

Aventura

PART I CHARTER*

***Editor's note:** Printed herein is the Charter of the city, as adopted by referendum on November 7, 1995, and effective on November 7, 1995. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

In April 1995, the Metropolitan Dade County Board of County Commissioners appointed the following residents as members of the Aventura Charter Commission: Burton Young, Esq., Chairman; Leonard Brenner, Vice Chairman; Irene J. Barouh; George Feffer; and Dr. Mary L. Pankowski. Teresa M. Smith, CMC, served as Acting Clerk for the Charter Commission and Richard J. Weiss, Esq., served as Attorney. The Charter Commission met during the months of May, June and July 1995 to draft the Charter for the City of Aventura. The Charter was approved by the electorate on November 7, 1995.

State law references: Municipal home rule powers, F.S. ch. 166.

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

Sec. 1.01. Corporate existence.

Sec. 1.02. Form of government.

Sec. 1.03. Corporate boundary.

Sec. 1.04. Powers.

Sec. 1.05. Construction.

Article II. City Commission; Mayor

Sec. 2.01. City Commission.

Sec. 2.02. Mayor and Vice Mayor.

Sec. 2.03. Election and term of office.

Sec. 2.04. Qualifications.

Sec. 2.05. Vacancies; forfeiture of office; filling of vacancies.

Sec. 2.06. Compensation; reimbursement for expenses.

Article III. Administrative

Sec. 3.01. City Manager.

Sec. 3.02. Appointment; removal; compensation [of City Manager].

Sec. 3.03. Powers and duties of the City Manager.

Sec. 3.04. Absence or disability of City Manager.

Sec. 3.05. Bond of City Manager.

Sec. 3.06. City Clerk.

Sec. 3.07. City Attorney.

Sec. 3.08. Removal procedure.

Sec. 3.09. Expenditure of City funds.

Sec. 3.10. Competitive bid requirement.

Sec. 3.11. City boards and agencies.

Article IV. Legislative

Sec. 4.01. Commission meeting procedure.

Sec. 4.02. Prohibitions.

Sec. 4.03. Action requiring an ordinance.

Sec. 4.04. Emergency ordinances.

Sec. 4.05. Annual budget adoption.

Sec. 4.06. Fiscal year.

Sec. 4.07. Appropriation amendments during the fiscal year.

Sec. 4.08. Authentication, recording and disposition of ordinances; resolutions and Charter amendments.

Sec. 4.09. Tax levy and assessments.

Sec. 4.10. Borrowing.

Sec. 4.11. Independent audit.

Article V. Elections

Sec. 5.01. Elections.

Sec. 5.02. Initiative and referendum.

Article VI. Charter Amendments

Sec. 6.01. Charter amendments.

Sec. 6.02. Procedure to amend.

Article VII. General Provisions

[Sec. 7.01. Reserved.]

Sec. 7.02. Severability.

Sec. 7.03. Conflicts of interest; ethical standards.

Sec. 7.04. City personnel system.

Sec. 7.05. Charitable contributions.

Sec. 7.06. Charter revision.

Sec. 7.07. Variation of pronouns.

Sec. 7.08. Style and capitalization.

Sec. 7.09. No discrimination.

Sec. 7.10. Fire rescue services.

Sec. 7.11. Deferred compensation; pensions.

Sec. 7.12. Calendar day.

Article VIII. Transition Provisions

Sec. 8.01. Temporary nature of Article.

[Sec. 8.02. Reserved.]

Sec. 8.03. Interim adoption of codes and ordinances.

Sec. 8.04. Taxes and fees.

[Secs. 8.05, 8.06. Reserved.]

Sec. 8.07. Initial election of Commission and Mayor.

[Sec. 8.08. Reserved.]

CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter and any amendments thereto.

TABLE INSET:

Ordinance/ Resolution Number	Adoption Date	Referendum Date	Section	Section this Charter
--	--	11- 7-95	1.01--8.08	1.01--8.08
97-30(Ord.)	12-16-97	3-10-98	1	2.02
			2	2.05
			3	3.05
			4	5.01
			5	8.07
			6	7.03
			7	1.02,
			8	2.01--2.06,
				3.01--3.08,
				3.10, 3.11,
				4.01--4.05,
				4.07, 4.08,
				4.10, 4.11,
				5.01, 5.02,
				6.02, 7.03,
				7.05, 7.06,
				7.11, 8.03,
				8.04, 8.07
2001-15	2- 6-01	5-15-01	1(pt. A)	2.02(a)
(Res.)			(pt. B)	2.06
			(pt. C)	3.11
			(pt. D)	4.01(a)
			(pt. E)	4.11
			(pt. F)	6.02(a)(i)

			(pt. G)	7.06
			(pt. H)	7.09
			(pt. I)	8.07(e)
2006-06 (Res.)	1-10-06	3-21-06	1(pt. A)	2.03
			(pt. B)	5.01

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

Section 1.01. Corporate existence.

A municipal corporation known as the City of Aventura (the "City") is hereby created pursuant to the Constitution of the State of Florida (the "State") and the Home Rule Charter of Metropolitan Dade County (the "County"). The corporate existence of the City shall commence upon the adoption of this Charter.

Section 1.02. Form of government.

The City shall have a "Commission-Manager" form of government.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 1.03. Corporate boundary.

The corporate boundary of the City shall be as follows:

BEGIN at the intersection of the centerline of the Florida East Coast Railway Company's (FEC) one hundred (100) foot wide right-of-way (R/W) with the North line of Section 34, Township 51 South, Range 42 East, also being the North county line of Dade County, Florida; thence run Easterly, along the North line of said Section 34, to the Northeast corner of said Section 34; thence run Southerly, along the West line of Section 35, Township 51 South, Range 42 East, for 230 feet, more or less, to the point of intersection with the South line of the North 230 feet of said Section 35; thence run Easterly, along the South line of the North 230 feet of said Section 35, to the point of intersection with the centerline of the Intracoastal Waterway, the previous three courses being along the said North county line; thence run Southerly and Southwesterly, along the centerline of the Intracoastal Waterway, through Dumfoundling Bay, to the point of intersection with the Easterly extension of the North line of the SE 1/4 of Section 10, Township 52 South, Range 42 East; thence run Westerly, along the Easterly extension of the North line of the SE 1/4 of said Section 10, to the Northeast corner of the SE 1/4 of said Section 10; thence continue Westerly, along the North line of the SE 1/4 of said Section 10, to the center of said Section 10; thence continue Westerly, along the North line of the SW 1/4 of said Section 10, for 200 feet, more or less, thence run in a Southwesterly direction to a point of intersection with the West line of the SW 1/4 of said Section 10 and being 400 feet, more or less, North of the Southwest corner of said Section 10; thence run Northerly, along the West line of the SW 1/4 of said Section 10, to the Northeast corner of the SE 1/4 of Section 9, Township 52 South, Range 42 East; thence run Westerly, along the North line of the SE 1/4 of said Section 9, to the most Easterly corner of Tract "A" of "THAYER TRACT," according to the plat thereof recorded in Plat Book 100 at Page 99 of the Public Records of Dade County, Florida; thence run Northwesterly, along the Northeasterly line of said Tract "A," to the most Northerly corner of said Tract "A"; thence run Southwesterly, along the Northwesterly line of said Tract "A," to the Southwest corner of said Tract "A" and a point on the North line of the SE 1/4 of said Section 9; thence run Westerly, along the North line of the SE 1/4 of said Section 9, to the point of intersection with the centerline of the one hundred (100) foot wide FEC R/W, the previous eight courses being along the city limit line of the City of North Miami Beach; thence run Northeasterly and Northerly, along the said centerline of the one hundred (100) foot wide FEC R/W, to the point of intersection with the North county line and the POINT OF BEGINNING.

State law references: Annexation procedures, F.S. ch. 171.

Section 1.04. Powers.

The City 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 City that the municipal government established herein have the broadest exercise of home rule powers permitted under the Constitution and laws of the State.

Section 1.05. Construction.

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

ARTICLE II. CITY COMMISSION; MAYOR

Section 2.01. City Commission.

There shall be a City Commission (the "Commission") vested with all legislative powers of the City, consisting of six members ("Commissioners") and the Mayor.

Commissioners shall occupy seats numbered 1 through 6. References in this Charter to Commissioners shall include the Mayor unless the context dictates otherwise.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 2.02. Mayor and Vice Mayor.

(a) *Mayor.* The Mayor shall preside at meetings of the Commission, and be a voting member 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. The Mayor shall annually present a state of the City message.

(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. Semi-annually at such times as established by ordinance of the City, the Commission shall elect one of its members as Vice-Mayor.

(Ord. No. 97-30, §§ 1, 7, adopted 12-16-97, passed at referendum 3-10-98; Res. No. 2001-15, § 1(pt. A), adopted 2-6-01, passed at referendum 5-15-01)

Section 2.03. Election and term of office.

(a) *Election and term of office.* Each Commissioner and the Mayor shall be elected at-large for four year terms by the electors of the City in the manner provided in Article V of this Charter.

(b) *Residential Areas.* The City shall be divided by the William Lehman Causeway into two residence areas: the north area consisting of those portions of the City lying north of the William Lehman Causeway (the "Northern Area") and the south area consisting of those portions of the City lying south of the William Lehman Causeway (the "Southern Area"). Collectively the Northern Area and the Southern Area are "Residential Areas"; individually, each is a "Residential Area." Two Commissioners shall reside in the Northern Area (Seats 1 and 2), two Commissioners shall reside in the Southern Area (Seats 3 and 4), and two Commissioners shall be elected without regard to residence in any particular Residential Area (Seats 5 and 6). Persons running from a particular Residential Area must be a resident of the Residential Area which s/he proposes to represent on the Commission at the time of qualifying, at the time of his/her election and must continue to reside in such Residential Area during his/her term of office. The Commissioners from Residential Areas 1, 2, 3, and 4 are collectively the "Residential Area Commissioners;" individually, each is a "Residential Area Commissioner." The Commissioners holding seats 5 and 6 are collectively the "At-Large Commissioners"; individually, each is an "At-Large Commissioner."

