

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: November 20, 2024 10:45 p.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED, "ADMINISTRATION," BY AMENDING ARTICLE II, ENTITLED "CITY COMMISSION," BY AMENDING SECTION 2-14 THEREOF, ENTITLED "MEETING PROCEDURES AND AGENDAS," TO CLARIFY THAT ANY ORDINANCES OR RESOLUTIONS PLACED ON A CITY COMMISSION AGENDA WITH A FISCAL IMPACT GREATER THAN \$75,000 SHALL BE FIRST REFERRED TO THE FINANCE AND ECONOMIC RESILIENCY COMMISSION COMMITTEE, AND FURTHER, TO REQUIRE AN AFFIRMATIVE VOTE OF FIVE-SEVENTHS OF THE CITY COMMISSION FOR APPROVAL OF ANY ORDINANCES OR RESOLUTIONS PLACED ON A CITY COMMISSION AGENDA BY THE MAYOR OR A CITY COMMISSIONER THAT WILL HAVE A RECURRING FISCAL IMPACT OF MORE THAN \$50,000 PER FISCAL YEAR; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The Mayor and City Commission approved the Ordinance on first reading at the October 30, 2024 City Commission meeting. A summary of the proposed Ordinance is set forth below.

The City Commission has established procedures for the conduct of its monthly meetings in Chapter 2 of the Code. On June 22, 2022, the Mayor and City Commission adopted Ordinance No. 2022-4496 to strengthen the City's procedural requirements, including adopting a requirement that any ordinance or resolution initiated by a member of the City Commission with a fiscal impact greater than \$75,000.00 must be first referred to a commission committee for review and recommendation, unless it is waived by five-sevenths vote.

The sponsor of this Ordinance wishes to amend subsection 2-14(d)(1)(a) of the City Code to clarify that any ordinance or resolution initiated by a member of the City Commission with a fiscal impact greater than \$75,000.00 must be first referred to the Finance and Economic Resilience Commission Committee for review and recommendation. Furthermore, the sponsor of this Ordinance wishes to establish a 5/7ths voting requirement for the approval of any ordinance or resolution initiated and sponsored by the Mayor or a Commissioner that will have a recurring fiscal impact of more than \$50,000 per fiscal year to ensure fiscal responsibility and transparency in the allocation of public funds. The initial proposed threshold of the fiscal impact was \$25,000, but was later amended to \$50,000 by the Mayor and City Commission at first reading of the Ordinance.

## **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: 11/7/2024.  
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 Joseph Magazine

### **Co-sponsor(s)**

Commissioner Alex Fernandez

### **Condensed Title**

10:45 p.m. Rdg, Ch. 2, Require Ref FERC, Items w/ Fiscal Above \$75K. (Magazine/Fernandez)  
CA