

ORDINANCE No. 2024-14

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CALLING FOR A SPECIAL ELECTION ON NOVEMBER 5, 2024 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF DORAL, FLORIDA, TEN (10) CHARTER AMENDMENTS PREPARED BY THE CHARTER REVISION COMMISSION, PURSUANT TO SECTION 6.02 OF THE CITY'S CHARTER; APPROVING REQUISITE BALLOT LANGUAGE; PROVIDING FOR COPIES OF THE TEXT OF THE CHARTER AMENDMENTS TO BE MADE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR BALLOTING AND ELECTION PROCEDURES; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; 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 (1) member of the Charter Revision Commission; and

WHEREAS, a Charter Revision Commission was appropriately convened for the 2023-2024 Charter review session; and

WHEREAS, on April 1, 2024, 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 submit the Amendments to the electors of the City; and

WHEREAS, in order to submit the Amendments to the electors of the City, the City Council must approve legally sufficient ballot language via ordinance and transmit same to the Miami-Dade County Supervisor of Elections, along with an appropriate request for a special election, thereby authorizing the Miami-Dade County

Elections Department to take the actions as may be necessary to administer the special election for the City; and

WHEREAS, the City Council has prepared and considered the ballot language contained herein, and, after careful deliberation and upon the recommendation of the City Attorney, the City Council finds the ballot language as provided herein is legally sufficient; and

WHEREAS, the Mayor and Council desire to provide requisite ballot language for submission to the electors of the City, to provide copies of the Amendments to be available to the public for inspection, and to direct the City Clerk to request and utilize the services of the Miami-Dade County Supervisor of Elections to administer a special election by placing the Amendment ballot questions on the November 5, 2024 United States presidential election ballot.

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

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

Section 2. Call for Special Election. In order to submit the Amendments to the Electors of the City, a special election is hereby called and requested of the Miami-Dade County Supervisor of Elections, to run concurrent with, and by placing the Amendment ballot questions on, the November 5, 2024 U.S. Presidential Election ballot. The City Clerk is hereby directed to request and utilize the services of the Miami-Dade County Supervisor of Elections to administer the election.

Section 3. Charter Amendments. The following language shall be placed on the ballot to be presented to the voters.

CODING: Additions to existing text are shown by underline and deletions are shown as ~~strikethrough~~.

"Pursuant to the Charter, and subject to the majority vote of qualified electors at the special election set forth herein, the Charter of the City of Doral, Florida, is hereby amended to read as follows:

Sec. 1.02. - Form of Government.

The City shall have a "Mayor-Council-Manager" form of government.

Sec. 2.02. Mayor and Vice Mayor.

(a) Mayor. The Mayor shall preside at meetings of the Council and be a voting member of the Council. In addition, the Mayor shall have the following specific responsibilities:

i) Present "State of the City" and budgetary addresses annually.

~~ii) May create and appoint subject to Council approval, committees of the Council which may include non-Councilmembers. The members of each committee shall select a chair.~~

iii) Be recognized as head of the City government for all ceremonial purposes, for purposes of military law, and for service of process.

~~iii~~iv) Be the official designated to represent the City in all dealings with other governmental entities, except that no official action or position may be taken by the Mayor on behalf of the City except as authorized by the Council.

~~iv~~) Execute contracts, deeds and other documents on behalf of the City as authorized by the Council.

(b) Vice-Mayor. During the absence or incapacity of the Mayor, the Vice-Mayor shall have all the powers, authority, duties and responsibilities of the Mayor. At the Council meeting following certification of the election results for the regular City election, or in any calendar year in which there is no regular City election, at the first Council meeting in the month of November, the Vice-Mayor shall be appointed to serve a one year term as follows: In 2014, the Vice-Mayor shall be the Councilmember occupying Seat 1. In 2015, the Vice-Mayor shall be the Councilmember occupying Seat 3. In 2016, the Vice-Mayor shall be the Councilmember occupying Seat 2. In 2017, the Vice-Mayor shall be the Councilmember occupying Seat 4. This rotation shall continue each year thereafter.

Sec. 2.03. Election and term of office.

(a) Election and term of office. Each Councilmember and the Mayor shall be elected at-large for four-years in the manner provided in Article V of this Charter.

(b) Limitations on lengths of service. For the purposes of determining length of service, a "Term" shall be defined as serving any period of time as either Mayor or Councilmember. No person shall serve as either Mayor or Councilmember for more than two consecutive elected terms. An individual who has served two consecutive terms as a Councilmember or as Mayor must be out of office for the length of one term, four years, before seeking reelection in the same position previously held. This period out of office would not apply to individuals who have served two consecutive terms as a Councilmember and seek the position of Mayor ~~or who have served two consecutive terms as Mayor and seek the position of Councilmember~~; however, the four-year period out of office requirement would apply to individuals who have served two consecutive terms as a Mayor and seek the position of Councilmember. An individual who is appointed to the position of Councilmember for a period of six (6) months, or less, shall not be considered to have served a term. An individual who is elected to the position of Councilmember or Mayor for a period of one (1) year, or less, shall not be considered to have served a term.

