

R5 Q AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE MIAMI BEACH CITY CODE, ENTITLED "PERSONNEL," BY CREATING ARTICLE VI, ENTITLED "UNCLASSIFIED EMPLOYEES' SALARY ORDINANCE," BY CREATING SECTIONS 78-310 THROUGH 78-320 THEREOF, TO CODIFY AS PART OF THE CITY CODE, AND ADOPT AMENDMENTS TO THE CITY'S UNCLASSIFIED EMPLOYEES' SALARY ORDINANCE (NO. 1605), WHICH ORDINANCE ESTABLISHES THE PAY PLAN FOR UNCLASSIFIED CITY EMPLOYEES, FOR PURPOSES OF CLARITY AND EASE OF REFERENCE, TO DELETE AND/OR REVISE OUTDATED PROVISIONS, AND TO CODIFY EXISTING ADMINISTRATIVE PRACTICES; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND FURTHER, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: May 21, 2025 10:26 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE MIAMI BEACH CITY CODE, ENTITLED "PERSONNEL," BY CREATING ARTICLE VI, ENTITLED "UNCLASSIFIED EMPLOYEES' SALARY ORDINANCE," BY CREATING SECTIONS 78-310 THROUGH 78-320 THEREOF, TO CODIFY AS PART OF THE CITY CODE, AND ADOPT AMENDMENTS TO THE CITY'S UNCLASSIFIED EMPLOYEES' SALARY ORDINANCE (NO. 1605), WHICH ORDINANCE ESTABLISHES THE PAY PLAN FOR UNCLASSIFIED CITY EMPLOYEES, FOR PURPOSES OF CLARITY AND EASE OF REFERENCE, TO DELETE AND/OR REVISE OUTDATED PROVISIONS, AND TO CODIFY EXISTING ADMINISTRATIVE PRACTICES; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND FURTHER, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends the adoption of the proposed Ordinance to codify current administrative policies and practices, and deleting or revising outdated provisions concerning pay for the Unclassified Service, and providing that future changes to the pay plan be effectuated by the Commission through resolution rather than through ordinance.

BACKGROUND/HISTORY

Pursuant to the City's Civil Service System, employment positions in the City are generally divided into the Classified or Unclassified Service. Ordinance 1605, first enacted on September 28, 1966, with the stated purpose of creating an orderly means of compensation, established a Compensation Plan, comprised of positions and an associated salary range for each position within the Unclassified Service of the City. Each Commission-approved change to the Ordinance over the years was made independently and was irregularly codified. Furthermore, since the adoption of Ordinance 1605, any across the board pay increases or changes to the pay scales on a classification basis have been made by an amendatory ordinance. Ordinance 1605 was last amended on December 14, 2022, by the adoption of Ordinance 2022-4528 which Ordinance raised the maximum pay of the salary range for all positions in the Unclassified Service to reflect an across-the-board cost-of-living increase of 3% effective in April 2023 and 3% effective in April 2024.

ANALYSIS

The City must currently change the pay plan, including for cost of living increases, by ordinance, requiring two readings and strike-throughs to every pay grade and for every change to the Compensation Plan since the prior ordinance.

Pay Plan Amendments by Resolution of the Commission

The Pay Plan refers to the grade assigned to each position within the Unclassified Service and the associated minimum and maximum pay range. The Classification Plan refers to the inventory of job positions within the Unclassified Service and the associated position grade. Together, the Classification Plan and Pay Plan comprise the City's Compensation Plan. The City Manager may maintain and amend the Classification Plan while authority to amend the Pay Plan rests with the Commission.

In keeping with the legal notice requirements for the adoption of ordinances, in the past, every change to the Pay Plan approved by the Commission involved the use of strikethroughs and underlines to reflect the text amendments. At times, this has caused the proposed ordinance to take up several pages to incorporate the entire Compensation Plan for the mere purpose of adjusting the maximum salary in each range to reflect the across-the-board pay increase granted by the Commission. Since the implementation of enterprise system software, currently MUNIS, systematic changes can be easily and efficiently implemented and up to the minute information concerning positions and pay is readily available.

