

City attorney mistakenly said employees could run for office. Now four could lose jobs

By [Aaron Leibowitz](#)

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North Miami's city attorney "erroneously" told employees they could run for elected office without resigning their positions with the city, according to a memo issued Tuesday. Four employees could now lose their jobs.

Two city employees who were recently elected in other cities — [Daniela Jean](#) as a commissioner in North Miami Beach and [Linda Julien](#) as a councilwoman in Miami Gardens — resigned from their positions Friday after the city attorney, Jeff Cazeau, issued an opinion that said they could no longer work for North Miami.

Jean was an administrative coordinator in the risk management department and Julien was an economic development manager. Julien said she had previously been told there was nothing stopping her from running for office in Miami Gardens while keeping her job in North Miami, even if she was elected.

Jean was paid \$29 an hour in North Miami, which translates to slightly under \$60,000 per year. North Miami Beach commissioners also make around \$40,000.

Now, two other North Miami employees who are currently seeking elected office — Stephanie Thomas and Kassandra Timothe — could also be told to resign, according to Cazeau's memo.

Thomas, who works in community planning and development, is one of [14 candidates](#) seeking the city of Miami commission seat vacated by Keon Hardemon, a newly elected Miami-Dade county commissioner. Timothe is a spokeswoman for North Miami and is taking a leave of absence as she runs for North Miami City Council next May.

"Here at North Miami City Hall, we've had sort of an exciting growth of activism," Councilman Scott Galvin said during a city council meeting Tuesday. "Unfortunately, because there's an outdated part of our code, we're in the process of asking each of [the four employees] to resign from their positions at City Hall."

Other council members echoed Galvin's concerns. Mayor Philippe Bien-Aime called on Cazeau to draft an amendment to the city code "as quickly as possible" that would allow city employees to run for public office.

"It's unacceptable," Bien-Aime said. "If you can come up with an amendment, I would be happy to vote for it."

Cazeau said he would work on the revised language, but he declined to speak publicly about whether that might allow the city to continue to employ the workers in question.

The city attorney's memo Tuesday said that, until a few days ago, he was unaware of a provision in the city's [civil service rules](#) that says "classified" city employees can't keep working for the city once they're elected to public office. Classified employees include most city workers, with the exception of certain high-ranking positions like city council members and department heads.

Cazeau said he learned of the provision Friday after a blogger, Stephanie Kienzle, sent an inquiry to city officials that cited the civil services rules and asked whether Jean had already resigned. That was part of an ongoing squabble between Kienzle and Jean, whose complaint about her home address being shared on Kienzle's website led to the blog being shut down. Kienzle filed a lawsuit Sunday against Jean and a web host company.

Friday was the first time Cazeau became aware of the civil service rule, he said in his memo.

The opinion he issued Friday cited that rule, but it incorrectly stated that the city code — which generally trumps civil service rules — was "silent on the issue of city employees running for office."

In fact, the North Miami [city code](#) goes further than the civil service rules, mandating that employees give up their positions with the city as soon as they become *candidates* for any public office.

Cazeau said he became aware of the provision Monday “after conducting further research.” A Miami Herald reporter had inquired about that part of the code Monday.

His memo notes that a willful violation of that section of the city code could constitute a criminal misdemeanor.

A spokeswoman for the city, Eunicia Baker, declined to comment on a series of questions from the Herald. She did not respond to a request to make Cazeau or City Manager Theresa Therilus available for an interview.

“At this time the City of North Miami is unable to respond, as this personnel matter remains under review,” Baker said Tuesday before the city attorney’s memo was released.

Julien, the recently elected Miami Gardens councilwoman, said she was disappointed that North Miami officials acted so swiftly on Friday to have her resign without first doing more research.

“It was like a whirlwind,” she said. “There wasn’t any thought given to the situation in terms of how to handle it from management. That’s the thing that I’m disappointed about.”

Candidates asked attorney to weigh in

The city attorney was asked several times over the past year to weigh in on the issue of city employees seeking elected office.

In the fall of 2019, according to Cazeau’s memo, Julien told him she was considering running for council in Miami Gardens and sought his opinion. Cazeau replied that he “did not know of any rule preventing her from running for office in another city,” but that it was his personal opinion that it would create a conflict of interest.

Cazeau said that, “sometime later,” Jean also sought Cazeau’s opinion on whether she could run for office in North Miami Beach while keeping her job in North Miami.

“Significantly, I never provided Ms. Jean with an opinion,” Cazeau said.

In August, Timothe asked Cazeau for a legal opinion on whether North Miami city employees could run for North Miami City Council. Cazeau “erroneously” told her there were no rules prohibiting it, his memo says.

Cazeau issued a memo in September saying that, if Timothe were elected to the City Council next year, he believed it would create a conflict of interest and require her to resign from her original role with the city.

Now, she may need to give up her job — or her run for office — more quickly. Cazeau said in his memo that, given the ordinance barring candidates from working for the city, Timothe “cannot continue in her position.”

It wasn’t immediately clear Tuesday whether Timothe and Thomas had already been told to resign, or whether council members’ objections might affect the city’s approach.

Timothe and Thomas could not be reached for comment. Jean declined to comment.

Cazeau was asked to weigh in once more on Nov. 5, when Personnel Director Joseph Roglieri Jr. sought an opinion on possible conflicts of interest after Julien won in Miami Gardens and Jean made a runoff in North Miami Beach. Cazeau didn’t respond until this Friday, after receiving the inquiry from a blogger.

“For various reasons, I was unable to begin researching or drafting the memo for quite some time,” Cazeau said.

Is the city code legal?

Galvin said he’s not confident that the city’s ordinance barring its employees from running for office would survive a legal challenge.

The language has been in the North Miami city code since at least 2013, reading: “No officer or employee in the service of the city shall continue in such position after becoming a candidate for nomination or election to any public office.”

The same language appears in the city codes of Miami Beach and Opa-locka, with provisions that refer specifically to classified employees. The [Miami Beach city code](#) indicates that the section dates back to 1937.

Bruce Lamberto, a former inspector in the public works department in Miami Beach, told the Herald he was allowed to run for city commission in North Miami Beach in 2012. But that was only because a contract between his employee union and the city of Miami Beach allowed it, overriding the city code, he said.

Under Florida’s [resign-to-run law](#), elected or appointed officers can’t run for another office if the two terms would overlap. In cities, that applies to officials with the authority to “exercise municipal power” — typically meaning elected officials, not the broad range of civil servants covered by North Miami’s ordinance.

Even if the local ordinance isn’t preempted by state law, it could potentially be challenged in court for preventing city employees from exercising their constitutional rights, said Michael Pizzi, a former mayor of Miami Lakes and former city attorney in Medley.

Pizzi is also representing Kienzle, the blogger, in her lawsuit against Jean.

“You are exempting from running for public office a whole category of people who work for government,” Pizzi said. “It shouldn’t have gotten to this stage.”