

City of Miami Beach

City Manager

Summary of Articles

Eric Carpenter

(Note: Articles Follow In Reverse Chronicle Order)

Articles

- *Report Criticizes Miami Beach Sea-Rise Project's Planning and Permits. City Defends It*, Miami Herald, February 10, 2021.
- *While Miami Beach Hunts for New City Manager, Five City Employees Want Interim Role*, Miami Herald, December 8, 2020.
- *Miami Beach City Manager Reorganizes Office, Responsibilities*, Re: Miami Beach, February 21, 2020.
- *Rosen Gonzales Cleared in Ethics Probe After Accusation She Lobbied for Contractors*, Miami Herald, October 5, 2019.
- *Ethics Complaint Accuses Kristen Rosen Gonzalez of Violating Lobbying Rules*, Miami Herald, April 17, 2019.
- *Miami Beach Built a Sea Wall Without a Permit. Now it May Have to Tear Parts Down*, Miami Herald, August 17, 2018.
- *Miami Beach's Unpermitted Sewall is Over Budget and Off Schedule. Residents are Mad*, Miami Herald, March 15, 2018.
- *Sewall Snafu Latest Hit to A1A Flood-Mitigation Project*, ENR Southeast, January 24, 2018.
- *How Miami Beach is Trying to Save Itself*, Toronto Star, May 8, 2017.
- *Climate Change Crusade Goes Local; While US Leaders Remain Bogged Down in Debate Over Global Warming, Local Communities are Acting on Their Own to Hold Back Rising Seas. Witness Miami Beach's Elevated Streets*, The Christian Science Monitor, August 9, 2015.
- *Miami Beach Hires Several Doral City Staffers*, Miami Beach, April 18, 2013.

Documents

- Miami-Dade Commission on Ethics & Public Trust Henry S. Stolar c. Eric Carpenter, Anthony Kaniewski and Adrian Morales, Filed December 16, 2015.

REPORT CRITICIZES MIAMI BEACH SEA-RISE PROJECT'S PLANNING AND PERMITS. CITY DEFENDS IT.

MIAMI HERALD

Alex Harris and Martin Vassolo
February 10, 2021

For the last five years, the city of Miami Beach has spent \$40.9 million to elevate roads and install pumps in one of the lowest-lying parts of the city — the ritzy neighborhoods on Palm and Hibiscus Islands. From the before and after pictures of the once flooded, now dry streets, it looks like a success.

But a new report from the city's inspector general paints a picture of a project that was hustled to the finish line faster than it should have been, at a higher cost and sometimes without proper permits. It sharply criticized the city for "poor judgment, professional misconduct and disregard for applicable... laws, regulations, and professional standards," but stopped short of accusing the city of malice or criminal wrongdoing.

The joint response from several city leaders called the report editorialized and said it "insinuate[d] wrongdoing where none has occurred."

The report could have a dual impact. One long term is that cities around the nation are watching closely as Miami Beach tackles a complicated phase of adapting to sea level rise, protecting suburban communities and single-family homes.

But the more immediate one was in City Hall, where backlash was building even before the report was released Monday night, with staffers and politicians slamming their own inspector general, Joseph Centorino, for being too aggressive. One assistant city manager has already hired an attorney, who likened the report to "defamation of sorts."

The main takeaway from the report was that Miami Beach staffers and contractors were working with a set of plans that differed from the ones they submitted to the regulatory agencies for permits.

That difference is a subject of dispute. City leaders deny any wrongdoing, calling the changes minor and fully within the scope of the original permit. Miami Dade's Department of Environmental Resources and the South Florida Water Management District disagree. Both agencies have since asked the city to file additional paperwork, but neither has required Miami Beach to change its strategy for draining or cleaning floodwaters or decided on levying possible penalties.

"They needed permits. They should have gotten them. They're working on getting them," said Lee Hefty, director of DERM. "I don't know if we're intending about following up with any specific enforcement at this point."

Hefty also batted away the city's contention that the contractor, Lanzo Construction, was contractually responsible for dealing with permits.

"I don't think that the city hired someone to go do this work and was waiting until the end to see how it turned out," he said. "They're ultimately responsible."

Lanzo Construction did not respond to a request for comment.

A major allegation raised in the report is that Daniel Garcia, an engineer with city subcontractor Wade Trim, tried to convince his bosses and Miami Beach to apply for a modification to the permit, but told the inspector general "I was effectively muzzled."

Miami Beach denies this, and points to an email city staff sent to its subcontractors directly telling them to apply for a permit modification "if you need to."

Assistant City Manager Eric Carpenter defended the project as preserving the city's ability to provide services to neighborhoods even as seas are expected to rise as much two feet by 2060.

"The city is going through a transition in the next 50 to 70 years and hopefully, during that transition, the private properties and the roads are gonna come up with the rising seas, and we have to make sure we don't leave anyone behind in the transition," he said.

MIAMI BEACH STARTS RAISING ROADS

Few cities are at risk of losing more than Miami Beach from sea level rise. With no adaptation, saltwater could permanently inundate up to 60% of the city by 2060, according to a Union of Concerned Scientists analysis.

Strengthening hurricanes and increasingly high tides threaten the physical safety of the wealthy island city, but the financial threat of lowered property values (and a smaller tax base) also terrifies residents and politicians.

The city's plan, which earned former Mayor Philip Levine international attention as a climate change pioneer, is to engineer itself dry with large, generator-studded water pumps, thicker pipes and — most importantly — higher roads.

In the first pilot project, in Sunset Harbour, the elevated roads, sidewalks and pumps mostly work as expected. A consultant hired by the city even suggested it helped raise property values, although some business owners still report flooding during heavy rainstorms.

Since the city is one of the first in the county to commit to such a dramatic upgrade, cities across the nation are keeping a close eye on how the program works in practice. The Palm and Hibiscus project was the first foray into suburbia, making it even more relevant for other coastal cities.

The report found that there's a lot to learn from.

To begin with, the report found that the city signed a “progressive design-build” contract with Lanzo that did not specify how high the roads should be or what should be done about the possibility that higher roads could exacerbate flooding on private property.

In 2012, consultants had warned that raising the road in west Palm Island would push water onto lawns and recommended against raising some parts of the road any higher than two inches. That clashed with the 2014 mandate from the city to raise all roads higher.

During the course of the project, the city hiked the road elevation several times. The bigger issue, according to the report, is that they put drains in each yard to handle the added rain runoff. Those changes weren’t cleared with county and state regulators.

The city justified it this way: this was “Akin to adding a second drain to your bathtub. Does it drain faster? Yes, but it’s the same water,” Public Works chief Roy Coley wrote in response to the report. Therefore, he argued, the city didn’t need to change the permit.

But when DERM found out about these extra pipes, through a whistleblower email sent in 2019, it forced the city to apply for new permits for each and every pipe. There are only two pipes that are still in the permitting process out of 70 total, Carpenter said.

“For more than a year now we’ve noticed a much more engaged communication between the city and DERM,” Hefty said. “The city has been working fairly diligently with us more than the last year to bring all of this into compliance.”

‘I’M NOT HAPPY AT ALL’

Some residents of Palm Island interviewed by the Miami Herald on Tuesday said they were frustrated with the road-raising project, which they said made their properties flood, a claim the city disputes.

“It has been terrible,” said Alicia Wucher, whose driveway was torn up and packed with sand to meet the newly raised road.

Last year, Wucher said she fell twice on her driveway after rain flooded the property and made it difficult to walk “up the hill” the city created. Previously, she said, it never flooded at her home on South Coconut Lane, where she has lived since 1978. The new drain the city installed on her yard is not level with the surface, making it difficult to catch excess water, she said.

“It’s going to be ugly, it’s going to be expensive. I’m not happy at all,” Wucher said.

Another resident, who did not give his name, said the project fixed his flooding problem but ruined the landscaping in the plum neighborhood where homes are listed for as much as \$34 million.

The inspector general report found that when the homeowners’ association found out the original version of the plan called for getting rid of most trees and bushes along the road, it complained. The city paused the project and paid another \$500,000 for a new landscaping plan that retained more of the original trees and bushes.

Laura Inguanzo, who has lived on South Coconut Lane since 2000, said she hates the dam-like sand embankment that sits at the front of her driveway but she does not have the money to fix it.

