

RESOLUTION NO. 10- 835

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF FOUR PROPOSED CHARTER AMENDMENTS; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE TOWN CHARTER TO BE HELD ON TUESDAY, OCTOBER 5, 2010; PROVIDING FOR NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, when the Town of Miami Lakes (the “Town”) was incorporated in 2000, it was envisioned that a number of aspects of the Town Charter would be amended as the Town grew and the needs of its citizens changed; and

WHEREAS, the Town Council, in consideration of the needs of the Town and its residents, desires to present to the electors, questions addressing the following issues:

1. Moving the date of Town elections to coincide with County-wide elections; and
2. Enacting term limits for the Mayor and Town Councilmembers; and
3. Updating the Charter to reflect non-substantive stylistic and technical changes; and
4. Changing the name of the Town Council to the Town Commission; and

WHEREAS, pursuant to Section 6.1 of the Town Charter and Town Ordinance 06-82, the Town Council submits the following Charter Amendments to the electors of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference. The Town Council seeks to determine whether the voters wish to amend the Charter to:

- Change the date of Town elections to coincide with County-wide elections,
- Enact term limits for the Mayor and Town Councilmembers,
- Update the Charter to reflect non-substantive stylistic and technical changes,
- Change the name of the Town Council to the Town Commission and refer to Councilmembers as Commissioners,

If adopted by the electorate, the charter amendments will result in the following changes to the charter.

Section 2. Charter Amendments. That pursuant to Section 6.1 of the Town Charter, Section 6.03 of the Miami-Dade County Charter, and Ordinance 06-82 of the Town Code of Ordinances, the Town Charter of the Town of Miami Lakes, Florida is hereby amended by amending the following sections to read as follows:¹

**TOWN OF MIAMI LAKES
TOWN CHARTER**

Preamble

Citizen’s Bill of Rights

Article I. Corporate Existence, Form of Government, Boundary and Powers

- Sec. 1.1 Corporate Existence.
- Sec. 1.2 Form of Government.
- Sec. 1.3 Corporate Boundary.
- Sec. 1.4 Powers.
- Sec. 1.5 Construction.

ARTICLE II. TOWN ~~COUNCIL~~ COMMISSION; MAYOR

- Sec. 2.1 Town ~~Council~~ Commission.
- Sec. 2.2 Mayor and Vice-Mayor.
- Sec. 2.3 Election and Term of Office.
- Sec. 2.4 Qualifications.
- Sec. 2.5 Vacancies; Forfeiture of Office; Filling of Vacancies.

¹ / Proposed additions to the existing Town Charter text are indicated by underline; proposed deletions from the existing Town Charter text are indicated by ~~strikethrough~~.

Sec. 2.6 Compensation; Reimbursement for Expenses.
Sec 2.7 Recall.

Article III. Administrative

Sec. 3.1 Town Manager.
Sec. 3.2 Town Manager; Appointment, Removal.
Sec. 3.3 Powers and Duties of the Town Manager.
Sec. 3.4 Acting Town Manager.
Sec. 3.5 Bond of Town Manager.
Sec. 3.6 Town Clerk.
Sec. 3.7 Town Attorney.
Sec. 3.8 Expenditure of Town Funds.
Sec. 3.9 Town Boards and Agencies.

Article IV. Legislative

Sec. 4.1 ~~Council~~ Commission Meeting Procedure.
Sec. 4.2 Prohibitions.
Sec. 4.3 Ordinances.
Sec. 4.4 Emergency Ordinances.
Sec. 4.5 Annual Budget Adoption.
Sec. 4.6 Fiscal Year.
Sec. 4.7 Appropriation Amendments During the Fiscal Year.
Sec. 4.8 Authentication, Recording and Disposition of Ordinances; Resolutions and Charter Amendments.
Sec. 4.9 Tax Levy, Assessments and Fees.
Sec. 4.10 Independent Audit.
Sec. 4.11 Borrowing

Article V. Elections

Sec. 5.1 Elections.
Sec. 5.2 Initiative and Referendum.

Article VI. Charter Amendments

Sec. 6.1 Procedure to Amend.

Article VII. General Provisions

Sec. 7.1 Severability.
Sec. 7.2 Conflicts of Interest; Ethical Standards.
Sec. 7.3 Town Personnel System.
Sec. 7.4 Charter Revision.
Sec. 7.5 Variation of Pronouns.
Sec. 7.6 No Discrimination.
Sec. 7.7 Precedence over Related Laws.

Article VIII. Transition Provisions

Sec. 8.1 Temporary Nature of Article.

