TOWN CHARTER

Preamble

Citizen's Bill of Rights

Article I. Corporate Existence, Form of Government, Boundary and Powers
Section 1.1 Corporate Existence
Section 1.2 Form of Government
Section 1.3 Corporate Boundary
Section 1.4 Powers
Section 1.5 Construction

Article II. Town Council; Mayor
Section 2.1 Town Council
Section 2.2 Mayor and Vice-Mayor
Section 2.3 Election and Term of Office
Section 2.4 Qualifications
Section 2.5 Vacancies; Forfeiture of Office; Filling of Vacancies
Section 2.6 Compensation; Reimbursement for Expenses
Section 2.7 Recall

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

Article IV. Legislative
Section 4.1 Council Meeting Procedure
Section 4.2 Prohibitions
Section 4.3 Ordinances
Section 4.4 Emergency Ordinances
Section 4.5 Annual Budget Adoption
Section 4.6 Fiscal Year
Section 4.7 Appropriation Amendments During the Fiscal Year
Section 4.8 Authentication, Recording and Disposition of Ordinances; Resolutions and Charter Amendments

Section 4.9 Tax Levy, Assessments and Fees
Section 4.10 Independent Audit
Section 4.11 Borrowing

Article V. Elections
Section 5.1 Elections
Section 5.2 Initiative and Referendum

Article VI. Charter Amendments
Section 6.1 Procedure to Amend

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

Article VIII. Transition Provisions
Section 8.1 Temporary Nature of Article
Section 8.2 Interim Governing Body
Section 8.3 Interim Adoption of Codes and Ordinances
Section 8.4 Taxes and Fees
Section 8.5 Initial Election of Town Council and Mayor
Section 8.6 Initial Expenditures
Section 8.7 Fiscal Year and First Budget
Section 8.8 Transitional Ordinances and Resolutions
Section 8.9 Creation of Town

Article IX. Incorporation of Provisions of the Report of the Miami Lakes Municipal Advisory Committee (The "Report")
Section 9.1 County Services
Section 9.2 Police Contract
Section 9.3 Interlocal Agreement
Section 9.4 Modifications

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 meeting or rendering invalid any determination made at such meeting.

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. **Manager's 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 Town 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.

14. **Natural Resources and Scenic Beauty.** It shall be the policy of the Town of Miami Lakes to conserve and protect its natural resources and scenic beauty, which policy shall include the abatement of air and water pollution and of excessive and unnecessary noise, whenever possible.

15. **Ethics in Government.** The public's confidence and trust in the Town of Miami Lakes operations and government must meet the most demanding ethical standards and demonstrate the highest level of achievement in its adherence to ethics laws. Town officials and employees are agents of the people and hold their positions for the benefit of the public as public servants, they are to observe in their official acts a high standard of conduct and to discharge faithfully the duties of their office regardless of personal considerations and interests, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern. In upholding the values of accountability and responsibility, all Town officials and employees shall abide by applicable codes of ethical conduct, and be subject to all penalties provided for in such regulations.

(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 Bill of Rights 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 "Council-Manager" form of government.

