

ORDINANCE NO. 2008-03

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 LAW ENFORCEMENT MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING 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

WHEREAS, The Town Council has directed that continuing participation in the Brevard County Law Enforcement MSTU be submitted to a vote of the people every two years commencing in the general election for the year 2008.

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 on the 4th day of November, 2008, and every two years thereafter in the general election to determine whether the Town should continue participation in the Brevard County Law Enforcement MSTU. If, during any given year a referendum is called the electors determine the Town should not continue participation in the Brevard County Law Enforcement MSTU, then no further referendum elections shall be necessary. Continued participation in the Brevard County Law Enforcement MSTU 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 the usual place for voting in the Town in the general election to be held on the 4th day of November, 2008 and, if necessary, every two years thereafter in the general election.

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 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 in one (1) separate ballot question. Said ballot shall be in substantially the following form:

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 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 question on the ballot for the general election to be held on the 4th day of November, 2008 and, if necessary, every two years thereafter in the general election.

Section 4. Notice of the said referendum election in substantially the form showing in **Exhibit A** 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.

This Ordinance shall take effect immediately upon 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 Nancy Borton	_____
Council Member Brian Vail	_____
Council Member Charles (Chuck) McClelland	_____
Council Member Jeffrey (Jeff) McKnight	_____
Council Member Patricia (Pat) Dezman	_____

This ordinance was then declared to be duly passed and adopted this _____ day of _____, 2008.

TOWN OF MALABAR

BY: _____
Mayor Tom Eschenberg, Chairperson

First Reading: _____

Second Reading: _____

ATTEST: _____
Debby K. Franklin
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

Exhibit A
NOTICE OF REFERENDUM ELECTION
TOWN OF MALABAR, FLORIDA

Public notice is hereby given that on November 4th, 2008; the issue of whether the Town of Malabar shall continue participation in the Brevard County Law Enforcement MSTU will be submitted to the qualified electors of the Town of Malabar and will appear on the same election ballot as a referendum on that date as one separate ballot question.

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

AS TO QUESTION 1.

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

The places of voting shall be the usual places of voting in the Town of Malabar during the general election scheduled on November 4th, 2008 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. 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 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 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.