

RESOLUTION NO. 24-____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, SCHEDULING A SPECIAL ELECTION ON APRIL 9, 2024, IN ACCORDANCE WITH SECTION 2.5 OF THE TOWN CHARTER; SETTING QUALIFYING DATES; SETTING EARLY VOTING DATES; SETTING A RUNOFF DATE; AUTHORIZING THE TOWN CLERK, TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL NECESSARY ACTIONS TO CARRY OUT THIS RESOLUTION; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR INCORPORATION OF RECITALS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 14, 2023, Vice Mayor Alvarez tendered his resignation to Mayor Cid, effective immediately; and

WHEREAS, pursuant to Section 2.5 (c)ii of the Town Charter, upon the occurrence of a vacancy on the Town Council, should six months or more remain in the unexpired term of the vacant councilmember's seat, the term shall be filled by a nomination of the mayor made within thirty (30) calendar days, subject to confirmation by the Town Council; and

WHEREAS, the Town Mayor has nominated Ms. Mariam Yanes to fill the vacancy created by Vice Mayor Alvarez' resignation; and

WHEREAS, the Town Council has failed to confirm the Mayor's nominee; and

WHEREAS, the Town Charter Section 2.5 (c)ii provides that if the Council is unable to confirm a nominee, the Town shall hold an election within ninety days of the Mayor's nomination; and

WHEREAS, Florida Law provides that election dates are scheduled by the Department of Elections; and

WHEREAS, Miami-Dade County Department of Elections has provided April 9, 2024 as the next available election date; and

WHEREAS, during the January 2024 Town Council Meeting, the Town Council approved a Special Election with Qualifying Dates; and

WHEREAS, the Qualifying Dates established at the January, 2024 Council Meeting, through no fault of the Town, proved to be unfeasible; and

WHEREAS, the January 2024 Resolution did not give any consideration to possible runoff date or early voting; and

WHEREAS, campaign finance reports will be set by the Town Clerk.

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. **Scheduling of Special Election and Setting Qualifying Dates.** In accordance with Section 2.5, the Town Council hereby requests the Town Clerk to schedule a Special Election on April 9, 2024, for Seat 6 of the Town Council. Qualifying for this seat shall run from noon, February 5, through Wednesday, February 14, 2024 at noon. Should there be a need to modify these dates, provided the time for qualifying is consistent with the Town Charter and Code, the Town Clerk shall have the authority to amend.

Section 3. **Providing for Early Voting Dates.** The Town shall provide for the opportunity of residents to participate in early voting. Early voting shall happen at a site approved by Miami-Dade County Department of Elections, and shall be held _____ (once, twice) on _____ (date)(time) and _____ (date)(time). Should the

need arise to modify these dates, provided the time for qualifying is consistent with the Town Charter and Code, the Town Clerk shall have the authority to amend.

Section 4. Providing for a Runoff Date. Should there be the need for a runoff, pursuant to Section 5.1 (c) of the Town Charter, the Town shall hold a runoff election on _____. Should the need arise to modify these dates, provided the time for qualifying is consistent with the Town Charter and Code, the Town Clerk shall have the authority to amend.

Section 5. Authorizing the Town Manager to Expend Budgeted Funds. The Town Manager is authorized to transfer the necessary funds to conduct both the Special Election, Early Voting, and the possible Run-off, if needed, from Police Overtime to Elections and expend budgeted funds as needed to effectuate this Resolution. The Council also authorizes for these funds to be replenished to Police Overtime during the carryforward amendment in March/April 2024.

Section 6. Authorization of Town Officials. The Town Manager and, or his designee, the Town Attorney and, or his designee and the Town Clerk and, or her designee, with necessary assistance from the Miami-Dade County Supervisor of Elections, shall have all necessary authority to carry out this Resolution.

Section 7. Effective Date. This Resolution shall take effect immediately upon adoption.

***** THIS SECTION HAS BEEN LEFT PURPOSEFULLY BLANK *****

Passed and adopted this _____ day of _____, 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 _____

Manny Cid
MAYOR

Attest:

Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Lorenzo Cobiella
Gastesi, Lopez, and Mestre, PLLC
DEPUTY TOWN ATTORNEY