

C7 AC A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO COMMISSION COMMITTEES, AND AMENDING AND RESTATING RESOLUTION NO. 94-21382 (AS AMENDED BY RESOLUTION NOS. 97-22607, 98-22693, 2003-25446, 2013-28437, 2015-28905, 2015-28962, 2019-31107, 2024-32896, 2024-32990 AND 2024-33256) TO REQUIRE, SUBJECT TO WAIVER BY THE CITY COMMISSION ON A 6/7THS VOTE, THAT ANY ORDINANCE INITIATED BY ANY MEMBER(S) OF THE CITY COMMISSION AND RELATED TO PUBLIC SAFETY (I.E. ANY ORDINANCE THAT PROVIDES FOR A CRIMINAL PENALTY AND/OR IS TO BE ADMINISTERED BY THE POLICE DEPARTMENT OR THE FIRE DEPARTMENT), SHALL FIRST BE REFERRED TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE ("PSNQLC"), EXCEPT FOR EMERGENCY ORDINANCES PURSUANT TO CITY CHARTER SECTION 2.05; AND FURTHER, TO REQUIRE THE PSNQLC TO TRANSMIT ITS RECOMMENDATION TO THE CITY COMMISSION PRIOR TO FIRST READING.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: December 11, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO COMMISSION COMMITTEES, AND AMENDING AND RESTATING RESOLUTION NO. 94-21382 (AS AMENDED BY RESOLUTION NOS. 97-22607, 98-22693, 2003-25446, 2013-28437, 2015-28905, 2015-28962, 2019-31107, 2024-32896, 2024-32990 AND 2024-33256) TO REQUIRE, SUBJECT TO WAIVER BY THE CITY COMMISSION ON A 6/7THS VOTE, THAT ANY ORDINANCE INITIATED BY ANY MEMBER(S) OF THE CITY COMMISSION AND RELATED TO PUBLIC SAFETY (I.E. ANY ORDINANCE THAT PROVIDES FOR A CRIMINAL PENALTY AND/OR IS TO BE ADMINISTERED BY THE POLICE DEPARTMENT OR THE FIRE DEPARTMENT), SHALL FIRST BE REFERRED TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE ("PSNQLC"), EXCEPT FOR EMERGENCY ORDINANCES PURSUANT TO CITY CHARTER SECTION 2.05; AND FURTHER, TO REQUIRE THE PSNQLC TO TRANSMIT ITS RECOMMENDATION TO THE CITY COMMISSION PRIOR TO FIRST READING.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached Resolution was prepared at the request of the sponsor, Commissioner Laura Dominguez.

FISCAL IMPACT STATEMENT

None.

Does this Ordinance require a Business Impact Estimate?

(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-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 Laura Dominguez

Co-sponsor(s)

Condensed Title

Public Safety Ordinances Referred to PSNQLC. (Dominguez) CA

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO COMMISSION COMMITTEES, AND AMENDING AND RESTATING RESOLUTION NO. 94-21382 (AS AMENDED BY RESOLUTION NOS. 97-22607, 98-22693, 2003-25446, 2013-28437, 2015-28905, 2015-28962, 2019-31107, 2024-32896, 2024-32990 AND 2024-33256) TO REQUIRE, SUBJECT TO WAIVER BY THE CITY COMMISSION ON A 6/7THS VOTE, THAT ANY ORDINANCE INITIATED BY ANY MEMBER(S) OF THE CITY COMMISSION AND RELATED TO PUBLIC SAFETY (I.E. ANY ORDINANCE THAT PROVIDES FOR A CRIMINAL PENALTY AND/OR IS TO BE ADMINISTERED BY THE POLICE DEPARTMENT OR THE FIRE DEPARTMENT), SHALL FIRST BE REFERRED TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE ("PSNQLC"), EXCEPT FOR EMERGENCY ORDINANCES PURSUANT TO CITY CHARTER SECTION 2.05; AND FURTHER, TO REQUIRE THE PSNQLC TO TRANSMIT ITS RECOMMENDATION TO THE CITY COMMISSION PRIOR TO FIRST READING.

