

ORDINANCE NO. 2005 - 22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO ARTICLE VI OF THE CITY CHARTER, ENTITLED "CHARTER AMENDMENTS," AND IN PARTICULAR SECTION 6.02 ENTITLED "CHARTER REVISIONS," PROVIDING THAT EACH MEMBER OF THE COUNCIL, INCLUDING THE MAYOR, SHALL APPOINT ONE ELECTOR TO THE CHARTER COMMISSION; DELETING THE REQUIREMENT THAT THE MAYOR'S APPOINTMENT BE AN ELECTOR WHO SERVED AS A MEMBER OF A PREVIOUS CHARTER COMMISSION; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION BE PUBLISHED IN ACCORDANCE WITH 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 one of the Committee's recommendation was to provide that compensation for Councilmembers and the Mayor shall not exceed certain thresholds and that the calculation of those thresholds will be all non-accountable expense allowances; 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 VI of the City Charter, entitled "Charter Amendments," in particular Section 6.02 currently entitled "Charter revision," shall be amended to read as follows:

Section 6.02. Charter revision.

(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 1st 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 3. The ballot title shall be as follows:

AMENDING SELECTION PROCESS FOR CHARTER REVIEW COMMISSIONS

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 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 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 Councilwoman Ruiz 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