Sec. 2.06. Compensation; reimbursement for expenses.

Councilmembers shall receive a maximum compensation capped in the amount of \$12,000 ~~\$54,310.90~~ per fiscal year. The Mayor shall receive a maximum compensation capped in the amount of \$50,000 ~~\$77,587~~ per fiscal year. The aforementioned compensation amounts may only be increased pursuant to a charter amendment. ~~The above notwithstanding, the compensation for Councilmembers and the Mayor shall be adjusted each calendar year consistent with the Urban Consumer Price Index. The Council shall also receive reimbursement in accordance with applicable law, or as may be otherwise provided by ordinance, for authorized expenses incurred in the performance of their official duties.~~

Sec. 2.07. Office of Charter Enforcement.

~~(a) An Office of Charter Enforcement ("OCE") is hereby created. The responsibility of the OCE shall be enforcement of provisions of Federal Law, State Law, County Law, this Charter, City Ordinances, and Regulations. The OCE shall investigate matters including, but not limited to, violations of Federal Law, State Law, County Law, this Charter, City Ordinances, and Regulations related to conduct, public decorum, and ethics. The OCE's responsibility and mission is to ensure compliance with Federal law, State law, County law, the City Charter, and City Ordinances, Resolutions, Rules and Regulations, enacted pursuant Charter authority. The OCE shall oversee, and if necessary, investigate all City activities of all elected officials, all Charter Officials, all employees, appointed positions, all persons doing business with the City including but not limited to bidders, contractors, subcontractors, consultants, or subconsultants, or any such entity's officers, agents,~~

~~employees and any person engaged in lobbying on matters related to the City business as well as any activity which negatively reflects on Doral's government.~~

~~(b) The Office shall be headed by the Charter Enforcement Official. The organization and administration of the OCE shall be independent from the City Council, City departments, and City employees, to assure that no interference or influence external to the OCE affects the objectivity of the OCE. The Charter Enforcement Official shall be responsible for staffing the OCE (as necessary).~~

~~(c) Charter Enforcement Official shall be appointed by a Selection Committee (hereinafter referred to as the Selection Committee). Each member of the City Council shall appoint one member to the Selection Committee. The members of the Selection Committee shall have at least ten (10) years of cumulative experience in the fields of accounting, auditing, law, law enforcement or working for a federal, state or county agency. The City Council shall use reasonable efforts to satisfy the intent of this subsection by attempting to appoint qualified individuals from at least three different fields of experience from those identified herein. No person selected to serve as a member shall be engaged in any business with the City where the individual provides professional services for the City, lobbies for clients doing business with or attempting to do business with the City or has immediate family members that are employed by the City.~~

~~All meetings of the Selection Committee shall be open to the public, and comply with the provisions of Florida's Sunshine Law, Section 286.011, Fla. Stat., as may be amended from time to time, and Florida's Public Records Law, Section 119.07, Fla. Stat., as may be amended from time to time. A quorum of the Selection Committee shall be no less than three (3) members. The Selection Committee has the authority to hire consultants or firms to assist in the recruitment, evaluation, interview, and recommendation process relating to candidates to fill the vacant Charter Enforcement Official position. The Selection Committee may only utilize city staff to perform ministerial tasks such as scheduling and advertising. Tasks such as those associated with the screening of candidates shall be delegated to an independent firm and not the Human Resources Department. In addition, the Selection Committee shall publicly advertise the existence of the vacant position and the Selection Committee's desire to have qualified individuals submit resumes to fill the vacant position. The Selection Committee shall interview no less than two (2) candidates to fill the vacant Charter Enforcement Official position~~

~~(d) No later than sixty (60) days after the certification of the election of this Charter Revision, the Mayor and City Council shall appoint the Selection Committee.~~

~~(e) The Charter Enforcement Official shall possess the Minimum qualifications listed below:~~

~~(i) Has at least ten (10) years of cumulative experience in any one, or in any combination, of the following professions or fields:~~

~~a. Operational and/or audit experience in the public or private sector;~~

b. ~~Attorney;~~

c. ~~Progressive supervisory experience in an investigative public agency similar to an inspector general's office;~~

d. ~~Federal, state, or local law enforcement officer with experience managing complex investigations involving allegations of fraud, waste, mismanagement, misconduct, and abuse of power;~~

e. ~~Federal or state court judge;~~

(ii) ~~Has, at a minimum, a four-year degree from an accredited institution of higher learning;~~

(iii) ~~Has the ability to work with local, state, and federal law enforcement agencies and the judiciary;~~

(iv) ~~Has not been an elected official or employed by the City (in any capacity other than as the City's Charter Enforcement Official or as a member of the OCE during the two (2) year period immediately prior to appointment;~~

(v) ~~Has not been found guilty of or entered a plea of nolo contendere to any felony, or any misdemeanor involving a breach of public trust; and~~

(vi) ~~Has not been subject to any finding of a violation, or any other enforcement action, by the Miami-Dade County Commission on Ethics and Public Trust, or the Florida Commission on Ethics.~~

