submits the following Charter Amendment to the electors of the Town.

**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.**     **Charter Amendments.** That pursuant to Section 7.4 of the Town Charter and Section 5.03 of the Miami-Dade County Charter, the Town Charter of the Town of Miami

Lakes, Florida is hereby amended by amending the title to Section 2.5 (c)(ii) "Filling of Vacancies" as follows<sup>1</sup>:

**Section 2.5 Vacancies; Forfeiture of Office; Filling of Vacancies.**

“\* \* \*”

(c) *Filling of vacancies.* A Vacancy on the Council shall be filled as follows:

“\* \* \*”

ii) If six months or more remain in the unexpired term, the vacancy shall be filled by a nomination of the Mayor made within 30 calendar days following the occurrence of the vacancy, subject to confirmation by the Council. The nominee shall fill the vacancy until the next ~~regularly scheduled election in Miami-Dade County~~ regularly scheduled election as described in Article 5, at which time an election shall be held to fill the vacancy. However, if the Council is unable to confirm a nominee a special election to fill that vacancy shall be held no later than 90 calendar days following the occurrence of the vacancy.

**Section 3. Election Called.** That a special election is hereby called, to be held on Tuesday, the 28<sup>th</sup> day of August 2018, to present to the qualified electors of the Town of Miami Lakes the ballot question provided in Section 4 of this Resolution.

**Section 4. Form of Ballot.** The form of ballot for the Charter Amendment provided for in Section 2, of this Resolution shall be as follows:

1. AMENDING SECTION 2.5 (c)(ii) OF THE TOWN CHARTER IN ORDER TO MODIFY THE ELECTION DATE FOR FILLING IN VACANCIES TO COINCIDE WITH REGULARLY SCHEDULED TOWN ELECTIONS

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<sup>1</sup> Proposed additions to existing Town Charter text are indicated by underline; proposed deletions from existing Town Charter text are indicated by ~~strike through~~. Omitted portions of this ordinance are shown as “\* \* \*”.

The Town Charter currently calls for elections of persons to fill vacancies on the Town Council to be held during the proceeding, regularly scheduled Miami-Dade County election immediately following the confirmation of the Mayor's nomination to fill the vacancy. The proposed charter amendment deletes the requirement that elections take place during the proceeding Miami-Dade County election and replaces it with a requirement that elections take place during the proceeding Town election.

Shall the above described amendment be adopted?

Yes [ ]

No [ ]

**Section 5. Ballot; Notice; Copies**

- a. Balloting shall be conducted on Tuesday, August 28, 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.

- b. 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, July 22, 2018 ), and the second publication to be in the third week prior to the election ( to-wit: during the week commencing Sunday, August 5, 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 ORDERED TO BE HELD WITHIN THE TOWN ON TUESDAY AUGUST, 28, 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.

AMENDING SECTION 2.5 (c)(ii) OF THE TOWN CHARTER IN ORDER TO MODIFY THE ELECTION DATE FOR FILLING IN VACANCIES TO COINCIDE WITH REGULARLY SCHEDULED TOWN ELECTIONS

The Town Charter currently calls for elections of persons to fill vacancies on the Town Council to be held during the proceeding, regularly scheduled Miami-Dade County election immediately following the confirmation of the Mayor’s nomination to fill the vacancy. The proposed charter amendment deletes the requirement that elections take place during the proceeding Miami-Dade County election and replaces it with a requirement that elections take place during the proceeding Town election.

Shall the above described amendment be adopted?

Yes [ ]

No [ ]

- c. 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 6. Effectiveness of Charter Amendment.**

A. That each of the Charter Amendments which are provided for in Sections 2 and 4 above shall become effective only if the majority of the qualified electors voting on the specific Charter Amendment vote for its adoption and each shall be considered adopted and effective upon certification of election results.

B. That the Town Attorney is authorized to revise the Charter to the extent necessary to assure that the amendment adopted conforms to and is properly included in the publication of the revised Town Charter. Further, the Town Attorney is authorized to reflect and implement such revisions of the Charter, including the revision of transitional provisions, to the extent necessary to assure that the amendment adopted conforms to all remaining Charter provisions.

C. That 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 7. Inclusion in the Charter.** Subject to the requirements of Section 6 above it is the intention of the Town Council and it is hereby provided that the Charter Amendment shall become and be made a part of the Charter of the Town of Miami Lakes that the Sections of this Resolution may be renumbered or re-lettered to accomplish such intention.

**Section 8.**      **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 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