

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

RAFAEL A. PAZ
Acting City Attorney



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June 18, 2021

Via Email: mgongora@beckerlawyers.com

Commissioner Michael Góngora
Becker & Poliakoff
121 Alhambra Circle, Floor 10
Coral Gables, FL 33134-4540

Dear Commissioner Gongora:

On June 18, 2021, the City Clerk advised me that you submitted Form DS-DE 9 (Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates) and Form DS-DE 84 (Statement of Candidate), formally announcing your candidacy for the office of Miami Beach Commissioner (Group III), in the November 2, 2021 General Election, and your intent to seek a third four-year term in office as a City Commissioner. The City Clerk accepted your initial campaign account papers, pursuant to the City Clerk's ministerial duties to so accept campaign account papers under Florida law.

As a general matter, Section 2.02 of the City Charter establishes a lifetime term limit for Miami Beach Commissioners, consisting of two (2) four-year terms, measured retroactively from a commissioner's first election. To this end, you have honorably served as a Miami Beach Commissioner since 2006, having been appointed to fill a vacancy in 2006-2007, and thereafter serving for a four-year term from 2009-2013, and a second four-year term, from 2017 to the present.

Please be advised that the City Clerk's ministerial acceptance of your campaign account papers in no way constitutes a waiver on the part of the City of Miami Beach to reject any qualifying papers you may file seeking a third term as City Commissioner, or to otherwise challenge your ability to seek such third term. Based on the term limits applicable to members of the City Commission, you are not qualified under the City Charter and City Code to hold the office of City Commissioner for a third term.

Commissioner Michael Góngora
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Finally, in accordance with Rule 4-1.13 of the Rules Governing Professional Conduct, this correspondence memorializes our prior discussion that notwithstanding your position as an incumbent City Commissioner, as Acting City Attorney, I cannot advise you with respect to your candidacy, and I have recommended that you obtain independent legal representation.

Very truly yours,



Rafael A. Paz
Acting City Attorney

RAP/ag

cc: Alina T. Hudak, City Manager
Rafael E. Granado, City Clerk
Alan W. Levine, Esq. (Via Email: awl@levinelawfirm.com)