- Sec. 8.2 Interim Governing Body.
- Sec. 8.3 Interim Adoption of Codes and Ordinances.
- Sec. 8.4 Taxes and Fees.
- Sec. 8.5 Initial Election of Town ~~Council~~ Commission and Mayor.
- Sec. 8.6 Initial Expenditures.
- Sec. 8.7 Fiscal Year and First Budget.
- Sec. 8.8 Transitional Ordinances and Resolutions.
- Sec. 8.9 Creation of Town.

Article IX. Incorporation Of Provisions Of The Report Of The Miami Lakes Municipal Advisory Committee (The "Report").

- Sec. 9.1 County Services.
- Sec. 9.2 Police Contract.
- Sec. 9.3 Interlocal Agreement.
- Sec. 9.4 Modifications.

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~~ Charter Commission 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~~ Commission 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~~ Commission 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~~ Commission, 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~~ Commission, 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~~Commission'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~~ Commission 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 77th Ave., and NW 170 Street between NW 77th Court and Interstate 75
- Eastern Boundary: NW 57 Avenue (Red Road)
- Southern Boundary: The City of Hialeah
- Western Boundary: Interstate 75

[SEE MAP ON THE FOLLOWING PAGE]

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~~ COMMISSION; MAYOR

Section 2.1 Town ~~Council~~ Commission

There shall be a Town ~~Council~~ Commission (the "~~Council~~" "Commission") vested with all legislative powers of the Town. The ~~Council~~ Commission shall consist of the Mayor and six members, four Residential ~~Councilmembers~~ Commissioners and two At-large ~~Councilmembers~~ Commissioners, as described below ("~~Councilmembers~~ Commissioners"). References in this Charter to the ~~Council~~ Commission and/or ~~Councilmembers~~ Commissioners 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~~ Commission and be a voting member of the ~~Council~~ Commission. In addition, the Mayor shall have the following specific responsibilities:
- i) The Mayor shall recommend the appointment of a Town Manager to the ~~Council~~ Commission.
 - ii) The Mayor shall present State of the Town and budgetary addresses annually.
 - iii) The Mayor may create and appoint subject to ~~Council~~ Commission approval, committees of the ~~Council~~ Commission which may include non-~~Councilmembers~~ Commission members. 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~~ Commission.

- (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~~ Commission meeting after each regular Town election, or in any calendar year in which there is no regular Town election, at the first ~~Council~~ Commission meeting in the month of November, the ~~Council~~ Commission 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~~ Commissioner 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~~ Commissioners shall serve in seats numbered 1-6 described below, collectively "Seats." Individually each is a "Seat." One ~~Councilmember~~ Commissioner 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~~ Commissioner shall be elected to a Seat from each Residential Area. ~~Councilmembers~~ Commissioners from Residential Areas are collectively the "Residential Area ~~Councilmembers~~ Commissioners" Individually each is a "Residential Area ~~Councilmember~~ Commissioner." 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~~ Commissioners At Large. Seats 5 and 6. Two additional ~~Councilmembers~~ Commissioners shall be elected at-large and shall occupy Seats 5 and 6 collectively, the "At-large ~~Councilmembers~~ Commissioners" Individually each is an "At-large ~~Councilmember~~ Commissioner"

(e) Term of Office: No person shall serve as Mayor or as a Commissioner 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 Commissioners 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 Commissioner 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~~ Commissioner 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~~ Commission 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~~, Commissioner or Mayor. In addition, a person may not be a candidate for an open Residential ~~Councilmember~~ Commissioner 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.

(Aa) *Vacancies.* The office of a ~~Councilmember~~ Commissioner 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.

(Bb) *Forfeiture of Office.*

i) *Forfeiture by disqualification.* A ~~Councilmember~~ Commissioner shall forfeit his/her office if at any time during his/her term s/he:

(a1) ceases to maintain his/her permanent residence in the Town.

(b2) in the case of a Residential Area ~~Councilmember~~ Commissioner, upon his/her ceasing to reside in his/her respective Residential Area; a Residential Area ~~Councilmember~~ Commissioner 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.

(e3) otherwise ceases to be a qualified elector of the Town.

- ii) *Forfeiture by absence.* A ~~Councilmember~~ Commissioner shall be subject to forfeiture of his/her office, in the discretion of the remaining ~~Councilmembers~~ Commissioners, if s/he is absent without good cause from any three regular meetings of the ~~Council~~ Commission during any calendar year or if s/he is absent without good cause from any three consecutive regular meetings of the ~~Council~~, Commission whether or not during the same calendar year.
- iii) *Procedures.* The ~~Council~~ Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a ~~Councilmember's~~ Commissioner'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~~ Commissioner in question; provided, however, that any ~~Councilmember~~ Commissioner 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~~ Commissioner from any past, present or future meeting(s), which motion, if carried, shall be conclusive. A ~~Councilmember~~ Commissioner 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~~ Commissioner 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~~ Commission that a ~~Councilmember~~ Commissioner has forfeited his/her office shall be made by a majority of the ~~Council~~ Commission by resolution. All votes and other acts of the ~~Councilmember~~ Commissioner in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

