

ORDINANCE 2022-05

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD CONTINUE TO PARTICIPATE IN THE BREVARD COUNTY MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR LAW ENFORCEMENT; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING REPEAL AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, 101.161 provides for the procedures to submit a public measure to a vote of the electors of a municipality and Malabar has followed that procedure in the 2008, 2010, 2012, 2014, 2016, 2018 and 2020 elections with respect to participation in the Brevard County MSTU for Law Enforcement; and

WHEREAS, In 2014, the Town Council recommended that the question to electors related to continuing participation in the Brevard County Law Enforcement MSTU be amended before being submitted for a vote of the electors to include the financial impact information of the MSTU to the Town's residents; and,

WHEREAS, The Town Council in 2016 directed that the question relating to continued participation in the Brevard County MSTU for Law Enforcement be simplified as it was prior to 2014; and,

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

.

SECTION 1. A referendum election is hereby called and scheduled to be held concurrent with the general election in November 2022, to determine whether the Town of Malabar shall continue participation in the Brevard County MSTU for Law Enforcement as more particularly described in **EXHIBIT A** (attached to this Ordinance) 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 referendum election shall be held and conducted in a manner prescribed by law for all general elections. The place for voting in such referendum election shall be one of the two usual places, based on Precinct, for voting in the Town in the general election to be held in November 2022.

SECTION 2. The ballot to be used at such 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 continued participation in the Brevard County Law Enforcement MSTU.

SECTION 3. The Town Clerk is hereby authorized and directed to instruct the Supervisor of Elections of Brevard County to include the above-described question on the ballot for the general election to be held on the 8th day of November 2022.

SECTION 4. Notice of the said referendum election in substantially the form shown in **EXHIBIT B** (attached) to this Ordinance 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 Ordinance shall be kept on file in the office of the Town Clerk for public inspection upon demand during normal business hours.

SECTION 5. If continued participation in the Brevard County Law Enforcement MSTU is not approved by a majority of the votes cast in such referendum election the Town Council shall repeal Ordinance No. 2007-05.

SECTION 6. All Ordinances or Resolutions inconsistent or in conflict with this Ordinance are repealed.

SECTION 7.

This Ordinance shall become effective five business days after its adoption.

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

Council Member Marisa Acquaviva	<u>X</u>
Council Member Brian Vail	<u>X</u>
Council Member Steve Rivet	<u>X</u>
Council Member David Scardino	<u>X</u>
Council Member Mary Hofmeister	<u>Excused</u>

This Ordinance was then declared duly passed and adopted this 16th day of May, 2022.

TOWN OF MALABAR

Original Signed

Mayor Patrick T. Reilly, Council Chair

First Reading: 04/18/2022
Second Reading: 05/16/2022

ATTEST:

Original Signed

Debby K. Franklin
Town Clerk/Treasurer

(Seal)

Approved as to Form and Content
Original Signed

Karl W. Bohne, Jr., Town Attorney

EXHIBIT A

**Ballot 2022
Town of Malabar, Florida**

Question 1. Continued participation in the Brevard County Law Enforcement MSTU

Shall the Town continue to participate in the Brevard County Law Enforcement MSTU?

Yes
 No

Instruction to voters: If you are in favor of the continuing the MSTU with Brevard County for Law Enforcement Patrol Services, mark the space to the left of the word "YES". If you are not in favor of continuing the MSTU with Brevard County for Law Enforcement Patrol Services, mark the space to the left of the word "NO".

Exhibit B

**NOTICE OF REFERENDUM ELECTION
TOWN OF MALABAR, FLORIDA**

Public notice is hereby given that on November 8, 2022; the issue of whether the Town of Malabar shall continue participation in the Brevard County Law Enforcement MSTU will appear on the election ballot as a referendum question.

The Town Council of the Town of Malabar has adopted an ordinance calling the said election on the following questions:

Question 1. Shall the Town continue to participate in the Brevard County Law Enforcement MSTU?

The places of voting shall be the First Baptist Church of Malabar, 1665 Malabar Road for Precincts 301 and 328 and Elohim Christian Church, Inc., 2170 Malabar Road, for Precinct 325, 326 and 327 for voting in the Town of Malabar during the general election scheduled on November 8, 2022 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 question to be so submitted to the electors shall be in substantially the following form:

**2022 Ballot
Town of Malabar, Florida**

Question 1. Continued participation in the Brevard County Law Enforcement MSTU

Shall the Town continue to participate in the Brevard County Law Enforcement MSTU?

Yes
 No

Instruction to voters: If you are in favor of the continuing the MSTU with Brevard County for Law Enforcement Patrol Services, mark the space to the left of the word "YES". If you are not in favor of continuing the MSTU with Brevard County for Law Enforcement Patrol Services, 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 Ordinance 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.