(c) *Limitations on lengths of service.* No person shall serve as Mayor for more than two consecutive elected terms. No person may serve on the Commission for more than two consecutive terms. No person may serve as a combination of Mayor and Commissioner

for more than eight consecutive years. Service shall be deemed to be consecutive unless there is an intervening four-year period during which the individual does not serve as a Commissioner or Mayor (the "Break in Service"). Any person serving the maximum amount of time as Mayor must have a four-year Break in Service before serving as a Commissioner. Any person serving the maximum amount of time as a Commissioner must have a four-year Break in Service before serving as Mayor. Any person serving the maximum amount of time as a combination of Mayor and Commissioner must have a four-year Break in Service before serving as Mayor or Commissioner. This Break in Service requirement shall be applicable only prospectively and shall apply to any person who after the effective date of this Break in Service provision reaches the maximum limitation on length of service which is provided herein. No candidate may run for either the office of Mayor or Commissioner when, if elected, the person would exceed the limitations on service set forth in this paragraph by any length of time taking into account the full regular term for the office sought.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98; Res. No. 2006-06, § 1(pt. A), adopted 1-10-06, passed at referendum 3-21-06)

Section 2.04. Qualifications.

Candidates for Commissioner or Mayor shall qualify for election by the filing of a written notice of candidacy with the Clerk of the City at such time and in such manner as may be prescribed by ordinance and payment to the City Clerk of the sum of one hundred dollars (\$100.00) as a qualifying fee. A person may not be a candidate for Commissioner and Mayor in the same election. Only electors of the City who have resided continuously in the City for at least one year preceding the date of such filing shall be eligible to hold the office of Commissioner. Only electors of the City who have resided continuously in the City for at least one year preceding the date of such filing shall be eligible to hold the office of Mayor.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 2.05. Vacancies; forfeiture of office; filling of vacancies.

(a) *Vacancies.* The office of a Commissioner shall become vacant upon his/her death, resignation, 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 Commissioner shall forfeit his/her office if at any time during his/her term s/he (1) ceases to maintain his/her permanent residence in the City, (2) in the case of a Residential Area Commissioner, upon his/her ceasing to reside in his/her respective Residential Area, or (3) otherwise ceases, to be a qualified elector of the City.

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

(iii) *Procedures.* The Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commissioner's office,

including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the Commissioner in question; provided, however, that any Commissioner may at any time during any duly held meeting move to establish good cause for the absence of himself or any other Commissioner, from any past, present or future meeting(s), which motion, if carried, shall be conclusive. A Commissioner whose qualifications are in question or who is otherwise subject to forfeiture of his/her office shall not vote on any such matters. The Commissioner in question shall be entitled to a public hearing(s) on request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Any final determination by the Commission that a Commissioner has forfeited his/her office shall be made by resolution. All votes and other acts of the Commissioner 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 Commission including the Mayor's position shall be filled as follows:

(i) If the vacancy occurs on the Commission and no more than six months remain in the unexpired term, the vacancy shall be filled by vote of the Commission. If the vacancy occurs in the office of Mayor and no more than six months remain in the unexpired term, the vacancy shall be filled as provided by subparagraph (iii) below.

(ii) If more than six months remains in the unexpired term of the Mayor or Commissioner, the vacancy shall be filled by a special election to be held not sooner than 45 days or more than 90 days following the occurrence of the vacancy, unless there is a City, County, State or a national election scheduled to take place on any date(s) within 60 days beyond such 90 day period, in which case the vacancy shall be filled by special election on the first such election date.

(iii) If the Mayor's position becomes vacant, and no more than six months remain in the unexpired term of Mayor, the Vice-Mayor shall complete the term of Mayor. The vacancy thus created on the Commission shall be filled in the manner that the vacancy of a Commissioner is generally filled under this Charter. The Commission shall then appoint a new Vice-Mayor.

(iv) Vacancies in Northern Area seats (1 and 2) shall be filled by qualified persons residing in the Northern Area and vacancies in the Southern Area seats (3 and 4) shall be filled by qualified persons residing in the Southern Area. Vacancies in At-Large seats (5 and 6) shall be filled by a qualified elector of the City.

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

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

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

(viii) In the event that all the members of the Commission are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor shall appoint interim Commissioners who shall call a special election within not less than 30 days or

more than 60 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 the unexpired terms, the interim Commission appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in Article II.

(Ord. No. 97-30, §§ 2, 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 2.06. Compensation; reimbursement for expenses.

Commissioners shall receive compensation in the amount of \$7,500 per fiscal year. The Mayor shall receive compensation in the amount of \$10,000 per fiscal year. The Mayor and Commission shall also receive reimbursement in accordance with applicable law, or as may be otherwise provided by ordinance, for authorized travel and per diem expenses incurred in the performance of their official duties.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98; Res. No. 2001-15, § 1(pt. B), adopted 2-6-01, passed at referendum 5-15-01)

ARTICLE III. ADMINISTRATIVE

Section 3.01. City Manager.

