

PREAMBLE

We, the people of the City of Sunny Isles Beach, 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.

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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 ensure to all persons fair and equitable treatment, the following rights are guaranteed:
1. **Convenient Access.** Every person has the right to transact City business with a minimum of personal inconvenience. It shall be the duty of the Mayor, the City Commission, the City Manager and all City employees to provide, within budget limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the City.
 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 City 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 City 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.** So far as the orderly conduct of public business permits, any interested person has the right to appear before the City Commission or City agency, board or department for the presentation, adjustment or determination of an issue, request, or controversy within the jurisdiction of the City. Matters shall be scheduled for the convenience of the public. The City Commission 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 City 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 City, shall be postponed to another day except for good cause shown in the opinion of the Mayor, City Commission, board or agency conducting such meeting, and then only on condition that the affected person shall, upon written request, receive mailed notice of

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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 Commission, a public hearing shall be held by any City 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 City 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/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 rule 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 City 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 City Manager and City 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 City Manager at the direction of the Mayor shall prepare a budget showing the cost of each department for each budget year. Prior to the City Commission's first public hearing on the proposed budget required by state law, the City 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 mileage cost of each department and the amount of any contingency and carryover funds for each department.

12. Quarterly Budget Comparisons. The City Manger 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 City at all proceedings before County, State and Federal regulatory bodies, significantly affecting the City and its residents.

B. The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the City of Sunny Isles Beach. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the City. The orderly, efficient and

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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 Bill of Rights filed in 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/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.

line of said Lot 1, also being the South boundary of the TOWN OF GOLDEN BEACH; thence continue Westerly along said North line of "GOLDEN GATE ESTATES AND MARINA", being also the South boundary of the TOWN OF GOLDEN BEACH, to the POINT OF BEGINNING.

Section 1.4 Powers.

The City shall have and may exercise all available governmental, corporate and proprietary powers. Through the adoption of this Charter, it is the intent of the electors of the City to grant to the municipal government established herein the broadest exercise of home rule powers permitted under the Constitution and laws of the State, as fully and completely as though they were specifically enumerated in this Charter.

Section 1.5 Construction.

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

ARTICLE 2. CITY COMMISSION; MAYOR

Section 2.1 City Commission.

There shall be a City Commission (the "Commission") vested with all legislative powers of the City including but not limited to the setting of policy, approval of budget, determination of tax rates, hiring and firing of the charter officers, and the development of community land policies. The Commission shall consist of four (4) members ("Commissioners") and the Mayor. Commissioners shall occupy seats numbered 1 through 4. References in this Charter to the Commission and/or Commissioners shall include the Mayor unless the context dictates otherwise.

Section 2.2 Mayor and Vice Mayor.

(a) *Powers of the Mayor.* The Mayor shall preside at meetings of the Commission, be a voting member of the Commission, and may create and appoint subcommittees of the Commission. The Mayor shall be recognized as head of City Government for all ceremonial purposes and for purposes of military law, for service of process, execution of duly authorized contracts, deeds and other documents, and as the City official designated to represent the City in all dealings with other governmental entities. In addition, the Mayor shall have the following specific responsibilities:

i) The Mayor shall recommend the nomination of a City Manager in accordance with the terms of Section 3.1 hereinbelow.

ii) The Mayor shall appoint the Commissioners of all standing committees and the chairperson and vice chairperson of each committee. There shall be as many standing and special committees as deemed necessary by the Mayor.