

ORDINANCE #2009 – 09

**AN ORDINANCE OF THE MAYOR AND COUNCIL
OF THE CITY OF DORAL, FLORIDA, AMENDING
THE MUNICIPAL CODE OF THE CITY OF DORAL
BY ADOPTING COMPREHENSIVE PROCEDURES
GOVERNING COUNCIL MEETINGS; PROVIDING
FOR CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION; PROVIDING FOR
AN EFFECTIVE DATE**

WHEREAS, the City Council of the City of Doral finds it to be in the best interests of its citizenry to adopt comprehensive procedures governing Council meetings;

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

Section 1. The Municipal Code of the City of Doral is hereby amended by adopting comprehensive procedures governing City Council meetings as follows:

Sec. _____ Comprehensive procedures for City Council meetings.

(a) This section shall govern the procedures for meetings of the Doral City Council.

(b) Definitions. References in this article to the Florida Statutes shall be interpreted as meaning Florida Statutes as amended from time to time.

(1) Chair means the presiding officer of the City Council. The Mayor is the presiding officer, under the Charter, when present. In the absence of the Mayor, the Vice-Mayor shall become the presiding officer. In the absence of both the Mayor and Vice-Mayor, the remaining City Council members shall elect a chair for the meeting.

(2) Journal of proceedings means that an account of all proceedings of the City Council shall be kept by the City Clerk and shall be the official record of the City Council.

(3) Meeting shall mean any regular, special or workshop meeting of the City Council.

(4) Quorum shall mean a majority of the members of the City Council.

(c) City Council meeting procedures. Section 4.01(b) of the Charter of the City of Doral authorizes the City Council to determine and adopt its own rules of procedure for City Council meetings. Except as otherwise provided by City Charter, City Code or laws of the State of Florida, the functioning and proceedings of the Council shall be governed by these Council rules of procedures.

(d) Rules of procedure for City Council meetings.

(1) On matters involving parliamentary procedure not provided for in these Council rules of procedure, the City Attorney's latest revised edition of Robert's Rules of Order shall be referenced by the Mayor as persuasive rather than binding, and the Mayor's determination shall be final.

(2) The City Attorney shall act as parliamentarian and, when applicable, shall interpret Robert's Rules of Order for the council.

(3) These rules of procedure shall not be altered except by an amending ordinance. These rules of procedure may be suspended, when appropriate, by a majority vote of the Council.

(e) City Council meeting agenda.

(1) The City Manager shall be responsible for preparing the agenda for all City Council meetings. The Charter officials shall meet with the Mayor to finalize the agenda. City staff may request that a matter of business be placed on the agenda provided sufficient notice is provided to the City Council and the City Manager. Items previously brought before the City Council for consideration or for an expression of interest on three (3) occasions, may not be brought forward for reconsideration or expression of interest again before six (6) months have lapsed from the last consideration or expression of interest pertaining to said item, unless a super majority four-fifths (4/5) of the City Council agrees to reconsider the item. All proposed agenda items shall be delivered to the City Clerk's office at a minimum of six (6) business days before a City Council meeting.

(2) Members of the City Council may submit items for placement on the agenda. All proposed agenda items shall be delivered to the City Clerk's office at a minimum of six (6) business days before a City Council meeting. These items shall be part of the meeting notice and part of the meeting agenda. No member of the City Council may present more than three (3) items at any meeting.

(3) 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 seventy-two (72) hours prior to each regular City Council meeting.

(4) 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 Chapter 286, Florida Statutes, 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.

(5) The City Council may, upon a majority vote of its members, modify the contents of the agenda at a City Council meeting.

(6) Any member of the City Council may pull an item off of 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.

(7) 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 Chapter 286, Florida Statutes, as amended from time to 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.

(f) Notice of meetings.

(1) Public notice and posting: The City Clerk shall publish monthly in a newspaper of general circulation in the City and post a statement in at least three (3) locations of the dates, times and places (subject to change) of the City Council meetings regularly scheduled for the upcoming month. Said publication shall occur no later than the day preceding the first regular meeting of the month. The City Clerk may use any other medium appropriate for notice of public meetings.

(2) The City Clerk shall also post a statement of the date, time, and place of each Council meeting, regular or otherwise, a minimum of twenty-four (24) hours prior to the meeting.

(g) Order of business.

(1) The Mayor shall take the chair at the hour appointed for the meeting of City Council and shall call the meeting to order and direct the Clerk to call roll. In the absence of the Mayor, the Vice-Mayor shall preside. If a quorum is present, the meeting shall continue.

(2) Upon the establishment of a quorum, City Council meetings shall open with the Pledge of Allegiance, led by the presiding City Council member.

