

ORDINANCE NO. 2005 - 21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO ARTICLE IV OF THE CITY CHARTER, ENTITLED "LEGISLATIVE," AND IN PARTICULAR SECTION 4.02 ENTITLED "PROHIBITIONS," BY AMENDING THE TITLE TO "PROHIBITIONS/AUTHORITY," PROVIDING THE CITY COUNCIL WITH THE AUTHORITY TO PREVENT THE TERMINATION OF A DEPARTMENT HEAD UPON A 4/5 MAJORITY VOTE; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION BE PUBLISHED IN ACCORDANCE WITH THE APPLICABLE LAW; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF DORAL, FLORIDA ON THE JANUARY 24, 2006 SPECIAL ELECTION MUNICIPAL BALLOT AND SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of Doral, Florida; and

WHEREAS, Section 5.03 of the Miami-Dade County Charter recognizes the authority of municipalities to amend their Charter; and

WHEREAS, Section 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 called for such purpose; and

WHEREAS, the City Council has created a Charter Review Committee to engage in a comprehensive review of the City Charter; and

WHEREAS, the Charter Review Committee completed its designated function on October 10, 2005 and has forwarded its recommendation to the City Council; and

WHEREAS, one of the Committee's recommendation was to provide the Council with authority to approve/disapprove the City Manager's selection of Department Directors, to provide the City Council with the authority to conduct a review of Department Directors after completion of the first year, and to prevent the City Manager from terminating a Department Director upon a 4/5 majority vote of the Council; and

WHEREAS, the Council has properly reviewed, considered and directed that this Ordinance be prepared and that the appropriate Charter referendum question be included herein and submitted to the qualified electors of the City of Doral, Florida at the January 24, 2006 special municipal election; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA:

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

Section 2. Article IV of the City Charter, entitled "Legislative," in particular Section 4.02 currently entitled "Prohibitions," shall be amended to read as follows:

Section 4.02. Prohibitions/Authority.

(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.

Section 3. The ballot title shall be as follows:

CHANGING COUNCIL AUTHORITY AS TO TERMINATION OF
CITY DEPARTMENT DIRECTORS

Section 4. The form of the ballot of the Charter amendment, which shall be placed on the ballot for consideration by the qualified electors of the City of Doral, Florida, at the January 24, 2006 special municipal election shall read as follows:

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 []

Section 5. 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 8300 NW 53 Street, Suite #100, 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 6. 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 7. 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 Miami-Dade County Charter.

Section 8. Severability

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance is 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 9. 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 DiPietro and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	Yes
Councilmember Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes
Councilmember Robert Van Name	Yes

PASSED AND ADOPTED upon first reading the 18th day of October, 2005.

PASSED AND ADOPTED upon second reading the 9th day of November, 2005.




JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA-HILL, CITY CLERK

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



JOHN J. HEARN, CITY ATTORNEY