VILLAGE OF KEY BISCAYNE

Village Council
Michael W. Davey, Mayor
Brett Moss, Vice Mayor
Edward London, Councilmember
Luis Lauredo, Councilmember
Allison McCormick, Councilmember
Franklin H Caplan, Councilmember
Ignacio J. Segurola, Councilmember

COMMISSION MEMBERS:
The Honorable Allison McCormick,
Commission Chair
Mr. Joe Rasco, Member
Mr. Jud Kurlancheek, Member
Mr. Marco Gomez, Member
Ms. Jennifer S. Buttrick, Member

CHARTER REVISION COMMISSION
TUESDAY, JANUARY 25, 2022
9:00 AM

CALL TO ORDER/ROLL CALL OF MEMBERS

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS:

There is a (3) minute time limit for each speaker during public comments. Your cooperation is appreciated in observing the (3) minute rule. If you have a matter you would like to discuss during public comments, a request form is available at the entrance of the Council Chamber, please fill-it in and return it to the Village Clerk prior to the start of the meeting. When your name is called, please come forward to the podium. Or if you are joining the meeting remotely, please call (305) 365-7569 or (312) 626-6799, and enter the Zoom Meeting ID: 231 627 8415, followed by #. There is no participant ID. Press # again. Please press *9 to "raise your hand" which places you in a queue to speak. You will be called upon by the last three digits of your telephone number when

it is your turn to speak. When called upon, please press *6 to unmute yourself. PLEASE STATE YOUR NAME, ADDRESS, IF YOU ARE A HIRED CONSULTANT OR VILLAGE EMPLOYEE AND/OR IF ENGAGED IN LOBBYING ACTIVITIES AND/OR REPRESENTING AN ORGANIZATION FOR THE RECORD.

APPROVAL OF MINUTES

JANUARY 11, 2022 MINUTES
TAB 1

ARTICLES I, II, III AND IV:

Corporate Existence, Form of Government, Boundary and Powers

Section 1.01. Corporate Existence.
Section 1.02. Form of Government.
Section 1.03. Corporate Boundary/MAP.
Section 1.04. Powers.
Section 1.05. Construction.
Section 1.06. Capitalization

Village Council; Mayor

Section 2.01. Village Council.
Section 2.02. Mayor and Vice Mayor.
Section 2.03. Election and term of office.
Section 2.04. Qualifications.
Section 2.05. Vacancies; forfeiture of office; filling of vacancies.
Section 2.06. Recall.
Section 2.07. No compensation; reimbursement for expenses.

Administrative

Section 3.01. Village Manager.
Section 3.02. Appointment; removal; compensation.
Section 3.03. Powers and duties of the Village Manager.
Section 3.04. Village Clerk.
Section 3.05. Village Attorney.
Section 3.06. Village Code of administrative regulations.
Section 3.07. Expenditure of Village funds.
Section 3.08. Competitive bid requirement.
Section 3.09. Removal of Council Appointees.

Legislative

Section 4.01. Council Meeting Procedure.
Section 4.02. Prohibitions.
Section 4.03. Action requiring an ordinance.
Section 4.04. Emergency ordinances.
Section 4.05. Annual budget adoption.

Section 4.06. Fiscal year.
Section 4.07. Appropriation amendments during the fiscal year.
Section 4.08. Authentication, recording and disposition of ordinances; resolutions, and charter amendments.
Section 4.09. Tax levy.
Section 4.10. Borrowing.
Section 4.11. Revenue Sharing.
Section 4.12. Village boards and agencies.
Section 4.13. Village Code, Ordinances and Resolutions.
Section 4.14. Special Assessments.
Section 4.15. Approved by Vote of Electors Required for Amendments to Land Development Regulations.

Articles I, II, III and IV
TAB 2

OTHER BUSINESS/GENERAL DISCUSSION

SCHEDULE OF FUTURE MEETINGS

A. COMMISSION MEETING
THURSDAY, FEBRUARY 10, 2022, 6:00 P.M., COUNCIL CHAMBER

B. COMMISSION MEETING
TUESDAY, MARCH 1, 2022, 9:00 A.M., COUNCIL CHAMBER

C. COMMISSION MEETING
THURSDAY, MARCH 10, 2022, 6:00 P.M., COUNCIL CHAMBER

D. COMMISSION MEETING*
MONDAY, MARCH 28, 2022, 9:00 A.M., COUNCIL CHAMBER

*This meeting date has been set if needed by the Commission

ADJOURNMENT

I. ANY PERSON WISHING TO ADDRESS THE CHARTER REVISION COMMISSION ON AN ITEM ON THIS AGENDA IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. PRIOR TO MAKING A STATEMENT, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

II. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

III. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVISION COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

IV. IN ACCORDANCE WITH VILLAGE CODE SECTION 2-161, ADOPTING SECTION 2-11.1(s) OF THE MIAMI-DADE COUNTY CODE, ANY PERSON ENGAGING IN LOBBYING ACTIVITIES, AS DEFINED THEREIN, MUST REGISTER AT THE VILLAGE CLERK'S OFFICE BEFORE ADDRESSING THE CHARTER REVISION COMMISSION ON THE ABOVE MATTERS OR ENGAGING IN LOBBYING ACTIVITIES.

V. ONE OR MORE COUNCILMEMBERS MAY ATTEND THIS MEETING.

THE ABOVE MEETINGS ARE HELD IN THE COUNCIL CHAMBER, 560 CRANDON BOULEVARD AND ARE SUBJECT TO CHANGE. ZONING MEETINGS AND SPECIAL COUNCIL MEETINGS WILL BE SCHEDULED ON AN AS NEEDED BASIS. PLEASE VISIT www.keybiscayne.fl.gov TO VIEW THE MEETING SCHEDULE.

TAB 1

MINUTES

CHARTER REVISION COMMISSION
VILLAGE OF KEY BISCAYNE, FLORIDA

TUESDAY, JANUARY 11, 2021

COUNCIL CHAMBER
560 CRANDON BOULEVARD

The meeting was called to order at 7:00 p.m. Present were Commission Members Jennifer Buttrick, Marco Gomez, Jud Kurlancheek, Joe Rasco and Chairman Allison McCormick. Also present were Village Manager Steven C. Williamson, Village Clerk Jocelyn B. Koch and Village Attorneys Chad Friedman and Roger Pou.

Chairman McCormick opened for public comments. There were no residents that addressed the Commission.

Attorney Friedman notified the Commission that historically the sitting Councilmember on the Commission presides as the Chairman but that it is not mandatory and asked if any Members would like to take action at this time and no action was taken.

Chairman McCormick addressed the Commission opening the floor for nominations for Vice Chairman. Member Gomez made a motion to nominate Member Kurlancheek as Vice Chairman. The motion was seconded by Chairman McCormick and approved by unanimous vote with one abstention.

Attorney Friedman addressed the Commission giving an overview of the process for Charter Revision and stated that the Commission's Final Report is due by April 1, 2022. The Commission will present the Final Report to Council at the April 8, 2022 Regular Council Meeting.

Attorney Friedman stated that the Commission is required to review the Charter every ten (10) years and that this is the Village's opportunity to review the Village's constitution. The Charter is available on the Village's website at www.keybiscayne.fl.gov. Residents can send in their

questions regarding the Charter Revision Commission to Chairman McCormick or the Village Clerk.

Attorneys Pou and Friedman addressed the Commission giving an overview of the Sunshine Laws, Public Records Laws and Ethics Laws that are applicable to all Charter Revision Commission Members. Attorney Friedman stated that follow up memorandums regarding the above laws will be distributed to Commission Members.

Attorney Friedman addressed the Commission stating a minimum of three (3) Commission Members will need to be present in the Council Chamber in order to establish quorum and to take action on any motions.

The Commission set the following meeting schedule with each meeting duration no longer than two hours:

Tuesday, January 25, 2022	9:00 a.m.	Articles I, II and III
Thursday, February 10, 2022	6:00 p.m.	Articles IV and V
Tuesday, March 1, 2022	9:00 a.m.	Articles VI and VII
Thursday, March 10, 2022	6:00 p.m.	Review
Monday, March 28, 2022*	9:00 a.m.	*Optional Meeting Date if needed

The Village Clerk was directed to distribute to Commission Members the Final Reports and Commission Meeting Minutes from previous Charter Revision Commissions.

There was discussion from the Commission and Attorney Friedman regarding the number of Charter Revision Amendments proposed and passed historically in the Village.

The Attorney stated that in the event the Commission finishes with the articles that they are working on at each meeting, they will move on to the next article.

The meeting was adjourned at 7:42 p.m.

Respectfully submitted:

_____

Jocelyn B. Koch
Village Clerk

Approved by the Commission
this _____ day of _____2022:

Allison McCormick
Chairman

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVIEW COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

TAB 2

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

Section 1.01. Corporate existence.

A municipal corporation known as Village of Key Biscayne (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.

(Res. No. 97-15, 4-1-97/6-10-97; Res. No. 2002-21, 4-30-02/7-9-02)

Section 1.02. Form of government.

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

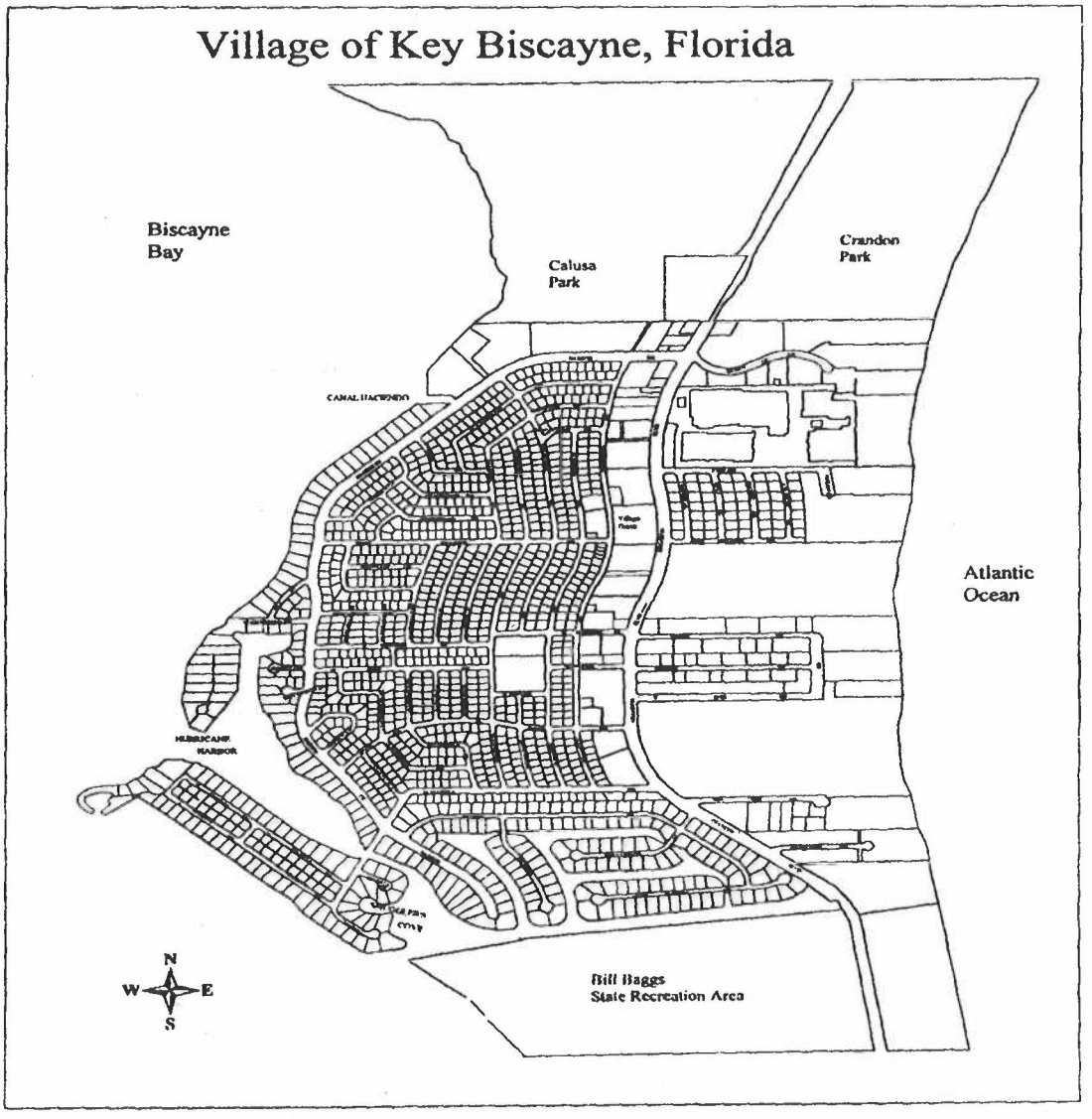
(Res. No. 97-15, 4-1-97/6-10-97)

Section 1.03. Corporate boundary/MAP.

The corporate boundary of the Village shall be as follows:

BEGIN at the point of intersection of the West line of Crandon Boulevard with the South line of Crandon Park, said point of intersection also being the Northeast corner of Tract 1 of SUBDIVISION OF A PORTION OF MATHESON ESTATE, KEY BISCAYNE, DADE COUNTY, FLORIDA, according to the plat thereof recorded in Plat Book 46 at Page 86 of the Public Records of Dade County, Florida; thence run Westerly along said South line of Crandon Park, also being the North line of said Tract 1 and its Westerly extension to a point in the waters of Biscayne Bay, said point being 1,200 feet Westerly of the most Northwesterly corner of Tract B of FOURTH ADDITION TO TROPICAL ISLE HOMES SUBDIVISION, according to the plat thereof recorded in Plat Book 53 at Page 39 of the Public Records of Dade County, Florida; thence run Southwesterly, to a point in the waters of Biscayne Bay, said point being the point of intersection with the Southwesterly extension of the Southeasterly line of Lot 7 in Block 1 of MASHTA POINT SUBDIVISION, according to the plat thereof recorded in Plat Book 131 at Page 37 of the Public Records of Dade County, Florida, said point of intersection being 1,000 feet Southwesterly of the most Southeasterly corner of said Lot 7, as measured along the Southwesterly extension of the Southeasterly line of said Lot 7; thence run Southeasterly to a point in the waters of Biscayne Bay, said point being the point of intersection of the Southwesterly extension of the Southeasterly line of Lot 17 of SMUGGLERS COVE, according to the plat thereof recorded in Plat Book 78 at Page 83 of the Public Records of Dade County, Florida, with the Westerly extension of the South line of the Waterway shown on the plat of CANOGA PROPERTIES—KEY BISCAYNE, FLORIDA, according to the plat thereof recorded in Plat Book 65 at Page 88 of the Public Records of Dade County, Florida; thence run Easterly, along the South line of said Waterway and its Westerly and Easterly extensions to a point in the Atlantic Ocean, 500 feet Easterly of the Erosion Control Line, as said Erosion Control Line is shown on the plat thereof recorded in Plat Book 74 at Page 26 of the Public Records of Dade County, Florida; thence run Northerly along a line 500 feet Easterly of and parallel to the said Erosion Control Line to the point of intersection with the Easterly extension of the said South line of Crandon Park; thence run Westerly along the said South line of Crandon Park and its Easterly extension to the Point of Beginning;

AND



Map of Village of Key Biscayne, Florida

(Res. No. 97-15, 4-1-97/6-10-97)

Section 1.04. Powers.

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

(Res. No. 97-15, 4-1-97/6-10-97)

Section 1.05. Construction.

The powers of the Village shall be construed liberally in favor of the Village.

(Res. No. 97-15, 4-1-97/6-10-97)

Section 1.06. 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.

(Res. No. 97-15, 4-1-97/6-10-97)

ARTICLE II. VILLAGE COUNCIL; MAYOR[2]

Section 2.01. Village Council.

There shall be a Village Council (the "Council") with all legislative powers of the Village vested therein, consisting of six (6) members ("Council Members") and the Mayor. References in this Charter to Council Members shall include the Mayor unless the context otherwise requires.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 2.02. Mayor and Vice Mayor.

(a) *Mayor.* The Mayor shall preside at meetings of the Council, be a voting member of the Council, name committees of the Council and appoint members of the Village boards and agencies with the approval of the Council. The Mayor shall be recognized as head of Village 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 Village official designated to represent the Village in all dealings with other governmental entities. The Mayor shall annually present a state of the Village message and an annual budget 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. At the first Council meeting after each regular Village election, or in any calendar year in which there is no regular Village election, at the first Council meeting in the month of November of such year, the Council shall elect one (1) of its members as Vice Mayor.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

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[2]Editor's note(s)—Pursuant to Ord. No. 92-18, § 1, adopted on August 11, 1992, and approved by the voters on November 3, 1992, the title of article II of the Charter has been changed from "Village Board of Trustees; Mayor" to "Village Council; Mayor."

(Res. No. 97-15, 4-1-97/6-10-97)

Code reference—Village Council, § 2-21 et seq.

Section 2.03. Election and term of office.

(a) Each Council Member and the Mayor shall be elected at-large for a two (2) year term by the electors of the Village in the manner provided in Article V of this Charter. However, beginning with the 2006 elections, a transition shall commence in the length of the term of office by providing for Council Members to be elected at-large for a four (4) year term by the electors of the Village in the manner provided in Article V of this Charter. In order to create and maintain staggered terms which provides continuity in the legislative branch of government, there shall be a transition made from two (2) year terms to four (4) year terms. This transition from a two (2) year term to a four (4) year term of office shall be accomplished by providing that the three (3) Council Members receiving the most votes at the 2006 election shall receive four (4) year terms of office and the remaining three (3) Council Members who are elected at the 2006 election shall receive two (2) year terms of office. The Mayor shall continue to be elected for a two (2) year term.

(b) No person shall serve as Mayor for more than two (2) consecutive elected terms, and no person may serve on the Council, or as any combination of Mayor and Council Member, for more than eight (8) consecutive years.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97; Res. No. 2002-21, 4-30-02/7-9-02; Ord. No. 2005-4, § 2, 5-10-05/4-11-06)

Section 2.04. Qualifications.

Candidates for Council Member or Mayor shall qualify for election by the filing of a written notice of candidacy with the Clerk of the Village at such time and in such manner as may be prescribed by ordinance and payment to the Village Clerk of the sum of one hundred dollars ($100.00) as a qualifying fee. A candidate for Mayor may not be a candidate for Council Member in the same election. Only electors of the Village who have resided continuously and have been a registered voter in the Village for at least one (1) year preceding the date of such filing shall be eligible to hold the office of Council Member or Mayor.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97; Res. No. 2002-21, 4-30-02/7-9-02)

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

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

(b) *Forfeiture of office.*

(i) *Forfeiture by disqualification.* A Council Member shall forfeit his/her office if at any time during his/her term s/he ceases to maintain his/her permanent residence in the Village or otherwise ceases, without good cause, to be a qualified elector of the Village.

(ii) *Forfeiture by absence.* A Council Member shall be subject to forfeiture of his/her office, in the discretion of the remaining Council Members, if s/he is absent without good cause from any three (3) regular meetings of the Council during any calendar year, or if s/he is absent without good cause from any three (3), consecutive Regular Meetings of the Council, whether or not during the same calendar year.

(iii) *Procedures.* The Council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Council Member'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 Council Member in question; provided, however, that any Council Member may at any time during any duly

held meeting move to establish good cause for the absence of him/herself or any other Council Member, from any past, present or future meeting(s), which motion, if carried, shall be conclusive. A Council Member whose qualifications are in question or who is otherwise subject to forfeiture of his/her office shall not vote on any such matters. The Council Member in question shall be entitled to a public hearing(s) on request. If a public hearing is requested, notice thereof shall be published in one (1) or more newspapers of general circulation in the Village at least one (1) week in advance of the hearing. Any final determination by the Council that a Council Member has forfeited his/her office shall be made by resolution. All votes and other acts of the Council Member in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

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

(i) If the vacancy occurs on the Council and less than six (6) months remain in the unexpired term, the vacancy shall be filled by the Council. If the vacancy occurs in the office of Mayor and less than six (6) months remain in the unexpired term, the vacancy shall be filled by vote of the Council from among its members.

(ii) If one (1) year or more remains in the unexpired term, the vacancy shall be filled by a special election to be held not sooner than thirty (30) days or more than ninety (90) days following the occurrence of the vacancy.

(iii) If six (6) months or more but less than one (1) year remain, the vacancy shall be filled by the Council as provided for in paragraph (i) of this subsection (c) unless there is a Village, County, State or a national election scheduled to take place on any date(s) within such period, in which case the vacancy shall be filled by special election on the first such election date.

(iv) If there is no qualified candidate for any vacancy in any election, the Council shall appoint a person qualified under this Article for the vacancy.

(v) Notwithstanding any quorum requirements established herein, if at any time the full membership of the Council 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).

(vi) In the event that all the members of the Council are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor shall appoint interim Council Members who shall call a special election within not less than thirty (30) days or more than sixty (60) days after such appointment and 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 (6) months remaining in the unexpired terms, the interim Council appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in the last sentence of Section 2.04.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 2.06. Recall.

The electors of the Village shall have the power to recall and to remove from office any elected official of the Village to the extent permitted by the Constitution and laws of the State. The minimum number of electors of the Village which shall be required to initiate a recall petition shall be ten percent (10%) of the total number of electors of the Village as of the preceding Village election.

(Res. No. 97-15, 4-1-97/6-10-97)

Section 2.07. No compensation; reimbursement for expenses.

Council Members (including the Mayor) shall serve without compensation but shall 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. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

ARTICLE III. ADMINISTRATIVE[3]

Section 3.01. Village Manager.

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

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 3.02. Appointment; removal; compensation.

The Council shall appoint the Manager for an indefinite term. The Council may remove the Manager as provided in Section 3.09. The compensation of the Manager shall be fixed by the Council.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 3.03. Powers and duties of the Village Manager.

The Manager shall:

(1) Be responsible for the appointment, supervision and removal of all Village employees;

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

(3) Attend all Council meetings except when excused by the Council and shall participate in discussion but not have the right to vote;

(4) See that all laws, provisions of this Charter and acts of the Council, 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 Council a proposed annual budget and capital program;

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

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

[3]**Code reference**—Administration, ch. 2.

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

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

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

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 3.04. Village Clerk.

The Council shall appoint a Village Clerk (the "Clerk" or "Village Clerk") for an indefinite term. The compensation of the Clerk shall be fixed by the Council. The Clerk shall give notice of Council meetings to its members and the public, shall keep minutes of its proceedings which shall be a public record and shall perform such other duties as the Council may prescribe from time to time. The Clerk shall report to the Council and may be removed by the Council as provided in Section 3.09.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 3.05. Village Attorney.

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

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 3.06. Village code of administrative regulations.

The Manager shall maintain a Village code of administrative regulations. The council shall, by ordinance, establish appropriate procedures for reasonable notice and public comment on proposed administrative regulations prior to taking final action on the same.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97; Res. No. 2002-21, 4-30-02/7-9-02)

Section 3.07. Expenditure of Village funds.

(a) *Generally.* No funds of the Village shall be expended except pursuant to duly approved appropriations.

(b) *Capital Projects.* The Council may authorize expenditures for:

(i) The acquisition, lease, construction, renovation, or improvement of public buildings or facilities;

(ii) Purchase or lease of land; or

(iii) The purchase of equipment.

Each of the categories (i), (ii) and (iii), irrespective of cost, is a "Capital Project". A resolution or ordinance, as required, approving a Capital Project shall contain at a minimum a description and the projected cost of the Capital Project and be specifically labeled "Capital Project Authorizing Resolution or Ordinance" ("Capital Project Legislation").

(Res. No. 97-15, 4-1-97/6-10-97; Res. No. 2002-21, 4-30-02/7-9-02; Res. No. 2012-22, § 2A., 6-12-12/11-13-12)

Section 3.08. Competitive bid requirement.

Except as otherwise provided by law or ordinance, contracts for public improvements and purchases of supplies, materials or services shall be awarded or made on the basis of specifications and competitive bids, except in cases where the Council determines that it is impracticable to do so.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 3.09. Removal of Council Appointees.

The Village Manager and the Village Clerk (each is a "Council Appointee") may be suspended with pay pending removal by a resolution which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the affected Council Appointee. The affected Council Appointee shall have fifteen (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 (10) days nor later than 15 days after such hearing is requested, and after full consideration, the Village Council may adopt a final resolution of removal. The affected Council Appointee shall continue to receive full compensation until the effective date of a final resolution of removal.

(Res. No. 97-15, 4-1-97/6-10-97)

ARTICLE IV. LEGISLATIVE

Section 4.01. Council meeting procedure.

(a) *Meetings.* The Council shall hold at least eleven (11) regular monthly meetings in each calendar year, at such times and places as the Council may prescribe by rule ("Regular Meetings"). Special meetings may be held on the call of the Mayor or by four (4) members of the Council and upon no less than twenty-four (24) hours' notice to each member and the public, or such shorter time as a majority of the Council shall deem necessary in case of an emergency affecting life, health, property or the public peace.

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

(c) *Quorum and voting.* Any four (4) members of the Council shall constitute a quorum but a smaller number may adjourn from time to time and may compel the attendance of absent members in a manner and subject to the penalties prescribed by the rules of the Council. Voting on ordinances shall be by roll call on final action and shall be recorded in the minutes. Except as otherwise specially provided in this Charter, no action of the Council shall be valid or binding unless adopted by the affirmative votes of at least four (4) Council Members. In the event that four (4) or more members of the Council are ineligible to vote on a particular matter due to required abstention pursuant to Florida law, then the remaining members of the Council may vote and approve such matter by unanimous vote.

(d) *Meeting time limits.* No meeting of the Council shall extend later than 11:00 p.m. except upon the affirmative vote of five (5) Council Members, or if less than five (5) Council Members are present, upon the unanimous vote of all Council Members present at the meeting.

(Ord. No. 92-17, § 1, 8-11-92/11-3-92; Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97; Res. No. 2012-22, § 2B., 6-12-12/11-13-12)

Section 4.02. Prohibitions.

(a) *Appointment[s] and removals.* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any Village administrative officers or employees whom the Manager or any of his/her subordinates is empowered to appoint, but the Council 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 Council or its members shall deal with Village officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council 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 Village government operations by individual Council Members be made solely to and through the Manager. No individual Council Member shall give orders to the Manager.

(c) *Holding other office.* No elected Village official shall hold any appointive Village office or employment while in office. No former elected Village official shall hold any compensated appointive Village office or employment until one (1) year after the expiration of his/her term.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

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 Village Council shall be by ordinance which:

(1) Adopt or amend an administrative regulation or establish, alter or abolish any Village 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 of the Village;

(8) Amend or repeal any ordinance previously adopted, except as otherwise provided in this Charter; or

(9) Approve a Capital Project in excess of $500,000. When an ordinance authorizing a Capital Project in excess of $500,000 has been approved upon first reading, notice of the date and time of the second reading shall be provided ("Second Reading Notice"). The Second Reading Notice shall include a brief description of the Capital Project and its cost and shall be published in addition to and contemporaneously with notices regularly published for second readings. Each Village elector shall be sent a Second Reading Notice by postcard. Action taken by the Council on a Capital Project shall not be voided by the failure of an individual Village elector to receive a Second Reading Notice postcard.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97; Res. No. 2002-21, 4-30-02/7-9-02)

Section 4.04. Emergency ordinances.

(a) *Authorization; form.* To meet a public emergency affecting life, health, property or the public peace, the Council may adopt, in the manner provided in this Section, one or more emergency ordinances, but such ordinances may not: levy taxes; grant, renew or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter if applicable. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(b) *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After its adoption, the ordinance shall be published 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 sixty-first (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 Council 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 Council may by such emergency ordinance (without regard to Section 4.10) authorize 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. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 4.05. Annual budget adoption.

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

(b) *Budget adoption.* The Council 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 Council 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 fifteen (15) days and may be renewed by resolution each fifteen (15) days, with all items in it prorated accordingly, until such time as the Council 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 therein. Reasonable appropriations may be made for contingencies, but only within defined spending categories. The Village Manager may at any time, transfer any unencumbered appropriation balance or portion thereof between classifications of expenditures within an office or department.

(d) *Deferred compensation; pensions.* Contributions to pension and other deferred compensation plans or arrangements for Village employees may be made under such terms and conditions as the Council may establish from time to time in accordance with sound actuarial principles.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 4.06. Fiscal year.

