

ORDINANCE No. 2026-21

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No. 2023-15; REAFFIRMING THE CITY'S POSITION THAT THE RETIREMENT SYSTEM FOR ELECTED OFFICIALS WAS CANCELLED AND IS NO LONGER ACTIVE UPON ADOPTION OF ORDINANCE No. 2023-15; AFFIRMING THE REPEAL ORDINANCE No. 2021-02; AFFIRMING THE REPEAL OF ARTICLE IX, "RETIREMENT SYSTEM FOR ELECTED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

WHEREAS, on February 10, 2021, the City Council for the City of Doral ("City") adopted Ordinance No. 2021-02, which created a retirement system for elected officials, titled "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 "2021 Ordinance" or the "Plan"); and

WHEREAS, the 2021 Ordinance provided lifetime pension, health, and life insurance benefits for elected officials who have served at least 8 years or 2 full terms in office, are no longer serving as an elected official, and attain age 60; and

WHEREAS, Section 14, Article X of the Florida Constitution requires that the City, prior to enactment of a retirement plan, provide for the funding of benefits under the plan on a sound actuarial basis; and

WHEREAS, Part VII of Chapter 112, Florida Statutes establishes minimum standards for the operation and funding of public employee retirement systems and plans; and

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~~.

WHEREAS, following the adoption of the 2021 Ordinance, the validity of the Ordinance was called into question; and

WHEREAS, on February 8, 2023, the City Council authorized the retention of special counsel to perform an independent review of the 2021 Ordinance, and provide an opinion as to whether the Plan was adopted, funded and maintained in accordance with Florida law; and

WHEREAS, the report by the City's special counsel, entitled "Elected Officials' Retirement Plan – Summary of Initial Findings," dated April 4, 2023 (the "Report"), determined the manner in which the Plan was adopted and funded violated Section 14, Article X of the Florida Constitution and Part VII, Chapter 112, of Florida Statutes, and since its adoption, the Plan has not been administered or funded in accordance with Florida law; and

WHEREAS, the Report further concluded that the payment of benefits under the Plan to former elected officials who left office before the Plan was in effect violates Section 215.425(1), Florida Statutes, which provides that "[n]o extra compensation shall be made to any officer, agent, employee, or contractor after the service has been rendered or the contract made"; and

WHEREAS, at the City Council meeting of April 12, 2023, the aforementioned findings were presented to the City Council, and by an affirmative vote of the Council, and based on the Plan's adoption in violation of the Florida Constitution and Part VII of Chapter 112, Florida Statutes, a motion was approved to recommend the Administrative

Committee take action to suspend payments under the Plan, and to direct the City Attorney to prepare an ordinance repealing the Plan; and

WHEREAS, on May 1, 2023, the Administrative Committee, created pursuant to said Ordinance, held a duly noticed public meeting, and after adopting the Report, voted to suspend the City's payments of pension benefits under the Plan effective immediately or as soon as administratively feasible, and to suspend the City's payment of health insurance and life insurance premiums under the Plan effective June 30, 2023; and

WHEREAS, on June 14, 2023, the City Council adopted Ordinance No. 2023-15, which repealed the 2021 Ordinance retroactive to the date of its adoption, February 10, 2021, and repealed Article IX, "Retirement System for Elected Officials," of Chapter 2 of the City's Code of Ordinances; and

WHEREAS, the express intent of the Mayor and City Council in adopting Ordinance No. 2023-15 was to repeal the 2021 Ordinance retroactively to the date of its adoption; and

WHEREAS, following the adoption of Ordinance No. 2023-15, a lawsuit was filed by four, former City elected officials challenging the validity and application of said Ordinance; and

WHEREAS, the matter regarding the application of Ordinance No. 2023-15's revocation to certain elected officials whose terms of office expired prior to the enactment of Ordinance No. 2023-15 is currently pending before the Third District Court of Appeal of Florida, Case No. 3D25-0363; and

WHEREAS, the question of whether Ordinance No. 2023-15 operates retroactively or is uniquely prospectively remains a legal question; and

WHEREAS, it is the City's position that, at a minimum, upon the adoption of Ordinance No. 2023-15 on June 14, 2023, the retirement system for elected officials established by Ordinance No. 2021-02 was cancelled, revoked, and is no longer active, regardless of whether Ordinance No. 2023-15 is ultimately determined to have a retroactive or prospective application; and

WHEREAS, the City has home rule powers under Article VIII, Section 2(b) of the Florida Constitution and Section 166.021, Florida Statutes, to conduct municipal government, perform municipal functions, and exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, in order to clarify the City's position and to eliminate any ambiguity regarding the status of the retirement system for elected officials, the Mayor and City Council find it appropriate and in the public interest to reaffirm and restate Ordinance No. 2023-15; and

WHEREAS, the Mayor and City Council find that the reaffirmation and restatement of Ordinance No. 2023-15 is in the best interest of the welfare of the residents of the City.

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 true and correct and are hereby ratified and confirmed as findings of the City Council and are incorporated herein by reference.

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 ~~striketrough~~.

Section 2. Restatement and Reaffirmation of Ordinance No. 2023-15 The City Mayor and Council reaffirm and restate the adoption of 2023-15, which repealed Ordinance 2021-02, specifically Article IX “Retirement System for Elected Officials,” of the City’s Code of Ordinances.

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. It 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 Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____
Councilwoman Nicole Reinoso	_____

PASSED AND ADOPTED on FIRST READING this 12 day of August, 2026.

PASSED AND ADOPTED on SECOND READING this ____ day of _____, 2026.

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

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 ~~striketrough~~.