(Cc) *Filling of vacancies.* A vacancy on the ~~Council~~ Commission 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~~ Commission.
- 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~~ Commission. 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~~ Commission 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~~ Commission shall be filled in the manner that

the vacancy of a ~~Councilmember~~ Commissioner is generally filled under this Article. The ~~Council~~ Commission 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~~ Commission shall then appoint a new Vice-Mayor. No temporary ~~Council~~ Commission 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~~ Commission 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~~ Commission 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~~ Commission are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor shall appoint interim ~~Councilmembers~~ Commissioners 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~~ Commission 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~~ Commissioners shall serve without compensation. ~~Councilmembers~~ Commissioners 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~~ Commission 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~~ Commission for the administration of all Town affairs and for carrying out policies adopted by the ~~Council~~ Commission. The term, conditions and compensation of the Town Manager shall be established by the ~~Council~~ Commission.

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

Section 3.3 Powers and Duties of the Town Manager.

The Manager shall:

- (1a) Be responsible for the hiring, supervision and removal of all Town employees;
- (2b) Direct and supervise the administration of all departments and offices but not Town boards or agencies, unless so directed by the ~~Council~~ Commission from time to time;
- (3c) Attend ~~Council~~ Commission meetings and have the right to take part in discussion but not the right to vote;

- (4d) Ensure that all laws, provisions of this Charter and acts of the ~~Council~~ Commission, subject to enforcement and/or administration by him/her or by employees subject to his/her direction and supervision, are faithfully executed;
- (5e) Prepare and submit to the ~~Council~~ Commission a proposed annual budget and capital program;
- (6f) Submit to the ~~Council~~ Commission 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;
- (7g) Prepare such other reports as the ~~Council~~ Commission may require concerning the operations of Town departments, offices, boards and agencies;
- (8h) Keep the ~~Council~~ Commission fully advised as to the financial condition and future needs of the Town and make such recommendations to the ~~Council~~ Commission concerning the affairs of the Town as s/he deems to be in the best interests of the Town;
- (9i) Execute contracts, deeds and other documents on behalf of the Town as authorized by the ~~Council~~ Commission; and
- (10j) Perform such other duties as are specified in this Charter or as may be required by the ~~Council~~ Commission.

Section 3.4 Acting Town Manager.

To perform his/her duties during his/her temporary absence or disability, the Town Manager may designate by letter filed with the ~~Council~~ Commission, a qualified employee of the Town. In the event of failure of the Town Manager to make such designation or should the person so designated be unacceptable, the Mayor, with the approval of a majority of the ~~Council~~ Commission, may revoke such designation and appoint another employee of the Town to serve until the Town Manager shall return or his/her disability shall cease.

Section 3.5 Bond of Town Manager.

The Town Manager shall furnish a surety bond to be approved by the ~~Council~~ Commission, and in such amount as the ~~Council~~ Commission may fix, said bond to be conditioned on the faithful performance of his/her duties. The premium of the bond shall be paid by the Town.

Section 3.6 Town Clerk.

The Town Manager shall appoint the Town Clerk (the "Town Clerk") subject to the approval of the ~~Council~~ Commission. The Town Clerk shall give notice of all ~~Council~~ Commission meetings to its members and the public, and shall keep minutes of the ~~Council~~ Commission's proceedings. The Town Clerk shall perform such other duties as the Town Manager or the ~~Council~~ Commission may prescribe from time to time. The Town Clerk shall report to the Town

Manager. The Town Clerk may be removed by the Town Manager with the approval of the Council Commission.

Section 3.7 Town Attorney.

The Mayor shall nominate, subject to approval by a majority of the Council Commission, an individual attorney or law firm to act as the Town Attorney under such terms, conditions, and compensation as may be established by the Council Commission. The Town Attorney shall report to the Council Commission and may be removed by majority vote of the Council Commission either upon the recommendation of the Mayor or upon the Council's Commission's own motion.

Section 3.8 Expenditure of Town Funds.

No funds of the Town shall be expended except pursuant to duly approved appropriations.

Section 3.9 Town Boards and Agencies.

The Council Commission 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 Commission.

ARTICLE IV. LEGISLATIVE

Section 4.1 Council Commission Meeting Procedure.