(f) ~~The selection committee shall conduct background screening investigations on any candidate selected for interview. The selection committee shall have results of the background screening investigations prior to the interviewing candidates.~~

(g) ~~The selection committee shall submit to the City Council a recommended salary for the Charter Enforcement Official and an initial operating budget for the OCE for the first fiscal year.~~

(h) ~~The City Attorney shall negotiate a contract of employment with the Charter Enforcement Official, except that before any contract shall become effective, the contract must be approved by majority vote of the City Council.~~

(i) ~~Individuals may file a written complaint with the OCE by filing a sworn statement with the City Clerk's Office, under seal. A complaint may only serve as a basis for a good cause finding if it is signed by an identified person who verifies the contents of the complaint by including the following statement: "Under penalties of perjury, I declare that I have read the foregoing complaint and that based on my personal knowledge the facts stated in it are true." The OCE shall develop a complaint form consistent with the requirements of this paragraph.~~

~~Upon the receipt of a complaint, or on his/her own initiative, the OCE shall conduct an investigation, and if the OCE determines there is good cause to conduct an investigation, the OCE shall, issue written charges which shall include a statement of the facts upon which said charges are based. All charges and statements of the OCE shall be filed with the City Clerk's Office and be part of the Public Record.~~

~~(j) After completing his or her investigation and determining that there is probable cause to believe a violation has occurred, the OCE shall notify the appropriate civil, criminal, or administrative agencies charged with enforcement related to the alleged violation. If no civil, criminal, or administrative agency has jurisdiction over the alleged violation, the matter shall be referred to a Hearing Officer, as provided for in this Section, for a quasi-judicial enforcement proceeding.~~

~~(1) The OCE shall refer findings of alleged criminal offenses to the Office of the State Attorney and/or the Office of the United States Attorney.~~

~~(2) The OCE shall refer findings of alleged civil offenses involving a violation of Chapter 112, Part III, Florida Statutes, to the Florida Commission on Ethics.~~

~~(3) The OCE shall refer findings of alleged civil offenses involving a violation of the Miami-Dade County Code of Ethics to the Miami-Dade County Ethics Commission.~~

~~(4) The OCE shall refer findings of alleged violations of The Florida Elections Code, Chapters 97 through 106, Florida Statutes, to the Florida Elections Commission (except as to alleged violations that may be criminal in nature, which shall be referred to the Office of the State Attorney).~~

~~(5) The OCE shall refer other alleged violations to the appropriate civil, criminal, or administrative agency that would have jurisdiction over the same.~~

~~(k) Any civil infraction not covered by paragraphs (1) through (5) above, shall be stated in a complaint brought in the name of the OCE. The OCE may retain legal counsel not employed by the City to represent the OCE in prosecuting a complaint. The OCE shall serve the complaint of the alleged violator in any manner deemed proper service under the Florida Rules of Civil Procedure. A copy of the complaint shall also be filed with the City Clerk. Concurrently with such service, the OCE shall refer the complaint to a Hearing Officer chosen from a panel of Hearing Officers selected by the Selection and Oversight Committee. The alleged violator shall file a response to the complaint within thirty (30) days after service.~~

~~(l) In the event the facts lead to the conclusion that no violation has occurred, the OCE shall publish the findings of no violation, on the City website. The OCE shall deliver copies of all final reports and findings to the alleged violator, the complainant, if any, the members of the City Council, the City Clerk, the City Manager, and the City Attorney.~~

~~(m) Except to any extent inconsistent with any provision of this Section, the Florida Rules of Civil Procedure and Florida Evidence Code, as amended, shall apply to all matters referred to a Hearing Officer under this Section.~~

~~(n) In addition to all other authority granted in this Section, the Hearing Officer has the authority to:~~

~~(1) Issue scheduling orders, case-management orders, and briefing schedules;~~

~~(2) Issue notices of hearings;~~

~~(3) Hold hearings on any procedural or substantive matters related to the complaint;~~

~~(4) Administer oaths and affirmations;~~

~~(5) Issue subpoenas authorized by law, including those requiring attendance of witnesses and the production of documents and other items which may be used as evidence;~~

~~(6) Rule upon motions presented and offers of proof and receive relevant evidence;~~

~~(7) Issue appropriate orders to effectuate discovery;~~

~~(8) Regulate the course of the hearing;~~

~~(9) Dispose of procedural requests or similar matters; and~~

~~(10) Enter any order, consistent with his or her authority, to carry out the purposes of this Charter provision.~~

~~(o) Within thirty (30) days after completion of the hearing process, the Hearing Officer shall issue a final order determining whether the OCE has proved the allegations of the complaint by a preponderance of the evidence. The final order shall contain detailed findings of fact and conclusions of law. If the Hearing Officer determines that misconduct has occurred, the final order shall specify the sanction(s) imposed, if any. The Hearing Officer may impose any of the following sanctions:~~

~~(1) An individual determined to have committed a violation shall be assessed a monetary fine not to exceed five hundred dollars (\$500.00) per violation.~~

~~(2) In determining the amount of the fine, the Hearing Officer shall consider:~~

