

ORDINANCE NO. 2018-034

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA SUBMITTING TO THE ELECTORATE AT A SPECIAL ELECTION OF THE CITY OF HIALEAH TO BE HELD ON TUESDAY, AUGUST 28, 2018, THE SAME DATE AS THE PRIMARY ELECTION OF MIAMI-DADE COUNTY, WHERE THE ELECTORS SHALL BE PRIVILEGED TO VOTE ON THE FOLLOWING BALLOT QUESTION:

“WOULD YOU SUPPORT AN INCREASE OF APPROXIMATELY 3/4 OF ONE MILL (FOR EXAMPLE: CURRENT MILLAGE 6.3018 + 0.75 = 7.0518 PROPOSED MILLAGE) IN THE PROPERTY TAX RATE IN THE CITY OF HIALEAH TO FUND HIRING ADDITIONAL POLICE OFFICERS, MAKE NECESSARY CAPITAL EXPENDITURES, PURCHASE SPECIALTY EQUIPMENT AND TECHNOLOGY, TRAIN FIRST RESPONDERS, FOR THE PURPOSE RENDERING AID TO SCHOOLS AS NECESSARY AND AS PERMITTED BY LAW, AND ENHANCE RESPONSE TO PUBLIC MASS SHOOTINGS IN THE CITY?”

REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION THEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is to obtain an expression of elector sentiment with respect to a matter of substantial concern to the electors of the City of Hialeah; and

WHEREAS, the Florida legislature passed Senate Bill 7026 that provides \$450,000.00 in funding to the Department of Education and locally elected Sheriff's offices to enhance

school safety, but not for municipal government police or fire rescue; and

WHEREAS, there is a need to provide for increased public safety services given the violence that is troubling our communities; and

WHEREAS, an increase of approximately 3/4 of one mill to the current millage will raise approximately \$6,764,000 based on current assessed property values; and

WHEREAS, this new funding can also help to provide and enhance the physical security of the public sector, such as security for critical resources, and enhancements and reinforcement of places of public assembly to keep the public safe; and

WHEREAS, preserving the peace, providing for a free and safe environment for our communities, the public, and in particular for the residents of the City of Hialeah is a top priority of any government, and of the Mayor and City Council; and

WHEREAS, mitigating the regrettable consequences in the aftermath of a mass shooting, violent attack or event, while quickly responding to and preserving law and order, and rendering aid, is also a top priority of any government, and in particular for the residents of the City of Hialeah, and of the Mayor and City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The Mayor and the City Council of the City of Hialeah, Florida hereby submit the following nonbinding question to the electorate at a special election of the City of Hialeah, Florida, to be conducted on Tuesday, August 28, 2018, on the same date of the primary election in Miami-Dade County, to which the electors of the City of Hialeah, Florida may vote

“Yes” or “No”. The form of the ballot question shall be as follows:

Title: Proposed ad valorem millage increase to fund public safety resources in response to mass shootings.

Ballot Question:

“WOULD YOU SUPPORT AN INCREASE OF APPROXIMATELY 3/4 OF ONE MILL (FOR EXAMPLE: CURRENT MILLAGE 6.3018 + 0.75 = 7.0518 PROPOSED MILLAGE) IN THE PROPERTY TAX RATE IN THE CITY OF HIALEAH TO FUND HIRING ADDITIONAL POLICE OFFICERS, MAKE NECESSARY CAPITAL EXPENDITURES, PURCHASE SPECIALTY EQUIPMENT AND TECHNOLOGY, TRAIN FIRST RESPONDERS, FOR THE PURPOSE RENDERING AID TO SCHOOLS AS NECESSARY AND AS PERMITTED BY LAW, AND ENHANCE RESPONSE TO PUBLIC MASS SHOOTINGS IN THE CITY?”

Yes

No

Section 2: Conduct of Elections.

The Miami-Dade County Supervisor of Elections is requested and authorized to conduct these elections in accordance with the general election laws of the State of Florida and the Charter and Code of the City of Hialeah, Florida. The City will pay all expenses associated with these elections unless some of the expenses are shared with other governmental entities. The Miami-Dade County Supervisor of Elections shall appoint an Election Board to assist the Elections Department in conducting the elections.

Section 3: Form of Ballot.

The ballot form to be used shall be as provided by the Miami-Dade County Supervisor of Elections.

Section 4: Opening and Validating Absentee Ballots.

The criteria and requirements for the opening and validating of absentee ballots and canvassing of ballots shall be same as followed by the Miami-Dade County Supervisor of Elections. All absentee ballots shall comply with the minimum requirements of state law.

Section 5: Registration of Voters.

The Miami-Dade County Supervisor of Elections will register voters for the ballot question conducted at the election until 5:00 p.m. on Tuesday, July 30, 2018. All persons eligible to vote at this election must be registered before the times stipulated above or have registered previously, as provided by law.

Section 6: Polling Places, Hours of Voting.

Polling places for this election will be as designated by the Miami-Dade County Supervisor of Elections and will be open from 7:00 a.m. to 7:00 p.m. on the Election Day. Early voting shall be at the same times and dates as early voting is allowed by Miami-Dade County.

Section 7: Notice.

Notice of this election shall be according to law.

Section 8: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 9: Penalties. Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal

having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 10: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 11: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 8 day of May, 2018.

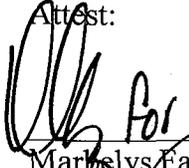
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



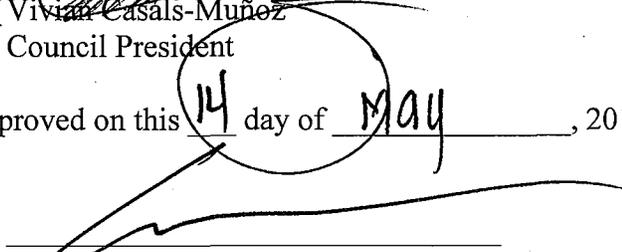
Vivian Casals-Munoz
Council President

Approved on this 14 day of May, 2018.

Attest:

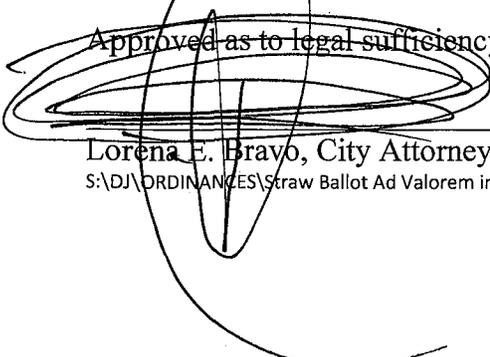


Maribelys Fatjo, City Clerk



Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Caragol, Zogby, Lozano, Casals-Munoz, Garcia-Martinez and Cuenca-Fuente voting "Yes", Hernandez absent