

**RESOLUTION #2005-74**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE CITY CHARTER AS PROPOSED BY THE CHARTER REVISION COMMISSION AND BY THE CITY COUNCIL IN ACCORDANCE WITH ARTICLE VI OF THE CITY CHARTER; SUBMITTING PROPOSED CHARTER REVISIONS CONCERNING SECTION 9.6 “REGULATORY CONTROL”; SECTION 2.05 “VACANCY; FORFEITURE OF OFFICE; FILLING OF VACANCIES”; SECTION 2.06 “COMPENSATION; REIMBURSEMENT FOR EXPENSES”; SECTION 4.02 “PROHIBITIONS”; AND SECTION 6.02 “CHARTER REVISIONS”; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE HELD ON TUESDAY THE 24<sup>TH</sup> DAY OF JANUARY, 2006; PROVIDING NOTICE OF ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Article VI of the City Charter, the City Council has reviewed the proposed amendments from its appointed Charter Review Commission and has passed ordinances approving the proposed amendments to be placed on a referendum; and

**WHEREAS**, pursuant to Article VI of the City Charter, the City Council of the City of Doral, Florida is required to submit the Charter Amendments to the electors of the City.

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

**Section 1. Charter Amendments.** That pursuant to Article VI of the City Charter and Section 5.03 of the Miami-Dade County Charter, the City Charter of the City of Doral,

Florida is hereby amended by amending the City Charter Sections described below in Parts A - E

Part A. That Section 9.6 “Regulatory Control” of the City Charter is amended 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 and ~~section 8, Township 53, Range 40:~~

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

<b>MIAMI-DADE FIRE DEPARTMENT</b>	
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
<b>DEPARTMENT OF SOLID WASTE MANAGEMENT</b>	
<b>Disposal Facility</b>	
Resource Recovery	6990 NW 97 Avenue

The Miami-Dade County Board of County Commissioners may revise this list of facilities from time to time.

Any use or activity allowed by the CDMP over the listed sites may not be limited or impeded in any way by the local government comprehensive plan adopted by the City of Doral. ~~Any use or activity allowed by the CDMP in the Industrial and land use classification shall be allowed in Section 8, Township 53, Range 40.~~ Jurisdiction over the listed sites including ~~Section 8, Township 53, Range 40,~~ for purposes of zoning and building approvals (including but not limited to site plan approvals, issuance of building permits, building inspections, compliance with the Florida Building Code or other applicable building code, issuance of certificates

of occupancy, zoning applications, special exceptions, variances, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Zoning Departments) water and sewer installations, compliance with environmental regulations, street maintenance (including sidewalks, if applicable) and utility regulation shall be and is hereby vested in Miami-Dade County regardless of any City of Doral code, charter, or ordinance provision to the contrary. So long as Miami-Dade County maintains jurisdiction over the matters set forth in this paragraph, Miami-Dade County shall pay the costs of providing the services described herein.

This provision shall not alter or affect the legal rights of any person residing or owning real property within the City. The City shall not institute, intervene or otherwise participate in, in opposition to Miami-Dade County, any judicial or formal administrative proceeding regarding land use or development of the listed sites, or Miami-Dade County's planning or regulatory requirements for any listed facility of countywide significance. These Charter provisions shall be deemed self-executing.

Part B. That Section 2.05 "Vacancy; Forfeiture of Office; Filling of Vacancies," of the City Charter is amended to read as follows:

**Section 2.05. Vacancies; Forfeiture of Office; Filling of Vacancies.**

(c) *Filling of vacancies.* A vacancy on the Council shall be filled as follows:

(i) If the vacancy occurs in a Seat and six months or less remain in the unexpired term, the vacancy shall be filled by vote of the Council. If the vacancy occurs in the office of Mayor, the vacancy in the Mayor's position and the temporary vacancy on the Council during service by the Vice Mayor as Interim Mayor, shall be filled as provided by subparagraph (iii) below.

(ii) If more than six months remain in the unexpired term of a Councilmember and the vacancy is not the Vice-Mayor's position when the Vice-Mayor is serving as Interim Mayor, the vacancy shall be filled by a special election to be held not sooner than 45 days or more than 90 days following the occurrence of the vacancy, unless there is a City, County, State or a national election scheduled to take place within 150 days, in which case the vacancy shall be filled by special election on the first such election date.

