

# OFFICE OF THE CITY ATTORNEY

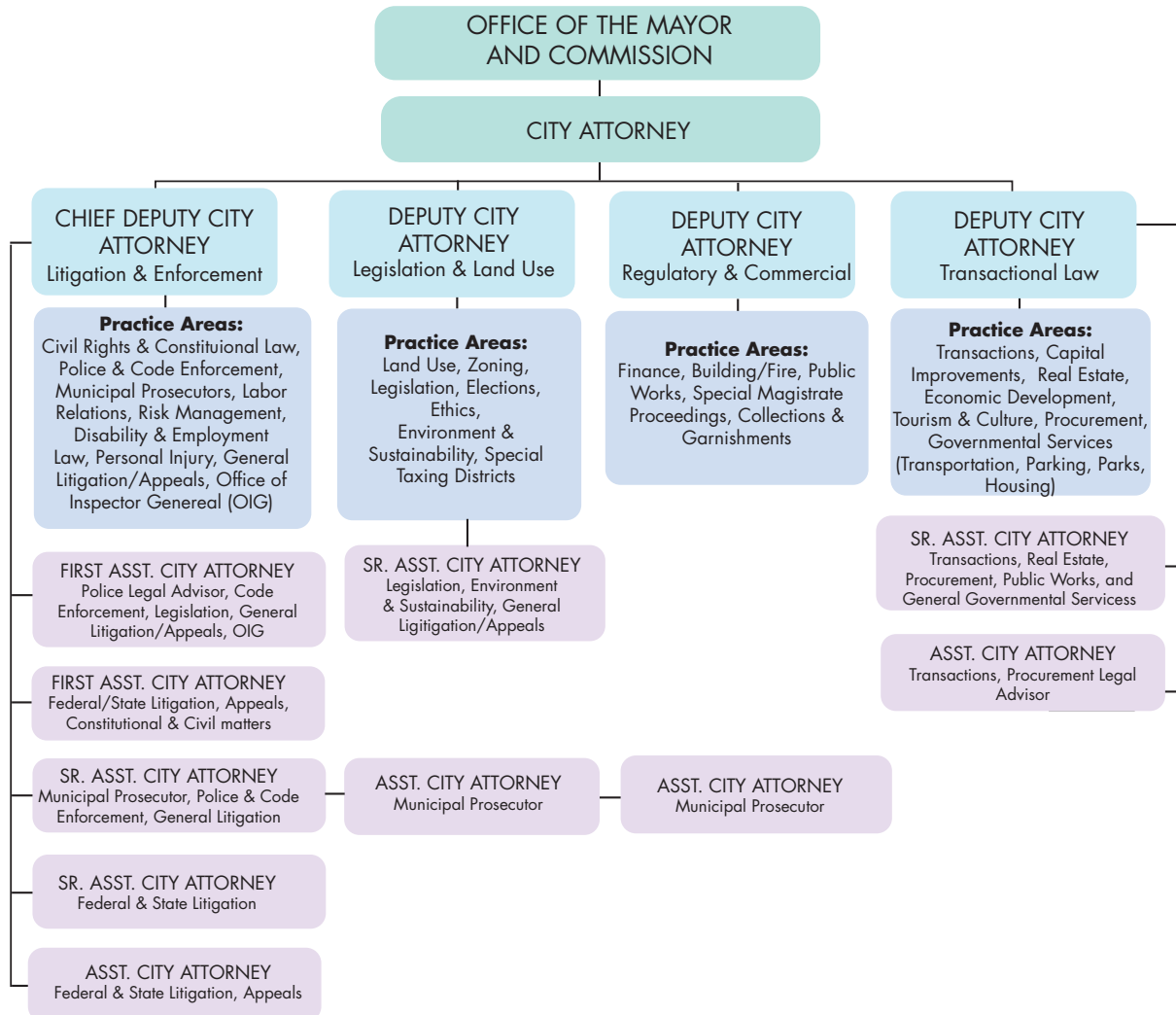
## DEPARTMENT MISSION STATEMENT

The Office of the City Attorney (CAO) is dedicated to providing quality legal services to the Mayor, City Commissioners, City Manager, City departments, and over forty (40) boards and committees, consistent with the goals and objectives of the City Commission.

## DEPARTMENT DESCRIPTION

Under the supervision and direction of the City Attorney, the CAO prepares or reviews all ordinances, resolutions, contracts, bonds, and other written instruments involving the City. The Office of City Attorney also prosecutes or defends, for and on behalf of the City, all complaints, suits, and controversies in which the City is a party.

The Office of the City Attorney is currently comprised of the City Attorney, fifteen (15) full-time attorneys, and ten (10) administrative support staff, including the City's municipal prosecution team, which consists of two (2) attorneys and one assistant.



# OFFICE OF THE CITY ATTORNEY

## FISCAL ENVIRONMENT

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The Office of the City Attorney is supported by the General Fund. The General Fund charges an administrative fee to Enterprise Fund departments, the Redevelopment Agency (RDA), the North Beach Community Redevelopment Agency (CRA), and the Resort Tax Fund to cover the cost of various administrative support functions provided by the General Fund.

Litigation expenses and litigation outside counsel fees, in those limited matters where outside counsel is required, are paid through the Risk Management Fund. Other specialized matters requiring outside counsel from time to time, such as complex real estate/commercial transactions, elections matters, labor/collective bargaining, and bond counsel, and the like, are either taken into account as part of the City Attorney's annual budget review process, or are otherwise funded by the appropriate City department with responsibility for the matter.

In order to offset legal expenses, the City Attorney has initiated the following measures:

- Whenever possible, require developers and/or other parties proposing time-sensitive (and usually complex) real estate and/or commercial transactions to the City, to reimburse the City's legal costs, up to an agreed amount
- Periodic review of cases being handled by outside counsel to determine what can be brought in-house

## SIGNIFICANT ACCOMPLISHMENTS

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- Received a favorable ruling from 11th Circuit Court of Appeals in Club Madonna case, upholding the constitutionality of the City's ordinance seeking to curb the exploitation of underage dancers in strip clubs
- Received a favorable ruling in state court emergency injunction proceeding challenging the City's March 23, 2022 State of Emergency declaration and weekend curfew for areas south of 23<sup>rd</sup> Street, following multiple shootings
- Obtained a Summary Judgment in favor of the City in federal district court in a First Amendment case, McGriff v. CMB, regarding Memorial Day weekend programming
- Obtained a Summary Judgment in favor of the City in federal district court in 2 police civil rights cases and dismissals of 7 employment discrimination cases
- Expanded the municipal prosecution program to prosecute certain misdemeanor offenses as municipal ordinance violations, and implemented the Justice Advocate Program for monitoring cases involving offenders of special concern

## SIGNIFICANT ACCOMPLISHMENTS CONT'D

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- Successfully negotiated and finalized over 500 contracts, including major projects subject to voter approval, such as the development agreements and ground leases for two Lincoln Lane Class A office projects
- Finalized closing for conveyance of 3.0 acre "Canopy Park" to the City, as well as the Closing of the right-of-way conveyance approved for the redevelopment of the Seagull hotel property, resulting in City receiving first 2 installment payments of \$5 million
- Finalized lease and lease amendments for the Collins Park Workforce Housing Project, the first public-private partnership for workforce housing in the City of Miami Beach
- Researched and drafted Ordinance to provide tenants with 60 days' notice of rent increases, legislation which was subsequently adopted by Miami-Dade County, Orange County, Palm Beach County, and other local governments
- Restructured Sidewalk Café Program from a regulatory permit-based framework to a contract concession framework, and obtained favorable state court ruling affirming validity of the contract-based model that provides City with greater control over its right of way areas
- Researched and drafted ordinance reforming the automatic stay procedures for land use appeals, to discourage abusive litigation while safeguarding due process

## FUTURE OUTLOOK

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The City Attorney's Office looks forward to continuing to fully support and defend the City's numerous priorities and initiatives.