

**Condensed Title:**

Re-appointment of Judge Mario P. Goderich as Chief Special Master.

**Key Intended Outcome Supported:**

Increase resident satisfaction with level of code enforcement.

**Supporting Data (Surveys, Environmental Scan, etc.):** In the 2007 Community Satisfaction Survey, 61% of residents responded that they were very satisfied or satisfied with the fairness & consistency of the enforcement of codes & ordinances in their neighborhood. .

**Issue:**

Shall Judge Mario P. Goderich be re-appointed as Chief Special Master for a six month term beginning March 5, 2009, and ending September 4, 2009?

**Item Summary/Recommendation:**

The attached two Resolutions provide for the re-appointment by the City Commission of Judge Mario P. Goderich. One Resolution re-appoints Judge Goderich as Chief Special Master for Code Enforcement violations under Chapter 30 of the City Code; the other Resolution re-appoints Judge Goderich to hear appeals from citations and violations or denials, suspensions, and revocations of occupational licenses and certificates of use pursuant to Chapter 102 of the Miami Beach City Code. Language has been added to one of the Resolutions prohibiting the Chief Special Master and each Special Master from engaging in practice where he/she represents a client in a manner adverse to the interests of the City of Miami Beach, and from lobbying the City during his/her service with the City.

Judge Goderich is a Supreme Court certified mediator. He retired from the bench in 2005, where he served for 30 years, the last 15 with the Third District Court of Appeal. In 1974, he founded the Cuban American Bar Association. For the past six months, he has served this City with distinction.

The Administration recommends approving the Resolutions.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
<b>Total</b>			


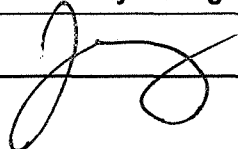
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**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Bob Parcher, City Clerk

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

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# MIAMIBEACH

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

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

Jose Smith, City Attorney

DATE: February 25, 2009

SUBJECT: **RE-APPOINTMENT OF CHIEF SPECIAL MASTER**

1. **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO SECTION 30-36 OF THE CODE OF THE CITY OF MIAMI BEACH, CONCERNING THE RE-APPOINTMENT OF JUDGE MARIO P. GODERICH, TO SERVE AS CHIEF SPECIAL MASTER, FOR A TERM COMMENCING ON MARCH 5, 2009, AND ENDING ON SEPTEMBER 4, 2009; PROVIDED FURTHER THAT CHIEF SPECIAL MASTER, JUDGE GODERICH 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 SHALL ALSO BE AUTHORIZED TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT THE SUBJECT HEARINGS; 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 MASTER.**
  
2. **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND RE-APPOINTING, PURSUANT TO SECTION 102-356 OF THE CITY CODE, JUDGE MARIO P. GODERICH, (CHIEF SPECIAL MASTER RE-APPOINTED PURSUANT TO RESOLUTION NO. \_\_\_\_\_), AS THE CITY MANAGER'S "DESIGNEE" UNDER SECTION 102-356 OF THE CITY CODE; SAID DESIGNATION COMMENCING WITH JUDGE GODERICH'S TERM AS CHIEF SPECIAL MASTER ON MARCH 5, 2009, AND ENDING ON SEPTEMBER 4, 2009.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolutions.

## ANALYSIS

The attached two Resolutions provide for the re-appointment by the City Commission of Judge Mario P. Goderich. One Resolution re-appoints Judge Goderich as Chief Special Master for Code Enforcement violations under Chapter 30 of the City Code; the other Resolution re-appoints Judge Goderich to hear appeals from citations and violations or denials, suspensions, and revocations of occupational licenses and certificates of use pursuant to Chapter 102 of the Miami Beach City Code. Language has been added to one of the Resolutions prohibiting the Chief Special Master and each Special Master from engaging in practice where he/she represents a client in a manner adverse to the interests of the City of Miami Beach, and from lobbying the City during his/her service with the City.

Judge Goderich is a Supreme Court certified mediator. He retired from the bench in 2005, where he served for 30 years, the last 15 with the Florida Third District Court of Appeal.

In 1975, he was appointed industrial claims judge by Governor Reuben Askew, who in 1978 appointed him circuit court judge for the Eleventh Judicial Circuit.

In 1990, Governor Bob Martinez appointed him to the Third District Court of Appeal, from which he retired in 2005.

Judge Goderich has the distinction of being the first Cuban-American appointed to all three courts.

Judge Goderich has a long history of service to the community. He has served on the Board of Directors for the International YMCA, Metro Dade County Community Relations Board, Hope School, United Way of Dade County, and the Cuban American National Planning Council. Additionally, he founded the Cuban American Bar Association in 1974.

In 2004, he was the recipient of the St. Thomas University School of Law Jurist of the Year Award. That same year, the Cuban American Bar Foundation created a merit scholarship at Florida International University College of Law in his honor.

In 2005, the Dade County Bar Association created an annual award for ethics to be presented to an attorney in his honor.

Judge Goderich was initially appointed as Chief Special Master on September 5, 2007. He has the knowledge, demeanor, skills and abilities to perform as Chief Special Master. He will continue to serve this City with honor and distinction, and his re-appointment will best serve the interests of the City. Therefore, the subject Resolutions should be adopted.

JMG/REP/LRM/lm

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO SECTION 30-36 OF THE CODE OF THE CITY OF MIAMI BEACH, CONCERNING THE RE-APPOINTMENT OF JUDGE MARIO P. GODERICH, TO SERVE AS CHIEF SPECIAL MASTER, FOR A TERM COMMENCING ON MARCH 5, 2009, AND ENDING ON SEPTEMBER 4, 2009; PROVIDED FURTHER THAT CHIEF SPECIAL MASTER, JUDGE GODERICH 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 SHALL ALSO BE AUTHORIZED TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT THE SUBJECT HEARINGS; 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 MASTER.**

**WHEREAS**, Section 30-2 of the Code of the City of Miami Beach provides for an alternative code enforcement system wherein Special Masters 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 Chief Special Master," provides for the appointment of a Chief Special Master to fulfill the above referenced duties; and

**WHEREAS**, pursuant to Section 30-36 of the City Code, appointment of the Chief Special Master 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 re-appointment of Judge Mario P. Goderich to as Chief Special Master for the City of Miami Beach, for a term commencing on March 5, 2009, and ending on September 4, 2009; 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 Chief Special Master, shall continue to apply and remain in full force and effect; and

**WHEREAS**, the Chief Special Master and each Special Master, shall be prohibited from engaging in practice where he/she presents 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 his/her 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 re-appointment of Judge Mario P. Goderich, to serve as Chief Special Master, for a term commencing on March 5, 2009, and ending on September 4, 2009; provided further that, as Chief Special Master, Judge Goderich 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 shall also be authorized to appoint such other Special Masters as may reasonably be

required to conduct the subject hearings; 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 Chief Special Master.

**PASSED and ADOPTED** this 25<sup>th</sup> day of February, 2009.

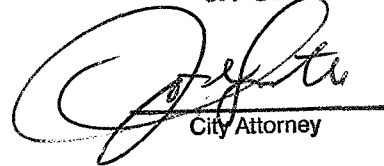
**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**  
Robert Parcher

\_\_\_\_\_  
**MAYOR**  
Matti Herrera Bower

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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

1/20/09  
Date

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND RE-APPOINTING, PURSUANT TO SECTION 102-356 OF THE CITY CODE, JUDGE MARIO P. GODERICH, (CHIEF SPECIAL MASTER RE-APPOINTED PURSUANT TO RESOLUTION NO. \_\_\_\_\_), AS THE CITY MANAGER'S "DESIGNEE" UNDER SECTION 102-356 OF THE CITY CODE; SAID DESIGNATION COMMENCING WITH JUDGE GODERICH'S TERM AS CHIEF SPECIAL MASTER ON MARCH 5, 2009, AND ENDING ON SEPTEMBER 4, 2009.**

**WHEREAS**, pursuant to the Section 30-36 of the Code of the City of Miami Beach, upon prior recommendation of the City Manager, the City Commission, by a majority vote, may appoint a Chief Special Master, who shall be authorized to hold hearings and impose fines, liens, and other non-criminal penalties against violations of City Ordinances; and

**WHEREAS**, at its regular meeting on July 16, 2008, the Mayor and City Commission adopted Resolution No. \_\_\_\_\_, re-appointing Judge Goderich as Chief Special Master, for a term commencing on March 5, 2009, and ending on September 4, 2009; and

**WHEREAS**, pursuant to Section 102-356, the City Manager may also approve a "designee," who shall be authorized to hear appeals from citations for violations of City and County Codes and Ordinances and to conduct hearings regarding denials, suspensions and revocations of occupational licenses, certificates of use and permits, as provided by the City Code, and who shall also be authorized to appoint such other Special Masters as may reasonably be required to conduct such hearings pursuant to City Ordinances; and

**WHEREAS**, accordingly, the City Manager hereby recommends Judge Goderich, to serve as the City Manager's "designee," for a six (6) month term commencing on March 5, 2009, and ending on September 4, 2009; and

**WHEREAS**, the Chief Special Master (including, as in the instant Resolution, where the Chief Special Master is acting in his capacity as the City Manager's "designee" under Section 102-356 of the City Code), shall be prohibited from engaging in practice where he/she represents 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 his/her 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 approve and re-appoint, pursuant to Section 102-356 of the City Code, Judge Mario P. Goderich (Chief Special Master appointed pursuant to Resolution No. \_\_\_\_\_), as the City Manager's "designee" under Section 102-356 of the City Code; said designation commencing with Judge Goderich's term as Chief Special Master on March 5, 2009, and ending on September 4, 2009.

**PASSED and ADOPTED** this 25<sup>th</sup> day of February, 2009.

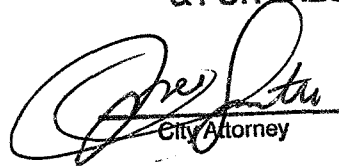
**ATTEST:**

\_\_\_\_\_  
**MAYOR**  
Matti Herrera Bower

\_\_\_\_\_  
**CITY CLERK**  
Robert Parcher

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

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\_\_\_\_\_  
City Attorney

1/20/09  
\_\_\_\_\_  
Date