



CITY OF DORAL COUNCIL MEETING MEMORANDUM

ITEM TITLE:

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, REAFFIRMING AND RESTATING ORDINANCE NO. 2023-15; PROVIDING FINDINGS REGARDING PENDING LITIGATION CONCERNING THE RETROACTIVE APPLICATION OF ORDINANCE NO. 2023-15; REAFFIRMING THE CITY'S POSITION THAT THE RETIREMENT SYSTEM FOR ELECTED OFFICIALS WAS CANCELLED AND IS NO LONGER ACTIVE UPON ADOPTION OF ORDINANCE NO. 2023-15; AFFIRMING THE REPEAL ORDINANCE NO. 2021-02; AFFIRMING THE REPEAL OF ARTICLE IX, "RETIREMENT SYSTEM FOR ELECTED OFFICIALS," OF CHAPTER 2, OF THE CITY OF DORAL CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

DEPARTMENT RECOMMENDATION:

Approval

BRIEF HISTORY:

Purpose

The purpose of this Staff Memorandum is to provide the Mayor and City Council with background and justification for the proposed ordinance reaffirming and restating Ordinance No. 2023-15, which repealed Ordinance No. 2021-02 and Article IX, "Retirement System for Elected Officials," of Chapter 2 of the City of Doral Code of Ordinances.

Background

On February 10, 2021, the City Council adopted Ordinance No. 2021-02, establishing the *City of Doral City Elected Officials Retirement Plan*, which was subsequently codified in Article IX of Chapter 2 of the City's Code of Ordinances. The ordinance provided lifetime pension, health, and life insurance benefits to qualifying elected officials who served at least eight years or two full terms, were no longer in office, and attained age 60.

Following adoption of the 2021 ordinance, questions arose regarding whether the plan had been adopted, funded, and maintained in accordance with Florida law. On February 8, 2023, the City Council authorized the retention of special counsel to conduct an independent legal review of the retirement plan.

Special counsel issued its report, *Elected Officials' Retirement Plan - Summary of Initial Findings*, dated April 4, 2023. The report concluded that the plan was adopted and funded in a manner inconsistent with Section 14, Article X of the Florida Constitution and Part VII of Chapter 112, Florida Statutes. The report further concluded that providing benefits to former elected

officials whose service predated the effective date of the plan could violate Section 215.425(1), Florida Statutes, which prohibits extra compensation after services have been rendered.

At the April 12, 2023 City Council meeting, those findings were presented to the Council. Based on the identified legal concerns, the Council approved a motion recommending that the Administrative Committee suspend payments under the plan and directed the City Attorney to prepare an ordinance repealing the plan.

On May 1, 2023, the Administrative Committee held a duly noticed public meeting, adopted the report, and voted to suspend pension benefit payments immediately or as soon as administratively feasible, and to suspend payment of health and life insurance premiums effective June 30, 2023.

On June 14, 2023, the City Council adopted Ordinance No. 2023-15, repealing Ordinance No. 2021-02 retroactive to February 10, 2021, and repealing Article IX of Chapter 2 of the Code.

Current Status

Following adoption of Ordinance No. 2023-15, litigation was filed by four former elected officials challenging the validity and application of the ordinance in the Eleventh Circuit Court for Miami-Dade County, Case Number 2023 18115 CA 01. The Court in this matter ruled on a Motion for Summary Judgement in favor of the four elected officials. The City appealed, Case No. 3D25-0363. On June 17, 2026, the Third District Court of Appeals upheld in part the lower courts ruling and reversed part of the lower court's ruling. Specifically finding that two of the elected officials, who were present during the passage of Ordinance 2021-02 and had completed their eight years of service after the Ordinance passage had vested their rights in the pension program, were entitled to pension benefits. Also, finding that two elected officials, who were not serving as elected officials during the passage of Ordinance 2021-02, and had completed their public service prior to the adoption of the Ordinance, were not entitled to pension benefits. The City has moved for a rehearing, and is pending a Court decision.

While the question of the Ordinance's retroactive versus prospective application remains a legal question, the City's position is that, at a minimum, the retirement system established by Ordinance No. 2021-02 was cancelled, revoked, and is no longer active as of June 14, 2023, the date Ordinance No. 2023-15 was adopted. This Ordinance reaffirms and restates this fact.

Analysis

The proposed ordinance is intended to eliminate any possible ambiguity and reaffirm the legislative intent of the Mayor and City Council. Specifically, it restates that Ordinance No. 2023-15 repealed Ordinance No. 2021-02 and Article IX of Chapter 2 of the Code, and confirms the City's continued position that the retirement system for elected officials is no longer in effect.

The proposed ordinance does not attempt to resolve the pending appellate issues. Rather, it clarifies the City's present legislative position relating to the repeal of its pension program. Staff believes this action is appropriate to reinforce the City's intent, support consistency in the Code, and avoid uncertainty regarding whether the retirement system remains active.

The City also has broad home rule authority under Article VIII, Section 2(b) of the Florida Constitution and Section 166.021, Florida Statutes, to legislate for municipal purposes except as otherwise provided by law. Reaffirming the repeal ordinance is consistent with that authority.

Fiscal Impact

There is no direct fiscal impact associated with adoption of the proposed reaffirming ordinance itself. The ordinance is clarifying in nature and restates the City's existing legislative position. Any fiscal implications associated with the former retirement plan or related litigation are separate from this action.

Recommendation

Staff recommends approval of the proposed ordinance on first reading.

LEGISLATIVE ACTION: (IF APPLICABLE)

Date:	Resolution/Ordinance No.	Comments
06/14/2023	Ordinance 2023-15	Repealed

FINANCIAL INFORMATION: (IF APPLICABLE)

No.	Amount	Account No.	Source of Funds
I.			Settlement
Total:			
Fiscal Impact Statement: The proposed item has no fiscal impact.			

STRATEGIC PLAN ALIGNMENT:

This item is aligned with the Public Safety Strategic Goal, as it will assist in continuing to ensure the well-being and security of residents, maintain social order, support economic growth, foster community engagement, and improve the overall quality of life for residents.

ATTACHMENT(S):

- A. Memorandum
- B. Resolution