

ORDINANCE No. 2021-02

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, ESTABLISHING A RETIREMENT SYSTEM FOR ELECTED OFFICIALS OF THE CITY OF DORAL THAT HAVE SERVED A MINIMUM OF EIGHT YEARS; PROVIDING FOR AN ADMINISTRATIVE COMMITTEE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, public service is a noble calling which requires dedication from the City's elected officials; and

WHEREAS, the ability of the City of Doral to be responsive, innovative, and effective depends on vision and dedication of its elected officials; and

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

Section 1. Recitals. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Code Amended. Chapter 87 – "Elected Officials Retirement Plan" the Code of Ordinances of the City of Doral is hereby amended as follows:

CHAPTER 87. RETIREMENT SYSTEM FOR ELECTED OFFICIALS

Article 1. - Elected Officials Retirement Plan

Sec. 1-01. - Created; adopted.

A retirement system for elected officials of the City of Doral is hereby established to provide retirement allowances and shall be known as the "City of Doral City Elected Officials Retirement Plan".

Sec. 2.01. - Definitions.

Unless a different meaning is plainly required by the context, the following words and phrases as used in this division shall have the following meaning:

Beneficiary shall mean any person receiving a benefit from the retirement system provided by this article.

Benefits shall mean the retirement payment provided by this article.

Contingent annuitant shall mean the person or persons last designated by the elected official as a contingent annuitant (where a joint and last survivor option (under section 2-101.2 B(iii) has been selected). Such contingent annuitant status is limited to only the surviving spouse of the elected official or to the surviving child or children (less than 21 years of age) of the elected official, and only payable to such child or children if both the spouse and elected official are deceased.

Contribution shall mean the sum of all amounts contributed by the city on behalf of an elected official of the City of Doral.

Elected official shall mean any person who was elected in a general or special election to serve as mayor or as a city council member.

Elected official compensation shall mean salary and any additional emoluments paid to the elected official by the City. Salary shall include the city provided salary and any additional emoluments paid by the city, but shall not include the premiums for life insurance, health insurance.

Retirement age shall mean the first day of the month coincident with or next following the 60th anniversary of birth.

Retirement system shall mean the plan provided by this article, "The Elected Officials Retirement Plan".

Service shall mean the period of time served as the mayor or city council member.

Term of office shall mean the period of time specifically provided for in the Charter for each council seat.

Trustee shall mean the Director of Finance Department of the City of Doral or professional consultants retained by the city for the purposes of administering this article and calculating contributions and benefits.

Vesting shall mean the vesting of rights to future benefits after eight years of Service under section 2-101.

Sec. 2-101. - Benefits.

1. (A) Elected official contributions.

Elected official shall not be required to make any contributions to the retirement system. The city shall make all required contributions as determined by the actuary for the retirement plan.

2. (B) Elected official benefits.

(i) Any elected official, who has served two full terms of office or for a period of eight years and who has reached the Retirement age and no longer serves as an elected official in the City of Doral and applies for benefits, shall be entitled during the remainder of his/her natural life to an annual pension benefit equal to fifty percent (50%) of the elected official's compensation. The Elected Official compensation shall equal the average of the last three years of compensation of his/her term of office. Upon vesting and each year of service as an elected officer thereafter, the retirement benefit shall increase by twelve and one-half percent (12.5%) for each additional year of service to a maximum of one hundred percent of the highest compensation.

(ii) A vested elected official that no longer serves as an elected official in the City of Doral who has served for a period of eight years and who has reached the Retirement age and no longer serves as an elected official in the City of Doral shall be entitled during the remainder of his/her natural life to a credit towards the health insurance premium equal to a payment by the City totaling fifty percent (50%) of the cost of the health benefits for themselves and their immediate families from the City under one of the plans offered to employees. Upon the death of the beneficiary, the health benefits shall continue to be paid for on behalf of the family for ten additional years. Upon vesting and each year of service as an elected officer thereafter, the contribution towards the health insurance premium shall increase by twelve and one-half percent (12%) for each year of service to a maximum of one hundred percent of the cost of the health insurance premium.

(iii) Death benefits.

(a) The City will maintain a life insurance policy for elected officials in the same amount as the policy maintained during their last year of service who have served for a period of eight years in the City of Doral. In the event of an elected official's death the insurance proceeds will be paid to elected official's beneficiary.

(b) In the event of an elected official's death subsequent to vesting under this retirement system on or on the date the elected official has attained the age of 60, the elected official's beneficiary will be entitled to receive a monthly pension. The amount of such monthly pension will be calculated as if the elected official had retired the day before the date of death and had elected a joint and survivor option with 100 percent of the eligible amount paid to the beneficiary for a period of ten years.

(3) Time of payment Benefits shall be payable in equal monthly installments, in advance, by the fifth day of each month.

(4) Incorporation of provisions. Any mandatory requirements which are required by law to be included herein are hereby incorporated by reference as if set forth in full herein.

Sec. 3-101. - Retirement fund.

The City shall establish a retirement fund (the "fund") into which shall be paid the contributions under the terms of this retirement system. At no time prior to the satisfaction of all liabilities under the retirement system with respect to members and beneficiaries of joint annuitants, shall any part of the corpus or income of the retirement fund be used for, or diverted to, any purpose other than for the exclusive benefit of the members. No person shall have a financial interest in, or right to, the retirement fund or part thereof, except as expressly provided for by the retirement system. Each member or other person who shall claim the right to any payment under the retirement system shall be entitled to look only to the retirement fund for such payment. No liability for the payment of benefits under the retirement plan shall be imposed upon the mayor, the city council, the administrative committee, or the city.

Sec. 4-101. - Administrative committee.

(a) Administration of the retirement system, the exclusive power to interpret it, and the responsibility for carrying out its provisions are vested in an administrative committee.

