

MIAMI BEACH

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

MEMO #

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael A. Paz, Acting City Attorney



DATE: October 13, 2021

SUBJECT: **City Attorney's Status Report**

LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT:

1. **URBAN HOMES 5, LLC, a Florida limited liability company, v. 363 VENTURES, LLC, etc., et al** Case No. 21-018817 CA 02 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida) served by Jesus Guerra on 090721 (SR) 21CMB0020-301860

This is an action to quiet title on the real property located at 1842 NW 33 Street, Miami, FL. The summons and complaint were served on the city on September 7, 2021.

The complaint alleges that the City's lien recorded in the public records in and for Miami-Dade County, Florida in connection with a code enforcement lien on 331 85th Street is inferior to plaintiff's interest.

The City's answer and affirmative defenses was timely filed on September 15, 2021.

2. **WILLIAM K. BEEKER V. CITY OF MIAMI BEACH**, Case No. 21-22771-Civ-Scola/Goodman (United States District Court for the Southern District of Florida)

Plaintiff sued the city alleging employment discrimination. The city attorney's office will vigorously defend this claim.

3. **JOSEPHINE "JO" MANNING V. FABIAN BASABE, CHRISTINA WHITE, IN HER OFFICIAL CAPACITY AS THE SUPERVISOR OF ELECTIONS IN MIAMI BEACH – DADE COUNTY, RAFAEL GRANADO, IN HIS OFFICIAL CAPACITY AS CLERK OF THE CITY OF MIAMI BEACH** Case No. 2021-021069-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

The above-styled case, challenging the eligibility of Commission Group II candidate Fabian Basabe to remain on the City's November 2, 2021 General Election ballot, has been resolved, per the Court's September 24, 2021 Order of "Final Declaratory Judgment".

In the Order, the Court held that Defendant Basabe was not a resident of the City of Miami Beach for "at least one year prior to qualifying," as required by Section 6.03 of the City Charter, and therefore did not satisfy the City's qualification requirements. The Court directed the City Clerk to remove Defendant Basabe's name from the list of qualified candidates for City Commission Group II.

Accordingly, in compliance with the Court Order, the City Clerk has removed Mr. Fabian Basabe's name from the list of qualified candidates for Commission Group II, and has

noticed the following information on the City's website at <https://www.miamibeachfl.gov/city-hall/city-clerk/electioninformation/general-election/>:

Notice to the Voters-Fabian Basabe, a candidate in the race for the office of Group II-Commissioner has been disqualified, resulting in an unopposed candidate race. A vote cast in this race will not change the outcome as the remaining candidate, Mark Samuelian, is deemed by law to be elected for that race.

Pursuant to the Court's Order, the Miami-Dade County Elections Department, in accordance with Florida Division of Elections guidelines, will provide its Notice to all City voters (Vote by Mail, Early Voting and Election Day) of the Candidate disqualification, resulting in an unopposed candidate race, and that a vote cast in this race will not change the outcome, as the remaining candidate is deemed by law to be elected for that race. In addition, the Order enjoins the Miami Dade County Elections Department from tabulating or officially reporting any votes for Mr. Basabe, in accordance with State guidelines.

4. **JUDY L. CROCKWELL-LEWIS AND MIAMI BEACH POLICE DEPARTMENT – CACE 2020-629** (Circuit Court of the 17th Judicial Circuit, in and for Broward County, FL)

The City was served with this complaint on September 23, 2021. The Plaintiff filed this action on a *pro se* basis, and in the bare-bones complaint, alleges stalking and harassment claims against the Miami Beach Police Department, requesting damages in an amount of "Nine Hundred Trillion Dollars." The City will be filing a Motion to Dismiss.

RAP/lr