

ORDINANCE #2009 – 17

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS OF THE PROPOSED AMENDMENTS TO THE CITY'S CHARTER; PROVIDING FOR COPIES OF THE CHARTER AMENDMENTS TO BE MADE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE CITY CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO PLACE THE CHARTER AMENDMENTS ON THE MAIL-IN BALLOT; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Section 6.03 of the City Charter, the City Council shall, commencing November 2008, appoint an Charter revision committee to review the Charter and propose amendments thereto; and

WHEREAS, the City Council appointed a Charter Review Committee in November 2008 and that committee has submitted five proposed amendments to the City Charter to the City Council; and

WHEREAS, the City Council received the Charter Review Committee's report and proposed amendments on November 10, 2009; and

WHEREAS, pursuant to Section 6.03(a) of the City Charter, the City Council shall submit the proposed amendments to the electors of the City not less than 60 days or more than 120 days after submission of the proposed amendments to the City Council; and

WHEREAS, the Mayor and City Council desire to provide requisite ballot language for submission to electors, providing for copies of these Charter amendments to be made available for public inspection and providing for the City Clerk to utilize the services of Miami-Dade County Supervisor of Elections.

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

Section 1. **Recitals.** The above Whereas clauses are incorporated by reference into this Ordinance.

Section 2. **Proposed Revisions or Amendments to the City Charter.** The City Council proposes certain amendments to the City Charter which shall be voted upon by the City electorate. The proposed amendment shall be commonly referred to by the following ballot titles:

1. Ethics and Courtesy in the Preamble;
2. Defining Municipal Role in the Preamble;
3. Requiring Code of Ethics;
4. Requiring procedure for naming of City properties and facilities; and
5. Extending the time for runoff elections.

Section 3. **Form of Ballot.** The form of ballot of the Charter amendments provided for in this Ordinance shall be as follows:

Question 1: Modification of Charter provisions relating to ethics and courtesy.

ADDING ETHICS AND COURTESY TO THE PREAMBLE

SHALL THE PREAMBLE OF THE CITY OF DORAL'S CHARTER BE AMENDED TO PROVIDE THAT THE CITY COUNCIL AND ALL OF ITS BOARDS, COMMITTEES, COMMISSIONS AND EMPLOYEES SHALL AT ALL TIMES CONDUCT THEMSELVES IN ACCORDANCE WITH COMMON COURTESY AND CONSISTENT WITH THE CODE OF ETHICS OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY?

Shall the above described amendment be adopted?

YES []

NO []

Question 2: Modification of Charter provision relating to defining the municipal role.

EXPANDING THE MUNICIPAL ROLE IN THE PREAMBLE

SHALL THE PREAMBLE OF THE CHARTER OF THE CITY OF DORAL BE AMENDED TO RECOGNIZE THAT THE CITY EXISTS FOR THE PURPOSE OF PROVIDING FOR THE HEALTH, EDUCATION, SAFETY AND WELFARE OF ITS CITIZENRY?

Shall the above described amendment be adopted?

YES

NO

Question 3: Modification of Charter to require a Code of Ethics.

REQUIRING A CODE OF ETHICS

SHALL THE CHARTER OF THE CITY OF DORAL BE AMENDED TO REQUIRE THE CITY COUNCIL TO PASS ORDINANCE(S) WHICH ADDRESS CODE OF ETHICS AND RULES OF PROCEDURES FOR THE CITY COUNCIL AND ALL OF THE CITY BOARDS?

Shall the above described amendment be adopted?

YES

NO

Question 4: Modification of Charter to require procedures and criteria for the naming of City properties and facilities.

REQUIRING PROCEDURES AND CRITERIA FOR THE NAMING OF CITY PROPERTIES AND FACILITIES

SHALL THE CHARTER OF THE CITY OF DORAL BE AMENDED TO REQUIRE THE CITY COUNCIL TO DEVELOP A PROCEDURE AND CRITERIA TO BE USED IN DETERMINING WHETHER CITY PROPERTY AND FACILITIES SHOULD BE NAMED AFTER AN INDIVIDUAL OR AN ORGANIZATION?

Shall the above described amendment be adopted?

YES

NO

Question 5: Modification of Charter provision to increase the time period between the City's general election and the run-off election.

INCREASING THE TIME PERIOD BETWEEN THE CITY'S GENERAL ELECTION AND THE RUN-OFF ELECTION

SHALL SECTION 5.01(C) OF THE CHARTER OF THE CITY OF DORAL BE AMENDED TO CHANGE THE RUN-OFF DATE FOR CITY ELECTIONS FROM THE THIRD TUESDAY IN THE MONTH OF NOVEMBER TO THE FOURTH TUESDAY IN THE MONTH OF NOVEMBER?

Shall the above described amendment be adopted?

YES

NO

Section 4. Text of Amendments. The full text of the proposed amendments to the City Charter are attached hereto as Exhibit "1", and are incorporated by reference into this Ordinance. The proposed amendments to the City Charter are reflected by underlining in the text and strikethroughs reflect items to be deleted from the Charter.

Section 5. Charter Amendments to be Available for Public Inspection and for the City Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections. The place, information and the full text of the proposed City Charter amendments is available at the office of the City Clerk located at 8300 NW 53 Street, #100, Doral, Florida 33166. Copies of this ordinance providing the Charter amendments subject to this referendum approval is on file in the office of the City Clerk and available for public inspection during regular business hours. The City Clerk is authorized to utilize the

services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

Section 6. **Inclusion in the Charter.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Charter of the City of Doral, Florida, as to the Charter amendment measures approved by a majority of voters on such measure in such election; that the sections of this ordinance may be renumber or relettered to accomplish such intentions; and the word "ordinance" shall be changed to "section" or other appropriate word.

Section 7. **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 8. **Effective Date.** This ordinance shall become effective upon adoption on second reading, and each of the Charter amendment measures provided herein shall be effective only upon approval of a majority of electors voting on the measure, effective 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.

Section 9. **Election Called.** That a special election is hereby called, to be held on Thursday, March 9th, 2010, via mail ballot, to present the qualified electors of the City of Doral, the ballot questions provided in Section 3 of this Ordinance. That the City

Council may by Resolution alter the date of the special election or elections in the event that the Council finds that unforeseen circumstances require it to do so.

Section 10. **Validity.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 11. **Effective Date.** This Ordinance initiating the amendment process and vote of the electorate shall take effect immediately upon execution.

[Section left blank intentionally]

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

| | |
|-----------------------------|--------|
| Mayor Juan Carlos Bermudez | Yes |
| Vice Mayor Robert Van Name | Yes |
| Councilman Pete Cabrera | Absent |
| Councilman Michael DiPietro | Yes |
| Councilwoman Sandra Ruiz | Yes |

PASSED AND ADOPTED upon first reading this 9th day of December, 2009.

PASSED AND ADOPTED upon second reading this 6th day of January, 2010.

ATTEST:

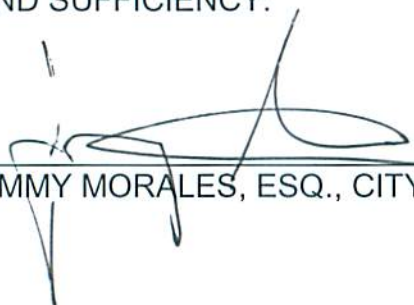


JUAN CARLOS BERMUDEZ, MAYOR



BARBARA HERRERA, CITY CLERK

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:



JIMMY MORALES, ESQ., CITY ATTORNEY