

ORDINANCE No. 2023-29

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION 2-73 OF THE CITY OF DORAL CODE OF ORDINANCES ENTITLED "RULES FOR CONDUCT OF BUSINESS" TO CLARIFY THAT THE PROCEDURES RELATED TO MAYOR AND COUNCILMEMBER EXCUSED OR UNEXCUSED ABSENCES RELATES SOLELY TO THE REGULAR COUNCIL MEETINGS OF THE CITY COUNCIL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Section 4.01 of the Charter of City of Doral ("City"), the City Council shall hold at least 11 "regular" monthly meetings in each calendar year, at such times and places as the City Council may prescribe by rule; and

WHEREAS, regular meetings of the City Council are vital to the efficient functioning of City Government, as said meetings serve as the primary forum for the City Council to communicate with each other, consider City business, make policy decisions, approve contracts, establish budgets and enact ordinances and resolutions; and

WHEREAS, attendance at regular meetings of the City Council are an integral part of the Mayor's and Councilmembers' duties, so much so that Section 2.05 of the City's Charter provides that a member of the City Council is subject to forfeiture of their office, in the discretion of the remaining members of the Council, if s/he was absent without good cause from any six (6) "regular meetings" of the Council during any calendar year, or if s/he is absent without good cause from any four (4), or three (3) as to the Mayor, consecutive "regular meetings" of the Council, whether or not during the same calendar year; and

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WHEREAS, pursuant to Ordinance No. 2019-14, the City Council amended Section 2-73 of the City’s Code of Ordinances (the “Code”) related to the rules for conduct of business (“Rules of Conduct”) to provide for procedures by which an elected official notifies the City Council of his or her inability to attend “a meeting,” and the manner in which the remaining members of the Council determine whether said absence from the “meeting” is “excused”; and

WHEREAS, Section 2-66 of the Code defines “Meeting” for purposes of the Rules of Conduct broadly, and it includes “any regular, special or workshop meeting of the city council”; and

WHEREAS, whether an absence by members of the City Council is excused or unexcused is only relevant to regular meetings of the City Council for purposes of the forfeiture by absence provisions of Section 2.05 of the City Charter, therefore, the City Council finds it to be in the best interest of the City and its residents to amend Section 2-73(a)(15) of the Code to clarify that the procedures set forth therein related to excused absences is only applicable to regular meetings of the City Council, and not special meetings or workshops.

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

Section 1. **Recitals.** Chapter 2 of the Code of Ordinances of the City of Doral is hereby amended to read as follows:

Chapter 2 – ADMINISTRATION

ARTICLE II. – CITY COUNCIL

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DIVISION 3 – RULES OF PROCEDURE

Sec. 2-73. - Rules for conduct of business.

(a) City council's duties.

(15) Excused Absences: The member shall contact the Mayor prior to the regular meeting and state the reason for his/her inability to attend the regular meeting. If the member is unable to contact the Chair, the member shall contact the City Clerk who shall convey the message to the Mayor. The Mayor shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of members present, the absent member shall be considered excused, and the City Clerk will make an appropriate notation in the minutes. If the motion is not passed, the City Clerk will note in the minutes that the absence is unexcused. Injury, illness, or medical condition/status that is too severe or contagious for the member to attend will constitute an excused absence without further action being required provided medical confirmation from the medical professional involved in the medical care of the member is provided.

* * *

Section 3. Repealer. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 4. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. Incorporation Into the Code. It is the intention of the Mayor and the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Doral; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and

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that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

Section 6. **Effective Date.** This Ordinance will become effective ten (10) days after adoption at second reading.

The foregoing Ordinance was offered by Councilmember Puig-Corve who moved its adoption. The motion was seconded by Vice Mayor Pineyro upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Not Present at Time of Vote
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 13 day of September, 2023.

PASSED AND ADOPTED on SECOND READING this 18 day of October, 2023.



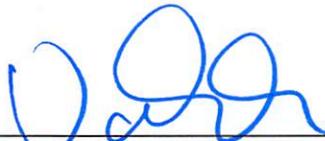
CHRISTI FRAGA, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

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



VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
CITY ATTORNEY