- (a) *Meetings.* The Council Commission shall hold at least 11 regular monthly meetings in each calendar year, at such times and places as the Council Commission may prescribe. Special meetings may be held on the call of the Mayor or upon the call of four Councilmembers Commissioners upon no less than 48 hours' notice to the public or such shorter time as a majority of the Council Commission deems necessary in case of an emergency affecting life, health, property or the public peace.
- (b) *Rules and Minutes.* The Council Commission 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 Commission 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 Commission. Voting on ordinances shall be by roll call on final reading. Voting on all other matters shall be by voice vote unless a Councilmember Commissioner or the Town Clerk requests otherwise. In the event that four or more Councilmembers Commissioners are unavailable to vote on a particular matter due to required abstention pursuant to State law, then the remaining members of the Council Commission may vote and approve such matter by unanimous vote.

- (d) *Meeting Time Limits.* No meeting of the ~~Council~~ Commission 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~~ Commission 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~~ Commission 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~~Commission, the ~~Council~~Commission 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~~Commission 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~~Commissioners are made solely to and through the Town Manager. ~~Councilmembers~~Commissioners may discuss with the Town Manager any matter of Town business; however, no individual ~~Councilmember~~Commissioner shall give orders to the Town Manager.
 - ii) Any willful violation of this Section by the Mayor or any ~~Councilmember~~Commissioner 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~~ Commission shall be by ordinance which:
 - (1) Adopt or amend an administrative regulation or establish, alter or abolish any Town office, department, board or agency;
 - (2) Establish a rule or regulation the violation of which carries a penalty;
 - (3) Levy taxes or appropriate funds;

- ~~(4~~iv) Grant, renew or extend a franchise;
- ~~(5~~v) Set service or user charges for municipal services or grant administrative authority to set such charges;
- ~~(6~~vi) Authorize the borrowing of money;
- ~~(7~~vii) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the Town; or
- ~~(8~~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~~ Commission 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~~ Commission. 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~~ Commission 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~~ Commission 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~~ Commission 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~~ Commission 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~~ Commission without delay, indicating the estimated amount of the deficit, and his/her recommendations as to the remedial action to be taken. The ~~Council~~ Commission 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~~ Commission. 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~~ Commission. Ordinances shall, at the direction of the ~~Council~~ Commission, be periodically codified. The Town Clerk shall also maintain the Charter in current form including all Charter amendments.

- (c) *Availability of Enactments.* The ~~Council~~ Commission 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~~ Commission, 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~~ Commission 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~~ Commission.

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~~ Commission 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 each even-numbered year, on the day of the second state primary election, or if none is held in any such year, on the first Tuesday following the first Monday in October. Notwithstanding the foregoing sentence, if a County general election is scheduled in the first two (2) weeks of October, the Town election shall be held on that election date. 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 Commissioners 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~~Commission shall hold no meetings between the general election and the swearing in of those newly elected or re-elected ~~Councilmembers~~ Commissioners 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~~ Commissioner 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~~ Commissioner 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~~ Commissioner seats to be filled shall be declared duly elected.
- (e) *Tie vote.* In case of a tie vote for either the Mayor or ~~Councilmember~~ Commissioner, 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~~ Commissioner, then to cast one vote for ~~Councilmember~~ Commissioner. 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~~ Commission at such times and in such a manner as shall be consistent with this Charter and State law.
- (g) *Single Candidates.* No election for Mayor or any seat shall be required in any election if there is only one duly qualified candidate for Mayor or for any open seat. That candidate shall be considered elected by operation of law.
- (h) *Commencement of Terms.* The term of office of all elected officials will commence on the day following the day of the general election, or if there is a run off election, the day following the run off election.

Section 5.2 Initiative and Referendum.

- (a) *Power to Initiate and Reconsider Ordinances.*
 - i) *Initiative.* The electors of the Town shall have the power to propose ordinances to the ~~Council~~ Commission and, if the ~~Council~~ Commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a Town election, provided that such power shall not extend to the annual budget or

capital program or any ordinance appropriating money, levying taxes or setting salaries of Town officers or employees.

- ii) *Referendum.* The electors of the Town shall have power to require reconsideration by the ~~Council~~ Commission of any adopted ordinance and, if the ~~Council~~ Commission fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of Town officers or employees.
- (b) *Commencement of Proceedings.* A minimum of ten electors may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit (the "Affidavit") stating they will constitute the petitioners' committee (the "Committee") and be responsible for circulating the petition (the "Petition") and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the Committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the Affidavit of the Committee is filed, the Town Clerk shall at the Committee's request, issue the appropriate Petition blanks to the Committee at the Committee's expense. Petitioners' proposed ordinance shall be approved as to legal sufficiency by the Town Attorney prior to circulation.
- (c) *Petitions.*
- i) *Number of Signatures.* Initiative and referendum petitions must be signed by at least ten percent of the total number of electors registered to vote at the last regular Town election.
 - ii) *Form and Content.* All pages of a Petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
 - iii) *Affidavit of Circulator.* Each page of a Petition shall have attached to it when filed an affidavit executed by the circulator stating that s/he personally circulated the page, the number of signatures contained, that all the signatures were affixed in his/her presence that s/he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
 - iv) *Filing Deadline.* All Petitions must be filed within 60 calendar days of the date a proper Affidavit is filed pursuant to subsection (b) of this section.
- (d) *Procedure for Filing.*