~~a. The gravity of the violation;~~

~~b. Whether it was intentional; and~~

~~c. Whether it is a repeat offense.~~

~~(3) The Hearing Officer may determine that no fine shall be imposed upon making an affirmative, express finding that the violation was unintentional and de minimus.~~

~~(4) In addition to a fine, the Hearing Officer may order the individual to relinquish for a period of time an administrative right or privilege provided under the City's Charter, Code of Ordinances, Resolutions, or Policies.~~

~~(5) The Hearing Officer may also order a public reprimand or censure at a public meeting called for that purpose.~~

~~(6) The Hearing Officer may void an existing contract between the individual and the City and/or disqualify or prohibit any person, or any principal, affiliate or successor in interest thereof, from doing business bidding upon, soliciting, or being awarded any contract with the City or from being a subcontractor, supplier, insurer or surety at any tier upon such contract. During the time period that a disqualification is in effect for any person, the City shall not accept bids or proposals from, contract with or allow performance of all or any portion of a City contract including, but not limited to, subcontracts, supply contracts, insurance or surety agreements, or professional services by any person who has been disqualified in accordance with this Section.~~

~~(p) All orders issued by the Hearing Officer, when final, are subject to judicial review as provided by applicable law.~~

~~(q) The OCE shall be responsible for selecting a panel of qualified hearing officers. The OCE shall select a panel of up to five (5) Hearing Officers but no less than three (3) Hearing Officers to serve in the City of Doral. The Hearing Officers shall be placed on a rotating list for selection. Upon the issuance of a complaint, the City Clerk shall select the next Hearing Officer on the list to handle the hearing process.~~

~~(r) The OCE shall also issue a written statement every three (3) months from the date of his/her designation, stating the status of all pending complaints, together with the facts which have been discovered at that time. The City Attorney shall review the OCE statements and reports at an annual meeting to be held in the month of May each year and issue a report to the City Council with any recommendations.~~

~~(s) Investigations shall be completed within six (6) months from the date of the complaint, or the date on which the OCE commenced its investigation when there was not a complaint filed by an individual, and issue the findings, facts upon which said findings are based, together with any referral to law enforcement or Ethics Enforcement body.~~

~~(t) By becoming a City elected official, appointed official, employee, or engaging in business with the City each individual submits to OCE oversight, and is entitled to confront any person who makes accusations against that individual, which result in negative published findings by the OCE.~~

~~(u) From time to time, as the OCE determines necessary, the Miami-Dade County Ethics Commission's investigative staff may be employed for matters, the investigation of which, exceed the capacity of the OCE. The costs of such an investigation shall be determined prior to entering into such a relationship with Miami-Dade County Ethics Commission, and the specified contract amount shall be strictly followed. In the event additional investigation becomes necessary, the OCE shall present the state of the findings to the Miami-Dade County Inspector General, and together a decision shall be made whether to conclude the investigation or go forward.~~

~~(v) The Charter Enforcement Official shall have the authority, subject to budgetary allocation by the City Council, to retain and coordinate the services of other professionals as required when, in the Charter Enforcement Official's discretion, the Charter Enforcement Official concludes that such services are needed. Any such retention and/or procurement of services shall be coordinated through the City's Procurement officer.~~

~~(w) The OCE's annual budget will be approved by the City Council pursuant to Sections 4.05 and 4.06 of the Charter and applicable regulations governing the approval of the annual budget.~~

~~(x) The City Manager shall provide the OCE with appropriately located office space outside of City Hall and sufficient physical facilities, together with necessary office supplies, equipment and furnishings, to enable the OCE to perform its functions~~

~~(y) The Charter Enforcement Official shall serve for a term of four (4) years, unless he/she retires or is otherwise removed for Florida statutory cause.~~

~~(z) Within sixty (60) days from the resignation or removal of the Charter Enforcement Official, the Mayor and Council shall appoint a Selection Committee as provided for in subsection (c) herein and the Selection Committee shall commence the process for retaining an individual to serve as the Charter Enforcement Official.~~

~~(aa) The Doral City Council, shall, upon the certification of the election of this Charter Revision, immediately fund the Selection Committee and the designee to head the OCE with sufficient funds to perform the requirements of this Section, and ensure that City facilities, equipment, and resources are available for use by the OCE, the Search and Oversight Committee, and the Hearing Officers.~~

~~(bb) The provisions of this Charter Section may only be amended following a referendum election held in the City of Doral pursuant to an ordinance adopted by four (4) affirmative votes of the Doral City Council calling for such a referendum election related to the amendment of any provision of this Charter Section. The provisions of this paragraph shall not apply to any proposed amendments to this Charter Section proposed by any Charter Review Commission appointed subsequent to the adoption of this Section.~~

Sec. 2.07. Office of the Inspector General.

The Office of Inspector General is herein established as an independent body to perform investigations, audits, reviews, and oversight of municipal matters including City contracts, programs, projects, and expenditures, in order to identify efficiencies, and to detect, investigate and prevent fraud, waste, mismanagement, misconduct, and abuse of power. The Office shall have the power to subpoena witnesses, administer oaths, and require the production of records, in order to conduct its investigations.

