



## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **VIRTUAL COUNCIL ZONING MEETING** on **Wednesday, May 13, 2020 beginning at 11:30 AM**, to consider the following text amendment to the City of Doral Comprehensive Plan, Future Land Use Element. The City Council will consider this item for **FIRST READING**. The meeting will be held with the elected officials, administration and City staff participating via video conferencing.

Governor DeSantis' Executive Order Number 20-69 suspended the requirements of Section 112.286, Florida Statutes and the Florida Sunshine Law, that a quorum to be present in person, and that a local government body meet at a specific public place. The Executive Order also allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings.

**Public Comment:** members of the public that wish to provide comments may do so by emailing the City Clerk at [cityclerk@cityofdoral.com](mailto:cityclerk@cityofdoral.com). Comments must be submitted with your name and full address by **Tuesday, May 12, 2020**. The comments will be circulated to the elected officials and administration, as well as remain as a part of the record for the meeting.

The meeting will be broadcasted live for members of the public to view on the City of Doral's website (<https://www.cityofdoral.com/government/city-clerk/council-meetings>) as well as Channel 77 and Facebook Live.

The City of Doral proposes to adopt the following Ordinance:

### ORDINANCE No. 2020-05

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING A TEXT AMENDMENT TO THE CITY OF DORAL COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT, POLICY 2.1.2 ENTITLED "INDUSTRIAL" CATEGORY TO INCLUDE THE "DOWNTOWN ARTS REUSE DISTRICT" PROVISIONS FOR ALL PROPERTIES DESIGNATED "INDUSTRIAL" IN THE CITY'S FUTURE LAND USE MAP (FLUM), LOCATED NORTH OF DOWNTOWN DORAL WITHIN THE AREA BOUNDED BY NW 87 AVENUE ON THE WEST, NW 58 STREET ON THE NORTH, NW 79 AVENUE ON THE EAST AND NW 54 STREET ON THE SOUTH; AND AUTHORIZING THE TRANSMITTAL OF THE TEXT AMENDMENT ADOPTION PACKAGE TO THE STATE LAND PLANNING AGENCY IN THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND OTHER REQUIRED GOVERNMENTAL REVIEWING AGENCIES PURSUANT TO THE PROVISIONS OF SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE**

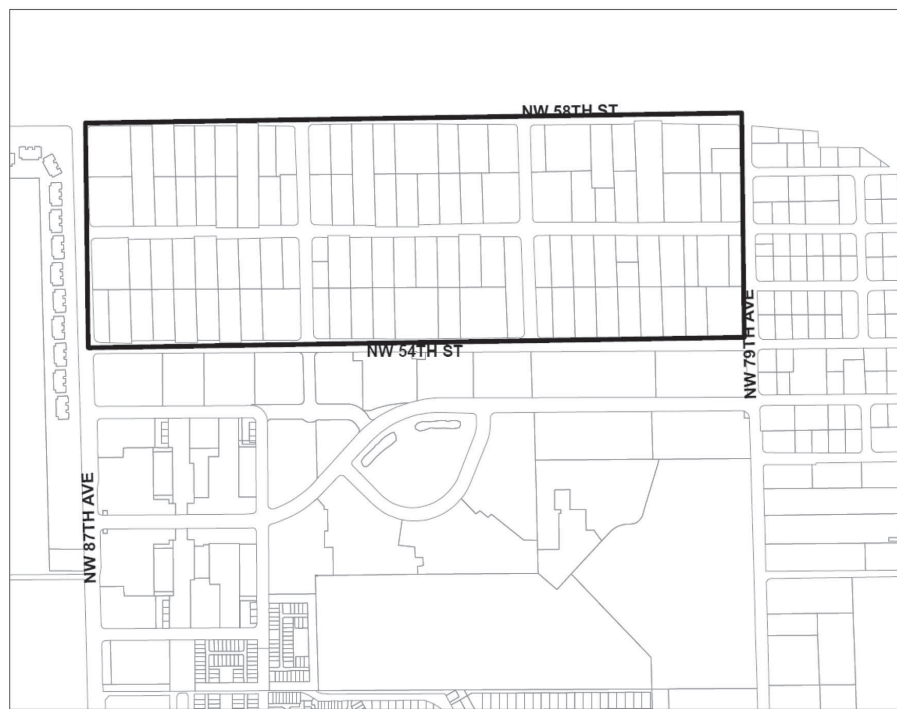
HEARING NO.: 20-05-DOR-08

APPLICANT: City of Doral

**LOCATION:** Area located north of Downtown Doral, bounded by NW 87th Avenue on the west, NW 58th Street on the north, NW 79th Avenue on the east and NW 54th Street on the south.

