

**CITY OF MIRAMAR CHARTER  
WITH 2010 AMENDMENT**

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

Section 1.01. Corporate existence.

A municipal corporation known as the City of Miramar (the "City") is hereby confirmed and continued pursuant to this Charter and the Constitution of the State of Florida (the "State").

Section 1.02. Form of government.

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

Section 1.03. Boundaries.

The corporate boundary of the City shall be as follows:

Commence at the southwest corner of Section 27, Township 51 South, Range 41 East, for a point of beginning; thence proceed westerly along the south line of Sections 28, 29 and 30 of Township 51 South, Range 41 East, to the easterly line of Township 51 South, Range 40 East; thence proceed southerly along the east line of Section 36, Township 51 South, Range 40 East, to the southeast corner of said Section 36; thence proceed westerly along the south line of Sections 36, 35, 34, 33, 32, and 31 to the west line of Township 51 South, Range 40 East, and the east line of Township 51 South, Range 39 East; thence proceed westerly along the south line of Sections 36, 35, and 34, Township 51 South, Range 39 East, to the southwest corner of said Section 34, Township 51 South, Range 39 East; thence proceed northerly along the west line of Sections 34, 27, and 22 of Township 51 South, Range 39 East, to the northwest corner of the south half of said Section 22; thence proceed easterly along the north line of the south half of Sections 22, 23, and 24 to the east line of Township 51 South, Range 39 East, and the west line of Township 51 South, Range 40 East; thence continue easterly along the north line of the south half of Sections 19, 20, 21, 22, 23, and 24 to the East line of Township 51 South, Range 40 East, and the West line of Township 51 South, Range 41 East; thence continue easterly along the north line of the south one-half of Sections 19, 20, 21, and 22 of Township 51 South, Range 41 East to the northeast corner of the said south one-half of said Section 22, said corner being the same as the northwest corner of the south one-half of Section 23, Township 51 South, Range 41 East; thence proceed easterly along the north line of the south one-half of said Section 23, to a point of intersection with the centerline of S.W. 70th Avenue; thence proceed southerly along the last described centerline and its southerly extension to a point of intersection with the northwesterly right-of-way line of Sunshine State Parkway as shown on the plat of WYN HOMESITE No. 3 AMENDED, as recorded in Plat Book 60, at Page 46, of the Public Records of Broward County, Florida; thence proceed northeasterly along said northwesterly right-of-way line to a point of intersection with the said north line of the south one-half of Section 23; thence proceed easterly along said north line of the south one-half to a point of intersection with the west line of the

southeast quarter of said Section 23, as shown on the plat of RESUBDIVISION OF WELWYN PARK, FIRST ADDITION, as recorded in Plat Book 53, at Page 7, of the Public Records of Broward County, Florida; thence proceed southerly along the last described line to a point of intersection with the northerly right-of-way line of S.W. 18th Street; thence proceed easterly along the last described right-of-way line to a point of intersection with the westerly right-of-way line of S.W. 66th Avenue, as shown on said Plat of RESUBDIVISION OF WELWYN PARK, FIRST ADDITION; thence proceed northerly along the last described right-of-way to a point of intersection with the said north line of the south one-half of Section 23 as shown on said Plat of RESUBDIVISION OF WELWYN PARK, FIRST ADDITION; thence proceed easterly along said north line of the south one-half to the northeast corner of said south one-half of said Section 23, said corner being the same as the northwest corner of the south one-half of Section 24, Township 51 South, Range 41 East; thence proceed easterly along the north line of the said south one-half of Section 24, to a point of intersection with centerline of State Road No. 7 (U.S. 441), also known as S.W. 60th Avenue; thence proceed southerly along said centerline of State Road No. 7 over and across said Section 24 and Section 25, Township 51 South, Range 41 East, Broward County, Florida, to a point of intersection with the south line of said Section 25; thence proceed westerly along the said south line to the southwest corner of said Section 25, the same being the southeast corner of said Section 26; thence proceed westerly along the south line of said Sections 26 and 27, Township 51 South, Range 41 East, to the southwest corner of said Section 27, and the point of beginning.

The legal description of the City that is set forth above shall be revised, from time to time, as provided by Ordinance, so as to conform with annexations to the territory of the City, as authorized by Section 166.031(3), Florida Statutes. Any such provisions previously made shall be deemed to be incorporated into the legal description provided above. The latest legal description of the City shall be maintained on file in the office of the City Clerk, accompanied by a map to be used for convenience of reference.

#### Section 1.04. Powers.

The City shall have all available governmental, corporate and proprietary powers and may exercise them for municipal purposes, except when prohibited by law.

#### 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.

The City Commission shall consist of five (5) members, one of whom will be the Mayor, duly elected by the qualified voters of the City as provided by this Charter.

#### Section 2.02. Powers.

All powers of the City, except such as are vested in the City Manager and except as otherwise provided by this Charter or the Constitution or laws of the State of Florida, are hereby vested in the City Commission. The City Commission may, by Ordinance or Resolution, prescribe the manner in which any power of the City may be exercised. The City Commission shall be the judge of the election and a qualification of its own members. The City Commission may determine its own rules of procedure and may punish its own members for misconduct. If the Mayor or any Commissioner shall fail to attend meetings for a consecutive period of three (3) months, he/she may be relieved of his/her office by a majority vote of the City Commission. The City Commission shall have the power to designate or create such offices, departments, or divisions, other than those provided for by this Charter, as may be necessary for the administration of the affairs of the City, to prescribe the duties and powers of such office, department or division, other than those provided for by this Charter, as may be necessary for the administration of the affairs of the City; to prescribe the duties and powers of the officers or employees to such office, department or division; and to fix the salary or compensation of all officers or employees.

#### Section 2.03. Powers and duties of mayor.

It shall be the duty of the Mayor to serve as the president of the Commission and preside over all meetings of the City Commission. The Mayor shall be the recognized head of City government for all ceremonial purposes, for service of process, by the governor for military purposes, and shall be the City official designated to represent the City in all dealings with other governmental entities but shall have no administrative duties. The Mayor shall execute, with approval of the City Commission as provided by law, all Ordinances and Resolutions.

#### Section 2.04. Qualifications.

The members of the City Commission, including the Mayor, shall be residents of the City and have the qualifications of electors in the general municipal election of the City. Only electors of the City who reside in the City at the time of qualifying and election and who have resided continuously in the City for at least one year immediately preceding the first day of the qualifying period shall be eligible to qualify as a candidate and hold the office. When any Mayor or Commissioner shall cease to possess the qualifications required herein, he/she shall forthwith forfeit his/her office. Whenever the Mayor or any Commissioner shall cease to be a Mayor or Commissioner for any reason, his/her successor to fill out the unexpired term will be named in accordance with section 5.05 of this Charter.

#### Section 2.05. Appointing powers of the City Commission.

The City Commission shall have the power to appoint the City Manager, City Attorney and commission secretary and members of all municipal boards, except civil service boards.

#### Section 2.06. Residence.

For purposes of this Article, "Residence" shall require all of the following:

- (a) A place of abode within the City;
  - (b) A declaration of intent of making that place of abode the person's permanent home;
  - (c) Registration to vote at the address of that place of abode; and
  - (d) A Florida driver's license (or, if the person does not possess a driver's license, an official Florida state identification) that reflects the address of that place of abode.
- The terms "Resident," "Resided" and "Residing" shall be based upon this definition.

### ARTICLE III. ADMINISTRATIVE.

#### Section 3.01. City Manager

The City Manager shall be the chief executive officer and chief administrative officer of the City and shall supervise, control and direct all other officers of the City except the commissioners, commission secretary and the office of the City Attorney, and be otherwise answerable to the City Commission and to the citizens of the City for the conduct of the City affairs.

#### Section 3.02. Qualifications, absence and removal of City Manager.

The Commission shall appoint a City Manager who shall be the administrative head of the municipal government and shall be responsible for the efficient administration of all departments (excluding the City Attorney), and may be the head of such department as the Commission may by ordinance or resolution provide. He/She shall be chosen on the basis of his/her executive and administrative qualifications. He/She may or may not be a resident of the City or the State of Florida. No members of the Commission shall be appointed City Manager. He/She shall hold office at the will of the commission and may be removed by a majority vote of its members during his/her first six (6) months in office. After serving six (6) consecutive months in office he/she may be removed by a four-fifths (4/5) vote of the Commission. In the case of the sickness or absence of the City Manager, the City Commission shall appoint another person or employee to act for the City Manager and such appointee shall, during the absence or sickness of the City Manager, act for him/her and perform all his/her duties, and all such acts of the person appointed shall be as valid as though performed by the City Manager. The appointee serving as acting City Manager in the absence or sickness of the manager shall not be entitled to nor paid the compensation of the manager but shall receive such compensation as the Commission prescribes.

#### Section 3.03. Powers and duties of City Manager.

The powers and duties of the City Manager shall be:

- (a) To see that laws and Ordinances are enforced.
- (b) To appoint, suspend and remove, except as herein provided, all directors of the departments and all subordinate officers and employees (excluding the commission secretary and City Attorney) in the departments in both the classified and unclassified service; all appointments to be upon merit and fitness alone, and in the classified service all appointments and removals shall be subject to the civil service provisions of this Charter and Code.

- (c) To exercise control over all departments and divisions created herein or that may be hereafter created by the e Commission (excluding City Attorney and commission secretary).
- (d) To attend all meetings of the Commission with the right to take part in the discussion but having no vote.
- (e) To recommend to the commission for adoption such measures as he/she may deem necessary, expedient or otherwise in the City's best interests.
- (f) To keep the commission fully advised as to the needs of the City.
- (g) To examine, without notice, the affairs of any department or any officer or employee to be examined.
- (h) To execute, with the approval of the City Commission as required by law, all contracts, deeds, bills of sale, and other instruments in writing to which the City is a party.
- (i) To act as a liaison between the City administration and the City Commission.
- (j) To perform such other duties as may be prescribed by this Charter or be required of him/her by Ordinance or Resolution of the Commission.
- (k) To have charge of the department of finance, under his/her direction and control and administer (himself/herself or through his/her designee) the financial affairs of the e City, including the keeping and supervision of all accounts, the levy, assessment and collection of revenues and special assessments, the custody and disbursement of City funds and monies, the control over expenditures, and such similar duties as the Commission may by Ordinance prescribe.

#### Section 3.04. City officers; appointment by City Manager.

- (1) The City Manager shall appoint all department heads and other appointive officers, except as specifically provided in this Charter. The salaries of such officers shall be determined by the e City Manager and ratified by the City Commission. Any such appointive officer shall serve a probationary period of one year during which year he/she may be dismissed without being afforded a hearing.
- (2) The City Manager shall make all appointments within ninety (90) days after either the creation of an office or within ninety (90) days after the time of appointment for offices already created, and if the City Manager does not make such appointment upon showing of good cause by the City Manager, the City Commission may grant a sixty-day extension for making appointments.

#### Section 3.05. Bonds of officers.

The Commission shall determine by Resolution what officers, clerks or employees shall give bond and the amount of penalty thereof. All officers, clerks and employees of whom bond is required by the Commission shall, before entering upon their respective duties, give bond with surety to be approved by the Commission, conditioned for the faithful performance of the duties of their respective offices. All such bonds shall be payable to the City.

## ARTICLE IV. LEGISLATIVE.

### Section 4.01. Commission Meetings Procedure.

- (a) *Meetings.* The City Commission shall meet at such time and place as may be prescribed by Resolution or Ordinance. All meetings of the Commission shall be public, except as provided by Florida law. Special meetings may be held upon written request to the City Clerk by the Mayor, the City Manager, or three Commissioners, and upon no less than 24 hours' notice to each member and the public, or such shorter time as the City Manager shall deem necessary in case of an emergency.
- (b) *Rules and Minutes.* The City Commission shall determine its own rules of procedure and order of business and shall keep minutes that shall be open for public inspection.
- (c) *Quorum and voting.* Any three members of the Commission shall constitute a quorum but a smaller number may meet from time to time. No action of the Commission shall be valid or binding unless adopted by the vote of at least three Commissioners; provided, however, in the event that less than four members of the Commission are eligible to vote on a particular matter due to vacancies or required abstention pursuant to Florida law, then the remaining members of the Commission may vote and approve such matter by majority vote.