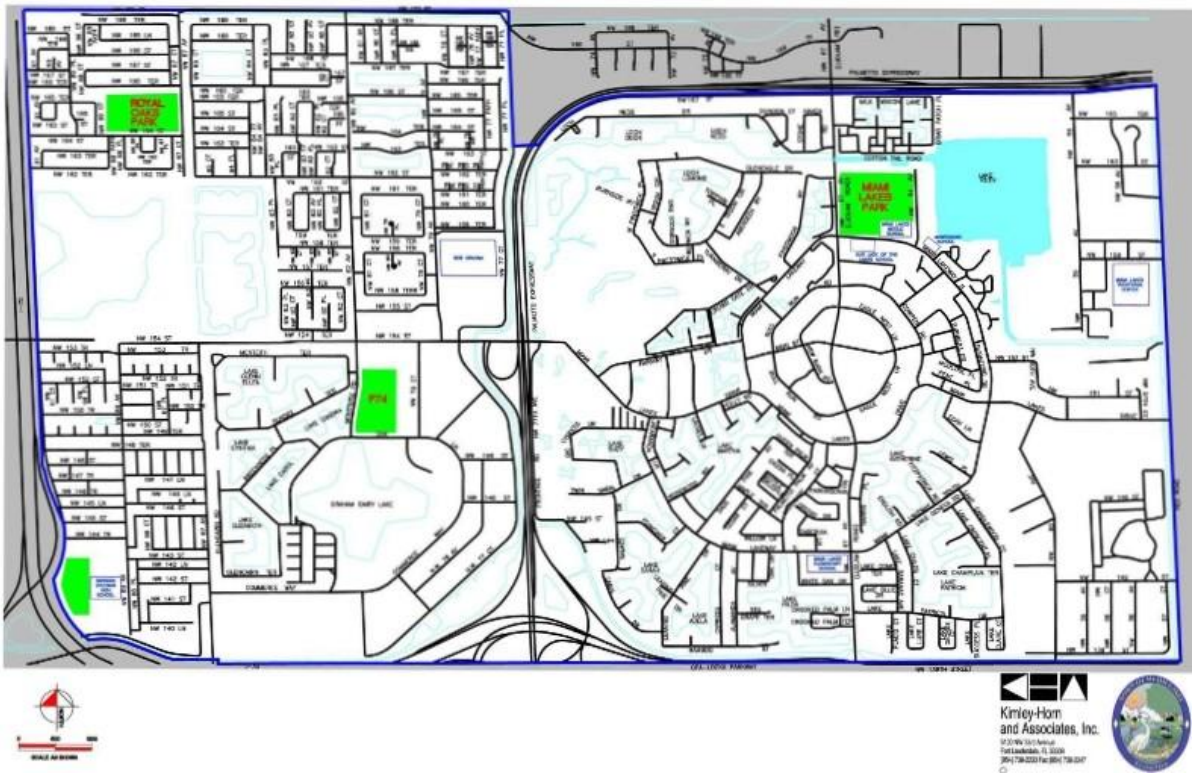
Section 1.3 Corporate Boundary.

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 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

No annexation, consolidation, or other boundary adjustment of the Corporate Boundary of the Town shall be submitted by the Town for consideration by Miami-Dade County or otherwise sought to be enacted, until such proposed annexation, consolidation or boundary adjustment shall have been ratified by an election of the electors of the Town. The Town Council may call a special election to present any proposed annexation, consolidation or boundary adjustment to the electors of the Town of Miami Lakes upon no less than 90 days notice. The election shall be held in accordance with applicable law, in the same manner as other special elections under this Charter and Code.

[SEE MAP ON THE FOLLOWING PAGE]


ROYAL OAKS PARK
MIAMI LAKES PARK
Kimley-Horn and Associates, Inc.

Section 1.4 Powers.

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

Section 1.5 Construction.

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

Article II. Town Council; Mayor

Section 2.1 Town Council.

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

Section 2.2 Mayor and Vice-Mayor.

(a) *Powers and Duties of the Mayor.* The Mayor shall preside at meetings of the Council and be a voting member of the Council. In addition, the Mayor shall have the following specific responsibilities:

(i) The Mayor shall present a State of the Town address annually. The annual budget shall continue to be presented and adopted through the Town's regular budget adoption process.

(ii) The Mayor may create, subject to Council approval, and the Council may establish or terminate, committees of the Council, which may include persons who are not members of the Council. Each member of the Council, including the Mayor, will have an equal number of appointments to committees of the Council. The members of each committee shall select a chair.

(iii) 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.

(iv) The Mayor shall be the official designated to represent the Town in all dealings with other governmental entities. This provision shall not preclude the Town administration and staff from communicating and collaborating with other governmental entities.

(v) Execute contracts, deeds, and other documents on behalf of the Town as authorized by the Council.

