

RESOLUTION NO. 14- 1169

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF A PROPOSED CHARTER AMENDMENT; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE TOWN CHARTER TO BE HELD ON NOVEMBER 4, 2014; PROVIDING FOR NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, when the Town of Miami Lakes (the “Town”) was incorporated in 2000, it was envisioned that a number of aspects of the Town Charter would be amended as the Town grew and the needs of its citizens changed; and

WHEREAS, the Town Council, in consideration of the needs of the Town and its residents, desires to present to the electors, questions addressing the following issue:

No annexation, consolidation, or other boundary adjustment of the Corporate Boundary of the Town shall be submitted by the Town for consideration by Miami-Dade County or otherwise sought to be enacted, until such proposed annexation, consolidation or boundary adjustment shall be approved by an election of the Town’s voters. The Town Council may call a special election to present any proposed annexation, consolidation or boundary adjustment to the electors of the Town of Miami Lakes upon no less than 90 days notice. The election shall be held in accordance with applicable law, in the same manner as other special elections under this Charter and Code.

WHEREAS, pursuant to Section 6.1 of the Town Charter and Town Ordinance 06-82, the Town Council submits the following Charter Amendments to the electors of the Town.

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. The Town Council seeks to determine whether the voters wish to amend the Charter to provide that no annexation, consolidation, or other boundary adjustment of the Corporate Boundary of the Town shall be submitted by the Town for consideration by Miami-Dade County or otherwise sought to be enacted, until such proposed annexation, consolidation or boundary adjustment shall have been ratified by an election of the electors of the Town.

Section 2. Charter Amendments. That pursuant to Section 6.1 of the Town Charter, Section 6.03 of the Miami-Dade County Charter, and Ordinance 06-82 of the Town Code of Ordinances, the Town Charter of the Town of Miami Lakes, Florida is hereby amended by amending the following sections to read as follows:

Section 1.3 Corporate Boundary.

The corporate boundaries of the Town are set forth in the document entitled "Town of Miami Lakes, Legal Description" dated July 21, 2000 which shall be on file in the Office of the Town Clerk (the "Legal Description"). The corporate boundaries of the Town are generally described as follows and shown on the following map (the "Map"). In case of a conflict between the Legal Description, the Map and this Charter, the Legal Description shall govern.

	Northern Boundary: State Road 826 (Palmetto Expressway) between NW 57 Avenue and NW 77 th Ave., and NW 170 Street between NW 77 th Court and Interstate 75
Eastern Boundary:	NW 57 Avenue (Red Road)
Southern Boundary:	The City of Hialeah
Western Boundary:	Interstate 75

No annexation, consolidation, or other boundary adjustment of the Corporate Boundary of the Town shall be submitted by the Town for consideration by Miami-Dade County or otherwise sought to be enacted, until such proposed annexation, consolidation or boundary adjustment shall have been ratified by an election of the electors of the Town. The Town Council may call a special election to present any proposed annexation, consolidation or boundary adjustment to the electors of the Town of Miami Lakes upon no less than 90 days notice. The election shall be held in accordance with applicable law, in the same manner as other special elections under this Charter and Code.

[SEE MAP ON THE FOLLOWING PAGE]

Section 3. Election Called.

A. That a special election is hereby called, to be held on Tuesday, the 4th day of November, 2014, to present to the qualified electors of the Town of Miami Lakes, the ballot questions provided in Section 4 of this Resolution.

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.

That the form of ballot for the Charter Amendments provided for in Section 2 of this Resolution shall be substantially, as follows:

1. WHETHER A PROPOSED ANNEXATION, CONSOLIDATION, OR BOUNDARY ADJUSTMENT OF THE TOWN MUST BE APPROVED BY AN ELECTION OF OUR TOWN'S VOTERS, PRIOR TO BEING SUBMITTED FOR CONSIDERATION BY MIAMI-DADE COUNTY

It is proposed that the Charter be amended to provide that no annexation, consolidation, or other boundary adjustment of the Corporate Boundary of the Town shall be submitted by the Town for consideration by Miami-Dade County or otherwise sought to be enacted, until such proposed annexation, consolidation or boundary adjustment shall be approved by an election of the Town's voters.

Shall the above-described Charter Amendment be adopted?

Yes []

No []

Section 5. Balloting. That balloting shall be conducted on Tuesday, November 4, 2014, between the hours of 7:00A.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 Sec. 101.657, F.S. 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 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. That 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 4TH DAY OF NOVEMBER, 2014, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSALS

SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN.

1. WHETHER A PROPOSED ANNEXATION, CONSOLIDATION, OR BOUNDARY ADJUSTMENT OF THE TOWN MUST BE APPROVED BY AN ELECTION OF THE TOWN'S VOTERS, PRIOR TO BEING SUBMITTED FOR CONSIDERATION BY MIAMI-DADE COUNTY

It is proposed that the Charter be amended to provide that no annexation, consolidation, or other boundary adjustment of the Corporate Boundary of the Town shall be submitted by the Town for consideration by Miami-Dade County or otherwise sought to be enacted, until such proposed annexation, consolidation or boundary adjustment be approved by an election of the Town's voters.

Shall the above-described Charter Amendment be adopted?

Yes []

No []

TOWN CLERK

Section 7. Copies. That copies of this Resolution proposing the Charter Amendments are on file at the offices of the Town Clerk located at Town of Miami Lakes 6601 Main Street, Miami Lakes, Fl. 33014, and are available for public inspection during regular business hours.

Section 8. Effectiveness of Charter Amendment.

A. That each of the Charter Amendments which are provided for in Sections 2 and 4 above shall become effective only if the majority of the qualified electors voting on the specific Charter Amendment vote for its adoption, and each shall be considered adopted and effective upon certification of election results.

B. That the Town Attorney is authorized to revise the Charter to the extent necessary to assure that the amendment adopted conforms to and is properly included in the publication of the revised Town Charter. Further, 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 the amendment adopted conforms to all remaining Charter provisions.

C. That following the adoption of the Charter Amendment, the Town Clerk shall file the adopted Charter Amendment with the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 9. Inclusion In The Charter. Subject to the requirements of Section 8 above, it is the intention of the Town Council and it is hereby provided that the Charter Amendment 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 re-lettered to accomplish such intention.

Section 10. Severability. That the provisions of this Resolution are declared to be severable, and 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.

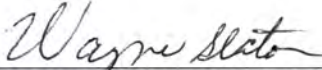
Section 11. Effective date. That this Resolution shall become effective immediately upon adoption hereof.

PASSED AND ADOPTED this 14th day of January, 2014.

Motion to adopt by Councilman Mingo, second by Vice Mayor Cid.

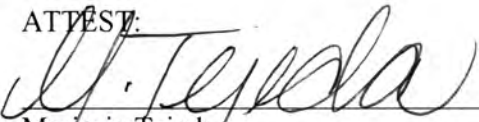
FINAL VOTE AT ADOPTION

Mayor Wayne Slaton	yes
Vice Mayor Manny Cid	yes
Councilmember Cesar Mestre	yes
Councilmember Nelson Rodriguez	yes
Councilmember Tony Lama	yes
Councilmember Frank Mingo	yes
Councilmember Tim Daubert	yes



WAYNE SLATON
MAYOR

ATTEST:



Marjorie Tejada
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



TOWN ATTORNEY
Gastoni & Associates, P.A.