WHEREAS, pursuant to Resolution No. 94-21382, the City Commission established City Commission Committees to examine facts and issues relating to matters relating to land use and development, capital improvements and finance, and community issues; and

WHEREAS, over the years, various amendments have been made to Resolution No. 94-21382 by Resolution Nos. 97-22607, 98-22693, 2003-25446, 2013-28437, 2015-28905, 2015-28962, 2019-31107, 2024-32896, 2024-32990 and 2024-33256 to amend the provisions for City Commission Committees relative to membership, participation, purpose, the selection of chairpersons and vice chairpersons, the calling and holding of meetings, and the sufficiency of information to be provided in items published in Commission Committee agendas; and

WHEREAS, the Mayor and City Commission now desire to amend the Commission Committee requirements to require, subject to waiver by the City Commission on a 6/7ths vote, that any ordinance initiated by any member(s) of the City Commission and related to public safety (i.e. any ordinance that provides for a criminal penalty and/or is to be administered by the Police Department or the Fire Department), shall first be referred to the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC"), except for emergency ordinances pursuant to City Charter Section 2.05; and further, to require the PSNQLC to transmit its recommendation to the City Commission prior to first reading.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as follows:

1. Three (3) Committees shall be established to examine in depth facts and issues relating to matters in which the Mayor and City Commission may need to act

and to advise the Mayor and City Commission of their findings and their recommendations relating to those matters. The three (3) Committees shall be as follows and shall generally have the following purposes:

- a. the Land Use and Sustainability Committee ("LUSC") shall hear matters related to planning, infrastructure, and zoning issues (including issues relating to land use, mobility, historic preservation, and sustainable development) and issues related to specific public and/or private development projects; additionally, amendments to the Comprehensive Plan or Land Development Regulations that are initiated by the City Commission shall first be referred to the LUSC and the LUSC shall transmit its recommendation to the City Commission before the amendment may be referred to the Planning Board, unless the City Commission waives this requirement by a 6/7ths vote;
- b. the Finance and Economic Resiliency Committee shall hear issues related to municipal finance, City-wide capital improvements projects, and efficiency in government, as well as issues affecting tourism, arts and culture, business, and education in the City; and
- c. the Public Safety and Neighborhood and—Quality of Life Committee ("PSNQLC") shall address issues related to residents' quality of life, including improvement programs relating to the various neighborhoods throughout the City, and shall address issues of concern or interest to the Miami Beach community, including public safety, parks and recreation facilities and programs, housing, and homelessness; additionally, subject to waiver by the City Commission on a 6/7ths vote, any ordinance initiated by any member(s) of the City Commission and related to public safety (i.e. any ordinance that provides for a criminal penalty and/or is to be administered by the Police Department or the Fire Department), shall first be referred to the PSNQLC, except for emergency ordinances pursuant to City Charter Section 2.05; and further, the PSNQLC shall transmit its recommendation to the City Commission prior to first reading.

Notwithstanding the foregoing, the Mayor and City Commission reserve the right to assign such other matters they may deem appropriate, to be addressed by one or all of the aforesated Committees.

2. Each Committee shall have four (4) voting members, who shall be comprised of members of the City Commission selected by the Mayor. Notwithstanding the above, City Commission members who are not Committee members may participate in the discussion of any issue before any Committee (but such members cannot vote and cannot count toward quorum).
3. The Mayor shall annually appoint a chairperson and vice chairperson for each Committee. The term of service for each chairperson or vice chairperson shall be one year.
4. Meetings shall be held when called by the chairperson, or in his/her absence, by the vice chairperson and shall be held in the City Commission Chambers unless

the chairperson or, in his/her absence, the vice chairperson determines that good cause exists for the holding of a meeting in another location. In addition, meetings shall be video and audio recorded and shall be broadcast live on the Miami Beach cable channel or videotaped for posting on the City's website within a reasonable time following the conclusion of the meeting.

5. Items published in Committee agendas shall include sufficient detail and information for the Committee and the public to evaluate the items in a reasonable and timely manner.
6. A Committee shall advance an agenda item to the full City Commission with a favorable recommendation when a majority of the members of the Committee vote in favor of the proposed measure (e.g., on a 3-1 or 4-0 vote).
7. A Committee shall advance an agenda item to the full City Commission with an unfavorable recommendation in the event of a tie vote of the Committee.
8. In lieu of an unfavorable recommendation as noted in Section 7 above, a Committee has the option, by majority vote of the Committee, to specifically recommend advancing the proposed measure to the City Commission with "no recommendation."
9. If three (3) or more Committee members vote against a proposed agenda item, the agenda item dies at Committee, unless the Mayor, at the Mayor's discretion, elects to place the item on the next regular City Commission agenda for consideration by the City Commission. Committee liaisons shall be responsible with furnishing the Mayor's office with a list of items lacking the required support at Committee, to allow the Mayor to timely determine whether to place any item that lacked support at Committee on the next available regular meeting of the City Commission.
10. Discussion items that do not involve any proposed action may be concluded at Committee by unanimous consent.
11. This Resolution supersedes Resolution Nos. 97-22607, 98-22693, 2003-25446, 2013-28437, 2015-28905, 2015-28962, 2019-31107, 2024-32896, and ~~2024-32990~~ and 2024-33256.

PASSED and **ADOPTED** this ____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Laura Dominguez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

12/9/2024

Date