MIAMIBEACH

**City of Miami Beach,** 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

# COMMISSION MEMORANDUM

**TO:** Mayor Dan Gelber and Members of the City Commission

**FROM:** Alina T. Hudak, City Manager
Rafael A. Paz, City Attorney
Rafael E. Granado, City Clerk
Joseph Centorino, Inspector General

**DATE:** September 14, 2022

**SUBJECT: COMMITTEE OF THE WHOLE MEETING TO DISCUSS THE ANNUAL PERFORMANCE EVALUATIONS OF THE CITY MANAGER, CITY ATTORNEY, CITY CLERK, AND INSPECTOR GENERAL, AND POTENTIAL CONTRACT AMENDMENTS.**

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The following Memorandum is prepared in anticipation of the annual evaluation of the City's Charter officers, currently scheduled for the Committee of the Whole Meeting on September 14, 2022.

Under the existing employment contracts for each of the Charter officers, the City Commission shall conduct an annual performance evaluation (including salary and benefits review) on an annual basis, within thirty (30) to forty-five (45) days of the anniversary date of the respective employee's contract. At such time, the City Commission shall review the annual salary and/or benefits of each employee, and shall make adjustments in such amounts and to such extent as the City Commission may determine that it is desirable to do so. It is also the time when the Mayor and City Commission shall provide the respective constitutional officer with their individual input regarding their performance, and allow for discussion of same between the City Commission and the employee/officer.

Although each Charter officer has a different anniversary date (and corresponding date for their annual evaluation in their employment contracts), the City Commission has not had the opportunity to schedule the evaluations until now. Nevertheless, it is timely for the City Commission to conduct the evaluations at the conclusion of the fiscal year, to permit the City Commission to focus on each Charter officer's performance during the entire fiscal year. For Charter officers whose evaluations are past due, any salary adjustments, if any, would be retroactive to each Charter officer's respective anniversary date.

Each Charter Officer has prepared an Annual Report, to assist the City Commission in its evaluation.

The City Manager's Annual Report is attached as **Exhibit 1**.
The City Attorney's Annual Report is attached as **Exhibit 2**.
The City Clerk's Annual Report is attached as **Exhibit 3**.
The Inspector General's Update to his most recent Report will be released via supplemental agenda.

The proposed Resolution for each Charter officer, with a summary of the adjustments or contract amendments, if any, approved for each Charter Officer, will be prepared as after-the-fact Resolutions, to reflect the final actions taken by the Mayor and City Commission.

Thank you for your consideration. On behalf of all of us, it is a continued honor and a privilege to be able to serve the Mayor and City Commission and our City's residents.

# EXHIBIT 1

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**City of Miami Beach,** 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
OFFICE OF THE CITY MANAGER | Tel: 305.673.7010

TO: Honorable Mayor and Members of the City Commission

FROM: Alina T. Hudak, City Manager

DATE: July 20, 2022

SUBJECT: Annual Review and Evaluation

I am pleased to provide an overview of my annual performance based upon the priorities established at the City Commission Meeting on October 27, 2021. Overall, I am very proud of our City team and our accomplishments given the demands of this thriving City. We would have been unable to achieve so much in such a short time without the support and collaboration of the Mayor, City Commission, City Attorney Rafael Paz, City Clerk Ralph Granado and Inspector General Joe Centorino.

Since I began my tenure as City Manager on April 21, 2021 and with your support and leadership, I am pleased to report that the City is financially solvent as the post-COVID-19 recovery is in full swing. Our reserves are healthy and at the highest level ever with both the General Fund and Resort Tax Fund having exceeded their reserve policy goals as of the second quarter of FY 2022. Tourism has fully recovered, and the last seven months of resort taxes are at a record high. Property values in the City have spiked as the preliminary taxable values for the FY 2023 Budget process increased 11.2%, a marked difference from last year's growth of 0.3%.

Events are back in Miami Beach, and the City is more vibrant and busier than ever. Our Miami Beach Convention Center has welcomed numerous high-caliber events, including Art Basel, eMerge Americas, Bitcoin, Sea Trade, Aspen Ideas: Climate and others. Construction on the Grand Hyatt Miami Beach Convention Center hotel will begin this summer, further adding to our destination competitiveness.

I'd like to highlight a few of the most important accomplishments of my first year as your City Manager:

**Budget**

We successfully balanced the FY 2022 Operating Budget and creatively used one-time funds to temporarily fund 26 new police officers and nine new code enforcement officers to address issues in the Art Deco Cultural District (ADCD) as well as illegal short-term rentals. We saved $12.9 million by refinancing existing water and sewer bonds. Despite the impacts of COVID-19, all credit ratings for the City's outstanding debt were maintained while the outlook of several of our bonds improved.

We conducted the Community Satisfaction Survey, providing results at the FY 2023 City Commission Budget Retreat, and aligning results with the budget process. Residents overwhelmingly reported that they loved living in Miami Beach for a variety of reasons, including our rich cultural offerings and our first-class park system.

## Grants

Staff has ambitiously pursued grants to support City projects. Prioritizing resilience, we submitted 10 applications to the Florida Department of Environmental Protection that resulted in a notification of intent to award over $47.5 million for nine projects, including the First Street neighborhood improvement project ($20 million), North Beach Town Center ($10 million), Fire Station 1 ($8.4 million), gravity sewer mains replacement ($7.65 million), dune enhancements ($1 million) and a vulnerability assessment update ($454,000).

The City received $21 million in additional grants, including key awards from the Florida Department of Economic Opportunity and Florida Inland Navigation District. Notable projects include the renovation of pump stations and water booster stations throughout the City as well as the living shoreline/pier for Maurice Gibb Park.

The City was successfully recertified by the Florida Department of Transportation. Recertification provides the City with the designation of Local Agency Program Certified and allows the City to receive FDOT grant funds and to manage its own planning, design and construction projects.

## General Obligation Bond

As of June 2022, 11 tranche one main projects have been fully completed and 30 others are in an active status out of 57 total. Only a single tranche one project remains pending and the remaining 15 projects are slated for future tranches. Many tranche one projects are subdivided into smaller subprojects. Of the 84 existing subprojects, 38 have been completed and 44 are in an active status. Recent major accomplishments include the full completion of the Beachwalk, the deployment of the new public safety radio system and the completion of the Scott Rakow Youth Center gym floors. In addition, $3.2 million in project funds have been saved by completing projects under originally projected budgets. These additional and saved project funds have been used to supplement other G.O. Bond project budgets and fill project funding gaps.

## Infrastructure & Key Capital Projects

- Completed the final segment of the Beachwalk, the more than 7-mile oceanfront promenade that spans the entire length of the city and marks the completion of Miami Beach's contribution to the Atlantic Greenway Network that has been constructed in phases since the early 2000s.

- Substantially completed projects include: Collins Park Parking Garage and Liberty Avenue Plaza, Carl Fisher Clubhouse and Annex, Venetian Islands Seawalls as well as the Palm and Hibiscus Neighborhood Improvement stormwater system approved by DERM.

- Construction underway for the replacement of the Dade Boulevard Sewer Force Main from Belle Isle to Michigan Avenue is scheduled to be completed next month.

- The Advanced Meter Infrastructure (AMI) project to replace approximately 14,000 water meters citywide with advanced technology that allows customer to track their consumption in real-time began in late March and is expected to be completed in 12 to 18 months. This will allow the City's infrastructure to be more efficient and provide for a more accurate billing of consumption.

- Managing 19 design and overseeing 9 construction water and wastewater projects.

- Rue Vendome Public Plaza – This project involved raising Rue Vendome between Normandy Drive and 71 Street to create a level, accessible public plaza. The project included traffic signalization adjustments, construction of the public plaza, landscaping, lighting and other necessary improvements to encourage public use of the venue for community gatherings.

- Pride Park Fitness Area – The new fitness area is located in the northwest quadrant of Pride Park adjacent to the Miami Beach Convention Center. The equipment design is inspired by nature and features the same attention to detail as a contemporary work of art.

- Surface Parking Lot at Biscayne Beach, 8100 Hawthorne Avenue (partial G.O. Bond funding) – The project delivers vital improvements to the Biscayne Beach neighborhood protected by safety cameras, a new raised seawall, pervious pavement, and in the near future, EV charging stations.

- Flamingo Park Handball Courts – The project includes renovation of the Robert Haas and Joe Rubin Handball courts.

- Completed the following park projects:
    - Indian Beach Park Expansion: installation of new iconic playground, shade sail canopies, safety surfacing, benches, fencing, landscaping and other amenities.
    - Fairway Park (Phase I) Improvements: installation of a new playground, new drainage system, new pathways, raising and reconstructing both basketball and tennis courts along with new landscaping.
    - Flamingo Park: installation of a new aquatic playground as well as renovation of the children's pool, including resurfacing.
    - Lummus Park: installation of a new fitness cluster at 6 Street.
    - South Pointe Elementary School Improvements: allows public access to the basketball courts during non-school hours.
    - Polo Park: sports lighting.
    - Scott Rakow Youth Center: gymnasium flooring (G.O. #18).
    - We are nearing completion on the following projects: Marjory Stoneman Douglas Playground (GO #9) (July 30, 2022); LED Lighting G.O. Bond Project (G.O. #52) at Flamingo Park (Aug. 30, 2022); addition of various new additional shade structures at the Allison Park playground (Sept. 30, 2022); Flamingo Park Tennis Center Court Resurfacing (Sept. 30, 2022), South Pointe Park Fishing Pier Railing Replacement (Sept. 30, 2022), North Beach Parks Restroom Restoration (Sept. 30, 2022), Citywide Court Improvements (Sept. 30, 2022), Citywide Landscape Improvement Projects (Sept. 30, 2022), Citywide Fitness Course and Center Improvements (Sept. 30, 2022) as well as Normandy Shores Golf Club Tee Renovations (Sept. 30, 2022).

**Climate Resilience Projects**

- Completed Indian Creek Drive Drainage Improvements Phase III, a key traffic artery in Miami Beach that links the North Beach neighborhood to Mid Beach. Once underwater during high tides, work included road elevation, new sidewalks, a comprehensive stormwater drainage

system as well as an emergency auxiliary generator in case of a power outage. Construction is underway for the Indian Creek Drive seawall.

- Achieved consensus on the next steps for First Street and executed an agreement for the holistic and resilient design, which is currently at approximately 30% completion. The first of four public meetings was held on June 7, 2022.

- Completed an analysis of public and private seawalls citywide and created a GIS tool for property owners to understand their seawall height, with broad communication efforts to build awareness. Continued to rehabilitate city-owned affordable housing, including emergency generators and seawall restoration.

- Beach Renourishment: Locally supporting the Army Corps of Engineers $40 million beach renourishment project through multidepartmental coordination and communications. The project will protect our tourism economy and upland properties from storm surge and sea level rise.

- Flood Insurance: Miami Beach is one of three Miami-Dade municipalities that have achieved a favorable Class 5 flood insurance rating from the Federal Emergency Management Agency — collectively saving city policyholders some 25% in flood insurance premiums. The new certification discount amounts to $8.6 million a year in combined savings from insuring both city assets and private properties through the National Flood Insurance Program.

- Emissions Reduction: Miami Beach, along with the City of Miami and Miami-Dade County, pledged to work toward achieving a net-zero emissions target by 2050. Reducing emissions is an essential part of implementing Resilient305, our shared resilience strategy. The City is playing a leading role in updating the Regional Climate Action Plan with the Southeast Florida Climate Change Compact.

- Environment: With your leadership, the City approved ambitious environmental protection and climate adaptation ordinances, including seawall elevation and overtopping, dune protection and water quality protection through erosion control and one of the strongest ordinances in the State to reduce fertilizer use and preserve the health of Biscayne Bay.

  The City has reforested multiple neighborhoods through the G.O. Bond, including North Beach, Normandy Shores and Mid Beach through planting more than 1,500 native and Florida-friendly trees, guided by the Urban Forestry Master Plan, as we seek to reach our goal to increase the tree canopy from 17% to 22% by 2040.

- Electric Vehicle (EV) Network: Tesla Superchargers have been added to the City's growing network and at the city garage on Pennsylvania Avenue.

- Resiliency Code and LDR Update: The much-needed update of the Land Development Regulations (LDR's) of the City Code, and corresponding Resiliency Code, are being finalized by the Planning Department. This will complete an 18-month process that included scenario planning, focus groups and community workshops to prepare our City for the future. The City Commission will consider the proposal this fall.

- Plastic Free: The City is proud to have adopted the nation's first-ever plastic free pouring rights agreement for the soda and water categories with PepsiCo. This agreement is being executed with completely plastic free initiatives for the soda and water categories, while working towards plastic free options for all other categories over the course of the 10-year deal. The contract is worth approximately $2.3 million in cash and in-kind to include an annual cash sponsorship, rebates on products purchased, vending commissions within city properties, marketing dollars as well as a sustainability fund. We also partnered with the world's number one energy drink, Red Bull North America, to adopt our first energy drink pouring rights agreement that is completely plastic free. This agreement has an overall value worth approximately $1.3 million in cash and in-kind over the course of the 5-year contract.

  PlasticFreeMB continues to grow, adding additional businesses. The City partnered with local and international nonprofits to deploy local students on a plastic reduction mission. Miami-Dade County has modeled this program to expand it countywide as a PlasticFree305 program.

  Prepared for the launch of the Private Property Adaptation program, including the competitive selection of a firm for the Phase 1 Assessment, grant application software and criteria development.

- Supported the Aspen Ideas: Climate Miami Beach Event from May 9-12: Led by the Mayor's Office, the City of Miami Beach joined forces with the Aspen Institute to host a dynamic and multisectoral event to focus on solutions for climate change. The event highlighted Miami Beach as a living laboratory for climate change and brought the city positive national and international press coverage.

  Multiple departments supported this effort by creating programming, providing speakers for expert panels, coordinating with nonprofits and hosting Miami Beach Rising Above Resilience Tours. The City also led communications, photography, videography and social media. The event engaged local universities, nonprofits and municipalities with a series of free temporary public art installations and performances. The event will return next spring.

**South Beach Comprehensive Strategy**

Our multidisciplinary approach and elevated city resource presence in the Entertainment District has had a beneficial effect in reducing the number of incidents as well as the severity of those incidents with a few regrettable exceptions. The challenge has been being able to sustain such a high level of readiness for our first responders and city staff over an extended period of time. What was once a handful of high-impact weekends has evolved into a year-round effort. I continue to leverage additional enforcement resources from the County, State and neighboring jurisdictions.

The unified employee team brings together a number of functional areas, including Police, Code Enforcement, Fire, Homeless Outreach, Parking, Park Rangers, Transportation, Sanitation, and Facilities and Fleet. It also includes extra staffing at the Miami Beach Marina. The Police Department continues to increase staffing to patrol the streets of South Beach with multiple divisions.

From an on-street perspective, we completed the design and construction of the Ocean Drive interim reconfiguration including a southbound traffic lane, protected bike lane and a pedestrian

plaza. The City also reestablished valet service on Ocean Drive. In addition, the elimination of parking and blocking off the parking lanes with barricades along Collins Avenue, to include the 100 and 200 blocks within the ADCD, was successful in mitigating the issues of loitering that were happening from the cars that were illegally parked in the area.

The Matrix study for the Police Department was completed in November and three new positions were recommended including two Crime Analysts to provide additional staffing for the new Real Time Crime Center and one Detention Officer to help with workload during the Thursday to Sunday night shift.

**Short-Term Rental Team**

Thanks to your leadership and approval, the Code Compliance Department's Dedicated Short-Term Rental (STR) team of three started on 10/25/2021. Since its inception, an additional 3,517 hours have been dedicated towards inspections/investigations of illegal STRs in the City of Miami Beach. During the period of 10/25/2021 – 06/21/2022, this dedicated STR team investigated/pursued 1,301 complaints of illegal short-term/transient rentals. These investigations resulted in 464 violations during this period.

**Spring Break 2022**

I want to thank you for your leadership authorizing the appropriate funding and approving the programming plan to evolve spring break in Miami Beach. We took a comprehensive approach to the six-week period identified (Feb. 22 through April 3, 2022) and a cross-section of departments were fully mobilized.

We produced Miami Beach Live! a three-weekend concert series that included Friday night movies, Saturday concerts, and weekend-long health, wellness and family-friendly activations. Top-tier talent included Wilson Phillips, Alanis Morrissette, Jon Batiste and Juanes. Positive programming led to a better experience for not only the visitors, but overwhelmingly for residents. The Miami Beach Live! marketing campaign had a total of 73,864,174 impressions.

The city also launched a public safety campaign during the month of March 2022, titled "Take Care of our City," which highlighted local laws in a welcoming manner. It featured more than 35 local influencers and achieved over 18 million unique impressions.

From a public safety perspective, there were 788 arrests made over the course of the six-week period (a decrease of 17% from the previous year) and 134 firearms were confiscated. Despite extensive police visibility throughout the Art Deco Cultural District (ADCD) and the South of Fifth neighborhood, which included support from outside agencies, the weekend of March 18-20 saw two random acts of gunfire with injuries to five people.

**North Beach Community Redevelopment Agency (CRA)**

My administration delivered County legislation to establish the North Beach CRA, creating a 30-year funding mechanism for catalytic growth and investment that will bring managed development to this historic neighborhood while still preserving North Beach's family-friendly character and Miami Modernist architecture. The CRA is expected to generate an estimated $317 million for North Beach over the next three decades.

**Miami Beach Convention Center Settlement**

On March 15, 2022, the Board of County Commissioners approved the fifth amendment to the RDA Interlocal Agreement authorizing the City to access $27.1 million of excess RDA Trust Fund revenues, to fund or reimburse the City for payments related to the Convention Center Project Settlement Agreement. The Certificate of Occupancy is in process. The Administration is working with the contractor to obtain final close out having achieved several performance obligations already. Based on the City's $33.5 million financial obligation and payment schedule, $25.7 million has been paid to Clark Construction Group, LLC to date, with $1.3 million in performance payments pending and the final guaranteed payment of $6.5 million to be paid no later than December 31, 2022.

**Miami Beach Convention Center Hotel – Grand Hyatt Miami Beach**

On May 25, 2022, the City Commission adopted a resolution accepting my Administration's recommendation to approve Amendment No. 5 to the Management Agreement between the City and Live Nation Worldwide, Inc. to suspend the term of the agreement during the contemplated closure of the facility, a period of approximately one year, to facilitate and expedite early work on the site of the future hotel.

Furthermore, the City Commission also approved Amendment No. 1 to the Early Access Agreement between the City and MB Mixed Use Investments, LLC to clarify the developer's existing responsibility to pay for the losses and expenses resulting from the closure. Both agreements were completed and work has commenced.

**Collins Park Cultural Facility**

We negotiated a lease agreement for the Collins Park Cultural Facility to ultimately strengthen and enrich the Collins Park Cultural Arts Campus. In addition, we completed the Collins Park Parking Garage and Liberty Avenue Plaza that brings added convenience and amenities to the area.

**Collins Park Artist Workforce Housing Project**

On Feb. 23, 2022, the City Commission authorized an Amended & Restated Ground Lease with the developer to strengthen the appeal of the Project to potential investors and achieve the appropriate debt service coverage ratio, by moderately adjusting the tenant income eligibility and unit mix. The Administration negotiated the First Floor Sublease for the project, providing the City with the option to sublease the project's ground floor and curate a street-level activation compatible with the Collins Park Arts and Culture District. With Miami City Ballet's sublease for the dormitory space already executed, the developer is working to secure bond financing to fund project construction and pay all costs related to the building permit and County impact fees, prior to execution of the Ground Lease and the developer taking possession of the property.

**Smith & Wollensky Long-Term Lease**

We negotiated a multimillion-dollar contract extension with Washington Avenue Corp. on a long-term lease for the city-owned property that houses the Smith & Wollensky restaurant in South Pointe Park. The City will receive guaranteed rent amounting to $11,680,086 over the first 10 years of the lease, or a percentage of revenue — whichever is greater. The lease agreement

was approved by voters, and we used the first year of the increased lease proceeds to add two police officers and plan to add a total of six police officers by 2025 as the lease revenue ramps up.

**Response to Surfside Condominium Collapse**

In an unforeseen tragedy, our City responded to and supported the Champlain Towers South condominium building response in the neighboring Town of Surfside. Quickly after the collapse, I began coordinating one of the largest disaster responses in Miami Beach history. Multiple city personnel and equipment remained in Surfside for weeks. In addition to first responders and engineering personnel, our staff coordinated crisis communications for the extensive media coverage around the incident.

City staff also assessed hundreds of properties for safety and led with an ordinance that requires annual maintenance logs to be submitted to the Building Department. This log will assist in tracking any repeated maintenance issues within a structure and assist in the data collection for the building recertification process by providing the engineers with better data on routine building maintenance as part of the public record for the property. Additionally, the City also codified a recommendation that came out of the grand jury report in the aftermath of the collapse, that there be a 1-year and 2-year notice to the property to allow time for action prior to the 90-day posting. This mandated uniform method of notice will assist condominium boards and management companies better plan and prepare for the recertification process.

**COVID-19 Recovery**

- Obtained $64.6 million in Federal Funding: We obtained $38 million in recovered City expenses related to the COVID-19 pandemic, including the cost of operating our vaccination and testing programs. We also received $23.6 million in American Rescue Plan Act funds.

- Vaccination and Testing: We continue to offer vaccinations and testing for residents and visitors at the 17 Street and 87 Street sites (administering over 26,000 vaccines and more than 506,000 PCR/antigen tests). Additional services include homebound vaccinations and testing.

- Race to Trace: The City secured nearly $500,000 in grants from The Rockefeller Foundation to develop the successful "Race to Trace" program to help Miami Beach businesses during the COVID-19 public health emergency. We partnered with the Florida Department of Health (FDOH) in Miami-Dade County and the team signed up more than 80 local businesses for COVID-19 resources and services as well as administering more than 700 vaccinations to employees of local businesses. The campaign was so successful at its conclusion that the FDOH decided to expand the program to other parts of Miami-Dade County.

**Transportation**

- Negotiated and executed a contract with Outfront Media for the design, construction, operation and maintenance of new bus shelters with a revenue share estimated at up to $69 million and representing a total investment to the City of up to $120 million over a 20-year term.
- Completed construction of buffered bike lanes on Pennsylvania Avenue, Euclid Avenue, 72 Street and 73 Street.

- Completed construction of traffic calming improvements in the Nautilus neighborhood (G.O. Bond project).
- Launched an electric-assisted bicycle sharing program in partnership with Citi Bike.
- Commenced construction on the Intelligent Transportation System and Smart Parking System.
- Completed construction of a new mid-block signalized crosswalk on Meridian Avenue between 18 Street and 19 Street (connecting to Pride Park).
- Launched a pilot program to improve safety along Pine Tree Drive in partnership with Miami-Dade County.
- Secured Commission approval of the new bus shelter design concept.
- Awarded over $1 million in grant funds for design and construction of various mobility projects.
- Awarded $158,000 in operating assistance for operation of the Mid Beach on-demand transit service for FY23.
- Applied for $15 million in grant funds through the Federal Transit Administration Low-No Grant Program for the South Beach Trolley service electrification (12 battery/electric buses or trolleys, charging infrastructure and other related items and tasks to replace trolleys).

**Parking**

License Plate Recognition systems were installed at all garages except at the Miami Beach Convention Center where the parking lane configuration cannot accommodate the system and the Fifth and Alton garage pending agreement with EDENS (JV partner) to pay their portion of the system. The system serves to protect revenue and enhance security in the garages.

We have improved residential zone integrity and space availability by requiring a permit of all people parked in residential zones, including those with disability placards. Residential permits are issued free of charge for residents with a disabled placard.

**Facilities and Fleet**

Staff brought expired or expiring leases through exercising renewals and month-to-month letters, executed new lease and management agreements (11 new agreements plus 23 amendments and/or renewals). Identified city-owned surplus properties with the potential of disposition to generate additional funds for the City.

Continued to deliver important renewal and replacement projects while supporting departments through moves, such as relocation of the Office of Housing & Community Development and major City events.

Ranked # 32 in National Association of Fleet Administrators (NAFA) 100 Best Fleets program that recognizes peak-performing fleet operations among the 38,000 public fleets in North America.

**Art Deco Cultural District (ADCD)**

The City is taking next steps to implement the Zyscovich visioning process and the ADCD Vision Plan, with the preparation of a Request for Qualifications (RFQ) for design development and construction administration services for the Ocean Drive Corridor and to incorporate Lummus Park. The RFQ was approved by the City Commission in June 2022.

**Community Services**

- The Homeless Outreach Services Program now offers specialized outreach services for mental health and co-occurring disorders.
- The Community Services division prepared 430 tax returns for income-eligible residents and assisted four income-eligible households through the First-Time Homebuyer's Program to purchase Miami Beach properties. Two of the four households were special abilities.
- The 2021 All-Stars Program Summer Camp successfully increased the enrollment of children with special abilities from 10% to 34.30%.
- The City's Community Services division now offers onsite Department of Children and Families Access Services, including SNAP benefit applications and recertifications.

**Support of Miami Beach Education**

- Partnered with 20 + PreK providers to expand access to quality programs for 92 Miami Beach families in 2021-22.
- Expanded dual-enrollment offerings through a partnership with the University of Florida, saving Miami Beach families an estimated $2.79 million since program inception.
- Placed 349 Stop the Bleed Kits in all classrooms in Miami Beach public schools.
- Negotiated access to basketball courts at South Pointe Elementary for youth residents.
- Partnered with five universities to expand our paid internship program providing needed support to all departments across the city.

**Promote Miami Beach as a World-Class Convention Destination**

Recognizing the importance of conventions and conferences for Miami Beach's arts, culture and economic goals, I personally met with many representatives and stakeholders. This includes securing the Miami Beach International Yacht and Boat Show (100,000 attendees), Bitcoin (10,000 attendees), American Association of Orthodontists (5,000 attendees) and the Bronner Bros. Beauty Show (30,000 attendees). The addition of the Carl Fisher Club House/annex will allow organizers to expand their events outside of the convention center into a historic gem, which is built around what is believed to be the oldest structure in Miami Beach. In addition, staff negotiated contracts with Art Basel Miami Beach, Centerplate, Spectra and the Greater Miami Convention and Visitors Bureau (GMCVB).

**Events, Tradeshows and Conferences**

My team is leveraging partnerships and resources to cultivate relationships with and attract the technology and financial services industries to Miami Beach by attending and participating in events that offer opportunities for staff to showcase current programs, incentives and engage with business owners. The City participated in iConnections Global Alternative (Global Alts) Investments Conference, FPL's PoweringFlorida: Illumination, Bitcoin 2022, eMerge Americas, FTX Off the Grid, Cloud Summit and hosted a crypto thought-leadership event during Tech Week. Plans are underway to participate in the highly anticipated Florida International Medical Expo (FIME) in July 2022 at the Miami Beach Convention Center.

We produced 28 citywide family-friendly community events and initiatives with a total participation of 15,374, which included Winter Wonderland, Spring Eggstravaganza, Black History Night Celebration, Hispanic Heritage Festival and Pride at the Pool.

We created Miami Beach OnStage!, a large-scale outdoor performing and visual arts program from the City Commission-approved $1 million expenditure for cultural programming. This investment in cultural programming included the temporary art installations "Little Cloud Sky" created by FriendsWithYou and "Milagros" by Carlos Betancourt. This creative placemaking project used visual arts to transform Española Way into a vibrant, Instagrammable moment for residents and visitors alike.

**Expanded Community Engagement**

Innovating the delivery of information and access to government is important to me and to our community. I recently expanded the Neighborhood Affairs Division (NAD) to provide additional resources for community engagement. I view NAD as an extension of the City Manager's office.

The Police Department's Community Affairs Unit (CAU) planned and executed a Flamingo Park block party this spring. Several departments participated, including Code, Economic Development, Environment and Sustainability, Fire, Division of Emergency Management, Fleet, Parks and Public Works.

**Innovative Technology**

The Police Department created the Desk Officer Reporting System (DORS). There are now 15 types of crimes that can be reported through this online system. This new technology has proven successful and creates ease for residents and tourists in filing police reports.

The Building Department has made all services available electronically, including electronic plan submission and plan review, a comprehensive permitting process and even virtual meetings with staff. A very simple-to-use appointment system has been launched that allows scheduling of appointments either in-person or virtually with 680 appointment slots available weekly across a variety of building permit process divisions.

Enhanced online citizen services to expand electronic plan reviews and a comprehensive permitting process. Implemented digitized building services, process improvements and call center operations. Implemented digital signage and wayfinding for ease of communication at City Hall. Developed a digital review and routing system for legal documents citywide. Enhanced and continued development of comprehensive analytics tools and over 25 dashboards for decision making and smart city initiatives.

I appreciate the opportunity to share these performance accomplishments, guided by your leadership. Please understand that this is not intended to be an exhaustive summary of our many day-to-day operational activities. Thank you for the tremendous support that I receive from each of you, our hardworking staff and committed residents. I look forward to your feedback.

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# EXHIBIT 2

MIAMIBEACH

**City of Miami Beach,** 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
Rafael A. Paz, City Attorney

MEMORANDUM

**TO:** Mayor Dan Gelber and Members of the City Commission

**FROM:** Rafael A. Paz, City Attorney

**DATE:** September 6, 2022

**SUBJECT:** **Office of the City Attorney – Fiscal Year 2022 Annual Report**

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I am pleased to provide you with this Annual Report, highlighting the work performed by the dedicated attorneys and staff of the City Attorney's Office (CAO) during FY 2022. Our City is small geographically, but we are an international destination with the third largest tax base in Miami-Dade County, and our residents are highly engaged and active. As a result, the work the CAO performs for our City is complex and diverse.

On behalf of the entire Office, we thank you for the privilege of representing our City, and we look forward to continuing to work closely with the City Commission, City Manager, City Clerk, Inspector General and City staff, in furtherance of our shared mission of public service.

## ASSEMBLING THE NEW CAO TEAM

My first priority following my appointment as City Attorney on October 13, 2021 was to assemble the CAO leadership team and fill key vacancies, including hiring two senior litigation attorneys, a senior transactional attorney, and municipal prosecutors. To this end, I would like to thank the Mayor and City Commission for affording me the wide latitude necessary to make important personnel decisions that will impact the City Attorney's Office for years to come. The success of the CAO this year is thanks to the hard work of our entire team and the talented professionals leading their respective practice areas, including:

- Rob Rosenwald, who I have internally promoted to Chief Deputy City Attorney. Among other matters, Rob researched and ***drafted the City's legislation to provide tenants with 60 days' notice of rent increases***, legislation which was subsequently adopted by Miami-Dade County, as well as Orange County, Florida and the City of Hialeah. Rob also achieved significant litigation victories this year, including ***obtaining a favorable ruling from the U.S. 11th Circuit Court of Appeals in the Club Madonna case,*** upholding the constitutionality of a City ordinance intended to curb the exploitation of minors in strip clubs.

- Ricardo Dopico, Deputy City Attorney, joined the team as the City's lead transactional attorney, and among other matters, ***successfully negotiated the development agreements and lease agreements for the two Lincoln Lane Class A Office projects,*** which will be presented to the voters in November.

- Henry Hunnefeld, First Assistant City Attorney and Freddi Mack, Senior Assistant City Attorney, joined the team, along with Ben Braun, an alumnus of the CAO Fellowship program who was internally promoted to Assistant City Attorney. Collectively, they have strengthened the City's litigation practice and, among other matters, ***successfully defended the emergency injunction challenge to the City's March 23, 2022 State of Emergency and curfew*** following multiple shootings that took place in South Beach during the March 2022 high impact period. Notably, this was the first emergency injunction handled entirely in-house in many years.

- Nick Kallergis, internally promoted to Deputy City Attorney, assumed primary responsibility for Land Use and high-profile legislation, including ***taking the lead role on all alcohol hours legislation***, a complex task with more than a dozen proposed ordinances currently pending before the City Commission, including multiple, and at times conflicting, approaches for different geographic areas of the City. Nick also handled the ***legislation reforming the automatic stay procedures for land use appeals***, and the recently enacted ***Commission Rules of Procedure***, which the City Commission identified as a priority at its February 16, 2022 Goals Conference.

- Mark Fishman, First Assistant City Attorney and the City's Chief Police Legal Advisor, has brought his substantial prior prosecutorial experience to bear and led the implementation of the City Commission's unanimous mandate to ***expand the City's municipal prosecution program*** to prosecute certain misdemeanor offenses as municipal ordinance violations, among other measures. Mark also implemented the City's Justice Advocate Program for monitoring cases involving offenders of special concern, in close collaboration with the Police Department and Chief Clements. During this fiscal year, the CAO significantly improved the City's municipal prosecution success rate (currently standing at approximately 73% for FY 2022), and two experienced prosecutors, Woody Clermont and Nahum Joseph, recently joined the team.

Although the above highlights the leadership team and new members of the Office, all of our attorneys and staff contribute to the work of the City and the CAO's core function of providing legal counsel to the Mayor and City Commission, City Manager, administrative departments, and numerous boards, agencies and advisory committees. Attorneys in the Office research, draft, review and/or approve for legal sufficiency all ordinances and resolutions presented to the City Commission, and represent the City in all transactions and litigation involving the City.

The ***Office of the City Attorney Organizational Chart***, listing our practice areas and individual attorney responsibilities, is attached hereto for your convenience. Below is a brief overview of the work of the practice areas, as well as significant matters handled this fiscal year.

## LITIGATION AND ENFORCEMENT OVERVIEW

- As of September 1, 2022, the City was served with ***59 new cases*** during FY 2022.

- The City is currently involved in ***111 ongoing pending litigation cases*** and appeals (between 100 – 120 cases at any given time). Approximately one-third of the cases are police/civil rights cases, one-third are personal injury cases, and one-third include general commercial and land use-related cases.

- Of the 110 active cases, the City has retained outside counsel on 10 cases[1] involving specialized subject matter expertise, expedited briefing or other work requiring additional resources not readily available in-house.

- In addition to litigation, the CAO assisted in resolving hundreds of code violation matters brought before the Special Magistrate this year, and attended approximately 57 sessions before the Special Magistrate to date, including cases brought by inspectors of the Code Compliance, Building, Parking, Parks & Recreation, Police/Marine Patrol and Fire Departments, as well as short-term rental and red-light camera violations.

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[1] Excluding police-related cases where outside counsel has been retained to represent police officers in their individual capacity while the City Attorney's Office handles the litigation on behalf of the City.

- The Municipal Prosecution Team has handled ***262 new criminal municipal ordinance violation cases*** thus far in FY 2022 (as of Sept. 1, 2022), plus approximately 49 other pending matters. A detailed discussion of the Program is set forth below.

- The CAO has brought most Historic Preservation Special Magistrate appeals in-house this year, matters which require full legal briefing, based on an extensive record before the HPB. In an effort to use internal and external resources as efficiently as possible, we will continue to identify areas and specific matters that lend themselves to being handled entirely in-house.

## LITIGATION HIGHLIGHTS

A few of the CAO's major litigation accomplishments this year include:

Constitutional Claims.

- Summary Judgment in favor of the City in federal district court in a First Amendment case, *McGriff v. CMB*, concluding that the City's decision to remove a divisive artwork exhibited as part of City-sponsored 2018 Memorial Day weekend programming did not violate plaintiff's constitutional rights.

- Favorable ruling from the United States 11th Circuit Court of Appeals in *Club Madonna* case, affirming the district court's summary judgment and upholding the constitutionality of the City's ordinance seeking to curb the exploitation of underage dancers in strip clubs by requiring two forms of identification prior to entering the club, and providing for inspections.

Emergency Injunction.

- Favorable ruling in state court emergency injunction proceeding in *Papi Steak* and *Treehouse* cases challenging the City's March 23, 2022 State of Emergency declaration and imposition of a weekend curfew for areas south of 23rd Street, following multiple shootings during the March 2022 high impact period. The matter was the first emergency injunction hearing handled entirely in-house in many years.

Civil Rights Cases.

- Summary Judgment in favor of the City in federal district court in two (2) police civil rights cases, *Saint-Vil v. CMB* and *Senko v. Jackson*, rejecting claims alleging false arrest and excessive force and dismissing all counts against the City in both cases.

Employment Discrimination Claims.

- Dismissal in favor of the City in federal district court in two (2) employment discrimination cases, including *Mitchell v. CMB* (concluding that plaintiff, a police officer, failed to exhausted his administrative remedies and failed to plead sufficient facts alleging discrimination under the Age Discrimination in Employment Act, Title VII of the Civil Rights Act, or the Florida Civil Rights Act), and *Andres Gil v. CMB* (concluding that plaintiff, a former City lifeguard, failed to state a claim for national origin discrimination).

- Successfully defended five (5) coordinated employment discrimination lawsuits brought by Parks Department employees, with the Court dismissing all claims and/or granting summary judgment in favor of the City in all five lawsuits.

Land Use Appeals.

- Favorable rulings in land use appeals challenging the redevelopment of the Seagull Hotel into the first Bulgari Hotel in the United States, including final judgment in favor of the City on a petition for writ of prohibition seeking to prevent the HPB Special Magistrate from hearing the administrative appeal from the HPB (*Setai Resort & Residences v. CMB*), and a Special Magistrate decision upholding the HPB's approval of a certificate of appropriateness for the development. Litigation remains pending in related challenges.

- Favorable ruling in land use appeal challenging the redevelopment of the *Delano Hotel*, with the Special Magistrate affirming the HPB's issuance of a certificate of appropriateness for the new project, finding that all of the objectors' arguments were waived and/or lacked merit.

Settlements.

- Negotiated the favorable class action settlement in *Christian Conti v. CMB* approved by the City Commission at its March 9, 2022 meeting, resolving claims related to fines paid to the City under a prior Commission's fine structure for short-term rental violations. The settlement results in the City retaining all fines collected up to the maximum statutory amount, as well as a portion of the amounts in excess of the statutory maximum.

## TRANSACTIONS

The City Attorney's Office reviewed, drafted, negotiated and/or approved for legal sufficiency a ***minimum of 500 contracts this fiscal year***, covering a wide variety of procurement, construction and real estate-related agreements, leases, easements, deeds, escrow agreements, development agreements, housing agreements, grant agreements, and many other matters involving the administration and general business affairs of the City.

In terms of major transactions this year, the CAO worked closely with the Administration in negotiating, drafting and finalizing agreements for major public-private partnerships and other capital projects and initiatives of the City, including:

- Lincoln Lane Public-Private Partnerships. In close collaboration with the City Manager's Office and Economic Development department, the City team successfully negotiated and finalized development agreements and ground leases for two Lincoln Lane Class A office projects, along with related legislation and proposed ballot measures, being considered by the voters this November. If approved, the projects would diversify the Lincoln Road corridor, attract high quality businesses to Miami Beach, and result in rental payments, ad valorem taxes, and parking revenues to the City approximating $1.3 billion over the life of the leases. Notably, as the City Commission authorized negotiations for two separate projects, the work involved simultaneous negotiations with two separate developer teams and counsel, with both projects proceeding on an aggressive timeline. Subject to voter approval, the final agreements were approved by the City Commission at its July 20, 2022 meeting.

- Conveyance of "Canopy Park" to City. To coincide with the substantial completion of the construction of the new public park now known as "Canopy Park," the City Attorney's Office led the effort to finalize the Closing documents and secure the City's ownership of the newly completed 3.0 acre park, thereby achieving the public benefits previously negotiated by the City Commission as part of the development of the 500 Alton project.

- Agreements to Expedite Convention Hotel Construction. The CAO, working closely with the City Manager's Office, negotiated and finalized terms for the Convention Hotel developer to perform work requiring the temporary closure of the Fillmore theater, including an amendment to the developer's Early Access Agreement, and an amendment to the Live Nation management agreement, intended to accelerate completion of the long-awaited Convention Hotel project by at least one year.

- Seagull/Bulgari Hotel Right-of-Way Vacation. The CAO handled the Closing of the right-of-way conveyance approved for the redevelopment of the Seagull hotel property, which would renovate the existing building (which is boarded up and in very poor condition), into the first Bulgari Hotel in North America. As part of the Closing, the City received the first two installment payments due under the Vacation Agreement, in the amount of $5 million.

- Collins Park Workforce Housing Project. Working closely with the Administration, the CAO negotiated and finalized a lease amendment earlier this year for this project, the City's first public-private partnership for workforce housing. Based on the City Commission's recent discussions committing additional funds to bridge a gap in construction funding for the project, in September the CAO will be working on a lease amendment and legislation waiving certain land use fees for workforce housing projects, to facilitate the financial closing of this project.

In addition, throughout the year, the CAO worked with the IT Department to develop a pilot e-contract system, which we implemented with the Procurement Department earlier this year. We intend to fully implement with other departments during FY 2023, to streamline the contract review process and provide for better tracking of pending items.

## LEGISLATION

FY 2022 was an extremely active legislative year. The City Attorney's Office has worked with the Mayor and Commission, as well as the Administration, on a wide variety of legislative and policy matters, and researched, drafted, reviewed, and/or finalized approximately ***483 Resolutions and 93 Ordinances***, a few of which are highlighted below.

- Ordinance Providing Tenants 60 Days' Notice of Rent Increases (Vice Mayor Alex J. Fernandez). In close collaboration with Vice Mayor Fernandez, the sponsor of the legislation, the CAO researched and prepared an ordinance establishing a mandatory 60-day minimum notice period prior to implementing any residential rent increases in excess of 5%. The notice period would avoid last-minute rent increases that place many lower-income tenants at a disadvantage, and provides tenants the time necessary to negotiate terms with their landlords or make alternative arrangements. A substantially similar version of the City's ordinance was subsequently adopted by Miami-Dade County for all of unincorporated Miami-Dade County, as well as by Orange County, Florida and the City of Hialeah.

- Restructuring of Sidewalk Café Program (Mayor Dan Gelber, co-sponsored by Commissioners Kristen Rosen Gonzalez, Mark Samuelian, Alex Fernandez, David Richardson and Steven Meiner). Following an adverse ruling relating to the City's regulatory permit-based structure for issuing sidewalk café permits, the CAO led the effort to implement the unanimous City Commission mandate to repeal the existing sidewalk café ordinance and replace the entire program with a contract-based model, effective on October 1, 2022, following the expiration of the current permits for this fiscal year. The CAO has worked with the Administration to develop the outdoor dining concession agreement template, negotiate changes with multiple existing sidewalk café operators, and conduct trainings with operators on the requirements of the new program. As of the date of this Memorandum, several operators have challenged the City's new program in state court, with a hearing currently scheduled for September 8, 2022. We are

confident that we have structured the program for success, in accordance with Florida law, and negotiated reasonable terms with operators. However, regardless of the outcome of the case, we will continue to work diligently to support the City's right to control public property, and the manner in which the City Commission grants the privilege to conduct business on public property.

- New Commission Rules of Procedure (Commissioner David Richardson). Under the leadership of Commissioner Richardson, the CAO drafted comprehensive amendments to the City's rules of procedure for meetings of the City Commission and Commission Committees. The ordinance, adopted by the City Commission on June 22, 2022, includes proposals by individual Commissioners and best practices from other jurisdictions. The amendments, which are intended to promote efficiency and decorum in the conduct of public business, address meeting duration, the duties of the Mayor and committee chairs, decorum, agenda submission deadlines, a "four-day" rule for late-filed agenda items, committee review for items with a fiscal impact greater than $75,000, and limits on the number of new agenda items that have not first been referred to committee.

- Reform of Automatic Stay of Land Use Appeals (Mayor Gelber). At the request of Mayor Gelber, the CAO worked with the Planning Department to review and draft amendments to the City's rules of procedure for land use board appeals. The Ordinance, adopted by the City Commission on July 20, 2022, provides for a more limited automatic stay through, at a minimum, the first level of appeal (if an approval is upheld) or 120 days from the date the appeal is filed. In order to lift the stay, an applicant would be required to satisfy a number of conditions, including a hold harmless and indemnity agreement. The Ordinance also establishes a briefing schedule and imposes deadlines for oral argument and final decisions by the City Commission or Special Magistrate, respectively. The purpose of these reforms is to discourage abusive litigation while safeguarding due process.

- Expansion of Municipal Offenses/Prosecutor Program (Commissioner Meiner). Working closely with the sponsor, Commissioner Meiner, the CAO researched and drafted the new ordinance incorporating three state misdemeanor offenses (namely, indecent exposure, criminal mischief, and certain battery offenses) as municipal ordinance violations, thereby providing the City Attorney with the jurisdiction to prosecute these offenses as municipal ordinance violations. The program is discussed in greater detail below.

- Alcohol Legislation. Since January 2022, the CAO has advised the City Commission extensively on legislative proposals relating to alcohol hours of sale. At numerous public meetings and individual briefings with elected officials and the Administration, we have performed a nuanced legal analysis and risk assessment for each ordinance, taking into account both Florida law and the City's complex existing regulations. As of the date of this Memorandum, more than a dozen ordinances remain pending before the City Commission.

- Ballot Measures. At the request of nearly all members of the City Commission, the CAO prepared ***20 proposed ballot measures*** for the Aug. 23, 2022 election and Nov. 8, 2022 election, including proposed charter amendments, referendum questions calling for approvals of complex leases, a variety of FAR-related increases, and a general obligation bond question, with a total of 14 ballot measures ultimately approved for consideration by the City's voters this year.

- Floodplain Management Regulations. The CAO worked closely with the Building Department and Chief Resiliency Officer to conform the City's floodplain management regulations with the minimum requirements of the National Flood Insurance Program ("NFIP") and Florida Building Code. The City's participation in the NFIP Community Rating System, a voluntary incentive

program that recognizes and encourages community floodplain management activities that exceed minimum program requirements, has resulted in discounted flood insurance premiums.

## MUNICIPAL PROSECUTION PROGRAM

The City's Municipal Prosecution Program was created in order to address municipal ordinance violations that impact residents' quality of life. This initiative forms part of the City's broader public safety strategy, in coordination with the Police Department and Homeless Outreach Team.

On March 9, 2022, the City Commission approved various municipal prosecution initiatives, sponsored by Commissioner Meiner, and appropriated additional funds to expand the municipal prosecution program, which since its inception in 2017 was limited to one prosecutor, Yoe Lopez. The City Commission also enacted a new ordinance, sponsored by Commissioner Meiner, to specifically incorporate three state misdemeanor offenses (namely, indecent exposure, criminal mischief, and certain battery offenses) as municipal ordinance violations, under the jurisdiction of the City Attorney's Office. As of June, 2022, I have hired two new prosecutors, Woody Clermont and Nahum Joseph, both of whom join the City with significant prior prosecution experience, and a legal assistant with prior experience at the Miami-Dade State Attorney's Office, Michelle Inzagui.

In addition, the City Commission also tasked the CAO with implementing a new Justice Advocate Program, an initiative sponsored by Mayor Gelber, for monitoring state cases involving offenders of special concern, utilizing a model that has been successful at the City of Coral Gables.

First Assistant City Attorney Mark Fishman, who serves as the City's Chief Police Legal Advisor, has taken a lead role in the implementation of the expanded municipal prosecution program, in close collaboration with Chief Clements and MBPD, including with respect to all efforts to coordinate with our partners in the State Attorney's Office, the Eleventh Judicial Circuit, the Clerk of the Courts, Court Options, Inc. (one of the two leading pre-trial diversion programs in Miami-Dade County), and others.

Although the new municipal prosecutors have only been on board for a few months, our collective efforts, along with the initiatives recently adopted by the City Commission, have permitted the CAO to significantly improve the City's successful prosecution rate, which, for the period from October 1, 2022 through July 31, 2022, stands at approximately 73%. Notably, for the period from May 31, 2022 through August 1, 2022, the first quarter with the additional prosecutors on board, the successful prosecution rate stands at approximately 83% for the quarter.

Moreover, in addition to improving the quantitative results, the team has achieved *qualitative* results in their prosecutions, including, where appropriate, obtaining at least 5 stay away orders during the pendency of court proceedings, and multiple bench warrants for the arrest of offenders who fail to appear in their case.

In one case involving indecent exposure and a repeat offender, the prosecution team secured a conviction, with jail time served of 50 days, and at every juncture, encouraged the defendant to enter a mental-health diversion program. In other cases, the prosecutors have secured jail time for various offenders, including 23 days served in an indecent exposure case, and 15 days jail time served in a drinking in public case.

In yet another drinking in public case, the defendant agreed to enter a dual mental health/substance abuse facility as part of a pre-trial diversion offer, and the defendant is now off the streets and in the process of obtaining the help that he needs. In all cases, we strive to prosecute each matter justly, in coordination with the Police Department and our homeless

outreach team, with an emphasis on offering pre-trial diversion, particularly for first-time offenders and defendants who may qualify for mental health or substance abuse treatment.

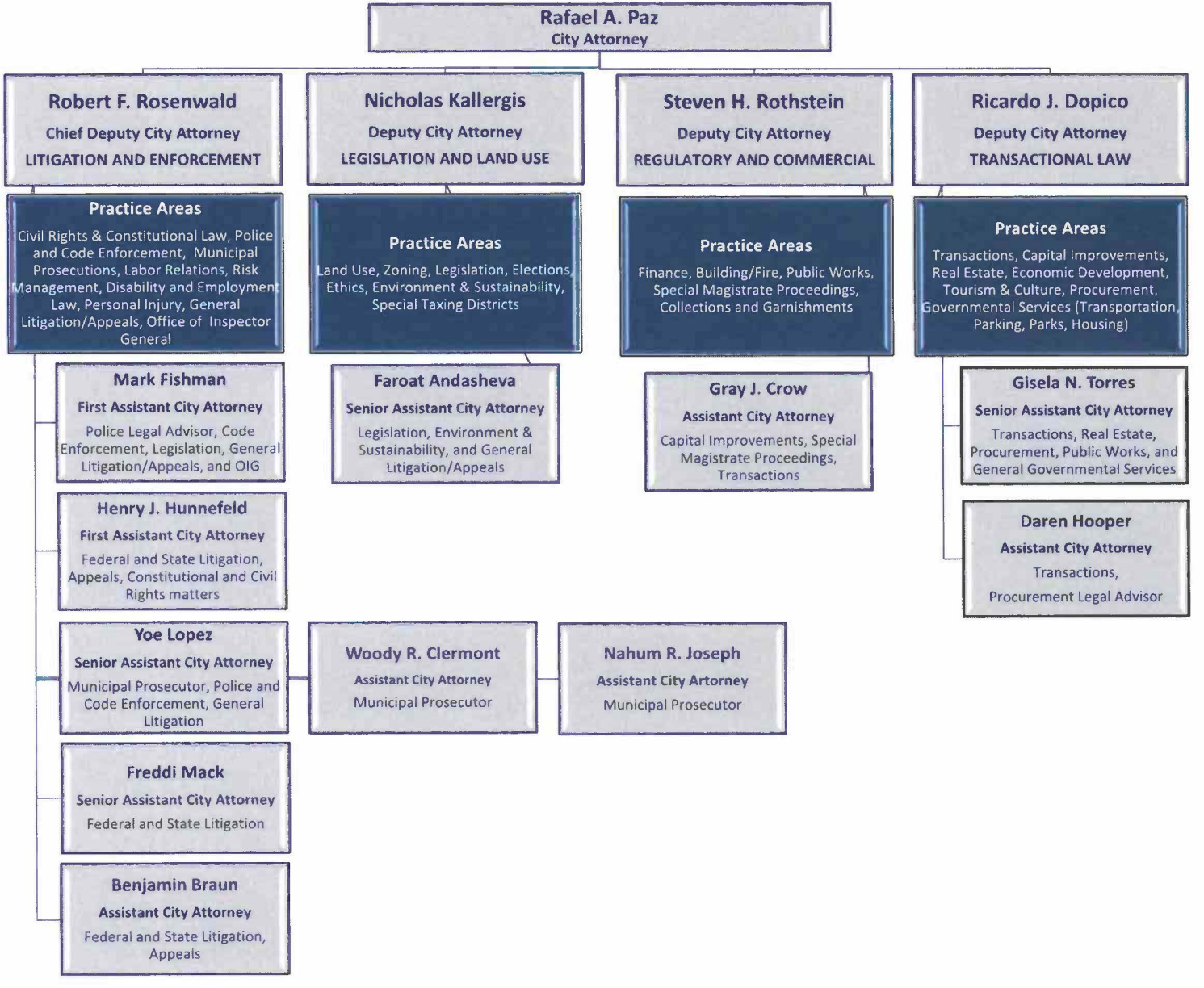
We look forward to continuing to report on the progress of the newly expanded municipal prosecutor program in the months to come.

## CONCLUSION

We hope this Annual Report provides helpful perspective on the work of the City Attorney's Office and what we, together with the City Commission and Administration, have collectively accomplished in FY 2022. Much work remains to be done, but we love what we do, and we thank you for letting us do it.

RAP/ag

# OFFICE OF THE CITY ATTORNEY



# EXHIBIT 3

# OFFICE OF THE CITY CLERK

## SIGNIFICANT ACCOMPLISHMENTS

**City Clerk**

- COVID-19: Provided uninterrupted in-person service to the public and City Departments throughout the COVID-19 pandemic. Established office procedures to protect the health and safety of staff.

- Open and Responsive Government: Concluded the conversion of all Ordinances and Resolutions from 1915 to the present into a digital format accessible to both internal and external users

- The Office of the City Clerk ensured: 1) That all required legal postings were distributed in compliance with State law and City policy; 2) The accurate accumulation, accessibility, and preservation of official City documents; 3) The accurate and timely preparation of City Commission, Redevelopment Agency (RDA), and North Beach Community Redevelopment Agency (NBCRA) meeting after-actions (minutes); and 4) The compliance with the Florida Public Records Act, also known as F.S. 119

- To maximize public access and transparency, the Office of the City Clerk incorporated all meeting notices that are legally required to be published in newspapers, on its publicly accessible website, providing a single point of access to this information for both internal and external users

> ***Provided uninterrupted in-person service to the public and City Departments throughout the COVID-19 pandemic. Established office procedures to protect the health and safety of staff.***

- Administration: Conducted and completed an organizational redesign that will provide improved service delivery, employee professional development, and succession management over the next five years.

## SIGNIFICANT ACCOMPLISHMENTS CONT'D

- Elections: Successfully conducted the November 2, 2021 General and Special Elections, the November 16, 2021 Run-Off Election, and the August 23, 2022 Special Election. The Office of the City Clerk assisted the Miami-Dade Elections Department in preparing and running Early Voting at City Hall and the North Shore Branch Library locations.

- Produced a 2021 and 2022 Candidate Information Handbook that was provided to all candidates for City of Miami Beach elected office. The Handbook was designed to be a single source of answers to questions candidates and campaigns might have while running for office in Miami Beach, whether to reference relevant election laws or simply check filing deadlines.

- The Office of the City Clerk engaged in outreach efforts with candidates and campaigns by sending periodic communications throughout the election cycle. These emails included status reports about early voting and turnout statistics, highlighted upcoming election deadlines, and provided reminders about relevant election laws.

- Drafted Voter Information Guide in both English and Spanish for the November 2021 and August 23, 2022 Special Elections.

- Engaged in outreach efforts with Political Committees and Electioneering Communication Organizations interested in participating in the 2021 and 2022 Miami Beach Special Election including reminders for the Campaign Finance Report due dates, answering questions regarding forms and submittals, and issuing fines to late submittals of reports

- City Commission Agenda Preparation: Produced City Commission agenda materials for Commission meetings, retreats/special meetings, and workshops; oversaw the agenda preparation process and updated the City's webpage.

- After-Actions: Produced after-action reports (minutes) for Commission meetings, retreats, special meetings, and workshops

- Ordinance and Resolution Registry: Maintained a web-based Ordinance and Resolution registry to provide an easy research tool for the public. The information is available at https://www.miamibeachfl.gov/city-hall/city-clerk/public-records-request/

# OFFICE OF THE CITY CLERK

## SIGNIFICANT ACCOMPLISHMENTS CONT'D

- Public Records Requests: Responded to 74 public records requests (PRRs) directed at the Office of the City Clerk. Ninety-six percent (96%) of said requests were processed in 7 days or less. The Office coordinated and monitored 3,204 Citywide PRRs to ensure a prompt response. The Office of the City Clerk improved government transparency through a searchable database of the most frequently requested public records online, and assisted staff with the research of official records.

- Collaborated with the Information Technology Department to implement an easy-to-use web-based records requests software that manages every step of the process from intake to delivery. Implementation was in June 2022.

- LaserFiche/Scanning: Scanned, indexed, quality-controlled, and published all LTCs, Lobbyists Affidavits, Ordinances, and Resolutions into LaserFiche; giving the public web-based access to all these documents

- Boards and Committees: Conducted mandatory ethics training for board and committee members and liaisons. The instructors included representatives from the Miami-Dade County Ethics Commission, the Office of the City Attorney, the Office of the Inspector General, and the Office of the City Clerk. The training was videotaped and is available to all newly appointed board and committee members.

- Coordinated all board and committee appointments by the City Commission, continued to maintain technology to make civic participation easier through the online application process, monitored attendance of all members, and updated the Board and Committee Handbook

- Maintained records for 39 boards and committees with 476 members. Processed 174 new board and committee applications and 140 appointments. Posted on the Office of the City Clerk's webpage a searchable database of all boards and committees weekly.

- Created and posted on the Office of the City Clerk's webpage a database of the current board and committee openings to assist residents wishing to become involved in City government. Produced the board and committee quarterly attendance reports and the board and committee biannual reports. Generated the board and committee minority report.

- Lobbyists: Registered 223 (for profit and non-for-profit) lobbyists with 299 issues. Generated lobbyist information for elected officials and the administration, collected annual registration fees and per-issue fees, and processed annual financial reports as mandated by the City Code.

## SIGNIFICANT ACCOMPLISHMENTS CONT'D

- Letter to Commission (LTC): The Office of the City Clerk processed, emailed, and digitized 543 Letters to Commission in Fiscal Year 2021

- Annual Reports: Processed Outside Employment, Gift Disclosure, Financial Disclosures, and Lobbyist Expenditure Forms, as required by the State, the County, and the City

- Public Notices: Completed and forwarded for newspaper publication the required legal notices within the statutory time requirements for public hearings. Published the following advertisements: 52 meeting notices, 174 public hearings, and 35 election information notices.

- Special Magistrate: Processed 803 new Special Magistrate Appeals, Building Cases, Code Cases, Fire Cases, Red Light Camera Cases, and Short-Term Rental Cases. Processed the recording of 292 liens.

- Records Retention: Coordinated the records retention and destruction program for all City departments. Reviewed and monitored retention schedules, and identified documents eligible for destruction. Destroyed 2,049 cubic feet of records in FY 2021. Assisted the following City departments/divisions with records destruction: City Clerk, Special Magistrate, Public Works, Procurement, Fire, Finance, Code Compliance, Central Services, and Building.

- Meeting Calendar: Maintained electronic calendar of all public meetings. Posted electronically and on 5 City Hall bulletin boards records of all meeting notices.

**Central Services**

- COVID-19: Remained fully operational throughout the COVID-19 pandemic, providing printing, mail, and courier service to all City departments

- Copier Equipment: Central Services Division operates high-speed, high-volume photocopiers, and a digital color duplicator that reproduces professional results. These machines not only copy but also collate and staple finished documents, achieving cost-effective digital reproduction of printed materials.

# OFFICE OF THE CITY CLERK

## SIGNIFICANT ACCOMPLISHMENTS CONT'D

- Printing Production: Central Services Division received 1,250 print jobs in FY 2021 and produced 2,700,000 impressions (black and white/color), at an average of 225,000 impressions per month. These jobs included: Commission meeting agenda books, supplementals to the City Code, Commission Committees meeting agendas, proposed and final capital budget books, open enrollment books/insurance packages, zoning notifications, proclamations, posters, flyers, brochures, maps, business cards, courtesy notices, meeting notices (Board of Adjustments, Planning Board, etc.), permit cards, work permits, unsafe stickers, surveys, vehicle safety logs, storage receipts, inspection handouts, daily reports, information logs, Code violation forms, retiree enrollment applications, door hangers, residential parking permit application, residential parking permit renewal, players/parents code of conduct, release of liability, rules and regulations, warning signs, off-duty applications, Police Department forms, meter parking forms, etc.

## CRITICAL SUCCESS FACTORS

- Ensure cross-training of staff
- Ensure departments respond promptly to public records requests
- Ensure all work order requests from departments have thorough and accurate information, as well as detailed instructions
- Enhance external/internal communications from and within the Office of the City Clerk
- Ensure expenditures trends are sustainable over the long term

## FUTURE OUTLOOK

The Office of the City Clerk will continue to pursue opportunities that will enhance the Department's ability to provide accurate and timely information to the City Commission, City Manager, all City departments, and the public.