

RESOLUTION No. 14-99

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING REQUISITE BALLOT LANGUAGE FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE CITY CHARTER PREPARED BY THE CITY COUNCIL, PURSUANT TO SECTION 6.01 OF THE CITY CHARTER; PROVIDING FOR COPIES OF THE TEXT OF THE CHARTER AMENDMENTS TO BE MADE AVAILABLE FOR PUBLIC INSPECTION; AUTHORIZING THE CITY CLERK TO REQUEST AND UTILIZE THE SERVICES OF THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO ADMINISTER A SPECIAL ELECTION BY PLACING THE CHARTER AMENDMENT BALLOT QUESTIONS ON THE NOVEMBER 4 STATEWIDE/COUNTY/CITY GENERAL ELECTION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 6.01 of the Charter of the City of Doral (the "City") provides that the Charter "may be amended in accordance with the provisions of Section [6.03] of the Home Rule Charter of Miami-Dade County"; and

WHEREAS, Section 6.03 of the Miami-Dade County Home Rule Charter provides, in part, that a municipality in the county may amend its municipal charter, after adopting a by resolution, having proposed charter amendments drafted, and submitting same to the electors of the municipality; and

WHEREAS, the City Council discussed the City Council initiated proposals as part of two (2) duly-called Special Meetings held on July 9, 2014 and July 23, 2014;

WHEREAS, in order to submit the Amendments to the electors of the City, the City Council must approve legally sufficient ballot language via resolution and transmit same to the Miami-Dade County Supervisor of Elections, along with an appropriate request for a special election, thereby authorizing the Miami-Dade County Elections Department to take such actions as may be necessary to administer the special election for the City; and

(Resolution language revised pursuant to Charter amendments adopted during the August 26, 2014 Special Election.)



WHEREAS, the City Council has had prepared and considered the ballot language contained herein, and, after careful deliberation and upon the recommendation of the City Attorney, the City Council finds the ballot language provided herein to be legally sufficient; and

WHEREAS, the Mayor and Council desire to provide requisite ballot language for submission to the electors of the City, to provide copies of the Amendments to be available to the public for inspection, and to direct the City Clerk to request and utilize the services of the Miami-Dade County Supervisor of Elections to administer a special election by placing the Amendment ballot questions on the November 4, 2014 statewide/county/city general election.

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

Section 1. Recitals. The above-referenced recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Approved Ballot Language. The following ballot language for the Amendments, comprised of a ballot title, summary, question, and response, is found legally sufficient and approved. The Amendments shall be submitted to the electors via the following ballot language:

**CHANGES TO CHARTER REVISION COMMISSION AMENDMENTS
ELECTION DATE AND MEETING TIMES**

The Charter provides that amendments proposed by Charter Revision Commission shall be submitted to city electors in August state/county primary elections in even years. It is proposed the Charter be amended to authorize the Council to set the election for such amendments to coincide with the state/county primary or general election in even years and require Charter Revision Commission meetings to occur after business hours.

Shall the above-described Charter amendment be adopted?

Yes _____
No _____



CHANGE TO RUN-OFF ELECTION DATE

The Charter provides that a runoff election, if necessary, shall be held on the fourth Tuesday in November. It is proposed the Charter be amended to require the run-off election to be changed to the first Tuesday in December, so as to avoid the election occurring during the week of the Thanksgiving Holiday.

Shall the above-described Charter amendment be adopted?

Yes _____
No _____

MANAGEMENT OF CITY COUNCIL'S LEGISLATIVE STAFF

The Charter provides that the City Manager is responsible for hiring, supervising, and removing all City Employees. It is proposed the Charter be amended to authorize councilmembers and mayor to individually hire, supervise, direct, and remove his/her corresponding staff member, except that, with notice to City Council, the manager shall retain the right to enforce reasonable discipline, including termination, for violations of City laws and policies.

Shall the above-described Charter amendment be adopted?

Yes _____
No _____

**TIMEFRAME FOR MAYOR'S NOMINATION OF REPLACEMENT CITY
MANAGER; OPPORTUNITY FOR NOMINATION BY CITY
COUNCILMEMBERS**

The Charter authorizes the appointing of the Manager by Council vote following search committee recommendations. It is proposed the Charter be amended to provide that, upon a vacancy in the Manager position, the Mayor shall nominate a replacement within such period of time deemed reasonable by the Council then in office and thereafter, if none is nominated, Councilmembers shall have the opportunity to nominate a candidate.

Shall the above-described Charter amendment be adopted?

Yes _____
No _____



TIME OUT OF OFFICE BEFORE SEEKING REELECTION

The Charter provides individuals may not serve in elected office for more than two terms. It is proposed the Charter be amended to require individuals serving two consecutive terms as Councilmember or Mayor be out of office for four years, one term, before seeking reelection in the previous post. This would be inapplicable to individuals going from Council to Mayor and vice-versa.

Shall the above described Charter amendment be adopted?

Yes _____

No _____

Section 4. Public Inspection of Amendments. The full text of the Amendments, attached hereto as Exhibit "A" and incorporated herein and made a part hereof by this reference, shall be made available for public inspection during regular business hours at and through the office of the City Clerk. The City Clerk is directed to make copies of the Amendments and this Resolution available for public inspection and copying.

Section 5. Call for Special Election; Request Service of Supervisor of Elections. In order to submit the Amendments to the Electors of the City, a special election is hereby called and requested of the Miami-Dade County Supervisor of Elections, to run concurrent with, and by placing the Amendment ballot questions on, the November 4, 2014 statewide/countywide general election. The City Clerk is hereby directed to request and utilize the services of the Miami-Dade County Supervisor of Elections to administer the election.

Section 6. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Resolution and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Resolution .