- i) *Certificate of Clerk; Amendment.* Within 20 calendar days after an initiative Petition is filed or within five business days after a referendum Petition is filed, the Town Clerk shall complete a certificate as to its sufficiency ("the Certificate"). If insufficient the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be promptly sent to the Committee by registered mail. Grounds for insufficiency are only those specified in subsection (c) of this Section. A Petition certified insufficient for lack of the required number of valid signatures may be amended once if the Committee files a notice of intention to amend it with the Town Clerk within two calendar days after receiving the copy of the Certificate and files a Supplementary Petition ("Supplementary Petition") with the Town Clerk with additional valid signatures within ten calendar days after receiving the copy of such Certificate. Such Supplementary Petition shall comply with the requirements of subsection (c) of this Section. Within five business days after a Supplementary Petition is filed the Town Clerk shall complete a Certificate as to the sufficiency of the Petition as amended ("Amended Petition") and promptly send a copy of such Certificate to the Committee by registered mail. If a Petition or Amended Petition is certified sufficient, or if a Petition or Amended Petition is certified insufficient and the Committee does not elect to amend or request ~~Council~~ Commission review under paragraph (ii) of this subsection within the time required, the Town Clerk shall promptly present his/her certificate to the ~~Council~~ Commission and such Certificate shall then be a final determination as to the sufficiency of the petition.
 - ii) *~~Council~~ Commission Review.* If a Petition has been certified insufficient and the Committee does not file notice of intention to amend it or if an Amended Petition has been certified insufficient, the Committee may, within two calendar days after receiving the copy of such Certificate, file a request with the Town Clerk that it be reviewed by the ~~Council~~ Commission. The ~~Council~~ Commission shall review the Certificate at its next regularly scheduled meeting following the filing of such request and approve or disapprove it. The ~~Council's~~ Commission's determination shall then be a final determination as to the sufficiency of the Petition.
- (e) *Action on Petitions.*
 - i) *Action by ~~Council~~ Commission.* When an initiative or referendum Petition has been finally determined sufficient, the ~~Council~~ Commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the ~~Council~~ Commission fails to adopt a proposed initiative ordinance without any change in substance within 45 calendar days or fails to repeal the referred ordinance within 30 calendar days, it shall submit the proposed or referred ordinance to the electors of the Town. If the ~~Council~~ Commission fails to act on a proposed initiative ordinance or a referred ordinance within the time period contained in this paragraph, the ~~Council~~ Commission shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the

referred ordinance on the last day that the ~~Council~~ Council Commission was authorized to act on such matter.

- ii) *Submission to Electors.* The vote of the Town on a proposed or referred ordinance shall be held not less than 30 calendar days or more than 60 calendar days from the date the ~~Council~~ Council Commission acted or was deemed to have acted pursuant to paragraph (i) of this subsection. If no regular election is to be held within the period described in this paragraph, the ~~Council~~ Council Commission shall provide for a special election, except that the ~~Council~~ Council Commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.
- iii) *Withdrawal of Petitions.* An initiative or referendum Petition may be withdrawn at any time prior to the 15th calendar day preceding the day scheduled for a vote by the Town by filing with the Town Clerk a request for withdrawal signed by at least eight/tenths of the Committee. Upon the filing of such a request, the Petition shall have no further force or effect and all proceedings shall be terminated.

(f) *Results of Election.*

- i) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. If the proposed initiative ordinance fails, it or any ordinance that is substantially similar, may not be submitted in accordance with this Article for at least one year from the date of the election.
- ii) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote for repeal, the repealed ordinance shall be considered repealed upon certification of the election results.

ARTICLE VI. CHARTER AMENDMENTS

Section 6.1 Procedure to Amend.

- (a) The Charter may be amended in accordance with the provisions of Section ~~5.03~~ 6.03 of the Home Rule Charter of Miami-Dade County. The Town shall enact an ordinance to implement this Article.
- (b) If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

ARTICLE VII. GENERAL PROVISIONS

Section 7.1 Severability.

If any article, section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter or the context in which such article, section or part of section so held invalid may appear, except to the extent that an entire article, section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 7.2 Conflicts of Interest; Ethical Standards.

All ~~Councilmembers~~ Commissioners, officials and employees of the Town shall be subject to the standards of conduct for public officers and employees set by law. The ~~Council~~ Commission may, by ordinance, adopt additional standards of conduct and Code of ethics, but in no case inconsistent with law.

