

RESOLUTION NO. 24 - \_\_\_\_\_

**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, APRIL 9, 2024, ASKING QUALIFIED ELECTORS IF THEY DESIRE TO AMEND THE CODE TO ALLOW BOATS IN BEHIND THEIR FENCE LINE; ASKING RESIDENTS IF THEY WOULD LIKE THE TOWN TO CREATE A MUNICIPAL POLICE DEPARTMENT; 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.**

WHEREAS, on February 13, 2024, the Town Council met and voted on proposed Straw Ballot Questions to be proposed at the next Special Elections to be held on April 9, 2024; and

WHEREAS, the Town Council finds it in the Town's best interest to place the following questions to Town Residents.

**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 are incorporated herein by this reference.

**Section 2.** **Non-Binding Referendum.** A non-binding referendum election is hereby called, to be held on Tuesday, April 9, 2024, in conjunction with a special 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 9<sup>th</sup> day of April, 2024, 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 special 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 for in Section 2 of this Resolution shall be substantially, as follows:

1. Should the Town Code be amended to allow for the parking of boats behind the fence-line in residential neighborhoods.

Prior to incorporation, certain residential sections of the Town, primarily those not governed by HOA's, enjoyed the ability to own and maintain boats on their property. Should the Town amend its code to allow boats that can be safely and securely maintained behind a fence line be allowed. This item is not intended to supersede or encroach on deed restrictions that may exist or HOA rules and regulations.

Yes [ ]  
No [ ]

2. Should the Town explore the feasibility of creating a Town Police department.

Miami-Dade County is transitioning to an elected Sheriff office to handle its County and unincorporated police department functions. The Town currently contracts with Miami-Dade County for police, which accounts for an overwhelming majority of our budget. In light of a County transition to an independent Sheriff's office, should the Town explore the feasibility of creating its own, Town police department.

Yes [ ]  
No [ ]

**Section 5.**     **Balloting.** Balloting shall be conducted on Tuesday, November 4, 2014, between the hours of 7:00 A.M. and 7:00 P.M. 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, 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 Miami-Dade 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 the 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.** Notice of said election shall be published in accordance with Section 100.342, Florida Statutes, 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 28, 2014), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 12, 2014), 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 BEEN CALLED AND ORDERED TO BE HELD WITHIN THE TOWN ON TUESDAY, THE 9<sup>th</sup> DAY OF APRIL, 2024, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING NON-BINDING STRAW BALLOT MEASURE SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:

1. Should the Town Code be amended to allow for the parking of boats behind the fence-line in residential neighborhoods.

Prior to incorporation, certain residential sections of the Town, primarily those not governed by HOA's, enjoyed the ability to own and maintain boats on their property. Should the Town amend its code to allow boats that can be safely and securely maintained behind a fence line be allowed. This item is not intended to supersede or encroach on deed restrictions that may exist or HOA rules and regulations.

Yes [ ]  
No [ ]

2. Should the Town explore the feasibility of creating a Town Police department.

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Yes [ ]  
No [ ]

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**TOWN CLERK**

**Section 7.**     **Copies.** Copies of this Resolution shall be available for inspection during regular business hours at the office of the Town Clerk located at Town of Miami Lakes, 6601 Main Street, Miami Lakes, Florida 33014.

**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 electors' sentiments on the measure.

**Section 9.**     **Severability.** The provisions of this Resolution are declared to be severable. 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 the 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 11.**   **Effective date.** This Resolution shall become effective immediately upon adoption hereof.

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Passed and adopted this 13<sup>th</sup> day of February, 2024.

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 Tony Fernandez	_____
Councilmember Luis E. Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Ray Garcia	_____
Councilmember Marilyn Ruano	_____

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MANNY CID  
MAYOR

Attest:

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GINA M. INGUANZO  
TOWN CLERK

Approved as to form and legal sufficiency:

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Raul Gastesi, Jr.  
GASTESI, LOPEZ, & MESTRE  
TOWN ATTORNEY