(b) *Vice-Mayor.* During the absence or incapacity of the Mayor, the Vice-Mayor shall have

all the powers, authority, duties and responsibilities of the Mayor. Until the general election held in November 2028, at the first Council meeting after each regular Town election or runoff election if one is necessary, or in any calendar year in which there is no regular Town election, at the first Council meeting in the month of November, the Council shall elect one of its members as Vice-Mayor. Effective with the general election to be held in November 2028, the Council shall elect one of its members as Vice-Mayor at the first regular Council meeting in January following the general election, and at the first regular Council meeting in January of each year thereafter.

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 member of the Council 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.* Members of the Council shall serve in seats numbered 1-6 collectively "Seats." Individually each is a "Seat." One member of the Council shall be elected to each Seat.

(c) *Council To be Elected At-Large seats 1-6.* All members of the Council shall be elected at-large and shall occupy Seats 1-6.

(d) *Term of Office.* No person shall serve more than two (2) terms as Mayor during his or her lifetime, and no person shall serve more than two (2) terms as a member of the Council during his or her lifetime. Terms served as Mayor and terms served as a member of the Council shall be counted separately. A person who is elected or appointed to fill an unexpired term pursuant to Section 2.5 of the Charter and who serves more than two (2) years of that unexpired term shall be deemed to have served a full term. The limitations of this subsection shall apply retroactively, and all terms served prior to the effective date of this subsection shall be counted toward the two (2) term limit.

Section 2.4 Qualifications.

Candidates for member of the Council 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 member of the Council and Mayor in the same election. Only electors of the Town who have resided continuously in the Town for at least two years preceding their Qualifying Date shall be eligible to hold the Office of member of the Council or Mayor.

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

(a) *Vacancies.* The office of a member of the Council shall become vacant upon his/her death, resignation, suspension or removal from office in any manner authorized by law, or by forfeiture of his/her office.

(b) *Forfeiture of Office.*

i) *Forfeiture by disqualification.* A member of the Council shall forfeit his/her office if at any time during his/her term s/he:

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

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

ii) *Forfeiture by absence.* A member of the Council shall be subject to forfeiture of his/her office, in the discretion of the remaining members of the Council, if s/he is absent without good cause from any three regular meetings of the Council during any calendar year or if s/he is absent without good cause from any three consecutive regular meetings of the Council, whether or not during the same calendar year.

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

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

i) If less than twelve (12) months remain in the unexpired term, the vacancy shall be filled by a nomination of the Mayor made within 45 calendar days following the occurrence of the vacancy, subject to confirmation by the Council. If more than six (6) months remain in the unexpired term, the Council shall act on confirmation of

the Mayor's nominee within an additional 30 calendar days following the nomination. However, if the Council is unable to confirm a nominee, a special election to fill that vacancy shall be held no later than 90 calendar days following the occurrence of the vacancy.

ii) If twelve (12) months or more remain in the unexpired term, the vacancy shall be filled by a special election, which shall be called by the Council and held in accordance with Section 5.1(f) of this Charter and applicable law.

iii) If the Mayor's position becomes vacant, the member of the Council that is serving as Vice-Mayor at the time the Mayor's seat becomes vacant shall complete the term of Mayor. The vacancy thus created on the Council shall be filled in the manner that the vacancy of a member of the Council is generally filled under this Article. The Council shall then appoint a new Vice-Mayor. If the elected Mayor shall be returned to office, s/he shall automatically resume the duties of the office for the remainder of the term for which elected, and the Vice-Mayor shall be returned to complete the balance of his/her term as a member of the Council. The appointment of the person to complete the term of the Vice- Mayor shall be automatically rescinded. If the term of the member of the Council serving as Mayor during the vacancy, who was previously Vice-Mayor, expires prior to the expiration of the prior Mayor's term, then there shall be a special election for the seat occupied by the Mayor to complete the remainder of the original term of the Mayor at the time of the election for said member of the Council's seat.

iv) A vacancy in Seats 1-6 shall be filled by any qualified elector of the Town.

v) Persons filling vacancies shall meet the qualifications specified in this Article.

vi) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the Council shall appoint a person qualified under this Article to fill the vacancy.