This updated Ordinance proposes that future changes to the Pay Plan be made by resolution of the commission eliminating the need for multiple readings and providing for greater efficiency in the administration of pay for the City's unclassified employees.

Codification of Current Administrative Regulations and Practices

The balance of powers between the Commission and the City Manager remains the same. The City Manager's powers focus primarily on his ability to affect individual salaries for operational efficiency, and they are circumscribed by the Commission's power to affect overall salaries as a function of the Commission's authority to adopt the budget. The enumerated powers of the City Manager reflect current practices on the maintenance of classifications and the settings of salaries within the framework of the approved Pay Plan for the Unclassified Service and enable the Administration to affect pay consistent with current market demands to hire and retain a quality workforce.

FISCAL IMPACT STATEMENT

The adoption of the ordinance has no financial impact.

Does this Ordinance require a Business Impact Estimate? No
(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

The Administration recommends the adoption of the Ordinance, which proposes to codify an updated Unclassified Salary Ordinance and provide for future pay plan adjustments through resolution rather than ordinance, on first reading and set the Ordinance for second reading on June 25, 2025. The City Administration will propose a companion resolution for consideration at the June 25, 2025 Commission Meeting which would effectuate cost of living adjustments for

unclassified employees.

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

Human Resources

Sponsor(s)

Commissioner Joseph Magazine

Co-sponsor(s)

Condensed Title

10:26 a.m. 1st Rdg PH, Amend 1605, Unclassified Employees' Salary Ordinance. (Magazine)
HR

Previous Action (For City Clerk Use Only)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE MIAMI BEACH CITY CODE, ENTITLED "PERSONNEL," BY CREATING ARTICLE VI, ENTITLED "UNCLASSIFIED EMPLOYEES' SALARY ORDINANCE," BY CREATING SECTIONS 78-310 THROUGH 78-320 THEREOF, TO CODIFY AS PART OF THE CITY CODE, AND ADOPT AMENDMENTS TO THE CITY'S EMPLOYEES' UNCLASSIFIED SALARY ORDINANCE (NO. 1605), WHICH ORDINANCE ESTABLISHES THE PAY PLAN FOR UNCLASSIFIED CITY EMPLOYEES, FOR PURPOSES OF CLARITY AND EASE OF REFERENCE, TO DELETE AND/OR REVISE OUTDATED PROVISIONS, AND TO CODIFY EXISTING ADMINISTRATIVE PRACTICES; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND FURTHER, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach's Unclassified Employees' Salary Ordinance No. 1605 (the "Unclassified Employees' Salary Ordinance"), originally adopted on September 28, 1966, was last amended on December 14, 2022 via Ordinance No. 2022-4528; and

WHEREAS, the Mayor and City Commission wish to codify the Unclassified Employees Salary Ordinance in Chapter 78 of the Miami Beach City Code; and

WHEREAS, Unclassified Employees' Salary Ordinance No. 1605 is hereby superseded and replaced by Article VI of Chapter 78 of the City Code, entitled "Unclassified Employees' Salary", which codifies as part of the City Code, and adopts amendments to the City's Employees' Unclassified Salary Ordinance, for purposes of clarity and ease of reference, to delete and/or revise outdated provisions, and to codify existing administrative practices, details of which are set forth in the Memorandum accompanying this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Ordinance No. 1605 is hereby repealed in its entirety.

SECTION 2. Article VI of Chapter 78, entitled "Unclassified Employees' Salary" is hereby created as follows:

CHAPTER 78. PERSONNEL

* * *

ARTICLE VI. UNCLASSIFIED EMPLOYEES' SALARY

Sec. 78-310. Purpose. It is declared to be the purpose of this Article to provide an orderly and fair means for the compensation of employees in the unclassified service of the City of Miami Beach, Florida, on the basis of the work they perform and their competence in its performance; and to provide an equitable basis of compensation and reward for merit.

Nothing herein shall be construed to prevent the withholding of pay increases or the reduction of pay rates for disciplinary purposes, for fiscal responsibility, or any other purpose pursuant to the lawful exercise of the City's powers.

