

ORDINANCE No. 2024-10

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION 2-70 “SAME—AGENDA” IN CHAPTER 2 “ADMINISTRATION” OF THE CITY’S CODE OF ORDINANCES, BY MODIFYING THE PROCEDURES FOR THE PLACEMENT OF CITY COUNCIL–INITIATED ITEMS ON AGENDA FOR CITY COUNCIL MEETINGS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on March 11, 2009, the City of Doral (“City”) adopted Ordinance No. 2009-09, codified in Section 2-70 of the City’s Code of Ordinances (the “Code”), establishing a set of comprehensive procedures for City Council meetings, which procedures provided for the manner and timing for the placement of items on the agenda; and

WHEREAS, thereafter, in 2014, Section 4.10 of the City Charter was created to provide a process governing City Councilmembers’ ability to place items on City Council agendas, including time limits for submittal of agenda items by members; and

WHEREAS, specifically, Section 4.10(b) of the City Charter provides that if a City Councilmember desires to have an item on the City Council regular meeting agenda for consideration, the City Councilmember shall submit the request for the agenda item to be included on the City Council regular meeting, to the City Clerk no less than seven (7) days prior to the City Council regular meeting; and

WHEREAS, Section 4.10(c) of the City Charter further provides that the City Council member shall submit supporting documentation related to the specific agenda item that is sufficient for the City Council to have notice of the specific agenda item request, and to be able to evaluate the agenda item at the regular City Council meeting,

and that said supporting documentation shall be submitted to the City Clerk no less than four (4) business days prior to the regular City Council meeting; and

WHEREAS, in 2017, pursuant to Ordinance No. 2017-21, Section 2-70 of the Code was modified again to provide that members of the City Council shall deliver proposed agenda items to the City's Clerk's office a minimum of three (3) weeks before the City Council meeting in which the item would be discussed, and the stated legislative intent was to further maximize the efficacy of the City Councilmembers and the efficiency of the City Council meetings, by requiring that said proposed agenda items be first submitted to, and reviewed by, the administration to ensure sufficient background research and compliance with applicable law, the City budget and other administrative factors and to facilitate more expedited consideration of such items; and

WHEREAS, the Code provisions as adopted in 2017 provided that if the review of the proposed agenda item was complete, the City Manager shall transmit the item to the City Clerk for inclusion in the agenda, however if review of the proposed item required additional time, the City Manager shall advise the Councilmember accordingly, and the City Council member may acquiesce to the Manager's request or request the incomplete item to be placed on the agenda; and

WHEREAS, pursuant to Ordinance No. 2023-01, Section 2-70 (h) of the Code was further revised to provide that should the sponsoring Councilmember elect to advance a partially reviewed item to the desired agenda for consideration, said item shall be placed on the agenda under "Order of Business" and can only be included into the agenda as a discussion item upon the affirmative approval of the majority of the City Council; and

WHEREAS, the Mayor and City Council desire to revise the aforementioned policies in the Code to better align with Section 4.10 of the City Charter; and

WHEREAS, the Mayor and City Council believe it is in the best interest of the City to revise Section 2-70 of the Code to allow City Councilmembers to place items on an agenda for discussion, without the requirement of an affirmative approval of the majority of the City Council, even if the item was submitted less than 3 weeks before the City Council meeting, or is only partially vetted.

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

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

Section 2. Amendment to the Code. The Code of Ordinance for the City of Doral is hereby amended as follows:

Chapter 2. ADMINISTRATION.

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Article II. – CITY COUNCIL

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DIVISION 3. – RULES OF PROCEDURE.

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Sec. 2-70. – Same Agenda.

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(b) Members of the city council may submit items for placement on the agenda.