vii) Notwithstanding any quorum requirements established in this Charter, if at any time the full membership of the Council is reduced to less than a quorum, the remaining members may, by majority vote, confirm additional members to the extent otherwise permitted or required under this subsection (c).

viii) In the event that all members of the Council are removed by death, recall, forfeiture of office and/or resignation, the Governor shall appoint interim members of the Council who shall call a special election within not less than 30 calendar days or more than 60 calendar days after such appointment. Such election shall be held in the same manner as the first elections under this Charter; provided, however, that if there are less than six months remaining in any of the unexpired terms, such interim Council appointee(s) by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in this Article.

(d) *Resign-to-run vacancies.* Notwithstanding subsection (c) above, when a vacancy in the office of Mayor or member of the Council arises from a resignation submitted pursuant to

Section 99.012, Florida Statutes, the vacancy shall be filled at the next regularly scheduled election of the Town, or at such earlier election as may be provided by the Council. The Town Clerk shall promptly notify the Miami-Dade County Supervisor of Elections and open a qualifying period for the vacated seat.

Section 2.6 Compensation; Reimbursement for Expenses.

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

(b) The Council may by ordinance establish a salary for the Mayor.

Section 2.7 Recall.

The electors of the Town shall have the power to recall and to remove from office any elected official of the Town to the extent permitted by the Constitution and the laws of the State of Florida. The minimum number of electors of the Town which shall be required to initiate a recall petition shall be the percentage of the total number of electors registered to vote at the last regular Town election required by Section 100.361, Florida Statutes, as amended from time to time, for the applicable tier based on the number of registered electors of the Town.

Article III. Administrative

Section 3.1 Town Manager.

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

Section 3.2 Town Manager; Appointment, Removal.

The Town Manager shall be appointed by a majority vote of the Council solely on the basis of executive and administrative qualifications, with special reference to actual experience or knowledge of the duties of the office of Town Manager. The Town Manager shall be removed by a majority vote of the Council. The Council shall receive feedback from the community as to nominees for Town Manager. The Town shall enact an ordinance to implement this Section.

Section 3.3 Powers and Duties of the Town Manager.

The Manager shall:

(a) Be responsible for the hiring, supervision and removal of all Town employees, other than the Town Clerk;

(b) Direct and supervise the administration of all departments and offices but not Town boards or agencies, unless so directed by the Council from time to time;

(c) Attend Council meetings and have the right to take part in discussion but not the right to vote;

(d) Ensure that all laws, provisions of this Charter and acts of the Council, subject to enforcement and/or administration by him/her or by employees subject to his/her direction and supervision, are faithfully executed;

(e) Prepare and submit to the Council a proposed annual budget and capital program;

(f) Submit to the Council and make available to the public an annual report on the finances and administrative activities of the Town as of the end of each fiscal year;

(g) Prepare such other reports as the Council may require concerning the operations of Town departments, offices, boards and agencies;

(h) Keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as s/he deems to be in the best interests of the Town;

(i) Execute contracts, deeds and other documents on behalf of the Town as authorized by the Council; and

(j) Perform such other duties as are specified in this Charter or as may be required by the Council.

Section 3.4 Acting Town Manager.

In the event of his/her temporary absence or disability, the Town Manager may designate a qualified employee of the Town to serve as Acting Town Manager to perform the duties of Town Manager. The Town Manager shall make this designation by filing a formal written communication with the Council. In the event the Town Manager does not make this designation, is unable to make this designation due to the nature of the temporary absence or disability, or if the person so designated is unacceptable to a majority of the Council, the Council may, by majority vote of the Council, appoint or redesignate, if appropriate, another qualified Town employee. The Acting Town Manager shall report to the Council and shall serve until the Town Manager returns from such temporary absence, the temporary disability ceases, or as otherwise determined by the Council.

Section 3.5 Bond of Town Manager.

