

### **Section 3.9 Town Boards and Agencies.**

The Council shall establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the Council.

## **ARTICLE IV. LEGISLATIVE**

### **Section 4.1 Council Meeting Procedure.**

- (a) *Meetings.* The Council shall hold at least 11 regular monthly meetings in each calendar year, at such times and places as the Council may prescribe. Special meetings may be held on the call of the Mayor or upon the call of four Councilmembers upon no less than 48 hours' notice to the public or such shorter time as a majority of the Council deems necessary in case of an emergency affecting life, health, property or the public peace.
- (b) *Rules and Minutes.* The Council shall determine its own rules of procedure and order of business and shall keep minutes open for public inspection.
- (c) *Quorum and Voting.* A majority of the Council shall constitute a quorum but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. Voting on ordinances shall be by roll call on final reading. Voting on all other matters shall be by voice vote unless a Councilmember or the Town Clerk requests otherwise. In the event that four or more Councilmembers are unavailable to vote on a particular matter due to required abstention pursuant to State law, then the remaining members of the Council may vote and approve such matter by unanimous vote.
- (d) *Meeting Time Limits.* No meeting of the Council shall extend later than midnight except upon the affirmative vote of a majority of members present at the meeting.

### **Section 4.2 Prohibitions.**

- (a) *Appointment and Removals.* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any Town employees, other than the Town Clerk, whom the Town Manager or any of his/her subordinates are empowered to appoint. The Council may express its views and fully and freely discuss with the Town Manager anything pertaining to appointment and removal of such officers and employees.
- (b) *Interference With Administration.*
  - i) Except for the purpose of inquiries and investigations made in good faith and in accordance with a resolution adopted by the Council, the Council and any of its individual members shall deal with Town employees who are subject to the direction and supervision of the Town Manager solely through the Town

Manager, and neither the Council nor its members shall give orders to any such employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in Town government operations by individual Councilmembers are made solely to and through the Town Manager. Councilmembers may discuss with the Town Manager any matter of Town business; however, no individual Councilmember shall give orders to the Town Manager.

- ii) Any willful violation of this Section by the Mayor or any Councilmember shall be grounds for his/her removal from office by an action brought in the Circuit Court by the State Attorney of Miami-Dade County.
- (c) *Holding Other Office.* No elected Town official shall hold any appointed Town office or Town employment while in office.

### **Section 4.3 Ordinances.**

- (a) *Actions Requiring an Ordinance.* In addition to other acts required by law or by specific provision of this Charter to be effected or authorized by ordinance, those acts of the Town Council shall be by ordinance which:
  - i) Adopt or amend an administrative regulation or establish, alter or abolish any Town office, department, board or agency;
  - ii) Establish a rule or regulation the violation of which carries a penalty;
  - iii) Levy taxes or appropriate funds;
  - iv) Grant, renew or extend a franchise;
  - v) Set service or user charges for municipal services or grant administrative authority to set such charges;
  - vi) Authorize the borrowing of money;
  - vii) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the Town; or
  - viii) Amend or repeal any ordinance previously adopted, except as otherwise provided in this Charter.

### **Section 4.4 Emergency Ordinances.**

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt, in the manner provided in this Section, one or more emergency ordinances, but emergency ordinances may not: levy taxes, grant, renew or extend any municipal franchise; set service or

user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter if applicable.

- (a) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (b) *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced and shall be enacted by no less than five members of the Council. After its adoption, the ordinance shall be published and printed as prescribed for other ordinances.
- (c) *Effective Date.* An emergency ordinance shall become effective upon adoption or at such other date as may be specified in the ordinance.
- (d) *Repeal.* Every emergency ordinance except emergency appropriation ordinances shall automatically be repealed as of the 61st calendar day following its effective date, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this Section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.
- (e) *Emergency Appropriations.* The Council may make emergency appropriations in the manner provided in this Section. Notwithstanding the provisions of Section 4.11 to the extent that there are no available unappropriated revenues to meet such appropriations, the Council may authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes, including renewals thereof, shall be payable no later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation ordinance was originally adopted.

#### **Section 4.5 Annual Budget Adoption.**

*Balanced Budget.* Each annual budget adopted by the Council shall be a balanced budget and adopted in accordance with Florida law.

