

**RESOLUTION NO. 14- 1186**

**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, wishes to secure the interests of the residents of the Town, strengthen the Town's system of checks and balances, and ensure adequate representation on committees of the Town Council; 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:

Each member of the Town Council, including the Mayor, will have an equal number of appointments to committees of the Council. Committees of the Council are non-statutory committees, task forces and advisory boards established by the Town Council to make recommendations, advise the council and initiate programs in the Town. Appointments to committees will be subject to approval by the Town Council.

**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 each member of the Town Council, including the Mayor, will have an equal number of appointments to committees of the Council and that appointments to committees will be subject to approval by the Town Council.

**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 section to read as follows:

**Section 2.2. Mayor and Vice-Mayor.**

(a)     *Powers of the Mayor.* The Mayor shall preside at meetings of the Council and be a voting member of the Council. In addition, the Mayor shall have the following specific responsibilities:

- i) The Mayor shall recommend the appointment of a Town Manager to the Council.
- ii) The Mayor shall present State of the Town and budgetary addresses annually.
- iii) The Mayor may create ~~and appoint~~, subject to Council approval, committees of the Council which may include non-Councilmembers. Each member of the Council, including the Mayor, will have an equal number of appointments to committees of the Council. The members of each committee shall select a chair.



- iv) The Mayor shall be recognized as head of the Town government for all ceremonial purposes, for purposes of military law and for service of process.
  - v) The Mayor shall be the official designated to represent the Town in all dealings with other governmental entities.
  - vi) [The Mayor shall] execute contracts, deeds and other documents on behalf of the Town as authorized by the Council.
- (b) *Vice-Mayor*. During the absence or incapacity of the Mayor, the Vice-Mayor shall have all the powers, authority, duties and responsibilities of the Mayor. At the first Council meeting after each regular Town election, or in any calendar year in which there is no regular Town election, at the first Council meeting in the month of November, the Council shall elect one of its members as Vice-Mayor.

Additions to existing text are shown by underline; deletions are shown by ~~strikethrough~~.

**Section 3.    Election Called.**

- A. That a special election is hereby called, to be held on Tuesday, the 4<sup>th</sup> 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:

THE TOWN CHARTER CURRENTLY PROVIDES THAT ALTHOUGH MEMBERS OF THE TOWN COUNCIL NOMINATE PERSONS TO COMMITTEES OF THE TOWN, THE MAYOR MAKES THE ACTUAL APPOINTMENTS TO THE COMMITTEES. IN ORDER TO STRENGTHEN THE TOWN'S SYSTEMS OF

CHECKS AND BALANCES AND ENSURE EQUAL REPRESENTATION ON COMMITTEES OF THE COUNCIL, IT IS PROPOSED THAT THE TOWN CHARTER BE AMENDED TO PROVIDE THAT EACH MEMBER OF THE TOWN COUNCIL, INCLUDING THE MAYOR, SHOULD HAVE AN EQUAL NUMBER OF APPOINTMENTS TO COMMITTEES OF THE COUNCIL OF THE TOWN OF MIAMI LAKES.

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 7:00 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 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. 14—     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 4<sup>TH</sup> 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.

THE TOWN CHARTER CURRENTLY PROVIDES THAT ALTHOUGH MEMBERS OF THE TOWN COUNCIL NOMINATE PERSONS TO COMMITTEES OF THE TOWN, THE MAYOR MAKES THE ACTUAL APPOINTMENTS TO THE COMMITTEES. IN ORDER TO STRENGTHEN THE TOWN'S SYSTEMS OF CHECKS AND BALANCES AND ENSURE EQUAL REPRESENTATION ON COMMITTEES OF THE COUNCIL, IT IS PROPOSED THAT THE TOWN CHARTER BE AMENDED TO PROVIDE THAT EACH MEMBER OF THE TOWN COUNCIL, INCLUDING THE MAYOR, SHOULD HAVE AN EQUAL NUMBER OF APPOINTMENTS TO COMMITTEES OF THE COUNCIL OF THE TOWN OF MIAMI LAKES.

Shall the above-described Charter Amendment be adopted?

Yes [ ]

No [ ]

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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, Florida 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

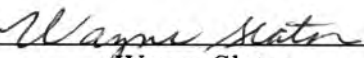
sections, sentences, clauses, and phrases of this Resolution but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

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

**PASSED AND ADOPTED** this 11<sup>th</sup> day of March, 2014.

The foregoing resolution was offered by Cesar Mestre who moved its adoption. The motion was seconded by Tony Lama and upon being put to a vote, the vote was as follows:

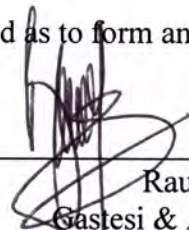
Mayor Wayne Slaton	<u>Absent</u>
Vice Mayor Manny Cid	<u>YES</u>
Councilmember Tim Daubert	<u>YES</u>
Councilmember Tony Lama	<u>YES</u>
Councilmember Cesar Mestre	<u>YES</u>
Councilmember Frank Mingo	<u>YES</u>
Councilmember Nelson Rodriguez	<u>YES</u>

  
\_\_\_\_\_  
Wayne Slaton  
MAYOR

Attest:

  
\_\_\_\_\_  
Marjorie Tejeda  
TOWN CLERK

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Raul Gastesi  
Gastesi & Associates, P.A.  
TOWN ATTORNEY