

RESOLUTION NO. 24-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE TOWN CHARTER AS PROVIDED IN SECTION 2-23 OF THE TOWN CODE; SUBMITTING PROPOSED CHARTER AMENDMENTS; AMENDING SECTION 4.1 OF THE TOWN CHARTER TITLED “BORROWING”; AMENDING SECTION 5.1 OF THE TOWN CHARTER TITLED “ELECTIONS”; AMENDING SECTION 3.6 TITLED “TOWN CLERK”; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 13, 2024, pursuant to Section 2-23 of the Town of Miami Lakes (the “Town”), Code of Ordinances, the Town Council met and voted on proposed amendments to the Town Charter; and

WHEREAS, pursuant to Section 7.4 of the Town Charter, the Town Council is required to submit the Charter Amendments to the electors of the Town.

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

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

Section 2. Charter Amendments. That pursuant to Section 7.4 of the Town Charter, Section 6.03 of the Miami-Dade County Charter, and Ordinance 06-82 of the Town Code of Ordinances, it is proposed that the Town Charter of the Town of Miami Lakes, Florida be amended by amending the Town Charter Sections described below to read as follows:¹

See Exhibit A attached hereto and incorporated herein by reference.

Section 3. Election Called.

A. That a special election is hereby called, to be held on Tuesday, the 9th day of April, 2016, to present to the qualified electors of the Town of Miami Lakes, the ballot questions provided in Section 4 of this Resolution.

¹ Proposed amendments or revisions to the existing Town Charter text are indicated by underline; proposed deletions from the existing Town Charter text are indicated by ~~strike through~~.

B. 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 the ballot for the Charter Amendments provided for in Section 2 of this Resolution shall be as follows:

1. AMENDING TOWN BORROWING

The Town Charter currently provides that the Town shall incur no debt unless such debt is approved by a majority of the Council. It is proposed that the Town Charter be amended to provide that the Town may not incur any debt unless all Town Residents approve the borrowing.

Shall the above-described Charter Amendment be adopted?

Yes []

No []

2. AMENDING ELECTIONS

The Town Charter currently provides that early voting, when required, shall be scheduled at such times and in such manner as consistent with the Charter and State Law. It is proposed that the Charter be amended to provide that early voting shall be provided in all elections.

Shall the above-described Charter Amendment be adopted?

Yes []

No []

3. AMENDING THE APPOINTMENT OF TOWN CHARTER OFFICIALS

The Town Charter currently provides that the Town Clerk is hired by the Town Manager. It is proposed that the Town Clerk shall be hired and fired by a majority vote of the Town Council. The procedure to be adopted by Ordinance.

Shall the above-described Charter Amendment be adopted?

Yes []

No []

Section 5. Balloting. Balloting shall be conducted on Tuesday, April 9, 2024, between the hours of 7:00AM and 7:00PM, 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 Florida 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, 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 Cler in accordance with any applicable provisions of the general election laws of this State of Florida or Miami-Dade County. The Town Clerk is hereby authorized to take any and all action which is necessary or expedient to implement this section or to comply with any and all 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 _____) and the second publication to be third week prior to the election (to-wit: during the week commencing _____), and shall be in substantially the following form:

“NOTICE OF ELECTION”
PUBLIC NOTICE IS HEREBY GIVEN THAT
PURSUANT TO ESOLUTION NO.____ DULY
ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF MIAMI LAKES, FLORIDA (THE
“TOWN”) A SPECIAL ELECTION HAS BEEN
CALLED AN ORDERED TO BE HELD WITHIN
THE TOWN ON TUESDAY THE 9TH DAY OF
APRIL, 2024, BETWEEN THE HOURS OF 7AM
AND 7PM, AT WHICH TIME THE FOLLOWING
CHARTER AMENDMENT SHALL BE
SUBMITTED TO THE QUALIFIED ELECTORS
OF THE TOWN.

Those certain proposed amendments to the Town Charter, which are commonly referred to by the following ballot titles:

AMENDING TOWN BORROWING
AMENDING ELECTIONS
AMENDING THE APPOINTMENT OF TOWN CHARTER OFFICIALS

Polling place information and the full text of the proposed Charter Amendments is available at the Office of the Town Clerk located at 6601 Main Street, Miami Lakes, Florida 33014.

“TOWN CLERK”

Section 7. Copies Copies of this Resolution 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. Effectiveness of Charter Amendments.

- A.** Each Town Charter Amendment as described in Section 2 above shall only be effective if a majority of the qualified electors of the Town voting on the specific Charter Amendment, vote for its adoption, and shall be considered adopted and effective upon certification of the election results as provided herein.
- B.** The Town Attorney is authorized to revise the Charter to the extent necessary to assure that any amendments adopted conform to one another and are properly included in the publication of the revised Town Charter. Further, in the event that some, but not all, of the Charter Amendments are approved by the electors, conforming amendments shall be deemed to be adopted and 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 all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting Charter Amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- C.** Following the adoption of the Charter Amendments, the Town Clerk shall file the adopted Charter Amendments with the Clerk of the Circuit Court of Miami-Dade County, Florida pursuant to Section 6.03 of the Miami-Dade County Charter.

Section 9. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall 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. 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 Amendments 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 relettered to accomplish such intention.

Section 11. Effective Date. This Resolution shall become effective immediately upon adoption hereof.

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Passed and adopted this ____ day of February, 2024.

The foregoing resolution was moved by _____. 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 Collazo	_____
Councilmember Josh Dieguez	_____
Councilmember Ray Garcia	_____
Councilmember Marilyn Ruano	_____

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY