

## **ARTICLE VIII. TRANSITION PROVISIONS**

### **Section 8.1 Temporary Nature of Article.**

The following sections of this Article are inserted solely for the purpose of effecting the incorporation of the Town and the transition to a new municipal government. Each section of this Article shall automatically, and without further vote or act of the electors of the Town, become ineffective and no longer a part of this Charter at such time as the implementation of such section has been accomplished. In cases of a conflict between this Article and the remainder of the Charter the provisions of this Article shall govern.

### **Section 8.2 Interim Governing Body.**

After adoption of this Charter but prior to the election and acceptance of office of the first elected Town Council, the governing body for the Town shall be the Miami-Dade County Board of County Commissioners (the "County Commission"). In acting as the governing body for the Town during this interim period, the County Commission shall provide all municipal services to the Town but shall not make decisions which could reasonably be postponed until the election of the Town Council or which would materially alter or affect the status quo within the Town boundaries.

### **Section 8.3 Interim Adoption of Codes and Ordinances.**

Until otherwise modified or replaced by this Charter or the Town Council, all Codes, ordinances and resolutions in effect on the date of adoption of this Charter shall, to the extent applicable to the Town, remain in full force and effect as municipal Codes, ordinances and resolutions of the Town. Until otherwise determined by the Town Council, said codes, ordinances and resolutions shall be applied, interpreted and implemented by the Town in a manner consistent with established policies of Miami-Dade County on the date of this Charter.

### **Section 8.4 Taxes and Fees.**

Unless otherwise modified by the Town Council, all municipal taxes and fees imposed within Town boundaries by Miami-Dade County as the municipal government for unincorporated Miami-Dade County, which taxes and fees are in effect on the date of adoption of this Charter, shall continue at the same rate and on the same conditions as if those taxes and fees had been adopted and assessed by the Town.

### **Section 8.5 Initial Election of Town Council and Mayor.**

- (a) *Transition.* This Section shall apply to the initial general and runoff elections for Council and Mayor. Any conflicting provisions of this Charter shall not apply to such elections.
  - i) The general election shall be held on February 13, 2001. The first Town run-off election, if necessary, shall be held on February 27, 2001.

- ii) The general and run-off election in 2001 shall be held pursuant to the general election procedures set forth in this Charter except as follows:
  - (1) Only those candidates will qualify for election who have filed written notice of candidacy for Councilmember or Mayor (but not both) with the Miami-Dade County Elections Department, which notice is received before 5:00 p.m., December 29, 2000, and which notice shall:
    - a. indicate whether the candidate seeks the office of Councilmember or Mayor; if for Councilmember, a particular seat 1-6 shall be designated;
    - b. contain the candidate's certification that s/he is a qualified elector of the State, is registered to vote in the Town and that the person has resided continuously within the area comprising the Town since December 29, 1998;
    - c. if applicable, a certification that the candidate has resided continuously in the Residential Area they are seeking to represent since December 29, 1999;
    - d. contain or be accompanied by such other information or statement, if any, as may be required by the Miami-Dade County Election Department;
    - e. be signed by the candidate and duly notarized; and
    - f. be accompanied by a check payable to the Miami-Dade County Elections Department in the amount of \$100.00 in addition to any fees required by Florida Statutes, as a qualifying fee.
- iii) There will be one Mayor and six Council seats to be filled.
- iv) The Mayor will be elected to a term expiring in October, 2004.
- v) Three Councilmembers shall be elected to terms expiring in October, 2004 determined as follows:
  - (1) from among the candidates for Residential Councilmember the two Residential Councilmembers receiving the most votes and

- (2) from the candidates for At-large Councilmembers, the At-large Councilmember receiving the most votes.
  - vi) The remaining three Councilmembers shall be elected to terms expiring in October, 2002.
  - vii) The number of votes received by a candidate in the general election, as opposed to a run-off, shall be used to determine term length as described in 5 and 6 above.
- (b) *Induction into Office.* Those candidates who are elected at the first regular election shall take office at the initial Council meeting, which shall be held at 7 p.m. on February 14, 2001 or if a run-off election is necessary for any Seat or for Mayor at 7 p.m. on February 28, 2001, at Miami Lakes Middle School.

**Section 8.6 Initial Expenditures.**

Upon receipt by the Town of its first revenues, the Town shall immediately pay the invoices for utilities and for expenses, if any, incurred in the drafting and production of this Charter, including but not limited to invoices for secretarial services, photocopies, mailing and other services authorized by the Town of Miami Lakes Charter Commission.

**Section 8.7 Fiscal Year and First Budget.**

The first fiscal year of the Town shall commence on the effective date of this Charter and shall end on September 30, 2001. The first budget shall be adopted on or before June 1, 2001.

**Section 8.8 Transitional Ordinances and Resolutions.**

The Council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 calendar days after the first Council meeting may be passed as emergency ordinances. These transitional ordinances shall be effective for a period of no longer than 180 calendar days and thereafter may be readopted, renewed or otherwise continued only in the manner normally prescribed for ordinances.

**Section 8.9 Creation of Town.**

For the purpose of compliance with Section 200.066, Florida Statutes, relating to the assessment and collection of ad valorem taxes, the Town is created and established no later than December 31, 2000.

**ARTICLE IX. INCORPORATION OF PROVISIONS OF THE REPORT OF THE MIAMI LAKES MUNICIPAL ADVISORY COMMITTEE (THE "REPORT").**

**Section 9.1 County Services.**