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INQ 16-98 Kallergis

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**From:** Kallergis, Nick [mailto:NickKallergis@miamibeachfl.gov]  
**Sent:** Friday, March 25, 2016 2:57 PM  
**To:** Centorino, Joseph (COE) <CENTORI@miamidade.gov>  
**Cc:** Murawski, Michael P. (COE) <MURAWSK@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>; Sanchez, Gerald (CAO) <gks@miamidade.gov>; Boutsis, Eve <EveBoutsis@miamibeachfl.gov>  
**Subject:** RE: INQ 16-98 Nick Kallergis, Assistant City Attorney, City of Miami Beach

Mr. Centorino,

Thank you for your prompt response. Have a nice weekend.

Nick

MIAMIBEACH

**Nick Kallergis**

Assistant City Attorney

OFFICE OF THE CITY ATTORNEY

1700 Convention Center Drive, 4<sup>th</sup> Floor, Miami Beach, FL 33139

Tel: 305-673-7000 x 6321 / [nickkallergis@miamibeachfl.gov](mailto:nickkallergis@miamibeachfl.gov)

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**From:** Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]

**Sent:** Friday, March 25, 2016 2:55 PM

**To:** Kallergis, Nick

**Cc:** Murawski, Michael P. (COE); Turay, Radia (COE); Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE); Sanchez, Gerald (CAO)

**Subject:** INQ 16-98 Nick Kallergis, Assistant City Attorney, City of Miami Beach

Mr. Kallergis:

You have inquired as to whether the requirement under Section (A)6. of the Citizens' Bill of Rights for both Miami-Dade County and the City of Miami Beach, that notice of a City hearing must contain "the legal authority pursuant to which the hearing is to be held," would be satisfied by the language, "pursuant to the city's land development regulations."

It is my opinion that the suggested language is appropriate and fulfills the requirement regarding statement of legal authority.

Sincerely,

Joe Centorino

## *Joseph M. Centorino*

Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 579-2594  
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**From:** Murawski, Michael P. (COE)  
**Sent:** Thursday, March 24, 2016 3:05 PM  
**To:** Centorino, Joseph (COE) <[CENTORI@miamidade.gov](mailto:CENTORI@miamidade.gov)>  
**Subject:** FW: "Right to notice" as described in the Citizens' Bill of Rights

This is the question from City of Miami Beach

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**From:** Kallergis, Nick [<mailto:NickKallergis@miamibeachfl.gov>]  
**Sent:** Thursday, March 24, 2016 3:04 PM  
**To:** Murawski, Michael P. (COE)  
**Subject:** "Right to notice" as described in the Citizens' Bill of Rights

Dear Mike,

Section (A)(6) of the City's Citizens' Bill of Rights, which mirrors the County Citizens' Bill of Rights, provides that "[p]ersons entitled to notice of a City hearing shall be timely informed as to the time, place and nature of the hearing and **the legal authority pursuant to which the hearing is to be held.**" (Emphasis added).

The City publicly notices all meetings of its land use boards (Planning Board, Board of Adjustment, Design Review Board, and Historic Preservation Board). Is it sufficient for the City to state, in its public notices, that the hearings are held "pursuant to the City's land development regulations"? Or, alternatively, should the City list all provisions (chapters and/or sections of the City Code) that govern the review of land use applications?

Please let me know if you have any questions.

Thank you,  
Nick

**MIAMIBEACH**

**Nick Kallergis**  
Assistant City Attorney

OFFICE OF THE CITY ATTORNEY

1700 Convention Center Drive, 4<sup>th</sup> Floor, Miami Beach, FL 33139

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