

RESOLUTION NO. 16-_____

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR
THE ACCEPTANCE AND CERTIFICATION OF THE
RESULTS OF THE MAY 17, 2016 TOWN SPECIAL MAIL
BALLOT ELECTION PERTAINING TO AMENDMENTS
TO THE TOWN'S CHARTER; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, on March 16, 2016, the Town Council adopted Resolution No. 16-1363, calling a Special Election on May 17, 2016 to be held via Mail Ballot (the "Election") pertaining to amendments to the Town's Charter on the following issues: representation of the Town; amending the Citizen's Bill of Rights; providing for a Council-Manager form of government rather than a Mayor-Council-Manager form; filling a vacancy in the mayoral seat; providing for the Council to appoint the Town Manager; providing for the Council to appoint the Town Attorney; selection of an Acting Manager; providing for four Councilmembers to call a special meeting; providing for the election of mayoral and council candidates by majority vote; and deleting obsolete provision concerning Charter Revision Commission membership; and

WHEREAS, the Miami-Dade County Canvassing Board has canvassed the votes cast during the Election as counted by the Miami-Dade County Supervisor of Elections and has reported the results of the Election to the Town Clerk; and

WHEREAS, the Town Council desires to accept the results of Miami-Dade County's Canvassing Board and certify the results of the Election.

WHEREAS, Section 4.8(a) of the Town Charter provides that "when Charter amendments have been approved by the electors, the Mayor and the Town Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate."

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. Acceptance and Certification. The Town Council accepts the Certificate of the Miami-Dade County Canvassing Board, attached hereto as Exhibit "A," as the results of the

May 17, 2016 Special Mail Ballot Election, as provided to the Town Clerk by the Miami-Dade County Canvassing Board and hereby certifies the results.

Section 3. Results of Elections. The following ten (10) revisions and/or amendments to the Town Charter were proposed to the electorate during the Election and the results are as specified below:

1. REPRESENTATION OF THE TOWN

The Citizen's Bill of Rights included in the Charter currently provides that the Mayor shall endeavor to designate one or more individuals to represent the Town at all proceedings before County, State and Federal regulatory bodies significantly affecting the Town. It is proposed that the Charter be amended to provide that the Town designate the representatives rather than the Mayor.

Result: Adopted.

2. AMENDING THE CITIZEN'S BILL OF RIGHTS

The Town Charter currently has a Citizen's Bill of Rights guaranteeing certain rights. It is proposed that the Charter be amended to include two additional rights requiring conservation and protection of the Town's natural resources and scenic beauty and providing for the highest ethical standards.

Result: Adopted.

3. PROVIDING FOR A COUNCIL-MANAGER FORM OF GOVERNMENT RATHER THAN A MAYOR-COUNCIL-MANAGER FORM

The Town Charter currently provides for a "Mayor-Council-Manager" form of government. It is proposed that the Charter be amended to provide for a "Council-Manager" form of government.

Result: Adopted.

4. FILLING A VACANCY IN THE MAYORAL SEAT

The Town Charter provides that a vacancy in the office of Mayor be filled by special election. It is proposed that a vacancy in the office of Mayor be filled by the Vice Mayor for the duration of the Vice Mayor's term and by special election in the event that the remainder of the Mayor's term is longer than the Vice Mayor's term.

Result: Adopted.

5. PROVIDING FOR THE COUNCIL TO APPOINT THE TOWN MANAGER

The Town Charter currently provides that the Town Manager be nominated by the Mayor subject to confirmation by a majority of the Council. It is proposed that the

Charter be amended to provide that the Town Manager be appointed by a majority vote of the Council on the basis of certain qualifications and that the Council receive feedback from the community as to nominees for Town Manager.

Result: Adopted.

6. SELECTION OF ACTING MANAGER

The Charter currently provides that the Mayor may, with the approval of the Council revoke the designation of “Acting Manager” bestowed on an employee by the Town Manager in his/her absence. It is proposed that the Charter be amended to grant the Council the power to revoke the “Acting Manager” designation and to appoint a new acting manager.

Result: Adopted.

7. PROVIDING FOR THE COUNCIL TO APPOINT THE TOWN ATTORNEY

The Town Charter currently provides that the Town Attorney be nominated by the Mayor subject to approval by a majority of the Council. It is proposed that the Charter be amended to provide that the Town Attorney be appointed by a majority vote of the Council on the basis of certain qualifications and that the Council receive feedback from the community as to nominees for Town Attorney.

Result: Adopted.

8. PROVIDING FOR FOUR COUNCILMEMBERS TO CALL A SPECIAL MEETING

The Town Charter currently provides that special meetings of the Council be held upon the call of the Mayor or upon the call of four Councilmembers. It is proposed that the Charter be amended to permit a special meeting to be held only upon the call of a minimum of four Councilmembers.

Result: Adopted.

9. PROVIDING FOR THE ELECTION OF MAYORAL AND COUNCIL CANDIDATES BY MAJORITY VOTE

The Charter currently provides that Mayoral or Councilmember seat candidates who receive the most votes are elected. It is proposed that the Charter be amended to require that a candidate for a Mayoral or Councilmember seat be elected by more than 50% of the votes cast and that a runoff election be held if no candidate for a seat receives more than 50% of the vote.

Result: Adopted.

10. DELETING OBSOLETE PROVISION CONCERNING CHARTER REVISION COMMISSION MEMBERSHIP

The Charter currently provides that members of the Charter Revision Commission shall reside within each of the four residential areas that were once included in Charter provisions concerning Town Council qualifications, but are no longer included in the Charter for such purpose. It is proposed that the Charter be amended to delete the obsolete residential area provision from the membership requirements of the Charter Revision Commission.

Result: Adopted.

Section 4. Direction to Town Officials. Pursuant to Section 6 of Resolution 16-1363, the Town Attorney is authorized to revise the Town Charter to conform to the adopted Charter Amendments and the Town Attorney and Town Clerk are authorized to perform any and all other incidental duties in order to implement the results of the Election.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption hereof.

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Passed and adopted this 7th day of June, 2016.

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

Mayor Michael A. Pizzi, Jr. _____

Vice Mayor Tim Daubert _____

Councilmember Manny Cid _____

Councilmember Tony Lama _____

Councilmember Ceasar Mestre _____

Councilmember Frank Mingo _____

Councilmember Nelson Rodriguez _____

Michael A. Pizzi, Jr.
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A