

COLIN BAENZIGER  ASSOCIATES

EXECUTIVE RECRUITING

Section 6

Rafael E. Suarez-Rivas

*Fort Lauderdale City Attorney
Candidate Report*

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Cover Letter and Resume

Section 6

June 28, 2018

Mayor and City Commission
Fort Lauderdale City Hall
100 North Andrews Avenue
Fort Lauderdale, Florida 33301
Re: City Attorney

Esteemed Mayor and City Commissioners:

I am pleased to provide my resume, a copy of which is enclosed, inclusive of my references, in conjunction with this cover letter relative to the position of Fort Lauderdale City Attorney.

I have been devoted to the practice of local government/ municipal law since 1982. I think there is no higher calling for an attorney than to be involved in representing the local governments that most directly play a vital role as the most active and accessible governmental agencies for their residents and communities.

I have served as City Attorney, Assistant County and City Attorney, and Chief Assistant City Attorney. I have supervised and directed seven Assistant City Attorneys while serving as the Division Chief of the Land Use and Transactional Division of the Miami City Attorney's Office. I have also supervised outside counsel and expert consultants. I have additionally served as a hearing officer for various local governments. I have represented Planning, Zoning, Historic Preservation, and Urban Development Review Boards. I have served as general counsel to the Broward County Performing Arts Center Authority and the Miami Parking Authority. Among the municipal clients I have handled are the various local legislative bodies, and quasi-judicial boards. The departments whose matters I have worked on include capital improvements, planning, zoning, public works, purchasing, asset management, grants, fire/rescue, and risk management. I have also issued numerous opinions on ethics and general municipal law. I consider myself a seasoned and well-rounded municipal attorney who is conversant with the most important areas of the law. I possess the capability to be an effective and productive leader.

The City of Fort Lauderdale deserves an experienced, well-versed, and dedicated municipal lawyer to serve as its City Attorney. I worked in the City of Fort Lauderdale for over six years, and I am very fond of the City. The combination of a commercial downtown, multiple and diverse neighborhoods, tourism, the arts, and the beaches makes for a great city. I would welcome the opportunity to be considered for this important position.

Respectfully yours,



Rafael E. Suarez-Rivas

RAFAEL E. SUAREZ-RIVAS, ESQ.
4766 ALTON ROAD
MIAMI BEACH, FLORIDA 33140
CELLULAR (786) 368-6797
EMAIL: SUAREZRIVASR@BELLSOUTH.NET

EDUCATION Nova Southeastern University Law Center, Juris Doctor, 1979
University of Miami, Bachelor of Arts, 1976

AREAS OF PROFESSIONAL CONCENTRATION Florida Bar Board Certified – City, County and Local Government Law
Land Use/Real Estate Law and Litigation
Procurement Law and Litigation
Municipal Law– Public Works and Contracts

LEGAL EXPERIENCE Chief Assistant City Attorney, City of Miami Attorney's Office, 2018- Present(selected projects of the City Attorney , informal counsel to the City Attorney , procurement, contract , historic preservation law , general municipal law and legislation) ;
Senior Assistant City Attorney, Division Chief, Land Use/Transactional Division, City of Miami, City Attorney's Office, 2013-2018(supervised 6 to 8 attorneys in the division practicing in contract, procurement, land use / zoning, public finance, grants, real estate , landlord/tenant and development law, reviewed, drafted or revised much of the planning and zoning agenda and a portion of the transactional agenda for City Commission meetings, including various large Special Area Plans and Development Agreements, assisted in negotiating various large transactions such as the Miami International Boat Show and substantial Bayside Marketplace lease amendments) ;
Assistant City Attorney, City of Miami, Florida, City Attorney's Office: , 1985-89, 2002-12(represented various municipal boards including Bayfront Park, Historic Preservation , Planning and Urban Development Review Boards, Miami Parking Authority and Southeast Overtown / Park West Community Redevelopment Board , provided general legal counsel and reviewed agenda items of Planning, Procurement, Public Works, and Capital Improvements Departments ; at different times was lead counsel on various land use cases including *Buena Vista Homeowners' Association and Stefans vs. City of Miami*, *Morningside Developers v. City of Miami*, and 3 cases styled *Payne v. City of Miami* , assigned the major settlement with the State of Florida Department of Community Affairs and *Payne* to settle the *Payne* cases which dealt with with the Comprehensive Plan and the Miami River Element , counsel in special assessment lien foreclosure cases)
Village of Wellington, Hearing Officer, 2013-Present (Special Magistrate in Code Enforcement cases);
Village of Bal Harbour, Florida: Hearing Officer, 2012-16(Special Magistrate in Red Light Traffic Camera cases;
Town of Golden Beach, Florida: Hearing Officer, 2009 – Present (Code Compliance);
City of Sunny Isles Beach, Florida: Hearing Officer, 2009 – Present (Code Compliance);
City of North Miami Beach, Florida: Hearing Officer, 2009-11(Red Light cases);
Broward County, Florida: Hearing Officer, 2003-07, 2017-Present (Hearing Officer in Bid Protests);
City of Hollywood, Florida: Senior Assistant City Attorney, 1999-2002(assigned to Historic Preservation, Development Review, and Zoning Boards, Procurement, Real Estate and Planning/Zoning Departments) ;
City of Boca Raton, Florida: Special Counsel, 1999(Special Counsel to Acting City Attorney John McKirchy, ;
Florida International University, Florida: Adjunct Professor, 1994-97(Adjunct Professor in Paralegal Program);

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RAFAEL E. SUAREZ-RIVAS, ESQ.
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Broward County, Florida: Assistant County Attorney, 1992-98(assigned as primary counsel to the Broward Center for the Performing Arts, Purchasing/ Procurement , Real Estate and Public Works Departments , represented the County in most bid protests) ;
Katz, Kutter, Haigler & Alderman, Miami, Florida: Associate, 1991-92(legislative affairs);
City of Miramar, Florida: City Attorney, 1989-91(one of the principal drafters of the Miramar Charter adopted in 1990 which changed the form of government from Strong Mayor to Commission/ Manager form of government, successfully represented City in *Branca v. City of Miramar* which invalidated a former Mayor's pension, negotiated successful settlement with State of Florida Department of Community Affairs which had rejected the City's Comprehensive Plan as not in compliance with Chapter 163, Fla. Stat., represented the Mayor, Commission and all City Boards, reviewed all agenda items for legal form and correctness, represented the City ,with special labor counsel at times, in collective bargaining and employee discipline proceedings)
City of Miami Beach, Florida: Assistant City Attorney, 1982-85(represented the Convention Center and Historic Preservation Boards, negotiated projects for restoration of Old City Hall on Washington Avenue, and the expansion of the Theatre of Performing Arts now known as the Fillmore , represented Purchasing/ Procurement and Public Works Departments);
Britton, Cohen, Kauffman, Benson, & Schantz, Florida: Associate, 1981-82(commercial and collection litigation).

ACTIVITIES

AV Rated, Competence and Ethics, *Martindale-Hubbell*
Florida Trend Legal Elite: Top Government Attorney, 2010
Cuban American Bar Association: Mentoring and Judicial Committees, 2005-Present
Lorman Educational Systems: Lecturer in areas of Procurement, Public Records and Sunshine Law, 2001-07, 2013-14
The Florida Bar: Certification Committee, 2000-03, 2014- 2016.
Florida Bar Journal Editorial Board: Deborah M. Smoot Memorial Editor's Award, 1998
The Public Lawyer: Board of Editors, 1994-95
The Florida Bar: City, County and Local Government Law Section Executive Council, 1992-94
Dade County Bar Association: Editor in Chief, *Court Handbook for Dade County Lawyers*, 1990
Florida Bar Journal: Editorial Board Member, 1989-2002, 2005-08
Dade County Bar Bulletin: Co-Editor, 1987-88
Stetson Law Review Local Government Law Symposium, Editorial Board Member ,1987-1993
Co-Author, *The Bert J. Harris, Jr., Private Property Rights Protection Act: An Overview*, *Florida Bar Journal*, 2015

PROFESSIONAL ASSOCIATIONS

Florida Bar Association, Member since 1980
Dade County Bar Association, Member
Cuban American Bar Association, Member

REFERENCES

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RAFAEL E. SUAREZ-RIVAS, ESQ.
4766 ALTON ROAD
MIAMI BEACH, FLORIDA 33140
CELLULAR (786) 368-6797
EMAIL: SUAREZRIVASR@BELLSOUTH.NET

Lucia Dougherty, Esq. (retired), Greenberg Traurig, Miami, Florida (Former
Miami and Miami Beach City Attorney)
Iris V. Escarra, Esq., Greenberg Traurig, Miami, Florida
Glenn Marcos, Assistant Director, Broward County Purchasing Dept.
Victoria Méndez, Esq., City of Miami City Attorney
Alejandro Vilarello, Esq., Miami Lakes, Florida (Former Miami City Attorney)

Writing samples and additional references available upon request.

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Candidate Introduction

Rafael E. Suarez-Rivas

EDUCATION

Bachelor of Arts, University of Miami, Coral Gables, Florida
Juris Doctor, Nova Southeastern University, Shepard Broad College of Law, Fort Lauderdale, Florida

EXPERIENCE

I have been practicing local government law since 1982. I have served as an Assistant City Attorney, Senior Assistant City Attorney/ Division Chief, City Attorney, Assistant County Attorney and currently Chief Assistant City Attorney. For several years I served as Division Chief of the Land Use and Transactional Division of the Miami City Attorney's Office.

I have served as counsel for various quasi-judicial boards and other local boards such as the City of Miami Planning and Zoning Appeals Board, the Hollywood Board of Adjustment, the Miami Parking Authority, and the Broward Center for the performing Arts Center Authority. I currently represent the Bayfront Park Management Trust, the Historic and Environmental Preservation Board, and the Southeast Overtown/ Park West Community Redevelopment Agency. As City Attorney in Miramar I represented the Mayor, City Commission, and virtually all Boards.

I litigated (defending Local Governments) bid dispute and land use cases. I am a generalist in municipal law though my practice has focused on land use, procurement, public works and contracts and general municipal law, general counsel on various subjects, and legislation.

I have served as a Hearing officer/ Special Magistrate for various local governments from time to time.

BACKGROUND

1. Describe the community where you work or have worked recently? Include the population. If you are a private sector, please describe your law firm.

The City of Miami is the most populous City in South Florida and has a population of approximately 450,000 people. The City is diverse economically and culturally as there are numerous international businesses, including notably foreign banks. The residents of the City are also diverse in that the population is a mix of Anglo, Black, Hispanic (from throughout Latin America, including, but not limited to Cuba), the Caribbean, and Europe.

The City is governed by a Mayor-Commissioner-City Manager form of government. The Mayor is an Executive Mayor and appoints the City Manager, subject to

Rafael E. Suarez-Rivas

Commission approval, and can veto legislation. The Mayor is elected at large. The five City Commissioners are elected by District.

2. Tell us how many employees in the organization and how many employees do you or did directly supervise? Tell us how many attorneys did you supervise?

The City has approximately 4,000 employees, including police and fire. The Office of the City Attorney has approximately 60 employees. Half of the employees are attorneys and the other half are support staff. While I served as Division Chief of the Land Use Division, I supervised 7 or 8 attorneys and 3 to 6 law clerks assigned to the Division. As Miramar City Attorney I supervised a staff of 2 or 3 persons, as well as outside counsel.

3. Tell us how much of the legal work was performed by your staff versus the work which was contracted out to outside counsel.

The City of Miami Office of the City Attorney is a full service in-house law department that represents the City in all labor, legislative, land use, transactional, litigation, administrative and appellate matters. The Office of the City Attorney also has dedicated divisions for legislative matters and the public records.

4. Tell us what the most significant legal issues are that your organization faces.

Budgetary issues, if certain pension-related claims brought by fire and police personnel who challenged the City's Declaration of Financial Urgency, are ultimately upheld, after exhaustion of appeals.

Form of government issues if the Electorate approves a change to a Strong Mayor Form of Government that would be impactful on the City.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

1. Tell us about yourself and why are you interested in Fort Lauderdale?

I have practiced local government law (municipal) law since 1982, virtually all of my legal career. I am Board Certified by the Florida Bar in the area of municipal law. I am AV rated in ethics, competence and professionalism. I think that the practice of municipal law is extremely rewarding and satisfying as ideally you help your clients move forward in their objectives by addressing and resolving any legal issues. In addition you should have a beneficial impact on the City, its officials and residents by working on legislation, projects and other matters that will benefit the community and serve the public good.

I am interested in Fort Lauderdale because I think it has a special and unique identity as

Rafael E. Suarez-Rivas

one of the best Cities in the State due to the combination of commerce, business, tourism and a good quality of life. It is clearly the major City in Broward and one of the major Cities in Florida. I consider it a progressive City that looks forward to the future, yet has a sense of its own history which it wishes to preserve. To be the Fort Lauderdale City Attorney would be the apex of my career and I would try my very best to help the City by managing a responsive, stable, and successful Department.

2. Describe what do you believe the most important attributes are of a successful City or County Attorney?

To be thoughtful, yet decisive. The successful City or County Attorney must possess the highest standards of competence, ethics, objectiveness, responsiveness, and transparency. These should permeate their practice and the Office of the City Attorney as a whole.

3. Tells us your approach to handling law suits filed against your city/town/county?

Does the City want to take and stand on a certain Constitutional, Code or Charter issue? If that is the case, once you have analyzed the case and discussed the strengths and weaknesses with the Officials, and if at all practicable, take the stand and robustly advocate for that position. On day-to-day suits like slip and falls, speak to assigned Assistant Attorneys, adjustors and investigators and find out if the case has any merit. If the case is meritorious consider a prudent, conservative and quick settlement. If the case is not meritorious or is otherwise defective, fight and defend with all your might.

4. Describe your management style.

As a City Attorney of a smaller City I often spoke to the Mayor, Commissioners and Department Directors. As a Division Chief in Miami I often spoke to clients and the Attorneys in my Division. We met bi-monthly as a group, and monthly to go over open matters. My style is to lead, yet to listen to others. It is to decide, taking into account and considering other opinions. It is to manage, yet not micro-manage. It is hopefully intended to inspire others to their best for the collective good. The Office would also seek to be active in selected preventative law programs counseling employees about accidents, conflicts, ethics, public records, sunshine laws, and similar topics. We would try to have most attorneys Board certified in the field or fields in which they practice. In a word, I would strive for inclusion of all and a standard of excellence. We would be responsive to clients, and not be aloof.

5. Tell us what information you feel is important for elected officials to have and how you communicate with them. How do you communicate with elected officials?

Elected officials should know about all major cases and claims. They should be advised of laws directly affecting the City such as the Florida Legislatures preemptions of guns,

vacation homes, plastic bags, corporate logos, and such laws that affect the City. Elected officials should be advised of major decisions made by City quasi-judicial boards or by the City Manager. Communications with elected officials in my experience are either in person at meetings or through e-mails to them and their staff or Chief of Staff. All official requests for written work require a Legal Services Request from the Official, the Commission, the Manager, or the authorized requesting person. In this manner there is an archived/saved record of the request, the response, and the completion of the matter.

6. Tell us what you think the elected officials would say about you? What would the City Manager say about you?

They would say that I am competent and “by the book.” I worked quite a bit with City Manager Daniel Alfonso (2013-17) who is now Head of Facilities at Nova University. He would say I was hard working and responsive.

7. Tell us what your strengths are?

I am responsible, competent, dedicated, decisive, inclusive, professional, open minded yet firm, and responsive.

8. Tell us what your weaknesses are?

I am on occasion anxious to quickly solve problems not easily solved. Sometimes (I am now more conscious of this) I am “too quick on the draw.” Some legal matters require further analysis.

9. Describe your greatest achievement (success)? Tell us about it.

While serving as Miramar City Attorney I was a primary drafter of the new City Charter and Ballot Question which changed the form of Government in the City from Strong or Executive Mayor to Commission/Manager Form of Government. I think this had an appreciable and permanent impact on the future and growth of the City of Miramar.

10. Describe your greatest failure (or mistake) of your career? What did you learn from it?

I was too zealous in my role as the Chief Procurement Attorney in a prior agency. While I was seeking to do my job and enforce the Code I was, on reflection, too bombastic and opinionated in my statements. Failure to temper some of my statements caused problems for me at that time. I learned from this to express my opinions in a more subtle, more temperate, and less combative manner.

11. Describe the approach you use when you find an employee’s work is not satisfactory and you feel you may have to terminate the individual’s employment. Provide an example of

a situation where you had to fire someone.

I would meet with the employee initially personally and orally to counsel them on how to improve. If needed, the second and third meetings would be official and in writing. I would document the problems and the lack of improvement. I think everyone should have three opportunities, depending on the severity of the matter, but not more. The meeting after the third would be a dismissal meeting where a brief letter of dismissal would be delivered by me to the employee. I have never had to fire someone. In related scenarios I recommended a legal secretary be transferred out of the department, which caused her resignation. In another case, I sought to have an Assistant transferred to another Division.

12. Explain what you would do and hope to achieve during the first six months on the job.

Meet with the City Officials, City Manager, all attorneys in the Office and certain Directors, and compile a list and notes as to what they think the most pressing or important legal issues facing the City are, and then formulate a plan of action to address them.

Evaluate staff in the office. Make any changes needed.

Evaluate how requests for legal work are made, received, and addressed, and standardize such practices.

Work on the budget and future plan for the office.

Hold occasional meetings within the Office and see what the concerns are and obtain suggestions as to how to address them.

Review all major cases, areas of responsibility, and Board assignments.

13. Describe how you work with the media, assuming you do.

I prefer to refer media inquiries to the Director of Publicity, or another spokesperson. If I were to speak to a reporter, I would try to make my answers factual, neutral, and accurate.

14. Tell us what do you do in your leisure time?

Spend it with my wife and wonderful young daughter. We enjoy occasional family vacations when we can. I also enjoy reading, music, film, bike riding, walking our dog, our cats, and swimming.

15. If you have ever done anything that would embarrass our client if it became public knowledge, please tell us about the incident.

Once when I was a Hearing Officer I inadvertently entered a default order in a case where a hearing had been requested. Staff advised me no hearing had been requested. I later rescinded the final order when it became known to me a hearing had been requested. That is, I set aside my earlier order. It was resolved in that manner.

Rafael E. Suarez-Rivas

16. Is there anything in your background that would embarrass our client if it became public knowledge?

Not to my knowledge.

17. When it becomes known in your community that you are a finalist in Fort Lauderdale, are there any community activists that are likely to contact our client with "the dirt" on you?

No. I am a thoroughly professional and ethical attorney.

REASON FOR WANTING TO LEAVE CURRENT OR MOST RECENT JOB?

The ability to serve as the City Attorney for the City of Fort Lauderdale would unquestionably be the height of my long career in municipal law. The nature, character, geographical, social, commercial and cultural attributes of the City are very exciting. To lead the Law Department and leave it a stable, well-valued, and outstanding department are goals worth pursuing and accomplishing. Personally, I attended school and worked in the City in the past and am very fond of it, although I'm sure it has changed since then, which is to be expected.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

Dedicated and diligent municipal lawyer.

Ethical in the practice of law.

Direct in my communications.

Congenial in my dealings.

Honest to a fault.

CURRENT / MOST RECENT SALARY

What is your current/most recent salary?

\$171,500 is my current annual salary.

Section 6

CB&A Background Checks

**Background Check Summary for
RAFAEL E. SUAREZ-RIVAS**

[CB&A Note: Mr. Suarez-Rivas did not provide his full social security number on his signed release, so we were unable to complete his background checks. If an offer of employment is made to Mr. Suarez-Rivas, we recommend that it be made contingent on the completion of his background checks.]

Education Confirmed

Employment Confirmed

**Background Check Summary for
RAFAEL E. SUAREZ-RIVAS
Personal Disclosure**

Personal Disclosure Questionnaire

Name of Applicant: Rafael E. Suarez-Rivas

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

Please explain any yes answers on a separate sheet of paper.

- 1. Have you ever been charged or convicted of a felony?
Yes No
- 2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
Yes No
- 3. Have you ever declared bankruptcy or been an owner in a business that did so?
Yes No
- 4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
Yes No
- 5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
Yes No
- 6. Have you ever been convicted of driving while intoxicated?
Yes No
- 7. Have you ever sued a current or former employer?
Yes No
- 8. Do you have a personal My Space, Face Book or other type of Web Page?
Yes No
- 9. Do you have a personal Twitter Account?
Yes No
- 10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?
Yes No

11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.
N/A. Excepting a tender tender when I was a top manager (personal injury suit set by auto. carrier) also my divorce from my first wife in 1993 Suarez-Rivas vs. Cristiana Suarez-Rivas (Dade County Circuit Court Family Div).
 Attested to: Rafael Suarez-Rivas Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM PST 07/16/18.

(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

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CB&A Reference Notes

**Reference Notes
Rafael Suarez-Rivas**

Annie Perez – Procurement Director, City of Miami, FL 305-416-1910

Ms. Perez has known Mr. Suarez-Rivas since 2014 when she started working for the city. They forged a partnership right away and now in his new role he is fully dedicated to procurement.

Mr. Suarez-Rivas has been wonderful in helping to craft numerous changes to the procurement code. He is extremely knowledgeable about the law especially with regards to procurement and real estate. He has extensive experience with contracts as well as with utilities. Every time Ms. Perez meets with him she learns something new about the law. She has never had an experience where he has not known the answer and he has always guided her and her department in the right direction.

Mr. Suarez-Rivas is easily accessible and has a can do demeanor. He always makes time for Ms. Perez. He is a wonderful communicator, especially with legal terminology. People truly understand what he is trying to convey. Additionally, he has a good sense of humor and he is very well liked by all of his peers.

When it comes to interacting and working with the elected officials and city staff, Mr. Suarez-Rivas does quite well. The meetings that Ms. Perez has attended he has proven to be well respected and responsive to the commissioners. She is not aware of the elected body not following his advice. They might not always agree with him or like his answers, however he is doing his job of advising to try and keep them out of legal trouble. Additionally, he is always invited to multi-department meetings which shows how much the staff respects him and his opinions.

One of the reasons why Ms. Perez and Mr. Suarez-Rivas get along so well is that he does what he can to find a solution to her issues rather than telling her that the law does not permit certain things to be done. He will brainstorm with her to find a creative way to come up with a solution within the confines of the regulations and laws.

In terms of communication, Mr. Suarez-Rivas not only keeps Ms. Perez in the loop regarding what they are working on together, he goes beyond that. If he reads an article or hears about information that he thinks will be informative to her and her department he will ensure to forward that information to her. Sometimes he will also give her copies of what he has read and will sit down and go over the information with her.

Ms. Perez is not aware of Mr. Suarez-Rivas being involved in anything controversial since she has known him. She has no knowledge of anything in his background that would be looked upon as unflattering if the press were to go digging. He does a phenomenal job for them in Miami and she could not possibly imagine him doing anything less than a stellar job for any other municipality. It would be a colossal loss for the city if he left.

Reference Notes
Rafael Suarez-Rivas

Words or phrases used to describe Rafael Suarez-Rivas:

- Passionate,
- Intellectual,
- Pleasant,
- Happy, and
- Extremely knowledgeable about the law.

Strengths: A true professional who is knowledgeable and experienced in his field.

Weaknesses: As accessible as Mr. Suarez-Rivas is, it can be difficult to keep up with his calendar.

Amber Ketterer – Assistant City Attorney, City of Miami, FL 305-416-1800

Ms. Ketterer first met Mr. Suarez-Rivas in early 2012. She was an intern and he was her direct supervisor for about six months. She began working for the city in 2017 and reported to him up until recently. However, she does still use him as a resource quite frequently.

Mr. Suarez-Rivas has a definite command of the law above and beyond the usual assistant city attorney. He is well versed in litigation, procurement, and land use issues as well as having a breadth of experience in municipal law. Ms. Ketterer respects his legal opinion and holds him in very high regards. He is always willing to give help and advice and distill his experience and knowledge.

Mr. Suarez-Rivas is the type of person who is welcoming, timely, and works with an open door policy. He is always available, very knowledgeable, and willing to give his assistance. When Ms. Ketterer was reporting to him he was always interested in her work flow and was a good leader.

Ms. Ketterer is a somewhat new attorney compared to Mr. Suarez-Rivas and she relies on his experience and expertise when solving problems. He gives her ideas about how to resolve issues that she may not have thought of herself. His solutions are always backed up with laws and statutes and he is not merely shooting from the hip.

When it comes to making recommendations to the elected officials, from what Ms. Ketterer knows Mr. Suarez-Rivas does very well. Although she is not involved in all of his interactions with the commission she does know that he is good about coming up with different options for them and presenting to the elected officials in a professional manner. He has a good balance between being conservative and practical in order to protect the city and weighs in on the realities of each situation. She is not aware of any circumstance where they did not follow his advice.

Mr. Suarez-Rivas has experience with and is good at dealing with the public. He attends public meetings and he sits on the historic and environmental preservation boards. During those meetings

**Reference Notes
Rafael Suarez-Rivas**

they have public comments and he speaks with people politely and fields their questions in a friendly and knowledgeable manner. Along with those boards he does some community outreach and his open door policy and willingness to help carries over in those activities as well.

Several daily controversies arise that Mr. Suarez-Rivas handles, but nothing that he has brought upon the organization or that would reflect negatively upon him in any way. Ms. Ketterer is not aware of anything in his background that would be thought of as embarrassing if he were to be researched by the press. He would be a fine candidate for a city attorney for the City of Ft. Lauderdale because of his experience, leadership, abilities in the law, and his practical legal analysis.

Words or phrases used to describe Rafael Suarez-Rivas:

- Highly experienced,
- Possesses great leadership skills,
- Open door policy,
- Works well with the leadership at the city,
- Excellent ability to analyze the law, and
- Good at what he does.

Strengths: Extremely experienced professional who is willing to help and share his knowledge.

Weaknesses: None Identified.

Lori Cohen – City Attorney, Village of Wellington, FL 561-791-4000

Ms. Cohen first met Mr. Suarez-Rivas in 2013 when he became the special magistrate. Because it is a rotating position she only interacts with him every three to four months.

Mr. Suarez-Rivas is a capable attorney who is experienced in a wide variety of municipal law. He understands the big picture and can apply that thinking to his cases. He is a kind, patient, and professional individual. Where other magistrates might be short with others he treats them with respect and listens to them.

When it comes to solving problems, Mr. Rivas-Suarez does fine. One lengthy and complicated case that she remembers him working on was resolved with well-reasoned orders. What could have been a conflict between the two parties was avoided because of the way his response was crafted.

Even though Ms. Cohen has not seen Mr. Suarez-Rivas interact with elected officials she is familiar with his opinions he gives to them, and they are always well reasoned. He is someone

Reference Notes
Rafael Suarez-Rivas

who tries to find solutions rather than say that the law does not permit something to be done. He is not inflexible and will find solutions based on current law.

In terms of communication between Ms. Cohen and Mr. Suarez-Rivas it would be inappropriate for him to keep her informed in his area of responsibility as it is a quasi-judicial situation. She is usually representing one of the parties and unless changes are given and he communicates with both parties they do not have communication about cases.

Ms. Cohen is not aware of anything controversial involving Mr. Suarez-Rivas. She has no knowledge of any item from his background that would be construed as embarrassing by any future employer. She has actually previously considered hiring him; unfortunately his salary requirements were too high. He would do a good job wherever he goes.

Words or phrases used to describe Rafael Suarez-Rivas:

- Ethical,
- Professional,
- Good temperament,
- Diligent,
- Knowledgeable, and
- Easy to get along with.

Strengths: An extremely professional person who is respectful of others and who is a capable municipal attorney.

Weaknesses: It takes him a little longer to work through the dockets because he wants to give people time to speak their minds and make their case.

Victoria Mendez – City Attorney, City of Miami, FL 305-416-1800 ext. 1832

Ms. Mendez first met Mr. Suarez-Rivas in March 2004 when she first started working with the city as an assistant attorney. He quickly became her mentor and taught her everything she knows about municipal law.

Mr. Suarez-Rivas is an amazing person and a wonderful resource. He is exceptionally experienced in his field and if asked a question about anything he will know something, if not everything, about it. He has excellent drafting and research skills and is an expert in land use, zoning, and procurement. Additionally, he has experience in constitutional law, contracts, and environmental law. He has participated in several discussions regarding their homeless issues, and he recently finished working on some issues and agreements for FPL and Public Works. Furthermore, even though he does not work on labor and personnel issues daily, he does have knowledge as he previously handled workers compensation issues.

Reference Notes
Rafael Suarez-Rivas

Mr. Suarez-Rivas always wants to give the right answers when it comes to dealing with the law and is ethical and honest to a fault. He is also methodical and thinks things through, and desires to give them the best product possible.

In their field of work, working with extremely demanding elected officials Mr. Suarez-Rivas is quite responsive. He helps Ms. Mendez to juggle her workload and his experience counts for a large amount of their office accomplishing its goals and objectives.

When it comes to dealing with the law, Mr. Suarez-Rivas makes good decisions. He also gives solid recommendations to the elected officials. She cannot point to a specific instance when the elected body did not follow his advice and went in a different direction. However, because of policy and their business decisions to do something else it does happen. That is not a bad thing per say; they give them the law and then try to help them find a way to where they need to be legally. Policy is policy and sometimes it outweighs the legal parameters, but they never go outside the law. They help the elected officials arrive at their destination in a way that most protects the city.

Working with the public is part of what Mr. Suarez-Rivas does when working with the land use, zoning, and environmental preservation boards. The public comes in with high expectations and he does not disappoint. He is well liked and highly respected by those on the boards and by those who attend the meetings.

Ms. Mendez is not aware of anything Mr. Suarez-Rivas has participated in being controversial. He is an even-keeled person. He actually retired back in 2012 from the city and she hired him back in 2013 when she became the city attorney. She is confident that the City of Ft. Lauderdale would be well served by him.

Words or phrases used to describe Rafael Suarez-Rivas:

- Hardworking,
- Ethical,
- Knowledgeable,
- Tenacious,
- Honest, and
- Intelligent.

Strengths: An exceptionally talented and knowledgeable attorney who is very honest and ethical.

Weaknesses: None Identified.

Reference Notes
Rafael Suarez-Rivas

Joseph Goldstein – Shutts & Bowen, Ft. Lauderdale, FL 954-847-3837

Mr. Goldstein first met Mr. Suarez-Rivas in approximately 1997 when he was with Broward County. They worked together on procurement matters in regards to contracts. Mr. Goldstein experienced working with him as co-counsel and as adverse counsel. Additionally, over the years they have lectured together on procurement and public records laws. Mr. Goldstein has also observed him on special hearings. The last matter that they worked together on was approximately 18 months ago, but they do stay in contact a few times per year.

Mr. Suarez-Rivas has an above average all around knowledge of the law. He is ethical and one of the top attorneys with whom Mr. Goldstein has worked. He is top notch in his knowledge of contracts and contract litigation. He is responsive and he makes good decisions when it comes to dealing with the law.

In terms of working with elected officials, Mr. Suarez-Rivas does well, as far as Mr. Goldstein has observed. He cannot speak either way in regards to if his elected body did not listen to his council and decided to go in a different direction. However, he does not have any recollection of it ever occurring.

Mr. Suarez-Rivas does a wonderful job negotiating on behalf of the party he represents. He is a vigorous advocate for his client. He is also the type of attorney who tries to find solutions rather than saying that the law does not permit something to be done.

Mr. Goldstein is not aware of anything controversial involving Mr. Suarez-Rivas. He also does not know of any embarrassing item from Mr. Suarez-Rivas' background that would be uncovered if the press were to go digging. Mr. Suarez-Rivas certainly has the breadth of knowledge and experience to be a fine city attorney, however, Mr. Goldstein has not directly seen Mr. Suarez-Rivas interact with elected officials. Having said that, if he were on a selection committee he would Mr. Suarez-Rivas him, but it would depend also on the capacity of the other candidates.

Words or phrases used to describe Rafael Suarez-Rivas:

- Ethical,
- Professional,
- Knowledgeable, and
- Personable.

Strengths: Extremely knowledgeable and ethical attorney with whom it is easy to work.

Weaknesses: None Identified.