Most other homes on the island have renovated their yards and driveways to meet the new elevation of the roads fronting their properties, she said.

“We’re supposed to pay for this ourselves,” she said.

A RIPPLE EFFECT IN CITY HALL

The investigation also has rankled some city staff, who reported feeling caught off guard by investigators’ adversarial approach.

Assistant City Manager Eric Carpenter, who was named in the report, hired a lawyer near the conclusion of the investigation. Carpenter’s attorney, Michael Band, said Centorino rushed to judgment.

“For a guy who has dedicated his career — his life’s work — to public service and then for it to be attacked and diminished in a fashion where we believe all the facts were not either known or appreciated or misapprehended by the OIG, it’s just unfair,” Band said. “It amounts to a defamation of sorts.”

Band said his client rejected the report’s assertion that former Mayor Philip Levine “set a tone” in City Hall that led staff to “justify or rationalize ill-considered decisions and actions.”

In a text message to the Miami Herald, Levine said no one in the city ever complained that he pressured staff. He offered this analogy: Would you blame an airline passenger who said he was in a hurry with the decision of the pilot to fly recklessly?

“Of course not,” Levine wrote.

WHILE MIAMI BEACH HUNTS FOR NEW CITY MANAGER, FIVE CITY EMPLOYEES WANT INTERIM ROLE

MIAMI HERALD

Martin Vassolo
December 8, 2020

Until the city of Miami Beach finds a replacement for outgoing City Manager Jimmy Morales, a commission-appointed interim manager will serve as the city's top administrator.

Five senior-level city employees have expressed interest in the temporary position. They are City Attorney Raul Aguila, Code Compliance Director Hernan Cardeno, Public Works Director Roy Coley, Fire Chief Virgilio Fernandez and Assistant City Manager Mark Taxis. The City Commission will make its selection during a meeting Wednesday.

Morales, who is leaving the city after more than seven years, will join the administration of Miami-Dade Mayor Daniella Levine Cava as the county's chief operations officer.

Friday will be his last day at work. When he submitted his resignation in October, Morales told the City Commission that he would stay on board until February to ensure a "smooth transition."

His accelerated exit surprised some commissioners, who must now select an interim manager as the city negotiates a contract with a search firm to find a permanent successor. The firm, Ralph Andersen & Associates, requested \$48,500 to conduct the search.

"We had a great schedule but our city manager was apparently too desirable to the new county mayor," Miami Beach Mayor Dan Gelber said during Friday's commission before congratulating him.

"Obviously we didn't plan for any of this. Names [of candidates] are coming out now and not earlier because we didn't really know we had this problem until earlier in the week," Gelber later said.

The interim city manager will assume the emergency powers granted to Morales by the commission during the state of emergency he declared amid the COVID-19 pandemic. Since March 12, Morales has used his unilateral decision-making authority to impose curfews, business closures and alcohol-sale restrictions. City code authorizes the manager to wield his emergency authority for a 72-hour period, but the commission has regularly extended Morales' powers.

Miami Beach's form of government gives commissioners the authority to vote on policy decisions, but the city manager is responsible for carrying the laws out and running the city. Morales has endorsed Fernandez and Taxis, both of whom report directly to him.

"Obviously in an interim type of situation you want the smoothest transition," he said Friday. "I think either one of those would be a solid appointment."

Most commissioners agree that the interim city manager should not be considered for the permanent position. Assistant city managers Eric Carpenter and Alina Tejada Hudak, and Chief Financial Officer John Woodruff, have said they will apply to replace Morales. Morales' current base salary is \$305,736.

The city expects to finalize a contract with the search firm this week, a spokeswoman said. City leaders expect the process to last about six months. Before Morales became city manager in 2013, interim City Manager Kathie Brooks served for about eight months.

"This could last many, many months to select the permanent person, so I'd like to have an interim person promise not to be considered for the permanent role," Commissioner Ricky Arriola said at Friday's meeting.

MIAMI BEACH CITY MANAGER REORGANIZES OFFICE, RESPONSIBILITIES

RE: MIAMI BEACH

Susan Askew
February 21, 2020

The organizational structure at City Hall has been overhauled by Miami Beach City Manager Jimmy Morales to coincide with the arrival of a new Assistant City Manager. Alina Tejeda Hudak joined the City this week as one of three ACMs, [replacing Susy Torriente who left for the private sector](#) in December.

Morales is moving the four departments responsible for implementing the City's resiliency strategy – including the neighborhood improvement and stormwater projects – under Hudak. They are Capital Improvement Projects (CIP), Public Works, Environment and Sustainability, and Marketing and Communications. Previously those departments were under three different direct reports.

Hudak, who spent 35 years in Miami-Dade County government – “rising through the ranks of County government from a management trainee to her final role as Deputy Mayor” according to a City press release – will also be responsible for Transportation and Mobility and Housing and Community Development. Her experience will help in “cementing our working relationship with our important resiliency partners at the County” which include efforts to mitigate flooding from sea level rise but also issues of traffic, attainable housing and homelessness, which Morales said in a letter to Commissioners, “also form part of our resiliency strategy.”

According to the City's announcement of her hiring, Hudak “led the County's nationally-recognized response to the ZIKA emergency in 2016, recognized by the Centers for Disease Control as the only government to eradicate the disease transmission successfully, and the County's largest debris removal effort after Hurricane Irma.”

“I also viewed this as an opportunity to address the goal of building the capacity of my leadership team,” Morales said in announcing he has assigned ACM Eric Carpenter “a new portfolio that will enable him to expand his managerial experiences.” Building, Planning, Economic Development, Parking, and Code Compliance now report to Carpenter. In addition to other responsibilities, Carpenter previously was responsible for the Capital Improvement Projects group and Public Works, which have struggled with implementing the City's resiliency efforts, both because of a “pause” for [multiple reviews of the program](#) and for [missteps on projects](#) in Indian Creek and Palm and Hibiscus Islands.

Of Carpenter's new responsibilities, Morales wrote, “I also think these departments can benefit from a fresh perspective. Eric has recently been involved with development projects at the City that resulted in important public benefits and positive private development that will improve neighborhoods and add to

the tax base.” One of the high profile developments Carpenter has shepherded is the [500-700 Alton Road project](#) that, after a legal challenge, can now proceed. One of Carpenter’s areas of focus, Morales said, will be improving the City’s permitting process.

ACM Mark Taxis, who focuses on the internal service departments, now has the Parks Department within his portfolio. “By adding one of the largest departments, and therefore one of the largest consumers of internal services, I hope that the perspectives and experiences of the internal customer can be brought more fully into the discussions, and thereby improve internal customer service,” Morales said of the move.

A new Division of Grants and Intergovernmental Affairs will allow the City “to up our game with respect to our state and federal lobbying efforts,” according to Morales.

New Org Chart under the City Manager

Chief of Staff Marcia Monserrat

- Tourism and Culture
- Grants and Intergovernmental affairs

Chief Resiliency Officer Amy Knowles

- Strategic Planning

Chief Financial Officer John Woodruff

- Budget

Program Director Maria Hernandez

- GO Bond program
- Convention Center district

ACM Eric Carpenter

- Building
- Planning
- Economic Development

- Parking
- Code Compliance

ACM Alina Tejeda Hudak

- Capital Improvement Projects (CIP)
- Public Works
- Environment and Sustainability
- Marketing and Communications
- Transportation and Mobility
- Housing and Community Development

ACM Mark Taxis

- Parks
- Procurement
- Property Management
- Fleet Management
- Human Resources
- Chief Information Officer
- Organizational Development and Education

Fire Chief Virgilio Fernandez

- Fire and Rescue
- Fire Prevention
- Police Safety Communications Unit (PSCU) [Dispatch]
- Emergency Management

Police Chief Rick Clements

- Police

- Security Guards

New Neighborhood Affairs Division

Morales also announced the creation of a Neighborhood Affairs Division that will be part of the Office of Marketing and Communications. Currently, the City has communications staff within departments and on contract who are responsible for specific projects including construction, infrastructure, transportation, the GO Bond, environmental issues and resilience.

In announcing the move Morales said, the new division will “increase the quality and consistency of communications within our community, but also increase the level of collaboration between city departments – ensuring that our residents are fully informed and educated on everything they need and may want to know.”

