

March 16, 2023

The Honorable City Commission
City of North Miami Beach
17011 N.E. 19th Avenue
North Miami Beach, Florida 33162

Via Email and Hand Delivery

Re: Resignation of Ottinot Law as City Attorney

Dear Honorable City Commission:

Please be advised that Ottinot Law, P.A., hereby resigns from its position as North Miami Beach's City Attorney and by extension, as Community Redevelopment Agency Attorney, effective Friday, March 17, 2023 at 5:00 pm. Although the engagement letter between Ottinot Law and the City does not provide a notice provision, as a matter of professional courtesy, it is the firm's intention to work with City staff and the Commission to ensure a smooth transition for the appointment of a new city attorney.

While the end of our tenure in the City of North Miami Beach has been marred by unfair political attacks because of our adherence to the law, we nevertheless believe that our services as described below contributed to progress in the City. Through our commitment to providing high touch legal services, firm members developed relationships with department heads, held regular in-person meetings, delivered on-the-spot legal advice, and provided proactive legal counseling.

We were also committed to efficiency, transparency and accountability and instituted an Internal Work Order system so departments could track legal requests, and within three to seven days, receive drafted legislation, legal research or other legal assistance. Indeed, several departments have commented that they never received the type of care and attention to legal matters that Ottinot Law has provided. We are very proud and pleased that we provided that level of service to the City Manager and his staff and to elected officials.

In addition to the high level of service, Ottinot Law saved the City hundreds of thousands of dollars in legal fees by resolving lawsuits in an expedient fashion. Moreover, the firm generated

revenues for the City by requiring developers to pay the City for the use of public alleyways to increase the density of their projects. From the sale of alleyways and negotiations of community benefits, our firm was able to bring in revenues in excess of \$1.3 Million Dollars to the City; setting a new precedent in the City.

This type of “thinking outside of the box” strategy has also led to numerous accomplishments, a fraction of which are noted below:

- Although approved by previous city management team, the firm recommended against paying former NMB Water Utility Operator Jacobs a \$3 Million Dollars Demand to the City based on breach of contract allegations. The firm spent many hours researching defenses in the matter and avoided a litigious lawsuit. The City paid nothing.
- Acquired through legal proceedings for the Police Department over \$150,000.00 in forfeiture funds. Another first, the firm recovered from the Clerk of the Court forfeiture bond deposits that were never claimed but just sitting in the Miami-Dade County Office of the Clerk.
- Provided legal and practical guidance to the Building Official and City Manager in their decision to evacuate over 300 residents upon a determination that the Crestview Towers and Bayview 60 buildings were unsafe.
- Negotiated the acquisition of a property for the future Senior Center at a price of \$2,250,000.00.
- Negotiated the acquisition of land for the expansion of Washington Park from a reluctant seller at a price of \$800,000.00.
- Negotiated the acquisition of a property for a future office for the Building Department at a price of \$ 1,670,000.00.
- Worked with the City Manager to successfully negotiate a Collective Bargaining Agreement for civilian employees and police officers.
- Defended at the circuit and appellate courts, the decision of the City Commission to approve the Intracoastal Mall Project.
- Drafted an ordinance for adoption by the City Commission to prevent party boats and unauthorized filming in the Eastern Shores neighborhood.
- Drafted an ordinance for adoption by the City Commission to prevent elected officials and staff from using their public positions for private gain in real estate matters.
- Drafted an ordinance for adoption by the City Commission regulating shopping carts in the City.
- Drafted numerous resolutions on behalf of the City.
- Defended with success, elected officials, the City Clerk and the City Manager against numerous frivolous Ethics complaints.
- Held interactive in-person harassment and discrimination training for all city employees.
- Conducted full investigations of employee claims of harassment and discrimination.

- Played critical role in the restoration of pension benefits for general management employees.
- Played critical role in the restoration of pension benefits for police officers.
- Provided critical legal support for small business grant initiatives created by the CRA.
- Teamed up with outside counsel to successfully negotiate a settlement of the emergency water surcharge case, where the City was exposed to millions in liability.
- Firm members were available to elected officials and staff on a 24-hour basis.
- Teamed up with outside counsel to successfully defend the City Commission's decision to retain a new trolley service in a bid protest lawsuit initiated by a competing vendor.
- Assisted in the collection of thousands of dollars in utility and code enforcement liens.

Yet, despite our countless accomplishments and the high-quality legal services provided, it is unfortunate that firm members have recently been subjected to vitriolic and ad hominem attacks on our educational and professional credentials by certain elected officials and certain residents alike.

With regard to the Mayor's residency, we followed the law and City precedent in making recommendations in compliance with the City Charter. In 2018, when Frantz Pierre was accused of vacating his commission seat, the then city attorney procured the opinion of outside counsel who opined that Commissioner Pierre's appearance by telephone at city commission meetings was insufficient to cure the physical presence requirement in the City Charter.

The Commission, which consisted of two current members (Anthony DeFillipo and Phyllis Smith), determined that Commissioner Pierre automatically vacated his seat.

Based on the approved process applied in *Pierre*, we underwent the exact same method when the Mayor was accused of vacating his seat due to allegations that he no longer resided in North Miami Beach. First, we obtained an outside counsel opinion in the same manner that the previous city attorney did. Next, we recommended that the City Commission hold a special meeting to review the residency allegations and make a determination regarding vacancy as was done in *Pierre*.

Unfortunately, the *Pierre* process was hijacked when the Mayor sued the City asking for a reduction in quorum and when he refused to attend a special meeting despite his position in *Pierre*. In this instance, the basis for non-attendance by three elected officials at certain commission meetings was (1) their desire to follow the law and the *Pierre* precedent and (2) the fact that Mayor DeFillipo refused to follow the *Pierre* precedent. Like Commissioner Pierre, if Mayor DeFillipo

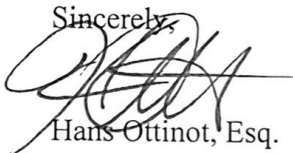
felt there was injustice in the process, he had the same opportunity to go to court and defend his residency and compliance with the Charter. It is regrettable that our firm has been attacked for simply doing what was done just five years ago. In any event, the records speaks for itself and thereby vindicates us.

Again, the firm is proud of the outstanding legal services it has provided to the City as it has always been our intention to leave the City a better place than when we arrived. We certainly believe that we accomplished that goal.

Ottinot Law departs wishing the best for the City of North Miami Beach and its residents. It is the firm's sincere hope that the City Commission finds common ground and healing to make the City a better place for all residents.

Thank you for the opportunity to serve the City of North Miami Beach.

Sincerely,



Hans Ottinot, Esq.

Sincerely,



Pamala H. Ryan, Esq.

cc: Regine Monestime, Esq.
Arthur Sorey, City Manager
Andrise Bernard, City Clerk
Department Directors