

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RECOMMENDING THAT THE CHIEF SPECIAL MAGISTRATE ISSUE AN ORDER AMENDING THE RULES AND PROCEDURES GOVERNING SPECIAL MAGISTRATE HEARINGS, IN PARTICULAR WITH REGARD TO REDUCING THE NUMBER OF PROGRESS REPORTS ALLOWED AND LIMITING THE NUMBER OF CONTINUANCES, IN CONJUNCTION WITH MINIMIZING THE AMOUNT OF TIME BETWEEN THE CURRENT HEARING DATE AND THE FUTURE HEARING DATE FOR THOSE CONTINUANCES THAT ARE GRANTED; AND FURTHER, AUTHORIZING THE CITY MANAGER AND/OR CITY CLERK TO INCREASE THE FREQUENCY OF SPECIAL MAGISTRATE HEARINGS AND PAY THE ADDITIONAL EXPENSES INCURRED AS A RESULT OF THE INCREASE IN SPECIAL MAGISTRATE HEARINGS FROM THE CITY CLERK REVENUE ACCOUNTS IDENTIFIED HEREIN.**

**WHEREAS**, the Mayor and City Commission of the City of Miami Beach (the "City") are charged with protecting the public health, safety, and welfare of the City's residents and visitors; and

**WHEREAS**, Special Magistrates serve to expeditiously and economically adjudicate violations of the City of Miami Beach's Code of Ordinances (the "City Code"); and

**WHEREAS**, recent observations and complaints by City residents and others have prompted certain necessary modifications to the Special Magistrate hearing process and procedures; and

**WHEREAS**, the prompt resolution of code enforcement matters inures to the benefit of all parties involved, including the City, the alleged violator, and the complainant or other person(s) aggrieved by violations of the City Code; and

**WHEREAS**, in order to ensure the most efficient resolution of Special Magistrate cases and appeals, the Mayor and City Commission desire to prevent unnecessary progress reports and limit continuances, which City staff has identified as hindering and/or delaying the adjudication of these matters; and

**WHEREAS**, City staff has also advised that there is often a delay in scheduling Special Magistrate hearings and appeals due to a backlog caused, in part, by a pause in hearings due to the Covid-19 pandemic; and

**WHEREAS**, in order to improve the ongoing scheduling delay/backlog, City staff has further recommended an increase in the frequency of Special Magistrate hearing dates as part of this effort.

**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 recommend that the Chief Special Magistrate issue an order amending the Rules and Procedures governing Special Magistrate hearings, in particular with regard to reducing the number of progress reports allowed and limiting the number of continuances, in conjunction with minimizing the amount of time between the current hearing date and the future hearing date

for those continuances that are granted; and further, authorize the City Manager and/or City Clerk to increase the frequency of Special Magistrate hearings and pay the additional expenses incurred as a result of the increase in Special Magistrate hearings from City Clerk revenue accounts: Special Magistrate HP-DRB 011-8000-354007-00-310-351-00-00-00 and Special Magistrate Administrative Hearing Fees 011-8000-321805-00-305-309-00-00-00.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Steven Meiner, Vice-Mayor Alex J. Fernandez, and Commissioner Kristen Rosen Gonzalez)