(iii) If the Mayor's position becomes vacant, the Vice-Mayor shall serve as Interim Mayor, with all powers of Mayor, until the next regularly scheduled federal, state, county, or City of Doral election. complete the term of Mayor. When the Vice Mayor becomes Interim Mayor, the Council, by majority vote

shall appoint an interim Councilmember to fill the Vice Mayor's vacant seat only until the required election of the Mayor. The vacancy thus created on the Council shall be filled in the manner that the vacancy of a Councilmember is generally filled under the subsection (c). The Council shall then select a new Vice-Mayor within thirty days of the Vice-Mayor becoming Interim Mayor. The Councilmember serving as Interim Mayor shall serve as Mayor until the newly elected Mayor is sworn into office. Should the Interim Mayor seek election as Mayor, he or she shall declare for such and resign his or her Council seat as required for candidacy eligibility requirements of Florida law. Should the Interim Mayor not seek election as Mayor, the Interim Mayor shall return to the position of Councilmember previously held to serve the remainder of his or her unexpired term if any.

(iv) Persons filling vacancies shall meet the qualifications specified in this Article II.

~~(vi)~~(v) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the Council shall appoint a person qualified under this Article to fill the vacancy.

~~(vii)~~ (vi) Notwithstanding any quorum requirements established in this Charter, if at any time the full membership of the Council is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the extent otherwise permitted or required under this subsection (c).

~~(viii)~~(vii) In the event that all Members of the Council are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor shall appoint an interim Council who shall call a special election within not less than 30 days or more than 60 days after such appointment. Such election shall be held in the same manner as the initial elections under this Charter; provided, however, that if there are less than six months remaining in any unexpired terms, those particular interim Members of the Council appointed by the Governor shall serve out the unexpired terms. Appointees shall meet the requirements for candidates specified in this Article.

Part C. That Section 2.06 "Compensation; Reimbursement for Expenses," of the City Charter, is amended to read as follows:

**Section 2.06 "Compensation; Reimbursement for Expenses."**

Councilmembers shall receive compensation in the amount of ~~\$7,200~~ \$12,000 per fiscal year. The Mayor shall receive compensation in the amount of ~~\$10,000~~ \$50,000 per fiscal year. The above notwithstanding, the compensation for Councilmembers and the Mayor shall be adjusted each calendar year consistent with the Urban Consumer Price

Index. The Council shall also receive reimbursement in accordance with applicable law, or as may be otherwise provided by ordinance, for authorized expenses incurred in the performance of their official duties.

Part D. That Section 4.02 “Prohibitions,” of the City Charter is amended to read as follows:

**Section 4.02 “Prohibitions.”**

(a) The City Manager may terminate Department Directors except if the Council, by 4/5 majority vote, disapproves said termination.

~~(a)~~ (b) 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.

Part E. That Section 6.02 “Charter Revisions,” of the City Charter is amended to read as follows:

**Section 6.02 “Charter Revisions.”**

(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 1<sup>st</sup> of the year following appointment. The Council shall, not less than 60 days or more than 120 days 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.

(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. ~~The Mayor's appointment shall be one elector who served as a member of the previous Charter Commission, or, if a former Charter Commission member is not available to serve, any elector.~~

**Section 2. Election Called.** That a special election is hereby called, to be held on Tuesday, the 24<sup>th</sup> day of January, 2006, to present to the qualified electors of the City of Doral the ballot questions provided in Section 3 of this Resolution.

**Section 3. Form of Ballot.** That the form of ballot for the Charter Amendments provided for in Section 1 of this Resolution shall be substantially as follows:

**I. 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 [ ]

**2. FILLING OF VACANCY OF MAYOR AND TEMPORARY VACANCY OF COUNCILMEMBER SERVING AS INTERIM MAYOR**

The current Charter provides that when Mayor's position becomes vacant, the Vice-Mayor completes the Mayor's term. Shall the Charter be amended to provide that the Vice-Mayor shall serve as Interim Mayor until the next regularly scheduled election in the City, that Council appoint an interim Councilmember to serve only until the next regularly scheduled election, and that Interim Mayor may return to Council for unexpired term after election of Mayor?

Yes [ ]

No [ ]

**3. CHANGING COMPENSATION STRUCTURE FOR MAYOR AND COUNCILMEMBERS**

The current Charter sets the exact amount of compensation for Councilmembers at \$7,200 and \$10,000 per year for the Mayor. Shall the Charter be amended to provide for compensation to be set at \$12,000 per year for Councilmembers and \$50,000 per year for the Mayor with an adjustment each calendar year based on the Urban Consumer Price Index?

Yes [ ]

No [ ]

**4. CHANGING COUNCIL AUTHORITY AS TO TERMINATION OF CITY DEPARTMENT DIRECTORS**

The current Charter does not provide the City Council with any authority over the termination of City Department Directors. Should the Charter be amended to allow the City Council to override the City Manager's decision to terminate a Department Director by a super-majority vote disapproving the termination?