The current, structure, he said, has sometimes resulted in “inefficiencies in getting information to our residents.”

Following the example of the Miami Beach Police Department’s Neighborhood Resource Officer program, the communications outreach team will be consolidated under the Marketing and Communications Department and focus their responsibilities geographically.

“[E]ffective immediately we will divide the outreach positions into North Beach, Middle Beach and South Beach,” Morales wrote in a letter to Commissioners. “The neighborhood outreach liaisons will become the expert for their area and serve as the contact for anything that is happening in their respective neighborhood. The liaison will focus on continuing relationships with the neighborhood associations and stakeholders, overseeing project outreach for neighborhood improvement projects in the area and providing notifications for any scheduled closures or other neighborhood impacts.”

A citywide liaison will coordinate with the three local liaisons, oversee the Neighborhood Leadership Academy, foster relationships with community organizations, host quarterly HOA meetings, coordinate City Hall tours, coordinate all city public meetings and act as the City’s Condo Ombudsman.

Hiring of external communication contractors will fall within the new Division. Currently, those consultants are hired by some departments to focus on large-scale projects. “This can lead to having too many voices addressing city matters, which may cause communication gaps,” Morales said. “We will be examining the use of external [Public Information Officers], looking at streamlining their hiring and exploring opportunities for cost savings.”

ROSEN GONZALEZ CLEARED IN ETHICS PROBE AFTER ACCUSATION SHE LOBBIED FOR CONTRACTORS

MIAMI HERALD

Martin Vassolo
October 5, 2019

The most recent ethics complaint lodged against Miami Beach commission candidate Kristen Rosen Gonzalez was dismissed about four months ago, according to an investigative report obtained by the Miami Herald.

The Miami-Dade Commission on Ethics & Public Trust concluded on June 12 that there was insufficient evidence Rosen Gonzalez, a former Miami Beach commissioner, had lobbied senior city staff on behalf of three businesses contracted to do flooding-related work for the city, according to the report.

The executives of all three companies have contributed to Rosen Gonzalez's political campaigns, directly or indirectly, according to municipal and federal financial reports.

The ethics commission did not publicly announce the case had been closed. The case is not among a published list of complaints the commission has closed so far in 2019, and it was not mentioned in monthly bulletins emailed by the commission in June or July. The emails list actions taken by the commission on a range of ethics complaints that month.

Rosen Gonzalez shared her copy of the investigative report with the Herald on Saturday following the publication of an article detailing the ethical complaints made against her since 2015. The investigative findings have not been previously reported.

"A final judgment has been issued in this case," she wrote in a text message Saturday.

Rosen Gonzalez, a candidate in the crowded Group IV commission race, has been the subject of at least four ethics complaints between 2015 and last April. She has been cleared in every case.

Decrying the complaints as politically motivated, Rosen Gonzalez is now raising money based on the political hostility she said she has endured. In a campaign advertisement sent to supporters Friday, she likened her treatment by rivals to the persecution felt by historical figures like Nelson Mandela and Mahatma Gandhi.

The commission opened the lobbying case on April 17 following an anonymous tip. The investigation centered on an April 3 breakfast meeting at Roasters 'N Toasters deli in Miami Beach. In attendance: Rosen Gonzalez, senior Miami Beach staff and Emmanuel "Manny" Pacin, the president of marine contracting company Pac Comm.

At issue was whether Rosen Gonzalez violated the county's ethics code, which prohibits former city officials from lobbying the city within two years after leaving their position, and whether Pacin had violated a Miami Beach code prohibiting city vendors from contributing to political campaigns in the city.

The commission closed its case against Rosen Gonzalez, concluding that there was not enough evidence to show she had been lobbying.

It does not appear that Rosen Gonzalez "knowingly accepted contributions from a vendor" because Pac Comm was not listed among prohibited vendors at the time of the contributions, the report stated. She refunded the checks on April 17, according to financial records.

However, the commission's findings regarding Pacin's contributions were forwarded to the Miami-Dade County State Attorney's Office for additional review. The status of that complaint was unclear Saturday.

During the breakfast, Rosen Gonzalez encouraged Assistant City Manager **Eric Carpenter** and Public Works Director Roy Coley to visit Pacin's facility in Miami. She spoke favorably about Pac Comm's "innovative work in public contracting," according to testimony given by Carpenter.

"She said something to the effect of: 'Why aren't you using this product?' " Coley said in his testimony to an investigator and ethics advocate with the commission. "She wanted us to at least give it some consideration."

Pac Comm has an active contract with the city of Miami Beach but has not yet been hired for any city jobs, according to the report. Rosen Gonzalez told the investigator that she felt Carpenter and Coley should know about Pacin's concerns with the city's procurement process.

"He said he hadn't worked in the city of Miami Beach and that he thought something shady was happening with the procurement process," Rosen Gonzalez said.

Rosen Gonzalez requested the meeting with Carpenter on March 29 -- the same day she received a \$1,000 check from Pacin's 18-year-old son, campaign records show, and a week after receiving a \$1,000 donation registered in the name of Pacin's 4-year-old son. Rosen Gonzalez said she did not know his age.

A \$1,000 donation is the maximum contribution from an individual allowed under state law.

Earlier this year, Rosen Gonzalez told the Herald she did not know Pacin would be at the meeting on April 3 but had noticed him at the restaurant and "motioned him over." Pacin also denied knowing about the meeting ahead of time.

She later said she "lied" to a Herald reporter about the meeting "because I got nervous."

Rosen Gonzalez told the investigator that she invited Pacin to the meeting to share his views, but that it was not related to the campaign contributions.

"I told Manny. I told him I'm having a meeting with **Eric Carpenter**. Why don't you come by and say, 'Hello.' I don't think there was anything wrong with it," she said in her testimony.

During the meeting, Rosen Gonzalez also spoke about disputed payments involving David Mancini & Sons and Ric-Man International, two companies that had completed drainage work for the city on the Sunset Islands, according to the report.

Carpenter told the investigator that the firms claimed they were owed \$2 million, but the city believed a payment of more than \$600,000 could not be justified.

Rosen Gonzalez did not appear to be "advocating for them," but sharing their complaints with city staff, Carpenter said.

Coley told the investigator that Rosen Gonzalez "agreed that we shouldn't pay if we didn't owe" anything to the companies.

"This seems to support her contention that she was just trying to sound out the officials on this matter as it had been raised by Pacin as indicative of possible fraud," the report states.

ETHICS COMPLAINT ACCUSES KRISTEN ROSEN GONZALEZ OF VIOLATING LOBBYING RULES

MIAMI HERALD

Kyra Gurney
April 17, 2019

An ethics complaint has been filed against former Miami Beach Commissioner Kristen Rosen Gonzalez alleging that she lobbied senior city staff on behalf of three construction companies in violation of the county's ethics code. Executives of all three companies have donated to Rosen Gonzalez's political campaigns.

The document, which was filed this week according to a source with knowledge of the complaint, centers on an April 3 meeting between Rosen Gonzalez, Assistant City Manager Eric Carpenter and Public Works Director Roy Coley.

Rosen Gonzalez asked Carpenter to meet her at Roasters 'N Toasters deli in Miami Beach "under the pretense" of discussing flooding infrastructure, according to a copy of the complaint obtained by the Miami Herald. Carpenter brought Coley with him. During the meeting, the complaint alleges, Rosen Gonzalez invited Emmanuel Pacin, the president and CEO of marine contractor Pac Comm Inc., to join their table.

Pac Comm has had a contract with Miami Beach since 2016 to perform work on the city's seawalls as needed, according to city records, but hasn't yet been hired for any city jobs. Rosen Gonzalez asked city staff why Miami Beach isn't using a type of seawall construction material that Pac Comm uses, according to the complaint, and why the city isn't doing business with the company.

The former commissioner also asked the city staff why Miami Beach hadn't paid outstanding invoices to two companies, Ric-Man and David Mancini & Sons, the complaint says.

When contacted by the Herald, Coley confirmed that Rosen Gonzalez introduced the city staff to Pacin and said that she made a comment about Pacin's business "having a superior product." He said Pacin also gave him marketing materials.

