

C7 AL A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU), BETWEEN THE CITY AND THE UNITED STATES ATTORNEY'S OFFICE FOR THE SOUTHERN DISTRICT OF FLORIDA (USAO-SDFL), WITH THE FOREGOING MOU PROVIDING FOR THE APPOINTMENT OF ONE (1) MUNICIPAL PROSECUTOR TO BE CROSS-DESIGNATED AS A SPECIAL ASSISTANT UNITED STATES ATTORNEY (SAUSA), IN ORDER TO PROSECUTE SELECT MIAMI BEACH CRIMINAL CASES IN FEDERAL COURT, ON A PART-TIME BASIS, TIME-PERMITTING AND SUBJECT TO PRIORITIZING AND MANAGING ALL ASSIGNED MUNICIPAL PROSECUTORIAL DUTIES.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: June 26, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU), BETWEEN THE CITY AND THE UNITED STATES ATTORNEY'S OFFICE FOR THE SOUTHERN DISTRICT OF FLORIDA (USAO-SDFL), WITH THE FOREGOING MOU PROVIDING FOR THE APPOINTMENT OF ONE (1) MUNICIPAL PROSECUTOR TO BE CROSS-DESIGNATED AS A SPECIAL ASSISTANT UNITED STATES ATTORNEY (SAUSA), IN ORDER TO PROSECUTE SELECT MIAMI BEACH CRIMINAL CASES IN FEDERAL COURT, ON A PART-TIME BASIS, TIME-PERMITTING AND SUBJECT TO PRIORITIZING AND MANAGING ALL ASSIGNED MUNICIPAL PROSECUTORIAL DUTIES.

ANALYSIS

The attached Resolution was prepared at the request of the sponsor, Mayor Steven Meiner.

FISCAL IMPACT STATEMENT

N/A

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 Attorney

Sponsor(s)

Mayor Steven Meiner

Co-sponsor(s)

Commissioner David Suarez
Commissioner Laura Dominguez
Commissioner Joseph Magazine
Commissioner Alex Fernandez

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU), BETWEEN THE CITY AND THE UNITED STATES ATTORNEY'S OFFICE FOR THE SOUTHERN DISTRICT OF FLORIDA (USAO-SDFL), WITH THE FOREGOING MOU PROVIDING FOR THE APPOINTMENT OF ONE (1) MUNICIPAL PROSECUTOR TO BE CROSS-DESIGNATED AS A SPECIAL ASSISTANT UNITED STATES ATTORNEY (SAUSA), IN ORDER TO PROSECUTE SELECT MIAMI BEACH CRIMINAL CASES IN FEDERAL COURT, ON A PART-TIME BASIS, TIME-PERMITTING AND SUBJECT TO PRIORITIZING AND MANAGING ALL ASSIGNED MUNICIPAL PROSECUTORIAL DUTIES.

WHEREAS, the City of Miami Beach (the "City") is committed to maintaining and enforcing the rule of law, while reducing crime and the number of repeat offenders within the City; and

WHEREAS, on September 25, 2017, the Mayor and City Commission adopted Resolution No. 2017-30023, which authorized the City Attorney's Office to commence the in-house Municipal Prosecution Program, by and through a City municipal prosecution team, of those individuals exclusively charged with violating one (1) or more of the City's criminal ordinances; and

WHEREAS, the United States Attorney's Office for the Southern District of Florida (the "USAO-SDFL") represents the United States government in criminal prosecutions of federal offenses in the Southern District of Florida, including those offenses committed within City limits; and

WHEREAS, the United States Attorney's Office possesses the authority to appoint and extend appointments of agency attorneys as Special Assistant United States Attorneys (SAUSAs), however, City would be the first as the USAO-SDFL has not yet done so with any other municipality within its jurisdiction; and

WHEREAS, the City's Municipal Prosecution Program has the capacity to collaborate with the USAO-SDFL on the identification of criminal cases that are well-suited for federal prosecution and to enhance public safety through joint prosecutions, especially in felony cases involving violence, firearms, and/or narcotics; and

WHEREAS, the USAO-SDFL reached out to the City Attorney's Office for support of the U.S. Department of Justice's Project Safe Neighborhoods program, whereby the USAO-SDFL and the City SAUSA will proactively collaborate, in an effort to combat crime and aggressively prosecute certain federal offenses committed within the City, particularly those offenses involving violence, firearms, and/or narcotics; and

WHEREAS, the cross designation of a City Municipal Prosecutor as a SAUSA will enhance the government's ability to successfully prosecute these federal offenses (due to the specific attention that the SAUSA can give to these cases), which will further enhance the City's criminal enforcement efforts; and

WHEREAS, the SAUSA's highest priority will remain as a fully contributing member of the City's municipal prosecution team and the prosecution of all criminal municipal ordinance violation cases; and

WHEREAS, subject to availability and based upon the existing caseload of municipal prosecution cases, the SAUSA will provide part-time assistance with the federal prosecution of certain arrests effectuated by the Miami Beach Police Department; and

WHEREAS, the City Attorney's Office recommends that the Mayor and City Commission authorize the City Attorney's Office to enter into this MOU.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the City Attorney to execute a Memorandum of Understanding (MOU), between the City and the United States Attorney's Office for the Southern District of Florida (USAO-SDFL), with the foregoing MOU providing for the appointment of one (1) municipal prosecutor to be cross-designated as a Special Assistant United States Attorney (SAUSA), in order to prosecute select Miami Beach criminal cases in Federal court, on a part-time basis, time-permitting and subject to prioritizing and managing all assigned municipal prosecutorial duties.

PASSED and ADOPTED this ____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Mayor Steven Meiner)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney *MAF*

Date 1-24-24