

ORDINANCE No. 2019-14

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"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, City Council Meetings are vital to the efficient functioning of City Government; and

WHEREAS, City Council Meetings also 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, the rules of conduct do not contain definitions for absence and excused absences; and

WHEREAS, the rules of conduct do not address specific actions that several members of the Council have identified as disruptive; and

WHEREAS, City Council meeting procedures need to be amended to ensure that meetings are run efficiently and in the best interests of the City.

WHEREAS, the City Council finds it to be in the best interest of the City and its residents.

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

Section 1. Recitals. Section 2-73 of the City Code of the City of Doral is hereby amended to read as follows:

(a) *City council's duties.*

(1) Recognition shall be given only by the Mayor who is the presiding officer. Upon being recognized, the member may proceed.

(2) The Mayor shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order, subject to appeal.

(3) No member may filibuster. No member may speak more than five minutes continuously, except by leave of the mayor. The decision of the mayor is final, unless a majority of the city council votes to the contrary.

(4) A member may speak a second time on any one question only after all members have been given an opportunity to speak.

(5) The Mayor shall regulate debate in any other manner that he deems necessary, provided that the rights of all persons to express their views are respected.

(6) Questions and comments by members of the city council should be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process and duplicating ground the speaker may cover. All members of the city council shall be permitted to speak on any matter and shall not be ruled out of order by the presiding officer unless the member has made abusive, derogatory or rude remarks. No member of the city council shall be limited in his debate on any issue, except as otherwise provided herein, unless the member engages in abusive, derogatory or rude comment.

(7) All members of the city council shall accord the utmost courtesy to each other, to city employees, and to public members appearing before the city council, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

(8) The city manager may speak to any matter on which he has information for the city council.

(9) All members shall be in their respective seats at said hour of each regular Council or Special meeting until such time as the meeting is adjourned.

(10) No member shall leave a Council meeting without permission from the Mayor.

(11) No leave of absence shall be granted if such will result in a quorum not being present for that meeting.

(12) Every member present when a question is put shall vote for or against the same, unless the member is prevented from voting by a conflict of interest.

(13) A member shall be considered absent from a meeting if the member is not physically present for at least seventy-five (75) percent of the meeting's duration.

(14) No member shall be considered present unless the member is within the Council Chamber.

(15) Excused Absences: The member shall contact the Mayor prior to the meeting and state the reason for his/her inability to attend the 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.

(16) It shall be unlawful for any individual or member of the city council to disturb or disrupt a meeting of the city council or refuse to obey the orders of the mayor or presiding officer in the conduct of the meeting. Any individual or member of the city council who causes a disruption or disturbance of the meeting shall be warned by the mayor or presiding officer that the conduct is interfering or disturbing the order of the meeting and shall be given the opportunity to cease the conduct constituting an interruption or disturbance. If the individual or member of the city council fails to cease the offending conduct and continues to interrupt or disturb the meeting, the individual or member of the city council shall be removed from the meeting by the police chief or his authorized agent in attendance at the meeting if so directed by the mayor or presiding officer. Once removed, the individual or member of the city council shall be barred from further audience for the remainder of the meeting.

(17) In the event that the mayor or presiding officer fails to act, any member of the city council may move to require the presiding officer to act to enforce the rules, and the affirmative vote of the majority of the city council members present at that time shall require the presiding officer to act.

(18) Any individual or city council member who, at a city council or board meeting, willfully interrupts or disturbs such meeting in violation of F.S. § 871.01, entitled "Disturbing Schools and Religious and Other Assemblies," is subject to arrest by those law enforcement officers present. No action by the presiding officer is required for a law enforcement officer to enforce F.S. § 871.01, as may be amended from time to time.

(19) Each public officer serving on the city council or an advisory board of the city, when appearing before any other governmental body or within the contents of any written communication, pledges to inform the recipient of the oral or written communication that the issue before such governmental body or in writing has or has not been addressed officially by the city council or the advisory board of which he is a member; and further pledges to inform the recipient of the oral or written communication of any official position taken by the city council or an advisory board and indicate that his appearance or written correspondence is or is not authorized by

the city council or an advisory board. When a member of the city council is representing the city council before another governmental body, said member of the city council shall, at a minimum, update the other members of the city council and the city manager at the next scheduled city council meeting.

(b) *Residents/interested parties' duties.*

- (1) Members of the public may speak only at times designated by the mayor or presiding officer.
- (2) The member of the public shall step to the floor microphone and state his name and address in an audible tone for the clerk's record.
- (3) Remarks shall be limited to the question under discussion, unless such remarks come during the public participation section of the meeting.
- (4) During public participation, any member of the public may speak to any issue that is not on the agenda for public hearing during the city council meeting. Speakers will be limited to three minutes during this time. Speakers are encouraged to sign up in advance with the city clerk prior to their participation.
 - (i) The city clerk shall provide comment cards to those interested in making public comments.
 - (ii) When signing up to speak, the member of the public shall clearly indicate on the comment card which agenda item or issue in general they wish to speak on and whether they are in favor or against the item.
 - (iii) Comment cards shall be printed in two colors to correspond to the position the speaker wishes to take on an item. Blue comment cards shall be used by members of the public in favor of an item or issue. Yellow comment cards shall be used by members of the public against an item or issue.
 - (iv) The city clerk shall arrange all comment cards received by agenda item or issue and by the position of the speaker. The city clerk shall time stamp the comments cards received in order to ensure that speakers are called to the podium in the order in which the comments cards were handed to the clerk, consistent with the other provisions of this Section.
 - (v) The mayor shall call one speaker to the podium who is in favor of an item or issue followed by a speaker against the item or issue. No person may speak about an issue already discussed until such time as all issues have been discussed at least once.
 - (vi) Public comments shall take no longer than 60 minutes.
- (5) All remarks shall be addressed to the city council as a body through the mayor, and not to any member thereof.
- (6) Cumulative and repetitive testimony should be avoided on any matter. Persons of the same position as the previous speaker may simply state their names, address and the positions with which they agree.

- (7) Any person making disruptive, impertinent or slanderous remarks, or who shall become boisterous while addressing the city council and refuses to stop may be requested to leave the meeting by the mayor, pursuant to subsections (a)(8) and (a)(9) of this section.
- (8) A person whose allotted time to speak has expired shall be so advised by the city clerk to conclude. Public hearings consist of those agenda items where the public may participate. The public shall speak only on the agenzized subject. Speaking time for members of the public is limited to three minutes for any particular topic. Additional time may be added by the city council. Members of the public shall not delegate or give their time, or any portion thereof, to another party. For a public hearing, the city council may set an aggregate time limit for public comment. When an issue has been designated as quasi-judicial, public remarks shall only be heard during a quasi-judicial hearing that has been properly noticed for that matter.

Section 2. Code Amended. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in their entirety.

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 Cabrera who moved its adoption. The motion was seconded by Councilmember Cabral upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes

PASSED AND ADOPTED on FIRST READING this 10 day of April, 2019.

PASSED AND ADOPTED on SECOND READING this 8 day of May, 2019.



JUAN CARLOS BERMUDEZ, 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:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY