

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 26, 2025 11:00 a.m. First 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 2, ENTITLED "ADMINISTRATION," SECTION 2-1 THEREOF, ENTITLED "REASONABLE OPPORTUNITY TO BE HEARD," SECTION 2-2 THEREOF, ENTITLED "ALTERNATIVE PUBLICATION OF LEGAL NOTICES ONLINE" AND SECTION 2-14 THEREOF, ENTITLED "MEETING PROCEDURES AND AGENDAS," FOR THE PURPOSE OF CONFORMING/IMPLEMENTING INTO THE CODE VOTER-APPROVED AMENDMENTS TO THE CITY CHARTER AND CITIZENS' BILL OF RIGHTS CONCERNING INCREASED PUBLIC RIGHT TO BE HEARD VIA TWO (2) STANLEY SUTNICK CITIZENS' FORUMS AT REGULAR CITY COMMISSION MEETINGS, ALTERNATIVE PUBLICATION OF LEGAL NOTICES ONLINE, AND AMENDED PROCEDURE FOR DEFERRAL OF COMMISSION ITEMS AS WELL AS REQUIREMENT FOR TWO PUBLIC HEARINGS FOR CITY ORDINANCES (EXCEPT EMERGENCY ORDINANCES AND PROPOSED ORDINANCES SUBJECT TO ADOPTION PROCEDURES ESTABLISHED IN CITY'S ZONING ORDINANCE); 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 2 of the City Code, entitled "Administration," including the following:

- Increasing the public's right to be heard by requiring two (2) Stanley Sutnick Citizens' Forums at each regular meeting of the City Commission;
- Cross-reference to Charter section re: alternative publication of legal notices online; and

- Amended procedure for deferral of Commission items, as well as requirement for two public hearings for City ordinances (except emergency ordinances and proposed ordinances subject to adoption procedures established in the City's Zoning 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:  
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 J. Fernandez

**Co-sponsor(s)**

**Condensed Title**

11:00 a.m. 1st Rdg PH, Charter Review Amendments: Notices/Sutnick Forums/PH's for Ord.  
(Fernandez) CA

**Previous Action (For City Clerk Use Only)**