

RESOLUTION 24-2014

Failed  
8/25/14

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; ADDING A NON-BINDING REFERENDUM QUESTION TO THE 2014 BALLOT SEEKING ELECTORS SUPPORT FOR FUNDING TO OFFSET THE ADDITIONAL COST OF HAVING FULLTIME PAID LIEUTENANTS VERSUS PART-TIME PAID LIEUTENANTS IN ORDER TO PROVIDE 100% COVERAGE BY THE MALABAR FIRE DEPARTMENT ON A 24 HOUR / 7 DAYS A WEEK SCHEDULE INSTEAD OF APPROXIMATELY 40% COVERAGE WITH THE PART TIME LIEUTENANTS; PAID THROUGH THE IMPOSITION OF AN ADDITIONAL .7 MIL IN AD VALORUM TAXES; 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 asked that the electors of the Town provide direction on how to fund the additional operational costs for four (4) fulltime paid Lieutenants on a 24 hour shift on and a 72 hour period off schedule. With four such paid Lieutenants the Town will have 24 hour a day and 7 day a week coverage at the Malabar Fire Department by a paid lieutenant and supplemented by volunteers; and

**WHEREAS**, The Town Council had approved a budget adjustment effective 6/1/14 to provide four (4) fulltime paid Lieutenants on each 24 hour (7AM-7AM) shift supplemented with volunteers. That funding ends on Sept 30, 2014 and Council intends to continue it; and

**WHEREAS**, The Town Council had previously been paying a part-time stipend to the four (4) Lieutenants in order to provide approximately 40% coverage; and

**WHEREAS**, The Town Council has proposed continuing funding for the fiscal year ending 2015 (9/30/15) with funding coming from operational funds but would anticipate the 2015/2016 FY be funded from the additional .7 mil in Ad Valorum over and above the Ad Valorum millage determined to cover the balance of other Town operations; 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 on the 4th day of November, 2014, to determine whether the Town should budget an additional .7 mil in order to offset the cost of paying salaries and benefits for four (4) fulltime paid Lieutenants.

**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 such an increased millage for funding operational expenses of having a fulltime paid Lieutenant on each 24 hour period supplemented with volunteers.

Said ballot shall be in substantially the following form:

**Ballot**  
**Town of Malabar, Florida**

**Question 3. Non-binding Question:** Shall the Malabar Electors approve an additional .7 mil to offset the cost of providing four (4) fulltime paid Lieutenants in order to have a Lieutenant provide 24/7 coverage at the Malabar Fire Department supplemented by volunteers.

Shall the Town increase the millage by .7 mil to offset the cost of fulltime coverage at the Malabar Fire Department by a paid Lieutenant in order to have leadership at the Fire Department for the volunteers on a 24/7 basis.

\_\_\_ 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 4<sup>th</sup> day of November, 2014.

**Section 5.** If the referendum question is not approved by a majority of the votes cast in such referendum election Resolution 24-2014 shall be deemed failed with no further action of the Town Council.

**Section 6.**

This Resolution 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 Jim Milucky \_\_\_\_\_  
Council Member Wayne Abare \_\_\_\_\_  
Council Member Steve Rivet \_\_\_\_\_  
Council Member Dick Korn \_\_\_\_\_  
Council Member Marisa Acquaviva \_\_\_\_\_

Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this 25th day of August, 2014.

**BY:  
TOWN OF MALABAR**

\_\_\_\_\_  
Steve Rivet, Council Chair

**ATTEST:**

By \_\_\_\_\_  
Debby K. Franklin, C.M.C.  
Town Clerk/Treasurer

(Seal)

Approved as to form and content:

\_\_\_\_\_  
Karl W. Bohne, Jr., Town Attorney