

**VILLAGE OF PALMETTO BAY
VILLAGE CHARTER**

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VILLAGE OF PALMETTO BAY

MUNICIPAL CHARTER

Charter Commission Note - The following is the Charter of the Village, as adopted by referendum and effective on September 10, 2002.

On February 26, 2002, the Miami-Dade County Board of County Commissioners appointed the following residents as members of the Palmetto Bay Charter Commission: Edward P. Ludovici, as Chairman, Thomas Ringel, as Vice Chairman, Mary T. Cagle, Stephen Yenser and Paul J. Schwiep. The Charter Commission met during the months of March, April and May 2002 to draft the Charter for the Village. On December 5, 2005, via village resolution 05-107, the mayor and village council appointed the following residents as members of the Palmetto Bay Charter Revision Commission: Thomas Ringel, Brian Pariser, Barnett Greenberg; Stanley Kowlessar, Susan Ludovici and non-voting council liaison member Paul Neidhart. The Charter Revision Commission selected Mr. Ringel as Chair and Mrs. Ludovici as the vice-chair. The Commission met during the months of February, March, and April, 2006 to draft proposed revisions to the Charter for the Village.

PREAMBLE

We, the people of the Village of Palmetto Bay, in order to secure for ourselves the benefits and responsibilities of home rule, in order to provide a municipal government to serve our present and future needs, do hereby adopt this Charter.

CITIZENS' 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 Village business with a minimum of personal inconvenience. It shall be the duty of the Mayor, the Village Council and the Village Manager to provide, within budget limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the Village.

(2) *Truth in Government.* No municipal 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 Village 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 Village Clerk shall maintain and make available for public inspection an ordinance register separate from the 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 30 days after the conclusion of the meeting.

(5) *Right to be Heard.* As long as the orderly conduct of public business may be maintained, any interested person has the right to appear before the Village Council or Village agency, board or department for the presentation, adjustment or determination of an issue, request, or controversy within the jurisdiction of the Village. Matters shall be scheduled for the convenience of the public. The Village Council shall adopt agenda procedure and schedule hearings in a manner that will enhance the opportunity for public participation. Nothing herein shall prohibit any governmental 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 Village 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 Village, shall be postponed to another day except for good cause shown in the opinion of the Mayor, Village Council, board or agency conducting such meeting, and then only on condition that the affected person shall, upon written request, receive mailed notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing.

(8) *Right to Public Hearing.* Upon a timely written request from any interested party, and after presentation of the facts to and approval by the Council, a public hearing shall be held by any Village 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 Village nor to any person whose duties and responsibilities are solely advisory.

At any zoning or other hearing in which review is exclusively by certiorari, a party or his/her counsel shall be entitled to present his/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 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 Village 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 Attorney's Reports.* The Village Manager and Village Attorney shall periodically make a public status report 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 Village Manager at the direction of the Mayor shall prepare a budget showing the cost of each department for each budget year. Prior to the Village Council's first public hearing on the proposed budget required by state law, the Village 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 thereof, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department.

(12) *Quarterly Budget Comparisons.* The Village 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 to designate one or more individuals to represent the Village at all proceedings before County, State and Federal regulatory bodies whose actions may significantly affect the Village and its residents.

(B) The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the Village. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the Village. The orderly, efficient and fair operation of government requires the 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) 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 resulting from the election authorized by Resolution R-1296-01 adopted on November 20, 2001 by the Miami-Dade County Board of County Commissioners, which permitted the continuing process of incorporation of the area described in Section 1.3 below, originally known as the Village of Palmetto Bay, and which shall hereafter be known by the name selected for the Village (the "Village") 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 Village shall commence September 10, 2002 or such other date as this charter is approved by election.

Section 1.2 Form of Government.

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

Section 1.3 Corporate Boundary.

The corporate boundaries of the Village are generally described as follows and shown on the map on page 5. In case of a conflict between the Legal Description and the Map, the Legal Description shall govern.

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| Northern Boundary: | S.W. 136 Street and the City of Coral Gables |
| Eastern Boundary: | City of Coral Gables and Biscayne Bay |
| Southern Boundary: | S.W. 184 Street |
| Western Boundary: | Center line of U.S. 1 from S.W. 136 Street, southwesterly to S.W. 160 Street, then to the centerline of southbound U.S. 1 from S.W. 160 Street to S.W. 184 Street. |

The Legal Description for the Village is as follows: See Appendix A

(B) The only limitation concerning alienability of Village owned property is that there shall be no sale, exchange or lease in excess of five (5) years of any park property while it is being used for public purpose unless such sale, exchange or lease is approved by a majority vote at the next regularly scheduled election of the voters of the Village. This provision shall not apply to any valid written contractual obligations entered into prior to the effective incorporation date of this Village nor shall it apply to any Village owned educational facility, library property or parking facility not located in a park or any utility or access easements or rights-of-way. This provision is intended to restrict sales, exchanges or leases and shall not be applicable to any operating, management or other agreements.

Section 1.5 Construction.

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

ARTICLE II. MAYOR, VICE-MAYOR AND VILLAGE COUNCIL

Section 2.1 Mayor and Vice-Mayor.

(A) *Powers 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:

- (1) The Mayor shall present a State of the Village address annually.
- (2) The Mayor may create and appoint subject to Council approval, committees of the Council which may include non-Council members. The members of each committee shall select a chair.
- (3) The Mayor shall be recognized as head of the Village government for all ceremonial purposes, for purposes of military law, and for service of process.
- (4) The Mayor shall be the official designated to represent the Village in all dealings with other governmental entities.
- (5) The Mayor shall execute contracts, deeds and other documents on behalf of the Village 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.