

ORDINANCE #2014-15

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION 6.02 OF THE CITY CHARTER, PURSUANT TO FLORIDA STATUTE SECTION 101.75, CHANGING THE DATE OF THE SPECIAL ELECTION REQUIRED FOR CITY CHARTER AMENDMENTS PROPOSED BY THE CHARTER REVISION COMMISSION TO COINCIDE WITH THE MIAMI-DADE COUNTY AUGUST PRIMARY ELECTION; PROVIDING FOR A CHANGE TO THE 2014 SPECIAL ELECTION TO THE AUGUST 26, 2014 STATEWIDE/COUNTYWIDE PRIMARY; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CITY CHARTER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 6.02 of the Charter of the City of Doral (the “City”) requires a quinquennial review of the City Charter by a Charter Revision Commission, comprised of five (5) resident electors, with each member of the City Council appointing one member of the Charter Revision Commission; and

WHEREAS, a Charter Revision Commission was appropriately convened for the 2013-2014 Charter review session; and

WHEREAS, Section 6.02 of the City Charter further provides that upon the submission of any proposed amendments by the Charter Revision Commission, “the [City] Council shall, not less than 60 days or more than 120 days after submission of the proposed amendments to the [City] Council, submit the proposed amendments to the electors of the City”; and

WHEREAS, on April 1, 2014, the Charter Revision Commission proposed and submitted to the City Council ten (10) amendments to the City Charter (the

“Amendments”), necessitating the City Council to call a special election on or between June 1, 2014 and July 29, 2014 (the “Election Window”); and

WHEREAS, in attempting to call the requisite special election for the Amendments, the City was informed by the Miami-Dade County Supervisor of Elections that, during the Election Window, the Miami-Dade County Elections Department (the “Department”) would not be able to host and run a precinct election, offering in-person voting at the City’s polling places, absentee voting, early voting, and all other procedures and protocols of an election run by the Department, because of the unavailability of the Department’s human and system resources, which would be otherwise allocated to a county-wide effort to reconfigure the voting precincts; and

WHEREAS, the Mayor and City Council desired to host a precinct election with all of its corresponding protocols and procedures and not the mail ballot election offered by the Department, in order to encourage greater voter participation and provide a variety of methods by which electors may vote for the Amendments; and

WHEREAS, the Department has offered to host and run a precinct election for the City concurrent with the August 26, 2014 Primary Election, which is outside the Election Window; and

WHEREAS, Section 101.75 of the Florida Statutes permits the governing body of a municipality, by ordinance and without referendum, to move the date of any municipal election to a date concurrent with any statewide or countywide election, notwithstanding any provision of local law or municipal charter; and

WHEREAS, Section 166.021(4) of the Florida Statutes similarly permits the governing body of a municipality to change election dates found in a municipal charter without approval by referendum of the electors; and

WHEREAS, pursuant to the authority of Sections 101.75 and 166.021(4) of the Florida Statutes, the Mayor and City Council desire to change the date of the special election required by Section 6.02 of the City Charter to be concurrent with the August Primary Election run by the Department.

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

Section 1. Recitals. The above-referenced recitals are confirmed, adopted, and incorporated herein by reference.

Section 2. Charter Amended. The City Charter for the City of Doral is hereby amended as follows:

Sec. 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, in an election in August of even-numbered years to coincide with the statewide and countywide primary election, commencing in 2014.

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Section 3. 2014 Special Election. The date of the 2014 Special Election for Charter amendments proposed by the Charter Revision Commission shall be on August 26, 2014 to coincide with the statewide and countywide primary election occurring thereon.

Section 4. 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 5. Incorporation into the Charter. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the City Charter of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the City Charter, 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 6. 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 7. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

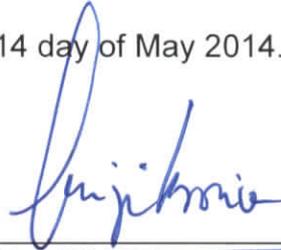
Section 8. Effective Date. This Ordinance shall become effective immediately

The foregoing Ordinance was offered by Councilmember Ruiz, who moved its adoption. The motion was seconded by Vice Mayor Fraga, and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Bettina Rodriguez Aguilera	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on FIRST READING this 28 day of April 2014.

PASSED AND ADOPTED on FIRST READING this 14 day of May 2014.



LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

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



WEISS SEROTA HELEMAN PASTORIZA COLE & BONISKE, P.L.
CITY ATTORNEY