

From: "Defillipo, Anthony" <Anthony.Defillipo@citynmb.com>

Date: June 21, 2021 at 8:20:20 PM EDT

To: "Ottinot,Hans" <Hans.Ottinot@citynmb.com>, "Sorey, Arthur" <Arthur.Sorey@citynmb.com>, Jose Arrojo <jose.arrojo@miamidade.gov>, Howard Rosen State Attorneys Office <HowardRosen@miamisao.com>

Subject: Re: You're opinion on gift cards

Hans,

I respectfully disagree with your legal opinion for several reasons.

You stated that "numerous municipalities have used public funds to provide \$100 gift cards to residents;" however you fail to note that those municipalities are entitlement cities, and receive Federal funds to provide those programs. North Miami Beach on the other hand, appropriated money from the General Fund, i.e. ad valorem taxes derived from private property, to aid less than .023% of the city's approximately 44,000 residents.

I reviewed the legal authorities cited in your memo and found them unpersuasive. *In O'Neill v. Burns*, the Supreme Court rejected the use of \$50,000 of public funds to aid the Junior Chamber of Commerce. I don't understand why you cited this case as it had nothing to do with the gift card issue.

The Attorney General Opinions you cited deal with public roads, drug rehabilitation programs, and football programs open to all residents with specific criteria and city control.

The fact that several residents were able to receive gift cards without having to adhere to the specific criteria of "financial hardship," indicates that there was no oversight of the Resolution's intended goal of aiding those who "experienced financial hardship and food insecurity."

Furthermore, the City ceded control of at least 200 of those 1,000 gift cards by authorizing a private citizen with no connection whatsoever to the City, Alan Sakowitz, to distribute as he saw fit, without ever advising his voting bloc that the cards were only for those who "experienced financial hardship and food insecurity."

While North Miami Beach has wide discretion, and in the Resolution outlined a "public purpose" to aid residents with "financial hardship and food insecurity," the manner in which the program was run, the absence of clear criteria, and its haphazard distribution seems to fail the "public purpose" test.

Therefore, I am directing you, as our City Attorney, to seek an advisory opinion on this matter from the Attorney General of the State of Florida. Please do so immediately and copy me with your correspondence. I am awaiting your response.

Very truly yours,

Mayor Anthony F. DeFillipo

cc: Arthur H. Sorey III
Jose Arrojo, Esq.