Without in any way limiting the generality of the foregoing, no ~~Councilmember~~ Commissioner shall have a financial interest, direct or indirect, or by reason of ownership of stock or other equity ownership in any corporation or entity, in any contract or in the sale to the Town or to a contractor supplying the Town of any land or rights or interests in any land, materials, supplies, or services unless, after full disclosure to the ~~Council~~ Commission of the nature and extent of such interest, the same is authorized by the ~~Council~~ Commission before the event or accepted and ratified by the ~~Council~~ Commission after the event. No member of the ~~Council~~ Commission who possesses such a financial interest shall vote on, or participate in the ~~Council~~ Commission deliberations concerning, any such contract or sale. Any violation of this Section with the knowledge of the person or entity contracting with the Town shall render the contract voidable by the ~~Council~~ Commission.

Section 7.3 Town Personnel System.

All new employment, appointments and promotions of Town employees shall be made pursuant to personnel procedures to be established by the Manager from time to time.

Section 7.4 Charter Revision.

- (a) At its first regular meeting in December 2005, and thereafter every tenth year commencing December 2015, the ~~Council~~ Commission shall appoint and fund a Charter Revision Commission (the "Charter Commission").
- (b) The Charter Commission shall consist of seven persons including one from each of the four Residential Areas. One appointment shall be made by each ~~Councilmember~~ Commissioner. In addition, the Mayor shall appoint one person to the Charter Commission who is a member of the ~~Council~~ Commission serving a second consecutive term as ~~Councilmember~~ Commissioner who shall serve as a nonvoting Charter Commission member. In the event a second term ~~Councilmember~~ Commissioner is not serving, the Mayor may appoint a sitting ~~Councilmember~~ Commissioner. The Mayor shall not be eligible for appointment to the Charter Commission. The Charter

Commission shall commence its proceedings within 45 calendar days after appointment by the ~~Council~~ Commission.

- (c) If the Charter Commission determines that an amendment or revision is needed, it shall submit the same to the ~~Council~~ Commission no later than October 1st of the year following its appointment. Alternative proposals may be submitted. The ~~Council~~ Commission shall submit suggested amendments and revisions to the electors of the Town in accordance with the provisions of Section 6.1.

Section 7.5 Variation of Pronouns.

All pronouns and any variation thereof used in this Charter shall be deemed to refer to masculine, feminine, neutral, singular or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define or limit the scope, extent, or intent of this Charter.

Section 7.6 No Discrimination.

The Town shall not adopt any ordinance or policy that discriminates against any person due to race, religion, color, national origin, physical or mental disability, creed, age, sexual preference or sex.

Section 7.7 Precedence over Related Laws.

In case of a conflict between the provisions of this Charter and the provisions of the Code to be adopted pursuant thereto, the Charter terms shall control. Moreover, nothing in this Charter shall be construed to alter, abolish, affect or amend the general laws of this State, now in force, or which hereinafter may be enacted relative to or affecting this Town, except where such laws are in direct conflict in which case the provisions of this Charter or Code adopted pursuant thereto shall supersede and be in full force and effect.

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~~ Commission, 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~~ Commission 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~~ Commission, 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~~ Commission, 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~~ Commission, 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~~ Commission and Mayor.

~~(a)A-~~ *Transition.* This Section shall apply to the initial general and runoff elections for ~~Council~~ Commission and Mayor. Any conflicting provisions of this Charter shall not apply to such elections.

~~i)1-~~ 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)2-~~ 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:

~~(1a)~~ Only those candidates will qualify for election who have filed written notice of candidacy for ~~Councilmember~~ Commissioner 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.i)~~ indicate whether the candidate seeks the office of ~~Councilmember~~ Commissioner or Mayor; if for ~~Councilmember~~ Commissioner, a particular seat 1-6 shall be designated;

- b.ii) 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.iii) if applicable, a certification that the candidate has resided continuously in the Residential Area they are seeking to represent since December 29, 1999;
- d.iv) contain or be accompanied by such other information or statement, if any, as may be required by the Miami-Dade County Election Department;
- e.v) be signed by the candidate and duly notarized; and
- f.vi) 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)3. There will be one Mayor and six ~~Council~~ Commission seats to be filled.

iv)4. The Mayor will be elected to a term expiring in October, 2004.

v)5. Three ~~Councilmembers~~ Commissioners shall be elected to terms expiring in October, 2004 determined as follows:

(1)ii. from among the candidates for Residential ~~Councilmember~~ Commissioner the two Residential ~~Councilmembers~~ Commissioners receiving the most votes and

(2)ii. from the candidates for At-large ~~Councilmembers~~ Commissioners, the At-large ~~Councilmember~~ Commissioners receiving the most votes.

vi)6. The remaining three ~~Councilmembers~~ Commissioners shall be elected to terms expiring in October, 2002.

vii)7. 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)B. *Induction into Office.* Those candidates who are elected at the first regular election shall take office at the initial ~~Council~~ Commission 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~~ Commission shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 calendar days after the first ~~Council~~ Commission 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.

