

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

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPOINTING CITY ATTORNEY RAUL J. AGUILA AS INTERIM CITY MANAGER UNTIL SUCH TIME AS THE CITY COMMISSION APPOINTS A PERMANENT CITY MANAGER AND THE NEW CITY MANAGER COMMENCES THEIR TERM OF EMPLOYMENT, WITH THE UNDERSTANDING THAT: (1) MR. AGUILA WILL RETURN TO HIS PERMANENT POSITION AS THE CITY ATTORNEY ONCE THE PERMANENT CITY MANAGER'S EMPLOYMENT TERM COMMENCES, AND (2) THE INTERIM CITY MANAGER WILL NOT MAKE ANY SIGNIFICANT PERSONNEL CHANGES AMONG EXECUTIVE ADMINISTRATIVE STAFF WITHOUT PRIOR CONSULTATION WITH THE MAYOR AND CITY COMMISSION; AND ALSO, APPOINTING DEPUTY CITY ATTORNEY RAFAEL PAZ AS THE ACTING CITY ATTORNEY DURING MR. AGUILA'S PERIOD OF SERVICE AS INTERIM CITY MANAGER, WITH THE UNDERSTANDING THAT MR. PAZ WILL RETURN TO HIS POSITION AS DEPUTY CITY ATTORNEY ONCE MR. AGUILA RETURNS TO HIS PERMANENT POSITION AS CITY ATTORNEY.

**WHEREAS**, on October 7, 2020, City Manager Jimmy Morales, submitted his letter of resignation to the Mayor and City Commission; and

**WHEREAS**, subsequently, Mr. Morales advised the City Commission that his last day as the City Manager would be December 11, 2020; and

**WHEREAS**, immediately following Mr. Morales' resignation, the City Commission initiated the recruitment process for the selection of a permanent City Manager, while also recognizing the need to appoint an Interim City Manager during the course of the selection process; and

**WHEREAS**, in view of the strong internal candidates for the permanent City Manager position, the City Commission determined that it would be unfair to appoint any internal candidate interesting in the permanent position to serve as Interim City Manager, as the City Commission desired not to provide any undue advantage to any one candidate over others; and

**WHEREAS**, based on the City Commission's desire to level the playing field for the recruitment process for the permanent City Manager position, the City Commission determined that it would only appoint an Interim City Manager who would pledge and commit to not apply for the permanent position; and

**WHEREAS**, five extremely talented and capable internal candidates indicated their interest to serve as Interim City Manager until a permanent City Manager is appointed; and

**WHEREAS**, among those candidates was Raul J. Aguila, the City's current City Attorney; and

**WHEREAS**, Mr. Aguila is a dedicated public servant with twenty-nine (29) years in public service – he served in the City Attorney's Office for Miami Beach for twenty-three (23) years as either a First Assistant City Attorney or Chief Deputy City Attorney, before being unanimously appointed by the City Commission to serve as the City Attorney in 2014; and

**WHEREAS**, Mr. Aguila's tenure as the City Attorney will end in March 2022, both as a matter of his employment contract, and the requirements of the City's Deferred Retirement Option Program ("DROP"); and

**WHEREAS**, Mr. Aguila, in addition to being an exceptional chief legal officer for the City, is familiar with the workings of every City department and possesses the institutional history and intimate knowledge of the City's business and the policy objectives the City Commission desires to achieve; and

**WHEREAS**, when Mr. Aguila advised the Mayor, the City Commissioners, and the City Clerk of his interest in the position as Interim City Manager; he advised that he would only accept the position if the ultimate vote of the City Commission to appoint him as Interim City Manager was unanimous, and, further, that once the permanent City Manager is appointed, he be allowed to return to his permanent position as City Attorney, until the end of his tenure in March 2022; and

**WHEREAS**, by virtue of the City Commission appointing Mr. Aguila as the Interim City Manager, there must be an Acting City Attorney during Mr. Aguila's period of service as the Interim City Manager; and

**WHEREAS**, at the December 9, 2020 City Commission meeting, Commissioner Michael Gongora made a motion to appoint Mr. Aguila as the City's Interim City Manager, and to appoint Deputy City Attorney Rafael Paz as the Acting City Attorney; and

**WHEREAS**, as part of the motion to appoint Mr. Aguila, the City Commission directed that the Interim City Manager not make any personal changes among executive in the City administration staff without prior consultation with the Mayor and City Commission; and

**WHEREAS**, once the appointments begin, the Interim City Manager and the Acting City Attorney will report directly to the City Commission, with the Interim City Manager exercising all powers of the City Manager, as chief executive officer for the City, under the City Charter and City Code; and the Acting City Attorney exercising all of the powers and duties of the City Attorney, as chief legal officer for the City, under the City Charter and City Code; and

**WHEREAS**, Commissioner Michael Gongora's motion was seconded by Commissioner David Richardson, and the motion passed unanimously.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and the City Commission hereby appoint City Attorney Raul J. Aguila as Interim City Manager until such time as the City Commission appoints a permanent City Manager and the new City Manager commences their term of employment, with the understanding that: (1) Mr. Aguila will return to his permanent position as the City Attorney once the permanent City Manager's employment term commences; and (2) the Interim City Manager will not make any significant personnel changes among executive administrative staff without prior consultation with the Mayor and City Commission; and also, appointing Deputy City Attorney Rafael Paz as the Acting City Attorney during Mr. Aguila's period of service as Interim City Manager, with the understanding that Mr. Paz will return to his position as Deputy City Attorney once Mr. Aguila returns to his position as City Attorney.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

**ATTEST:**

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Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney  
FA

01/19/2021  
\_\_\_\_\_  
Date