

**RESOLUTION No. 09 – 70**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND LIMITED PUBLIC FUNDS FOR THE PURPOSE OF FURNISHING INFORMATION TO CITY RESIDENTS PRIOR TO THE JUNE 25, 2009 REFERENDUM ON THE PROPOSED CHARTER AMENDMENTS; BUDGETING AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$15,000.00 FOR THE PURPOSE OF FUNDING CERTAIN PUBLIC EDUCATION EFFORTS ASSOCIATED WITH THE PROPOSED CHARTER AMENDMENTS PURSUANT TO SECTION 166.021, FLORIDA STATUTES, AND SECTION 106.071, FLORIDA STATUTES; FINDING THAT THIS EXPENDITURE IS IN THE BEST INTERESTS OF THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF DORAL PURSUANT TO SECTION 166.241, FLORIDA STATUTES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO DO ALL THINGS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on April 22, 2009, the City Council of the City of Doral adopted a Resolution that calls for a referendum to be held on June 25, 2009, regarding proposed Charter Amendments; and

**WHEREAS**, the City Council desires to educate and advocate to the residents and electors of the City of Doral as to the proposed purpose, scope, and goals of the Charter Amendments; and

**WHEREAS**, the City Council adopts the opinion of the Florida Attorney General in Attorney General Opinion 98-033, dated April 30, 1998, where it is stated that a governmental entity may expend public funds for the purpose of furnishing information

to the electors regarding ballot issues, provided that the governing body makes legislative findings as to the purpose of the expenditure and the benefits to the health, safety, and general welfare of the public; and

**WHEREAS**, the Florida Supreme Court, in the case styled People Against Tax Revenue Mismanagement, Inc. v. County of Leon, 583 So.2d 1373 (Fla. 1991), indicated that the government may expend public funds to support or oppose an issue that is deemed by the governing body to be in that government's best interests; and

**WHEREAS**, the City Council has determined that the proposed Charter Amendments will benefit the City of Doral by keeping City residents' tax money with the City of Doral; and

**WHEREAS**, the City Council of the City of Doral, pursuant to Section 106.071, Florida Statutes and Section 166.241, Florida Statutes, desires to budget and appropriate an amount not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00) regarding the Charter Amendments; and

**WHEREAS**, the City Council of the City of Doral finds the expenditure of public funds, as provided in this Resolution, to be in the best interests of the health, safety and general welfare of the residents and citizens of the City of Doral;

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

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified as true and correct and incorporated herein by this reference.

**Section 2.** It is hereby found and determined that the proposed Charter Amendments will be in the best interests of the health, safety, and welfare of the

citizens, residents, and businesses located within the City of Doral and that in order to advocate and to educate the citizens, residents, and businesses, that pursuant to Section 166.241, Florida Statutes, that the City Council hereby budgets and appropriates an amount not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00) related to the Charter Amendments.

**Section 3.** It is further found that it is necessary and appropriate to provide information regarding the proposed Charter Amendments that is the subject of a referendum election currently scheduled for June 25, 2009; and that the expenditure of limited public funds in an amount not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00) to advocate and to educate the citizens of Doral regarding the proposed Charter Amendments serves a public and municipal purpose.

**Section 4.** The City Manager of the City of Doral, Florida, be and the same is hereby authorized and directed to do all things necessary and expedient in order to effectuate the intent of this Resolution and the provision of information to the citizens, residents and businesses within the City of Doral regarding the proposed Charter Amendments.

**Section 5.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 7.** This Resolution shall take effect immediately upon its adoption.

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

Councilman Pete Cabrera	Yes
Councilwoman Sandra Ruiz	Yes
Councilman Robert Van Name	Yes
Vice Mayor Michael DiPietro	Yes
Mayor Juan Carlos Bermudez	Yes

PASSED and ADOPTED this 3<sup>rd</sup> day of June, 2009.

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

ATTEST:

  
\_\_\_\_\_  
BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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