

RESOLUTION NO. 17-2009

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, SUPPORTING AND ENDORSING THE PRINCIPLES OF HOME RULE AND ADOPTING THE POLICIES SET FORTH BELOW TO SUPPORT THE PREMISE THAT THE TOWN SHOULD HAVE THE AUTHORITY TO GOVERN WITHIN ITS JURISDICTION; FURTHER PROVIDING THAT SUCH AUTHORITY SHOULD NOT BE ERODED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 166, *Florida Statutes*, entitled "Municipalities" and known as the "Municipal Home Rule Powers Act" provides a broad grant of authority to all municipalities to enable them to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 2(b), Article VIII, State Constitution, protects the rights of municipal government by means of language which reads as follows:

Municipalities shall have the governmental, corporate, and propriety powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes, except as otherwise provided by law; and

WHEREAS, the legislature recognizes that, pursuant to the grant of power set forth in Section 2(b), Article VIII, State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state legislature may act except for those subjects specifically listed at Section 166.021 (3)(a)-(d); and

WHEREAS, municipalities are voluntary forms of government and would not exist if communities had not organized and held special elections in order to create the local form or government; and

WHEREAS, Residents in a community decide to incorporate in order to govern themselves and to gain a greater degree of control over issues that impact their quality of life and property interests directly; and

WHEREAS, municipalities represent the form of government which is closest to the people and therefore many people expressly choose to live within municipalities in order that their ideas may be heard on a more personal basis; and

WHEREAS, this has been a priority of the Florida League of Cities; and

WHEREAS, the Brevard County Charter Review Commission is conducting their mandated review of the County Charter; and

WHEREAS, the Town of Malabar desires to preserve this unique responsive form of government and believes it to be in the best interests of its citizens to adopt this Resolution formally stating its position.

NOW, THEREFORE, BE IT RESOLVED by the TOWN COUNCIL OF THE TOWN OF MALABAR as follows:

Section 1: The Town of Malabar believes that when issues are in conflict between the Brevard County Charter and a municipality or several municipalities, such conflict should be resolved by the approval by a majority of the electors within the County and a majority of the electors within the affected municipality or municipalities.

Section 2: The above stated policy is hereby adopted by the Town Council of the Town of Malabar.

Section 3: This Resolution shall be forwarded to the Board of County Commissioners, the Charter Review Commission, the Space Coast League of Cities, Inc and the State Senators and Representatives elected from the jurisdiction of the Town of Malabar.

Section 4: This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member Borton. This motion was seconded by Council Member McKnight and, upon being put to vote, the vote was as follows:

Council Member Nancy Borton	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Steven (Steve) Rivet	<u>Excused</u>
Council Member Jeffrey (Jeff) McKnight	<u>Aye</u>
Council Member Patricia (Pat) D. Dezman	<u>Excused</u>

This Resolution was then declared to be duly passed and adopted this 3rd day of August, 2009.

TOWN OF MALABAR

Thomas M. Eschenberg
MAYOR,

ATTEST:

(SEAL)

Debby K. Franklin
TOWN CLERK