

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: October 30, 2024 First Reading

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 \$25,000 PER FISCAL YEAR; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached Ordinance was prepared at the request of Commissioner Joseph Magazine for consideration by the Mayor and City Commission.

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 \$25,000 per fiscal year to ensure fiscal responsibility and transparency in the allocation of public funds.

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/>

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

1st Rdg, Ch. 2, Require Ref to FERC Agenda Items w/ Fiscal Impact Greater Than \$75K.
(Magazine/Fernandez) CA