

CRC RESOLUTION NO. 2014-02

A RESOLUTION OF THE CITY OF DORAL CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF DORAL, FLORIDA, TO PROVIDE FOR A PROCESS FOR THE APPOINTMENT OF THE CITY MANAGER, CITY ATTORNEY, AND CITY CLERK (COLLECTIVELY “THE CHARTER OFFICERS”) BY PROVIDING FOR THE CITY COUNCIL TO APPOINT A SEARCH COMMITTEE, ESTABLISHING MINIMUM QUALIFICATIONS FOR THE CHARTER OFFICER POSITIONS, AND TO PROVIDE FOR A PROCESS FOR THE REMOVAL OF A CHARTER OFFICER; PROVIDING FOR PRESENTATION TO THE ELECTORATE BY THE CITY COUNCIL AT A SPECIAL REFERENDUM ELECTION TO BE HELD WITHIN THE TIME FRAME AS PROVIDED IN THE CITY CHARTER; PROVIDING THE BALLOT TITLE AND SUMMARY OF THE CHIEF PURPOSE OF THE PROPOSED AMENDMENT; PROVIDING FOR THE CITY ATTORNEY TO RENUMBER AND RELETTER ARTICLES AND SECTIONS IN ORDER TO CONFORM THE AMENDMENTS TO THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VI of the City of Doral Charter, the City of Doral Charter Review Commission may submit proposals to amend the City of Doral Charter directly to the City’s electors; and

WHEREAS, the City of Doral Charter mandates that the Charter Review Commission, no later than April 1st following the year of their appointment, present to the City of Doral Electorate its recommendations for amendments to the City Charter; and

WHEREAS, the Charter of the City of Doral, Florida provides that all amendments and revisions proposed by the Charter Review Commission must be presented by the City Council to the electorate no earlier than sixty (60) nor more than one hundred twenty (120) days after the Charter Review Commission submittal of the amendments to the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF DORAL CHARTER REVIEW COMMISSION:

SECTION 1: That pursuant to Section 6.02 of the Charter of the City of Doral, Florida, the City Council is hereby directed to place on the ballot for presentation to the electorate, at a special referendum election to be held no less than sixty (60) nor more than one hundred twenty (120) days from the date of this Resolution, the subject of which is proposed to provide for an appointment process, a search committee, and removal process for the City Manager, City Attorney, and City Clerk, and to provide minimum qualifications for the City Manager, City Attorney, and City Clerk, the full text of which is attached hereto and incorporated by reference as if fully set forth herein as **Exhibit "A"**.

SECTION 2: That the ballot title and summary for the proposed amendments/revisions as referred to above shall appear as follows:

HIRING AND REMOVAL OF THE CITY MANAGER

CITY ATTORNEY AND CITY CLERK

Currently the Charter authorizes the Mayor to nominate the City Manager and City Attorney, subject to City Council approval; removal of City Manager, City Attorney, and City Clerk occurs by City Council majority vote. Shall the Charter be amended to provide for a search committee to recommend a City Manager, City Attorney, and City Clerk; to provide for a removal process; and to establish minimum qualifications for City Manager, City Attorney, and City Clerk?

YES FOR APPROVAL _____

NO FOR REJECTION _____

SECTION 3: That should a majority of electors voting on the above-referenced referendum election vote "YES," thereby approving the above ballot issue, attached **Exhibit "A"** shall become a part of the Charter of the City of Doral, Florida.

SECTION 4: That the City Attorney is hereby directed to insure that the appropriate numbers and/or letters are affixed to the Articles and Sections of the Charter in order to conform the Charter to the amendments if approved.

SECTION 5: That if any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 6: That this resolution shall become effective immediately upon its adoption.

The foregoing resolution was offered by member Mazzola who moved its adoption. The motion was seconded by Vice Chair Reisman and upon being put to a vote, the vote was as follows:

Chair Jesse A. Jones	Yes
Vice Chair Jerome Reisman	Yes
Christian L. Mazzola	Yes
Raymond G. Bush, Jr.	Absent (Excused)
Eduardo Gomez	No

PASSED and ADOPTED this 13th day of March, 2014



JESSE A. JONES, CHAIR

ATTEST:


BARBARA HERRERA, CITY CLERK

DNT:dnt

EXHIBIT "A"

Sec. 2.02. Mayor and Vice Mayor.

(a) *Mayor.* The Mayor shall preside at meetings of the Council and be a voting member of the Council. In addition, the Mayor shall have the following specific responsibilities:

~~i) Recommend the appointment of a City Manager to the Council in accordance with Section 3.02 of this Charter.~~

~~ii) Recommend the appointment of a City Attorney to the Council in accordance with Section 3.07 of this Charter.~~

* * *

Sec. 3.01. City Manager.

There shall be a City Manager (the "Manager") who shall be the chief administrative officer of the City. The Manager shall be responsible to the Council for the administration of all City affairs.

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) The City Council shall appoint the search committee by resolution and provide for a time period of no more than sixty (60) days for the search committee to complete its duties. The City Council may extend the term of the search committee for an additional period of time upon receiving a written request from the search committee. In addition, the City Council may, in the resolution, include additional qualifications for the Charter Officer position, other than those provided in the City Charter.

(c) All meetings of the search committee shall be open to the public, and comply with the provisions of Florida's Sunshine Law, Section 286.011, Fla.Stat., as may be amended from time to time, and Florida's Public Records Law, Section 119.07, Fla.Stat., as may be amended from time to time. A quorum of the search committee shall be no less than three (3) members.

