

ORDINANCE No. 2023-19

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION 2-79, "MUNICIPAL SPONSORSHIPS" OF DIVISION III "RULES OF PROCEDURE" OF ARTICLE II "CITY COUNCIL", OF CHAPTER 2 "ADMINISTRATION", OF THE CITY'S CODE OF ORDINANCES TO PROVIDE CLARIFYING LANGUAGE WITH RESPECT TO THE SCOPE OF MUNICIPAL SPONSORSHIPS; INCREASING THE AVAILABLE FUNDS FOR SPONSORSHIPS; REVISING THE PROCEDURES FOR COUNCIL APPROVAL; AND CLARIFYING THE DEFINITIONS AND LANGUAGE CONTAINED THEREIN; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral ("City") has historically provided sponsorships to a select number of events and programs that are consistent with the City's goals; and

WHEREAS, on February 9, 2022, the City Council adopted Ordinance No. 2022-02, establishing procedures for all municipal sponsorships including the disbursement of discretionary funds approved by City Councilmembers to sponsor programs, services, special events, and charitable and civic events that serve a public purpose ("Sponsorship Ordinance"); and

WHEREAS, the City finds it necessary and in the best interest of the City to amend, clarify, and expand upon, the Sponsorship Ordinance so that the City can continue to support organizations and events that serve a municipal purpose, including providing value to the residents of the City and serving the Council's goals.

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

Section 1. Incorporation of Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strike through~~.

Section 2. Amendment to Chapter 2 of the City of Doral's Code of Ordinances. Chapter 2, Article II, Division 3 of the City of Doral's Code of Ordinances is hereby amended as follows:

Sec. 2-79. Municipal sponsorships.

(a) Purpose. The purpose of this section is to establish procedures for all municipal sponsorships including the disbursement of discretionary funds approved by city councilmembers to sponsor programs, services, and ~~special~~ events and charitable and civic ~~events~~ organizations that serve a ~~public~~ municipal purpose.

The city will consider entering into sponsorships that further the city's vision, mission, and values, as set forth in the city's adopted strategic plan, by providing monetary support for programs, services, and ~~special~~ events conducted by ~~external groups~~ eligible applicants in the city. However, the city recognizes that the public trust and perception of its integrity and impartiality must be preserved when pursuing sponsorships. ~~may be damaged by sponsorships that:~~

- ~~(1) Establish, or are perceived as establishing an inappropriate association;~~
- ~~(2) Are perceived to be politically oriented;~~
- ~~(3) Are offensive to segments of its citizenry; or~~
- ~~(4) Are aesthetically displeasing.~~

Therefore, the city reserves the right to ~~only~~ consider sponsorships ~~in limited circumstances~~ as outlined in this section.

(b) Definitions.

Sponsorship: A sponsorship is any financial support from the city to an eligible applicant as the term is defined in subsection (d). ~~the organizing agency that helps offset the costs of the event operations.~~

~~Sponsor: A company, organization, or individual who provides the city with financial support of an event or program that helps offset the costs of event operations.~~

~~Sponsorship agreement: A negotiated agreement between the city and a company, organization, or individual to pay a fee, provide services, share products or any combination thereof, including advertising and promotional opportunities between the City and a company, organization, or individual.~~

Event: a local celebration, fundraiser, athletic, cultural, or educational activity that demonstrates a public benefit that meets the criteria established below. Event types shall ~~include the following~~ be one or more of the following types:

(1) Events providing a benefit to Doral residents.

(2) Events that contribute positively to the recognition and image of the City of Doral.

(3) Events that are open to the general public.

~~(4) Events and organizations that demonstrate that they can meet the necessary requirements of the sponsorship agreement.~~

~~(54) The organization's goals must align with the city's established council goals vision, mission, and values as set forth in the city's adopted strategic plan.~~

(c) Sponsorship opportunities.

