

ORDINANCE No. 2025-08

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION; ASSIGNING AND RENAMING DIVISION 2 “OFFICE OF THE INSPECTOR GENERAL”; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, during the November 2024 City of Doral (the “City”) elections, the residents of Doral voted in favor of creating Section 2.07 of the City’s Charter which provides for an Office of the Inspector General; and

WHEREAS, Section 2.07 provides that the Mayor and City Council may adopt an Ordinance that may provide for the Office’s appointment, reappointment, term, functions, authority, and powers; and

WHEREAS, if adopted, this Ordinance will provide for codification of the Office of the Inspector General; and

WHEREAS, the Mayor and City Council finds that adoption of this Ordinance is in the City’s best interest.

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

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

Section 2. Amending Chapter 2, Article III., Division 5, Creating Division 5, “Office of the Inspector General”

CHAPTER 2 ADMINISTRATION

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 ~~strikethrough~~.

ARTICLE III. – BOARDS, COMMITTEES, AND COMMISSIONS

DIVISION 5. OFFICE OF THE INSPECTOR GENERAL

Sec. 2-185. - Office of the Inspector General

(A) Created and established. There is hereby created and established the City of Doral, Office of Inspector General. The Inspector General shall head the Office. The organization and administration of the Office of the Inspector General shall be sufficiently independent to ensure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General.

(B) Minimum Qualifications, Appointment and Term of Office.

(1) Minimum qualifications. The Inspector General shall be a person who:

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

(i) as a Federal, State or local Law Enforcement Officer;

(ii) as a Federal or State court judge;

(iii) as a Federal, State or local government attorney;

(iv) progressive supervisory experience in an investigative public agency similar to an inspector general's office;

(b) Has managed and completed complex investigations involving allegations of fraud, theft, deception and conspiracy;

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

(d) Has a four-year degree from an accredited institution of higher learning.

(2) Appointment.

(a) The Inspector General shall be appointed by the Inspector General Selection Committee, subject to approval by the Mayor and City Council, as prescribed by the Section 2.07 of the City's Charter.

(b) Creation of the Inspector General Selection Committee (the "Committee") and appointment of Committees members shall be done by resolution of Mayor and City Council and shall provide the following:

(1) The Mayor and each City Councilmember shall select one individual to serve on the Committee.

(2) The Mayor's appointment shall serve as the Committee's Chairperson.

(3) The resolution shall prescribe the character of the Inspector General as an independent contractor or firm, or as a full time or part time employee. Further, the resolution shall instruct the Manager and Staff to take all action to procure or advertise the position of Inspector General and to collect bids or application for consideration.

(c) The Committee shall be bound by the following timeline:

(1) Within thirty (30) days from the Resolution's passage, the Inspector General Selection Committee shall meet to review any applications and open any bids.

(2) Within forty-five (45) days from the Resolution's passage the Inspector General Selection Committee shall complete their review of any applications or bids, conduct all necessary due diligence, perform any interviews, and vote on the appointment of an individual or firm.

(3) Within sixty (60) days from the passage of the Resolution, the Inspector General Selection Committee shall submit their candidate or firm to the Mayor and City Council for approval.

(4) Upon submission of a candidate for consideration, the Inspector General Selection Committee shall sunset.

(5) The Mayor and City Council may extend these timelines in their own and absolute discretion by a majority vote.

(6) Appointment of the Inspector General is final when it has been approved by a majority vote of the City Council.

(d) Should the Inspector General Selection Committee appointment fail to be approved by the City Council, the Inspector General Selection Committee may be recalled, or the Mayor and City Council may create and appoint a new Inspector General Selection Committee as provided above, in subsections 2b and 2c.

(3) Term and Contract.

(a) The Inspector General shall be appointed for a term of two (2) years (the "Term").

(b) In case of a vacancy in the position of Inspector General, the Mayor may appoint a deputy inspector general, or other qualified person to serve as an interim Inspector General until such time as an Inspector General is appointed following the process described in Section 2b and 2c above.

(c) Six-months prior to the expiration of the Term, the Inspector General shall notify the Mayor whether they desire to serve a subsequent term. In the event the Inspector General desires to serve a subsequent term, the Mayor and City Council may, by majority vote, reappoint the Inspector General to another term. There are no restrictions on the number of terms a person or firm may serve as an Inspector General. Should the Inspector General decide not to seek a subsequent term, or if the Mayor and City Council choose not to reappoint the Inspector General to a subsequent term, the City Council shall then begin the search process for an Inspector General in the same fashion as described above, in subsection B 2.

(d) The Mayor in consultation with the City Attorney, shall negotiate a contract of employment with the Inspector General, except that before any contract shall become effective, the contract must be approved by a majority vote of the Mayor and City Council present at the City Council meeting.

(C) Functions, authority and powers.

(1) The Inspector General shall have the authority as described in Section 2.07 of the City Charter, in order to identify efficiencies, detect, investigate and prevent fraud, waste, mismanagement, misconduct and abuse of power.

(2) On an as needed basis, the Inspector General may provide reports and recommendations to the Mayor and City Council regarding the financial and operational efficiencies of a project, program, contract or transaction. Any review of a proposed project or program shall be performed in such a manner as to assist the Mayor and City Council in determining whether the project or program is the most feasible solution to a particular need or problem. Monitoring of an existing project or program may include reporting whether the project is on time, within budget and in conformity with plans, specifications and applicable law;

(3) The Inspector General shall have the power to review and investigate any third party complaint, provided that said complaint is in writing, contains the complainant's

name and address, and provides a signed affidavit by the complainant. Unless precluded by Federal or State Law, the Inspector General shall notify the Mayor, Councilmembers, City Manager and City Attorney, upon the occurrence of a filed complaint and the initiation of an investigation.

(4) In carrying out his investigative duties, the Inspector General shall have the power to subpoena witnesses, administer oaths and require the production of records. In the case of a refusal to obey a subpoena issued to any person, the Inspector General may make application to any circuit court of this State which shall have jurisdiction to order the witness to appear before the Inspector General and to produce evidence if so ordered, or to give testimony touching on the matter in question. Prior to issuing a subpoena, the Inspector General shall notify the State Attorney and the U.S. Attorney for the Southern District of Florida. The Inspector General shall not interfere with any ongoing criminal investigation of the State Attorney or the U.S. Attorney for the Southern District of Florida where the State Attorney or the U.S. Attorney for the Southern District of Florida has explicitly notified the Inspector General in writing that the Inspector General's investigation is interfering with an ongoing criminal investigation;

(5) The Inspector General may, after receiving authority from the Mayor and City Council, perform audits, inspections and reviews of any and all City contracts.

(6) Where the Inspector General detects corruption or fraud, they shall notify the appropriate law enforcement agencies. Subsequent to notifying the appropriate law enforcement agency, the Inspector General may assist the law enforcement agency in concluding the investigation.

(D) *Physical facilities* - The City shall provide the Inspector General with adequate office space, together with necessary office supplies, equipment and furnishings to enable the Office to perform its functions, at the City Council's discretion, to be negotiated at the time of the contract.

(E) *Procedure for finalization of reports and recommendations which make findings as to the person or entity being reviewed or inspected.* Notwithstanding any other provision of this Code, whenever the Inspector General concludes a report or recommendation which contains findings as to the person or entity being reported on or who is the subject of the recommendation, the Inspector General shall provide the affected person or entity a copy of the report or recommendation and such person or entity shall have 10 working days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized, and such timely submitted written explanation or rebuttal shall be attached to the finalized report or recommendation. The requirements of this subsection (E) shall not apply when the Inspector General, in conjunction with the State

Attorney, determines that supplying the affected person or entity with such report will jeopardize a pending criminal investigation.

(F) Reporting. The Inspector General shall annually prepare and submit to the Mayor and City Council a written report concerning the work and activities of the Inspector General Office including, but not limited to, statistical information regarding the disposition of closed investigations, audits and other reviews.

(G) Removal. The Inspector General may be removed from office upon the affirmative vote of Four-Fifth (4/5) of the whole number of members of the City Council.

(H) Abolition of the Office. The Office of Inspector General shall only be abolished through a referendum by the citizens of the City of Doral.

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

Section 4. Severability. If any section, subsection, clause of 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. In is the intention of the Mayor and the City Council, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Doral, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions.

Section 6. Effective Date This Ordinance shall be effective immediately upon passage by the City Council 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 Maureen Porras	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Nicole Reinoso	_____

PASSED AND ADOPTED on FIRST READING this 15 day of January, 2025

PASSED AND ADOPTED on SECOND READING this 12 day of February, 2025

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:

LORENZO COBIELLA
GASTESI, LOPEZ, MESTRE & COBIELLA, PLLC
CITY ATTORNEY