Section 7. Conflicts. All resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.



Section 8. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution 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 Resolution but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

Section 9. Effective Date. This Resolution shall become effective immediately upon adoption on second reading.

The foregoing Resolution was offered by Councilwoman Ruiz, who moved its adoption. The motion was seconded by Vice Mayor Fraga and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	No
Vice Mayor Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Bettina Rodriguez Aguilera	Yes
Councilwoman Sandra Ruiz	Yes

PASSED and ADOPTED this 4th day of August, 2014.



LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

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



WEISS, SEROTA, HELFMAN, PASTORIZA
COLE AND BONISKE, PL
CITY ATTORNEY

(Resolution language revised pursuant to Charter amendments adopted during the August 26, 2014 Special Election.)

EXHIBIT "A"
TEXT OF AMENDMENTS PROPOSED BY CITY COUNCIL

CHANGES TO CHARTER REVISION COMMISSION AMENDMENTS ELECTION
DATE AND MEETING TIMES

City Charter of the City of Doral

Sec. 6.02. Charter revision.

- (a) *Charter Commission.* At its first regular meeting in November, 2008, and every fifth year thereafter, the Council shall appoint and fund a Charter revision commission (the "Charter Commission"). The Charter Commission shall commence its proceedings within 15 days after appointment by the Council. If the Charter Commission determines that a revision is needed, it shall draft such amendments to this Charter as it deems appropriate and submit the same to the Council not later than April 1st of the year following appointment. The Council shall, after submission of the proposed amendments to the Council, submit the proposed amendments to the electors of the City in accordance with the provisions of Section 6.01, in either an election in August of even-numbered years to coincide with the statewide and countywide primary election or an election in November of even-numbered years to coincide with the statewide, countywide, and city wide regular election, ~~commencing in 2014.~~
- (b) *Composition.* The Charter Commission shall consist of five electors residing in the City, one of whom shall have served as a member of the previous Charter Commission. Each Member of the Council shall appoint one elector to the Charter Commission.
- (c) *Business.* The Charter Revision Commission shall conduct its business in open and noticed meetings, pursuant to Florida law, as may be amended from time to time, which shall be on weekdays after regular business hours.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

CHANGE TO RUN-OFF ELECTION DATE

City Charter of the City of Doral

Sec. 5.01. Elections.

(a) . . .

(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~~ on the second Tuesday in December. 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.

* * *

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MANAGEMENT OF CITY COUNCIL'S LEGISLATIVE STAFF

City Charter of the City of Doral

Sec. 3.03. Powers and duties of the Manager.

The Manager shall:

- (1) Be responsible for the hiring, supervision and removal of all City employees, except as otherwise limited in Section 4.02 herein.

Sec. 4.02. Prohibitions/Authority.

(a) . . .

- (c) *Appointments and removals.* Other than as expressly provided for in Section 4.02~~(a)~~ of this Charter, neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his/her subordinates is empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees. Each Councilmember and the mayor, however, shall have the authority to individually hire, supervise, direct, and remove his/her corresponding staff member(s). The City Manager shall retain the right to enforce reasonable discipline the Councilmembers' staff, including termination, for violations of the City's laws and policies. The City Manager must provide advanced notice to Councilmember to whom the staff member reports. All hires, discipline, and termination of City Council staff shall be processed by City personnel in accordance with applicable and prevailing law.

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TIMEFRAME FOR MAYOR'S NOMINATION OF REPLACEMENT CITY MANAGER;
OPPORTUNITY FOR NOMINATION BY CITY COUNCILMEMBERS

City Charter of the City of Doral

Sec. 3.01. Appointment; removal; compensation of the Manager.

The Manager shall be nominated by the Mayor, in accordance with this Section, subject to confirmation by a majority of the Council. Upon a vacancy in the position of City Manager, the Mayor shall nominate a replacement within such period of time deemed reasonable by the Council then in office. Should the Mayor fail to nominate a candidate during that specified time, the individual members of the Council shall thereafter have the opportunity to nominate a candidate for City Manager for the Council's consideration. Once a selection for Manager has been submitted to the Council and rejected, that name may not be resubmitted to the Council by the Mayor or a member of the Council, without approval by a majority of the Council. The Manager may be removed, pursuant to this Article III, by a majority vote of the Council either upon the recommendation of the Mayor or upon the Council's own motion. The term, conditions of employment, and compensation of the Manager shall be established by the Council.

Section 3.02. Appointment of the ~~City Manager~~, City Attorney, and City Clerk.

- (a) In the event of a vacancy in the position of ~~City Manager~~, City Attorney, or City Clerk (collectively the "Charter Officers"), the members of the City Council shall each appoint one member to the search committee as provided in this Section. In order to be qualified to be appointed to the search committee, an individual shall be an elector and resident of the City for no less than two (2) years prior to their appointment to the search committee.
- (b) . . .

* * *

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TIME OUT OF OFFICE BEFORE SEEKING REELECTION

Sec. 2.03. Election and term of office.

(a) . . .

(b) *Limitations on lengths of service.* For the purposes of determining length of service, a "Term" shall be defined as serving any period of time as either Mayor or Councilmember. No person shall serve as either Mayor or Councilmember for more than two consecutive elected terms. An individual who has served two consecutive terms as a Councilmember or as Mayor must be out of office for the length of one term, four years, before seeking reelection in the same position previously held. This period out of office would not apply to individuals who have served two consecutive terms as a Councilmember and seek the position of Mayor or who have served two consecutive terms as Mayor and seek the position of Councilmember. An individual who is appointed to the position of Councilmember for a period of six (6) months, or less, shall not be considered to have served a term. An individual who is elected to the position of Councilmember or Mayor for a period of one (1) year, or less, shall not be considered to have served a term.

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