The Town Manager shall furnish a surety bond to be approved by the Council, and in such amount as the Council 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 Council shall appoint the Town Clerk (the "Town Clerk") by majority vote, upon such terms and conditions as the Council may establish. The Town Clerk shall give notice of all Council meetings to its members and the public, and shall keep minutes of the Council proceedings. The Town Clerk shall perform such other duties as the Council may prescribe from time to time. The Town Clerk shall report directly to the Council. The Town Clerk may be removed by a majority vote of the Council.

Section 3.7 Town Attorney.

The Council shall appoint an individual attorney or law firm to act as the Town Attorney under such terms, conditions, qualifications, and compensation as may be established by the Council. The Town Attorney shall report to the Council and may be removed by majority vote of the Council. The Council shall receive feedback from the community as to nominees for Town Attorney. The Town shall enact an ordinance to implement this Section.

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

Article IV. Legislative

Section 4.1 Council Meeting Procedure.

(a) *Meetings*. The Council shall hold at least 11 regular monthly meetings in each calendar year, at such times and places as the Council may prescribe. Special meetings may be held upon the call of at least four members of the Council upon no less than 48 hours' notice to the public or such shorter time as a majority of the Council deems necessary in case of an emergency affecting life, health, property or the public peace.

(b) *Rules and Minutes*. The Council shall determine its own rules of procedure and order of business and shall keep minutes open for public inspection.

(c) *Quorum and Voting*. A majority of the Council shall constitute a quorum but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. Voting on ordinances shall be by roll call on final reading. Voting on all other matters shall be by voice vote unless a member of the Council or the Town Clerk requests otherwise. In the event that four or more members of the Council are unavailable to vote on a particular matter due to required abstention pursuant to State law, then the remaining members of the Council may vote and approve such matter by unanimous vote.

(d) *Meeting Time Limits*. No meeting of the Council shall extend later than midnight except upon the affirmative vote of a majority of members present at the meeting.

Section 4.2 Prohibitions.

(a) *Appointment and Removals*. Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any Town employees whom the Town Manager or any of his/her subordinates are empowered to appoint. The Council may express its views and fully and freely discuss with the Town Manager anything pertaining to appointment and removal of such officers and employees.

(b) *Interference With Administration*.

i) Except for the purpose of inquiries and investigations made in good faith, the Council and any of its individual members shall deal with Town employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Council nor its members shall give orders to any such employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in Town government operations by individual members of the Council are made solely to and through the Town Manager. Members of the Council may discuss with the Town Manager any matter of Town business; however, no individual member of the Council shall give orders to the Town Manager.

ii) Any willful violation of this Section by the Mayor or any member of the Council shall be grounds for his/her removal from office by an action brought in the Circuit Court by the State Attorney of Miami-Dade County.

(c) *Holding Other Office*. No elected Town official shall hold any appointed Town office or Town employment while in office.

Section 4.3 Ordinances.

(a) *Actions Requiring an Ordinance*. In addition to other acts required by law or by specific provision of this Charter to be effected or authorized by ordinance, those acts of the Town Council shall be by ordinance which:

i) Adopt or amend an administrative regulation or establish, alter or abolish any Town office, department, board or agency;

ii) Establish a rule or regulation the violation of which carries a penalty;

iii) Levy taxes or appropriate funds;

iv) Grant, renew or extend a franchise;

v) Set service or user charges for municipal services or grant administrative authority to set such charges;

vi) Authorize the borrowing of money;

vii) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the Town; or in this Charter.

Section 4.4 Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt, in the manner provided in this Section, one or more emergency ordinances, but emergency ordinances may not: levy taxes, grant, renew or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter if applicable.

(a) *Form*. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(b) *Procedure*. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced and shall be enacted by no less than five members of the Council. After its adoption, the ordinance shall be published and printed as prescribed for other ordinances.

(c) *Effective Date*. An emergency ordinance shall become effective upon adoption or at such other date as may be specified in the ordinance.

(d) *Repeal*. Every emergency ordinance except emergency appropriation ordinances shall automatically be repealed as of the 61st calendar day following its effective date, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this Section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

(e) *Emergency Appropriations*. The Council may make emergency appropriations in the manner provided in this Section. Notwithstanding the provisions of Section 4.11 to the extent that there are no available un-appropriated revenues to meet such appropriations, the Council may authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes, including renewals thereof, shall be payable no later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation ordinance was originally adopted.