The Inspector General shall be appointed by the Inspector General Selection Committee. Each Councilmember shall appoint one person to be a member of the Inspector General Selection Committee and select its own officers. Current Councilmembers may not appoint themselves to the Inspector General Selection Committee. Members appointed to the Inspector General Selection Committee shall be generally knowledgeable in the areas of public affairs, public administration, finance, taxation, or electoral administration. Similar experiences in related areas may also be considered. Before any appointment by the Inspector General Selection Committee shall become effective, the appointment must be approved by a majority vote of the City Council. The Inspector General may be removed from office upon a super majority (4/5) vote of the City Council. Such Office's appointment, reappointment, term, functions, authority, and powers shall be further established by Ordinance. The Inspector General need not be a full-time City employee, and may be retained individually or through a firm on a negotiated contract basis.

Sec. 3.01. ~~Appointment; removal; compensation of the Manager.~~ Reserved.

~~The Manager shall be nominated by the Mayor, in accordance with this Section, subject to confirmation by a majority of the Council. Upon a vacancy in the position of City Manager, the Mayor shall nominate a replacement within such period of time deemed reasonable by the Council then in office. Should the Mayor fail to nominate a candidate during that specified time, the individual members of the Council shall thereafter have the opportunity to nominate a candidate for City Manager for the Council's consideration. Once a selection for Manager has been submitted to the Council and rejected, that name may not be resubmitted to the Council by the Mayor or a member of the Council, without approval by a majority of the Council. The Manager may be removed, pursuant to this Article III, by a majority vote of the Council either upon the recommendation of the Mayor or upon the Council's own motion. The term, conditions of employment, and compensation of the Manager shall be established by the Council.~~

Sec. 3.02. Appointment of the City Manager, City Attorney and City Clerk.

- (a) In the event of a vacancy in the position of City Manager, City Attorney or City Clerk (collectively the "Charter Officers"), the members of the City Council shall each appoint one member to the search committee as provided in this Section. In order to be qualified to be appointed to the search committee, an individual shall be an elector and resident of the City for no less than two (2) years prior to their appointment to the search committee.

- (b) The City Council shall appoint the search committee by resolution and provide for a time period of no more than sixty (60) days for the search committee to complete its duties. The City Council may extend the term of the search committee for an additional period of time upon receiving a written request from the search committee. In addition, the City Council may, in the resolution, include additional qualifications for the Charter Officer position, other than those provided in the City Charter.
- (c) All meetings of the search committee shall be open to the public, and comply with the provisions of Florida's Sunshine Law, Section 286.011, Fla. Stat., as may be amended from time to time, and Florida's Public Records Law, Section 119.07, Fla. Stat., as may be amended from time to time. A quorum of the search committee shall be no less than three (3) members.
- (d) The search committee has the authority to hire consultants or firms to assist in the recruitment, evaluation, interview, and recommendation process relating to candidates to fill the vacant Charter Officer position. In addition, the search committee shall publicly advertise the existence of the vacant position and the search committee's desire to have qualified individuals, or firms submit resumes or proposals to fill the vacant position.
- (e) Following the review of any resumes, recommendations, and interviews, the search committee shall forward the names of no less than two (2) and no more than four (4) candidates to fill the vacant Charter Officer position. If the City Council does not select any of the recommended candidates to fill the vacant position, the City Council shall request that the search committee continue the interview process for new candidates, and extend the term of the search committee.
- (f) Once the City Council has hired the individual to fill the vacant Charter Officer position, the search committee shall be disbanded without any further action by the City Council.

Sec. 3.14. City boards and agencies.

- (a) Except as otherwise provided by law, the Council shall establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the Council. Members of boards and agencies shall ~~be appointed by the Mayor subject to the approval of the Council~~ consist of five (5) members. The Mayor and City Councilmembers shall each appoint one (1) member to each board or agency. The method for appointment of alternate members shall be pursuant to the City's Code of Ordinances. The Council by affirmative vote of a majority of its members may remove members of boards and agencies.
- (b) The Council may organize itself into standing committees, special committees, and ad hoc committees, which may include non-Councilmembers. Upon formation of any such committees, the Council may appoint its members.

Sec. 5.01. Elections.

(a) Electors. Any person who is a resident of the City, has qualified as an elector of the State and registers to vote in the manner prescribed by law shall be an elector of the City.

(b) Nonpartisan elections. All elections for the offices of Councilmember and Mayor shall be conducted on a nonpartisan basis.

(c) Election dates. An election shall be held in November of each even-numbered year, on the same day U.S. congressional elections are held, or if none are held in any year, on the first Tuesday following the first Monday of November of that year. A runoff election, if necessary, shall be held on the on the second Tuesday in December. The Council shall hold no meetings between the general election and the swearing in of newly elected or re-elected Members of the Council, except in case of an emergency affecting life, health, property, or the public peace.

(d) General election. The ballot for the general election shall contain the names of all qualified candidates for Mayor if the Mayor's term is expiring and for each of the two Council Seats which are to be filled as a result of two Councilmembers' terms expiring, and shall instruct electors to cast one vote for Mayor, if applicable, and one vote for each Seat. ~~If any candidate for Mayor receives a number of votes greater than 50% of the total number of ballots cast, such candidate shall be the duly elected Mayor, and no run-off election for Mayor shall be required. If any candidate(s) for a Seat receive(s) a number of votes greater than 50% of the total number of ballots cast for that Seat, such candidate(s) shall be duly elected to the Council and no run-off election for that Seat(s) shall be required.~~ The candidate for Mayor receiving the most votes shall be the duly elected Mayor. The candidates for each Seat receiving the most votes for that Seat shall be the duly elected Councilmembers. A tie between two or more candidates shall be decided by a run-off election.

(e) Run-off election. As applicable, the ballot for the run-off election shall contain the names of the two candidates for Mayor and the names of the two candidates for each Seat who received the most votes in the general election. The ballot shall instruct electors to cast one vote for Mayor and to cast one vote for each Seat. The candidate for Mayor receiving the most votes shall be the duly elected Mayor. The candidate for each Seat receiving the most votes shall be duly elected to that Seat. If a tie vote occurs in the run-off elections between candidates for the office of Mayor or any Seat, the tie shall be decided by lot under the direction of the Clerk.

(f) Special elections. Special elections, when required, shall be scheduled by the Council at such times and in such manner as shall be consistent with this Charter.

(g) Single candidates. No election for Mayor or any Seat shall be required in any election if there is only one duly qualified candidate for Mayor or for that Seat. The duly qualified candidate shall be deemed elected.

(h) Absentee votes. Absentee voting will be permitted as provided by the laws of the State and under such conditions as may be prescribed by ordinance from time to time; provided, however, that no ordinance shall limit the right to vote by absentee ballot available under State law.

(i) Commencement of terms. The Mayor and Councilmembers who are elected in elections held in November of any year, shall assume office on the first regular or special City Council meeting following certification of their election results. Once all newly elected officials have taken office the Council shall organize in accordance with the provisions of this Charter, and shall then proceed to select the Vice Mayor as designated in this Charter.

Sec. 6.02. – Charter Revision.

(a) Charter Commission. At its first regular meeting in November ~~2008~~ 2023, and every ~~fifth~~ tenth 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, 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 either an election in August of even-numbered years to coincide with the statewide and countywide primary election or an election in November of even-numbered years to coincide with the statewide, countywide, and city wide regular election.

(b) Composition. The Charter Commission shall consist of five electors residing in the City for at least five years, ~~one of whom shall have served as a member of the previous Charter Commission.~~ Each Member of the Council shall appoint one elector to the Charter Commission. No current member of the Council shall serve on the Charter Commission."

Section 4. Approved Ballot Language. The following ballot language for the Amendments comprised of a ballot title, summary question and response, is found legally sufficient and approved. The form of ballot for the Amendments shall be submitted to the electors in substantially the below form:

1) CLARIFY FORM OF GOVERNMENT.

The Charter currently provides that the City shall have a "Mayor-Council-Manager" form of government. It is proposed that the Charter be amended to clarify that the City shall have a "Council-Manager" form of government. The proposed amendment does not eliminate the position of the Mayor.

Shall the above-described amendment be adopted?

Yes []

No []

2) REVISED PROCESS FOR CREATING STANDING, SPECIAL, AND AD HOC COMMITTEES, AND APPOINTMENT OF MEMBERS.

The Charter currently provides that the Mayor creates and appoints, subject to Council approval, committees of the Council. It is proposed that the Charter be amended to change the manner in which said committees are created so that the Council may create and organize itself into standing committees, special committees, and ad hoc committees, and upon formation of any such committees, the Council may appoint its members.

Shall the above-described amendment be adopted?

Yes []

No []

3) COUNCIL AUTHORIZATION REQUIRED WHEN MAYOR DEALING WITH OTHER GOVERNMENTAL ENTITIES.

The Charter currently provides that the Mayor is the official designated to represent the City in all dealings with other governmental entities. It is proposed that the Charter be amended to provide that no official action or position may be taken by the Mayor on behalf of the City in his/her dealings with other governmental entities except as authorized by the Council.

Shall the above-described amendment be adopted?

Yes []

No []

4) REQUIREMENT FOR BREAK IN SERVICE FOR MAYOR SEEKING POSITION OF COUNCILMEMBER.

The Charter currently provides for a limitation on the consecutive length of service as Mayor, but allows individuals who served two consecutive terms as Mayor to seek the position of Councilmember without a break in service. It is proposed that the Charter be amended to provide that an individual who serves two consecutive terms as Mayor must be out of office for four years before seeking the position of Councilmember.

Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

5) MAYOR AND COUNCILMEMBER COMPENSATION.

The Charter currently provides that the Mayor and Councilmembers' annual compensation is \$50,000 and \$12,000, respectively, which is adjusted annually per the Urban CPI, and are currently \$77,587 and \$18,611. It is proposed that the Charter be amended to provide that the Mayor's compensation be capped at the current salary of \$77,587; that Councilmember compensation be adjusted and capped at 30% less than the Mayor's salary, which is \$54,310.90; and eliminate any future increases, including CPI.

Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

6) REVISED PROCESS FOR APPOINTMENT OF CITY MANAGER.

The Charter currently provides that the City Manager is selected differently than the other two Charter Officers, the City Attorney and the City Clerk. It is proposed that the Charter be amended so that the appointment of the City Manager follows the same procedure as the City Attorney and the City Clerk, by providing that the Council selects the City Manager subsequent to the recommendation of a search committee.

Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

**7) REVISED PROCESS FOR APPOINTMENT OF MEMBERS TO CITY
BOARDS AND AGENCIES.**

The Charter currently provides that the Council shall establish such boards and agencies as it may deem advisable but that the members shall be appointed solely by the Mayor subject to Council approval. It is proposed that the Charter be amended to provide that boards and agencies be comprised of five members, and that the Mayor and Councilmembers shall each appoint one member to each board or agency.

Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

8) ELIMINATION OF RUN-OFF ELECTIONS.

The Charter currently requires a run-off election if none of the candidates for office receives a number of votes greater than 50% of the total number of ballots cast. It is proposed that the Charter be amended to eliminate run-off elections, except to break a tie vote, and to revise the majority vote requirement for election of Mayor and Councilmember so that candidates for Mayor or Councilmember receiving the most votes are elected.

Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

**9) TIME FRAME FOR APPOINTMENT OF CHARTER REVISION
COMMISSION; REVISED REQUIREMENTS FOR MEMBERS.**

The Charter currently requires the appointment of a Charter Revision Commission (CRC) every five years. It is proposed that the Charter be amended to provide that the CRC be appointed every ten years; that CRC members must be electors residing in the City for at least five years; to eliminate the requirement that one member must have served on a previous CRC; and to prohibit current members of the Council from serving on the CRC.

Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

**10) REPLACE OFFICE OF CHARTER ENFORCEMENT WITH AN
OFFICE OF INSPECTOR GENERAL.**

The Charter currently provides for an Office of Charter Enforcement. It is proposed that the Charter be amended to eliminate said office, and to replace it with an Office of Inspector General, which will be an independent body to perform investigations, audits, reviews, and oversight of municipal matters including City contracts, programs, projects, and expenditures, in order to identify efficiencies, and to detect, investigate and prevent fraud, waste, mismanagement, misconduct, and abuse of power.

Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

Section 5. Public Inspection of Amendments. The full text of the Amendments, attached hereto as Exhibit "A" and incorporated herein and made a part hereof by this reference, shall be made available for public inspection during regular business hours at and through the office of the City Clerk. The City Clerk is directed to make copies of the Amendments and this Ordinance available for public inspection and copying.

Section 6. Ballot and Canvassing.

- A. The balloting shall be conducted on Tuesday, November 5, 2024, between the hours of 7:00 A.M. and 7:00 P.M. at the regular polling places provided for elections in the City. Absentee voting shall be available as authorized by law. Early voting pursuant to Section 101.657, Florida Statutes, shall be provided. All qualified City electors who are timely registered in accordance with law shall be entitled to vote.
- B. The City Clerk is authorized to obtain any necessary election administration services from the Miami-Dade Supervisor of Elections. The City Clerk and the County Supervisor of Elections are hereby authorized to take all appropriate action necessary to carry into effect and accomplish the electoral provisions of this Ordinance. This Special Election shall be canvassed pursuant to the City Charter and City Code, unless

otherwise provided by law.

Section 7. **Notice of Election.** The City Council hereby directs the City Clerk to publish the notice of said election in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the City at least thirty (30) days prior to said election, and the notice shall be in substantially the following form:

“NOTICE OF SPECIAL ELECTION”

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO ORDINANCES DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, A SPECIAL ELECTION HAS BEEN CALLED ON TUESDAY, NOVEMBER 5, 2024, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING PROPOSED CITY CHARTER AMENDMENTS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY.

1) CLARIFY FORM OF GOVERNMENT.

The Charter currently provides that the City shall have a "Mayor-Council-Manager" form of government. It is proposed that the Charter be amended to clarify that the City shall have a "Council-Manager" form of government. The proposed amendment does not eliminate the position of the Mayor.

Shall the above-described amendment be adopted?

Yes []

No []

2) REVISED PROCESS FOR CREATING STANDING, SPECIAL, AND AD HOC COMMITTEES, AND APPOINTMENT OF MEMBERS.

The Charter currently provides that the Mayor creates and appoints, subject to Council approval, committees of the Council. It is proposed that the Charter be amended to change the manner in which said committees are created so that the Council may create and organize itself into standing committees, special committees, and ad hoc committees, and upon formation of any such committees, the Council may appoint its members.

Shall the above-described amendment be adopted?

Yes []

No []

3) COUNCIL AUTHORIZATION REQUIRED WHEN MAYOR DEALING WITH OTHER GOVERNMENTAL ENTITIES.