(1) Available funds.

a. Each councilmember will be allotted ~~\$1,000.00~~ \$5,000.00 per fiscal year (contingent upon annual city budget approval), to sponsor ~~special events for~~ eligible applicants whose events, services, and programs support the city's vision, mission, and values as set forth in the city's adopted strategic plan and provide a community benefit.

b. Unexpended funds of the allotment set forth in subsection (c)(1)(a) in the mayor's and councilmembers' budgets at the end of the fiscal year shall be added to the line item budget designated for municipal sponsorships of the respective mayor or councilmember's office budget as part of the mid-year budget amendment in the following fiscal year

c. Transferring of funds into the mayors' and councilmembers' line item budget designated for municipal sponsorships from other funding sources shall be prohibited.

d. A mayor or councilmember who is not eligible to run for re-election by virtue of the limitations on lengths of service set forth in Section 2.03 of the city charter shall be prohibited, during the six months prior to the date he or she is scheduled to leave office, from proposing or making an expenditure from the allotted funds set forth in subsections (c)(1)(a) and (c)(1)(b). A mayor or councilmember who has submitted an irrevocable resignation pursuant to section 99.012, Florida Statutes and Section 14-20 of the city code, shall also be prohibited from proposing or making an expenditure from the allotted funds set forth in subsections (c)(1)(a) and (c)(1)(b) during the time that is the later of the date the

elected official has submitted their irrevocable resignation, or six months prior to the date he or she is scheduled to leave office.

e. The minimum expenditure by any individual councilmember for a single event, service or program shall be \$500.00, and the maximum expenditure for a single event, service or program shall be \$5,000.00.

f. The expenditure of the allotted funds shall be subject to council approval.
~~The respective councilmember will submit the sponsorship requests to the city manager no later than 30 21 days before the scheduled event and staff will process the sponsorship request(s) accordingly.~~

g. Councilmembers will not be required to use their allotment to attend events related to city memberships or events/sponsorships specifically approved in the city budget.

h. The allotted funds shall not be utilized for event tickets or table purchases for charitable events.

i. The allotted funds shall not be utilized for those events that require a special event permit pursuant to Chapter 35, of the City's Code of Ordinances.

j. Use of the aforementioned funds by a councilmember for an event, service or program shall entitle the councilmember to advertise that the said event, service or program was sponsored by the sponsoring councilmember. Promotion or advertising of the event, service or program by the city shall also reflect that the councilmember was a sponsor of the event, service or program.

(2) Sponsorships available to eligible applicants include but are not limited to:

~~a. Advertising: Advertising provides the sponsor with the opportunity to advertise through a variety of city marketing materials, including print and digital advertising.~~

~~ab. Programs: Sponsorship of programs provides the opportunity for the sponsor's City's name and logo to appear in advertising and marketing materials related to the a program that serves a municipal purpose.~~

~~bc. Events: Event sponsorship is may be offered through various sponsorship packages monetary donations, and/or the waiver of rental fees related to use of city facilities and parks each package benefit's varying in relation to the level of sponsorship. If the event sponsorship involves the waiver of rental fees, the amount waived shall be deducted from the sponsoring councilmember's maximum allotment set forth in subsection (c)(1)(a). Nothing provided for herein shall be interpreted to provide that the city will provide staffing or equipment for an approved event solely because it is being sponsored under this section.~~

~~cd. Charitable Donations. Monetary contributions or in-kind donations of goods and services to an organization recognized as an eligible applicant as defined in subsection (d)(1) and (2).~~

~~(3) Sponsorship limitations for eligible applicants:~~

~~a. An eligible applicant may only receive one (1) charitable donation per subsection (c)(2)c. per fiscal year and may not seek a charitable donation from more than one (1) councilmember per fiscal year.~~

~~b. An eligible applicant may only receive one (1) council sponsorship per program or event as defined in subsections (c)(2)a. and b, and said sponsorship shall be limited~~

to a single council member sponsor. Notwithstanding the foregoing, an eligible applicant may request a sponsorship for more than one event or program.