There shall be a City Manager (the "Manager") who shall be the chief administrative officer of the City. The Manager shall be responsible to the Commission for the administration of all City affairs.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 3.02. Appointment; removal; compensation [of City Manager].

The Commission shall appoint the Manager for an indefinite term. The Commission may remove the Manager at any time, as provided for in Section 3.08. The compensation and benefits of the Manager shall be fixed by the Commission.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 3.03. Powers and duties of the City Manager.

The Manager shall:

- (1) Be responsible for the hiring, supervision and removal of all City employees;
- (2) Direct and supervise the administration of all departments and offices but not City boards or agencies, unless so directed by the Commission from time to time;
- (3) Attend all Commission meetings and have the right to take part in discussion but not the right to vote;
- (4) Ensure that all laws, provisions of this Charter and acts of the Commission, subject to enforcement and/or administration by him/her or by officers subject to his/her direction and supervision, are faithfully executed;
- (5) Prepare and submit to the Commission a proposed annual budget and capital program;
- (6) Submit to the Commission and make available to the public an annual report on the finances and administrative activities of the City as of the end of each fiscal year;
- (7) Prepare such other reports as the Commission may require concerning the operations of City departments, offices, boards and agencies;
- (8) Keep the Commission fully advised as to the financial condition and future needs of the City and make such recommendations to the Commission concerning the affairs of the City as s/he deems to be in the best interests of the City;
- (9) Execute contracts, deeds and other documents on behalf of the City as authorized by the Commission;
- (10) Perform such other duties as are specified in this Charter or as may be required by the Commission.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 3.04. Absence or disability of City Manager.

To perform his/her duties during his/her temporary absence or disability, the Manager may designate by letter filed with the City Clerk, a qualified administrative officer of the City. In the event of failure of the Manager to make such designation, or should the person so designated by the City Manager be unsatisfactory to the Commission, the Commission may by resolution appoint an officer of the City to perform the duties of the Manager until s/he shall return or his/her disability shall cease.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 3.05. Bond of City Manager.

The City Commission may provide by ordinance for the City Manager to furnish a fidelity bond to be approved by the Commission, and in such amount as the Commission may fix. The premium of the bond shall be paid by the City.
(Ord. No. 97-30, §§ 3, 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 3.06. City Clerk.

(a) [*Duties.*] The Commission shall appoint a City Clerk (the "Clerk"). The Clerk shall give notice of Commission meetings to its members and the public, shall keep minutes of its proceedings and shall perform such other duties as the Commission may prescribe from time to time. The Clerk shall report to the Commission.

(b) *Appointment; removal; compensation.* The Commission shall appoint the Clerk for an indefinite term. The Commission may remove the Clerk at any time as provided for in Section 3.08. The compensation and benefits of the Clerk shall be fixed by the Commission.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 3.07. City Attorney.

The Commission may from time to time appoint an individual attorney or a law firm to act as the City Attorney under such terms, conditions and compensation as are consistent with this Charter and as may be established by the Commission from time to time. The City Attorney shall report to the Commission. The City Attorney may be removed by the Commission at any time.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 3.08. Removal procedure.

The City Manager and the City Clerk (each is a "Commission Appointee") may be suspended with pay pending removal by a resolution approved by the majority of the total membership of the City Commission which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the affected Commission Appointee. The affected Commission Appointee shall have 15 days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than 15 days after such hearing is requested. After the public hearing, if one be requested, and after full consideration, the City Commission by a majority vote of its total membership may adopt a final resolution of removal. The affected Commission Appointee shall continue to receive full compensation until the effective date of a final resolution of removal.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 3.09. Expenditure of City funds.

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

Section 3.10. Competitive bid requirement.

Except as otherwise provided by law, contracts for public improvements and purchases of supplies, materials or services shall be awarded or made on the basis of clearly drawn specifications and competitive bids or proposals, except in cases where the Commission specifically determines that it is impracticable to do so by the affirmative vote of five Commissioners.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Editor's note: The following are notes issued by the Aventura Charter Commission for inclusion in the Charter:

1. The public opening of bids is essential to the integrity of the process and should be instituted by Ordinance.
2. By Ordinance, the City Manager should be granted purchasing authority without competitive bidding within certain dollar amounts.

Section 3.11. City boards and agencies.

Except as otherwise provided by law, the Commission shall establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the Commission. Members of boards and agencies shall be appointed by the Mayor subject to the approval of the Commission. The City Commission by affirmative vote of a majority of its members may remove members of boards and agencies appointed by the Mayor.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98; Res. No. 2001-15, § 1(pt. C), adopted 2-6-01, passed at referendum 5-15-01)

ARTICLE IV. LEGISLATIVE*

***State law references:** Minimum mandatory requirements for adoption of ordinances and resolutions, F.S. § 166.041; open meetings law, F.S. § 286.011.

Section 4.01. Commission meeting procedure.

- (a) *Meetings.* The Commission shall hold at least 11 regular monthly meetings in each calendar year, at such times and places as the Commission may prescribe by rule. Special meetings may be held on the call of the Mayor or City Manager or upon the call of four members of the Commission and upon no less than 24 hours' notice to each member and the public, or such shorter time as a majority of the Commission shall deem necessary in case of an emergency affecting life, health, property or the public peace.
- (b) *Rules and journal.* The Commission shall determine its own rules of procedure and order of business and shall keep a journal open for public inspection.
- (c) *Quorum and voting.* Any four members of the Commission shall constitute a quorum but a smaller number may adjourn from time to time and may compel the attendance of absent members in a manner and subject to the penalties prescribed by the rules of the Commission. Voting on ordinances shall be by roll call on final reading. Except as otherwise specially provided in this Charter, no action of the Commission shall be valid or binding unless adopted by the affirmative votes of at least four Commissioners. In the event that four or more members of the Commission are ineligible to vote on a particular matter due to required abstention pursuant to Florida law, then the remaining members of the Commission may vote and approve such matter by unanimous vote.
- (d) *Meeting time limits.* No meeting of the Commission shall extend later than midnight except upon the affirmative vote of five Commissioners present at the meeting.
(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98; Res. No. 2001-15, § 1(pt. D), adopted 2-6-01, passed at referendum 5-15-01)

Section 4.02. Prohibitions.

- (a) *Appointments and removals.* Neither the Commission nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his/her subordinates is empowered to appoint, but the Commission may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- (b) *Interference with administration.* Except for the purpose of inquiries and investigations made in good faith, the Commission or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Commission nor its members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in City government operations by individual Commissioners be made solely to and through the Manager. Commissioners may discuss with the Manager any matter of City business; however, no individual Commissioner shall give orders to the Manager.
- (c) *Holding other office.* No elected City official shall hold any appointive City office or employment while in office. No former elected City official shall hold any compensated appointive City office or employment until one year after the expiration of his/her term.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 4.03. Action 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 City Commission shall be by ordinance which:

- (1) Adopt or amend an administrative regulation or establish, alter or abolish any City office, department, board or agency;
- (2) Establish a rule or regulation the violation of which carries a penalty;
- (3) Levy taxes or appropriate funds;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charges for municipal services or grant administrative authority to set such charges;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands owned by the City; or
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in this Charter.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 4.04. Emergency ordinances.

(a) *Authorization; form.* To meet a public emergency affecting life, health, property or the public peace, the Commission may adopt, in the manner provided in this Section, one or more emergency ordinances, but such ordinances may not: enact or amend a land use plan or rezone private property; 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. 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.* Upon the affirmative vote of five Commissioners, an emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After its adoption, the ordinance shall be advertised and printed as prescribed for other ordinances.

(c) *Effective date.* Emergency ordinances 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 day following its effective date, but this shall not prevent re-enactment 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 Commission may make emergency appropriations in the manner provided in this Section. To the extent that there are no available unappropriated revenues to meet such appropriations, the Commission may, by affirmative vote of five members, enact an emergency ordinance authorizing the issuance of emergency notes, which may be renewed from time to time, but the emergency notes, including renewals thereof, shall be payable not later than the last day

of the fiscal year next succeeding the fiscal year in which the emergency appropriation ordinance was originally adopted.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 4.05. Annual budget adoption.

(a) *Balanced budget.* Each annual budget adopted by the Commission shall be a balanced budget.

(b) *Budget adoption.* The Commission shall by ordinance adopt the annual budget on or before the last day of September of each year. If it fails to adopt the annual budget by this date, the Commission may by resolution direct that the amounts appropriated for current operations for the then ending fiscal year be deemed appropriate for the ensuing fiscal year for a period of 15 days and may be renewed by resolution each 15 days, with all items in it prorated accordingly, until such time as the Commission adopts an annual budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified therein.

(c) *Specific appropriation.* The budget shall be specific as to the nature of each category of appropriations. Reasonable appropriations may be made for contingencies, but only within defined spending categories.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 4.06. Fiscal year.

The fiscal year of the City 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.

State law references: Mandate for fiscal year, F.S. §§ 166.241, 218.33.

Section 4.07. 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 Commission may by ordinance make supplemental appropriations for the fiscal year up to the amount of such excess.

(b) *Reduction of appropriations.* If, at any time during the fiscal year, it appears probable to the Manager that the revenues available will be insufficient to meet the amounts appropriated, s/he shall report to the Commission without delay, indicating the estimated amount of the deficit, and his/her recommendations as to the remedial action to be taken. The Commission shall then take such action as it deems appropriate to prevent any deficit spending not covered by adequate reserves.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 4.08. Authentication, recording and disposition of ordinances; resolutions and Charter amendments.

(a) *Authentication.* The Mayor or the Clerk shall authenticate by his/her signature all ordinances and resolutions adopted by the Commission. In addition, when Charter amendments have been approved by the electors, the Mayor and the 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 Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions enacted or passed by the Commission. Ordinances shall, at the direction of the Commission, be periodically codified. The Clerk shall also maintain the City Charter in current form as to all amendments.

(c) *Printing.* The Commission shall, by ordinance, 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.

