

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Rickelle Williams, Interim City Manager

DATE: June 26, 2024

TITLE: APPOINTMENT OF CHIEF SPECIAL MAGISTRATE

1. 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.

2. A RESOLUTION APPROVING AND APPOINTING, PURSUANT TO SECTION 102-356 OF THE CITY CODE, JOSE SMITH, ESQ. (CHIEF SPECIAL MAGISTRATE APPOINTED AND RATIFIED PURSUANT TO RESOLUTION NO. _____), AS THE INTERIM CITY MANAGER'S "DESIGNEE" UNDER SECTION 102-356 OF THE CITY CODE; SAID DESIGNATION COMMENCING WITH MR. SMITH'S TERM AS CHIEF SPECIAL MAGISTRATE ON AUGUST 24, 2024 AND ENDING ON FEBRUARY 23, 2025.

RECOMMENDATION

Recommending the appointment of Jose Smith as Chief Special Magistrate.

BACKGROUND/HISTORY

On April 1, 2024, Chief Special Magistrate Enrique Zamora notified the Office of the City Clerk that he does not intend to seek reappointment when his current term expires on August 23, 2024. Pursuant to Section 30-36 of the City Code, upon prior recommendation of the City Manager, the City Commission, by a majority vote, may appoint a Chief Special Magistrate, who shall be authorized to hold hearings and impose fines, liens, and other noncriminal penalties against violators of City or County codes and ordinances. The Code stipulates that the Chief Special Magistrate shall be an individual who shall have been determined by the City Manager and City Attorney to have the knowledge, skills, and abilities to perform as chief special magistrate.

ANALYSIS

Following discussions with those expressing an interest in the role, I am recommending appointing Jose Smith, Esq. as Chief Special Magistrate. I am of the opinion, and City Attorney Ricardo J. Dopico has concurred, that Mr. Smith possesses the knowledge, skills, and attributes to undertake this important role. Attached are two (2) Resolutions providing for the appointment by the City Commission of Mr. Smith. The first Resolution appoints Mr. Smith as Chief Special

Magistrate for Code Enforcement violations under Chapter 30 of the City Code; the second Resolution appoints Mr. Smith to hear appeals from citations and violations or denials, suspensions, and revocations of certificates of use pursuant to Chapter 102 of the Miami Beach City Code. Language has been added to the Resolutions prohibiting the Chief Special Magistrate and each Special Magistrate that they appoint from participating in a practice that represents clients in matters adverse to the City of Miami Beach, and from lobbying the City during their service with the City.

Jose Smith is an attorney with extensive experience in municipal, administrative, land use, and constitutional law, and has a long-standing commitment to public service. A Miami Beach resident since 1961, Mr. Smith's career reflects his dedication to improving the community and serving the public. He served as a Miami Beach City Commissioner from 1997 to 2005, where he authored key legislation on ethics, campaign, and procurement reforms. During his tenure, he chaired the City's Finance Committee, successfully securing upgrades to the City's bond ratings, and chaired the City Attorney's Oversight Committee. He played a pivotal role in transforming Miami Beach into a global arts and culture destination, including helping to bring Art Basel to the City.

Mr. Smith continued his public service as City Attorney for Miami Beach from 2006 to 2014 and for North Miami Beach from 2014 to 2018. His efforts earned him recognition as one of South Florida's top government attorneys by South Florida Legal Guide and Florida Trend Magazine. Currently, Mr. Smith is a Florida Supreme Court Certified Civil Mediator at Salmon & Dulberg, where he mediates complex disputes.

Mr. Smith's public service record is extensive and impactful. Since 2021, he has served as the City of North Miami Special Magistrate and has been the Chairman of the North Beach Community Redevelopment Agency (CRA) Advisory Committee. He has held various leadership roles, including Chair of the City of Miami Beach Finance and Citywide Projects Committee (2001-2005), Chair of the City of Miami Beach Community Affairs Committee (1998-2001), and Vice-Chair of the City of Miami Beach Neighborhoods Committee (1998-2001). Additionally, he was a member of the Metropolitan Planning Organization (2001-2005) and Chair of the City of Miami Beach City Attorney's Oversight Committee (1998-2005). His other contributions include serving on the Miami Beach Community Development Advisory Committee (1994-1996), chairing the Normandy Shores Neighborhood District Advisory Council (1994-1996), and participating in the Miami Beach Charter Review and Revision Board (1992-1993).

Mr. Smith's academic credentials include a Juris Doctor with honors from the University of Florida, College of Law, and a Bachelor of Arts with honors from the same institution. His professional memberships include the Florida Bar, the U.S. District Court for the Southern District of Florida, and various legal associations. He has published scholarly articles and frequently lectures at South Florida universities, contributing his expertise to legislative drafting and public policy.

In addition to his legal career, Mr. Smith has been involved in several business ventures, serving as co-owner and general counsel for multiple commercial properties in Florida. His extensive contributions to public service, municipal government, and community development highlight his exceptional organizational skills, trial and appellate experience, and unwavering dedication to the public good. Given his vast experience and dedication to public service, Jose Smith, Esq. is highly qualified for the role of Chief Special Magistrate for the City of Miami Beach. His resume is included for further review.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on N/A. See BIE at:
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

\$26,000.00 – Account number: 011-0210-000312-03-400-579-00-00-00

Note: Expenditures on or after October 1, 2024, are subject to approval of the FY 2025 Budget.

CONCLUSION

Mr. Smith has the knowledge, demeanor, skills, and abilities, to perform as Chief Special Magistrate. Upon approval by the City Commission, he will serve this City with honor and distinction, and his appointment will best serve the interests of the City. As such, the subject Resolutions should be adopted.

Applicable Area

Citywide

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Clerk

Sponsor(s)

Co-sponsor(s)