

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE INTERIM CITY MANAGER, PURSUANT TO SECTION 30-36 OF THE CODE OF THE CITY OF MIAMI BEACH, CONCERNING THE APPOINTMENT OF JOSE SMITH, TO SERVE AS CHIEF SPECIAL MAGISTRATE, FOR A TERM COMMENCING ON AUGUST 24, 2024, AND ENDING ON FEBRUARY 23, 2025; PROVIDED FURTHER THAT CHIEF SPECIAL MAGISTRATE SMITH SHALL BE AUTHORIZED TO HOLD HEARINGS AND IMPOSE FINES, LIENS, AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF THE CITY AND COUNTY CODES AND ORDINANCES, AND FURTHER INCORPORATING ALL OTHER MATTERS SET FORTH WITHIN CHAPTER 30 OF THE CITY CODE, INCLUDING, WITHOUT LIMITATION, SECTIONS 30-37 AND 30-38 THEREOF, CONCERNING THE COMPENSATION AND DUTIES OF THE CHIEF SPECIAL MAGISTRATE.

WHEREAS, Chief Special Magistrate Enrique Zamora has informed the Office of the City Clerk of his decision not to seek reappointment upon the expiration of his current term on August 23, 2024; and

WHEREAS, pursuant to Section 30-36 of the City Code, the City Commission may appoint a Chief Special Magistrate, based on the recommendation of the Interim City Manager, who shall possess the requisite knowledge, skills, and abilities to adjudicate Code Enforcement violations and hear appeals in accordance with the City Code; and

WHEREAS, after thorough consideration and consultation with relevant parties, it has been determined that Jose Smith, Esq. is highly qualified for the position of Chief Special Magistrate, as attested by Interim City Manager Rickelle Williams and City Attorney Ricardo J. Dopico; and

WHEREAS, the Interim City Manager hereby recommends appointing Mr. Smith as Chief Special Magistrate for the City of Miami Beach, for a term commencing on August 24, 2024 and ending on February 23, 2024; and

WHEREAS, Mr. Smith's extensive legal background, public service record, and dedication to Miami Beach make him uniquely suited to undertake the responsibilities of Chief Special Magistrate; and

WHEREAS, Section 30-2 of the Code of the City of Miami Beach provides for an alternative Code enforcement system wherein Special Magistrates are authorized to hold hearings and impose fines, liens, and other non-criminal penalties against violators of City and County Codes and Ordinances; and

WHEREAS, Section 30-36 of the City Code, entitled "Appointment of Special Magistrates," provides for the appointment of a Chief Special Magistrate to fulfill the above-referenced duties; and

WHEREAS, pursuant to Section 30-36 of the City Code, the appointment of the Chief Special Magistrate is established upon the City Commission's acceptance, by a majority vote, of the recommendation for appointment by the Interim City Manager; and

WHEREAS, all other matters set forth within Chapter 30 of the City Code, including, without limitation, Sections 30-37 and 30-38 regarding compensation and duties of the Special Magistrates, shall continue to apply and remain in full force and effect; and

WHEREAS, the Chief Special Magistrate and each Special Magistrate shall be prohibited from engaging in practice where they represent a client in a manner adverse to the interests of the City of Miami Beach, and shall further be prohibited from lobbying the City during their service with the City.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Interim City Manager, pursuant to Section 30-36 of the Code of the City of Miami Beach, concerning the appointment of Jose Smith, Esq. to serve as Chief Special Magistrate, for a term commencing on August 24, 2024, and ending on February 23, 2024; provided further that the Chief Special Magistrate shall be authorized to hold hearings and impose fines, liens and other non-criminal penalties against violators of City and County Codes and Ordinances; and further incorporating all other matters set forth within Chapter 30 of the City Code including, without limitation, Sections 30-37 and 30-38 thereof, concerning the compensation of the Special Magistrates.

PASSED and ADOPTED this ____ day of _____ 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

6/10/2024

Date