

RESOLUTION NO. 24-2012

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A NON-BINDING REFERENDUM ELECTION TO DETERMINE THE VOTERS SUPPORT OF SPECIFIC LAND ACQUISITIONS IDENTIFIED IN THE 5-YEAR CAPITAL IMPROVEMENT PLAN 2012-2016; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar has a binding referendum question on the 2012 ballot to ask voters if they would support land acquisitions for future town purposes identified in the Capital Improvement Plan and funding such acquisition with an additional 1 mil for a period of two years; and

WHEREAS, the Town Council of Malabar would like to determine the level of support for specific land purchases listed in the current 5-year Capital Improvement Plan dated 2012-2016; and

WHEREAS, the responses from the non-binding referendum questions will provide guidance in what land acquisitions are pursued if the voters approve the binding referendum question.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

Section 1.

A non-binding referendum election is hereby called and scheduled to be held concurrent with the general election on the 6th day of November, 2012 to determine what specific land acquisitions listed on the Capital Improvement Plan dated 2012-2016 would be supported by voters. The non-binding referendum shall be approved by a majority of the votes cast in such election in which the qualified electors residing in the Town shall participate. Such non-binding referendum election shall be held and conducted in a manner prescribed by law for all general elections. The place for voting in such non-binding referendum election shall be the usual place for voting in the Town in the general election to be held on the 6th day of November, 2012. The polls shall be open at such voting place on the day of such referendum election during the hours specified by the general laws of the State of Florida. All duly qualified electors residing within the Town shall be entitled to participate in and vote at such referendum election.

Section 2.

The ballot to be used at such non-binding referendum election shall contain a statement of the proposed subject matter of the question and shall provide facilities for qualified electors to vote for or against specific land acquisition listed in the Capital Improvement Plan dated 2012-2016 in separate ballot questions. Said ballot shall be in substantially the following form:

**Ballot
Town of Malabar, Florida**

Question 1. Support for land acquisition for town hall.

Should the Town of Malabar support future land acquisition for town hall?

Yes
 No

Instruction to voters: If you are in favor of the adoption of the foregoing mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

Question 2. Support for land acquisition for community center.

Should the Town of Malabar support future land acquisitions for community center?

Yes
 No

Instruction to voters: If you are in favor of the adoption of the foregoing mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

Question 3. Support for land acquisition for river front access.

Should the Town of Malabar support future land acquisitions for river front access?

Yes
 No

Instruction to voters: If you are in favor of the adoption of the foregoing mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

Section 3.

The Town Clerk is hereby authorized and directed to instruct the Supervisor of Elections of Brevard County to include the above-described questions on the ballot for the general election to be held on the 6th day of November, 2012.

Section 4.

Notice of the said non-binding referendum election in substantially the form showing in Exhibit A to this Resolution shall be published two times in a newspaper of general circulation according to the laws of the State of Florida. The first publication shall be during the fifth week prior to the week in which the referendum election is to be held and the second publication shall be during the third week prior to the week in which the referendum election is to be held. A minimum of five copies of this Resolution shall be

kept on file in the office of the Town Clerk for public inspection upon demand during normal business hours.

Section 5.

This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was moved for adoption by Council member Rivet and Acquaviva. The motion was seconded by Council member _____ and, upon being put to a vote, the vote was as follows:

Council Member Carl Beatty	<u>Aye</u>
Council Member David White	<u>Excused</u>
Council Member Steven (Steve) Rivet1111	<u>Aye</u>
Council Member Jeffry (Jeff) McKnight	<u>Excused</u>
Council Member Marisa Acquaviva	<u>Aye</u>

This resolution was then declared to be duly passed and adopted this ____ 20th day of August, 2012.

TOWN OF MALABAR

BY: Phillip R. Crews
Mayor Phillip R. Crews,
Council Chair

ATTEST: Debby K. Franklin
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Approved as to form and content:
Karl W. Bohne, Jr.
Karl W. Bohne, Jr., Town Attorney

Exhibit A

NOTICE OF NON-BINDING REFERENDUM ELECTION
TOWN OF MALABAR, FLORIDA

Public notice is hereby given that on November 6, 2012; the issue of what specific land acquisitions identified on the Capital Improvement Plan 2012-2016 should be pursued using a voter approved 1 mil for a period of two years beginning in 2013.

The Town Council of the Town of Malabar has adopted a resolution calling the said election on the following questions:

AS TO QUESTION 1.

Should the Town of Malabar support future land acquisition for town hall?

AS TO QUESTION 2.

Should the Town of Malabar support future land acquisitions for community center?

AS TO QUESTION 3.

Should the Town of Malabar support future land acquisitions for river front access?

The places of voting shall be the usual places of voting in the Town of Malabar during the general election scheduled on November 6, 2012 and the polls shall be open from 7:00 a.m. to 7:00 p.m. on the said date. All duly qualified electors residing within the Town of Malabar shall be entitled to participate and vote in said referendum election.

The ballot containing the questions to be so submitted to the electors shall be in substantially the following form:

**Ballot
Town of Malabar, Florida**

Question 1. Support for land acquisition for town hall.

Should the Town of Malabar support future land acquisition for town hall?

Yes
 No

Instruction to voters: If you are in favor of the adoption of the foregoing mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

Question 2. Support for land acquisition for community center.

Should the Town of Malabar support future land acquisitions for community center?

Yes
 No

Instruction to voters: If you are in favor of the adoption of the foregoing mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

Question 3. Support for land acquisition for river front access.

Should the Town of Malabar support future land acquisitions for river front access?

Yes
 No

Instruction to voters: If you are in favor of the adoption of the foregoing mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

For further information regarding this referendum election, contact the Town Clerk of the Town of Malabar. A minimum of five copies of this Resolution are on file at the office of the said Town Clerk at Town Hall, 2725 Malabar Road, Malabar, Florida, 32950, and are available for inspection upon request during normal business hours.