

Section 1.4 Powers.

The Town shall have all available governmental, corporate and proprietary powers and may exercise them except when prohibited by law. Through the adoption of this Charter, it is the intent of the electors of the Town to grant to the municipal government established by this Charter the broadest exercise of home rule powers permitted under the Constitution and laws of the State.

Section 1.5 Construction.

This Charter and the powers of the Town shall be construed liberally in favor of the Town.

ARTICLE II. TOWN COUNCIL; MAYOR

Section 2.1 Town Council-

There shall be a Town Council (the "Council") vested with all legislative powers of the Town. The Council shall consist of the Mayor and six members, four Residential Councilmembers and two At-large Councilmembers as described below ("Councilmembers"). References in this Charter to the Council and/or Councilmembers shall include the Mayor unless the context dictates otherwise.

Section 2.2 Mayor and Vice-Mayor.

- (a) *Powers and Duties of the Mayor.* The Mayor shall preside at meetings of the Council and be a voting member of the Council. In addition, the Mayor shall have the following specific responsibilities:
- i) The Mayor shall recommend the appointment of a Town Manager to the Council.
 - ii) The Mayor shall present State of the Town and budgetary addresses annually.
 - iii) The Mayor may create and appoint subject to Council approval, committees of the Council which may include non-Councilmembers. The members of each committee shall select a chair.
 - iv) The Mayor shall be recognized as head of the Town government for all ceremonial purposes, for purposes of military law, and for service of process.
 - v) The Mayor shall be the official designated to represent the Town in all dealings with other governmental entities.
 - vi) Execute contracts, deeds and other documents on behalf of the Town as authorized by the Council.

- (b) *Vice-Mayor.* During the absence or incapacity of the Mayor, the Vice-Mayor shall have all the powers, authority, duties and responsibilities of the Mayor. At the first Council meeting after each regular Town election, or in any calendar year in which there is no regular Town election, at the first Council meeting in the month of November, the Council shall elect one of its members as Vice-Mayor.

Section 2.3 Election and Term of Office.

- (a) *Election and Term of Office.* Except for the initial election and terms of office specified in Article VIII, each Councilmember and the Mayor shall be elected at-large for four year terms by the electors of the Town in the manner provided in Article V of this Charter. The four year term of office of persons holding office at the time of the initial transition to the County-wide election date provided by the amendment of Charter Section 5.1(c) shall result in a short extension of the term of office in order to coincide with that Section.
- (b) *Seats.* Councilmembers shall serve in seats numbered 1-6 described below, collectively "Seats." Individually each is a "Seat." One Councilmember shall be elected to each Seat.
- (c) *Residential Areas. Seats 1-4.* The Town shall be divided into four residential areas. Individually each is a "Residential Area" collectively "Residential Areas." One Councilmember shall be elected to a Seat from each Residential Area. Councilmembers from Residential Areas are collectively the "Residential Area Councilmembers" Individually each is a "Residential Area Councilmember." The Residential Areas corresponding to each Seat are formally set forth in the document entitled "Town of Miami Lakes, Residential Sub-Areas 1 Legal Description dated September 22, 2000; "Town of Miami Lakes, Residential Sub-Areas 2 Legal Description dated September 25, 2000; "Town of Miami Lakes, Residential Sub-Areas 3 Legal Description dated September 25, 2000; "Town of Miami Lakes, Residential Sub-Areas 4 Legal Description dated September 27, 2000; which shall be on file in the Office of the Town Clerk and are generally described below. In case of conflict between the Residential Area Description and this Charter, the Residential Area Description shall govern.

Seat 1	Northern Boundary: Eastern Boundary: Southern Boundary: Western Boundary:	NW 170 Street NW 77 Court Miami Lakes Drive (NW 154 Street) Interstate 75
Seat 2	Northern Boundary: Eastern Boundary: Southern Boundary: Western Boundary:	Miami Lakes Drive (NW 154 Street) Palmetto Frontage Road The City of Hialeah Interstate 75
Seat 3	Northern Boundary:	Miami Lakes Drive between NW 77 Avenue and Fairway Drive; Fairway Drive between Miami Lakes Drive

and Miami Lakeway North; Miami Lakeway North between Fairway Drive and Main Street; Main Street between Miami Lakeway North and NW 67 Avenue; NW 67 Avenue between Main Street and Miami Lakes Drive; Miami Lakes Drive East between NW 67 Avenue and NW 57 Avenue
 EASTERN BOUNDARY: NW 57 AVENUE (RED ROAD)