#### **Section 4.6 Fiscal Year.**

The fiscal year of the Town government shall begin on the first day of October and shall end on the last day of September of the following calendar year. Such fiscal year shall also constitute the annual budget and accounting year.

#### **Section 4.7 Appropriation Amendments During the Fiscal Year.**

- (a) *Supplemental Appropriations.* If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the Council may by

ordinance make supplemental appropriations for the fiscal year up to the amount of such excess.

- (b) *Reduction of Appropriations.* If, at any time during the fiscal year, it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, s/he shall report in writing to the Council without delay, indicating the estimated amount of the deficit, and his/her recommendations as to the remedial action to be taken. The Council shall then take such action as it deems appropriate to prevent any deficit spending.

#### **Section 4.8 Authentication, Recording and Disposition of Ordinances; Resolutions and Charter Amendments.**

- (a) *Authentication.* The Mayor and the Town Clerk shall authenticate by their signature all ordinances and resolutions adopted by the Council. In addition, when Charter amendments have been approved by the electors, the Mayor and the Town Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.
- (b) *Recording.* The Town Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the Council. Ordinances shall, at the direction of the Council, be periodically codified. The Town Clerk shall also maintain the Charter in current form including all Charter amendments.
- (c) *Availability of Enactments.* The Council shall establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available for public inspection and available for purchase at a reasonable price.

#### **Section 4.9 Tax Levy, Assessments and Fees.**

The Town, by majority of the Council, shall have the right to levy, assess and collect all such taxes, assessments and fees as are permitted by law, including without limitation, fines, ad valorem taxes, special assessments and fees, excise, franchise or privilege taxes and taxes on services and utilities.

#### **Section 4.10 Independent Audit.**

The Council shall provide for an annual independent audit of all Town accounts and may provide more frequent audits as it deems necessary. Audits shall be made in accordance with generally accepted auditing standards by a certified public accountant or firm of such accountants who have no personal interest direct or indirect in the fiscal affairs of the Town government its employees or officers. Residency, per se, shall not constitute a direct or indirect interest. A summary of the results, including any deficiencies found, shall be made public.

#### **Section 4.11 Borrowing.**

The Town shall incur no debt unless the incurrence of such debt is approved by a majority of the Council.

## **ARTICLE V. ELECTIONS**

### **Section 5.1 Elections.**

- (a) *Electors.* Any person who is a resident of the Town, has qualified as an elector of the State, and registers to vote in the manner prescribed by law shall be an elector of the Town.
- (b) *Nonpartisan Elections.* All elections for the Council and Mayor shall be conducted on a nonpartisan basis. The ballot shall not show the party designation of any candidate.
- (c) *Election Dates.* A general election shall be held in even numbered years on the first Tuesday following the first Monday in November, provided however that it is the intent of this Charter that the Town election always be scheduled to coincide with a Countywide election. Accordingly, if the date of the countywide general election changes for any reason, either permanently or temporarily, the date of the Town election shall automatically be changed to the same date as the Countywide election and all dates in this Charter that are dependent on the date of the Town election, including but not limited to the lengths of the terms of office for the Mayor and Councilmembers in Section 2.3 and the qualifying dates for candidates in Section 2.4, shall also be automatically amended and adjusted to coincide with the change of election date. In the case of the terms of office in Section 2.3, such change may result in the lengthening of the terms of office of the elected officials. The Council shall hold no meetings between the general election and the swearing in of those newly elected or re-elected Councilmembers except in the case of an emergency affecting life, health, property or the public peace.
- (d) *General Election.* The ballot for the general election shall contain the names of all qualified candidates for Mayor, if the Mayor's term is expiring, and for each of the open Councilmember seats which are to be filled as a result of the members' terms expiring. The ballot shall instruct electors to cast one vote for Mayor, if applicable, and no more than one vote for each open Councilmember seat. The candidate for Mayor receiving the highest number of votes shall be declared duly elected. The candidates receiving the highest number of votes for the open Councilmember seats to be filled shall be declared duly elected.
- (e) *Tie vote.* In case of a tie vote for either the Mayor or Councilmember, a run-off election shall be held. The ballot shall instruct electors to cast one vote for Mayor, and if there is a run-off for Councilmember, then to cast one vote for Councilmember. A run-off election shall be held 21 calendar days after the general election.
- (f) *Special Elections.* Special elections, when required, shall be scheduled by the Council at such times and in such a manner as shall be consistent with this Charter and State law.