Sec. 78-311. Pay plan. Pursuant to this section, the city commission shall adopt a pay plan comprised of a schedule of minimum and maximum base salaries for the offices and positions in the unclassified service by Resolution. Subject to the provisions of this Article, the city commission may thereafter, by Resolution, amend the pay plan upon recommendation of the city manager, including by approving cost of living increases.

Sec. 78-312. Market rate adjustment (MRA). For employee positions that require special skills, certifications, or by virtue of market conditions require an upward adjustment to pay that exceeds the established maximum of the range (i.e. engineers, information technology, and construction positions), the city manager may approve a market rate adjustment to set pay up to 20% above the particular maximum salary range. In determining these MRAs, an analysis will be done to determine the appropriate adjustment to pay with approval by the city manager. The city manager shall have discretion to determine the MRA subject to the maximum supported by the analysis. The city attorney, city clerk, and inspector general shall be responsible for performing the MRA analysis and determining the appropriate adjustment up to 20% above the maximum salary range for employee positions within their respective office. Whenever the city manager or respective charter officer implements the adjustment of up to 20% above the maximum pay range, the city commission will be notified in writing.

Sec. 78-313. Limitation on increases to individual salaries greater than salary range maximum. Unless otherwise provided in a Resolution adopted pursuant to Section 78-311, increases to the minimum or maximum of salary ranges shall not result in individual employee's salary increases unless the employee's salary is below the minimum of the recommended range. Employees whose salary is at or over the maximum of the range for their respective classifications shall have their salaries frozen or red-circled until such time as their salary falls within the range. Unless otherwise provided in a Resolution adopted pursuant to Section 78-311, employees whose salary exceeds the maximum of the pay range shall not be eligible for a cost-of-living increase to pay.

Sec. 78-314. Compensation over or under prescribed minimums and maximums.

(a) The city manager, city attorney, city clerk, and inspector general each is authorized to approve rates of compensation less than the prescribed minimum for employees within their respective offices whose employment is on a part time basis, or whose duties and responsibilities are clearly less than normally attached to a position.

(b) The city manager, city attorney, city clerk, and inspector general each may authorize compensation of up to 10% above current base salary for those employees within their respective offices:

- i. whose duties and responsibilities are clearly above and beyond the normal scope of positions within their job class, or
- ii. who are required to work substantially beyond the normal work hours of their positions.

Sec. 78-315. Authority of city manager; limitations. The city manager is authorized to establish, assign, and maintain appropriate job classifications and salary grades for offices and positions in the unclassified service.

- (a) The city manager is further authorized to:
- i. establish a schedule of salaries that are in accordance with the budget adopted by the city commission for that fiscal year;
 - ii. grant a one-time, non-recurring, non-pensionable adjustment of up to 3% of pay to employees whose salary is at or exceeds the maximum rate of pay for their classification if the employee's performance is rated to have exceeded or significantly exceeded performance expectations;
 - iii. change the pay grade of any position;
 - iv. adjust salaries to comply with changes to federal minimum wage laws or other state or local laws mandating a minimum or living wage;
 - v. establish and approve additional pay incentives, allowances, supplements, merit pay, or other compensation, and benefits as the city manager deems necessary and appropriate for recruitment and retention;
 - vi. issue administrative orders, not in conflict with this Article, for the purpose of clarification and administration of this Article;
 - vii. fix the rates of compensation of individual employees within the limitations prescribed in this Article;
 - viii. adjust errors in pay for individual employees caused by computational or clerical errors in data processing.

(b) Limitations. Notwithstanding the provisions of this Article, the city attorney, city clerk, and inspector general are hereby authorized commensurate with the city manager's authority to establish, assign, and maintain appropriate job classifications and salary ranges for offices and positions in the unclassified service as deemed operationally necessary by the appropriate charter officer within their respective office.

* * *

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect 10 days following the adoption.

PASSED and **ADOPTED** this ___ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Joseph Magazine)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *A*

5/13/2025

Date