

ORDINANCE #2010-26

AN ORDINANCE OF THE CITY OF DORAL, FLORIDA CREATING SECTION 14-20 OF THE CITY CODE REQUIRING APPOINTEES TO CITY BOARDS, COMMITTEES OR COMMISSIONS WHO QUALIFY FOR CITY OFFICE TO RESIGN UPON QUALIFICATION FOR OFFICE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 99.012(3)(a), *Florida Statutes*, relates to state or municipal public officers who wish to run for another public position and provides that “[n]o officer may qualify as a candidate for another state, district, county or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds”;

WHEREAS, controlling Florida law has construed the provisions of Section 99.012, *Florida Statutes*, such that the term “public office” does not include every board, committee or commission of the City; and

WHEREAS, the City Council finds that it would advance good government and promote the best interest of the residents of Doral to provide that candidates for City elected office may not serve on City boards, committees or commissions while campaigning for elective office.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. Section 14-20 of the City Code of the City of Doral is hereby created to read as follows¹:

¹ / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~striketrough~~.

Section 14-20. Resignation Required Upon Qualification For Office.

- (a) Any person serving on a City of Doral Board, Committee or Commission, of whatever type or nature, and who qualifies as a candidate for City elective office shall, prior to or at the time of qualifying, resign from the Board, Committee or Commission. The resignation shall be in writing, shall be addressed to and delivered to the City Clerk, and shall become effective on election day.
- (b) This section shall not be construed as an additional qualification for City elective office.
- (c) A member of a City Board, Committee or Commission who qualifies as a candidate for City elective office without resigning shall be deemed to have resigned from the City Board, Committee or Commission at the time of qualifying and such resignation shall be effective election day.
- (d) If such candidate is not elected to the City elective office in the election cycle, such individual may not be eligible for appointment to a City Board, Committee or Commission for a period of six (6) months from the date of the election. If such a candidate is not elected to a City elective office in the election cycle, such individual may be eligible for appointment to a City board, committee or commission.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in their entirety.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part

of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilman Cabrera, who moved its adoption. The motion was seconded by Councilwoman Ruiz and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Robert Van Name	No
Councilman Peter Cabrera	Yes
Councilman Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on FIRST READING this 8th day of September, 2010.

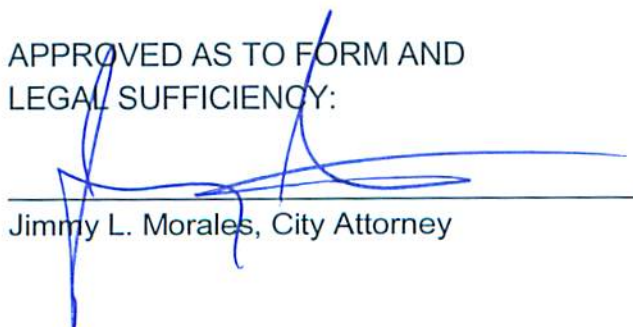
PASSED AND ADOPTED on SECOND READING this 13th day of October, 2010.



Juan Carlos Bermudez, Mayor

ATTEST:


Barbara Herrera, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Jimmy L. Morales, City Attorney