

ORDINANCE NO. 2004-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, PROVIDING FOR AMENDMENT OF THE CITY CHARTER BY AMENDING SECTION 9.6 "REGULATORY CONTROL"; AMENDING SECTION 9.10 "MODIFICATIONS" TO DELETE SAME; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR COPIES OF THIS CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE CITY CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR ADOPTION OF ENABLING RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 6.01 of the Charter of the City of Doral provides that the Council may, by ordinance, propose amendments to the Charter subject to approval by the electorate at the next general election or at a special election called for such purpose; and

WHEREAS, the Council has determined to submit certain proposed Charter amendments for approval or disapproval by the electors.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Regulatory Control

That Section 9.6 "Regulatory Control" of the City Charter, is amended by revising this section to read as follows:

Section 9.6. Regulatory Control.

The local government comprehensive plan adopted by the City of Doral pursuant to Chapter 163, Part II, Florida Statutes, shall be consistent with the adopted Miami-Dade County Comprehensive Development Master Plan (CDMP) as it may be amended from time to time, as applied to the sites listed below:

DEPARTMENT/FACILITY	LOCATION
MIAMI-DADE POLICE DEPARTMENT	
Training Bureau Metro Training Center	9601 NW 58 Street
MDPD Headquarters Complex	9105 NW 25 Street
Doral Station (District 3)	9105 NW 25 Street
MIAMI-DADE FIRE DEPARTMENT	
Training Complex	9300 NW 41 Street

MDFD Headquarters Complex	9300 NW 41 Street
Emergency Operations Center	9300 NW 41 Street
Doral Station	9710 NW 36 Street
Fontainebleau Station	8825 NW 18 Terrace
DEPARTMENT OF SOLID WASTE MANAGEMENT DISPOSAL FACILITY	
Resource Recovery	6990 NW 97 Avenue

The form of ballot of the Charter Amendments provided for in Section 1 of this Ordinance shall be as follows:

REGULATORY CONTROL.

The City Charter provides that with regard to Section 8, Township 53, Range 40, Miami-Dade County shall have exclusive regulatory control over building, zoning and planning issues as well as water and sewer installations, compliance with environmental and utility regulations and street maintenance. It is proposed to eliminate this regulatory control by Miami-Dade County and vest such authority in the City of Doral.

Shall the above described amendment be adopted?

Yes

No

Section 2. Modifications.

Section 9.10 "Modifications" is hereby amended by deleting same as follows:

The form of ballot of the Charter Amendment provided in this Section 2 of this Ordinance shall be as follows:

MODIFICATIONS.

The City Charter currently provides that in addition to the requirements for amendments to Article IX of the Charter contained in the City's own Charter, the City must secure the approval of 2/3rds of the Miami- Dade County Board of Commissioners. It is proposed to eliminate the requirement for involvement of the Miami-Dade County Commission in the process of a City Charter amendment.

Shall the above described amendment be adopted?

Yes

No

Section 3. Charter Amendment 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 are available at the office of the City clerk located at 4055 NW 97th Avenue, Doral, Florida. Copies of this Ordinance providing for this Charter Amendment 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 4. Providing for 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 each Charter amendment measure approved by a majority of voters on such measure in such election; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Providing for Adoption of Enabling Resolution.

The City Council shall provide for enactment of an enabling resolution submitting the proposed amendments to the electorate pursuant to Section 5.03 of the Dade County Charter.

Section 6. 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 7. 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.

The foregoing Ordinance was offered by Vice Mayor Cabrera, 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 Pete Cabrera	yes
Councilman Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilman Robert Van Name	yes

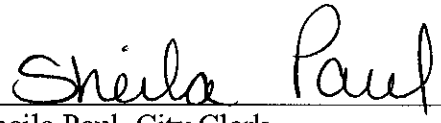
PASSED AND ADOPTED upon first reading this 23rd day of June, 2004.

PASSED AN ADOPTED upon second reading this 14th day of July, 2004.




Juan Carlos Bermudez, Mayor

ATTEST:



Sheila Paul, City Clerk

**APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:**



John J. Hearn, City Attorney