



VILLAGE CHARTER

ADOPTED BY THE VOTERS ON MARCH 12, 1996
AMENDED BY THE VOTERS ON MAY 1, 2001
AMENDED BY THE VOTERS ON NOVEMBER 8, 2006

***Historical Notes** – On November 21, 1995, pursuant to Ordinance 95-207, the Board of County Commissioners of Metropolitan Dade County appointed the Pinecrest Charter Commission to draft the Village Charter for the newly incorporated Village of Pinecrest. Roger Carlton, Lynn M. Dannheisser, Sandra Diaz (Vice Chairperson), Gary Matzner (Chairperson), and Merrett R. Stierheim served as the members of the Charter Commission. The Charter Commission delivered a municipal charter to the Mayor and Board of County Commissioners of Metropolitan Dade County on December 13, 1995. The Village Charter was adopted by the electors of the Village of Pinecrest on March 12, 1996.

On December 5, 2000, pursuant to Section 7.4 of the Village Charter, the Village Council of the Village of Pinecrest appointed a Charter Revision Commission to draft such amendments to the Village Charter as it deemed appropriate and to submit such proposed amendments to the Village Council. Cindie Blanck (Non-voting Member), Harry A. Hamburger, M.D (Vice Chairperson), Dennis Jamison, Gary Matzner (Chairperson), Richard Schinoff, and Kenneth H. Thomas, Ph.D. served as the members of the Charter Revision Commission. Village Manager Peter G. Lombardi, Village Clerk Guido H. Inguanzo, Jr., CMC and Village Attorney Cynthia A. Everett provided staff support to the Charter Revision Commission. The Charter Revision Commission delivered its recommendations for amendments to the Village Charter to the Mayor and Village Council of the Village of Pinecrest on March 9, 2001. Six of the eight proposed charter amendments were adopted by the electors of the Village of Pinecrest on May 1, 2001.

On March 14, 2006, pursuant to Section 6.1(c) of the Village Charter, the Village Council of the Village of Pinecrest appointed a Charter Revision Commission to draft such amendments to the Village Charter as it deemed appropriate and to submit such proposed amendments to the Village Council. Cindie Blanck (Non-voting Member), Courtney Cunningham, Ernesto J. de la Fé, Michael R. Jones, Alan Rosenthal (Chairperson), and Joseph A. Ruiz, Jr. (Vice Chairperson) served as the members of the Charter Revision Commission. Village Clerk Guido H. Inguanzo, Jr., CMC and Village Attorney Cynthia A. Everett provided staff support to the Charter Revision Commission. The Charter Revision Commission submitted a final report on June 13, 2006 and recommended no amendments.

On November 8, 2006, the electors of the Village of Pinecrest approved two of three amendments proposed by the Village Council.

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**VILLAGE OF PINECREST
MUNICIPAL CHARTER**

PREAMBLE

We, the people of the Village of Pinecrest, 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.* So far as the orderly conduct of public business permits, 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 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 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. *Managers' and Attorneys' 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 therefor, 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, significantly affecting the Village and its residents.

B. The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the Village of Pinecrest. 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 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.

ARTICLE 1.
CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWERS

Section 1.1 Corporate Existence.

A municipal corporation known as Village of Pinecrest (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 upon the adoption of this Charter.

Section 1.2 Form of Government.

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

Section 1.3 Corporate Boundary.

The corporate boundary of the Village shall be as follows:

BEGIN at the intersection of the North line of Section 6, Township 55 South, Range 41 East (being the centerline of N. Kendal Drive), with the East right-of-way line of S.W. 57 Avenue (Red Road); thence run South, along said East right-of-way line of Red Road, to its intersection with the South line of the NW 1/4 of the SW 1/4 of the NW 1/4 of Section 7, Township 55 South, Range 41 East; thence run East, along said South line to its intersection with the centerline of said Snapper Creek Canal; thence run Southeasterly, along the centerline of Snapper Creek Canal to its intersection with a line lying 35.00 feet Westerly of and parallel with the centerline of Old Cutler Road (Ingram Highway), being also the city limit line of the City of Coral Gables; thence run Southwesterly to Westerly along said line to its intersection with the East line of the SE 1/4 of Section 12, Township 55 South, Range 40 East; thence run North along said East line of the SE 1/4 of Section 12 to its intersection with the Easterly extension of the North line of Block 1 of PINE BAY ESTATES SECTION NO. 1, according to the plat thereof recorded in Plat Book 82 at Page 24 of the Public Records of Miami-Dade County, Florida; thence Westerly, along said North line of said Block 1, and its Easterly and Westerly extensions, to its intersection with the centerline of S.W. 60th Avenue; thence Southerly, along the centerline of said S.W. 60th Avenue, to its intersection with the Westerly extension of the South line of Block 4 of said PINE BAY ESTATES SECTION NO. 1; thence Easterly, along the South line of said Block 4 and its Westerly extension, to the Northwest corner of Lot 3 in Block 4 of PINE BAY ESTATES SECTION NO. 2, according to the plat thereof recorded in Plat Book 87 at Page 83 of the Public Records of Miami-Dade County, Florida; thence South, along the West line of said Lot 3, to the Southwest corner thereof; thence Easterly, along the South line of said Lot 3, to the Northwest corner of Lot 4 in said Block 4; thence Southerly, along the West line of said Lot 4 and its Southerly extension, to its intersection with the South line of the aforementioned Section 12; thence Easterly, along the South line of said Section 12, and along the centerline of S.W. 120th Street, to its intersection with the West line of the East 35.00 feet of said SE 1/4 of Section 12; thence run Southerly, along the West line

of the East 35.00 feet of the NE 1/4 of Section 13, Township 55 South, Range 40 East (being the Westerly city limit of the City of Coral Gables) and along the Westerly right-of-way line of said Old Cutler Road, to its intersection with the centerline of S.W. 128th Street (Lugo Road); thence run Easterly along the centerline of said S.W. 128th Street and along the city limit line of the City of Coral Gables, to the East line of Section 13, Township 55 South, Range 40 East; thence run Southerly, along the East line of the SE 1/4 of said Section 13 and along the city limit line of the City of Coral Gables, (also being the centerline of Red Road) to its intersection with the South line of said Section 13, (also being the centerline of S.W. 136th Street); thence run Westerly, along the South line of said Section 13 and continuing Westerly along the centerline of S.W. 136th Street (Howard Drive) to its intersection with the centerline of State Road No. 5 (U.S. 1); thence run Northeasterly along the centerline of said State Road No. 5 to the point of intersection with the centerline of Snapper Creek Canal (Canal No. C-2); thence run Easterly, along the centerline of said Snapper Creek Canal, to its intersection with the East line of the SW 1/4 of Section 36, Township 54 South, Range 40 East; thence run Southerly, along the East line of the SW 1/4 of said Section 36 to the point of intersection with the North line of Section 1, Township 55 South, Range 40 East; then run Easterly along said North line of Section 1 to the Northeast corner of said Section 1 (said last two (2) courses being along the city limit line of the City of South Miami); thence continue Easterly along the North line of aforesaid Section 6, Township 55 South, Range 41 East to the POINT OF BEGINNING; all lying and being in Miami-Dade County, Florida.

Section 1.4 Powers.

(a) The Village shall have all available governmental, corporate and proprietary powers. Through the adoption of this Charter, it is the intent of the electors of the Village 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.

(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 or recreational property while it is being used for public purpose unless such sale, exchange or lease is approved by a majority vote 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 not 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.