### 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 City 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 City Manager anything pertaining to the appointment and removal of such officers and employees.
- (b) *Interference with administration.* The commission shall seek all requests, inquiries or actions of City officers and employees through the City Manager, and all responses thereto shall be made as promptly as possible. The Commission and its members shall deal with the administration solely through the City Manager and neither the Commission nor any members thereof shall give orders to, nor make requests of, any of the subordinates of the City Manager either publicly or privately.
- (c) *Holding other office.* No elected City official shall hold any appointive City office or employment while in office.

### Section 4.03 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 a description of the emergency in clear and specific terms.

(b) *Procedure.* Upon the affirmative vote of a majority of the City Commission, 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.* Each emergency Ordinance except emergency appropriation Ordinances shall automatically be repealed as of the 91<sup>st</sup> day following its effective date, but this shall not prevent reenactment 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.* To meet a public emergency affecting life, health, property, or the public peace, the Commission, by Resolution, may make emergency appropriations. To the extent that there are no unappropriated revenues to meet such appropriation, the Commission may by such emergency Resolution authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals in any fiscal year shall be paid not later than the last day of the fiscal year succeeding that in which the emergency appropriations were made.

## ARTICLE V. ELECTIONS.

### Section 5.01. Qualifications of electors; absentee voting; state election laws.

All elections shall be held in accordance with the provisions of the general election laws of the State of Florida, except as is otherwise provided by this Charter or by Ordinance. Nothing contained in this Charter as to voting is to be construed as an attempt to vary any constitutional provisions that would govern in elections prescribed by the Constitution.

Section 5.02. Procedure for becoming candidates.

The name of any elector of the City shall be printed upon the ballot after he/she has paid to the City Clerk a qualifying fee of twenty-five dollars (\$25.00) and has filed with the City Clerk a written notice of candidacy, which notice shall designate which seat of the City Commission he/she desires to fill, exclusive of seat 5 which shall be designated for the Mayor's seat, such Commission seats being designated 1, 2, 3, and 4, as appropriate, and which notice shall state that if elected he/she will qualify and serve in such office during the term for which he/she is elected. It shall be the duty of the City Clerk forthwith on the paying of said qualifying fee and filing of such notice to make and to deliver to such candidate a written certificate acknowledging the receipt of said qualifying fee and such certificate shall state the date of paying said qualifying fee and filing of such notice. The payment of said qualifying fee and the filing of such notice must be done thirty-five (35) days before the day of election and not more than fifty (50) days before, unless otherwise dictated by the requirements of general or special law. If the candidate fails to comply with the provisions of this section, his name shall not appear on the ballot.

Section 5.03. Candidates elected.

At any regular or special election, the ballot shall name all candidates who have qualified for any of the designated seats of the City Commission and for the office of Mayor. The candidate receiving the highest number of votes for Mayor shall be declared elected. The candidate for each designated Commission seat receiving the highest number of votes shall be declared elected. In case of any tie vote for Mayor or Commission candidate, in which the question cannot be resolved, a run-off election shall be held.

Section 5.04. Election of Mayor and Commission.

The Mayor and each City Commissioner shall be elected at-large. Each Commissioner and the Mayor shall remain in office until his or her successor is elected and assumes the duties of the position. The election for Commission Seats 1, 2, and 3 shall be held on the second Tuesday in March 2009, and every four years thereafter. The election for Commission Seat 4 and the Mayor (Seat 5) shall be held on the second Tuesday in March 2011, and every four years thereafter.

Section 5.05. Vacancies in Elective Office; Temporary appointments; Special Elections.

If any vacancy occurs in the Commission, including the Mayor, the remaining City Commissioners (including the Mayor) shall by majority vote elect an eligible person to fill the same for the remainder of the term of that office provided that an election for that office is not more than six (6) months away. If an election for that office is more than six (6) months away, then a special election shall be held within 180 days of the effective date of such vacancy, provided, however, if the Supervisor of Elections cannot conduct the special election within the 180 day period, then the special election shall be held at the earliest possible time. If an appointment is called because there is six (6) months or less left in the term of that office and the Commission fails to make said appointment within thirty (30) days, then a special election shall be held within 180 days of such vacancy's effective date, provided, however, if the Supervisor of

Elections cannot conduct the special election within the 180 day period, then the special election shall be held at the earliest possible time.

Section 5.06. Form of ballots.

All ballots used in any general election held under authority of this Act, shall be without party mark or designation and without any insignia or mark of any association or organization thereon, and shall be substantially in the same form as the election ballots used in all general elections.

Section 5.07. Oath of office.

All elective officers, before entering upon their duties, shall take and subscribe to the following oath of office:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida, and of the Charter of the City of Miramar; that I am duly qualified to hold office under the Constitution of the State and the Charter of the City of Miramar and that I will well and faithfully perform the duties of \_\_\_\_\_ upon which I am now about to enter. So Help Me God."

If any elective officer shall fail to qualify for the office to which elected within thirty (30) days after election thereto, said office shall be declared vacant and a successor appointed as by this Act provided. If any elective officer through illness or unavoidable absence cannot be present to take the oath of office as herein provided the Commission may by a majority vote extend for a reasonable period of time within which said elective officer shall take office.

ARTICLE VI. CHARTER AMENDMENTS.

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 three 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 signed by 10 percent of the registered electors as of the last preceding municipal general election. 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.

(b) *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.

## ARTICLE VII. GENERAL PROVISIONS.

### Section 7.01. Severability.

If any Section or part of any 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 7.02. 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 State or other applicable law.

### Section 7.03. 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 7.04. Calendar day.

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

### Section 7.05. No Discrimination.

The City shall not adopt any measure or policy or otherwise discriminate against any person due to age, race, religion, color, national origin, physical or mental disability, creed, sexual orientation or sex.

## ARTICLE VIII. CIVIL SERVICE.

### Section 8.01. Civil service board, civil service system authorized.

The City of Miramar shall have the power to create a civil service board and civil service system.

Section 8.02. Composition of civil service board; election and term of members; vacancies in office; removal for cause.

The civil service board shall be made up of seven (7) members, two (2) of whom shall be appointed by the City Manager, two (2) of whom shall be elected by a majority of the elected City Commission members; one member of the board shall be elected by and from the nonprobationary law enforcement officers employed by the City; one member shall be elected by and from the nonprobationary fire fighters employed by the City; and one member shall be elected by and from employees other than nonprobationary law enforcement officers and the three (3) members selected by the employees shall not be required to be confirmed by the City Commission, but the City Commission shall prescribe the candidate qualifications, rules, regulations and procedure for the purpose of holding of elections of City employees for the members of the civil service board to be named by such employees. The City Commission shall further prescribe the terms of each member and the dates for the election and the appointment of the first member.

Any vacancies among the members to be named by either the elected City Commission members, the employees, or the City Manager, shall be filled for the unexpired term in the same way as the original appointment was made. Nothing herein or hereinafter set forth shall make it unlawful for any member of the board to serve for more than one term.

Members of the board may be removed by the City Commission for cause, and the method of removal shall be prescribed by the City Commission.

The method of electing and appointing the members of the civil service board shall be an exception to the requirements of this Charter which requires all appointments to be made by the City Manager.

## IX. CONTINUATION.

Section 9.01. Continuance of rights, powers, privileges, property, Ordinances, Resolutions, taxes, fees, offices, departments, boards, and agencies of City.

- (a) All Ordinances and Resolutions passed by the City shall remain in effect to the extent that they are not inconsistent with this Charter.
- (b) All taxes and fees passed by the City shall remain in effect to the extent that they are not inconsistent with this Charter.
- (c) All offices, departments, boards, and agencies created and established by the City shall continue to the extent that they are not inconsistent with this Charter.

Section 9.02. Time of taking effect.

Any proceeding, action, Resolution or Ordinance that was commenced or the adoption of which was initiated prior to the effective date of this Charter may be completed under the provisions of either the former Charter or this Charter.