Yes [ ]

No [ ]

**5. AMENDING SELECTION PROCESS FOR CHARTER REVIEW COMMISSIONS**

The current Charter provides that the Mayor's selection for the Charter Revision Commission (Commission) must have served as a member of the previous Commission. Shall the Charter be amended to allow the Mayor's selection to be any elector residing in the City, eliminating the requirement that the Mayor's appointment be a member of the previous Commission?

Yes [ ]

No [ ]

**Section 4. Balloting.** That balloting shall be conducted between the hours of 7:00 a.m. until 7:00 p.m. on election day at the regular polling places for City elections. Absentee ballots shall be provided as authorized by law. All qualified City electors who are timely registered in accordance with the law shall be entitled to vote. The City Clerk is authorized to obtain any necessary election administration services from the Miami-Dade County Supervisor of Elections.

**Section 5. Notice of Election.** That notice of said election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the City at least 30 days prior to said election, the first publication to be in the fifth week prior to the election (to wit: during the week commencing Sunday, December 18, 2005), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, January 1, 2006) and shall be in substantially the following form:

**NOTICE OF SPECIAL ELECTION**

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2005 – 74 ADOPTED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA (THE "CITY") AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY ON TUESDAY, THE 24<sup>TH</sup> DAY OF JANUARY, 2006 BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M. AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSALS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY.



## **I. 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 [ ]

## **2. FILLING OF VACANCY OF MAYOR AND TEMPORARY VACANCY OF COUNCILMEMBER SERVING AS INTERIM MAYOR**

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Yes [ ]

No [ ]

## **3. CHANGING COMPENSATION STRUCTURE FOR MAYOR AND COUNCILMEMBERS**

The current Charter sets the exact amount of compensation for Councilmembers at \$7,200 and \$10,000 per year for the Mayor. Shall the Charter be amended to provide for compensation to be set at \$12,000 per year for Councilmembers and \$50,000 per year for the Mayor with an adjustment each calendar year based on the Urban Consumer Price Index?

Yes [ ]

No [ ]

**4. CHANGING COUNCIL AUTHORITY AS TO TERMINATION OF CITY DEPARTMENT DIRECTORS**

The current Charter does not provide the City Council with any authority over the termination of City Department Directors. Should the Charter be amended to allow the City Council to override the City Manager's decision to terminate a Department Director by a super-majority vote disapproving the termination?

Yes [ ]

No [ ]

**5. AMENDING SELECTION PROCESS FOR CHARTER REVIEW COMMISSIONS**

The current Charter provides that the Mayor's selection for the Charter Revision Commission (Commission) must have served as a member of the previous Commission. Shall the Charter be amended to allow the Mayor's selection to be any elector residing in the City, eliminating the requirement that the Mayor's appointment be a member of the previous Commission?

Yes [ ]

No [ ]

**Polling place information and the full text of the proposed City Charter Amendments are available at the Office of the City Clerk located at 8300 N.W. 53<sup>rd</sup> Street, Suite 100, Doral, Florida, 33166.**

**Section 6.** Copies. That copies of the Resolution proposing the Charter Amendments are on file at the Office of the City Clerk located at 8300 N.W. 53<sup>rd</sup> Street, Suite 100, Doral, Florida 33166, and are available for public inspection during regular business hours.

**Section 7.** Effectiveness. That the Charter Amendments provided for in Section I above shall become effective if the majority of the qualified electors voting on the specific Charter Amendment vote for its adoption, and it shall be considered adopted and effective upon certification of the election results. Following adoption of the Charter Amendments the

City Clerk shall file the adopted Charter Amendments with the Clerk of the Circuit Court of Miami-Dade County, Florida.

**Section 8.** Inclusion in the Charter. Subject to the requirements of Section 7 above, it is the intention of the City Council and it is hereby provided that the Charter Amendments shall become and made a part of the Charter of the City of Doral; that the Sections of this Resolution may be renumbered or relettered to accomplish such intention.

(This section left blank intentionally)

**Section 9.** Effective Date of Resolution. That this Resolution shall become effective immediately upon adoption hereof.

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

Councilman DiPietro	Yes
Councilwoman Ruiz	Yes
Councilman Van Name	Yes
Vice Mayor Cabrera	Yes
Mayor Bermudez	Yes

PASSED and ADOPTED this 9<sup>th</sup> day of November, 2005.

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
BARBARA HERRERA-HILL, CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JOHN J. HEARN, ESQ., CITY ATTORNEY