

ORDINANCE No. 2023-01

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, Article II of Chapter 2 of the City of Doral’s (the “City”) Code of Ordinances (the “Code”) provides, in part, for the rules and procedures governing the submission of agenda items by Council members for City Council meetings; and

WHEREAS, in 2018, the City Council passed Ordinance 2018-09, which created an administrative review process for City Council–initiated agenda items; and

WHEREAS, in 2019, this administrative review process was modified by Ordinance 2019-04. However, the provisions of Ordinance 2019-04 were never codified; and

WHEREAS, the administrative review process was modified a third time via Ordinance 2022-01, though the changes from 2019-04 were not incorporated into Ordinance, resulting in conflicting Code provisions; and

WHEREAS, the Mayor and City Council desire to clarify and correct the policies in the Code associated with City Council–initiated items; and

WHEREAS, the Mayor and Council desire to modify the administrative review process further to better align with the legislative responsibilities of the City Council and to improve facilitation of City Council priorities.

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. All proposed agenda items shall be delivered to the city manager's office a minimum of three 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. ~~The City Manager shall determine whether the~~

CODING: Words in struck through type are deletions from existing law;
Words in underscored type are additions.

~~proposed agenda item is consistent with the City's strategic plan. Proposed agenda items that promote the City's vision and goal outlines in the current strategic plan will be given a higher priority and placed on the agenda as soon as the analysis and recommendation is completed. Other items will be laced on the agenda at such time as the review is complete and recommendation is rendered.~~

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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 ~~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 next or date certain agenda. If the review of proposed item requires additional time such that the desired council meeting agenda deadline can not be met, 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.~~ 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 shall be placed on the agenda under "Order of Business" 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 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 item placed on the agenda shall be sponsored by the Mayor or the member of the City Council. Every item submitted by the Mayor and member[s] 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. 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 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	Absent
Councilwoman Maureen Porras	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 25 day of January, 2023.

PASSED AND ADOPTED on SECOND READING this 8 day of February, 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.
INTERIM CITY ATTORNEY