

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: November 20, 2024 9:40 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION," ARTICLE II, ENTITLED "CITY COMMISSION," AT SECTION 2-16, ENTITLED "COMMISSION COMMITTEE DRAFT MINUTES-CITY COMMISSION APPROVAL," TO CLARIFY THAT CITY COMMISSION COMMITTEES MAY REQUEST INFORMATION OR ADMINISTRATIVE SUPPORT FROM THE CITY ADMINISTRATION, WITHIN THE SCOPE OF THE COMMITTEE REFERRAL, SUBJECT TO THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

At the request of Commissioner Kristen Rosen Gonzalez, the attached Ordinance has been placed on the City Commission meeting agenda for Second Reading.

Pursuant to Resolution No. 94-21382 (as amended and re-stated by Resolution No. 2024-32990), the City Commission has created three Commission Committees: the Land Use and Sustainability Committee, the Finance and Economic Resiliency Committee, and the Public Safety and Neighborhood Quality of Life Committee. The purpose of the Commission Committees is to carefully study policy issues, examine facts, and advise the Mayor and City Commission of their findings and recommendations. The Commission Committees are staffed by the City Administration, and legal counsel is provided by the City Attorney's Office.

The role of the Commission Committees is advisory, and any final or binding action of the City Commission (including, without limitation, adoption of legislation, approval of a contract, or appointment of a Charter officer) may only be taken by the City Commission, as the City's governing body, at a regular or special meeting. However, the Commission Committees are allocated sufficient resources to perform their work and develop their recommendations.

The attached Ordinance amends Chapter 2 of the City Code, "Administration," at Article II, "City Commission," to clarify that Commission Committees may, on a majority vote, request that the City Administration provide information or perform studies, investigations, or analysis, as long as (1) the request is within the scope of the Committee referral and (2) the request can be performed with existing budgeted resources. If the request involves a purchase of services, such purchase shall be subject to the prior approval of the City Commission even if the purchase would otherwise

be within the City Manager's purchasing authority. The version of the ordinance proposed for second reading was amended to reflect direction provided by the Mayor and City Commission at its September 11, 2024 meeting. Specifically, the revision eliminated the ability of a Commission Committee to direct the Administration to purchase services if the purchase was within the City Manager's purchasing authority, which was included in the draft presented at first reading. The revised draft ordinance provides instead that if a request by a Commission Committee to provide information or perform studies, investigations, or analysis shall require the purchase of services, such purchase shall be subject to the prior approval of the City Commission even if the purchase would otherwise be within the city manager's purchasing authority.

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: 10/11/2024
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

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

No

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 Kristen Rosen Gonzalez

Co-sponsor(s)

Condensed Title

9:40 a.m. 2nd Rdg, Ch. 2, Admin. Support to Commission Committees. (Rosen Gonzalez) CA