**REQUEST:** The City of Doral (the "Applicant") is requesting Mayor and City Council approval of a text amendment to the City of Doral Comprehensive Plan, Future Land Use Element, Policy 2.1.2 entitled "Industrial" category to include the "Downtown Arts Reuse District" provisions for all properties designated "Industrial" located north of Downtown Doral within the area bounded by NW 87th Avenue on the West, NW 58th street on the North, NW 79th avenue on the East and NW 54th street on the South.

#### Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC  
City Clerk  
City of Doral

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## FROM THE COURTS

# Justices Restore Insurers' \$12B Claims in Key Obamacare Dispute



JOHN DISNEY

"These holdings reflect a principle as old as the nation itself: The government should honor its obligations," Justice Sonia Sotomayor wrote for the 8-1 majority.

by Marcia Coyle  
and Mike Scarcella

The U.S. Supreme Court revived claims from insurers for billions of dollars in payments under a provision of the Affordable Care Act that established risk management protections to encourage companies to participate in the market.

The justices, ruling 8-1 against the Trump administration, said the U.S. government had an obligation to make \$12 billion in payments under the so-called risk corridor program, a scheme that was designed to provide protections for insurers who claimed losses for participating in the centerpiece health exchanges set up by the ACA.

Congress established an obligation for the government to make those payments, and that obligation was not later repealed, Justice Sonia Sotomayor said for the majority on Monday.

"These holdings reflect a principle as old as the nation itself: The government should honor its obligations," Sotomayor wrote. "Soon after ratification, Alexander Hamilton stressed this insight as a cornerstone of fiscal policy."

The court overturned a decision by the U.S. Court of Appeals for the Federal Circuit and said the insurance companies can sue the government for damages.

"Insurance carriers had many reasons to participate in these new exchanges. Through the Affordable Care Act, they gained access to millions of new customers with tax credits worth 'billions of dollars in spending each year,'" Sotomayor wrote. "But the exchanges posed some business risks, too—including a lack of 'reliable data to estimate the cost of providing care for the expanded pool of individuals seeking coverage.'"

Justice Samuel Alito Jr. dissented, writing that the majority's decision had "the effect of providing a massive bailout for insurance companies that took a calculated risk and lost. These companies chose to participate in an Affordable Care Act program that they thought would be profitable."

Alito wrote that his main objection to the majority's opinion was its creation of a private right of action for damages sought by the insurers under the federal Tucker Act. That act, he wrote, "provides a waiver of sovereign immunity and a

grant of federal-court jurisdiction, but it does not create any right of action."

At the Supreme Court, the Justice Department argued that any obligation to make risk corridor payments was scrapped when Congress "expressly prohibited" the U.S. Health and Human Services Department from continuing to make payments using certain funds.

Paul Clement of Kirkland & Ellis argued for insurers at the Supreme Court. The carriers contended that the U.S. government executed a massive "bait and switch," promising payments under the risk corridor program but not making them.

"Like numerous other insurers, petitioners responded exactly as Congress intended, participating in the exchanges and charging lower premiums than they would have absent the government's commitment to share some of the risk," Clement, representing Oregon-based Moda Health Plan Inc., said in his petition in February at the Supreme Court.

Moda's lawyers argued that "the net effect was a bait-and-switch of staggering dimensions in which the government has paid insurers \$12 billion less than what was promised."

The court's decision in *Maine Community Health Options v. United States* came in four consolidated cases, including *Moda Health Plan v. United States*, *Blue Cross and Blue Shield of North Carolina v. United States* and *Land of Lincoln Mutual Health Insurance v. United States*.

The dispute attracted substantial friend-of-the-court briefing from health insurers across the country.

Lawyers from O'Melveny & Myers filed an amicus brief on behalf of Blue Cross Blue Shield Association, which advocates for the interests of 36 locally operated companies that provide insurance to nearly 106 million people.

"Blue Plans were disproportionately injured by the government's bait-and-switch. Of the \$12.3 billion in risk corridors obligations that the government has failed to pay, 40%—or nearly \$5 billion—is owed to Blue Plans," O'Melveny partner K. Lee Blalack II wrote in the friend-of-the-court brief.

**Marcia Coyle covers the U.S. Supreme Court. Contact her at [mcoyle@alm.com](mailto:mcoyle@alm.com). On Twitter: @MarciaCoyle. Mike Scarcella is a senior editor on ALM Media's regulatory desk. Contact him at [mscarcella@alm.com](mailto:mscarcella@alm.com). On Twitter: @MikeScarcella.**