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(d) The search committee has the authority to hire consultants or firms to assist in the recruitment, evaluation, interview, and recommendation process relating to candidates to fill the vacant Charter Officer position. In addition, the search committee shall publicly advertise the existence of the vacant position and the search committee's desire to have qualified individuals, or firms submit resumes or proposals to fill the vacant position.

(e) Following the review of any resumes, recommendations, and interviews, the search committee shall forward the names of no less than two (2) and no more than four (4) candidates to fill the vacant Charter Officer position. If the City Council does not select any of the recommended candidates to fill the vacant position, the City Council shall request that the search committee continue the interview process for new candidates, and extend the term of the search committee.

(f) Once the City Council has hired the individual to fill the vacant Charter Officer position, the search committee shall be disbanded without any further action by the City Council.

Section 3.03 Removal of City Manager, City Attorney, or City Clerk

The City Council shall, prior to any City Council vote on the removal of any of the Charter Officers, specifically include the consideration of the removal of the Charter Officer as an agenda item on a City Council agenda, along with specific agenda items regarding the appointment of the search committee, and the appointment of an interim Charter Officer. The inclusion of an agenda item related to the removal of the Charter Officer shall include sufficient documentation to educate the Mayor and Councilmembers regarding the basis for the proposed action so that the members of the City Council may make a reasoned and informed decision regarding the potential removal of a Charter Officer. If the City Council votes to remove a Charter Officer, the Council shall, at the same meeting, appoint a search committee as provided in this Charter to search for a candidate to fill the vacant position, and appoint an interim Charter Officer. A Charter Officer may be removed by a majority vote of the City Council, pursuant to this Section.

~~Sec. 3.02. Appointment; removal; compensation of the Manager.~~

~~The Manager shall be nominated by the Mayor subject to confirmation by a majority of the Council. 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 without approval by a majority of the Council. The Manager may be removed at any time by a majority 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.~~

Sec. ~~3.04~~3.03. Powers and duties of the Manager.

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The Manager shall:

- (1) Be responsible for the hiring, supervision and removal of all City employees;
- (2) Direct and supervise the administration of all departments and offices but not City boards or agencies, unless so directed by the Council from time to time;
- (3) Attend all Council meetings and have the right to take part in discussion but not the right to vote;
- (4) Ensure that all laws, provisions of this Charter and acts of the Council, subject to enforcement and/or administration by him/her or by officers subject to his/her direction and supervision, are faithfully executed;
- (5) Prepare and submit to the Council a proposed annual budget and capital program;
- (6) Submit to the Council and make available to the public an annual report on the finances and administrative activities of the City as of the end of each fiscal year;
- (7) Prepare such other reports as the Council may require concerning the operations of City departments, offices, boards and agencies;
- (8) Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as s/he deems to be in the best interests of the City;
- (9) Execute contracts, deeds and other documents on behalf of the City as authorized by the Council;
- (10) Pursue the collection of all allowable fees and taxes and maximize financial revenues as necessary to sustain the City and the service levels set by the Council; and
- (11) Perform such other duties as are specified in this Charter or as may be required by the Council.

Sec. 3.05 Minimum Qualifications for City Manager

The City Manager shall be no less than thirty (30) years of age, and have the minimum qualifications of a combination of a bachelor's degree in public administration, business administration or other related fields from an accredited college or university, and three (3) years' public administration experience; or ten (10) years' experience in a City Manager or Assistant City Manager position, which is certified by the International City Manager Association.

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Sec. ~~3.06~~3.04. Absence or disability of Manager.

To perform his/her duties during his/her temporary absence or disability, the Manager may designate by letter filed with the City Clerk, a qualified administrative officer of the City. In the event of the failure of the Manager to make such designation, or should the person so designated by the Manager be unsatisfactory to the Council, the Council may by resolution appoint an officer of the City to perform the duties of the Manager until s/he shall return or his/her disability shall cease.

Sec. ~~3.07~~3.05. Bond of the Manager.

The Council may provide by ordinance for the Manager to furnish a fidelity bond to be approved by the Council, and in such amount as the Council may fix. The premium of the bond shall be paid by the City.

Sec. 3.06. City Clerk.

(a) Duties. ~~The Council shall appoint a City Clerk (the "Clerk").~~ The City Clerk ("Clerk") shall give notice of Council meetings to its members and the public, shall keep minutes of its proceedings and shall perform such other duties as the Council may prescribe from time to time. The Clerk shall report to the Council.

(b) Appointment; ~~removal~~; compensation. The Council shall appoint the Clerk for an indefinite term. ~~The Clerk may be removed at any time by a majority of the Council either upon the recommendation of the Mayor or upon the Council's own motion.~~ The compensation and benefits of the Clerk shall be fixed by the Council.

3.07 Minimum Qualifications for City Clerk

The minimum qualifications for the City Clerk shall be as follows: Either a degree from an accredited four-year United States college or university in a related field (public administration or business administration), or four (4) years' experience as a City Clerk and designation or pursuing designation as Certified Municipal Clerk by the International Institute of Municipal Clerks.

Sec. ~~3.08~~3.07. City Attorney.

~~The Mayor shall nominate, subject to approval by a majority of the Council, The City Attorney shall be~~ an individual attorney or law firm that shall perform the duties of ~~to act as~~ the City Attorney under such terms, conditions, and compensation as may be established by the Council. The City Attorney shall report to the Council. ~~The City Attorney may be removed by the Council at any time.~~

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3.09 Minimum Qualifications for City Attorney

The minimum qualifications for the City Attorney shall be as follows: The City Attorney shall have been admitted to practice in the State of Florida for no less than five (5) years at the time of their appointment, be a member of good standing in the Florida Bar, and have no less than three (3) years' experience in the practice of law for local government.

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