

ORDINANCE No 2022-01

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION” ARTICLE II, “CITY COUNCIL” OF THE CITY’S CODE OF ORDINANCES, BY AMENDING THE PROCEDURES FOR CITY COUNCIL ITEMS REQUIRING A FISCAL IMPACT STATEMENT BEFORE PLACED ON AN AGENDA FOR A CITY COUNCIL MEETING; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Article II of Chapter 2 of the City of Doral’s (the “City”) Code of Ordinances (the “Code”) provides, in part, for the rules and procedures governing the submission of agenda items by Council members for City Council meetings; and

WHEREAS, in 2018, the City Council passed Ordinance 2018-09, which created an administrative review process for City Council agenda items with the goal of further maximizing the efficacy of the City Council members and the efficiency of the City, its administration, directors and employees; and

WHEREAS, a fiscal impact statement reflects a well-established and widely used approach for collecting, organizing, and analyzing data on the impacts of ordinances and resolutions, to promote evidence-based decision-making.

WHEREAS, a fiscal impact statement provides an objective, unbiased assessment that is an essential component for informed and unbiased decision making.

WHEREAS, the Mayor and City Council desire to further modify the procedures as specified herein.

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

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Section 1. Recitals. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. Code Amended. Chapter 2 of the City of Doral Code of Ordinances is hereby amended as follows:

CHAPTER 2. ADMINISTRATION

ARTICLE II. CITY COUNCIL

DIVISION 3. RULES AND PROCEDURES

2-70. – Same – Agenda

(b) Members of the city council may submit items for placement on the agenda. All proposed agenda items shall be delivered to the city manager's office a minimum of three weeks before the city council meeting in which the item will be discussed. All proposed agenda items shall be accompanied with background documentation and transmitted to the city manager for review. Such background information shall be sufficient to permit clear analysis of the legislative objective and advise the city council and the public of the nature of any requested actions that may be taken on the items. The city manager shall work with city departments and the city attorney's office to review, provide feedback, and make recommendations of the proposed agenda item. The city manager's feedback shall include a fiscal impact statement. As part of the council memorandum that accompanies any ordinance or resolution placed on a city council meeting agenda (including any resolution calling for a voter referendum on any measure), the city administration shall, to the extent applicable, prepare a written statement, to be included as a stand-alone section of the council memorandum, briefly describing the estimated or anticipated increase or decrease of the revenues or expenditures of the city associated with the proposed measure, if any, for the current fiscal year and the subsequent fiscal year. The memorandum

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~~shall include a budget score for the item, and advise as evaluated by the finance department, which will specify estimated cost of the item;~~ whether an item is budgeted, and whether budgeted funds are otherwise available for the item.

(c) To the extent determined applicable by the city administration, the fiscal impact statement may include:

(i) Historical data concerning the revenues or expenditures at issue;

(ii) Any assumptions, sources of information or methodologies used to estimate the fiscal impact to the city;

(iii) An estimate of the staff time or other resources that may be needed to implement the proposed measure;

(iv) Whether the proposed measure could be absorbed in the current fiscal year's budget, or whether an additional appropriation is required to implement the proposed measure;

(v) Whether the fiscal impact in subsequent years (up to, but no more than, five years, from adoption of the measure) materially differs from the fiscal impact in the first year;

(vi) Whether the proposed measure will involve pension liability, and the estimated costs thereof; and

(vii) Any capital requirements or infrastructure constraints associated with the proposed measure.

(d) If the fiscal impact on the current or future revenues or expenditures of the city cannot be determined at the time the proposed measure is considered by the city council, the fiscal impact statement shall include a description of the risk factors or variables involved, and the administrative actions that will be required to determine

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the anticipated impact on future revenues and expenditures. In such cases, the fiscal impact statement should, to the extent possible, use ranges to estimate the impact on revenues or expenditures.

- (e) With respect to proposed agenda items related to the procurement of goods and services, including construction services, that are awarded pursuant to a previously approved budget, or which involve expenditures that are specifically authorized in a previously approved budget, the requirements of this section shall be deemed satisfied by a statement of the budget code or funding source that will be used to cover the proposed item, and the contract amount associated with the proposed item, if any.
- (f) If a proposed item has a fiscal impact on revenues or expenditures of the city in the amount of \$50,000.00 or less, the fiscal impact statement shall state that the item involves an estimated fiscal impact of \$50,000.00 or less, and no further information or analysis shall be required.
- (g) The failure to comply with the requirements of this section shall not constitute grounds for canceling the consideration of a proposed measure or rendering invalid any determination made by the city council.
- (h) The city manager shall endeavor to complete the review prior to the submission deadline specified in the city Charter. If the review of the proposed agenda item is complete, the city manager shall prepare a recommended position on the item based on the administration's review and transmit the item to the city clerk for inclusion in the agenda. If the review of proposed item requires additional time, the city manager shall advise the council member accordingly, and the item shall not be placed on the agenda until such time as the review is complete and a recommendation is rendered. The agenda item must nevertheless have sufficient information to comply with the Charter and the requirements of this section 2.70. These items shall be part of the meeting notice and part of the meeting agenda. The council member requesting that

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an item be placed ~~placing any such item~~ on the agenda shall deliver to the city clerk's office, for distribution to the other members of city council, a brief memorandum explaining the reason for the item and copies of all materials to be used in the member's presentation of the agenda item, including, but not limited to, reports, brochures, power point presentations and other visual or audio-visual displays, a minimum of three business days before a city council meeting. No member of the city council may present more than four items at any meeting.

- (i) Except for emergency matters or other special matters requiring the immediate attention of the city council, a listing of business to be considered by the city council shall be prepared by the city manager. The city manager shall attempt to deliver the listing of business to each member at least 72 hours prior to each regular city council meeting.
- (j) It is the responsibility of the city clerk to compile and deliver the agenda and all supporting documentation under the general supervision and direction of the city manager. All members of the city organization are encouraged to cooperate with the clerk in making the agenda complete and accurate. Pursuant to F.S. ch. 286, as amended from time to time, additional items may only be added to the agenda under exigent circumstances to protect the life, health, safety and welfare of the citizens and residents of the city. The city manager may request additional time to study an item not included on the agenda but presented for action at the meeting.
- (k) The city council may, upon a majority vote of its members, modify the contents of the agenda at a city council meeting.
- (l) Any member of the city council may pull an item off the consent agenda for discussion and a separate vote on that item. No vote of the city council is required to pull the item off the consent agenda.
- (m) City council workshops may be held from time to time for the special purpose of affording the city council an opportunity to discuss items that may be considered at a future city council meeting. Pursuant to F.S. Ch. 286, as amended from time to

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time, only items on a workshop agenda may be discussed at a city council workshop. The mayor shall have the authority to enforce Robert's Rules of Order to ensure only items on the workshop agenda are discussed at city council workshops.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change the word "ordinance" to "section," "article," or such other appropriate word or phrase in order to accomplish such intention.

Section 5. 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 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately upon passage by the City Council on second reading.

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The foregoing Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Vice mayor Cabral upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 12 day of January, 2022.

PASSED AND ADOPTED on SECOND READING this 9 day of February, 2022.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

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