(d) Eligible applicants.

(1) Nonprofit organizations. Qualifying nonprofit organizations that are incorporated as a nonprofit charitable organization that is tax exempt under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code are eligible for sponsorship funds.

~~(2) Neighborhood associations. In the absence of 501(c)(3) status, city recognized neighborhood associations may be eligible for sponsorship funds.~~

~~(3) Promoters of charitable and civic events.~~

(e) Eligibility criteria. The city council shall consider the following non-exclusive criteria for all sponsorship events:

(1) Whether the expenditure is normal and customary.

(2) The relationship and importance of the event to the city's vision, mission, and values as set forth in the city's adopted strategic plan.

(3) Whether, and the extent to which, the event or eligible applicant furthers one or more of the city council's ~~adopted focus areas~~ vision, mission, and values as set forth in the city's adopted strategic plan.

(4) Whether and the extent to which the ~~event~~ sponsorship will create financial or administrative burdens on the city or require additional personnel.

(5) The extent and prominence of communications to the public regarding the event.

(6) The aesthetic characteristics of communications to the public regarding the event.

(7) Whether the sponsorship will establish or will be perceived as establishing an inappropriate association.

(8) Whether the event is or will be perceived to be politically oriented.

(9) Whether the event is or will be perceived to be religiously oriented.

(10) Whether the event is or will be perceived to be offensive to segments of the city's citizenry.

(11) Whether the persons or organizations affiliated with the event manufacture products, take positions, or otherwise engage in activity that is/are inconsistent with local, state, or federal law, or city policies, city mission, or council's focus areas.

(12) Other factors that might undermine public confidence in the city's impartiality or interfere with the efficient delivery of city services or operations.

(13) All sponsorship opportunities shall serve a municipal purpose and benefit the City of Doral and its residents.

(f) Procedure.

(1) If the sponsorship is related to an event scheduled to take place on city property, the following process shall apply:

a. Applicants and members of the city council may submit sponsorship requests to the city manager's office for review no later than 30 ~~21~~ days prior to the scheduled event. The request must be accompanied with background documentation sufficient to permit the city manager to determine whether the event satisfies the criteria set forth in this section what the staffing needs and space/location availability may be for said event.

(2b) if within five (5) business days of receipt of the request, If the city manager determines the event does not meet the city's eligibility criteria in subsection (e), that the

city does not have the staffing or space to accommodate the request, the city manager shall promptly advise the councilmember or applicant as to the city manager's determination. The sponsorship request

~~(3) All sponsorships are subject to city council approval.~~

~~(4) Any sponsorship request that does not meet the eligibility criteria delineated in subsection (e) must then be placed on the official consent agenda of the next regular meeting of the city council agenda for council approval, which approval shall serve as a determination by the city council that the sponsorship satisfies the eligibility criteria set forth in subsection (e).~~

~~as a discussion item.~~

(2) All other sponsorship requests shall be placed on the official consent agenda of the next regular meeting of the city council.

(3) In those instances wherein a sponsorship event or program (not including charitable donations) is to occur before the next regularly scheduled council meeting and (if applicable) the City Manager has provided a determination as set forth in subsection (f)(1)(b), the council member requesting the sponsorship may request a special meeting in accordance with the procedures set forth in Section 2-77 of the city's code of ordinances.

(g) City logo. Any sponsorship approved by the city council for an event under this Section shall automatically entitle the eligible applicant to utilize the city logo for the advertising, promotion, and in association with, said event.

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

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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 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 Cabral 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	Yes
Councilman Oscar Puig-Corve	Yes

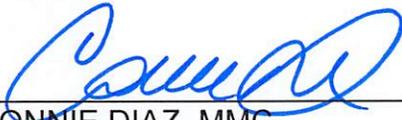
PASSED AND ADOPTED on FIRST READING this 14 day of June, 2023.

PASSED AND ADOPTED on SECOND READING this 23 day of August, 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