

**RESOLUTION NO. 09- 749**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR THE ACCEPTANCE AND CERTIFICATION OF THE RESULTS OF THE JUNE 25, 2009 TOWN SPECIAL MAIL BALLOT ELECTION PERTAINING TO AMENDMENTS TO THE TOWN'S CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council, on April 14, 2009, adopted Resolution No. 09-735 calling a Special Election on June 25, 2009 to be held via Mail Ballot (the "Election") pertaining to amendments to the Town's Charter relating to the payment of annual Mitigation; contracting and paying for specialized police services and addressing the scheduling of run-off elections; 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 Council; and

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

**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. Acceptance and Certification.**

The Town Council accepts the Certificate of the Miami Dade County Canvassing Board, attached as Exhibit "A", as the results of the June 25, 2009 Special Mail Ballot Election, as provided to the Town Council by the Miami Dade County Canvassing Board and hereby certifies

the results.

**Section 3. Results of Election.**

The following three (3) Amendments to the Town Charter were proposed to the electorate during the Election and the results are as specified below:

**Question 1:** Modification of charter provisions relating to mitigation.

Elimination of mitigation payments after 2006-2007.

The Town Charter and Miami Lakes Advisory Committee Report incorporated into it by reference currently provide that the Town make annual mitigation payments in perpetuity to Miami-Dade County to provide unincorporated area services. Shall the Charter and Report be amended to eliminate future mitigation payments to the County after the 2006-2007 payment and remove all other mitigation provisions, including the deletion of the “Most Favored Nation Clause” as it pertains to mitigation?

**Result:** Adopted.

**Question 2:** Modification of charter provision relating to eliminating requirement that Town pay for specialized police services from the County.

Elimination of Town’s contractual obligation to pay Miami-Dade County for specialized police services.

The Town Charter and Miami Lakes Advisory Committee Report incorporated into it by reference currently provide the Town contract and pay separately for specialized police services from Miami-Dade County. Shall the Charter and Report be amended to eliminate all requirements to contract and pay separately for specialized police services, including the deletion of the “Most Favored Nation Clause” as it pertains to separately contracting and paying for specialized police services?

**Result:** Adopted.

**Question 3:** Extending the timing of Town Run-Off Elections in the event of a tie.

Extension of time frame for run-off elections from 14 days calendar days to at least 21 calendar days after the general election.

The Town Charter currently provides that run-off elections between tied candidates for Town elections shall be held 14 calendar days after the general election. Shall the Charter be amended to allow the Town, in the event of a tie vote, to hold run-off elections 21 calendar days after the general election?

**Result:** Adopted.

**Section 4. Direction to Town Officials.**

Pursuant to Section 8 of Resolution No. 09-735, the Town Attorney and Town Clerk are authorized to revise the Town Charter to conform to the adopted Charter Amendments and perform any and all other incidental duties in order to implement the results of the Election.

**Section 5. Effective Date.**

This Resolution shall take effect immediately upon approval.

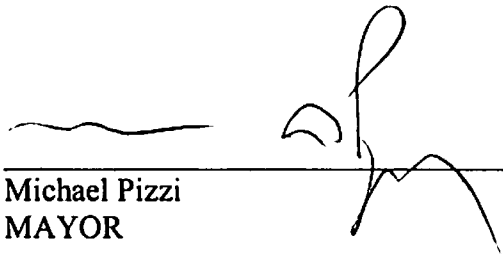
PASSED and ADOPTED this 29<sup>th</sup> day of June, 2009.

Motion to adopt by Councilmember Mary Collins, second by Councilmember George Lopez.