The fiscal year of the Village government shall begin on the first (1st) 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.

(Res. No. 97-15, 4-1-97/6-10-97)

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

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

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

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 Council. 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 passed by the Council. Ordinances shall, at the direction of the Council, be periodically codified. The Clerk shall also maintain the Village Charter in current form and shall enter all charter amendments.

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

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 4.09. Tax levy.

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

(Res. No. 97-15, 4-1-97/6-10-97)

Section 4.10. Borrowing.

(a) *Debt Approval.* The Village shall incur no Debt unless the incurrence of such Debt is approved by at least five (5) Council Members.

(b) *Limits.* The total Debt of the Village, including amounts authorized but still not drawn down under existing loan agreements and other contractual arrangements with banks and other financial institutions, underwriters, brokers and/or intermediaries, shall not exceed the greater of:

i. one percent (1%) of the total assessed value of all property within the Village, as certified by the Miami-Dade County Property Appraiser for the current fiscal year; or

ii. that amount which would cause annual Debt Service to equal fifteen percent (15%) of General Fund expenditures for the previous fiscal year.

(c) *Definitions.* As used in this Section 4.10 the following terms shall have the meanings ascribed to them in this subsection.

i. "Debt" means any obligation of the Village to repay borrowed money however evidenced since the date of its incorporation regardless of tenor or term for which it was originally contracted or subsequently converted through refinancing or novation, except (A) any obligation required to be repaid in less than a year and which was incurred solely for emergency relief of natural disasters, or (B) that portion of any obligation for operations which are financed and operated in an independent, self-liquidating manner and recovered entirely through currently collected user fees and charges.

ii. "Debt Service" shall include, without limitation thereto, scheduled interest payments, repayments of principal and all financial fees arising from Debt or from the underlying contractual obligations, whether as originally incurred or subsequently deferred or otherwise renegotiated.

iii. "General Fund" shall mean any and all revenues of the Village, from whatever source derived, except those revenues derived from special assessments, user fees and charges and designated as a separate fund to finance goods and services to the public.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97; Res. No. 2001-8, 9-19-01/12-4-01)

Section 4.11. Revenue Sharing.

No funds of the Village shall be paid to the County or other governmental entity pursuant to a revenue distribution or "revenue sharing" program.

(Res. No. 97-15, 4-1-97/6-10-97)

Section 4.12. Village boards and agencies.

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

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97)

Section 4.13. Village Code, Ordinances and Resolutions.

Except as otherwise modified or replaced by this Charter or by the Village Council, all codes, ordinances and resolutions of the Village and of Miami-Dade County, as applicable to the Village, which County and Village Codes,

ordinances and resolutions are in effect as of April 1, 1997, shall remain in force and effect as municipal codes, ordinances and resolutions of the Village.

(Ord. No. 92-18, § 1, 8-11-92/11-3-92; Res. No. 97-15, 4-1-97/6-10-97; Res. No. 2002-21, 4-30-02/7-9-02)

Section 4.14. Special Assessments.

Properties may be specially assessed according to law; however, no properties shall be specially assessed by the Village, unless:

(a) A majority of the owners of the properties to be specially assessed petition the Village for a special assessment, or

(b) An election of the property owners to be specially assessed is held to approve the special assessment and a majority of the property owners voting, one (1) vote per property, on a proposed special assessment vote in its favor. The Village Council shall adopt, by ordinance, notice provisions and procedures for conducting such elections. The Village shall utilize mail-in ballots for elections held pursuant to this section.

(Res. No. 2000-11, § 4, 3-14-00/5-16-00; Res. No. 2012-22, § 2C., 6-12-12/11-13-12)

Sec. 4.15. Approval by Vote of Electors Required for Amendments to Land Development Regulations.

No text amendment to the zoning code or other land development regulations that would create a new zoning district, or that would amend any definition of a term used in the land development regulations, or that would have the effect of allowing a use not currently permitted, increased residential density, additional hotel or other accommodation units per acre, or increased lot coverage, height, or floor area ratio, shall be effective until approved by a majority vote of the electors voting on the amendment.

(Res. No. 2007-12, § 2, 4-10-07/6-12-07)