(3) The general order of any regular or alternate meeting, which any member of the City Council can alter upon request and acceptance, should be as follows. This order and content may vary in consideration of time constraints and/or actual items being considered:

- a. Call to order/roll call of members
- b. Pledge of Allegiance
- c. Invocation
- d. Agenda/order or business
- e. Presentations
- f. Approval of minutes
- g. Consent agenda
- h. Public comments
- i. Discussion items
- j. Department reports
- k. Adjournment

(h) Rules for conduct of business.

(1) City Council's duties.

a. Recognition shall be given only by the presiding officer. Upon being recognized the member may proceed.

b. No member may filibuster. No member may speak more than five (5) minutes continuously, except by leave of the Mayor. The decision of the Mayor is final, unless a majority of the City Council votes to the contrary.

c. A member may speak a second time on any one (1) question only after all members have been given an opportunity to speak.

d. The Mayor shall regulate debate in any other manner that she/he deems necessary, provided that the rights of all persons to express their views are respected.

e. Questions and comments by members of the City Council should be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process and duplicating ground the speaker may cover. All members of the City Council shall be permitted to speak on any matter and shall not be ruled out of order by the presiding officer unless the member has made abusive, derogatory or rude remarks. No member of the City Council shall be limited in his or her debate on any issue, except as otherwise provided herein, unless the member engages in abusive, derogatory or rude comment.

f. All members of the City Council shall accord the utmost courtesy to each other, to City employees, and to public members appearing before the City Council, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

g. The City Manager may speak to any matter on which he or she has information for the City Council.

h. It shall be unlawful for any individual or member of the City Council to disturb or disrupt a meeting of the City Council or refuse to obey the orders of the Mayor or presiding officer in the conduct of the meeting. Any individual or member of the City Council who causes a disruption or disturbance of the meeting shall be warned by the Mayor or presiding officer that the conduct is interfering or disturbing the order of the meeting and shall be given the opportunity to cease the conduct constituting an interruption or disturbance. If the individual or member of the City Council fails to cease the offending conduct and continues to interrupt or disturb the meeting, the individual or member of the City Council shall be removed from the meeting by the Police Chief or his authorized agent in attendance at the meeting if so directed by the Mayor or presiding officer. Once removed, the individual or member of the City Council shall be barred from further audience for the remainder of the meeting.

i. In the event that the Mayor or presiding officer fails to act, any member of the City Council may move to require the presiding officer to act to enforce the rules, and the affirmative vote of the majority of the City Council members present at that time shall require the presiding officer to act.

j. Any individual or City Council member who, at a City Council or board meeting, willfully interrupts or disturbs such meeting in violation of Section 871.01, Florida Statutes, entitled "Disturbing Schools and Religious and Other Assemblies," is subject to arrest by those law enforcement officers present. No action by the presiding officer is required for a law enforcement officer to enforce Section 871.01, Florida Statutes, as may be amended from time to time.

k. Each public officer serving on the City Council or an advisory board of the City, when appearing before any other governmental body or within the contents of any written communication, pledges to inform the recipient of the oral or written communication that the issue before such governmental body or in writing has or has not been addressed officially by the City Council or the advisory board of which he or she is a member; and further pledges to inform the recipient(s) of the oral or written communication of any official position taken by the City Council or an advisory board and indicate that his or her appearance or written correspondence is or his not authorized by the City Council or an advisory board. When a member of the City Council is representing the City Council before another governmental body, said member of the City Council shall, at a minimum, update the other members of the City Council and the City Manager at the next scheduled City Council meeting.

(2) Residents/Interested parties' duties.

a. Members of the public may speak only at times designated by the Mayor or presiding officer

b. The member of the public shall step to the floor microphone and state her/his name and address in an audible tone for the Clerk's record.

c. Remarks shall be limited to the question(s) under discussion, unless such remarks come during the public participation section of the meeting.

d. During public participation any member of the public may speak to any issue that is not on the agenda for public hearing during the City Council meeting. Speakers will be limited to three (3) minutes during this time. There will be a thirty-minute aggregate time limit for this item, and speakers are encouraged to sign up in advance with the City Clerk prior to their participation.

e. All remarks shall be addressed to the City Council as a body through the Mayor, and not to any member thereof.

f. Cumulative and repetitive testimony should be avoided on any matter. Persons of the same position as the previous speaker may simply state their names, address and the positions with which they agree.

g. Any person making disruptive, impertinent or slanderous remarks, or who shall become boisterous while addressing the City Council and refuses to stop may be requested to leave the meeting by the Mayor, pursuant to subsections(h)(1)h. and (h)(1)i.

h. Persons whose allotted time to speak has expired shall be so advised by the City Clerk to conclude. Public hearings consist of those agenda items where the public may participate. The public shall speak only on the agendized subject. Speaking time for members of the public is limited to three (3) minutes for any particular topic. Additional time may be added by the City Council. Members of the public shall not delegate or give their time, or any portion thereof, to another party. For a public hearing, the City Council may set an aggregate time limit for public comment. When an issue has been designated as quasi-judicial, public remarks shall only be heard during a quasi-judicial hearing that has been properly noticed for that matter.