State law references: Charter amendments, F.S. § 166.031.
(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 4.09. Tax levy and assessments.

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

State law references: Municipal finance and taxation, F.S. § 166.201 et seq.

Section 4.10. Borrowing.

Except as provided in Section 4.04(e), the City shall incur no debt unless approved by five Commissioners and provided the Commission has first received and reviewed a feasibility study from the Manager and Chief Financial Officer of the City concluding that sufficient revenues are available to repay the indebtedness and that the funds are being borrowed for a valid public purpose.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

State law references: Municipal borrowing, F.S. § 166.101 et seq.

Section 4.11. Independent audit.

The City Commission shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers and shall be rotated at least every five years to a new certified public accountant or firm of such accountants.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98; Res. No. 2001-15, § 1(pt. E), adopted 2-6-01, passed at referendum 5-15-01)

State law references: Annual audits, F.S. §§ 166.241, 218.32.

ARTICLE V. ELECTIONS*

*State law references: Florida election code, F.S. ch. 97 et seq.

Section 5.01. Elections.

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

(b) *Nonpartisan elections.* All elections for the offices of Commissioner and Mayor shall be conducted on a nonpartisan basis.

(c) *Election dates.* A general election shall be held in each odd-numbered year, on the first Tuesday in March.

(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 three Commission seats which are to be filled as a result of three Commissioners' terms expiring, and shall instruct electors to cast one vote for Mayor, if applicable, and one vote for each Commission seat, with a maximum of one vote per candidate. The candidate for Mayor receiving the most votes shall be the duly elected Mayor. The candidate for each Commission seat receiving the most votes shall be duly elected to that Commission seat.

(e) *Special elections.* Special elections, when required, shall be scheduled by the Commission at such times and in such manner as shall be consistent with this Charter.

(f) *Single candidates.* No election for Mayor or any Commission seat shall be required in any election if there is only one duly qualified candidate for Mayor or for any Commission seat.

(g) *Absentee votes.* Absentee voting will be permitted as provided by the laws of the State and under such conditions as may be prescribed by ordinance from time to time; provided, however, that no ordinance shall limit the right to vote by absentee ballot available under State law.

(h) *Commencement of terms.* The term of office of any elected official will commence following the election for such elected office, as provided by ordinance of the City.

(Ord. No. 97-30, §§ 4, 7, adopted 12-16-97, passed at referendum 3-10-98; Res. No. 2006-06, § 1(pt. B), adopted 1-10-06, passed at referendum 3-21-06)

Section 5.02. Initiative and referendum.

(a) *Power to initiate and reconsider ordinances.*

(i) *Initiative.* The electors of the City shall have power to propose ordinances to the Commission and, if the Commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City 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 City officers or employees.

(ii) *Referendum.* The electors of the City shall have power to require reconsideration by the Commission of any adopted ordinance and, if the Commission fails to repeal an ordinance so reconsidered, to approve or reject it at a City 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 City officers or employees.

(b) *Commencement of proceedings.* A minimum of ten electors may commence initiative or referendum proceedings by filing with the Clerk or other official designated by the Commission an affidavit stating they will constitute the petitioners' committee and be responsible for circulating 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 petitioners' committee is filed, the Clerk may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense. Petitioners' proposed ordinance shall be approved as to legal sufficiency by the City Attorney prior to circulation.

(c) *Petitions.*

(i) *Number of signatures.* Initiative and referendum petitions must be signed by electors of the City equal in number to at least 10% of the total number of electors registered to vote at the last regular City election.

(ii) *Form and content.* All papers 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 thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(iii) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that s/he personally circulated the paper, the number of signatures thereon, 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 initiative and referendum petitions must be filed within 60 days of the date on which proceedings with respect to such initiative or referendum are commenced.

(d) *Procedure for filing.*

(i) *Certificate of Clerk; amendment.* Within 20 days after [an] initiative petition is filed or within five days after a referendum petition is filed, the 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 petitioners' committee by registered mail. Grounds for insufficiency are only those specified in subsection (c) of this Section. A petition certified insufficient for lack of therequired number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk or other official designated by the Commission within two business days after receiving the copy of the Certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of the Certificate. Such supplementary petition shall comply with the requirements of subsection (c) of this Section. Within five days after a supplementary petition is filed, the Clerk or other official designated by the Commission shall complete a Certificate as to the sufficiency of the petition as amended and promptly send a copy of such Certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Commission review under paragraph(ii) of this subsection (d) within the time required, the Clerk or other official designated by the Commission shall promptly present the Certificate to the Commission and such Certificate shall then be a final determination as to the sufficiency of the petition.

(ii) *Commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two business days after receiving the copy of such Certificate, file a request that it be reviewed by the Commission. The Commission shall review the Certificate at its next meeting following the filing of such request and approve or disapprove it, and the Commission's determination shall then be a final determination as to the sufficiency of the petition.

(e) *Action on petitions.*

(i) *Action by Commission.* When an initiative or referendum petition has been finally determined sufficient, the Commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal, all in the manner provided in Article IV. If the Commission fails to adopt a proposed initiative ordinance without any change in substance within 45 days or fails to repeal the referred ordinance within 30 days, it shall submit the proposed or referred ordinance to the electors of the City. If the Commission fails to act on a proposed initiative ordinance or a referred ordinance within the time period contained in paragraph (i) of subsection (e) of this Section, the Commission shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referred ordinance on the last day that the Commission was authorized to act on such matter.

(ii) *Submission to electors.* The vote of the City on a proposed or referred ordinance shall be held not less than 30 or more than 60 days from the date the Commission acted or was deemed to have acted pursuant to paragraph (i) of subsection (e) of this Section. If no regular election is to be held within the period described in this paragraph, the Commission shall provide for a special election, except that the Commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

(iii) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the City by filing with the Clerk or other official designated by the Commission a request for withdrawal signed by at least eight-tenths of the members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon 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.

(ii) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

ARTICLE VI. CHARTER AMENDMENTS*

*State law references: Charter amendments, F.S. § 166.031.

Section 6.01. Charter amendments.

This Charter may be amended in accordance with the provisions of this Article.

Section 6.02. Procedure to amend.

(a) *Initiation.* This Charter may be amended in two ways:

(i) *By ordinance.* The Commission may, by ordinance, adopted by the affirmative vote of at least five members of the City Commission, propose amendments to this Charter and upon passage of the initiating ordinance shall submit the proposed amendment to a vote of the electors at the next general election held within the City or at a special election called for such purpose.

(ii) *By petition.* The electors of the City may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced, in the form, filed, certified as to its sufficiency and/or withdrawn in the same manner and with the same number of petitioning electors as an ordinance proposed by initiative.

(b) *Submission to electors.* Upon certification of the sufficiency of a petition, the Commission shall submit the proposed amendment to a vote of the electors at a general election or special election to be held not less than 60 days or more than 120 days from the date on which the petition was certified or at a special election called for such purpose.

(c) *Results of election.* If a majority of the qualified electors voting on a proposed amendment vote for its adoption, it shall be considered adopted upon certification of the election results. 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.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98; Res. No. 2001-15, § 1(pt. F), adopted 2-6-01, passed at referendum 5-15-01)

ARTICLE VII. GENERAL PROVISIONS

[Section 7.01. Reserved.]

Section 7.02. Severability.

If any section or part of 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 section or part of section so held invalid may appear, except to the extent that an entire 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 7.03. Conflicts of interest; ethical standards.

All Commissioners, officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by Federal, State, County or other applicable law. The City Commission may adopt additional standards of conduct and code of ethics requirements that are not inconsistent with Federal, State, County or other applicable law.

(Ord. No. 97-30, §§ 6, 7, adopted 12-16-97, passed at referendum 3-10-98)

State law references: Code of ethics, F.S. § 112.311 et seq.

Section 7.04. City personnel system.

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

Section 7.05. Charitable contributions.

The City shall not make any charitable contribution to any person or entity, except such contributions as have been approved by six Commissioners.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 7.06. Charter revision.

At its first regular meeting in November of every fifth year after the adoption of this Charter, commencing with December, 2000, the Commission shall appoint a Charter revision commission consisting of five persons, one of whom shall have served as a member of the previous Charter commission and four of whom shall be electors of the City. If a former Charter commission member is not available to serve, five electors of the City, rather than four, shall be appointed. The City Commissioners shall not be eligible for appointment to the revision commission. The revision commission shall commence its proceedings within 15 days after appointment by the Commission. If the revision commission determines that a revision is needed, including but not limited to a change in the boundaries or numbers of Residential Areas, it shall draft such amendments to this Charter as it deems appropriate and submit the same to the Commission not later than January 1 of the following year after their appointment by the Commission. The Commission shall, not less than 60 days or more than 150 days after submission of the proposed amendments to the Commission, submit them to the electors of the City in accordance with the provisions of Section 6.02, except that the provisions of subsections (a) and (b) of such Section shall not apply.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98; Res. No. 2001-15, § 1(pt. G), adopted 2-6-01, passed at referendum 5-15-01)

Section 7.07. 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 7.08. Style and capitalization.

When a defined word is enclosed in quotes and in parentheses after the definition, that word shall be treated as a defined term in the remainder of this Charter, when capitalized.

Section 7.09. No discrimination.

The City shall not adopt any measure or policy or otherwise discriminate against any person due to race, religion, color, national origin, physical or mental disability, creed, sexual preference or sex. The City shall not adopt any policy regarding the use of City facilities that would discriminate against any person due to race, religion, color, national origin, physical or mental disability, creed, sexual preference or sex. (Res. No. 2001-15, § 1(pt. H), adopted 2-6-01, passed at referendum 5-15-01)

Section 7.10. Fire rescue services.

The City of Aventura shall utilize the services of the Metro-Dade Fire Rescue Department to provide fire and rescue services to the City.

Section 7.11. Deferred compensation; pensions.

Contributions to pension and other deferred compensation plans or arrangements for City employees may be made under such terms and conditions as the Commission may establish from time to time in accordance with sound actuarial principles.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 7.12. Calendar day.