The Charter currently provides that the Mayor is the official designated to represent the City in all dealings with other governmental entities. It is proposed that the Charter be amended to provide that no official action or position may be taken by the Mayor on behalf of the City in his/her dealings with other governmental entities except as authorized by the Council.

Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

4) REQUIREMENT FOR BREAK IN SERVICE FOR MAYOR SEEKING POSITION OF COUNCILMEMBER.

The Charter currently provides for a limitation on the consecutive length of service as Mayor, but allows individuals who served two consecutive terms as Mayor to seek the position of Councilmember without a break in service. It is proposed that the Charter be amended to provide that an individual who serves two consecutive terms as Mayor must be out of office for four years before seeking the position of Councilmember.

Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

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The Charter currently provides that the Mayor and Councilmembers' annual compensation is \$50,000 and \$12,000, respectively, which is adjusted annually per the Urban CPI, and are currently \$77,587 and \$18,611. It is proposed that the Charter be amended to provide that the Mayor's compensation be capped at the current salary of \$77,587; that Councilmember compensation be adjusted and capped at 30% less than the Mayor's salary, which is \$54,310.90; and eliminate any future increases, including CPI.

Shall the above-described amendment be adopted?

Yes ☐ ☐

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Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

7) REVISED PROCESS FOR APPOINTMENT OF MEMBERS TO CITY BOARDS AND AGENCIES.

The Charter currently provides that the Council shall establish such boards and agencies as it may deem advisable but that the members shall be appointed solely by the Mayor subject to Council approval. It is proposed that the Charter be amended to provide that boards and agencies be comprised of five members, and that the Mayor and Councilmembers shall each appoint one member to each board or agency.

Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

8) ELIMINATION OF RUN-OFF ELECTIONS.

The Charter currently requires a run-off election if none of the candidates for office receives a number of votes greater than 50% of the total number of ballots cast. It is proposed that the Charter be amended to eliminate run-off elections, except to break a tie vote, and to revise the majority vote requirement for election of Mayor and Councilmember so that candidates for Mayor or Councilmember receiving the most votes are elected.

Shall the above-described amendment be adopted?

Yes ☐ ☐

No ☐ ☐

9) TIME FRAME FOR APPOINTMENT OF CHARTER REVISION COMMISSION; REVISED REQUIREMENTS FOR MEMBERS.

The Charter currently requires the appointment of a Charter Revision Commission (CRC) every five years. It is proposed that the Charter be

amended to provide that the CRC be appointed every ten years; that CRC members must be electors residing in the City for at least five years; to eliminate the requirement that one member must have served on a previous CRC; and to prohibit current members of the Council from serving on the CRC.

Shall the above-described amendment be adopted?

Yes []

No []

10) REPLACE OFFICE OF CHARTER ENFORCEMENT WITH AN OFFICE OF INSPECTOR GENERAL.

The Charter currently provides for an Office of Charter Enforcement. It is proposed that the Charter be amended to eliminate said office, and to replace it with an Office of Inspector General, which will be an independent body to perform investigations, audits, reviews, and oversight of municipal matters including City contracts, programs, projects, and expenditures, in order to identify efficiencies, and to detect, investigate and prevent fraud, waste, mismanagement, misconduct, and abuse of power.

Shall the above-described amendment be adopted?

Yes []

No []

The full text of the proposed Charter Amendments is available at the office of the City Clerk, located at 8401 NW 53rd Terrace Doral, Florida 33166

Section 8. Effectiveness of Charter Amendments.

- A. That each of the Amendments set forth in Section 3 of this Ordinance shall become effective if the majority of qualified electors voting on the Amendments vote for their adoption; and they shall be considered adopted and effective upon certification of the election results.
- B. That the City Attorney is authorized to revise the Charter to the extent necessary to assure that any amendments adopted conform to one another and are properly included in the publication of the revised City Charter.

Further, that in the event that some, but not all, of the Charter amendments are approved by the electors, conforming amendments shall be deemed to be adopted and the City Attorney is authorized to reflect and implement such revisions of the Charter, including the revision of transitional provisions, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting Charter amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

- C. That following the adoption of the Charter amendments, the City Clerk shall file the adopted Charter amendments with the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 9. 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 10. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 11. 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.

Section 12. Inclusion in the Charter. Subject to the requirements of Section 8

above, it is the intention of the City Council and it is hereby provided that the Charter Amendments shall become and be made a part of the Charter of the City of Doral and that the Sections of this Ordinance and the proposed Charter Amendments may be renumbered or re-lettered to accomplish such intention.

Section 13. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Oscar Puig-Corve	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____

PASSED AND ADOPTED on FIRST READING this 10 day of April, 2024.

PASSED AND ADOPTED on SECOND READING this 8 day of May, 2024.

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:

GREENSPOON MARDER, LLP
INTERIM CITY ATTORNEY

EXHIBIT A

PROPOSED REVISIONS AND AMENDMENTS TO CITY CHARTER

The following document contains proposed revisions and amendments to the City of Doral Charter as proposed by the Charter Revision Commission.

Additions to the text are shown in underline and deletions are shown in ~~striketrough~~.