

R5 M AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 2, ENTITLED "DISABILITY ACCESS COMMITTEE" BY AMENDING SECTION 2-31 THEREOF TO REDUCE QUORUM AND VOTING REQUIREMENTS FROM EIGHT TO FIVE MEMBERS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: City Attorney Ricardo J. Dopico
DATE: July 24, 2024 2:05 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 MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 2, ENTITLED "DISABILITY ACCESS COMMITTEE" BY AMENDING SECTION 2-31 THEREOF TO REDUCE QUORUM AND VOTING REQUIREMENTS FROM EIGHT TO FIVE MEMBERS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ANALYSIS

The attached Ordinance was prepared at the request of Commissioner Alex Fernandez for consideration.

The City's Disability Access Committee (the "Committee") was first established in 1997, to review, formulate and coordinate information, suggestions, proposals and plans and to address complaints from the general public to provide more conveniently accessible facilities, public buildings, streets, sidewalks and programs for the persons with disabilities in the City.

The Committee's current quorum and voting requirement of eight (8) members has presented logistical challenges for Committee's decision-making process, particularly in instances where members are unable to attend and vote in-person due to disability-related accessibility barriers.

Reducing the quorum and voting requirements to accommodate virtual attendance would provide flexibility for members, particularly those with who may face challenges attending in-person meetings due to mobility issues or other accessibility barriers.

The proposed Ordinance seeks to reduce the quorum and voting requirement to (five) 5 members, which would facilitate more efficient decision-making processes while still ensuring representation from a diverse range of perspectives.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on 7/5/2024. See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

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 Alex Fernandez

Co-sponsor(s)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 2, ENTITLED "DISABILITY ACCESS COMMITTEE" BY AMENDING SECTION 2-31 THEREOF TO REDUCE QUORUM AND VOTING REQUIREMENTS FROM EIGHT TO FIVE MEMBERS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City's Disability Access Committee (the "Committee") was first established in 1997, to review, formulate and coordinate information, suggestions, proposals and plans and to address complaints from the general public to provide more conveniently accessible facilities, public buildings, streets, sidewalks and programs for the persons with disabilities in the City; and

WHEREAS, the Committee's current quorum and voting requirement of eight (8) members has presented logistical challenges for Committee's decision-making process, particularly in instances where members are unable to attend and vote in-person due to disability-related accessibility barriers; and

WHEREAS, the Mayor and City Commission understand that reducing the quorum and voting requirements to accommodate virtual attendance provides flexibility for members, particularly those with who may face challenges attending in-person meetings due to mobility issues or other accessibility barriers; and

WHEREAS, reducing the quorum and voting requirement to (five) 5 members will facilitate more efficient decision-making processes while still ensuring representation from a diverse range of perspectives.

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

SECTION 1. Division 2 of Article III, of Chapter 2 of the City Code, entitled "Administration," is hereby amended as follows:

Chapter 2 – ADMINISTRATION

* * *

ARTICLE III. - AGENCIES, BOARDS AND COMMITTEES

* * *

DIVISION 2. DISABILITY ACCESS COMMITTEE

Sec. 2-31. Established; purpose; composition.

- (a) *Established.* There is hereby established the disability access committee, whose purposes, power and duties, composition, membership qualification and general governing regulations are as set forth in this section.
- (b) *Purpose.* The purpose of this committee is to review, formulate and coordinate information, suggestions, proposals and plans and to address complaints from the general public to provide more conveniently accessible facilities, public buildings, streets, sidewalks and programs for the persons with disabilities in the city. The committee, in the context of this transition plan, is consulted with in terms of prioritization of accessibility-related improvements to city facilities. The priorities are in terms of both the order of which facilities to modify, and also the particular improvements to each respective facility. The committee may provide accessibility-related input to the following departments: building services, recreation, culture and parks, police and code compliance.
- (c) *Powers and duties.* See subsection (b) of this section. In addition, the chairperson of the committee may designate a committee member to attend meetings of other city agencies, boards, or committees for the purpose of providing and obtaining input regarding accessibility-related issues and reporting to the disability access committee on matters set forth in subsection (b) so that the disability access committee may provide recommendations to the city departments specified in subsection (b) or to the city commission.
- (d) *Composition.* The disability access committee shall be composed of 14 voting members; the mayor and each city commissioner shall make two direct appointments. A quorum shall consist of ~~eight~~ five members. Formal action of the board shall require at least ~~eight~~ five votes. Consideration shall be given, but not be limited to, the following categories: persons having mobility impairment; deaf and/or hard-of-hearing persons in the community; blind and/or vision-impaired persons in the community; mental, cognitive or developmental disabilities; and the industries of tourism and convention, retail, hospitality (restaurant or hotel), and health care (or rehabilitation). The city attorney's office shall provide legal counsel.
- (e) *Knowledge and experience.* All appointments shall be made on the basis of civic pride, integrity, experience and interest in the needs of persons with disabilities. Consideration shall be given, but not be limited to, recommendations solicited by the city commission from associations to be specified by the disability access committee at a later date.
- (f) *Supporting department.* The supporting department of the committee is public works.

Secs. 2-32—2-35. Reserved.

* * *

SECTION 2. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made

part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER

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

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2024.

PASSED AND ADOPTED this ____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions

~~Strikethrough~~ denotes deletions

(sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

5/7/2024

Date