

ORDINANCE #2011-19

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA CREATING SECTION _____ OF THE CITY CODE PROHIBITING CITY EMPLOYEES FROM SEEKING ELECTIVE OFFICE IN THE CITY OF DORAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council wishes to maintain the integrity of the electoral process as it relates to City employees; and

WHEREAS, the City Council wishes to maintain the separation between City employees and candidates for municipal office that the City Council deems necessary to ensure such integrity; and

WHEREAS, City employees have regular contact with City residents, business owners and City vendors and have decision making authority over the residents', business owners' and City vendors' issues which can lead to a conflict of interest if the City employee were simultaneously seeking elective office; and

WHEREAS, the City Council wishes to avoid any such conflict of interest or perceived conflict of interest.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY, FLORIDA, AS FOLLOWS: ¹

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

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 ~~strikethrough~~.

Section 2. Code Amended. That the Code of Ordinances, City of Doral, Florida, is hereby amended by adding a section, to be numbered _____, which said section reads as follows:

Sec. _____ EMPLOYEES PROHIBITED FROM SEEKING ELECTIVE CITY OFFICE.

(a) Definitions

“City Employee” shall mean any part or full-time employee of the City of Doral. It shall not be construed as including any consultants, vendors, independent contractors or volunteers of the City of Doral.

“Seeking Elective Office” shall mean qualifying as a candidate for City elective office pursuant to Section 14-19 of the City Code, the filing of any of the following forms with appropriate governmental entity:

Form DS-DE 9 (Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates);

Form DS-DE 84 (Statement of Candidate);

Declaration of Candidates Automatically Covered by Ordinance 98-94

(b) As a condition of employment, City Employees are prohibited from Seeking Elective Office in the City of Doral. Such offices shall include the office of Mayor, Councilmember, or any other elective office that may be created by Charter Amendment in the future.

~~(c) Any City Employee who is Seeking Elective Office at the time this Ordinance becomes effective shall have the opportunity to cease such activity within ten (10) days of the effective date of this Ordinance or resign from their employment with the City of Doral.~~

Section 3. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Ordinance, those provisions are repealed in their entirety.

Section 4. 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 5. 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 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Boria 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 Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 14th day of September, 2011.

PASSED AND ADOPTED on SECOND READING this 12th day of October, 2011.



Juan Carlos Bermudez, Mayor

ATTEST:



Barbara Herrera, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Jimmy L. Morales, City Attorney