

## TOWN OF MIAMI LAKES

### MUNICIPAL CHARTER

**Charter Commission Note** - The following is the Charter of the Town, as adopted by referendum on December 5, 2000, and effective on December 5, 2000.

On September 7, 2000, the Miami-Dade County Board of County Commissioners appointed the following residents as members of the Miami Lakes Charter Commission: Manny Figueroa, Chairman; Angela Garrison, Vice-Chairman; Maggie Clavelo, Dorothy G. Cook, and Edward Pidermann. Albert A. del Castillo served as an alternate. Beatris M. Arguelles served as Clerk for the Charter Commission and Richard Jay Weiss, Nina L. Boniske and Alison S. Bieler served as Attorneys. The Charter Commission met during the month of September, 2000 to draft the Charter for the Town.

#### **PREAMBLE**

We, the people of the Town of Miami Lakes, in order to secure for ourselves the benefits and responsibilities of home rule, and in order to provide a municipal government to serve our present and future needs, do hereby adopt this Charter. This government has been created to protect the governed, not the governing. We recognize that the orderly, efficient and fair operation of the government requires the intelligent and informed participation of individual citizens. Towards this end, all persons are entitled to receive fair, equitable and prompt treatment, full and accurate information, and convenient access to public records and government officials.

#### **Citizen's Bill of Rights**

- (A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administration management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:
1. **Convenient Access.** Every person has the right to transact Town business with a minimum of personal inconvenience. It shall be the duty of the Town Manager and the Council to provide, within the Town's budget limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the Town.
  2. **Truth in Government.** No Town official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.

3. **Public Records.** All audits, reports, minutes, documents and other public records of the Town and its boards, agencies, departments, and authorities shall be open for inspection at reasonable times and places convenient to the public.
4. **Minutes and Ordinance Register.** The Town Clerk shall maintain and make available for public inspection an ordinance register separate from minutes showing the votes of each member on all ordinances and resolutions listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than thirty (30) days after the conclusion of the meeting.
5. **Right to be Heard.** So far as the orderly conduct of public business permits, any interested person has the right to appear before the Town Council any Town agency, board, or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the Town. Matters shall be scheduled for the convenience of the public. The Town Council shall adopt agenda procedure and schedule hearings in a manner that will enhance the opportunity for public participation. Nothing herein shall prohibit any Town entity or agency from imposing reasonable time limits and procedures for the presentation of a matter.
6. **Right to Notice.** Persons entitled to notice of a Town hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.
7. **No Unreasonable Postponements.** No matter, once having been placed on a formal agenda by the Town, shall be postponed to another day except for good cause shown in the opinion of the Mayor, Town Council, board or agency conducting such meeting, and then only on condition that the affected person shall, upon written request, receive mailed notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing.
8. **Right to Public Hearing.** Upon a timely written request from any interested party, and after presentation of the facts to and approved by the Council, a public hearing shall be held by any Town agency, board, department or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the law department of the Town, nor to any body whose duties and responsibilities are solely advisory.

At any zoning or other hearing in which review is exclusively by certiorari, a party or his or her counsel shall be entitled to present his or her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The decision of any such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

9. **Notice of Action and Reasons.** Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any Town administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.
  10. **Managers' and Attorneys' Reports.** The Town Manager and Town attorney shall periodically make public status reports on all major matters pending or concluded within their respective areas of concern.
  11. **Budgeting.** In addition to any budget required by state statute, the Town Manager, at the direction of the Mayor, shall prepare a budget showing the cost of each department for each budget year. Prior to the Town Council's first public hearing on the proposed budget required by state law, the Town Manager shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purposes therefore, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department.
  12. **Quarterly Budget Comparisons.** The Town Manager shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.
  13. **Representation of Public.** The Mayor shall endeavor, when deemed appropriate, to designate one or more individuals to represent the Town at all proceedings before County, State and Federal regulatory bodies, significantly affecting the Town and its residents.
- (B) The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the Town of Miami Lakes. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the Town. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

- (C) *Remedies for violations.* In any suit by a citizen alleging a violation of this article filed in the Miami-Dade County Circuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the Court. Any public official or employee who is found by the Court to have willfully violated this Article shall forthwith forfeit his or her office or employment.
- (D) *Construction.* All provisions of this Bill of Rights shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this Bill of Rights shall be declared invalid, it shall not affect the validity of the remaining provisions.

**ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWERS**

**Section 1.1 Corporate Existence.**

A municipal corporation known as the Town of Miami Lakes (the "Town") is hereby created pursuant to the Constitution of the State of Florida (the "State") and the Home Rule Charter of Miami-Dade County (the "County"). The corporate existence of the Town shall commence upon the adoption of this Charter.

**Section 1.2 Form of Government.**

The Town shall have a "Mayor-Council-Manager" form of government.

**Section 1.3 Corporate Boundary.**

The corporate boundaries of the Town are set forth in the document entitled "Town of Miami Lakes, Legal Description" dated July 21, 2000 which shall be on file in the Office of the Town Clerk (the "Legal Description"). The corporate boundaries of the Town are generally described as follows and shown on the following map (the "Map"). In case of a conflict between the Legal Description, the Map and this Charter, the Legal Description shall govern.

	Northern Boundary: State Road 826 (Palmetto Expressway) between NW 57 Avenue and NW 77 <sup>th</sup> Ave., and NW 170 Street between NW 77 <sup>th</sup> Court and Interstate 75
Eastern Boundary:	NW 57 Avenue (Red Road)
Southern Boundary:	The City of Hialeah
Western Boundary:	Interstate 75