

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: March 19, 2025 10:15 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 38, ENTITLED "ELECTIONS," SECTION 38-4 THEREOF, ENTITLED "ACCEPTANCE OF ELECTION RETURNS; INSTALLATION OF NEW OFFICERS," FOR THE PURPOSE OF CONFORMING/IMPLEMENTING INTO THE CODE VOTER-APPROVED AMENDMENTS TO THE CITY CHARTER CONCERNING RUNOFF ELECTION DATE AND DATE OF INSTALLATION AND COMMENCEMENT OF TERMS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The City Attorney recommends that the Mayor and City Commission adopt this Ordinance at First Reading, and schedule a Second Reading/Public Hearing. The Ordinance, which is sponsored by Commissioner Alex J. Fernandez, implements and conforms the City Code to the City Charter amendments approved by the City's voters on November 5, 2024.

BACKGROUND/HISTORY

On November 5, 2024, the City submitted to the City's voters seven (7) proposed amendments to the City Charter and Citizens' Bill of Rights that were recommended by the 2023-24 Ad Hoc Advisory Charter Review and Revision Board. All seven (7) amendments were approved by the voters.

ANALYSIS

As a result of the City's November 5, 2024 Special Election, several related sections of the City Code require amendment in order to conform the Code to the amended Charter and Citizens' Bill of Rights, and to implement, as needed, the voter-approved language. As such, the attached Ordinance proposes required amendments to Chapter 38 of the City Code, entitled "Elections," including the following:

- Amended runoff election date (now the second Tuesday in December);
- Date of installation of new Commission members (Monday following the second Tuesday in December); and
- Commencement of terms (on the date of installation, which is the Monday following the second Tuesday in December).

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 3/7/2025
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

Applicable Area

Citywide

**Is this a “Residents Right to Know” item,
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

10:15 a.m. 2nd Rdg, Voter Approved Amendments: Runoff Election/Install Dates/Terms. (AF) CA

Previous Action (For City Clerk Use Only)

First Reading Public Hearing on 2/26/2025 – R5 T