

CRC RESOLUTION NO. 2014-15

A RESOLUTION OF THE CITY OF DORAL CHARTER REVIEW COMMISSION, AMENDING CRC RESOLUTION NO. 2014-04 AND ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF DORAL, FLORIDA, TO PROVIDE FOR THE ELIMINATION OF RUNOFF ELECTIONS; PROVIDE FOR THE CANDIDATES FOR COUNCILMEMBER TO BE PLACED IN A GROUP ON THE BALLOT; PROVIDING FOR THE DATE FOR COMMENCEMENT OF TERMS FOR ELECTED OFFICIALS; PROVIDING FOR PRESENTATION TO THE ELECTORATE BY THE CITY COUNCIL AT A SPECIAL REFERENDUM ELECTION TO BE HELD WITHIN THE TIME FRAME AS PROVIDED IN THE CITY CHARTER; PROVIDING THE BALLOT TITLE AND SUMMARY OF THE CHIEF PURPOSE OF THE PROPOSED AMENDMENT; PROVIDING FOR THE CITY ATTORNEY TO RENUMBER AND RELETTER ARTICLES AND SECTIONS IN ORDER TO CONFORM THE AMENDMENTS TO THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Doral Charter Review Commission has the authority to submit proposals to amend the City of Doral Charter; and

WHEREAS, the City of Doral Charter mandates that the Charter Review Commission, no later than April 1st following the year of their appointment, present to the City of Doral electorate its recommendations for amendments to the City Charter; and

WHEREAS, the Charter of the City of Doral, Florida provides that all amendments and revisions proposed by the Charter Review Commission must be presented by the City Council to the electorate no earlier than sixty (60) nor more than one hundred twenty (120) days after the Charter Review Commission's submittal of the amendments to the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF DORAL CHARTER REVIEW COMMISSION:

SECTION 1: That pursuant to Section 6.02 of the Charter of the City of Doral, Florida, the City Council is hereby directed to place on the ballot for presentation to the electorate, at a special referendum election to be held no less than sixty (60) nor more than one hundred twenty (120) days from the date of this Resolution, the subject of which is proposed to provide for the elimination of runoff elections, the placement of candidates for Councilmember seats in one group on the ballot, and the date for the commencement of terms of office for elected officials, the full text of which is attached hereto and incorporated by reference as if fully set forth herein as **Exhibit "A"**.

SECTION 2: That the ballot title and summary for the proposed amendments/revisions as referred to above shall appear as follows:

**ELIMINATING RUNOFF ELECTIONS; GROUPING OF
COUNCILMEMBER CANDIDATES ON BALLOT; COMMENCEMENT
OF ELECTED OFFICIALS' TERMS**

Currently the Charter authorizes runoff elections, qualification of candidates for Councilmember by seat; terms commence the day after a general election. Shall the Charter be amended to eliminate runoff elections; provide for the placement of all Councilmember candidates in one group on the ballot with the candidate receiving the highest number of votes being elected; provide the elected officials' term to commence at the first City Council meeting following election certification?

YES FOR APPROVAL _____

NO FOR REJECTION _____

SECTION 3: That should a majority of electors voting on the above-referenced referendum election vote "YES," thereby approving the above ballot issue, attached **Exhibit "A"** shall become a part of the Charter of the City of Doral, Florida.

SECTION 4: That the City Attorney is hereby directed to insure that the appropriate numbers and/or letters are affixed to the Articles and Sections of the Charter in order to conform the Charter to the amendments if approved.

SECTION 5: That if any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 6: That this resolution shall become effective immediately upon its adoption.