(b) Membership. The administrative committee shall be made up of three members as follows:

(1) City Attorney or designee;

(2) The Director of the Finance Department or designee; and

(3) One resident of the city appointed by the Mayor and approved by the city council.

(c) Meetings. The administrative committee shall hold meetings, determining the notice, time and place of each. The affirmative vote of at least two members of the administrative committee at any meeting of the committee shall be required to take any action. The committee shall elect one member as chairperson and one member as secretary. The secretary shall keep complete minutes of the proceedings of the committee. The decisions of the administrative committee as to interpretation and application of the retirement system shall be final.

(d) Term of office; resignation; removal of committee members. Any appointed administrative committee member; shall serve a two-year term. Any appointed committee member may be subsequently reappointed as a committee member. A committee member who does not attend two or more consecutive committee meetings not excused by the committee may be removed by majority vote of the committee. A committee member who resigns or is removed shall be replaced in the same manner as that member was selected, and the new member shall serve the remainder of that member's term.

(e) Retirement plan records. The administrative committee shall maintain appropriate accounts and records of the retirement system and shall keep in convenient form the data necessary for actuarial valuations.

(f) Committee liability. Administrative committee members shall use reasonable and ordinary care and diligence in performing their duties; but no member shall be personally liable by virtue of any contract, agreement, bond or other instrument made or executed by or for him or her as a committee member nor for any loss, unless due to his own willful misconduct.

(g) Committee indemnification. To the fullest extent allowed by law, the fund shall indemnify each committee member against costs, expenses and liabilities, including attorney's fees, incurred in connection with any action, suit or proceeding instituted against him or her because of any act of omission or commission performed by him as a committee member while acting in good faith and exercising his or her judgment for the best interest of the retirement plan. Promptly after receipt by an indemnified party under this section of notice of the commencement of any action, such indemnified party will, if a claim in respect thereof is to be made against the fund, notify the fund of the commencement thereof, but the omission so to notify the fund will not relieve it from the liability hereunder, nor from any other liability which it may have to such person. The fund shall be entitled to participate at its own expense in the defense or to assume the defense of any action brought against any party indemnified hereunder. In the event the fund elects to assume the defense of any such suit, such defense shall be conducted by counsel chosen by it, and the indemnified party shall bear the fees and expenses of any additional counsel retained by him or her.

(h) Liability limited. In administering the retirement system neither the committee, nor any member thereof, nor the council nor the city, shall be liable for any acts of omission or commission, except for his or its own individual, willful misconduct. The city and each member of the committee shall be entitled to rely conclusively on all tables, valuations, certificates, opinions and reports which shall be furnished by any actuary, accountant, trustee, insurance company, counsel or other expert who shall be employed or engaged by the committee.

(i) Committee expenses Any reasonable expenses incurred by the committee, with the prior approval of the committee, in the performance of its duties shall be paid by the retirement fund. The members of the committee shall serve without compensation for performance of their duties hereunder.

Sec. 5-101. - Powers of the administrative committee.

The powers, duties and responsibilities of the administrative committee shall include, but not necessarily be limited to, the following:

(1) To construe the provisions of the retirement system and to determine all questions relating to eligibility and participation;

(2) To determine or have determined and certified the amount of all retirement allowances or other benefits hereunder;

- (3) To receive and process all applications for participation and benefits;
- (4) To authorize all payments whatsoever from the retirement fund and to notify the disbursing agent, in writing, or approve benefit payments and other expenditures arising through operation of the retirement plan;
- (5) To make recommendations to the city council regarding changes in the provisions of the retirement plan;
- (6) To engage actuarial and other professional services as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the committee shall be paid at such rates and in such amounts as the committee shall agree. Funds may be disbursed by the city finance department or other disbursing agent as determined by the committee, but only upon written authorization by the committee;
- (7) To review reports of and have meetings with the custodian and investment agent(s) or advisor; to require written reports from the custodian on fund assets and transactions on a semiannual or more frequent basis if deemed advisable by the committee; to require written and oral reports from the investment agent or advisor on at least a semiannual basis, such reports to reflect trust fund investment performance, investment recommendations and overall review of fund investment policies;
- (8) To retain one or more money managers to invest and reinvest the retirement fund in such securities or property, real or personal, wherever situated and of whatever kind, as shall be approved by the administrative committee, including but not limited to stocks, common or preferred, and bonds, and other evidences of indebtedness or ownership although the same may not be of the character not permitted for trustee's investment by the laws of the State of Florida. The performance of the investment portfolio for the retirement system shall not be less than 90 percent of the median performance of comparable portfolios as determined jointly by the administrative committee;
- (9) The administrative committee may retain in cash and keep unproductive of income such amount of the retirement fund as it may deem advisable, having regard for the cash requirements of the retirement system;
- (10) To determine or have determined that the retirement system complies at all times with the provisions of state law, both substantively and in operation, including the preparation of all regular and special actuarial reports to be filed with the Florida Division of Retirement.
- (11) The administrative committee shall have a continuing duty to observe and evaluate the performance of any money manager or other investment counsel retained by the committee. The committee shall, in selecting a money manager or other investment counsel, exercise all judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs.

Sec. 6.101. - Amendments.

This ordinance can only be amended by a unanimous vote of the city council.

Section 3. 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 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. 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 notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective after second reading.

The foregoing Ordinance was offered by Vice Mayor Cabrera who moved its adoption.

The motion was seconded by Councilmember Cabral upon being put to a vote, the vote

was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	No
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 13 day of January, 2021.

PASSED AND ADOPTED on SECOND READING this 10 day of February, 2021.



 JUAN CARLOS BERMUDEZ, 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:



 LUIS FIGUEREDO, ESQ.
 CITY ATTORNEY