**FINAL VOTE AT ADOPTION**

Mayor Michael Pizzi	yes
Vice Mayor Richard Pulido	absent
Councilmember Mary Collins	yes
Councilmember George Lopez	yes
Councilmember Robert Meador II	absent
Councilmember Nick Perdomo	yes
Councilmember Nancy Simon	absent


Michael Pizzi  
MAYOR



ATTEST:

  
Marjorie Tejada  
ACTING TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

  
Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.L.  
TOWN ATTORNEY

**CERTIFICATE OF COUNTY CANVASSING BOARD**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

We, the undersigned, County Court Judge BRONWYN C. MILLER, **Chairperson**, Board of County Commissioners, CARLOS A. GIMENEZ, **Member**, and Chief Deputy Supervisor of Elections TARA C. SMITH, **Member**, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 26th day of June, A.D., 2009, and proceeded to publicly canvass the votes cast for the charter amendment questions herein specified at the **Miami Lakes Special Election** held on the 25th day of June, A.D., 2009, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

**Eliminating Requirement that the Town Pay Annual Mitigation Payments in Perpetuity to the County**

The Town Charter and Miami Lakes Advisory Committee Report incorporated into it by reference currently provide that the Town make annual mitigation payments in perpetuity to Miami-Dade County to provide unincorporated area services. Shall the Charter and Report be amended to eliminate future mitigation payments to the County after the 2006-2007 payment and remove all other mitigation provisions, including the deletion of the "Most Favored Nation Clause" as it pertains to mitigation?

Shall the above described amendment be adopted?

YES	<u>2,475</u>
NO	<u>185</u>

**\*\* Official \*\***

**Eliminating Requirement that the Town Pay Separately for Specialized Police Services from the County**

The Town Charter and Miami Lakes Advisory Committee Report incorporated into it by reference currently provide the Town contract and pay separately for specialized police services from Miami-Dade County. Shall the Charter and Report be amended to eliminate all requirements to contract and pay separately for specialized police services, including the deletion of the "Most Favored Nation Clause" as it pertains to separately contracting and paying for specialized police services?

YES	<u>2,320</u>
NO	<u>329</u>

**Extending the Timing of Town Run-Off Elections in the Event of a Tie**

The Town Charter currently provides that run-off elections between tied candidates for Town elections shall be held 14 calendar days after the general election. Shall the Charter be amended to allow the Town, in the event of a tie vote, to hold run-off elections 21 calendar days after the general election?

YES	<u>2,040</u>
NO	<u>561</u>

**\*\* Official \*\***

**MIAMI-DADE COUNTY CANVASSING BOARD:**



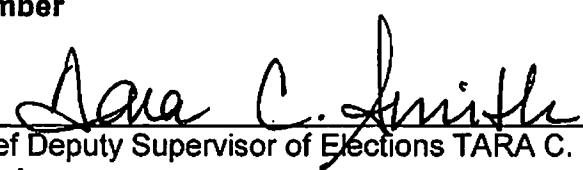
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County Court Judge BRONWYN C. MILLER  
Chairperson



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Commissioner CARLOS A. GIMENEZ  
Board of County Commissioners  
Member



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Chief Deputy Supervisor of Elections TARA C. SMITH  
Member

Date Certified: 6/25/09

MIAMI LAKES

OFFICIAL SPECIAL ELECTION  
MIAMI-DADE COUNTY, FLORIDA  
JUNE 25, 2009

OFFICIAL RESULTS

RUN DATE:06/26/09 03:22 PM

VOTES PERCENT

PRECINCTS COUNTED (OF 7)	7	100.00
REGISTERED VOTERS - TOTAL	17,260	
BALLOTS CAST - TOTAL	2,681	
VOTER TURNOUT - TOTAL		15.53

MIAMI LAKES # 1

ELIMINATING REQUIREMENT TO PAY MITIGATION PAYMENTS  
VOTE FOR 1

YES	2,475	93.05
NO.	185	6.95
Total	2,660	
Over Votes	5	
Under Votes	16	

MIAMI LAKES # 2

ELIMINATING REQUIREMENT TO PAY FOR SPECIALIZED POLICE  
VOTE FOR 1

YES	2,320	87.58
NO.	329	12.42
Total	2,649	
Over Votes	2	
Under Votes	30	

MIAMI LAKES # 3

EXTENDING THE TIMING OF TOWN RUN-OFF ELECTIONS  
VOTE FOR 1

YES	2,040	78.43
NO.	561	21.57
Total	2,601	
Over Votes	7	
Under Votes	73	