"I'm not exactly sure about the wording," Coley said, "whether she asked me if I thought his products were superior or she thought his products were superior, but something about his products being superior and she thought we should consider them."

Coley also confirmed that Rosen Gonzalez asked about work David Mancini & Sons and Ric-Man had done for the city.

Rosen Gonzalez, who is running for another term on the City Commission, requested the meeting with Carpenter on March 29 — the same day she received a \$1,000 donation from Pacin's 18-year-old son,

contribution records show, and a week after receiving a \$1,000 donation registered in the name of Pacin's 4-year-old son, Emmanuel N. Pacin Jr. A \$1,000 donation is the maximum contribution from an individual allowed under state law.

Pacin first told the Herald that he had not donated to Rosen Gonzalez, but "recommended" that his children do so. He later said that he made the first donation and that the middle initial — which made the donation appear to come from his 4-year-old son — was a typo.

Both the meeting and the campaign contribution from Pacin raise legal questions. Former city officials are prohibited from engaging in any activity that could be considered lobbying for two years after they leave office. City vendors are banned from making donations to commission candidates, although their family members are allowed to do so.

Rosen Gonzalez resigned from the City Commission last year in order to run for Congress after changes to the state's resign-to-run law forced her to choose between her city post and a congressional bid. She submitted her resignation last April, but didn't have to step down until Jan. 3.

While she was running for Congress, Rosen Gonzalez accepted campaign contributions from David Mancini, president of David Mancini & Sons, and Paul Jankowski, vice president of Ric-Man, records show. She also took contributions from other lobbyists, developers and businesses with Miami Beach contracts, as previously reported by the Herald. Although these donors are prohibited from contributing to commission campaigns, they are not barred from contributing to congressional races.

Mancini did not respond to a request for comment. Jankowski said in an email that Ric-Man did not ask Rosen Gonzalez "to inquire about our jobs with the city."

'I LIED ABOUT IT BECAUSE I GOT NERVOUS'

Rosen Gonzalez initially told the Herald that she did not know Pacin was going to be at Roasters 'N Toasters on April 3 or tell him about the meeting, but had spotted him at the restaurant and "motioned him over." Pacin also denied knowing about the meeting ahead of time and said he happened to be there eating breakfast.

In a subsequent interview, however, Rosen Gonzalez admitted that she had told Pacin about the meeting ahead of time after hearing his complaints about the city's bidding process, but she said she "hadn't really invited him to the meeting." She denied advocating for the seawall construction product Pacin's company uses.

"I didn't think of this as lobbying because number one, there's nothing on the table, I'm not voting on anything," she said. "I wanted [city staff] to understand the narrative that he had told me."

Pacin denied that he had asked Rosen Gonzalez to lobby for him. He said the gist of his conversation with city staff during the meeting was "I would love to work for you guys." He said he told them that he had been the second-lowest bidder for work on the city's seawalls, but hadn't yet been given city jobs.

Rosen Gonzalez said she had previously “lied” to a reporter about the meeting “because I got nervous.” She said she thought the ethics complaint had been filed against her because she was asking tough questions about the city’s bidding process.

While the assistant city manager and public works director don’t oversee the bidding process for contracts, which is handled by the procurement department, they do oversee the city’s resiliency infrastructure, including seawalls. They also advise the city manager on infrastructure projects.

In requesting a meeting with Carpenter, according to e-mails and text messages obtained through a public records request, Rosen Gonzalez said she wanted to “catch up on some city issues” and get an update on the city’s plans to address sea level rise.

Coley and Carpenter said that while they didn’t know they were going to be introduced to Pacin during the meeting, they did not have any concerns about the discussion. Carpenter said that hearing the perspective of a contractor who hasn’t had a good experience with the city was helpful.

“We got into a good conversation in my perspective on seeing things from a contractor’s point of view as to what we could do differently or better to get a bigger participation on these public bids,” he said.

Coley said he was not concerned at the time that the meeting could be seen as lobbying, but realized later that it might be.

“At the time it just never occurred to me that it might be lobbying when we were sitting there chatting,” he said. “It had to be brought to my attention to realize that it might be lobbying.”

LEGAL QUESTIONS

It’s unclear who filed the ethics complaint against Rosen Gonzalez. The copy obtained by the Herald does not include the cover sheet with the complainant’s name.

Complaints are exempt from public records requests until the Miami-Dade Commission on Ethics and Public Trust finishes its investigation. Jose Arrojo, the commission’s executive director, said he could not confirm or deny the existence of a complaint against Rosen Gonzalez.

Under Miami-Dade County’s ethics code, former city officials are prohibited from lobbying for two years after they leave office.

The ethics rule, which is designed to keep former officials from using their contacts for personal gain or to benefit businesses, prohibits former officials from arranging or participating in meetings or negotiations with city staff “with the purpose or intent to influence that official, staff or employee to take any type of official action or decision.” The rule applies regardless of whether that decision will be made by elected officials or city personnel.

It’s unclear whether the county rule would apply if the former official wasn’t paid to lobby, however. It’s also unclear whether campaign contributions would be considered payment. Miami Beach’s legal definition of a lobbyist includes people who are paid and unpaid if they are trying to influence any

action, decision or recommendation by city personnel that “foreseeably will be heard or reviewed by the city commission, or a city board or committee.”

Miami Beach laws also prohibit vendors who do business with the city from donating to commission candidates. Pac Comm wasn’t listed on the city’s prohibited vendors list, which Rosen Gonzalez said she checked before accepting the donations. A city spokeswoman said that Pac Comm should have been on the list because the company meets the city’s definition of a prohibited vendor.

The ban on contributions applies to both companies who do business with the city and their owners, but not to the owners’ family members.

Rosen Gonzalez said that Pacin gave her both checks when she “stopped by his office to see his operation” a few weeks ago. She said she didn’t know Pacin had a contract with the city. Pac Comm’s contract with Miami Beach is valid through February 2020, according to a city spokeswoman.

Miami Beach’s prohibition on campaign contributions from vendors appears to apply regardless of whether a vendor has done work for the city. The city’s legal definition of vendor includes companies that have been selected by the city as contractors and that have “been approved by the city on a present or pending award for goods, equipment or services.”

Rosen Gonzalez said Wednesday that she had returned the checks to the Pacin family after she was contacted by the Herald about the campaign contributions.

Arrojo declined to comment on the allegations against Rosen Gonzalez. In response to general questions about the county’s lobbying rules, he said that former officials are “cautioned to avoid participating in negotiations or other discussions directly with city officers or staff because these actions may be characterized as seeking to influence elected officers and/or city employees to take an official action or make an official decision.” He noted, however, that “any potential enforcement action” against a former official or employee “would require an in-depth review of credible evidence” by ethics investigators.

This isn’t the first time an ethics complaint has been filed against Rosen Gonzalez. She was also the subject of a 2017 complaint alleging that she used her official position to intervene in the police investigation of a political supporter. The county ethics commission scolded Rosen Gonzalez for a “lapse in judgment,” but ultimately cleared her in the probe.

MIAMI BEACH BUILT A SEA WALL WITHOUT A PERMIT. NOW IT MAY HAVE TO TEAR PARTS DOWN

MIAMI HERALD

Alex Harris
August 17, 2018

Miami Beach may have to tear out three chunks of its newly constructed Indian Creek Drive seawall -- at a potential cost of about \$800,000 -- after the now-ousted chief city engineer built the wall without proper permits.

The infamously flood-prone road (a scene in Al Gore's "An Inconvenient Sequel") is undergoing a \$25.5 million upgrade to keep the street usable in the face of sea level rise. That includes elevating the road, installing groundwater drainage pumps and building a higher public seawall between 25th Street and 41st Street.

The seawall became an issue when it was revealed that the city's engineer, Bruce Mowry, oversaw the construction of the wall without the necessary permits. He told the Miami Herald he skipped the permits in an attempt to cut through bureaucracy and speed up the project.

Most of the project still meets the standards necessary for a permit, but three parts of the wall -- about 400 feet of the total 2,700 feet built so far -- were built too far into the Indian Creek waterway and may need to be torn out and replaced.

In a letter **Eric Carpenter**, the assistant city manager, wrote to the permitting agencies in July, he apologized and said the city was "chagrined" at how several sections of the seawall were installed.