Section 4.5 Annual Budget Adoption.

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

Section 4.6 Fiscal Year.

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

Section 4.7 Appropriation Amendments During the Fiscal Year.

(a) *Supplemental Appropriations*. If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the Council may by ordinance make supplemental appropriations for the fiscal year up to the amount of such excess.

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

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

(a) *Authentication*. The Mayor and the Town Clerk shall authenticate by their signature all ordinances and resolutions adopted by the Council. In addition, when Charter amendments have been approved by the electors, the Mayor and the Town Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.

(b) *Recording*. The Town Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the Council. Ordinances shall, at the direction of the Council, be periodically codified. The Town Clerk shall also maintain the Charter in current form including all Charter amendments.

(c) *Availability of Enactments*. The Council shall establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available for public inspection and available for purchase at a reasonable price.

Section 4.9 Tax Levy, Assessments and Fees.

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

Section 4.10 Independent Audit.

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

Section 4.11 Borrowing.

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

Article V. Elections

Section 5.1 Elections.

(a) *Electors*. Any person who is a resident of the Town, has qualified as an elector of the State, and registers to vote in the manner prescribed by law shall be an elector of the Town.

(b) *Nonpartisan Elections*. All elections for the Council and Mayor shall be conducted on a nonpartisan basis. The ballot shall not show the party designation of any candidate.

(c) *Election Dates*. A general election shall be held in even numbered years on the first Tuesday following the first Monday in November, provided however that it is the intent of this Charter that the Town election always be scheduled to coincide with a Countywide election. Accordingly, if the date of the countywide general election changes for any reason, either permanently or temporarily, the date of the Town election shall automatically be changed to the same date as the Countywide election and all dates in this Charter that are dependent on the date of the Town election, including but not limited to the lengths of the terms of office for the Mayor and members of the Council in Section 2.3 and the qualifying dates for candidates in Section 2.4, shall also be automatically amended and adjusted to coincide with the change of election date. In the case of the terms of office in Section 2.3, such change may result in the lengthening of the terms of office of the elected officials. The Council shall hold no meetings between the general election and the swearing in of those newly elected or re-elected members of the Council 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 Council 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 Council Seat. If any candidate for Mayor receives a number of votes greater than 50% of the total number of ballots cast, such candidate shall be the duly elected Mayor and no runoff election for Mayor shall be required. If any candidate for an open Council Seat receives a number of votes greater than 50% of the total number of ballots

cast, such candidate(s) shall be duly elected to the Council and no runoff election for that Seat(s) shall be required.

(e) *Runoff Election*. If no candidate for Mayor, or for an open Council Seat, receives a number of votes greater than 50% of the total number of ballots cast in the general election, a runoff election shall be held on the second Tuesday of December following the general election. The ballot for the runoff election shall contain the names of the two candidates for Mayor, and the names of the two candidates for each open Council Seat, who received the most votes in the general election. The ballot shall instruct electors to cast one vote for Mayor and to cast one vote for each open Council Seat, with a maximum of one vote per candidate. The candidate for Mayor receiving the most votes shall be duly elected Mayor. The candidate for each open Council Seat receiving the most votes shall be duly elected to that Seat.

(f) *Special Elections.* Special elections, when required, shall be scheduled by the Council at such times and in such a manner as shall be consistent with this Charter and State law.

(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 shall commence at twelve noon on the second Tuesday of January following the general election.

(i) *Early Voting.* The Town shall request that the Miami-Dade County Supervisor of Elections provide a minimum of two (2) days of early voting for any municipal 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 and, if the Council 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 of any adopted ordinance and, if the Council 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 review under paragraph (ii) of this subsection within the time required, the Town Clerk shall promptly present his/her certificate to the Council and such Certificate shall then be a final determination as to the sufficiency of the petition.

ii) *Council 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. The Council shall review the Certificate at its next regularly scheduled meeting following the filing of such request and approve or disapprove it. The Council's determination shall then be a final determination as to the sufficiency of the Petition.

(e) *Action on Petitions*.

i) *Action by Council*. When an initiative or referendum Petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the Council 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 fails to act on a proposed initiative ordinance or a referred ordinance within the time period contained in this paragraph, the Council 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 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 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 shall provide for a special election, except that the Council 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 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 members of the Council, officials and employees of the Town shall be subject to the standards of conduct for public officers and employees set by law. The Council 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 member of the Council 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 of the nature and extent of such interest, the same is

authorized by the Council before the event or accepted and ratified by the Council after the event. No member of the Council who possesses such a financial interest shall vote on, or participate in the Council 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.

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 shall appoint and fund a Charter Revision Commission (the "Charter Commission"). Commencing in 2035, the Charter Commission shall be appointed at the last regular meeting of the Council in the calendar year.

(b) The Charter Commission shall consist of seven persons. One appointment shall be made by each member of the Council other than the Mayor. In addition, the Mayor shall appoint one person to the Charter Commission who is a member of the Council serving a second consecutive term as a member of the Council who shall serve as a nonvoting Charter Commission member. In the event a second term member of the Council is not serving, the Mayor shall appoint a sitting member of the Council. The Mayor shall not be eligible for appointment to the Charter Commission. The Charter Commission shall commence its proceedings within 60 calendar days after appointment by the Council.

(c) If the Charter Commission determines that an amendment or revision is needed, it shall submit the same to the Council in sufficient time for the proposed amendments to be submitted to the Miami-Dade County Supervisor of Elections by the deadline established by the Supervisor of Elections for placing ballot questions on the ballot of the general election in the year following the Charter Commission's appointment.

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

Section 8.3 Interim Adoption of Codes and Ordinances.

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

Section 8.4 Taxes and Fees.

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

Section 8.5 Initial Election of Town Council and Mayor.

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

i) The general election shall be held on February 13, 2001. The first Town run-off election, if necessary, shall be held on February 27, 2001.

ii) The general and run-off election in 2001 shall be held pursuant to the general election procedures set forth in this Charter except as follows:

(1) Only those candidates will qualify for election who have filed written notice of candidacy for Councilmember or Mayor (but not both) with the Miami-Dade County Elections Department, which notice is received before 5:00 p.m., December 29, 2000, and which notice shall:

a. indicate whether the candidate seeks the office of Councilmember or Mayor; if for Councilmember, a particular seat 1-6 shall be designated;

b. contain the candidate's certification that s/he is a qualified elector of the State, is registered to vote in the Town and that the person has resided continuously within the area comprising the Town since December 29, 1998;

c. if applicable, a certification that the candidate has resided continuously in the Residential Area they are seeking to represent since December 29, 1999;

d. contain or be accompanied by such other information or statement, if any, as may be required by the Miami-Dade County Election Department;

e. be signed by the candidate and duly notarized; and

f. be accompanied by a check payable to the Miami-Dade County Elections Department in the amount of $100.00 in addition to any fees required by Florida Statutes, as a qualifying fee.

iii) There will be one Mayor and six Council seats to be filled.

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

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

(1) from among the candidates for Residential Councilmember the two

Residential Councilmembers receiving the most votes and

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

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

vii) The number of votes received by a candidate in the general election, as opposed to a run-off, shall be used to determine term length as described in 5 and 6 above.

(b) *Induction into Office*. Those candidates who are elected at the first regular election shall take office at the initial Council meeting, which shall be held at 7 p.m. on February 14, 2001 or if a run-off election is necessary for any Seat or for Mayor at 7 p.m. on February 28, 2001, at Miami Lakes Middle School.

Section 8.6 Initial Expenditures.

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

Section 8.7 Fiscal Year and First Budget.

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

Section 8.8 Transitional Ordinances and Resolutions.

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

Section 8.9 Creation of Town.

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

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

Section 9.1 County Services.

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 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;
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.