Subject to the conditions outlined in the Report, the Town will remain part of and utilize:

- a. the Miami-Dade Fire Rescue District;
- b. the Miami-Dade Library System; and
- c. the Miami-Dade Solid Waste Collection System.
- d. specialized police services of Miami-Dade County. Specialized police services shall include, but are not limited to, homicide, robbery, sex crimes and narcotics.

Section 9.2 Police Contract.

The Town will contract with the Miami-Dade Police Department for a specific level of patrol staffing (the "Police Contract"). After the initial three years of the Police Contract, the Town, upon no less than 12 months notice, may terminate the Police Contract for cause.

Section 9.3 Interlocal Agreement

Within 180 calendar days after election of a Town ~~Council~~ Commission the Town will enter into an Interlocal Agreement with Miami-Dade County which will set forth contractual provisions establishing the municipality's relationship with Miami-Dade County in accordance with the Report and the provisions of this section (the "Interlocal Agreement").

Section 9.4 Modifications.

Any modifications to Article 9 will require:

- a. approval of the Town ~~Council~~ Commission;
- b. approval by the voters of the Town; and
- c. approval by 2/3's of the total membership of the Miami-Dade County Board of County Commissioners

Section 3. Election Called.

A. That a special election is hereby called, to be held on Tuesday, the 5th day of October, 2010, to present to the qualified electors of the Town of Miami Lakes, the ballot questions provided in Section 4 of this Resolution.

B. That the Town Council may by Resolution alter the date of the special election in the event that the Council finds that unforeseen circumstances require it to do so.

Section 4. Form of Ballot.

That the form of ballot for the Charter Amendments provided for in Section 2 of this Resolution shall be substantially, as follows:

1. MOVING THE DATE OF TOWN ELECTIONS TO COINCIDE WITH COUNTY-WIDE ELECTIONS

The Town Charter currently provides for Town elections for Mayor and Councilmembers to be held in October of each even-numbered year. It is proposed that the Charter be amended to move Town elections to November of even-numbered years to coincide with

County-wide elections and that Town elections be tied to future County election date changes to coincide with regular County-wide general elections.

Shall the above-described Charter Amendment be adopted?

Yes []

No []

2. ENACTING TERM LIMITS FOR THE MAYOR AND TOWN COUNCILMEMBERS

The Town Charter currently provides that the Mayor and Town Councilmembers may run for an unlimited number of consecutive terms of office. It is proposed that the Charter be amended to prospectively limit the Mayor and Town Councilmembers to two (2) consecutive terms.

Shall the above-described Charter Amendment be adopted?

[] Yes

[] No

3. CHARTER NON-SUBSTANTIVE TECHNICAL UPDATES

It is proposed that the Charter be amended to reflect non-substantive stylistic and technical changes, along with any amendments needed for conformity, implementation and consistency of Charter amendments.

Shall the above-described Charter Amendment be adopted?

[] Yes

[] No

4. CHANGING NAME OF COUNCIL TO COMMISSION

The Town Charter currently refers to the legislative body of the Town of Miami Lakes as the Town Council, and its members called Councilmembers. It is proposed that the Charter be amended to rename the legislative body the Town Commission and its members Commissioners.

Shall the above-described Charter Amendment be adopted?

[] Yes

[] No

Section 5. **Balloting.** That balloting shall be conducted on Tuesday, October 5, 2010, between the hours of 7:00A.M. and 7:00 P.M. at the regular polling places provided for Town elections. Absentee balloting shall be available as authorized by law. Early voting pursuant to Sec. 101.657, F.S. shall be provided. All qualified Town electors who are timely registered in accordance with law shall be entitled to vote. The Town Clerk is authorized to obtain any necessary election administration services from the Miami-Dade County Supervisor of Elections. The County registration books shall remain open at the Office of the County Supervisor of Elections until the date at which the registration books shall close in accordance with the provisions of the general election laws. The Town Clerk, with necessary assistance from the Miami-Dade County Supervisor of Elections, is hereby authorized to take all appropriate actions necessary to carry into effect and accomplish the electoral provisions of this Resolution. This Special Election shall be canvassed by the Town Clerk in accordance with any applicable provisions of the general election laws of the State or County. The Town Clerk is hereby authorized to take any action which is necessary or expedient to implement this section or to comply with any applicable law.

Section 6. **Notice of Election.** That notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the Town at least 30 days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing Sunday, August 29, 2010), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, September 12, 2010), and shall be in substantially the following form:

“NOTICE OF ELECTION.