For the purposes of this Charter, a day shall mean a calendar day.

ARTICLE VIII. TRANSITION PROVISIONS*

***Editor's note:** At the request of the city, sections 8.02, 8.05, 8.06 and 8.08 of the original Charter have been removed from the Charter as being obsolete, but are reprinted here for the convenience of the reader:

Section 8.02. Interim governing body.

After adoption of this Charter but prior to the election and acceptance of office of the first elected City Commission, the governing body for the City shall be the Dade County Board of County Commissioners. In acting as the governing body for the City during this interim period, the Dade County Board of County Commissioners shall provide all municipal services to the City, but shall not make decisions which could reasonably be postponed until the election of the City Commission or which would materially alter or affect the status quo within the City boundaries.

Section 8.05. Fiscal year and first budget.

The first fiscal year of the City shall commence on the effective date of this Charter and shall end on September 30, 1996. The first budget shall be adopted on or before June 1, 1996.

Section 8.06. Transitional ordinances and resolutions.

The Commission shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first Commission meeting may be passed as emergency ordinances. These transitional ordinances shall be effective for no longer than 90 days after adoption, and thereafter may be readopted, renewed or otherwise continued only in the manner normally prescribed for ordinances.

Section 8.08. Initial expenditures.

Upon receipt by the City of its first revenues, the City shall immediately pay the invoices for expenses incurred in the drafting and production of this Charter, including but not limited to invoices for secretarial services, photocopies, mailing and legal services as authorized by the Aventura Charter Commission.

Section 8.01. Temporary nature of Article.

The following sections of this Article are inserted solely for the purpose of effecting the incorporation of the City 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 City, become ineffective and no longer a part of this Charter at such time as the implementation of such section has been accomplished.

[Section 8.02. Reserved.]

Section 8.03. Interim adoption of codes and ordinances.

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

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

Section 8.04. Taxes and fees.

Until otherwise modified by the City Commission, all municipal taxes and fees imposed within the City boundaries by the County as the municipal government for unincorporated 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 City.

(Ord. No. 97-30, § 7, adopted 12-16-97, passed at referendum 3-10-98)

[Sections 8.05, 8.06. Reserved.]

Sec. 8.07. Initial election of Commission and Mayor.

(a) *Transition.* This Section shall apply to all general and run-off elections for Commission and Mayor held on or before December 31, 1999, and any conflicting provisions of this Charter shall not apply to such elections.

(b) *Election dates.* The first City general election shall be held on March 12, 1996. General elections shall also be held in 1999 on the first Tuesday of March. The first City run-off election, if necessary, shall be held on March 26, 1996. Run-off elections shall also be held in March of 1999 on the third Tuesday of said month.

(c) *1996 elections.* The general and run-off elections in 1996 shall be held pursuant to the procedures set forth in Section 2.03 and Section 5.01(d) and (e), except as follows:

(i) only those candidates will qualify for election who have filed written notice of candidacy for Commissioner or Mayor (but not both) with the Dade County Elections Department, which notice is received before 5:00 p.m., January 26, 1996, and which notice shall:

(A) indicate whether the candidate seeks the office of Commissioner or Mayor; if for Commissioner, a particular seat 1-6 shall be designated;

(B) contain the candidate's certification that s/he is a qualified elector of the State of Florida, is registered to vote in the City and that the person resided continuously within the area comprising the City since January 26, 1995;

(C) contain or be accompanied by such other information or statement, if any, as may be required by the Dade County Elections Department;

(D) be signed by the candidate and duly notarized;

(E) be accompanied by a check payable to the Dade County Elections Department in the amount of \$100.00;

(ii) there will be six, rather than three, Commission seats to be filled;

(iii) the Mayor will be elected to a term expiring on March 20, 2001;

(iv) Commissioners elected to seats 1, 3 and 5 will be elected to terms expiring on March 16, 1999.

(v) Commissioners elected to seats 2, 4, and 6 will be elected to terms expiring on March 20, 2001.

(d) *1999 elections.* The general and run-off elections in 1999 shall be held pursuant to the procedures set forth in Section[s] 2.03, 2.04 and Section 5.01(d) and (e), except that:

(i) There will be no election for Mayor.

(e) *Maximum terms.* Notwithstanding Section 2.03, any Commissioner (including the Mayor) elected in the 1996 election may serve for a maximum of nine consecutive years. Additionally, Commissioners re-elected to seats 1, 3 or 5 in both the March 1999 and March 2003 elections may serve a maximum of eleven consecutive years terminating on March 22, 2007.

(f) *Induction into office.* Those candidates who are elected at the first regular election shall take office at the initial Commission meeting, which shall be held at 7 p.m. on March 28, 1996 at the Biscayne Medical Arts Building.
(Ord. No. 97-30, §§ 5, 7, adopted 12-16-97, passed at referendum 3-10-98; Res. No. 2001-15, § 1(pt. I), adopted 2-6-01, passed at referendum 5-15-01)

[Section 8.08. Reserved.]