Southern Boundary: The City of Hialeah
 Western Boundary: NW 77 Avenue

Seat 4 Northern Boundary: State Road 826 (Palmetto Road)
 EASTERN BOUNDARY: NW 57 AVENUE (RED ROAD)
 Southern Boundary: Miami Lakes Dr between NW 77 Avenue and Fairway Drive; Fairway Drive between Miami Lakes Drive and Miami Lakeway North; Miami Lakeway North between Fairway Drive and Main Street; Main Street between Miami Lakeway North and NW 67 Avenue; NW 67 Avenue between Main Street and Miami Lakes Drive; Miami Lakes Drive East between NW 67 Avenue and NW 57 Avenue
 Western Boundary: NW 77 Avenue

- (d) *Councilmembers At Large. Seats 5 and 6.* Two additional Councilmembers shall be elected at-large and shall occupy Seats 5 and 6 collectively, the "At-large Councilmembers" Individually each is an "At-large Councilmember."
- (e) *Term of Office:* No person shall serve as Mayor or as a Councilmember for more than two (2) consecutive terms. Notwithstanding the above, if elected to a term of office prior to the 2010 election, the Mayor or Councilmembers may serve for a period of an additional two (2) terms, if re-elected, commencing at the conclusion of the term currently being served. If the Mayor or Councilmember is elected or appointed to fill a partial term in office as the result of a vacancy during a term of office pursuant to Section 2.5 of the Charter and the remainder of the term to which such person is elected or appointed is less than two years, then he or she may serve for two additional terms. If the term of said appointment or election to fill said vacancy is equal to or greater than two years, such person may serve one additional term.

Section 2.4 Qualifications.

Candidates for Councilmember or Mayor shall qualify for election by the filing of a written notice of candidacy with the Town Clerk at such time and in such manner as may be prescribed by ordinance ("Qualifying Date") and paying to the Town Clerk a qualifying fee of \$100.00, in addition to any fees required by Florida Statutes. A person may not be a candidate for Council and Mayor in the same election. Only electors of the Town who have resided continuously in the Town for at least two years preceding their Qualifying Date shall be eligible to hold the Office of Councilmember or Mayor. In addition, a person may not be a candidate for an open Residential Councilmember Seat ("Open Seat") unless that person has resided in the Residential Area s/he seeks to represent continuously for a period of one year preceding his/her Qualifying Date. If at the conclusion of the qualifying period no elector has filed or qualified for an Open Seat, then the qualifying period for that Open Seat shall be reopened for a period of five business days and any qualified elector who resides in the relevant Residential Area and has resided continuously in the Town for at least two years may file a written notice of candidacy for the Open Seat in accordance with the provisions of this Section.

Section 2.5 Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) *Vacancies.* The office of a Councilmember shall become vacant upon his/her death, resignation, disability, suspension or removal from office in any manner authorized by law, or by forfeiture of his/her office.
- (b) *Forfeiture of Office.*
 - i) *Forfeiture by disqualification.* A Councilmember shall forfeit his/her office if at any time during his/her term s/he:
 - (1) ceases to maintain his/her permanent residence in the Town.
 - (2) in the case of a Residential Area Councilmember, upon his/her ceasing to reside in his/her respective Residential Area; a Residential Area Councilmember shall not forfeit his/her office under this paragraph if, in the process of relocating within a Residential Area, s/he lives outside of his/her Residential Area but within the Town for a period of no more than 90 calendar days.
 - (3) otherwise ceases to be a qualified elector of the Town.
 - ii) *Forfeiture by absence.* A Councilmember shall be subject to forfeiture of his/her office, in the discretion of the remaining Councilmembers, if s/he is absent without good cause from any three regular meetings of the Council during any

calendar year or if s/he is absent without good cause from any three consecutive regular meetings of the Council, whether or not during the same calendar year.

- iii) *Procedures.* The Council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Councilmember's office, including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the Councilmember in question; provided, however, that any Councilmember may at any time during any duly held meeting move to establish good cause for the absence of him/herself or the absence of any other Councilmember from any past, present or future meeting(s), which motion, if carried, shall be conclusive. A Councilmember whose qualifications are in question, or, who is otherwise subject to forfeiture of his/her office, shall not vote on any such matters. The Councilmember in question shall be entitled to a public hearing(s) on request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the Town at least one week in advance of the hearing. Any final determination by the Council that a Councilmember has forfeited his/her office shall be made by a majority of the Council by resolution. All votes and other acts of the Councilmember in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

(c) *Filling of vacancies.* A vacancy on the Council shall be filled as follows:

- i) If less than six months remain in the unexpired term, the vacancy shall be filled by a nomination of the Mayor made within 30 calendar days following the occurrence of the vacancy, subject to confirmation by the Council.
- ii) If six months or more remain in the unexpired term, the vacancy shall be filled by a nomination of the Mayor made within 30 calendar days following the occurrence of the vacancy, subject to confirmation by the Council. The nominee shall fill the vacancy until the next regularly scheduled election in Miami-Dade County at which time an election shall be held to fill the vacancy. However, if the Council is unable to confirm a nominee, a special election to fill that vacancy shall be held no later than 90 calendar days following the occurrence of the vacancy.
- iii) If the Mayor's position becomes vacant, and less than six months remain in the unexpired term, the Vice-Mayor shall complete the term of Mayor. The vacancy thus created on the Council shall be filled in the manner that the vacancy of a Councilmember is generally filled under this Article. The Council shall then appoint a new Vice-Mayor. If the elected Mayor shall be returned to office, s/he shall automatically resume the duties of the office for the remainder of the term for which elected, and the Vice-Mayor shall be returned to complete the balance of his/her term. The appointment of the person to complete the term of the Vice-Mayor shall be automatically rescinded.

- iv) If the Mayor's position becomes vacant and six months or more remain in the unexpired term, a special election shall be held for the election of a new Mayor within 90 calendar days following the occurrence of the vacancy. Pending the election, the office of Mayor shall be filled by the Vice-Mayor. The Council shall then appoint a new Vice-Mayor. No temporary Council appointment shall be made.
- v) A vacancy in Seats 1-4 shall be filled by a qualified elector residing in the respective Residential Area. A vacancy in Seats 5 or 6 shall be filled by any qualified elector of the Town.
- vi) Persons filling vacancies shall meet the qualifications specified in this Article.
- vii) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the Council shall appoint a person qualified under this Article to fill the vacancy.
- viii) Notwithstanding any quorum requirements established in this Charter, if at any time the full membership of the Council is reduced to less than a quorum, the remaining members may, by majority vote, confirm additional members to the extent otherwise permitted or required under this subsection (c).
- ix) In the event that all members of the Council are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor shall appoint interim Councilmembers who shall call a special election within not less than 30 calendar days or more than 60 calendar days after such appointment. Such election shall be held in the same manner as the first elections under this Charter; provided, however, that if there are less than six months remaining in any of the unexpired terms, such interim Council appointee(s) by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in this Article.

Section 2.6 Compensation; Reimbursement for Expenses.

- (a) Councilmembers shall serve without compensation. Councilmembers and the Mayor shall receive a payment in the amount of \$400 per month as reimbursement for expenses incurred in the performance of their official duties. This payment shall be increased, but not decreased, annually in an amount equal to the percentage increase if any, in the Consumer Price Index for the Miami area, all categories.
- (b) The Council may by ordinance establish a salary for the Mayor.

Section 2.7 Recall.

The electors of the Town shall have the power to recall and to remove from office any elected official of the Town to the extent permitted by the Constitution and the laws of the State of Florida. The minimum number of electors of the Town which shall be required to initiate a recall petition shall be ten (10) percent of the total number of electors registered to vote at the last regular Town election, or such percentage as may be established by State law.

ARTICLE III. ADMINISTRATIVE

Section 3.1 Town Manager.

There shall be a Town Manager (the "Town Manager") who shall be the chief administrative officer of the Town. The Town Manager shall be responsible to the Council for the administration of all Town affairs and for carrying out policies adopted by the Council. The term, conditions and compensation of the Town Manager shall be established by the Council.

Section 3.2 Town Manager; Appointment, Removal.

The Town Manager shall be nominated by the Mayor subject to confirmation by a majority of the Council. Once a selection for Town Manager has been submitted to the Council and rejected, that name may not be resubmitted to the Council by the Mayor without approval by a majority of the Council. The Town Manager shall be removed by a majority of the Council either upon the recommendation of the Mayor or upon the Council's own motion.

Section 3.3 Powers and Duties of the Town Manager.

The Manager shall:

- (a) Be responsible for the hiring, supervision and removal of all Town employees;
- (b) Direct and supervise the administration of all departments and offices but not Town boards or agencies, unless so directed by the Council from time to time;
- (c) Attend Council meetings and have the right to take part in discussion but not the right to vote;
- (d) Ensure that all laws, provisions of this Charter and acts of the Council, subject to enforcement and/or administration by him/her or by employees subject to his/her direction and supervision, are faithfully executed;
- (e) Prepare and submit to the Council a proposed annual budget and capital program;
- (f) Submit to the Council and make available to the public an annual report on the finances and administrative activities of the Town as of the end of each fiscal year;
- (g) Prepare such other reports as the Council may require concerning the operations of Town departments, offices, boards and agencies;