"The construction errors have already cost the City substantial funds, undercut our ability to serve our residents, and have delayed the completion of a project needed to minimize street flooding," he wrote.

After months of negotiation, Carpenter said the regulatory agencies asked the city to submit its permit modifications for the three portions in question -- between 37th and 38th Street, 30th and 31st Street and 29th and 30th Street. If the modifications are accepted, the permitting process can begin.

Progress on the wall stopped in January and won't resume until all the permitting is complete. It isn't clear how long that will take.

In what Carpenter called a "worst case scenario," rebuilding the seawall pieces could cost as much as \$800,000 if the city isn't allowed to reuse the pieces it built when it moves the wall inland. So far, he said, the city has spent about \$5 million of the \$8 million estimated cost of the seawall to finish more than half of it.

"Obviously we still have a lot more work out there to do to finish up the missing segments as well as the three other portions," he said.

The city doesn't even own all the land necessary to complete the seawall yet. Carpenter said paperwork has been signed for 21 of the 25 lots, but the city is "very close" to the 22nd and "optimistic" about the 23rd. Any property owners who don't sign easements allowing the city to build a seawall on their land may find themselves subject to a special tax to fund construction of the wall.

The seawall complications don't affect the road project, which is about to enter the second phase of construction. The road itself is over budget, behind schedule and may not even reach all the way to its original destination of 41st Street.

Recently, Carpenter said, the state's Department of Transportation secured another \$6 million for the road and seawall project, to which the city will contribute another \$1.5 million. That may help the project get closer to the intended destination, even with pricey delays and construction errors.

Carpenter said the city expects to start looking for a contractor to finish the road project in September with a plan of hiring one within two months.

New York mayor looks at Miami Beach's defenses against sea level rise
Miami Beach Mayor Philip Levine and New York Mayor Bill de Blasio tour Sunset Harbor to view Miami Beach's efforts against sea-level rise.

MIAMI BEACH'S UNPERMITTED SEAWALL IS OVER BUDGET AND OFF SCHEDULE. RESIDENTS ARE MAD

MIAMI HERALD

Joey Flechas and Alex Harris
March 15, 2018

Miami Beach's quest to keep one of its most famously flooded roads dry has hit some rough waters.

Residents on low-lying Indian Creek Drive were promised a mile of elevated road complete with a stormwater drainage system and a brand new seawall -- all within two years.

Eighteen months later, the project is at least \$5 million over budget, behind schedule and may not even reach all the way to the original destination of 41st Street without more state money. Residents aren't happy. Some say it's made them lose confidence in the city.

"I'm going to sell you a car on concept, but it's only going to have two wheels when you get it. That's what you did to us in plain English," Michael Dressman, president of the Clearview Towers condominium board, told city staffers during a meeting with residents Tuesday night.

Part of the holdup is a total freeze on seawall construction after the city discovered parts of it were built without proper permits, which led to the ousting of the city's chief engineer. The engineer admitted to skipping the proper permits in an attempt to cut through the federal bureaucracy and get the project done faster.

Since then, oversight agencies haven't decided how to proceed. Even Sen. Marco Rubio has been mediating between the city and federal agencies.

Read More: Will Miami Beach's anti-flooding measures work? The city's getting an outside opinion.

In the Tuesday meeting, the second convened after the first devolved into angry shouting from residents, the project's neighbors wanted to know when the city knew about the problems with permits -- a question city officials didn't answer -- and what was being done to correct the problem.

Elizabeth Wheaton, Miami Beach's director of Environment and Sustainability, said the city submitted surveys of the area to regulatory agencies and expects to hear back in several weeks.

"I can assure you, as we continue to move forward, the environment and sustainability department will be working closely to make sure we're meeting all the regulatory requirements," she said.

Eric Carpenter, the assistant city manager who oversees public works, told the group that early indications from the U.S. Army Corps of Engineers were that the city would have to relocate three unpermitted segments of the 2,700 feet of seawall already in place, less than 300 feet in total.

He said the city has the right to build on 21 of the 25 pieces of the land the city needed to acquire to build a continuous seawall and that Carpenter is recommending a special tax be levied on the four who are holding out.

The haste to get started on the project, especially in light of annual king tides growing significantly higher, means the city will likely take on an even greater share of the costs of the project.

The project may not stretch all the way to 41st Street, as originally planned. Carpenter told the crowd the \$25.5 million for construction of Indian Creek may only stretch to 34th, 35th or 36th Street, unless the state agrees to pony up an additional \$10 million.

Carpenter said the city originally hoped to renegotiate with the state transportation agency to pay for improvements all the way up to 41st street, but he said FDOT wouldn't agree to cover the extra costs.

"We made a calculated risk to move forward hoping that we'd convince the Florida Department of Transportation to change their mind," he said. "They've held firm that they're not going to allow us to build anymore than what's already out there."

DSC_0038Miami Beach is \$5 million over budget and behind schedule for construction on a stretch of the Indian Creek Drive seawall built without proper permits, and residents are growing frustrated with the project.

Residents also wondered why their street now sports two walls, the permit-less seawall on the creek side and a crash safety barrier on the other side of the sidewalk across the street from their building.

Dressman, the condo president, said their understanding from initial conversations with the city was that if his building's association did not agree to give up its strip of waterfront land to the city, the seawall would be built even closer to their building.

"We deeded our property because we didn't want that wall," he said.

Now they have both, and residents are angry that the double walls obscure their view of the water. They wonder how long they'll have to wait until the construction dust fades away and their little slice of paradise returns to normal.

"We really miss our iguanas," said Juliana Mion, a board member. "No, really, I'm serious."

Besides residents' concerns over the stalled progress, the city's problems have been exacerbated by how city leadership handled the dismissal of Bruce Mowry, the former city engineer who signed off on building the seawall without federal permits.

Mowry was placed on administrative leave in mid-January, nine months before he would be eligible for a pension under the city's retirement plan.

Following the **controversy** over the seawall, Beach administrators quietly signed a contract with Mowry, whose salary was \$175,000, to keep him employed at a lower salary and prohibited from speaking publicly on behalf of the city. Acting as a consultant, he would spend hundreds of hours of accumulated

leave time until mid-October, when he would have hit his five-year employment anniversary and been able to retire with a pension.

After Commissioner Michael Góngora asked questions about Mowry at a February commission meeting, the city's brass decided to revoke much of the agreement, let him go and mail him checks for the value of his leave time -- \$17,260.

The decisions made by Morales' administration raise questions about how Morales is handling what could be a costly process to fix a seawall that was built without approval from the U.S. Army Corps of Engineers. Why would he choose to keep Mowry on board, allowing the engineer to apply for retirement benefits, and then go back on the deal just one month later?

The city declined to respond to the Miami Herald's questions. Aleksandr Boskner, senior assistant city attorney, told the Miami Herald attorney/client confidentiality prevented him from answering.

Mowry also declined to comment.

"I think entering into a secret contract and then revoking it is not a good business decision on behalf of the administration," Góngora said on Tuesday.

SEAWALL SNAFU LATEST HIT TO A1A FLOOD-MITIGATION PROJECT

ENR SOUTHEAST

Scott Judy

January 24, 2018

A \$30-million Miami Beach flood-mitigation project along state Road A1A is facing further delays due to permitting issues with its roughly 1-mile-long seawall. As a result, contractors may need to rebuild portions built too close to the water, says Eric Carpenter, Miami Beach's public-works director.

The city is leading the Indian Creek A1A flood-mitigation project, the result of an agreement with the Florida Dept. of Transportation, the project owner. The September 2016 agreement calls for the city to pay approximately \$5.4 million of the flood-mitigation project's previous \$25.4-million price tag while advancing \$20 million to FDOT.

Originally scheduled for completion in late 2017, the city now is targeting late 2019, Carpenter says. Earlier, new scope and subsequent re-phasing added roughly a year to the project's schedule.

The latest problem resulted partly from the city not obtaining a permit from the U.S. Army Corps of Engineers, though it had obtained permits from Miami-Dade County Environmental Resources Management and the state.

Corps spokeswoman Nakeir Nobles told ENR the agency is in the early stages of reviewing the case. Nobles added, "A cease-and-desist letter was issued to the city last week. ... At this time, we have no tentative date of resolution."

Bruce Mowry, the former Miami Beach city engineer who initially led the project, told ENR that USACE had not indicated any issue with the project's plans since receiving the permit application in September 2016. Mowry stepped down from his position earlier this month, after the election of Mayor Dan Gelber.

The problem was "exacerbated" by a lengthening of the seawall, which resulted from unexpected success in acquiring control over adjoining properties, says Carpenter. The wall's length tripled over the course of construction, he says.

The problem stems from the fact that "there are certain exemptions for a discontinuous wall that you don't have [with] a continuous wall," he says. The city's switch from a strategy of signing quitclaim deeds with property owners to gaining perpetual access easements, which were easier to obtain, enabled the seawall's extension. Sections not built with a permanent seawall would have featured an impermanent barrier wall. By extending the seawall, the city hoped to avoid "this gap-toothed-smile finished product," Carpenter says.

A Dec. 18 tour of the project by the three regulatory agencies identified three sections that need addressing, says Carpenter. "I am cautiously optimistic that the majority of the wall can remain in its existing location," he says. He expects a decision to be reached on a solution within three months.

HOW MIAMI BEACH IS TRYING TO SAVE ITSELF

TORONTO STAR

Patty Winsa

May 8, 2017

Sea levels are rising faster than expected. And there are already floods caused by annual high tides, called king tides. So Miami Beach is embarking on the second stage of a \$400- to \$500-million project to raise the city's roads and install new pumps — and safeguard the city's future.

Rising sea

Projections show the ocean off Florida's coast could rise up to almost a metre by 2060, but the city is already being flooded by annual king tides, the highest high tides, which occur due to gravitational forces on Earth's water exerted by the position of the sun and moon. During that time, water gurgles up from underneath roads in Miami Beach and turns many of them into rivers. The tides can raise water levels by about 1.2 metres. Streets begin to flood at about one metre, according to the Miami Herald. But the risks haven't stopped construction in Miami Beach. Meanwhile, all low-lying coastal cities in the U.S. are threatened including Miami proper, which could lose \$3.7 trillion in financial assets by 2070 due to rising ocean levels, more than any other coastal city, according to a National Wildlife Federation report from 2016.

Nervous neighbourhood

The city, which began elevating roads in the southern part of Miami Beach in 2013, will start construction in the fall in the Lakeview neighbourhood — the first residential area of largely single-family homes to undergo improvements. The city will raise roads and curbs, replace gutters and water mains, and connect the new roadway to existing driveways. Residents there are worried about who will pay to connect drainage on their property to the city's new system, as well as water runoff from the elevated road. The city is also installing three pumps, in Lakeview and the nearby La Gorce neighbourhood, to reroute excess water back to the ocean. The neighbourhood project will cost \$100 million and take two years.

Raising the roads

The road in front of Pubblely's restaurant on Purdy Ave. at 20th St. has been raised about 60 cm (about two feet). The city also installed floor drains in the patio area to connect it to new storm drainage pipes underground, which carry the water away so it can be pumped back into the ocean. Eric Carpenter, the head of public works, says most roads need to be raised 45 cm or less to meet a target height that will protect them from flooding until at least 2050. The city is also raising the height of sea walls on Biscayne Bay and on canals by about 75 cm.

Pumping it out

Flood water is collected in storm drains and rerouted to concrete vaults. Debris are removed and the water flows into the main well and is pumped out into the bay at a rate as high as 300,000 litres a minute. A valve at the end of the discharge pipe prevents backflow. So far, the city has installed 24 new pumps and upgraded 10 others.

The beach

The east side of Miami Beach is protected by coastal dunes, which are on the highest point of the island. The dunes minimize erosion and block storm surges. The city is continually restoring the dunes by removing invasive plants and replacing them with native species. The city also has to deal with erosion and in 2013, trucked in huge amounts of sand from the Ortona quarry in central Florida to replenish the beach in the La Gorce neighbourhood.

CLIMATE CHANGE CRUSADE GOES LOCAL; WHILE US LEADERS REMAIN BOGGED DOWN IN DEBATE OVER GLOBAL WARMING, LOCAL COMMUNITIES ARE ACTING ON THEIR OWN TO HOLD BACK RISING SEAS. WITNESS MIAMI BEACH'S ELEVATED STREETS.

THE CHRISTIAN SCIENCE MONITOR

Doug Struck
August 9, 2015

Florida's state leaders are running hard from climate change. The [governor, Rick Scott](#), doesn't want state employees to even utter the words. Former [Gov. Jeb Bush](#) and US [Sen. Marco Rubio](#), both Republican presidential aspirants, offer a medley of objections to scientists' calls for bold action on climate change.

Eric Carpenter shrugs. The director of Miami Beach's Public Works Department sits at his desk, poring over tables of high tides on his computer. He is calculating how many pumps he needs to buy to keep the city's streets from being flooded from a rising sea caused by climate change.

Under a broiling sun, he takes a visitor a few blocks from his office, to where contractors are pouring concrete to replace a section of a city street. The new roadway is being laid incongruously 2-1/2 feet above the sidewalk cafe tables and storefront entrances at the old street level. The extra height is in preparation for the seas and tides that Mr. Carpenter already sees engulfing this section of Miami Beach.

"The facts are the facts, and we have to deal with them," he says.

In city after city in South Florida, local officials are dealing with climate change. So, too, are municipalities big and small across the United States. The same determination is evident among governors and legislators in more than two dozen states. And it is magnified worldwide: Surprising progress in grappling with global warming is coming from surprising nations.

This groundswell of action on climate change is producing solutions and often bypassing lagging political leadership. The gathering force of these acts, significant and subtle, is transforming what once seemed a hopeless situation into one in which success can at least be imagined. The initiatives are not enough to halt the world's plunge toward more global warming - yet. But they do point toward a turning point in greenhouse gas emissions, and ambitious - if still uneven - efforts to adapt to the changes already in motion.

"The troops on the ground, the local officials and stakeholders, are acting, even in the face of a total lack of support on the top level," says Michael Mann, a prominent climate scientist at Pennsylvania State University in State College, Pa. "The impacts of climate change are pretty bad and projected to get much worse if we continue business as usual. But there still is time to avert what we might reasonably describe as a true catastrophe. There are some signs we are starting to turn the corner."

Philip Levine, the mayor of Miami Beach, agrees. "We may not have all the answers," he says. "But we're going to show that Miami Beach is not going to sit back and go underwater."

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Representatives from more than 190 countries will gather in Paris in December to try to agree on international strategies for dealing with climate change. They will be spurred by their own alarm at a succession of storms, droughts, and heat waves affecting millions of people on the planet, and by outside calls, such as the moral edict from Pope Francis, to care more about the world.

The record of past such meetings is not encouraging. But the representatives will arrive as progress on curbing greenhouse gas emissions, often overlooked, has been mounting:

- Wind and solar power generation are bounding ahead faster than the most optimistic predictions, with a fivefold increase worldwide since 2004. More than 1 in 5 buildings in countries such as Denmark, Germany, Sweden, and even Albania are now powered by renewable energy.
- The US saw its greenhouse gas emissions peak in 2007. They have fallen about 10 percent since, and are roughly on course to meet President Obama's pledge to reduce emissions in the next 10 years by about 27 percent from their peak.
- China, the world's largest carbon emitter, paradoxically leads the world in installed wind and solar power, and is charging ahead on renewables. China and the US ended their impasse over who is most responsible to fix global warming, agreeing in November to mutually ambitious goals. Experts say China already has cut coal consumption by 8 percent this year, and the environmental group Greenpeace says China stopped construction of some new coal power plants.
- Worldwide, carbon dioxide emissions, a principal component of greenhouse gases, did not grow in 2014, according to the International Energy Agency. Emissions remained flat even as the global economy grew - an important milestone.
- Coal-fired power plants are being replaced rapidly by natural gas plants, which are cleaner and emit half the greenhouse gases. Britain saw an 8 percent drop in greenhouse gas emissions last year, which is attributed to national energy policies, more energy efficiency, and the switch from coal.
- Tropical rainforests, which absorb carbon dioxide, are being cut down at a slower rate than in the past - 13 million hectares per year, compared with 16 million in the 1990s, according to the latest figures from the United Nations Food and Agriculture Organization. That is still alarmingly high but shows progress, in part because of vows by big corporations not to buy palm oil grown on deforested lands. Brazil has made notable progress in reducing deforestation of the Amazon.

In the US, state and local governments are taking bold action even as the national discussion about the looming climate crisis remains paralyzed along political lines. In South Florida, for example, officials of four populous counties shun the rhetoric from GOP presidential aspirants and officials in the state capital and gather regularly to plot cooperative climate change strategy.

That group, the Southeast Florida Regional Climate Change Compact, is considered a national model for the kind of shoulder-to-shoulder effort needed to address the problem. They came up with an agreed estimate of sea level rise and identified the most vulnerable areas of the region, and now are plowing through more than 100 recommendations for action.

"There are no new funding sources coming down from the state or the Feds," says Susanne Torriente, assistant city manager for Fort Lauderdale, one of the participants of the compact. "Would it be good to have state and federal dollars? Yes. Are we going to wait until they act? No."

Their cooperation was born, essentially, on the back of a napkin. Kristin Jacobs, now a state representative who was a Broward County commissioner in 2008, was lamenting at the time that the 27 disparate municipal water authorities in the region could not agree on joint action. So she and others came up with the idea of getting local officials together in a classroom.

"We said, 'Let's have an academy,' " she recalls, and the Broward Leaders Water Academy began offering elected officials in South Florida six-month courses in water hydraulics and policy. It has now graduated "three generations of elected officials," she says.

Figuring out what to do about climate change - whether it is building up dunes on the beaches, raising the height of foundations, or shifting developments back from the coastline - takes a cooperative approach. "We couldn't do it by just saying 'this is the way it is' - the Moses approach," Ms. Jacobs says. "We had to do it with compliance and acquiescence and leadership."

Normally, direction on some of these issues might have come from state officials. But not in Florida. Not on climate change.

"We didn't have to worry about those who don't believe," Jacobs says. "At the end of the day, when the water is overtopping your sea wall, you don't really care that you didn't believe in climate change last week. You do believe in it this week."

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Built on the edge of the sea, Miami Beach is one of the most vulnerable cities in the world to the vicissitudes of the ocean. Its boutique commercial district and canyons of pastel apartments sit on a sieve of porous limestone. The leaky footing was formed over the eons from accumulated seashells, coral, and fish skeletons.

Today the rock acts as a giant wick, giving the relentless ocean a route for subterranean attack. Seawater pushes in from underground and often gurgles to the surface in inconvenient places. On days of really high tides - even without any rain - the briny invasion turns some city streets into small lakes, snarling traffic and cutting off businesses. Locals call it "sunny day flooding."

The man charged with stopping the sea - or at least getting tourists and residents out of its way - is Carpenter, an affable engineer with a burly physique. Carpenter took over the city's Public Works Department two years ago. His recurring nightmare is of rising seas, frequent storms, and "king" tides sweeping through Miami Beach - and doing it in full view of the world. He knows that whatever the city does - or does not do - to prepare for climate change will be tested soon on a stage before a global audience.

"What we do here is magnified because of who we are," he says. Miami Beach thrives on a global reputation for glamour, for cultural fusion, for beaches, for heat - from the sun in the day and its epicurean club culture at night. That's not an image that sits well with flooded streets. But the water is already coming.

As the Atlantic Ocean warms and expands, fed by melting polar ice caps, the seawater is pushing back into the 330 storm-water pipe outlets designed to drain rain from city streets. So Miami Beach is in the process of installing as many as 80 pumps, at a cost of nearly \$400 million, to make sure the water flows outward.

"If the seas are continuing to rise, and the tidal events are higher than the inland elevation, we have to pump," says Carpenter.

The city plans to raise the level of 30 percent of its streets, encouraging businesses to abandon or remodel their first floors to go to a higher level. Carpenter says he wanted to go up nearly six feet, but town officials said "we are going too fast." So they settled on just over three feet.

"I don't think this is where we want to be long-term, but it's enough to get us through the next 10 or 20 years," he says, while standing on a new section of road at Sunset Harbor, looking down at the cafe tables on the sidewalk below, where the street used to be.

Mayor Levine echoes the importance of dealing with the future encroachment of the sea - now. "We did not ask for climate change or sea level rise," he says. "But we are the tip of the spear. We don't debate the reason why; we just come up with solutions."

Forty miles to the north, past Fort Lauderdale, Randy Brown and his utilities staff in Pompano Beach are also trying to halt the sea. Like the rest of South Florida, the coastal city of 100,000 residents is confronting the ocean above and below ground.

They are burying a new network of water pipes - painted grape purple - running to businesses and homes. The pipes contain sewer water that has been treated to remove the smell and bacteria and then siphoned from a pipe that used to discharge it into the sea.

Pompano Beach residents use the water for their lawns and gardens, bypassing the restrictive bans on lawn sprinkling. This recycled water then trickles down into the Biscayne Aquifer.

Cleansed as it sifts through the ground, it helps reduce the shrinking of the freshwater aquifer, which is being drawn down by the town's 26 wells and is threatened by underground salt water pushed inland by the rising sea level. Homeowners pay about two-thirds less for the recycled water than they do for potable water.

When city officials first laid out the program at a public meeting, bringing a cake to set a neighborly tone, "it was a fiasco. [Residents] called it dangerous," chuckles Maria Loucraft, a utilities manager.

Now, people "say they can't wait for it to get to their area," adds Isabella Slagle, who goes to public events with a mascot, a purple-colored sprinkler head with sunglasses, named "Squirt" by elementary school students.

Green lawns trump the political arguments over climate change, says Mr. Brown. "We don't say 'climate change,' " he admits. "It's 'protecting resources' or 'sustainability.' That way, you can duck under the political radar."

Some don't want to avoid the radar. Last October, the South Miami City Commission voted to create "South Florida" and secede from the rest of the state, in part because, they said, the state government in Tallahassee was not responding to their pleas to help them deal with climate change.

"It got a lot of press but nobody in the state took it very seriously," muses the mayor, Philip Stoddard, over a sandwich on the campus of Florida International University, where he is a biology professor. "But it did get people talking about climate change."

"My house is at 10 feet elevation," he adds. "My wife and I - our question is - will we be able to live out our lives in our house? I'm 58. We don't know. It's going to be a close one. If you look at the official sea level projections, they keep going up, which is a little disquieting. If you look at the unofficial projections, they scare the hell out of you."

While South Florida is a leader at local cooperation, officials in towns and cities across the country are struggling to react to a warming climate. Many municipalities have drafted action plans. Boston is converting its taxis to hybrids and requires new buildings to be built with higher foundations. Chicago is planting green gardens on city roofs to reduce the air conditioning needed to cool buildings. Seattle is helping residents install solar panels. Montpelier, Vt., vows to eliminate all fossil fuel use by 2030. Houston is laying down "cool pavements" made of reflective and porous material, and planting trees for shade.

Governors and state legislators across the country have gotten the message, too. While Congress will not debate the "Big Fix" - putting a price or a cap on carbon pollution - some states are already doing it. About 30 percent of Americans live in states that have rules capping carbon dioxide emissions and markets that allow companies to buy and sell carbon credits.

In addition, 28 states have set mandatory quotas for renewable energy from their electric utilities. Seven states have set ambitious targets for overall greenhouse gas reductions - California has promised a reduction of 40 percent below 1990 levels by 2030.

"The best thing Congress can do right now is stay out of the way," says Anna Aurilio, director of the Washington office of the nonprofit advocacy group Environment America. Between the state efforts and the executive orders by Mr. Obama, she says, the US is on track to meet the administration's greenhouse gas goals.

"When we look at programs currently in place or set to be implemented, we can come close to the US commitment" of a 27 percent decrease in greenhouse gas emissions in 10 years, she says. "But we know we have to go much, much further."

To get near the goal of keeping average global warming at 2 degrees Celsius (3.6 degrees Fahrenheit) or less, climatologists predict that countries must largely abandon the fossil fuels that have driven technological societies since the Industrial Age - achieving an 80 percent reduction in greenhouse gas emissions by 2050.

That is an imposing goal, since billions of dollars are invested in new and existing fossil fuel power plants that can last 30 to 50 years. Even if solar or wind energy is cheaper than coal, oil, and natural gas, the owners of fossil fuel plants will be reluctant to abandon their investments. But the decisions are starting to come from the people, not just governments or corporations.

"When you have enough action taking place at the grass roots, sometimes that's a more effective means of implementing change on a large scale," says Penn State's Mr. Mann.

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Nicole Hammer is one of the foot soldiers in the new war on global warming. A biologist, consultant, and former assistant director of a university center on climate change, she quit and decided to work with nonprofit groups, including the Moms Clean Air Force, an organization that campaigns to stem air pollution and climate change.

"I realized we have more than enough science to take action on climate change," she says while walking at an ecology park near her home in Vero Beach, Fla. "People who normally wouldn't be involved in environmental issues are starting to speak out."

She believes community involvement is the key to solutions, because the problems are felt most keenly at that level. "We have people in communities who have to put their kids in shopping carts to get across flooded streets to get food," she says. "When you see that happening - and then you see people at high levels denying it - it's disappointing and it's incredibly frustrating."

Public outcry has helped close coal-burning power plants, which produce the dirtiest energy. Coal plants now provide about one-third of the electricity in the US - down from more than half in 1990. Tightening pollution standards and cheaper natural gas prices have prompted utilities to close 200 coal-fired plants since 2010, the Sierra Club estimates, and the trend would only accelerate under new clean air regulations unveiled by Obama in early August.

Until recently, one argument against closing coal plants was that if the US didn't burn its own abundant coal reserves, they would just be exported to China. But Chinese authorities are so sobered by their public's resentment of the thick coal soot and industrial pollution that they are turning with startling speed to renewables. China reached a significant agreement with the US in November to cap its greenhouse gas pollutions by 2030, and further impressed experts in July by promising to ramp up renewables to provide 20 percent of its power, a sharp turn away from its pace of bringing a new coal power plant on line every 10 days.

"China has become a policy innovator," says Nathaniel Keohane, vice president of the Environmental Defense Fund, who worked on international climate issues in the Obama administration.

Other countries are plotting their own ways to curb greenhouse gases. Germany, Italy, Japan, and Spain are ramping up solar energy. France has embraced nuclear. Denmark, Portugal, and Nicaragua led in wind power in 2014. Brazil is adding hydroelectric plants as well as sharply reducing deforestation. Kenya and Turkey are tapping geothermal power. And smaller countries such as Costa Rica, Iceland, and Paraguay have found financial and tourism benefits in being at or very near "carbon neutral."

Still, the current projections from the Intergovernmental Panel on Climate Change on when the world will see a significant decline in global emissions vary widely - from about 2030 to after 2100 - based on guesses of how countries respond. But the dramatic shift to natural gas in the US, and the racehorse expansion of hydraulic fracturing to get it, are demonstrations that if new technologies are profitable, industries can pivot quickly.

"We can make that turn," Mr. Keohane predicts. "Imagine the day when emissions are falling instead of rising. Imagine when we are winning rather than losing."

MIAMI BEACH HIRES SEVERAL DORAL CITY STAFFERS

MIAMI HERALD

Joey Flechas
April 18, 2013

Another Doral official is taking his talents to the beach.

Eric Carpenter, public works director in Doral since 2006, is leaving to direct public works for Miami Beach. Carpenter, who lives in Miami Beach, was approved by the Beach's City Commission at Wednesday night's meeting.

Carpenter said the decision wasn't hard, as his new job is six blocks away from home and a bigger challenge.

"It's an opportunity to take on a much larger and more diverse city," he said.

He said he's enjoyed building Doral from the ground up, as he started when public works had five employees — three of whom were laborers.

Carpenter's departure marks the fourth Doral official to land a job with Miami Beach since December. Mark Taxis left Doral's assistant city manager's seat for a similar post in Miami Beach. Jimmy Morales, Doral's former city attorney, is now city manager in Miami Beach.

Also, Doral City Manager Joe Carollo said Doral's acting city attorney, Joe Jimenez, also will also take a position in the Beach. Morales said he is hoping to bring Jimenez to the Beach, but was not sure when or in what capacity.

Carpenter's pride of his work in Doral echoed Taxis, who was recognized at the Doral City Council's regular meeting last week. Taxis shared his thoughts after receiving accolades on the dais.

"This is the best community that I've ever worked in," he said. "I can't imagine a place that is more dear to my heart than Doral."

Carollo said cities who have qualified employees capable of earning higher salaries in larger cities tend to lose those people.

"They have an obligation to look out for their own families," he said.

Mayor Luigi Boria said he respects Carpenter's desire to be closer to home.

"I support him," he said. "He needs quality time with his family."

With regard to the multiple city employees that have left the city, Boria chalks it up to talent. He compared Doral to his own technology business, where he said he has lost talent to larger firms over the years.

“As a small city, we train the people in our city, and then they leave,” he said.

Miami Herald Staff Writer Christina Veiga contributed to this report.

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**MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST**

Henry S. Stolar

C 15-24

v.

Eric Carpenter,
Anthony Kaniewski and
Adrian Morales

PUBLIC REPORT AND FINAL ORDER

On October 13, 2015, Henry S. Stolar filed an ethics complaint against Respondents, Eric Carpenter, Anthony Kaniewski and Adrian Morales. Respondents are employed at the City of Miami Beach. Mr. Carpenter is Assistant City Manager and Public Works Director; Mr. Kaniewski is the Director of the Property Management Division of Public Works; and, Mr. Morales is the Senior Administrative Manager of the Property & Management Division of Public Works. The complaint alleged that Respondents failed to comply with a public records request made on September 18, 2005, for a copy of the City of Miami Beach Lincoln Road Master Plan, in violation of the Citizens' Bill of Rights, Section 3, entitled, *Public Records*.

Pursuant to the Code of Miami-Dade County at Sec. 2-1072(b) and 2-1074, the Ethics Commission is empowered to enforce the Citizens' Bill of Rights.

On November 18, 2015, in closed session, Staff Attorney recommended that the case be dismissed as not legally sufficient pursuant to the Memorandum attached hereto as Exhibit A.

In open session, the Ethics Commission voted unanimously to dismiss the case as not being legally sufficient.

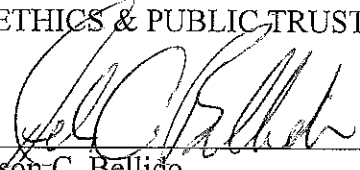
Therefore, it is

ORDERED AND ADJUDGED that Complaint C 15-24 is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on November _____, 2015.

MIAMI-DADE COUNTY COMMISSION
ON ETHICS & PUBLIC TRUST

By: _____


Nelson C. Bellido
Chair

Signed on this date: _____

12/1/2015

The complaint fails to establish a violation of the Citizens' Bill of Rights.

The clear and unambiguous language of Section A (3) of the Citizen's Bill of Rights, provides that the public record shall be "*open for inspection at reasonable times and places convenient to the public.*" It specifically does not contemplate the failure to provide a copy of the public record. See Memorandum to Ethics Commission on C14-01, etc.

It is worth noting that, although Stolar did not request inspection of the Master Plan, the City of Miami Beach Clerk's Office contacted him and offered to provide the Master Plan for his inspection and make accommodations so that he may review it.²

CONCLUSION:

Because this complaint does not identify any violations within the jurisdiction of the Miami-Dade County Ethics Commission, the complaint is NOT LEGALLY SUFFICIENT and should be dismissed.

September 8, 2015, a revised design was presented at a public meeting before the Historic Preservation Board (HPB), where the consultants received feedback (the link to the HPB meeting was later offered to Stolar). Consequently, there were several webcam meetings held between the consultants and City staff to discuss the final plan. A draft was never submitted to the City but rather, revisions were orally discussed during the webcam meetings held between New York consultants and Miami Beach staff. The Master Plan was not transmitted to the City until September 28th, at which time Stolar was notified by the Clerk's Office of its availability and duplication costs.

² On or about October 7th, the City Clerk received Stolar's request; however, the cost for the duplication was disputed by Stolar so the Clerk offered to have Stolar inspect the Master Plan at a convenient place and time. Subsequently, Stolar advised Morales and the City Clerk that "this PRR [public records request] can be closed."

The complaint fails to establish a violation of the Citizens' Bill of Rights.

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