Members of the city council shall endeavor to deliver All proposed agenda items ~~shall be delivered~~ to the city manager's office a minimum of three (3) weeks before the city

council meeting in which the item will be discussed. All proposed agenda items shall be accompanied with background documentation and transmitted to the city manager for review. Such background information shall be sufficient to permit clear analysis of the legislative objective and advise the city council and the public of the nature of any requested actions that may be taken on the items. The city manager shall work with city departments and the city attorney's office to review, provide feedback, and make recommendations concerning the proposed agenda item. The city administration's feedback shall include a fiscal impact statement. As part of the council memorandum that accompanies any ordinance or resolution placed on a city council meeting agenda (including any resolution calling for a voter referendum on any measure), the city administration shall, to the extent applicable, prepare a written statement, to be included as a stand-alone section of the council memorandum, briefly describing the estimated or anticipated increase or decrease of the revenues or expenditures of the city associated with the proposed measure, if any, for the current fiscal year and the subsequent fiscal year. The memorandum shall include a budget score for the item, and advise whether an item is budgeted, and whether budgeted funds are otherwise available for the item.

When if the review of the proposed agenda item is complete, the city manager shall prepare a recommended position on the item based on the administration's review and transmit the item to the city clerk for inclusion in the agenda. If the proposed item does not promote the city's strategic plan, the city manager shall advise the council member accordingly, ~~and the item shall not be placed on the agenda until such time as the review is complete and a recommendation is rendered.~~ These items shall be part of the meeting notice and part of the meeting agenda. ~~No item placed on the agenda shall~~

~~be sponsored by the mayor or member of the city council.~~ Every item submitted by the mayor and member of the city council to the city clerk for each city council regular or special meeting agenda shall identify the city administration and the appropriate department as the sponsor. No member of the city council may present more than four items at any meeting.

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(h) The city manager shall endeavor to complete the review prior to the submission deadline specified in the city Charter. When the review of the proposed agenda item is complete, the city manager shall provide the required feedback on the item based on the administration's review and transmit the item to the city clerk for inclusion in the next or date certain agenda. If the review of proposed item requires additional time such that the desired council meeting agenda deadline cannot be met, the city manager shall advise the council member accordingly. The sponsoring council member may elect to schedule the proposed item to a future agenda to allow for additional review time or to advance the partially reviewed item to the desired agenda for consideration. The agenda item must nevertheless have sufficient information to comply with the Charter and the requirements of this section. Partially reviewed items, or items that were not delivered to the city manager's office a minimum of three (3) weeks before the city council meeting in which the item will be discussed, shall nevertheless be placed on the agenda under "Order of Business Discussion items" and ~~may be included into the agenda as a discussion item upon the affirmative approval of the majority of the city council.~~ ~~The city council may entertain one or more partially reviewed items, individually or collectively, for inclusion in the agenda as discussion items.~~ These items shall be part

of the meeting notice and part of the meeting agenda. The council member requesting that an item be placed on the agenda shall deliver to the city clerk's office, for distribution to the other members of city council, a brief memorandum explaining the reason for the item and copies of all materials to be used in the member's presentation of the agenda item, including, but not limited to, reports, brochures, power point presentations and other visual or audio-visual displays, a minimum of ~~three~~ four (4) business days before a city council meeting. City council-initiated agenda items shall identify the sponsoring councilmember. Council members may request to be co-sponsors on an item, which such co-sponsorship shall be considered during the discussion of the item and either independently entertained and approved or included as a condition for approval of the item. No member of the city council may present more than four items at any meeting. Co-sponsorship of an agenda item shall not count towards the four agenda item limit.

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Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word "ordinance" may be

changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. 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 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately.
The Prime Sponsor of the foregoing ordinance is Councilwoman Maureen Porras.

The foregoing Ordinance was offered by Vice Mayor Puig-Corve who moved its adoption.

The motion was seconded by Councilmember Cabral upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Oscar Puig-Corve	Yes
Councilwoman Digna Cabral	Yes
Councilman Rafael Pineyro	Yes
Councilwoman Maureen Porras	Yes

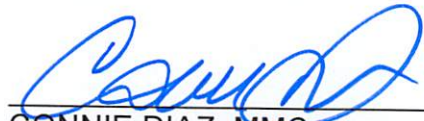
PASSED AND ADOPTED on FIRST READING this 14 day of February, 2024.

PASSED AND ADOPTED on SECOND READING this 13 day of March, 2024.



CHRISTI FRAGA, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

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

By: 

GREENSPOON MARDER, LLP
INTERIM CITY ATTORNEY