

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



RAUL J. AGUILA
City Attorney

Telephone: (305) 673-7470
Facsimile: (305) 673-7002

August 30, 2021

Via e-Mail

Mayor Dan Gelber
Vice-Mayor Ricky Arriola
Commissioner Michael Góngora
Commissioner David Richardson
Commissioner Steven Meiner
Commissioner Mark Samuelian
Commissioner Micky Steinberg
City of Miami Beach
1700 Convention Center Drive, 4th Floor
Miami Beach, FL 33139

Dear Mayor and Commissioners,

I hope this letter finds you well at the end of the August recess. I've been checking in with each of you from time to time, and I'm thrilled to report that I'm doing extremely well following my surgery, and I feel stronger every day.

I want to thank each of you, and the countless members of my City family, for all of your support and well wishes over the past four months. Thank you for sending me books, food, and constant love. I am blessed to have been given this miracle of a transplantation surgery, and to be on this journey with the support of an excellent medical team, my incredible family, all of you, and many friends. I miss you all very much.

It has been the honor and joy of my life to serve our City for the last 29 years. But as you can imagine, the past few months have been life-changing for me. It is with a heavy heart, and a great deal of optimism for our City, that I advise you that **I would like to accept an early retirement as your City Attorney**, even though my contract does not expire until the end of March, 2022.

Should you decide that the time is right for you to appoint my successor now, I am willing to step aside voluntarily, so that my contract is not an issue. My only request is that the City Commission consider whether it would be helpful for me to continue to serve as a consultant during the initial transition period, through the term of my agreement ending March, 2022.

It is in the City's best interest to move forward with a City Attorney selection swiftly, and I encourage you to do so now.

As you know, the relationship of the City Commission with its City Attorney is one that must be first and foremost based on **trust**. For this reason, there is a long history – going back more than 25 years – of the City Commission directly appointing the City Attorney, by either promoting from within the office, or directly appointing a qualified individual without a search. I was directly appointed in 2014 and promoted from within the office. As was Jose Smith 8 years before me, following his years of service as a city commissioner, and Murray Dubbin before that.

Every year, during my annual review, Commissioner Arriola would highlight my need to focus on a succession plan. For several years now, Rafael Paz has served as a senior member of my office, and a “right hand” and confidant. And since you appointed Rafael as your Acting City Attorney last December, he has emerged as my **clear and obvious successor**.

The circumstances before you today are certainly unique in the City's history. Rafael has now been serving as your City Attorney since last December, during what has effectively been a nine (9) month job interview. During this period, Rafael has worked with each of you and the Administration on many matters, including the legal issues involved with multiple states of emergency; an unprecedented building safety effort following the tragic collapse in Surfside; an active legislative agenda focused on quality of life, public safety and economic recovery; significant transactions requiring voter approval later this year; and high-profile litigation matters, including an elections-related challenge to our City Charter by a sitting commissioner – a test even I never had to face in my decades of service. And on every matter, I am extremely proud of how Rafael has led his team and has demonstrated that in my absence, you have been provided within quality, dedicated client service.

Since I went on medical leave, I have remained in touch with my friends and colleagues in the Office, the Administration, the legal community, and key City stakeholders, all of whom share my support for Rafael and appreciate his incredible work ethic and collaborative approach. This comes as no surprise to me, as this has always been the case. Given his extensive prior governmental experience, I hired Rafael shortly after I was selected as City Attorney in 2014, to be responsible for the portfolio of work that I myself previously handled as a deputy city attorney in the office. And for many years now, Rafael has consistently delivered time and time again, earning him the respect of the elected officials and members of the legal community and constituencies with whom he has worked.

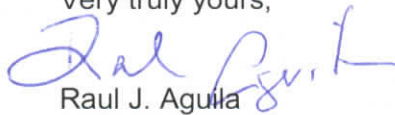
Now *more than ever*, with all of the challenges our City faces, the City cannot afford to leave the leadership of an important office in limbo. In the event that my opinion as your longtime City Attorney and former Interim City Manager is relevant to your discussions, I want you to know that **Rafael has my complete and total support and I believe he should be appointed as your next City Attorney without delay. I encourage you to do what this board has done before, and look to the person who is already doing the job, works collaboratively with the Administration, works extremely hard to deliver on everything each of you ask of him, and who loves this City and happens to be a long-time resident of this City.**

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I ask that you please consider and discuss my retirement request and the issue of my succession at your next City Commission meeting on September 9th. If you are willing to provide a time certain for this item, I will make myself available to participate in the discussion if I can, as it would be wonderful to see you all after so many months.

Thank you for indulging me, as I know you are dealing with many other important issues. I care deeply about the City, and I am proud to be a part of its history, as both its City Attorney and Interim City Manager. Anyone who knows me knows that I would not write this letter – in fact, I could not write this letter – unless I was absolutely certain that it is in the best interest of our City to do so. And with everything that is going on in our City, there is no doubt in my mind that it's time to move forward.

Very truly yours,



Raul J. Agulla
City Attorney

RJA/mm

cc: Alina T. Hudak, City Manager
Rafael E. Granado, City Clerk