

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO SECTION 30-36 OF THE CODE OF THE CITY OF MIAMI BEACH, CONCERNING THE REAPPOINTMENT OF ENRIQUE ZAMORA, ESQ., TO SERVE AS CHIEF SPECIAL MAGISTRATE, FOR A TERM COMMENCING ON FEBRUARY 24, 2023 AND ENDING ON AUGUST 23, 2023; RATIFYING MR. ZAMORA'S APPOINTMENT OF ANNETTE EPELBAUM CANNON, ESQ. AND MARYANNE LUKACS, ESQ. AS SPECIAL MAGISTRATES; PROVIDED FURTHER THAT CHIEF SPECIAL MAGISTRATE ZAMORA AND HIS APPOINTED SPECIAL MAGISTRATES SHALL BE AUTHORIZED TO HOLD HEARINGS AND IMPOSE FINES, LIENS AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF THE CITY AND COUNTY CODES AND ORDINANCES, AND FURTHER INCORPORATING ALL OTHER MATTERS SET FORTH WITHIN CHAPTER 30 OF THE CITY CODE, INCLUDING, WITHOUT LIMITATION, SECTIONS 30-37 AND 30-38 THEREOF, CONCERNING THE COMPENSATION AND DUTIES OF THE CHIEF SPECIAL MAGISTRATE AND THE SPECIAL MAGISTRATES.

WHEREAS, Section 30-2 of the Code of the City of Miami Beach provides for an alternative Code enforcement system wherein Special Magistrates are authorized to hold hearings and impose fines, liens, and other non-criminal penalties against violators of City and County Codes and Ordinances; and

WHEREAS, Section 30-36 of the City Code, entitled "Appointment of Special Magistrates," provides for the appointment of a Chief Special Magistrate to fulfill the above-referenced duties; and

WHEREAS, pursuant to Section 30-36 of the City Code, the appointment of the Chief Special Magistrate is established upon the City Commission's acceptance, by a majority vote, of the recommendation for appointment by the City Manager; and

WHEREAS, the City Manager hereby recommends reappointing Enrique Zamora, Esq., as Chief Special Magistrate for the City of Miami Beach, for a term commencing on February 24, 2023, and ending on August 23, 2023; and

WHEREAS, pursuant to Section 30-36, the Chief Special Magistrate is authorized to appoint, upon ratification of a majority vote of the City Commission such other Special Magistrates as may reasonably be required to conduct the necessary hearings;

WHEREAS, if appointed, Enrique Zamora, Esq seeks the ratification by a majority vote of the City Commission of his appointment of Annette Epelbaum Cannon, Esq. and MaryAnne Lukacs, Esq. as Special Magistrates based on their knowledge, skills, and abilities to perform as Special Magistrates; and

WHEREAS, all other matters set forth within Chapter 30 of the City Code, including, without limitation, Sections 30-37 and 30-38 regarding compensation and duties of the Special Magistrates, shall continue to apply and remain in full force and effect; and

WHEREAS, the Chief Special Magistrate and each Special Magistrate, shall be prohibited from engaging in practice where they represent a client in a manner adverse to the interests of the City of Miami Beach, and shall further be prohibited from lobbying the City during their service with the City.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City Manager, pursuant to Section 30-36 of the Code of the City of Miami Beach, concerning the reappointment of Enrique Zamora, Esq. to serve as Chief Special Magistrate, for a term commencing on February 24, 2023, and ending on August 23, 2023; that the Mayor and City Commission hereby ratify the Chief Special Magistrate's appointment of Annette Epelbaum Cannon, Esq. and MaryAnne Lukacs, Esq to serve as Special Magistrates; provided further that the Chief Special Magistrate and Special Magistrates shall be authorized to hold hearings and impose fines, liens and other non-criminal penalties against violators of City and County Codes and Ordinances; and further incorporating all other matters set forth within Chapter 30 of the City Code including, without limitation, Sections 30-37 and 30-38 thereof, concerning the compensation of the Special Magistrates.

PASSED and ADOPTED this ____ day of _____ 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1-23-23

Date