

R7 H A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE, AND DIRECTING THE ADMINISTRATION TO IDENTIFY APPROPRIATE FUNDING IN THE FY 2025 BUDGET FOR THE CITY MANAGER TO CREATE A POSITION AND HIRE A CONDOMINIUM OMBUDSPERSON TO ASSIST CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS, FACILITATE RESOLUTION OF OTHER CONDOMINIUM - RELATED ISSUES WITH OTHER OUTSIDE AGENCIES, AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY OF MIAMI BEACH.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: October 30, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE, AND DIRECTING THE ADMINISTRATION TO IDENTIFY APPROPRIATE FUNDING IN THE FY 2025 BUDGET FOR THE CITY MANAGER TO CREATE A POSITION AND HIRE A CONDOMINIUM OMBUDSPERSON TO ASSIST CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS, FACILITATE RESOLUTION OF OTHER CONDOMINIUM - RELATED ISSUES WITH OTHER OUTSIDE AGENCIES, AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY OF MIAMI BEACH.

RECOMMENDATION

It is recommended that the Mayor and City Commission of the City of Miami Beach, Florida approve the Resolution accepting the Finance and Economic Resilience Commission ("FERC") recommendation to identify appropriate funding in the FY 24-25 budget for the City Manager to create a position and hire a condominium ombudsperson to assist condominium and co-op owners to navigate through the City's permitting process, facilitate resolution of other condominium-related issues with other outside agencies, and act as a liaison between condominium or co-op owners, management firms and the city of Miami Beach.

BACKGROUND/HISTORY

This item was referred at the March 13, 2024, Commission meeting to the FERC. The item was discussed at the March 22, 2024, FERC meeting.

ANALYSIS

The FERC members discussed the need for Miami Beach condominium residents to have an advocate to assist in the unique regulations and legal challenges in Miami-Dade County regarding condominiums. Although the State has a Chief Ombudsman position that acts as a liaison between condominium owners and association boards, it is for the entire state of Florida. Miami-Dade County has unique regulations regarding condominiums. Many Miami Beach residents live in condos and would be better served by having a dedicated condominium ombudsperson to address their condo-related issues at the City, County, and State levels.

The FERC members agreed to classify the position at the same level as a First Assistant City Attorney, with a pay range of U26 \$121,316.78 - \$219,489.14. Additionally, the applicants for this position would be required to be a Florida Certified Condo Attorney.

The administration was tasked with prioritizing and identifying funding for this position in the FY 2025 budget.

FISCAL IMPACT STATEMENT

Funding for this position will be prioritized and addressed in the FY 2025 budget process.

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

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

FINANCIAL INFORMATION

CONCLUSION

Based on the foregoing, it is recommended that the Mayor and City Commission approve the Resolution authorizing the Administration to identify appropriate funding in the FY 2025 budget for the City Manager to create a position and hire a condominium ombudsperson to assist condominium and co-op owners to navigate through the City's permitting process, facilitate resolution of other condominium-related issues with other outside agencies, and act as a liaison between condominium or co-op owners, management firms and the city of Miami Beach.

Applicable Area

Citywide

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

Yes

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

Human Resources

Sponsor(s)

Commissioner Kristen Rosen Gonzalez

Co-sponsor(s)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE, AND DIRECTING THE ADMINISTRATION TO IDENTIFY APPROPRIATE FUNDING IN THE FY 2025 BUDGET FOR THE CITY MANAGER TO CREATE A POSITION AND HIRE A CONDOMINIUM OMBUDSPERSON TO ASSIST CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS, FACILITATE RESOLUTION OF OTHER CONDOMINIUM-RELATED ISSUES WITH OTHER OUTSIDE AGENCIES, AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY OF MIAMI BEACH.

WHEREAS, in 2013, the voters of the City of Miami Beach overwhelmingly adopted a Charter Amendment at Section (A) 20 of the Citizens' Bill of Rights (the "Condominium Assistance Charter Provision") to acknowledge the purposes and duties of the City's Administration as assisting condominium and co-op owners to navigate through the City's permitting process; to facilitate resolution of other condominium-related issues with other outside agencies; and to act as a liaison between condominium or co-op owners, management firms and the City; and

WHEREAS, although these duties have been assigned to various positions, to date, the City has not created a Condominium Ombudsperson position that would serve to fulfill the mandate set forth in the Citizens' Bill of Rights; and

WHEREAS, according to a November 2023 Florida Bar article, approximately 20% of all condominium residents that reside in the entire State of Florida reside in Miami-Dade County; and

WHEREAS, the majority of residents in the City of Miami Beach reside in buildings operated by condominium or cooperative associations; and

WHEREAS, the City Commission allocated monies in the FY 2024 budget to enhance a position within the City to serve as a "Permitting Ombudsman;" and

WHEREAS, although this enhancement helps to fulfill one of the City's responsibilities pursuant to the Citizens' Bill of Rights, it does not fulfill the equally important functions of facilitating the resolution of other condominium-related issues with other outside agencies and acting as a liaison between condominium/cooperative owners, management firms and the City; and

WHEREAS, recent Florida legislation imposed significant duties upon Associations in older condominiums to conduct comprehensive structural inspections to assess the existence and scope of possible structural deterioration in condominium

buildings, and to budget for and maintain reserve funds as a long-term planning tool to discharge future expenses; and

WHEREAS, especially in smaller buildings, residents complain of developers purchasing the majority of units in the association and then taking control of the board of directors which then pass resolutions imposing large special assessments that many long-term residents are unable to afford; and

WHEREAS, as a result, many have no choice but to sell their units and long-term Miami Beach residents are displaced; and

WHEREAS, resident owners in many buildings complain of non-resident owners who use their units for short-term rentals and aren't willing to spend money for communal life/safety upgrades; and

WHEREAS, in order to properly implement the Condominium Assistance Charter Amendment, the City should create a position for a professional with relevant experience as a board-certified condominium attorney, to serve as the City's Condominium Ombudsperson and assist condominium and/or co-op owners in navigating city processes and work with other governmental agencies to facilitate the resolution of condominium-related issues; and

WHEREAS, the City of Miami Beach Condominium Ombudsperson would serve as a liaison between condominium and co-op owners, management companies and the City; and

WHEREAS, although the Condominium Ombudsperson will not be providing legal advice or representation of any kind, the ideal candidate must be board-certified in condominium law by The Florida Bar; and

WHEREAS, the Condominium Ombudsperson position will be a Grade U26, with a salary range of \$121,316.78 to \$219,489.14¹; and

WHEREAS, this position would report to the City Manager and provide a yearly report and analysis on the majority of condominium/coop resident complaints, and on how the City can better serve condominium/coop residents and make recommendations to the Commission on how to better serve condominium/coop resident needs.

¹ Updated to reflect current range based on April 8, 2024 COLA adjustment for all general employees.

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 direct the Administration to identify appropriate funding in the FY 2024 budget for the City Manager to create a position and hire a Condominium Ombudsperson to assist condominium and co-op owners to navigate through the City's permitting process; facilitate resolution of other condominium-related issues with other outside agencies, and act as a liaison between condominium or co-op owners, management firms and the City of Miami Beach.

PASSED AND ADOPTED this ____ day of _____, 2024.


ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

6/17/2024

Date