The foregoing resolution was offered by Vice Chairman Reisman who moved its adoption. The motion was seconded by member Bush and upon being put to a vote, the vote was as follows:

Chair Jesse A. Jones	Yes
Vice Chair Jerome Reisman	Yes
Christian L. Mazzola	Yes
Raymond G. Bush, Jr.	Yes
Eduardo Gomez	No

PASSED and ADOPTED this 1st day of April, 2014


JESSE A. JONES, CHAIR

ATTEST:


BARBARA HERRERA, CITY CLERK

DNT:dn

EXHIBIT "A"

ARTICLE V. ELECTIONS

Section 5.01. Elections

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

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

(c) Election dates. An election shall be held in November of each even-numbered year, on the same day U.S. congressional elections are held, or if none are held in any year, on the first Tuesday following the first Monday of November of that year. ~~A runoff election, if necessary, shall be held on the fourth Tuesday in November.~~ The Council shall hold no meetings between the general election and the swearing in of newly elected or re-elected Members of the Council, except in case of an emergency affecting life, health, property, or the public peace.

(d) General election. The ballot for the general election shall contain the names of all qualified candidates for Mayor if the Mayor's term is expiring and for each of the ~~two~~ Councilmember Seats which are to be filled as a result of ~~the two~~ Councilmembers' terms expiring, as provided herein.

(i) In 2014, and every four years thereafter, the ballot for the general election shall contain all of the qualified candidates for Councilmember Seats 2 and 4, and shall instruct the electors to vote for any two candidates. The candidate with the greatest number of votes shall be elected to Seat 2 for a four-year term, and the candidate with the second highest number of votes shall be elected to Seat 4 for a four-year term. In the event of a tie, the candidates who tie with the same number of votes shall have their names written on separate pieces of paper and placed in a sealed container. The City Clerk shall pick the name of the candidate out of the container. The first name pulled out of the container shall be elected to the respective seat.

(ii) In 2016, and every four years thereafter, the ballot for the general election shall contain all of the qualified candidates for Mayor and for Councilmember Seats 1 and 3, and shall instruct the electors to vote for the Mayor and any two candidates for Councilmember. The candidate for Mayor with the greatest number of votes shall be elected Mayor for a four-year term. The candidate for Councilmember with the greatest number of votes shall be elected to Seat 1 for a four-year term. The candidate for Councilmember with the second highest number of votes shall be elected to Seat 3 for a four-year term. In the event of a tie, the candidates who tied shall have their names written on separate pieces of paper and placed in a

sealed container. The City Clerk shall pick the name of the candidate out of the container. The name selected shall be elected to the respective seat.

~~, and shall instruct electors to cast one vote for Mayor, if applicable, and one vote for each Seat. If any candidate for Mayor receives a number of votes greater than 50% of the total number of ballots cast, such candidate shall be the duly elected Mayor, and no run-off election for Mayor shall be required. If any candidate(s) for a Seat receive(s) a number of votes greater than 50% of the total number of ballots cast for that Seat, such candidate(s) shall be duly elected to the Council and no run-off election for that Seat(s) shall be required.~~

~~(e) Run-off election. As applicable, the ballot for the run-off election shall contain the names of the two candidates for Mayor and the names of the two candidates for each Seat who received the most votes in the general election. The ballot shall instruct electors to cast one vote for Mayor and to cast one vote for each Seat. The candidate for Mayor receiving the most votes shall be the duly elected Mayor. The candidate for each Seat receiving the most votes shall be duly elected to that Seat. If a tie vote occurs in the run-off elections between candidates for the office of Mayor or any Seat, the tie shall be decided by lot under the direction of the Clerk.~~

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

(g) Single candidates. No election for Mayor or any Seat shall be required in any election if there is only one duly qualified candidate for Mayor or for that Seat. The duly qualified candidate shall be deemed elected.

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

~~(i) *Commencement of terms.* The term of office of any elected official will commence on the day following the general election, or if a run-off election is necessary for the office of Mayor or for any Seat open at that time, on the day following the run-off election.~~

(i) *Commencement of terms.* The members of the City Council who are elected in elections held in November of any year, shall assume office on the first regular or special City Council meeting following certification of their election results. Once all newly elected officials have taken office the Council shall organize in accordance with the provisions of this Charter.