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO.____ DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, (THE "TOWN") A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE TOWN ON TUESDAY, THE 5TH DAY OF OCTOBER, 2010, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSALS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN.

1. MOVING THE DATE OF TOWN ELECTIONS TO COINCIDE WITH COUNTY-WIDE ELECTIONS

The Town Charter currently provides for Town elections for Mayor and Councilmembers to be held in October of each even-numbered year. It is proposed that the Charter be amended to move Town elections to November of even-numbered years to coincide with County-wide elections and that Town elections be tied to future County election date changes to coincide with regular County-wide general elections.

Shall the above-described Charter Amendment be adopted?

Yes []

No []

2. ENACTING TERM LIMITS FOR THE MAYOR AND TOWN COUNCILMEMBERS

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Shall the above-described Charter Amendment be adopted?

[] Yes

[] No

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It is proposed that the Charter be amended to reflect non-substantive stylistic and technical changes, along with any amendments needed for conformity, implementation and consistency of Charter amendments.

Shall the above-described Charter Amendment be adopted?

Yes

No

4. CHANGING NAME OF COUNCIL TO COMMISSION

The Town Charter currently refers to the legislative body of the Town of Miami Lakes as the Town Council, and its members called Councilmembers. It is proposed that the Charter be amended to rename the legislative body the Town Commission and its members Commissioners.

Shall the above-described Charter Amendment be adopted?

Yes

No

Polling place information and the full text of the proposed Charter Amendments is available at the Office of the Town Clerk located at 15700 NW 67 Avenue, 3rd Floor, Miami Lakes, FL 33014.

TOWN CLERK

Section 7. Copies. That copies of this Resolution proposing the Charter Amendments are on file at the offices of the Town Clerk located at Town of Miami Lakes 15700 NW 67 Avenue, 3rd Floor, Miami Lakes, FL 33014, and are available for public inspection during regular business hours.

Section 8. Effectiveness of Charter Amendment.

A. That each of the Charter Amendments which are provided for in Sections 2 and 4 above shall become effective only if the majority of the qualified electors voting on the specific Charter Amendment vote for its adoption, and each shall be considered adopted and effective upon certification of election results.

B. That the Town Attorney is authorized to revise the Charter to the extent necessary to assure that any amendments adopted conform to one another and are properly included in the publication of the revised Town Charter. Further, that in the event that some, but not all, of the Charter amendments are approved by the electors, conforming amendments shall be deemed to be adopted and the Town Attorney is authorized to reflect and implement such revisions of the Charter, including the revision of transitional provisions, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting Charter amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

C. That following the adoption of the Charter Amendments, the Town Clerk shall file the adopted Charter Amendments with the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 9. Inclusion In The Charter. Subject to the requirements of Section 8 above, it is the intention of the Town Council and it is hereby provided that the Charter Amendments shall become and be made a part of the Charter of the Town of Miami Lakes; that the Sections of this Resolution may be renumbered or re-lettered to accomplish such intention.

Section 10. Severability. That the provisions of this Resolution are declared to be severable, and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

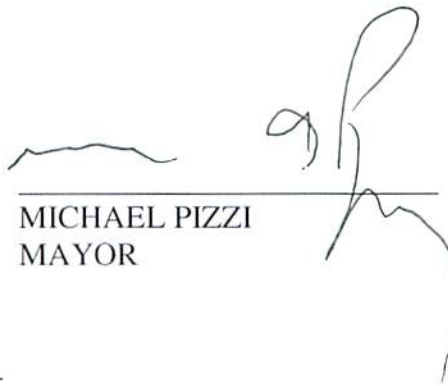
Section 11. Effective date. That this Resolution shall become effective immediately upon adoption hereof.

PASSED AND ADOPTED this 12th day of July, 2010.

Motion to adopt by Mayor Michael Pizzi, second by Councilmember Mary Collins.

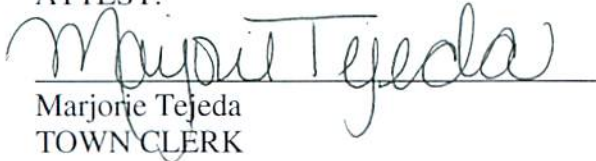
FINAL VOTE AT ADOPTION

Mayor Michael Pizzi	Yes
Vice Mayor Nick Perdomo	Yes
Councilmember Mary Collins	Yes
Councilmember George Lopez	Yes
Councilmember Robert Meador	Yes
Councilmember Richard Pulido	No
Councilmember Nancy Simon	Yes




MICHAEL PIZZI
MAYOR

ATTEST:



Marjorie Tejada
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



TOWN ATTORNEY
Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.L.