**Reference Notes
Rafael Suarez-Rivas**

Kevin Jones – Division Chief for Labor and Employment, City of Miami, FL 305-416-1800

Mr. Jones has known Mr. Suarez-Rivas since approximately 2006 when Mr. Jones came to the city. They work together as colleagues.

Mr. Suarez-Rivas has been working in his field for an extremely long time. He is quite knowledgeable and people who work with and for him rely upon him a great deal. He has a wealth of knowledge in land use and contracts.

In regards to management style, Mr. Suarez-Rivas is a team player who operates with an open door policy. He is responsive and those responses are always timely. He makes good decisions when it comes to dealing with the law and also makes good recommendations to the elected officials. Mr. Jones is not aware of the elected body ever going in a different direction than what Mr. Suarez-Rivas has suggested. However, he does not doubt that it has happened as that is not uncommon in municipal government.

In their position at the city they are asked for certain things to be done and often times the rules do not permit it. Mr. Suarez-Rivas is the type that depending upon what he can do he might say that something cannot be done, but in other instances he might have more freedom to find a solution, as long as it is within the parameters of the law.

Mr. Jones is not aware of anything embarrassing in Mr. Suarez-Rivas' past history that would be considered controversial if the press were to go digging. He would do a fine job as a city attorney and he would do well in Ft. Lauderdale. He has the experience and he would hit the ground running.

Words or phrases used to describe Rafael Suarez-Rivas:

- Knowledgeable,
- Responsible,
- Diligent,
- Engaging,
- Honest, and
- Dependable.

Strengths: Knowledgeable and experienced professional who is a team player.

Weaknesses: None Identified.

**Reference Notes
Rafael Suarez-Rivas**

Ilene Lieberman Michaelson – Former Commissioner, Broward County, FL 954-463-6100

Ms. Michaelson met Mr. Suarez-Rivas in approximately 1996. When she retired from public service she continued to have some occasional contact, however, lately she has not had any.

Mr. Suarez-Rivas is a hard worker who is comfortable in his own skin and works well with everyone. Without question he has a good command of local government law. He is a genuinely good lawyer and person. If he does not know the answer to something he diligently does his research to find one.

In terms of decisions about the law Mr. Suarez-Rivas makes good, well-reasoned decisions that he supports with his opinions and research. On issues that he worked he always gave good recommendations to the elected officials. He was always good to bounce ideas off of and with whom to strategize. Ms. Michaelson is not aware of any circumstances where the elected officials went in a direction different than his recommendation.

Mr. Suarez-Rivas has knowledge and experience in various aspects of the law and municipal government. However, even if he has not dealt with a certain aspect of the law or government it does not take him long to get up to speed and give solid advice. He is extremely conscientious in that regard.

One area that Ms. Michaelson appreciated about Mr. Suarez-Rivas was that he was an options person. She was an attorney by profession and she liked that he presented the entire picture; what the law permitted and then options and advice in which way they could go as an elected body. He did not try to make the decisions for them, but outlined options and let them work through them and come to their own conclusions and decisions.

Ms. Michaelson does not recall Mr. Suarez-Rivas being controversial. He stays out of the politics. He has nothing in his background, to her knowledge, that would be thought of as embarrassing. If she were an elected official where he was being considered as a candidate, she would hire him. Any municipality cannot go wrong by hiring him to be part of its team. Additionally, if she were given the opportunity to work with him again she would.

Words or phrases used to describe Rafael Suarez-Rivas:

- Competent,
- Hardworking,
- Detail oriented,
- Consensus builder, and
- Organized.

**Reference Notes
Rafael Suarez-Rivas**

Strengths: A dedicated and experienced lawyer who works well with others and gives good advice to his elected officials.

Weaknesses: None Identified.

Willy Gort – Commissioner, City of Miami, FL 305-250-5430

Mr. Gort first met Mr. Suarez-Rivas in approximately 1994. He has worked with him on various occasions in regards to city business.

Every time Mr. Suarez-Rivas comes before the commission he has the right answers. When it comes to common questions about the law he has a good command and will do research when necessary. He is a good communicator and passes on his knowledge in regards to that research very well.

Mr. Gort would characterize Mr. Suarez-Rivas as responsive and his responses are always timely. He is the type of attorney who looks for solutions and does not merely say that the law does not permit things to be done. He has always made good recommendations to Mr. Gort. He is not aware of the elected body going against his recommendations.

Mr. Gort is not aware of Mr. Suarez-Rivas being involved in any controversies since he has known Mr. Suarez-Rivas. He has no information about anything embarrassing in Mr. Suarez-Rivas' background that would be brought to light if the press were to investigate. If he were looking for a city attorney he would hire Mr. Suarez-Rivas.

Words or phrases used to describe Rafael Suarez-Rivas:

- Effective,
- Has the correct answers, and
- Looks for solutions.

Strengths: Excellent communicator and looks for solutions.

Weaknesses: None Identified.

Prepared by: Heather Linares
Colin Baenziger & Associates

CB&A Internet Research

Internet – Newspaper Archives Searches
Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

City of Miami – Office of the City Attorney
(<http://www.miamigov.com/cityattorney/attorneyProfiles.html>)
2018

Rafael Suarez-Rivas, Chief Assistant City Attorney

Mr. **Suarez-Rivas** rejoined the Office of the City Attorney in 2002 after having served as Miramar City Attorney, Assistant Broward County Attorney, General Counsel for the Broward Performing Arts Center Authority, and Senior Assistant City Attorney for the City of Hollywood. He is Board Certified in City, County and Local Government Law by The Florida Bar. He serves as the Chief Assistant City Attorney and review all public procurement, historic preservation, and bid protests for the City of Miami. He has lectured on Sunshine Law, Public Records, and procurement matters and has served as a Broward County and municipal Hearing Officer deciding bid protests and code enforcement cases. He is additionally a co-author of "The Bert J. Harris, Jr. Private Property Rights Protection Act. An Overview, Recent Developments, and What the Future May Hold" published in The Florida Bar Journal. He has twice served as a member of The Florida Bar City, County and Local Government Law Certification Committee and is a past recipient of the Deborah M. Smoot Memorial Editors Award from The Florida Bar Journal Editorial Board.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
May 3, 2016

Babylon Apartments Live on as Preservation Board Blocks Demolition

Author: Andres Viglucci

Miami’s preservation board staved off the impending demolition of the Babylon Apartments, the first building designed by the famed homegrown firm Arquitectonica, unanimously voting to consider designating the structure a protected historic landmark. The vote on Tuesday evening buys time for the Babylon, whose owner got the city to condemn it as an unsafe structure, by imposing a moratorium on issuance of a demolition permit by the city building department. But it doesn’t settle the question of the building’s survival long term. Few dispute the architectural originality of the small Brickell apartment building, distinguished by its vivid red, ziggurat-shaped face, its key role in shaping the redevelopment of Brickell as an urban residential district in the 1980s, or its role in gaining a worldwide rep for the young Arquitectonica. But the Babylon, designed in 1979 and completed in 1982, falls well short of the normal eligibility standard of 50 years of age for designation. That means the city’s preservation office must research whether it meets a higher bar of “exceptional importance” in order for it to be designated.

The board gave city preservation officer Megan Cross Schmitt until July to make that determination amid concerns aired by A. Vicky Leiva, the owner’s attorney. Leiva cited a structural analysis that concluded the building was poorly built and badly deteriorated, and could send debris flying into the surrounding neighborhood during a tropical storm. Still, the vote represents a victory for preservationists. Testimony in Tuesday’s hearing outlined a last-ditch effort to block demolition just as owner Francisco “Paco” Martinez Celeiro was about to obtain a demolition permit from the city. Martinez Celeiro has been trying for two years to demolish the five-story building and get the sliver of property it sits on rezoned for a much taller structure. He contends the building’s low-scale zoning was an error made during the drafting of the city’s Miami 21 code, and persuaded the city planning department to support the upzoning. But the rezoning proposal stalled after provoking an uproar from neighboring residents, architects and preservationists and opposition from Miami Mayor Tomás Regalado. The city’s former planning director and Miami 21’s chief consultant also both said the low zoning for the Babylon was deliberate, an effort to keep the same development rights the property enjoyed under the old code, and not an error.

That imbroglio set the stage for a request on April 5 by historic preservation board member Lynn Lewis, with the support of historian Arva Moore Parks, for a report from city staff on whether there could be a case for designation for the Babylon. Parks has called the Babylon “truly an iconic building.” That set in motion a 120-day moratorium on demolition a day before Martinez Celeiro was to get a permit to take the building down. A subsequent report by Schmitt’s office concluded that the building deserves further study, but cautioned that several questions need to be addressed. Those include whether it’s truly Arquitectonica’s first building. Though the Babylon was designed at the same time as the larger Palace condo, the latter was finished first.

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Rafael E. Suarez-Rivas
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The report also says more thought needs to be given to how the building fits in with Arquitectonica's early work and the firm's quick rise to fame, and how it compares with other buildings designated before they turned 50. "Staff is not saying today that this property is eligible for designation," Lewis said during Tuesday's hearing. "I think there is enough there to warrant affording staff additional time to answer the questions it posed." Leiva argued that the condemnation by the city's unsafe structures board — which gave Martinez Celeiro a deadline to repair or demolish the building — trumps the preservation board's authority. But assistant city attorney **Rafael Suarez-Rivas** told the board it could proceed with a designation study. Amilcar Fuentes, a real-estate broker who works in Brickell, urged the board to do so. "The neighborhood needs more character, not less character," he said. "The building has been a landmark for Brickell for years."

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

Palm Beach Post (FL)
June 18, 2015

Settlement Approved on Bill Gates' Horse Poop Code Case

Author: Kristen M. Clark

Billionaire philanthropist and Microsoft founder Bill Gates has 30 days to pay \$30,600 in Wellington to clear up code violations involving a misplaced manure bin. The infractions against Gates' Mallet Hill estate were resolved during a hearing Thursday. The case was part of the consent agenda approved without comment by village special magistrate **Rafael Suarez-Rivas**. There was no discussion about the settlement Gates' representatives reached with the village. The \$30,600 settlement is a markdown of 80 percent from the total fines that had accumulated, which happens frequently with code compliance cases in Wellington. Special magistrates in Wellington are appointed attorneys who serve as judges in deciding code enforcement cases. They almost always accept the recommendations or settlements presented to them by Wellington's code compliance office, and that's what happened Thursday with Gates' case.

A private trust affiliated with Bill and Melinda Gates bought a 4.5-acre, \$8.7 million home in the village's Mallet Hill community in April 2013. Their daughter, Jennifer, is a competitive show jumper who has shown at Wellington's Winter Equestrian Festival. In January 2014, a village inspector found an existing horse waste bin was built too close to a nearby canal and the one the Gates family built to replace it elsewhere on the property wasn't permitted, and the Gates family was cited for two code violations. The family said in the fall that they didn't know about the violations until then because an incorrect contact address had been listed with the property appraiser. A spokeswoman at the time chalked up the case to a paperwork mistake and said the family was working to fix the infractions. Fines of \$250 a day on each of the two violations accumulated to about \$148,000 until they ceased last month when the problems were ultimately corrected.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
February 10, 2015

To Save Historic Miami Church Building, Developer Would Put Garage on the Roof

Author: Andres Viglucci

The old Christian Science church on Biscayne Boulevard, a neoclassical masterwork by an august boom-era architect that many regard as one of the most beautiful buildings in Miami, is in impeccably good shape. Yet it sits lonely, unused and at risk of demolition. Now a developer has come up with an unusual proposal for the site at Biscayne and 19th Street that has preservationists tied up in knots. The good news: The developer, Fifteen Group, would keep the 1925 First Church of Christ Scientist, which is listed on the National Register of Historic Places, renovate it inside and out, retain nearly all its original architectural details, and convert its splendid domed sanctuary to retail use. The group would also apply for local historic designation, meaning the building would be legally protected in perpetuity. The not-so-unequivocally-great news: To do so, the developer also proposes to sink columns through the former church, though not the sanctuary, to hold up a big glass-covered parking garage and pool deck that would be suspended over it. The garage would be attached to a rounded residential tower that would rise on a sliver of land next to and partially over the historic building.

Because the church building occupies most of the property, there's no other way to accommodate the 478 parking spaces required to make the project work, the developer's architects said. When the architects, ADD Inc./Stantec and preservation specialist Richard Heisenbottle, presented the plan to Miami's historic preservation board last week, it split the panel down the middle, with some members looking like they'd choked on their corn flakes. It wasn't so much the concept, which the board narrowly and tentatively endorsed after failing to agree on a stronger ratification, but the sheer size and positioning of the garage that some preservationists on the dais and in the audience found hard to swallow. As the website Curbed Miami put it, in the architectural renderings, which typically depict a plan in the best light, the seven-story garage appears to "crush" the former church, which stands the equivalent of three stories with its grand stairway entrance and portico and six soaring Ionic columns. "It reminds me of Carmen Miranda, who was a pretty girl, but she had this big hat with fruit on it, and I would forget she was a pretty girl," said board member Hugh Ryan in a reference to the mid-20th-century Brazilian singer, drawing guffaws from the preservation-minded audience at Miami City Hall.

And yet the scheme may be the best hope of preserving and resuscitating the church building, considered one of the best designed by eminent Miami architect August Geiger. In the 1920s and '30s, Geiger, who was Miami Beach developer Carl Fisher's favorite architect and the official architect for the Dade County school board, not only collaborated on the Dade County Courthouse but also designed at least a half dozen other prominent local buildings that are on the National Register - a remarkable record for any architect. "Geiger was amazing," Heisenbottle told the preservation board. The redevelopment plan is the result of an uncommon legal circumstance. The church's listing on the National Register confers no legal protection. But in the 1980s the Miami City Commission - which at the time made preservation decisions that are

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now made by the preservation board - voted down historic designation after the Christian Science church objected.

Because that rejection was a final decision and not appealed, Assistant City Attorney **Rafael Suarez-Rivas** wrote in a memo, it means that the city can't designate it now absent owner consent - something not required for historic designation under normal circumstances. And it probably doesn't matter legally that the church, which sold the building in 2013 to a different investment group, no longer owns it, **Suarez-Rivas** wrote. The newest owners, who bought the building late last year from the investment group, are not only amenable to the idea of preserving it, but went to the city with a proposal to have it designated historic, so long as the preservation board signs off on a compromise along the lines of what they outlined last week. The developer's architects told the board that they had sketched out many different designs and met numerous times with city planners before settling on their current proposal as the best possible version. The city preservation officer, Megan Schmitt, recommended that the board approve the plan. Their blueprint has the garage elevated off the church building's roof and has it set back 16 feet from its front to create a clear separation between the two, they said. The garage would be sheathed in translucent glass to give it a light look and conceal its interior.

"We're trying to find a balance here," ADD Inc. Miami director Jonathan Cardello told the board. Cardello and Heisenbottle said tight lot constraints left them no other good alternatives to simply demolishing the historic building - something they said the developers don't want to do because they believe keeping the old church would substantially increase their project's value and appeal. The developers say a grocery they won't identify is interested in the space, even though there is a new Publix a block away, leading to speculation that it may be a Trader Joe's. To accommodate the 46-story tower, the developer would demolish the old Christian Science reading room next door, a later structure that's not architecturally significant, and use up a surface parking lot to its rear. The tower's footprint would be too narrow to accommodate a parking deck, they say. The developer has no room to expand because a relatively new mixed-use complex directly to the south fills the rest of the block. The scenario left preservationists in a quandary. "We're stuck in a difficult situation," said Daniel Ciraldo, preservation officer for the Miami Design Preservation League. "I'm not really sure what else could be done."

It was clear from the hearing that, had the building been designated historic previously, the scheme would likely not pass board muster in its present form. Though most board members were receptive to the idea of combining old and new, several said the garage seemed to overwhelm the historic building, damaging its architectural integrity - a critical standard in historic preservation. "That garage tremendously impacts the integrity of a building that everyone knows and is super-qualified for historic designation," board member Jorge Kuperman, an architect, told Cardello to applause from the audience. "This is a great effort, but you guys can do better. When you look up, it's a garage on top of the church. It's not right." Kuperman and others said they might be willing to accept the scheme if the garage's size were reduced and the new structure set further back from the edges of the historic building to lessen its impact. They also asked for additional renderings showing how the church building and garage combination would look like from a pedestrian's viewpoint.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

After a motion to move forward with the blueprint failed on a 4-4 vote, the board then voted 5-3 to ask the developer to return with a revised plan for reconsideration. Cardello said he would tweak the design, but also warned that he was unlikely to come back with a radically different scheme. Some other local buildings designed by architect August Geiger: The Alamo (original Jackson Hospital), Miami Chase Federal (Banana Republic store), Lincoln Road Mall, Miami Beach Miami Beach developer Carl Fisher's house, Miami Beach Villa Serena, William Jennings Bryan's house near Vizcaya, Miami Woman's Club Hindu Temple House, Spring Garden, Miami Shenandoah Middle School and Coral Way Elementary School, Miami.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
September 26, 2014

Volunteers Will Be Rewarded
Author: **Rafael Suarez-Rivas**

As a volunteer speaker for the past two Ethical Governance Day events — last year at Miami Beach Senior High and at Mater Academy Charter High School in 2012 — I have come away surprised and pleased at how engaged the students are. They are genuinely interested in the discussions and appear to want to develop a “consciousness” of good civics and good governance. For example, while discussing the First Amendment, I heard probing and thoughtful questions relating to the students’ own experiences on legal issues surrounding school prayers, an invocation at a public meeting or a moment of silence, as they relate to the U.S. Constitution’s clause regarding freedom of religion, and church and state separation. They also commented on press freedom and how that constitutional doctrine relates to the Internet and the school paper. There were other inquiries dealing with freedom of speech in public gatherings.

The Sunshine Law was another popular topic and students discussed how it applies to state and local governments, that is, what meetings must be held in public and what are the requirements of the law. The teenagers asked about whether it applies to school staff (it does not) and other officials. In reviewing public records laws with the young participants, after the basic rule that most government records in this state are public and open to inspection, copying and review, I was amazed at how many thoughtful inquiries were posed about whether this law covers student, juvenile, medical and business records. The discussion of Ethics Codes and Ethics Laws always has brought a colorful debate involving whether officials can vote on matters involving land that they or relatives and friends own, projects they are have a business interest in and the hiring of relatives. Each speaker takes a unique approach. By using the Ethics Commission’s materials as a template or playbook, the presentation and ensuing discussion can go in many interesting directions. Some speakers are collaborative and will partner with another. Others, like me, are most accustomed to an individual presentation. Some use visual aids such as PowerPoint, although not all classrooms are equipped for that.

The content and manner of each speaker’s participation can be individually set and you need only follow the general scope of the topics. You will be enriched by putting your own experiences, thoughts, concepts and opinions to work as you engage in a discourse with these students. You will be stimulated and challenged by making this presentation to high school students. You will be surprised at how engaged, interested and thoughtful their comments and discussion will be. As a speaker, you will have done a good deed by explaining, and maybe even introducing, these topics to the students. They will learn the fundamentals of our laws and procedures for a democratic, accountable, transparent and ethical government. They will also be all the better as citizens and voters. Participate in Ethical Governance Day. You will be rewarded.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
April 11, 2013

Historic Status Rejected for Brickell Church

Author: Andrea Torres

St. Jude Melkite Greek Catholic Church, a 66-year-old house of worship in Brickell, won't be declared historic anytime soon. City staffers said the church is historic, and out of the six members of the Historical and Environmental Preservation Board who showed up for a vote Monday, four voted for historic status. But Assistant City Attorney **Rafael Suarez-Rivas** said five of the board's 10 members would have to have voted for historic status for the motion to pass. The outcome pleased church leaders, who opposed historic status. Juan Muniz, an attorney representing the church, told officials Monday that the historic designation would be a mistake, because it would increase the church's operating expenses, reduce the property's value and infringe on the church's constitutional and religious rights. A small group of church members had applied for the historic designation.

Souraya Dolly Faas, a promoter of the historic designation, said she doesn't understand why the church's leadership would not want to protect the church. She and about five others who want the historic designation stood in front of City Hall plotting their next move. "The designation would not prevent the property owner from adding or even demolishing the church. It just creates another level of review," Faas said. The Rt. Rev. Damon Geiger, the church's pastor, said the efforts to declare the church historic stemmed from a rumor last year that there was a secret plan to sell the Brickell property, which is surrounded by high-rise condos and hotels. "The bishop did not have, does not have, nor will he have, plans to sell the parish," Geiger said. "Even if he wanted to sell the church – which he does not – he could not do so without the permission from Rome. There is no reason for the Bishop to close this parish. St. Jude does not need to be saved."

City staff architect Marina Novaes told the board that St. Jude "derives its primary importance from its architectural, artistic and historical significance as it relates to the historic heritage of Miami ... it possesses integrity of setting, feeling, design, association, materials and location." Novaes also said that St. Jude was an important part of Miami history, because the nuns who once lived in the adjacent buildings and prayed in the church had helped Cuban exiles. "Sisters of the Assumption actively participated in 'Operation Peter Pan,'" Novaes said. "They were engaged in helping the Carmelite Sisters who had been expelled from Cuba upon the Cuba Revolution, which was an event historically important to the city." Board members John Graboski, an architect, and David Freedman, a lawyer, voted against historic status. "I was very moved by its connection to Pedro Pan ... but this board should not be determining the needs of the church," Freedman said. When it was clear that the board had ruled in the church's favor, two dozen St. Jude parishioners wearing green ribbons to show their support of the church leaders clapped loudly. Some hugged and some went to a nearby restaurant to celebrate after the meeting.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
April 17, 2010

Miami Budget: Auditor: Miami Misusing Millions in Gas Taxes Miami's Auditor Says He Has Found another Batch of Improper Multimillion Dollar Transfers that were Used to Mask Budget Holes

Author: Charles Rabin

Already in the sights of federal investigators over questionable money transfers, Miami's fragile financial picture took another hit Monday: The city auditor found yet another series of multimillion dollar moves to balance Miami's sinking books. In a stinging report, Auditor Victor Igwe, backed by an opinion from the state attorney general, said the city tapped into even more restricted money -- this time, \$9.47 million in gas taxes -- to fill gaping budget holes. The 154-page report says the city shifted the money to the general fund to balance its plummeting checkbook, an improper practice that has been used in the past to mask deeper financial woes. The money went to operate street lights. The city is already under federal investigation for the questionable transfers of millions in Impact Fees and other restricted funds, but this is the first time the use of gas taxes was found by auditors. In his report, Igwe concludes the practice of tapping into the Local Option Gas Tax has been going on for nearly a decade.

The findings prompted a former U.S. Securities & Exchange Commission attorney who investigated the city for similar practices in the 1990s to say the latest report will more than likely widen the existing probe. "It seems to me that it's raising the same type of issue," said David Chase, whose review a decade ago led to sanctions against the city. "Is this really a municipality that is desperate to plug any gaps?" Igwe, the city auditor, says Miami used the gas tax money to operate street and traffic lights, a move approved in an opinion from the city attorney but shot down in an opinion from Attorney General Bill McCollum this summer. Collected from the purchase of fuel, the tax is intended to maintain rights-of-way and bridges -- not to keep up daily operations. In a July letter to Igwe, McCollum says there is a clear distinction between daily operations and maintenance. "The legislature has used the terms, "maintenance" and "operation" separately. To interpret them to mean the same thing would mean that the legislature had enacted redundant, useless legislation," wrote McCollum.

Defending the city, Chief Financial Officer Larry Spring cited a 2002 opinion from then-Attorney General Bob Butterworth allowing the use of gas tax money for daily operations, such as paying street light bills. Spring also included an opinion from Assistant Miami City Attorney **Rafael Suarez-Rivas** which said if the cost of street lighting can be separated from general utilities, "then that portion can be paid from the revenue collected from the local option fuel tax." Igwe's audit comes nine months after the U.S. Securities & Exchange Commission launched an investigation into whether Miami misled bond investors about the city's ailing financial health. It also comes a decade after the SEC first chided Miami for shuffling millions to mask a massive deficit -- an investigation that led to SEC sanctions in 2003. Much of the SEC's current probe has centered on the transfers of \$26.4 million -- including \$8.2 million in impact fees -- that went to the city's general fund in 2007 and 2008 to make its budgets whole.

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(Articles are in reverse chronological order)

Federal agents are trying to determine whether city leaders engaged in an elaborate shell game by moving money around to make it appear Miami's finances were healthy to bond holders. The SEC investigation into the transfers has rocked City Hall. The practice has been stopped, the city has implemented spending freezes and Budget Director Michael Boudreaux was ousted. He has filed a grievance against the city. Former SEC investigator Chase said Igwe's findings go to the same dispute over Impact Fees: Is the financial picture "true and accurate" to those looking to invest in Miami? Igwe's audit also delves into the city's reserve fund, which was created during the budget fiasco in the 1990s, and must be maintained at about \$80 million. If not, the city is required to submit a two-year plan to replenish the account. Only seven years ago, Miami's rainy-day fund was a healthy \$143 million, but by September, it's expected to be about \$5 million. Despite personnel cuts and spending freezes, the city is looking at more than a \$20 million shortfall this year, and a whopping \$100 million deficit next year. The city intends on using lucrative parking revenues to refill the reserve. But to do so it would have to take control of the quasi-independent Miami Parking Authority, which runs the city's parking lots and garages. Voters will decide if they want to hand the reigns of the authority to commissioners by referendum in November, well after the 2011 budget year is under way.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

Miami Today (FL)
July 23, 2009

Battle Over Miami River Designation Headed for October Mediation

Author: Jacquelyn Weiner

After months of dormancy, a years-long dispute over the future of the Miami River is moving toward mediation. It's been a year since the state first rejected the City of Miami's proposed change to its comprehensive plan: removing the word "port" from its existing Port of Miami River element. Now the city is preparing for mediation, the next step in the ongoing battle between the marine industry and a growing residential presence along the river. The involved parties — the city, the Florida Department of Community Affairs and the intervening Miami River Marine Group — are to enter formal mediation in October, said **Rafael Suarez-Rivas**, assistant city attorney and the city's primary counsel for the case. The city had hoped to go to mediation this month, but is now projecting an October date due to scheduling conflicts among the three parties and the mediator, he said.

If mediation is unsuccessful, the case is to go before a judge at an administrative hearing, said James Miller, spokesman for the Department of Community Affairs. And if sanctions are ultimately imposed by the state, that decision would be made by the Florida Cabinet, he said, serving as the "Administration Commission." According to Florida statutes, "the commission shall specify remedial actions" to bring the comprehensive plan into compliance and "may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities." "We hopefully don't have to go that route," Mr. Miller said of the administrative hearings. "It's kind of sticky and ugly at that point." The ongoing issues surrounding the Miami River legal battle began after three appellate court decisions filed by the Miami River Marine Group overturned commission-approved changes to the city's comprehensive land-use plan in 2007. These changes would have allowed for large-scale residential development along the river.

A panel of judges found that the city was ignoring its land-use plan and recommended that it follow the plan or change it. The city took the "change it" course, as the Miami City Commission voted in May 2008 to change the phrase "Port of Miami River" and replace it with "Miami River Element," despite objections from the marine industry and the city's Planning Advisory Board. The city called it an effort to clear the way for more development flexibility. The state's Department of Community Affairs dealt the next roadblock in July of last year and again in January, rejecting the proposed changes. "Ultimately we were still not happy with their policies," Mr. Miller said. That is where the state now stands as it prepares for formal mediation with the city and the intervener, the Miami River Marine Group. An intervener participates in mediation between other parties when the court finds it has a vested interest in the outcome of a case, Mr. Miller said. The mediation will likely take place in Tallahassee, he said. And when a date is chosen, the city will be ready, **Mr. Suarez-Rivas** said. "The mediation will be a good-faith attempt to try to work out some language... that would be acceptable to all the parties." Exactly what that would be is up for debate, he said. "I cannot tell you with any probability what the

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outcome of this would be," **Mr. Suarez-Rivas** said. "I just don't know." What he did say is that the city does not intend to block the marine industry's progress. "Legally, the city's position has always been that the city does want to help... foster commercial and recreational working waterfronts," **Mr. Suarez-Rivas** said.

Fran Bohnsack, executive director of the Miami River Marine Group, disagreed, saying that the city has been consistently bent on eliminating marine industry from the Miami River in favor of residential development. "So far we're made several overtures to the city," Ms. Bohnsack said. "They haven't been willing to change the original goal as far as we can tell." There are far too many livelihoods at stake to let the area's marine industry to go by the wayside, Ms. Bohnsack said. Andrew Dickman, the Miami River Marine Group's attorney, said that the city decided to initiate formal mediation were unsuccessful as they could not come to a compromise. Formal mediation involves a professional outside mediator, he said. Still, "I would find it hard to believe at this point how much more we can compromise," Mr. Dickman said. The city opted to invoke mediation to avoid continued court action, he said. "The city in my view is dragging out the litigation for whatever reason."

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Rafael E. Suarez-Rivas
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The Miami Herald (FL)
April 8, 2007

‘Zoning Progress’ Draws Ire
Author: Tania Valdemoro

Members of Miami's Planning Advisory Board are hinting they may reject a new measure intended to suspend development approvals in the eastern part of Miami where planners have created a new zoning code. During a workshop Wednesday, board members said "zoning in progress" was not acceptable to them because it wouldn't stop developers from building in most areas of the city under the current zoning rules while the City Commission debates whether to approve a new zoning code. Planning firm Duany Plater-Zyberk & Co., is proposing new zoning rules for the eastern quadrant of the city as part of the Miami 21 plan. The eastern quadrant includes downtown, Overtown, the Design District, Little Haiti, Wynwood, Edgewater and the Upper Eastside. Board members also hinted when they vote on the Miami 21 plan and "zoning in progress" on April 18, they might recommend that the city commission quash the measure or revise it so the law would apply throughout Miami. The City Commission won't vote on Miami 21 until June, but if the board votes in favor of the Miami 21 plan on April 18, then zoning in progress would immediately take effect.

When city officials first presented the Planning Advisory Board a draft of "zoning in progress" a year ago, the proposal would have enacted a citywide suspension of development approvals while Duany Plater-Zyberk & Co. rewrote the zoning code. City Manager Pete Hernandez reversed course two weeks ago, saying "zoning in progress" should only apply to the eastern quadrant since planners had not started rewriting the existing code for the north, south and western quadrants. Planning Director Ana Gelabert-Sanchez told the board, "we cannot tell developers what the rules are because we don't know what the transects will be." Under the new zoning code, each area of the city falls under one of six "transects," which define the shape, height, length, density and appearance of buildings, streets and open spaces. She anticipated it would take at least 18 months to finish a new zoning code for the remaining areas of the city.

According to Assistant City Attorney **Rafael Suarez-Rivas**, a broader "zoning in progress" law that would suspend development approvals throughout Miami might provoke lawsuits from property owners, who would argue the city is taking away their property rights. That argument failed to persuade board members like Maria Sardina Mann, who said the last thing the Planning Advisory Board wants is a flood of applications for land-use changes in parts of Miami while more restrictive land-use and height rules are in place for one part of the city.

ZONING IN PROGRESS: HOW IT WORKS

Here's what will happen, according to city of Miami zoning administrator Lourdes Slazyk, if Miami's Planning Advisory Board votes in favor of Miami 21 at its April 18 meeting:

- * Zoning in Progress will immediately start for the city's eastern quadrant.
- * All other areas of Miami will continue to follow the current zoning code.
- * Applications filed after Zoning in Progress begins will not be processed for 180 days.

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- * If the City Commission approves Miami 21 in June, city officials will return applications submitted prior to Miami 21 that don't meet the new zoning code to developers for revision.
- * If the City Commission rejects Miami 21 or delays the Miami 21 vote and 180 days pass after April 18, city officials will process application under the current zoning code.

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Rafael E. Suarez-Rivas
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The Miami Herald (FL)
December 29, 2006

Bus Deal Becoming Fiasco for County

Author: Amy Sherman

Broward County officials acted arbitrarily and used “fundamentally flawed logic” when they recommended that the county buy buses that cost at least \$16 million more than those offered by a competitor, a hearing officer found in a report released Thursday. The recommendation that the county award the contract to the low bidder comes as Broward County Transit is struggling with a shortage of working buses and mechanics to fix them. In fact, BCT is so desperate for buses that starting next month, it will use old Miami-Dade Transit buses that Dade had planned to retire. Hearing officer **Rafael Suarez-Rivas** decided that the Broward County Commission, which has final say over the contract, should buy the buses from North American Bus Industries, whose bid was rejected earlier by Broward purchasing director Glenn Cummings. “This will be a really good solution to the problems that Broward County bus riders have been facing with old buses,” said John Dellaportas, an attorney for NABI. The county will get a fleet of new buses at a great price, he said.

The county could still take the dispute over the contract - potentially worth more than \$100 million for hundreds of buses - to court. But in a 35-page report, **Suarez-Rivas** concluded that county staff judged the bids “in a random and haphazard manner.” Broward wrongly declared that Anniston, Ala.-based NABI failed to meet its requirements, he wrote. BCT Director Christopher Walton said Wednesday that he recommended the high bidder, New Flyer. But he declined to elaborate Thursday and had no comment about the hearing officer's decision. Cummings was out of town and could not be reached for comment Thursday, but has said in the past that NABI's buses didn't meet county requirements. Earlier this year, Broward County procurement officials concluded that NABI's \$116 million bid didn't meet the county's qualifications - even though it was \$25 million less than a \$141 million bid from New Flyer.

PROTEST FILED

NABI filed a bid protest, which led to a hearing that concluded in late November. BCT was looking to buy new buses to shore up its aging fleet, expand service in January and add a new route in March. The agency could have saved money if it had bought some buses earlier this year. The cost will rise - perhaps as much as \$20,000 a bus - next year in complying with new Environmental Protection Agency standards, Walton said.

USED REPLACEMENTS

Meanwhile, BCT has arranged to temporarily use about 20 buses from Miami-Dade for a nominal fee. The buses have about 500,000 miles on them - a typical benchmark for retirement, said Manny Palmeiro of Miami-Dade Transit. But Walton said the buses are usable. “Just because a bus has reached 12 years of age does not mean it is not a useful bus,” he said. “We'll do what is necessary to make sure the bus is functional and safe.” Others are skeptical. “Let's face it - you get somebody else's junk, you are going to have problems,” said Bill Howard,

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president of the union that represents BCT mechanics, drivers and other workers. "If one agency is ready to retire them, they have seen plenty of action, that's for sure." Broward bus breakdowns increased 10 percent between fiscal 2005 and 2006. The county's buses rack up more than 53,000 miles a year - more than 10,000 above federal standards.

PAY PROBLEMS TOO

About 25 percent of the mechanic positions are vacant at BCT, which pays less than some other agencies like the Broward School District. And the union contract expired more than 14 months ago. "Our pay scale needs to be addressed, and we are doing that in the current negotiations," Walton said. Brett White said he got a \$6-an-hour raise when he left his BCT mechanic job for a similar position in Washington State earlier this year. "While down there, I was getting ready to file bankruptcy. I couldn't make basic credit card bills, utility bills, car payments and my mortgage. Up here, I am able to survive, make those payments and bring everything up to date," he said. "They are not keeping up with the cost of living down there."

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Rafael E. Suarez-Rivas
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Miami Today (FL)
April 13, 2006

Developers to Take Brickell Name Request to State

Author: Deserae del Campo

Tallahassee is the next stop for real estate interests who want to carry the name of Brickell Avenue north of the Miami River after Miami City Attorney Jorge L. Fernandez pulled a bid to extend the name from a city commission agenda last week. A memo dated March 30 from **Rafael Suarez-Rivas**, assistant city attorney, said, "The city cannot individually re-name or give a name to a street, road, avenue or other thoroughfare that is a state road or part of the state highway system or the state park road system." Brickell Avenue is a federal highway, US 1, and a state road, State Road 5 – as is a portion of the stretch of Northeast Second Avenue north of the river developers want renamed. Jack Lowell, vice chairman of Codina Reality Inc., which represents one of the developers, said "of course" his team is going to take the issue to Tallahassee, though he won't say how. "We don't want to reveal our strategy to people that firmly oppose this," Mr. Lowell said. "We are not entirely sure of how the process will work or how or when we will move forward."

The city memo states the naming, designation or numbering of a road requires an enabling bill from the state Legislature, which is in session until early May. "In summation, the City of Miami may not rename a segment of State Road 5 in the absence of an enabling state bill designating the road segment with a new name," the memo says. Hal Martell, president of the Brickell Area Association, said he knew the issue would move to the state level - "we thought it a supreme possibility." "The authentic history of Brickell Avenue is indelible regardless of which governmental agency has authority over the two-block stretch of Southeast Second Avenue north of the Miami River," Mr. Martell said. "The Brickell Area Association's mission to preserve this aspect of our city's history, versus the bottom-line goals of a few private interests, is unchanged." Members of the association have cited the brand value of the Brickell name and their concern that extending the name into downtown would dilute it. City commissioners were to vote on the bid last week to rename two downtown blocks of Southeast Second Avenue before the city attorney said they could not. They had deferred three weeks ago after Commissioner Johnny Winton, a Realtor who owns downtown office property and a member of the Brickell Area Association, said he was caught in the middle.

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Rafael E. Suarez-Rivas
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The Miami Herald (FL)
March 17, 2006

Zoning Advisors Balk at New Rules for Riverside

Author: Andres Viglucci

A controversial measure that opponents say would ease the way for condos on the Miami River by gutting legal protections for marine businesses will go to the City Commission with a thumbs-down recommendation from the Planning Advisory Board. The board split 4-4 Wednesday night - short of the five votes needed for endorsement - after impassioned objections from numerous marine business owners, nearby residents and their allies, who contend the measure would rewrite development rules to push industry out of the city's portion of the river, which runs from Biscayne Bay to Northwest 27th Avenue. The battle now seems headed for an intense showdown between owners of river businesses and city officials, who critics say are bent on transforming the working waterway - the center of a \$4 billion-a-year marine industry - into a moat of luxury condos. The city has approved a series of rezonings to permit condos on land once reserved for cargo terminals, boatyards and other marine uses, provoking legal challenges by businesses and homeowners. The proposed new rules would make it harder, if not impossible, to challenge condo projects in court. They also could undo a recent court decision in favor of river businesses.

City administrators are pushing hard for the new rules, which they insisted at Wednesday's meeting are only a technical "clarification" of the section of the city's comprehensive development plan that deals with the river. "It has been difficult and ambiguous for people to understand," said Assistant Planning Director Lourdes Slazyk. Speaker after speaker on Wednesday accused Slazyk and Assistant City Attorney **Rafael Suarez-Rivas** of disguising the measure's real purpose. Jeffrey Hooper, owner of a marine supply business he said has been in his family for generations, accused the city officials of "deception and bad faith." "You're not voting on a technicality," Hooper told board members. "You're voting to determine the future of an entire industry that has existed in Miami from the beginning." At issue is a section of the comprehensive plan - the city's development Bible - that requires city land regulations to encourage commercial shipping and other "water-related uses" along the river as "a valued and economically viable component of the city's industrial base."

Citing that section, residents and a trade group called the Miami River Marine Group sued to overturn the city's approval of Hurricane Cove, a \$250 million, 1,000-unit condo project that would replace the last self-service boat-repair marina on the river, at Northwest North River Drive and 18th Street. A circuit judge had removed the marine group from the suit. Citing a footnote in the comprehensive plan that defines the river port as just 14 unnamed businesses, he concluded the trade group had no standing to sue because the plan applies only to those specific businesses. The city has been unable to provide a list of the 14. The Third District Court of Appeal reinstated the marine group's suit in November, concluding that the comprehensive plan applies to the entire length of the river in the city. The city has asked for a rehearing. City planners and lawyers then drafted revisions to the comprehensive plan to exclude all portions of

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the waterway under city jurisdiction. The new language explicitly defines the port as being “located west of 27th Avenue, primarily outside of the city limits of Miami.”

That language, the marine group and its allies contend, is intended to remove their standing to sue. The revisions would also render moot the comprehensive plan guidelines granting preference to marine businesses, they say. “The city wants these developments to go through without my clients being able to challenge them,” said Andrew Dickman, attorney for the river group. **Suarez-Rivas**, the assistant city attorney, conceded that the new language would limit “inefficient and time-consuming litigation.” But Slazyk said nothing in the new rules would directly prohibit marine industrial uses along the river or guarantee zoning changes for condo developers. Dickman and his clients said the changes would further fuel already rampant land speculation, making river parcels unaffordable to all but condo developers. That would speed the elimination of boatyards and terminals that are critical to commerce with the Caribbean as well as maintaining the thousands of boats owned by Miami residents, they said. In voting against the measure, PAB Chairwoman Arva Moore Parks and member Cricket Snow said they found the river group's argument persuasive. “If there is no protection of these industries, then clearly it becomes a hot market for development,” Snow said, adding to a burst of applause from business owners and their allies that removing the safeguards would be “irresponsible.”

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Rafael E. Suarez-Rivas
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Miami Today (FL)
July 7, 2005

Watson Island Project Could Begin by End of Year City Official Says
Author: Suzy Valentine

The coast is clear for work on a \$426 million Watson Island project to begin by year's end, a City of Miami official says. State approval and lawsuits by residents have delayed development of Island Gardens, a retail-hotel-marina development, by Miami Beach-based Flagstone Property Group. "The State of Florida Board of Trustees of the Internal Improvement Trust Fund approved a waiver of deed restriction for the Island Gardens project on Watson Island on June 24, 2004," said Lori Billberry, the city's acting director for economic development. Gov. Jeb Bush, Attorney General Charlie Crist, Chief Financial Officer Tom Gallagher and Agriculture Commissioner Charles Bronson granted the city a deed waiver for the land use. The waiver permits development on the island, deeded to the city in 1949 for public use. Ms. Billberry laid out the final phase. "The developer is completing its due diligence items pursuant to the agreement to enter into a lease between the city and the developer," she said. "It is our hope that the developer will obtain a US Army Corps of Engineers marina permit soon so it can begin pre-development work in the fall."

Such approvals, the lease agreement stipulates must be in place by Jan. 1, 2007. "Other items of due diligence include contracting with the flag hotels and obtaining financing," Ms. Billberry said, "but those items are not yet due, pursuant to the agreement between the city and Flagstone." Meanwhile, two Miami Beach residents who live near the Venetian Causeway filed complaints Aug. 9, 2004, against the city and the developer contesting the zoning approval. Stephen Herbits and Robert Zimmerman have appealed the zoning decision in the 3rd District of the Court of Appeal. Flagstone is represented by Shubin & Bass and Shutts & Bowen. The city has retained Gunster, Yoakley & Stewart. City attorney **Rafael Suarez-Rivas**, who is working on the issue internally, declined to comment on the litigation. Attorneys for the developer have submitted oral argument and are waiting for the court's decision. That could come any time – though decisions are always posted Wednesdays. "One matter was appealed to the courts and the courts ruled in the city's favor," Ms. Billberry said. "That decision was then appealed and we are currently awaiting the decision on that matter."

The city last year gave evidence to the state that the project – comprising two hotels, 50 marina slips and more than 230,000 square feet of retail and restaurant space – benefits the public. That argument was advanced with reference to gardens provided on a partnership basis with Fairchild Tropical Botanic Garden and a maritime gallery that will be created in conjunction with the Historical Museum of Southern Florida. The developer also claimed that more than 60% of the development site would be accessible to the public. Mr. Herbits and Mr. Zimmerman filed a separate suit in circuit court claiming the decision was inconsistent with the comprehensive development master plan. That lawsuit, said John Shubin, has been voluntarily dismissed.

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Rafael E. Suarez-Rivas
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The Miami Herald (FL)
June 19, 2005

Morning Side Development Faces Setback

Author: Jason Jeffers

In response to a legal complaint filed by a developer seeking to build a 10-story condominium on Biscayne Boulevard, the city is making an argument that could have sweeping implications for Miami's construction boom: Developers are not entitled to build to the height limit allowed under law. The opinion came in a June 10 response by city attorneys to an appeal filed in April in circuit court by Morningside Development LLC. The developer is seeking to overturn a March vote in which the City Commission sided with the Morningside Civic Association and turned down a 10-story project at 53rd and 55th streets and Biscayne Boulevard. Morningside activists argued that the building height was out of scale with their historic neighborhood, which abuts the project, and would disrupt the architectural character of Biscayne Boulevard. The project is 100 feet tall - five more feet than the 95-foot limit allowed under the city's zoning for the area - but city staff had recommended that the project move forward.

Instead, commissioners directed planning staff to look at new height restrictions for a swath of Biscayne Boulevard adjacent to Morningside. "What you have here is a decision made by the commission that is completely contrary to decisions made by their own planning and zoning staff that would allow this building," said Douglas Halsey, the attorney for Morningside Development LLC. "They capitulated to the roar of the crowd with no real basis for their decision. What was proposed was entirely consistent with their own code." In the June 10 response, city attorneys argued the city's 95-foot height limitation in the SD-9 zone in which the property is located is not a "maximum height entitlement," and that the city has "the power to consider factors such as size, scale, bulk and compatibility with the surrounding neighborhood." Assistant City Attorney **Rafael Suarez-Rivas** declined to comment, since litigation is still pending.

The developers also plan to file a Burt J. Harris suit against the city in the coming weeks, Halsey said. The state's Burt J. Harris act makes it possible for developers to sue a city if the city's action reduces the value of their property - such as down-zoning the area on which a lot is located, thus making it impossible to develop a project as originally planned. For many residents of Morningside who have long fought to keep building heights along Biscayne Boulevard consistent with the single-family homes in their neighborhood, the city's response is a validation of their position, said Elvis Cruz, member of the Morningside Civic Association. "We're thrilled to death that the city has done this," said Cruz, former president of the association. "It shows that they have the power to stop overdevelopment not just here, but throughout the city." It also has tremendous potential to fight what they see as overdeveloped projects such as proposed condominiums, which incorporate everything from downtown Miami's Freedom Tower to the historic Miami Women's Club, Cruz said.

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Rafael E. Suarez-Rivas
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The Miami Herald (FL)
October 6, 2002

Hispanic Affairs Panel to Honor 3 at Reception

Author: Richard Brand

A police officer who co-founded an organization that puts wayward kids to work is among three community leaders being honored by the city's Hispanic Affairs Committee. Neighborhood Resource officer for the North District David de la Espriella, a six-year Miami Beach Police Department veteran and co-founder of Teen Job Corps, was named Public Safety Officer of the Year. Other winners are City Manager Jorge Gonzalez, named Public Servant of the Year; and attorney Victor Diaz, selected as Citizen of the Year. The committee will bestow the Hispanic Community Leadership Awards at a reception Thursday to commemorate the Hispanic Heritage Month of October. Espriella, 31, co-founded Teen Job Corps less than a year ago to provide activities for teenagers who are designated as "at-risk" because of poor classroom attendance and family income. The group already has recruited 30 teenagers from the North Beach area who are paid to help out with street clean-ups and to distribute flyers advertising community events, among other jobs, Espriella said. "These kids work. We make sure they're staying out of trouble and going to school," he said.

Rafael Suárez-Rivas, the committee's vice president, praised the three winners. "The committee has done a good job selecting three prominent Hispanics who have done well in their own right in their respective fields," said **Suárez-Rivas**, an assistant city attorney in Miami Beach. **Suárez-Rivas** said Gonzalez, 36, was selected for promoting positive relations between the city government and citizens during his two-year tenure. "He's doing a great job," he said. "Try to think back about past city managers and the outcries. It seems to be that things are progressing positively with this administration." Diaz, 41, a member of several city boards, including the powerful Planning Board, was chosen for his initiatives giving a political voice to Hispanic residents in Miami Beach, **Suárez-Rivas** said. "He was a founding member of the city's Hispanic Affairs Committee," **Suárez-Rivas** said. "That committee at the time of its originations [in 1992] was important because it was the only conduit or voice for the Hispanic community. There weren't many elected Hispanic officials then." Neither Diaz nor Gonzalez, who was attending a city manager's summit, were available for comment.

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Rafael E. Suarez-Rivas
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The Miami Herald (FL)
December 13, 1998

Motivation for Abrupt Firings Still a Mystery New Boss Boots Four Lawyers on His First Day

Author: Meg James

Four assistant county attorneys are axed without notice. Given less than three hours to clear out. When one returned the next day to collect his family photos and diplomas, a Fort Lauderdale police officer escorted him from the building. Still, more than a week later, few know why Russell Morrison fired four veterans on his first day as interim county attorney. Morrison won't talk about the Friday Afternoon Massacre. His new bosses, the seven county commissioners, say they are mystified. One commissioner, Norman Abramowitz, said the political shenanigans must stop. "There's been too much already," he said. "All of this sniping between commissioners. All of this antagonism and back-biting. It's a power play. That's all it is. This is about power." Morrison, who has worked for years as a lawyer for Port Everglades, has made it known that he wants to be county attorney. Some speculate that Commissioner John Rodstrom or Commissioner Lori Parrish engineered the firings to hobble the county attorney's office so they could steer more lucrative legal work to private law firms.

Did Broward commissioners have a secret list of lawyers they wanted out? County commissioners are forbidden from involving themselves in personnel matters. To do so would be a violation of the county charter. Commissioners said last week they never gave Morrison any marching orders. "It's baloney," Commission Chairwoman Ilene Lieberman said Friday. "Simply not true," Parrish said. "I've never had that conversation with Russell Morrison or any other county attorney before him," Commissioner Scott Cowan said. "I never identified anyone," Rodstrom said. "When I hired him, I told him there were some things in that office that needed to be addressed. I just told him to do what was necessary to distinguish himself." Morrison's version? "There's no hit list," he said. "The decisions that were made were mine and mine alone." Still, Morrison won't explain why on Dec. 4 he fired the veteran lawyers: Alexander "Sandy" Cocalis, **Rafael Suarez-Rivas**, Anthony Musto and Dale Bruschi.

ANOTHER VIEW

'I heard I was on the list'

"I heard I was on the list. For Swerdlow, of all things," Cocalis said a week after he was canned from his job of 25 years. Cocalis - the county's chief trial counsel - got on the wrong side of Lieberman 14 months ago during a tumultuous hearing over the \$120 million purchase of developer Michael Swerdlow's land near the port. The Swerdlow deal divided the commission, forced the resignation of County Administrator Jack Osterholt and contributed to the departure of former County Attorney John Copelan. "I wasn't really even involved in the Swerdlow deal," said Cocalis, a curmudgeonly 66-year-old. "The truth will come out," he said, his voice rising with defiance. He is convinced that revenge and raw ambition lie beneath the layers of intrigue. "The truth will come out when we start taking depositions. And there will be depositions," he said. Abramowitz figured as much. "This isn't over yet," he said.

Internet – Newspaper Archives Searches
Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

THREE REJECTIONS

Several attorneys have turned down the job

Commissioners have spent nine months agonizing over who to hire to replace Copelan, who resigned in May. Three attorneys have turned down their offers. Then Deputy County Attorney Sharon Cruz, who served as the interim county attorney from May through November, returned to her old job last week, saying she had had enough. Commissioners turned to Morrison. He had confided to a few people that he was planning "a reorganization of the office" sometime in January. "He asked me if I would mind if he didn't make any changes until after Jan. 1," Lieberman recalled of their Dec. 1 conversation, the day Morrison was picked to become interim county attorney. "I told him, 'You'd be like a Scrooge if you did something before Christmas,'" Lieberman said. Suddenly, Morrison made his move. Lieberman said she was shocked to learn that Morrison had fired people so soon. She said the episode had shaken her confidence. "I don't know what he was trying to accomplish," she said.

In the past, Parrish and Lieberman have made no secret of their dismay with the attorney's office. And Lieberman clashed with Cocalis at a public hearing on the Swerdlow land deal on Oct. 23, 1997. "I just question whose side you were really representing," Lieberman told Cocalis that night. Earlier, Cocalis and two other county attorneys had gone to court to revive an old lawsuit Swerdlow brought against Broward. Cocalis said the county wanted the lawsuit reinstated to protect county commissioners from prosecution for conducting an illegal meeting to discuss the Swerdlow land deal. Copelan had cited the lawsuit as the basis for the closed-door meeting. But Copelan was unaware the lawsuit had been dismissed more than a year before. Cocalis had a bit part in the Swerdlow saga. He was dispatched to the 10-minute court hearing in October 1997 to resolve the matter. But he made the mistake of talking back to Lieberman before a crowd of 200 people. "I have represented this county to the best of my ability for the last 25 years," Cocalis told her that night. "If this commission feels that I have let you down, I'd be happy for you to take a vote of confidence, and I'll be gone tomorrow." Lieberman shot back: "We don't hire or fire you, Mr. Cocalis."

NOT AVAILABLE

After ordering the firings, Morrison left the building But Morrison would.

After ordering the firings, Morrison slipped out of the building, turning off his cell phone. One of the ousted attorneys, **Rafael Suarez-Rivas**, searched for Morrison to ask why. But Morrison was nowhere to be found. "He was conveniently absent," Cocalis said. **Suarez-Rivas** sent an e-mail message to Morrison, then tried to send another. His computer froze. A message flashed on the screen: "Your Password Is No Longer Valid." The four attorneys were given no reason for their dismissal. Just a two-paragraph memo that read: "Please be advised that your services as Assistant County attorney for Broward County are no longer required." "I thought it was a joke at first," said **Suarez-Rivas**, 44, who briefly considered applying for the job of county attorney last summer, but decided against it. "I've served the county loyally." He said he had a few "discussions" with Morrison when **Suarez-Rivas** represented Broward's purchasing department, and Morrison represented the port. "I saw my role as monitoring compliance with the county code," **Suarez-Rivas** said. "We had some professional differences of opinion. I had similar

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discussions with other attorneys in the office and they all ended without incident." But not with Morrison. Morrison acted in a "thuggish, abrupt and classless manner," **Suarez-Rivas** wrote in a letter to commissioners on Tuesday. He was particularly upset Morrison sent others to deliver the news. "That smacks of cowardice," **Suarez-Rivas** said.

A CURIOUS CALL

Rodstrom wonders whether an attorney's job is safe

That Friday afternoon, while the termination memos were being delivered, Morrison placed a curious call to Rodstrom, who along with Parrish had been eager to install Morrison as interim attorney. Early last week, Rodstrom called Morrison to chat about an assistant attorney. Rodstrom had just talked with Jim Kane, a prominent Broward lobbyist and pollster. Kane's wife, Pam, is paid \$85,230 a year as an assistant county attorney. And Pam Kane had refused to answer to Morrison when he was her supervisor at the port, Rodstrom said. She instead answered to a supervisor downtown. Now, Morrison was suddenly becoming the big boss. Rodstrom wondered if Pam Kane, 40, was about to be fired. She had been chided as being unprepared and inept in a recent memo written by Cocalis. Cocalis wrote that earlier this year Kane turned down a \$70,000 settlement that would have ended a lawsuit against the county. Then, during mediation, Kane said Broward would pay \$250,000 to end the lawsuit, Cocalis wrote. A jury eventually told Broward to pay about \$37,000 - a fraction of what Kane had offered.

After talking to Jim Kane, Rodstrom called Morrison. "I told him to evaluate her based on her legal abilities, and not any past problems they might have had," Rodstrom said. Jim Kane said he couldn't remember talking to Rodstrom about his wife's job status. "I don't recall speaking to him about that. I may have, I don't know. But if Rodstrom says so, then it's probably true," Jim Kane said. Pam Kane was hired in 1992, after listing three heavy-hitters for references: Parrish, attorney William Scherer and real estate investor Austin Forman. Parrish said she helped Pam Kane get her county job, telling Copelan to interview her. But Parrish said she never told Morrison to go easy on Pam Kane. "That wasn't me," said Parrish, adding she had nothing to do with the Friday firings even though one of the lawyers, Anthony Musto, 47, drew her scorn more than a year ago. It was just after Musto had won the prestigious Claude Pepper Local Government Award. But Parrish had other concerns after inspecting time sheets submitted by Musto and several other attorneys. "He was coming into the office late, and leaving early," Parrish said of her review of Musto's time cards. "I just circled the hours, and put some question marks by it. But hell, that was over a year ago."

Internet – Newspaper Archives Searches
Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
August 18, 1998

Broward Reject Developer's Bid on Pompano Land

Author: Meg James

Broward County wants to unload 112 acres of prime industrial land in Pompano Beach, but the county has said no thanks to the highest bidder -- developer Michael Swerdlow. Swerdlow bid \$15.9 million last week for a collection of 20 county properties that hug Copans Road, just east of Florida's Turnpike. The next-highest bidder was North Miami Beach developer Jack Azout's partnership Crossroads Business Park Associates, which offered \$13.5 million. Azout and two other partnerships -- Halliday, Lautin, Dohm & Associates of Fort Lauderdale (\$12.5 million) and Industrial Developments International of Atlanta (\$12.4 million) -- will be able to submit revised proposals today for the final round of rankings. Even though the bid calculations by Swerdlow and partner Bank Atlantic Bancorp. appeared to be the highest, their proposal veered from the county's requirements in several ways. Instead of paying cash and closing on the purchase before Jan. 15, Swerdlow and Bank Atlantic wanted to acquire the property piece meal over several years. Swerdlow also wanted Broward County to retain some ownership in the land as part of a joint venture.

"I do not think these variances can be waived as nonmaterial because they would give Swerdlow a competitive advantage over others," Assistant County Attorney **Rafael Suarez-Rivas** wrote in a memo recommending the county dump Swerdlow's proposal. The county acquired most of the land, dubbed Alpha 250, about 10 years ago to build a waste-management facility. Ten years earlier, the county began buying properties in the area with federal environmental grants. The county had planned to build a sludge disposal operation on the land, but technology changed and the project was abandoned, said Frank Frey, director of Broward's real property section. Swerdlow has long shown interest in the Pompano Beach property. Swerdlow originally envisioned a complicated land swap with a portion of the 271 acres near Port Everglades that he sold to Broward County last year, but that aspect of the deal fell apart. So he tried again this year, submitting a proposal like the other developers. "We didn't bid it the way they wanted us to, and we chose to bid it a certain way," Swerdlow said Monday. "They found us nonresponsive, and that's fine."

While the value of Swerdlow's bid was listed at \$15.9 million, the price was inflated because Swerdlow planned to stretch out the purchase over several years. If Swerdlow purchased the properties in one grouping this fall, his offer would have been valued closer to \$12.5 million -- pushing the Hollywood developer's proposal into third place among all bidders. County officials set a minimum asking price of \$10.7 million, the value of the land as established by an appraisal firm hired by the county. County administrators sent commissioners a memo Aug. 11, saying Swerdlow was ranked first. A day later, commissioners received new memos saying Swerdlow had been disqualified, and an Atlanta firm joined the list of three companies allowed to submit final bids this week. Commission Chairwoman Lori Parrish, and a Swerdlow ally, said county commissioners could reject all of the bids and start the process over with new guidelines.

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However, Parrish said she wasn't inclined to get involved. "A bid is a bid," Parrish said. She said she wants Broward property managers to figure out just how much the county has spent over the years on the land, including installing roads, electricity and water and sewer lines -- which made the property more attractive to developers. "If we're not losing any money, then we should consider selling it," Parrish said. "We tried in the past, but we couldn't generate any interest."

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
November 26, 1992

Arts Center Drops Curtain on Private Meeting

Author: Charles E. Hecker

Plans to hold a public meeting of the governors of the Broward Center for the Performing Arts at a private club were scrapped when theater directors thought it might limit public access to the meeting. The theater's personnel committee is meeting Tuesday to choose an executive search firm to help recruit a new chief executive. After interviewing the firms, arts center authority member Carl Mayhue said he thought the committee should discuss the morning's events over lunch -- on his tab. At the first hint of controversy, he ditched the idea. "I canceled the lunch," Mayhue said. "Let them go get a sandwich if they want. "It was an oversight. It is a dead issue." Since the Broward Center for the Performing Arts is run by a public authority and spends public money, the theater's business is open to public scrutiny under Florida's Sunshine Law. Authority member Jack Moss said holding the meeting at the Tower Club would make it difficult for the public to observe. "I think the public's business should be conducted in public, where everyone has access to it," said Moss, a frequent Mayhue foe during authority meetings.

Choosing a new chief executive is an important task. Authority members expect a new executive to have sweeping powers and to lead the center out of a \$10 million debt. Current Executive Director Bill Farkas also will be considered for the job. According to the state's open-meetings law, holding a public meeting in a private club could restrict access. "Meetings must be freely accessible to 'John Q. Public,'" said Assistant County Attorney **Rafael Suarez-Rivas**, who handles the performing arts center. "I certainly think that it's more prudent that if there is any public space available, then it should be utilized over a private space," **Suarez-Rivas** said. Mayhue, who is a life member of the Tower Club, said he didn't know it was private. "It never occurred to me that it was," he said. "You see everyone and their brother up there." Chip Willis, manager of the Tower Club, said it's up to the host of events there to make arrangements for letting in guests who are not members. "There would be no reason that anyone would ever be excluded from the club," he said.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
September 18, 1991

Branca Appeals Ruling on Pension

Author: Donna Leinwand

Former Mayor Frank Branca appealed a judge's decision to rescind his \$24,000-a-year pension Tuesday, saying the city should never have been allowed to sue a city official in the first place. Branca and his attorney, Bruce Rogow, submitted a 33-page argument to the Fourth District Court of Appeal. In February, Broward Circuit Judge Estella Moriarty cut off Branca's \$1,850-a-month payments and declared the city's pension plan unconstitutional. "The bottom line is one of fairness," Rogow said. "Mr. Branca relied on what authorities represented to him." Rogow said the city could not sue itself -- through a retired mayor -- to declare its laws unconstitutional. Even if this were allowed, Rogow said, Branca's benefits should be protected because he retired with the assurance of a pension. Case law recognizes the power of cities to invalidate their own laws, said City Attorney **Rafael Suarez-Rivas**. "It's not an everyday thing, but that doesn't mean it can't be used." Although the city won the lawsuit, the judge ordered the city to pay Branca's attorneys' fees based on a rule that governments must pay to defend officials sued in their official capacity. The city has appealed that order. "It's supposed to protect an official acting in the public interest, not for private gain," **Suarez-Rivas** said. "His entire defense was based on private gain."

The lawsuit capped months of fighting on the City Commission over a 1988 plan that provided pensions for elected officials. The pension was based on the official's salary during his last five years of service. Branca's annual pay rose from \$10,000 to \$65,000 during the six years he served as Miramar's chief executive. In March, the city abandoned the strong-mayor form of government and hired a professional city manager. Branca faces 11 criminal charges in connection with the pension. He was indicted March 8 on nine counts of grand theft, one count of petty theft and one count of misconduct for allegedly enriching himself with an employee benefits package. Branca is scheduled to go to trial Sept. 30. He did not return a telephone message left at his home Tuesday.

Internet – Newspaper Archives Searches
Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
August 23, 1991

500 School Buses to Hit Roads Today for Dry Run

Author: Staff and Wire Reports

Excerpt on Candidate:

MIRAMAR

City attorney says he's quitting to pursue master's degree at UM

City Attorney **Rafael Suarez-Rivas** plans to resign Nov. 1 to pursue a master's degree at the University of Miami and explore other career opportunities in Dade and Broward. "I've been here for over two years," **Suarez-Rivas** said Thursday. "I've made very substantial contributions. A lot has changed in the city and it's time to move on." He said his resignation has no connection to former Commissioner Mike Tagg's resignation Wednesday. He said he intends to vacation with his wife Cristina and son Alex, 6. He will receive two months of severance pay. Since becoming city attorney in September 1989, **Suarez-Rivas** has rewritten the city charter and successfully pursued a civil court case against former Mayor Frank Branca. Said Mayor Vicki Coceano: "I intend to give him a glowing letter of recommendation and thank him for a job well done." Three months ago, City Manager Eric Soroka, who came to the city in March, proposed replacing the in-house attorney with an outside law firm. The city attorney makes \$96,514, including benefits. City commissioners instructed Soroka to investigate the costs and prepare a report.

Internet – Newspaper Archives Searches
Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
August 5, 1991

Foreclosure Suits to be Filed to Force Payment on Liens

Author: Donna Leinwand

About 75 percent of the people asked to pay 10-year-old bills for road paving and other improvements will face foreclosure suits on their properties this week. More than 100 homeowners and business owners received certified letters in June requesting them to pay their bills within 30 days or to set up payment plans with the city. Some of the bills are as high as \$4,000. So far, the city has found that residents owe close to \$125,000. Finance officials will continue to review old records for other delinquent accounts, City Attorney **Rafael Suarez-Rivas** said. The delinquent accounts involve special assessments for improvements. When the city improved waterlines, sewer systems or streets, the properties that benefited had to pay a share of the cost, **Suarez-Rivas** said. If the residents refuse to pay even after a court judgment against them, their property can be sold on the courthouse steps, **Suarez-Rivas** said. "It's not the city's intention to take the property and sell it," he said. "This is just a mechanism to get people to pay their liens. They have two more chances to pay up. But the longer they wait, the more expensive it gets."

Internet – Newspaper Archives Searches
Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
June 30, 1991

Miramar Mulls Ban on Fishing Near Major Roads

Author: Frank Fernandez

Joe Valentino has been casting his lure for bream and bass just off Miramar Parkway near Douglas Road for years. The Miramar resident may have to find a new fishing hole. The city is considering an ordinance banning fishing 75 feet from major roads, such as Miramar Parkway or Douglas Road, even though the Florida Game and Fresh Water Fish Commission said the city doesn't have the right to close a public waterway to fishing. Under the proposed law, violators would be fined from \$15 to \$500. The ordinance is scheduled for first reading at Wednesday's City Commission meeting. The city has posted "No Fishing" signs at spots such as the one Valentino likes but hasn't had an ordinance to back them up. Valentino said he has been trying his luck in canals and lakes around Miramar since he moved to the city 17 years ago. Because he has an artificial leg and most canal banks are steep, he prefers the relatively level spot on the parkway. "I've got a fishing license from the state of Florida saying I can fish here," Valentino said. "Now, Miramar says I can't." The state is siding with Valentino -- for now.

"They can't do that," Lt. Col. Dan Dunford of the Florida Game and Fresh Water Fish Commission in West Palm Beach said of Miramar's proposed ordinance. "They can't close the canal to fishing." Dunford said canals are generally public waterways over which the game commission has jurisdiction. He said lakes not enclosed by private land and greater than 20 acres in size are generally public, too. "They can pass anything they want to, but it can be challenged," he said. The proposed ordinance provides for a \$15 fine on the first offense, \$25 on the second and \$50 on the third and subsequent offenses. If a fisherman does not pay the fine or challenges the city, the case could wind up in county court. If the fisherman loses in court, he could be fined from \$50 to \$500 under the proposed ordinance. City Attorney **Rafael Suarez-Rivas** said cities routinely pass no-fishing ordinances and he could find nothing prohibiting Miramar from doing the same.

The city has prohibited fishing from bridges for 15 years, **Suarez-Rivas** said. Dunford said bridges are not within the jurisdiction of the game commission. Dunford said if the city wants to ban fishing on public waterways near major roads, city commissioners should pass a resolution asking the game commission to do it. Or he said they can do what most cities do: Pass a resolution asking the County Commission to ask the game commission to ban it. What are their chances if they work their way up the channels? "Nil," Dunford said. "They would have to have a good reason, not just because some people complained." Valentino said he's afraid the ordinance might force him to stay at home and watch television instead of fish. "I don't hurt anyone," Valentino said. "I even put the fish back."

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
April 21, 1991

New Miramar Law to Crack Down on Code Violators

Author: Frank Fernandez

Is there a rusting clunker growing into the swale in front of your Miramar home? How about an incorrigible cur that barks all night and wakes the neighbors? You might want to correct those and other code violations. City commissioners tentatively passed an ordinance Wednesday that sets up a series of fines and enables the city to seize personal property -- such as cars or money in bank accounts -- from people who don't pay. "This will give some teeth to the city's code enforcement policy," said City Manager Eric Soroka. "We don't have to wait for a code enforcement meeting. The violator is fined right then and there." The ordinance is an attempt to reform the city's code enforcement system after complaints from residents and commissioners that the old system took too long, set unrealistic fines and didn't persuade violators to mend their ways. Commissioners will vote on the revised arrangement May 1. The new system sets up a schedule of increasing fines from the first offense to the fourth, with a maximum of \$500. It allows any of the city's five code enforcement officers to slap violators with fines of \$25 to \$500 on the spot. The fine must be paid within 15 days.

Under the old system, a violator received a warning, and if the problem wasn't corrected, he would have to appear before the code enforcement board, which usually met once a month before it was deactivated in March. Repeat offenders could be hit with fines of as much as \$500 per day. If the person didn't pay the fine under the old system, the city could place a lien on the home. But the fine couldn't be collected until the person sold the home; foreclosing on a home to collect a \$500 fine was inefficient, said city attorney **Rafael Suarez-Rivas**. A judgment is faster and more effective, **Suarez-Rivas** said. If the person doesn't pay, a city can win a judgment after a County Court hearing on the fine, he said. Then the sheriff's office can settle the judgment by going after some of the person's personal property, such as stocks, bonds, a car or money in a bank account. The ordinance includes fines for grossly pruning trees, a practice known as "hat-racking"; fire code violations; garage sales without a permit; and illegal signs and advertising. The first fine for an illegal sign would be \$25; second, \$50; third, \$100; and the fourth, between \$100 and \$500.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
April 4, 1991

Miramar Taps Fund to Fix Fuel Leak

Author: Donna Leinwand

Construction of a police gun range was put on hold Wednesday so the money could be used instead to fix a 9-month- old underground fuel leak. After City Manager Eric Soroka declared the fuel leak an environmental emergency, city commissioners voted unanimously to transfer \$33,000 from the police building improvement budget and \$30,383 from a Finance Department reserve fund to clean up the spill. "It's to the point where no one can tell how bad it is," Soroka said. "This thing's got to be taken care of, and we're going to move fast to do it." On March 27, Broward County's environmental board sent its third violation notice to the city for failing to clean up the fuel leak immediately, said Harvey Schneider, a hydrogeologist and contamination site supervisor for the Broward County Office of Natural Resource Protection. "We want to comply now," said City Attorney **Rafael Suarez-Rivas**. "We want to avoid being in a situation where the city could be fined daily for noncompliance."

Public Works Department employees discovered the diesel fuel leak in June. The fuel came from underground fiberglass tanks near the Public Safety building, 8915 Miramar Parkway. The tanks supplied city vehicles. "If the leak is not stopped, if the fuel is not removed, it continues to dissolve into the groundwater," Schneider said. "The soil absorbs it like a sponge, and it just continues to spread." The leak is not near the city well fields that supply drinking water. But fuel leaks will degrade groundwater quality, Schneider said. The city was required to submit a report detailing the extent of the leak by Nov. 20, 1990. The consulting firm hired to do the report, Williams, Hatfield & Stoner Inc., missed the deadline. When the firm submitted the report Jan. 23, inspectors at the natural resource office deemed it incomplete. Project managers at Williams, Hatfield & Stoner did not return several telephone messages left at their office Wednesday. In letters to the natural resource office, the consultant said the missed deadlines were "due to poor cross communication."

Miramar Utilities Director Ray Paige, whose department is responsible for the clean-up, did not return phone messages left at his home and office Wednesday. Schneider said the city did not begin skimming the fuel from groundwater monitoring wells until March 22. "They knew about the problem for months and months," Schneider said. "They just didn't move quickly enough." The money transfers approved Wednesday night mean construction of the police firing range will be delayed until next year. "I think almost anything can wait if you have to clear up an environmental problem," said Commissioner Dan Lewis. Police have spent \$12,000 for architectural plans for the range and expected it to be constructed within the next four months. Police now practice for weapon certification at a Dade County range. The new range, police said, would save money, reduce travel and reduce the long waits for practice time. "We really need it," said police Lt. Chuck Febro.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

Sun Sentinel (FL)
April 18, 1991

Miramar must Pay Ex-Mayor's Fees
Author: Henry Fitzgerald

The city must pay former Mayor Frank Branca's legal fees from his February pension court hearing, even though it won the case, a judge ruled on Wednesday. Broward Circuit Judge Estella Moriarty, who presided over the pension hearing, declined to comment on the case. But Miramar City Attorney **Rafael Suarez-Rivas** said the city could be held responsible if Moriarty decided the case arose in connection with Branca's official duties. "The city won the war, but lost the battle," he said. "We think she (the judge) was wrong. We plan to appeal." Moriarty ruled on Feb. 26 that the \$24,000-a-year pension received by Branca, 57, violated Florida's Constitution because it was created without proper financing from the city. Branca, who resigned two years after the City Commission approved the pension in 1987, received \$1,854.17 a month in pension payments for two years -- nearly \$41,000 -- before Moriarty ruled the city could stop paying the pension. So far, Branca's legal fees are about \$50,000, but that amount could increase if he appeals, said Bruce Rogow, Branca's attorney. Branca said he was pleased with Moriarty's ruling on Wednesday and that he plans to appeal. "This whole case smacks of political vindictiveness," Branca said. City Commissioner Dan Lewis said he was shocked by Moriarty's decision. "Taxpayers should not bear the burden of paying for Branca's self-serving conduct," Lewis said. In an unrelated case, Branca, who is accused of stealing thousands of dollars from the city by granting himself an employee benefits package without commission approval, was indicted in March on grand theft and misconduct charges. Trial is set for May 13.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
February 27, 1991

Miramar Ex-Mayor Loses His Pension Judge Calls Plan Unconstitutional

Author: Donna Leinwand

A judge cut off former Miramar Mayor Frank Branca's \$24,000-a-year pension Tuesday after declaring the plan unconstitutional. The city will immediately stop paying the \$1,850.17 monthly pension -- which is more than twice the current mayor's salary. Branca began receiving the payments after he resigned from office on April 3, 1989, midway through his third term as mayor. The former mayor had testified earlier in the day about the hardships he suffered in office and about political plotting against him. After the ruling, he promised to appeal. "It's not over till it's over," he said. The lawsuit, City of Miramar vs. Frank Branca, capped months of fighting on the City Commission over a plan that Branca and other commissioners approved in 1988 to provide pensions for elected officials. Taxpayers were furious, and voted some of the commissioners out of office.

Branca resigned in part to protect his pension from new commissioners whose campaigns centered on slashing government salaries. Branca's annual pay rose from \$10,000 to \$65,000 during the six years he served as city's chief executive officer in the strong-mayor form of government. "There was a power play afoot to force me out by taking away the salary in little chunks so I would have to give up the office," Branca testified. "Their first week in office, it was like a siege on City Hall. The department heads were all shaking." The new commission authorized a lawsuit to dismantle the pension plan. In court this week, City Attorney **Rafael Suarez-Rivas** called the plan actuarially and legally unsound because the city had failed to set aside funds to pay for it. Branca has sued the actuary who helped the city devise the pension plan. He said he intends to sue the city's former attorney, Annette Star Lustgarten, who is now a Lake County attorney, for giving bad advice. She could not be reached for comment Tuesday. Broward Circuit Judge Estella Moriarty twice stopped Branca's attorney, Bruce Rogow, from questioning the former mayor about earlier political dealings and family history. Rogow said the judge was focusing the issue too narrowly, leaving out the question of whether the city was treating Branca fairly.

Branca, he said, decided to retire thinking he would receive a city pension. Branca's son testified Monday that he had counted on the money to finance medical school studies. Branca's girlfriend said the couple intended to use the money to travel. Rogow unsuccessfully tried to characterize the plan as deferred compensation instead of a pension -- money the city promised to pay Branca in exchange for his services. Deferred compensation, which is a salary to be paid at some later date, would fall under a legal exception that does not require the city to set aside funding. "It's obviously a pension ordinance," **Suarez-Rivas** countered. "It was amended that way. It was presented that way. There is not one shred of evidence that it was ever considered any other way." If the plan were found to be deferred compensation rather than a pension, **Suarez-Rivas** said, the city could be accused of having misled the public. "There is nothing wrong, nothing misleading about this," Rogow said. "The city is creating smoke screens in its zeal to get to Mayor Branca."

Internet – Newspaper Archives Searches
Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
January 27, 1991

Miramar Officials Want to Charge Residents for ‘Free’ Cleanup Services

Author: Frank Fernandez

Once again, Miramar is poised to charge residents for city services that used to be "free." The city wants to bill you if your shrubs are obstructing the view of a stop sign or you crash your car and leave debris on a city street. Commissioners say the taxpayers shouldn't have to pay for everything. "How else are we going to run the city?" asked Mayor Vicki Coceano. "We can't just keep absorbing and not collect anything." The Tallahassee consulting firm of David M. Griffith and Associates recommended the increases after a study indicated the city could recover some of its money if it charged particular homeowners or drivers for these services. The ordinance will be voted on at Monday's commission meeting. The proposed fees would generate an additional \$7,350 for the city. The Public Works Department spends about \$29,363 providing such cleanups but does not collect anything for those services. Those figures do not including special trash pickup, for which the city spends \$185,278 and collects \$39,000 in fees per year. If the ordinance passes and the city has to trim a property owner's tree because it is blocking a traffic sign or sidewalk, the owner would get an average bill of \$122.45 per trim. The study assumes a 25 percent collection rate will net the city \$1,260 per year in additional revenue. The study also recommends charging an average of \$115 per cleanup at accident sites and estimates the city will have to clean up about four accidents per year.

"We probably will bill whoever was responsible for the accident," said City Attorney **Rafael Suarez-Rivas**. "If they didn't pay, we'd bill the insurance company and the other driver, but it would be primarily the driver found at fault." Pembroke Pines City Manager Charles Dodge said the city does not charge for accident cleanups unless it's a major accident. "Let's say a truck tipped over and spilled a lot of sand," Dodge said. "We may go in and bill them, but I don't see why we'd need an ordinance for that." Dodge said that if trees are hanging too low over a sidewalk, the city's code enforcement department cites the owner. If the owner does not clear the trees, he can be fined and a lien placed on the property. The study assumes that Miramar public works employees will be called to clean up the debris after such emergency situations as a plane crash, gas leak or tornadoes. The study projects eight of these emergencies a year at an average cost per emergency of \$553.17. At a 25 percent collection rate, the study projects revenues of \$1,110. Fees from graffiti removal from residential and commercial projects would net the city \$128 at a 25 percent collection rate.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
December 16, 1990

2 Miramar Residents Vie Over Inch of Land

Author: Judy Battista

A dispute over an inch of property has evolved into a mile of troubles for the city of Miramar and two landowners. At a Miramar City Commission workshop on Tuesday, commissioners heard complaints from Cinnamon development homeowners Elaine Linares and Mila Lopez, both of 2350 SW 80th Ter., that a house built next door at 2360 SW 80th Ter. encroached on their side yard by an inch. The house was built by Dominessy Custom Builders for Palm Coast Financial Corp. Linares and Lopez, who have lived in their home for 10 months, became suspicious when the builders drove trucks over their lawn and used their water while construction was in progress. A survey confirmed that a wall of the house was over the lot line. On Dec. 6, Palm Coast Financial Corp., represented by Harry Rosen, a former mayor of Miramar, received a certificate of occupancy from the city. Before granting the certificate, the city entered into a "hold harmless" agreement with the corporation, assuring that the corporation would pay damages if the city is sued as a result of the certificate they granted.

The city maintains that an encroachment is not illegal -- and therefore the certificate should not have been delayed -- because a section of the document governing the Cinnamon Homeowners Association, the development where the two houses are located, provides for an easement to be granted. But Al Carricarte, attorney for Linares and Lopez, said the city should have waited to grant the certificate until the dispute between Palm Coast Financial Corp. and his clients was settled. On Dec. 5, Palm Coast Financial Corp. sent a letter to Carricarte's office offering a settlement of \$750. On Dec. 11, Linares and Lopez refused the offer. Rosen said the whole issue has been blown out of proportion. "It was outrageous that the city would have held up a certificate of occupancy because of less than an inch, when the city has obtained a 'hold harmless,' " Rosen said. "It could have been resolved if it hadn't become a public fiasco."

But a settlement does not appear to be on the horizon. Carricarte and Leonard Zedeck of Palm Coast Financial Corp. have not spoken since the workshop. Linares and Lopez want the slope of the new house regraded so rain water does not flood their lawn. They also want to convey one inch of their property to Palm Coast Financial Corp. to clear their title. But City Commissioner Dan Lewis said there is a larger issue for the city of Miramar to resolve. "This is a question of undue influence. I think the city's actions were inappropriate and I think the city bent over backward to provide assistance to Mr. Rosen." According to **Rafael Suarez-Rivas**, the city attorney, the city's actions were well within normal practices.

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Rafael E. Suarez-Rivas
(Articles are in reverse chronological order)

The Miami Herald (FL)
November 30, 1989

Branca Lawsuit Dismissed

Author: Diedtra Henderson

The city, which wants to yank former Mayor Frank Branca's \$1,800-a-month pension, lost a round in court Wednesday when a Broward judge dismissed the city's lawsuit. Branca resigned in April partly to save his pension, which provides him more than \$22,000 a year. The plan was in effect when Branca stepped down, but was repealed the next month. A host of newly elected commissioners had painted the policy as immoral and improper. The city later asked Broward Circuit Judge Estella M. Moriarty to declare the pension plan unconstitutional. That, the city said, would spell an end to the former mayor's payments. Branca is the only former politician receiving payments under the plan, but other commissioners could draw pensions when they retire. Wednesday, Moriarty said that Miramar City Attorney **Rafael Suarez-Rivas** needed to clarify his suit. She dismissed it, but said he could file a new one within 30 days. Commissioner Dan Lewis, one of Branca's most vocal critics, said the decision is a temporary setback. "I think clearly, the judge erred. The city is going to be in a position to easily overcome her objections," Lewis said.

Branca's attorney, Nova University law professor Bruce Rogow, called the dismissal a vindication of his argument that the city cannot pass an ordinance, then turn to the courts to declare it illegal. The judge's action means Branca will keep drawing his monthly checks, at least for now. But Rogow doesn't think the city's case is over. "Will they leave Mr. Branca alone? I don't know the answer to that. So far they seem to take some perverse pleasure in continuing this," Rogow said. **Suarez-Rivas** said the city has a number of options, including appealing Wednesday's ruling, finding a taxpayer to file a new suit, or even stopping payments to Branca in the hope he sues the city. "We could get a court to actually take a look at the law and take a look at the case and all the doubts and uncertainties we have," he said.

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Rafael E. Suarez-Rivas
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The Miami Herald (FL)
November 2, 1989

March Manager Vote is Council's Hope Miramar Could Remove Power from Mayor
Author: Richard Hart & Chuck Hecker

City Commissioners began planning Wednesday night for the day when the city may no longer be run by a single, all-powerful mayor, and instead by a professional city manager. The day that city voters decide whether to make that change could come sooner than many in Miramar may have expected -- and none too soon for some commissioners. "We've gone through a mayor running the city and screwing it up for too long," Commissioner Fred Schaefer said. With just three of the city's commissioners in attendance at a workshop meeting, City Attorney **Rafael Suarez-Rivas** began a detailed explanation of the legal steps they will have to take in order to put the issue up to a citywide vote in March. The commissioners reviewed a legal schedule that calls for an intense month of workshops through November, so that an ordinance setting out the details of the new city government could be finished by Dec. 3. It would be voted on by the commissioners twice, on Dec. 4 and Dec. 18, and could appear on a citywide ballot on March 13, or the day a proposed countywide referendum on a one-cent sales tax increase is held. Changing the government would be a two- step process. First the commissioners must approve new ordinances that spell out the city manager's role, and decide what the mayor's job would become.

Among the key changes in the ordinance, commissioners said Wednesday, should be the elimination of one city commission seat, to be replaced by the mayor. Voters then will decide on a simple ballot question: Should the city change from a strong mayor to a city manager form of government? Schaefer and Commissioners Dan Lewis and Bill Cresswell said they want the question as clear and concise as possible. **Suarez-Rivas** said he could have a draft of the proposed ordinance ready in a week. But some commissioners were angry it wasn't ready Wednesday. Schaefer blamed Mayor Vicki Coceano for foot dragging. Cresswell said the mayor had tried to cancel Wednesday night's meeting, but it had been rescheduled by the commissioners. "This is ludicrous," Schaefer said. "The mayor is guiding this whole damn thing." But Coceano, who couldn't attend the meeting because of illness, said she's committed to the change. "That's exactly what I want them to do," Coceano said. "When I ran for the mayorship, I said that I wanted a city manager."

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Rafael E. Suarez-Rivas
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The Miami Herald (FL)
July 6, 1988

Commuter Tax Plan Needs State OK, City Told

Author: David Hancock

The city of Miami will need a change in state law before it can tax nonresidents who work in Miami, the city attorney said Tuesday. City Attorney Jorge L. Fernandez said Florida cities are limited by the state in what taxes they can impose. Miami already charges an occupational license tax for businesses within the city. "A city in Florida cannot impose any tax not authorized by general law. That's the bottom line," he said. Fernandez issued his opinion at the request of Mayor Xavier Suarez and City Manager Cesar Odio, who asked the city attorney's office on March 16 to study the idea of an employment tax for downtown workers who commute from outside the city. Suarez estimated the total downtown work force at more than 90,000.

Suarez and Commissioner Miller Dawkins were concerned that the city pays the cost of street maintenance, trash pickup and police and fire department services for workers, many of whom don't pay Miami property taxes. Suarez could not be reached for comment Tuesday. But he said last week the idea of a payroll tax came up during a meeting with other Florida mayors. Suarez said last week he had backed away from the idea. "We don't want to create a disincentive for using downtown," he said, adding that the city's finances had improved. Dawkins raised another taxing idea at the commission's March 24 meeting: Require nonresidents who work in downtown Miami to pay for a car sticker purchased at the time their license tag is renewed. That proposal has the same problem: Imposing it requires a change in law, said Assistant City Attorney **Rafael Suarez-Rivas**. The city attorney issued an opinion on the matter in 1986. It said the city could tax vehicles used directly by a business but could not require an occupational license for the average commuter.

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Rafael E. Suarez-Rivas
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The Miami Herald (FL)
September 30, 1987

Port Bridge Project Stuck – Again

Author: Michael Crook

Dade County's five-year struggle to build a new bridge connecting the busy Port of Miami with Biscayne Boulevard has stalled again, this time because of a feud among the city, the county and the developers of Bayside Marketplace. The bickering is over a three-acre patch of land just north of Bayside. The county claims it received control of the land from the city. Nope, say Bayside's developers. They say the city gave Bayside control of the land. The city says Bayside and the county ought to work it out between themselves. "This is utterly ridiculous," said Metro-Dade Commissioner Clara Oesterle. In August 1984, the city of Miami, as part of a transportation improvement plan, agreed to sell the three expensive acres of land to Dade County to be used for a road to the new port bridge. In January 1985, the city gave Bayside a 45-year lease on the same land -- with the option to extend it another 30 years. Bayside wants to use the land for parking. "The city sold Bayside and the county the same ticket to a crowded movie house," said Assistant County Attorney Shepard Nevel. Said Miami Assistant City Attorney **Rafael Suarez-Rivas**: "They're making a tempest out of a teapot."

Now the \$5.9 million land sale, on which the new bridge depends, is off until the city, county and Bayside developers either work out a compromise or go to court. Talks are at a stalemate. The county insists on clear ownership of the three acres and Bayside is determined to hold onto its lease. Oesterle's transportation committee may discuss the matter next month. Despite the standoff, design work for the new bridge is still being done, said port director Carmen Lunetta. The \$34 million, five-lane bridge, long awaited by cruise industry officials, is scheduled to be under construction early next year and completed in mid 1989. It will connect the port to the mainland at Northeast Fifth and Sixth streets. Port traffic now crosses a drawbridge and winds along a temporary road that separates it from Bayside traffic. As many as 17,000 vehicles use the temporary road each day, and traffic is expected to triple by 1992.

Rod McLeod, president of Norwegian Caribbean line, worries that the Port of Miami, the world's largest cruise terminal, is "swinging by the thinnest umbilical cord -- the current bridge." Under its lease with The Rouse Co., developers of Bayside, the city receives \$10,000 yearly plus a share of profits from parking. The lease mentions that the city plans to transfer part of the rented land to Dade County -- but does not say when the transfer would occur. Assistant City Attorney **Suarez-Rivas** said the transfer clause shows that the city made no mistake in both leasing and selling the three acres. He said he was hoping the county and Bayside could work out their differences without the city's intervention. But county attorney Nevel said he wants a binding letter from the city and Bayside dictating that Bayside has no claim on the property. Rouse vice president Jim Dausch said he won't give up his lease. Dausch said the lease will help him protect Bayside from an unwanted neighbor -- a skyscraper or maritime warehouse, for example -- on the three acres if the county decides to build something other than a road there.

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In exchange for his promise to allow the county to use the land, Dausch wants the county to promise:

- * Not to stop traffic into Bayside.
- * Not to dig up utility lines and cut off power to Bayside during bridge construction.
- * To insure Bayside against damage caused by bridge builders.
- * To allow Bayside to build a parking lot on the land if the county decides not to build the bridge.

Nevel said the county's position is easy to fathom: Why should the county pay \$5.9 million for clear ownership to three acres and not get what it pays for? Oesterle wants a compromise. "I don't want to get in a fighting match." She said it might not be necessary to try to void Bayside's lease in court. "I don't want to give Bayside the boot. They bargained in good faith just as we did," Oesterle said. She said she'd be satisfied with an agreement that, if the county decided not to build anything on the three acres, it would get its \$5.9 million back. **Suarez-Rivas** said that will be up to the Miami City Commission.

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Rafael E. Suarez-Rivas
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The Miami Herald (FL)
June 11, 1987

City Commission to Finally Look at Dinner Key Anchorage Issue

Author: Mary Ann Esquivel

After months of debate over how to charge boat dwellers a fee for living in the anchorage off Dinner Key Marina in Coconut Grove, the City Commission is scheduled to take up the issue today. At first, city administrators wanted to charge a fee for mooring in the shallow bay water 1,200 feet off the Dinner Key basin. Anchorage dwellers have been there illegally since the area was created 30 years ago, according to city officials. The liveaboards objected to a mooring fee, saying the city had no legal right to charge them for merely dropping their anchors there. **Rafael Suarez-Rivas**, an assistant city attorney, said Tuesday that he didn't know whether the city had that legal authority because the question hasn't been researched. On the other hand, the city does have a right to charge anchorage dwellers a fee for services they use at Dinner Key Marina, **Suarez-Rivas** said.

So the city is talking about imposing a service fee all anchorage residents would have to pay. The proposed service fee, the same as the discarded mooring fee, is based on a daily rate of three cents per foot of the length of a boat. For a 30-foot boat, the fee would be \$27 for 30 days. For that amount, the liveaboards would receive mail, shower, toilet and garbage service, among other things. Anchorage residents bristle at the idea of a mandatory fee. "We've got no problem with people who use the services paying the fee," said Bob Davis, a paid lobbyist for anchorage dwellers. "That's what we've been wanting to do all along. Our objection is requiring everybody to pay a fee whether they use the services or not." About half the 100 boats in the anchorage don't need services from the city because they've made arrangements to get them elsewhere on shore, Davis said. "If they want to moor in the anchorage, the city feels they are obligated to participate in the cost of city-provided services," said Jack Eads, an assistant city manager. Mayor Xavier Suarez sees room for compromise on the issue. "If the majority come in on a voluntary agreement, that's acceptable," Suarez said. "I'm not saying we won't put pressure on the others later." "It's in the mutual interest of both groups not to litigate, or determine the jurisdictional issues, and come to a compromise," Suarez said. "If we can reach a compromise, it's better than litigating and later finding out we can't impose at all."

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Rafael E. Suarez-Rivas
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The Miami Herald (FL)
July 30, 1986

City Told to Pay Cop for Hazards of Street, Range

Author: Arnold Markowitz

A Miami policeman, walking a downtown beat for 25 years, is entitled to workmen's compensation benefits for breathing and hearing problems caused by engine exhaust fumes, horn toots and the bang, bang, bang of the pistol range, a state appeals court ruled Tuesday. Now the city must pick up a 20 percent share of the tab for occasional medical examinations and treatments that officer John Tomberlin has been paying for; a group insurance plan takes care of the rest. The decision does not make Tomberlin, a policeman for 30 of his 55 years, a rich man. Neither is he a sick man; according to his lawyer the wear and tear on his ears and lungs are not bad enough to silence the steps he still plants daily on the city streets. "This is Officer Friendly. He loves being downtown," said lawyer Peter S. Schwedock. "He has no ambition to be anything but a street patrolman, greeting people. He's just a nice man who enjoys people and being downtown. "The money is basically bubkes (an insignificant amount), probably a couple of thousand in medical bills. The importance isn't in the amount. It's the protection he'll have medically."

Tomberlin cited doctors' reports of a progressive high- frequency hearing loss caused mainly by practice on the shooting range, and shortness of breath blamed on above-normal air pollution from downtown traffic. Tracing those conditions back past the 1970s, his 1984 workmen's compensation claim asked for payment of related past, present and future medical expenses. The city refused. Tomberlin appealed to a deputy commissioner of workmen's compensation, who agreed last August that his problems are job-related. Because he had not submitted his personal doctors' names for advance approval, the city did not have to pay earlier bills but would have to pay future ones, it was decided. The city's appeal of that ruling was turned down by the First District Court of Appeal, which holds statewide jurisdiction in workmen's compensation appeals. No decision has been made about another appeal to the Florida Supreme Court.

"Greatly simplified, the law in Florida says that to claim an occupational disease you must show you've suffered a hazard greater than the general populace in kind and degree," said Assistant City Attorney **Rafael Suarez-Rivas**, who worked on the case. "The city's position was that a policeman standing on the street has no greater impairment than an office worker or a sanitation worker, or anyone else on the street in an urban area. We didn't feel that walking the streets was an occupational hazard. Our point is that hundreds of people walk the streets downtown."

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The Miami Herald (FL)
November 1, 1984

Kosher Inspector Files Complaint

Author: Dory Owens

Federal employment officials are reviewing allegations by a former Miami Beach kosher inspector that he was fired because of religious discrimination and pressure from one of the city's most influential rabbis. Rabbi Joseph Kaufman, fired in November, filed a complaint with the Equal Employment Opportunity Commission Sept. 24. "I believe that I have been retaliated against because of my religion (Jewish)," the complaint said. Kaufman could not be reached for comment Tuesday. No one answered the telephone at his home. In addition, his complaint said, "I feel the discharge... was due to a conspiracy by the City Administrator Rob W. Parkins and the President of the Miami Beach Orthodox Rabbinical Council, Rabbi Pinchas Weberman." Kaufman, who joined the city in 1981, argued he was fired because he issued citations to a catering business run by two of Weberman's sons at the Konover Ramada Renaissance Hotel on Collins Avenue. Weberman was then a member of a city advisory board that oversaw the kosher inspector. He recommended the inspector's termination about three weeks after Kaufman suggested prosecuting the catering business. Weberman has said Kaufman was incompetent and used "all kinds of excuses rather than admit he's not right for the job."

Assistant City Attorney **Rafael Suarez-Rivas** said in an answer to the complaint filed Oct. 22 that Kaufman was fired because he failed to follow city procedures for documenting his work time and because he took a four-day vacation without permission. The city was dissatisfied with the work of the inspector, who was paid \$25,000 annually, **Suarez-Rivas** said. Kaufman didn't inspect all the businesses which sell or serve kosher products, according to the city's 32-page reply. "Joseph Kaufman selectively prosecuted certain hotels, food establishments and restaurants within the city such as the Konover Hotel." In addition, the answer said, "Joseph Kaufman was considered to be obnoxious, belligerent, overbearing and generally unpleasant to numerous owners, proprietors, managers or employees of hotels, restaurants and food establishments while on the premises," **Suarez-Rivas** wrote. The attorney denied that Kaufman's religion played a part in his termination. The assistant city manager who asked for the inspector's firing, Ed Gross, and Kaufman's replacement are Jewish, **Suarez-Rivas** said. Sam Swirsky, a supervisor with the Equal Employment Opportunity Commission's Miami office, said if the complaint is determined to have merit, the agency will investigate further. He said he didn't know how long it will take to evaluate the complaint.

Research Compiled by: Amanda Beyer
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