

RESOLUTION NO. 17-____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, SCHEDULING A SPECIAL ELECTION ON AUGUST 28, 2018 IN ACCORDANCE WITH THE TOWN CHARTER; SETTING QUALIFYING DATES AUTHORIZING THE TOWN MANAGER, TOWN CLERK AND TOWN ATTORNEY TO TAKE ANY NECESSARY ACTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 25, 2017 Vice Mayor Tony Lama resigned office creating a vacancy; and

WHEREAS, Section 2.5(c) (ii) of the Town Charter requires that a vacancy of the position of Town Council of an unexpired term of more than six (6) months shall be filled by a nomination of the Mayor, subject to confirmation of the Council; and

WHEREAS, the Section 2.5(c)(ii) of the Town Charter requires that once the vacancy has been filled by a nominee, the nominee's term shall run until the next regularly scheduled election in Miami-Dade County; at which time a special election for the nominee's seat shall be held; and

WHEREAS, on July 26, 2017, at a duly noticed Special Call meeting, Mayor Manny Cid nominated, and the Town Council ratified the appointment of Councilwoman Marilyn Ruano; and

WHEREAS, the next regularly scheduled election in Miami-Dade County is scheduled to take place August 28, 2018; and

WHEREAS, Section 10-21 of the Town of Miami Lakes Code of Ordinances requires that the qualifying period commence the first Monday after the Town Council schedules a special election and shall consist of a period of five consecutive dates; and

WHEREAS, Florida Statute §101.141(3) contradicts the Town of Miami Lakes Code of Ordinances, and requires a Notice of Special Election to be published in a newspaper of general circulation two times, and at least ten days prior to the first day of qualifying;

WHEREAS, in order to comply with State Law, the first day of qualifying for the Special Election to fill Vice-Mayor Lama's vacant seat currently held by Councilwoman Marilyn Ruano should be held Monday, November 27, 2017 and remain open for five consecutive days;

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. Setting of Special Election. On August 28, 2018, the Town shall have a Special Election to fill Seat 3, left vacant by Vice-Mayor Tony Lama and currently held by Councilwoman Marilyn Ruano.

Section 3. Setting of Qualifying Dates. Beginning on November 27, 2017 and running for five (5) consecutive days after, the Town will open qualifying for the Special Election for Seat 3.

Section 4. Authority of Town Officials. The Town Clerk, Town Manager, and Town Attorney shall have all necessary authority to carry out this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

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

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

Passed and adopted this _____ day of _____, 2017.

Manny Cid
Mayor

Attest:

Gina M. Inganzo
Town Clerk

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney