

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Raul J. Aguila, Interim City Manager
Rafael E. Granado, City Clerk
Rafael Paz, Acting City Attorney
Joseph Centorino, Inspector General

DATE: February 10, 2021

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

The following Memorandum is prepared by the City's constitutional officers in anticipation of the Committee of the Whole Meeting, currently scheduled for February 10, 2021.

The purpose of this meeting is for the Mayor and City Commission to review the annual performance, of the above constitutional officers and, in conjunction therewith, consider the attached requested amendments to their contracts; and, in the case of Acting City Attorney Paz, to consider an employment contract during his tenure as an acting constitutional officer (as has been the previous custom in the City).

Under the existing constitutional officers' employment contracts (i.e. Aguila, Granado, and Centorino), those contracts state that the City Commission shall conduct an annual performance evaluation (including salary and benefits review) on an annual basis, within thirty (30) 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 the 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 Commission and the employee/officer.

In prior years, the City's informal policy has been to refer the evaluation for the performance of the constitutional officers to the Finance and Economic Resiliency Committee, where the Chair of the Committee was instructed to meet separately with each constitutional officer with regard to their performance and, in particular, any proposed contract changes the officer was proposing to their employment contract (including merit increase, COLA, extension, etc.). The FERC Chair would then give a recommendation at the Committee of the Whole meeting, which would then conduct its own evaluation; engage in discussion; ask questions; make comments; and formally move any proposed action.

This year, in no small part due to the COVID-19 pandemic - which necessitated in other matters taking priority on Commission agendas and Commissioners' schedules - the FERC Chair, Commissioner Ricky Arriola, requested that the evaluations be done directly at a Committee of the Whole meeting. Commissioner Arriola originally made his request to convene the Committee on or about June 24, 2020, but the item was continuously deferred until now. In the interim, former City Manager Jimmy L. Morales is no longer with the City; City Attorney Raul J. Aguila was appointed as Interim City Manager on December 9, 2020; and (also on December 9, 2020) Deputy City Attorney Rafael Paz was appointed as Acting City Attorney. Additionally, this will also be the first annual evaluation for the Inspector General Centorino, whose employment contract commenced on November 1, 2019.

Finally, having outlined the process and why it was justifiably delayed this year, we are attaching Exhibit "A" to the Memorandum, which - like in past years - outlines what each Charter officer is respectfully requesting. In addition, the December 9, 2020 Resolution approving the interim appointment of the City Manager and City Attorney is attached as Exhibit "B."

The proposed Resolution approving the contract amendments for the Interim City Manager and City Clerk are attached hereto as Exhibits "C" and "D," respectively.

The proposed employment agreement for the Acting City Attorney is attached as Exhibit "E." The proposed contract was based on the very similar terms of the 2012 employment agreement for Kathie Brooks, during her period of service as Interim City Manager in 2012. For ease of reference, Ms. Brooks' 2012 employment agreement is attached hereto as Exhibit "F."

As required by the enabling legislation establishing the OIG, the Inspector General has also included his Office's annual report. See Exhibit "G." As he has done in previous years as well, the City Clerk has also provided his annual report. See Exhibit "H."

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, as well as the citizens of our unique and wonderful Miami Beach.

Attachments:

- Exhibit A – Summary of Requested Adjustments
- Exhibit B – December 9, 2020 Resolution Appointing Interim City Manager & Acting City Attorney
- Exhibit C – Reso Aguila Contract Amendment
- Exhibit D – Reso Granado Contract Amendment
- Exhibit E – Paz Proposed Contract
- Exhibit F – 2012 Kathie Brooks Interim City Manager Contract
- Exhibit G – OIG - Annual Report 2020
- Exhibit H – Rafael E. Granado - Significant Accomplishments