(i) Enforcement.

(1) During City Council meetings, City Council members shall preserve order and decorum and shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the City Council nor refuse to obey the rules of the City Council.

(2) Anyone in the audience creating an atmosphere detrimental or disturbing to the conduct of the meeting will be asked to leave by the Mayor, pursuant to subsections (h)(1)h. and (h)(1)i.

(3) The order, if not heeded, will then cause the police to eject the person from the Council Chambers upon instruction from the Mayor, pursuant to subsections (h)(1)h and (h)(1)i.

(j) Procedure for City Council actions.

(1) A member may speak on any item to be considered by the City Council; call for the question (for the question to be called, requires a majority vote of the City Council); ask for a statement of the question (which the Mayor or Clerk shall render); call for a division of the questions (the Mayor shall render a decision regarding the divisibility of any question and said decision shall be subject to appeal as is a question of order); and question the City Manager or City Attorney.

(2) Pursuant to subsection (e), any member may introduce items to be considered by the City Council, such as the member deems appropriate. It is preferred that it be submitted to the City Manager to be included on an appropriate agenda.

(3) The City Council may consider and act upon such other business as may come before it. When new business is offered as a motion and seconded, it shall be written and read to the City Council by the City Clerk before debate. After a motion has been read by the City Clerk, it shall be deemed to be in the City Council's possession and may be withdrawn only by leave of the City Council.

(4) Form of ordinances/resolutions shall contain not more than one (1) subject, which shall be fully described in the title in easily understood terms.

(5) Motion to reconsider: Any member who voted on the prevailing side may move a reconsideration of any action of the City Council, provided that the motion be made not later than the next regular meeting after such action was taken. A motion to reconsider shall be in order at any time, except when a motion on some other subject is pending. A motion to reconsider being laid upon the table may be taken up and acted upon at any time.

(6) Motion made and additional proper motions: When a question is before City Council or under debate, or a motion has been made, no other motion shall be proper, except the following and these take precedence according to the order listed:

- a. To adjourn;
- b. To table until future stated time;
- c. Requested cessation of debate and vote are taken;
- d. To refer to a standing or ad hoc committee;
- e. To amend the matter under discussion;
- f. To postpone action for an indefinite time or to a certain date.

(7) Questions without debate: The following questions shall be considered without debate:

- a. To adjourn;
- b. To lie on the table;

- c. To take from the table;
- d. All questions relating to priority.

(8) Motion to postpone – Adjourn.

a. A motion to postpone (to a day certain or indefinitely) shall not again be allowed at the same reading of the ordinance or resolution under consideration.

b. A motion to adjourn shall always be in order, but if decided in the negative, it shall not be entertained again until some motion, order, or decision has taken place.

(9) Motion to take from the table: A motion to remove any matter from the table shall be in order after consideration of one (1) question succeeding the tabling. This item may be overturned by a majority vote of the City Council.

(10) Motion to amend or revise: A motion to amend or revise shall be divisible into two (2) separate motions: a motion to strike and a motion to insert. A refusal to strike is equivalent to agreeing to the matter in the form. However, this does not preclude further amendment by way of addition.

(11) Appeal decision of the chair: On appeal from the decision of the chair, no member shall speak more than once, and the chair shall have preference.

(12) Call to order: Can be made at any time when the order of business is being varied from. It requires no second, and is in order when another has the floor, even though it interrupts a speech, as a single member has a right to demand that the order of business be conformed to.

(k) Voting procedures.

(1) Every member present, when a question is put, shall vote unless the member has a conflict of interest. Any member abstaining from voting must make a brief statement for such request and will fill out all appropriate paperwork to be filed with the City Clerk at the meeting where the conflict is announced, pursuant to Chapter 112, Florida Statutes, as amended from time to time. The question shall then be immediately taken without further debate.

(2) Voting on all legislation shall be oral and in open City Council meetings. No proxy votes are permitted. When the City Clerk calls the roll, each member shall respond "yes," "no," "aye," or "nay." No other comment is permitted during voting. The order of voting shall rotate in a random manner except the Mayor votes last.

(3) The City Clerk will announce whether the matter passed or failed.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in its 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 Van Name who moved its adoption. The motion was seconded by Vice Mayor DiPietro and upon being put to a vote, the vote was as follows:

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

PASSED AND ADOPTED on first reading this 11th day of February, 2009.

PASSED AND ADOPTED on second reading this 11th day of March, 2009.



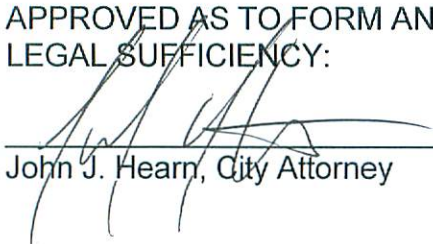
Juan Carlos Bermudez, Mayor

ATTEST:



Barbara Herrera, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



John J. Hearn, City Attorney