

R5 N AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION," ARTICLE II, ENTITLED "CITY COMMISSION," AT SECTION 2-16, ENTITLED "COMMISSION COMMITTEE DRAFT MINUTES–CITY COMMISSION APPROVAL," TO CLARIFY THAT CITY COMMISSION COMMITTEES MAY REQUEST INFORMATION OR ADMINISTRATIVE SUPPORT FROM THE CITY ADMINISTRATION, WITHIN THE SCOPE OF THE COMMITTEE REFERRAL, SUBJECT TO THE PROVISIONS OF THIS ORDINANCE; 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: October 30, 2024 11:10 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION," ARTICLE II, ENTITLED "CITY COMMISSION," AT SECTION 2-16, ENTITLED "COMMISSION COMMITTEE DRAFT MINUTES-CITY COMMISSION APPROVAL," TO CLARIFY THAT CITY COMMISSION COMMITTEES MAY REQUEST INFORMATION OR ADMINISTRATIVE SUPPORT FROM THE CITY ADMINISTRATION, WITHIN THE SCOPE OF THE COMMITTEE REFERRAL, SUBJECT TO THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

At the request of Commissioner Kristen Rosen Gonzalez, the attached Ordinance has been placed on the City Commission meeting agenda for Second Reading.

Pursuant to Resolution No. 94-21382 (as amended and re-stated by Resolution No. 2024-32990), the City Commission has created three Commission Committees: the Land Use and Sustainability Committee, the Finance and Economic Resiliency Committee, and the Public Safety and Neighborhood Quality of Life Committee. The purpose of the Commission Committees is to carefully study policy issues, examine facts, and advise the Mayor and City Commission of their findings and recommendations. The Commission Committees are staffed by the City Administration, and legal counsel is provided by the City Attorney's Office.

The role of the Commission Committees is advisory, and any final or binding action of the City Commission (including, without limitation, adoption of legislation, approval of a contract, or appointment of a Charter officer) may only be taken by the City Commission, as the City's governing body, at a regular or special meeting. However, the Commission Committees are allocated sufficient resources to perform their work and develop their recommendations.

The attached Ordinance amends Chapter 2 of the City Code, "Administration," at Article II, "City Commission," to clarify that Commission Committees may, on a majority vote, request that the City Administration provide information or perform studies, investigations, or analysis, as long as (1) the request is within the scope of the Committee referral and (2) the request can be performed with existing budgeted resources. If the request involves a purchase of services, such purchase shall be subject to the prior approval of the City Commission even if the purchase would otherwise

be within the City Manager's purchasing authority. The version of the ordinance proposed for second reading was amended to reflect direction provided by the Mayor and City Commission at its September 11, 2024 meeting. Specifically, the revision eliminated the ability of a Commission Committee to direct the Administration to purchase services if the purchase was within the City Manager's purchasing authority, which was included in the draft presented at first reading. The revised draft ordinance provides instead that if a request by a Commission Committee to provide information or perform studies, investigations, or analysis shall require the purchase of services, such purchase shall be subject to the prior approval of the City Commission even if the purchase would otherwise be within the city manager's purchasing authority.

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: 10/11/2024
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 Kristen Rosen Gonzalez

Co-sponsor(s)

Condensed Title

11:10 a.m. 2nd Rdg, Ch. 2, Admin. Support to Commission Committees. (Rosen Gonzalez) CA

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION," ARTICLE II, ENTITLED "CITY COMMISSION," AT SECTION 2-16, ENTITLED "COMMISSION COMMITTEE DRAFT MINUTES—CITY COMMISSION APPROVAL," TO CLARIFY THAT CITY COMMISSION COMMITTEES MAY REQUEST INFORMATION OR ADMINISTRATIVE SUPPORT FROM THE CITY ADMINISTRATION, WITHIN THE SCOPE OF THE COMMITTEE REFERRAL, SUBJECT TO THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission have created three City Commission Committees to carefully study policy issues, examine facts, and advise the Mayor and City Commission of their findings and recommendations; and

WHEREAS, the Commission Committees are staffed by the City Administration, and legal counsel is provided by the City Attorney's Office; and

WHEREAS, the role of the Commission Committees is advisory, and any final or binding action of the City Commission (including, without limitation, adoption of legislation, approval of a contract, or appointment of a Charter officer) may only be taken by the City Commission, as the City's governing body, at a regular or special meeting; and

WHEREAS, the Mayor and City Commission desire to amend the City Code to clarify that Commission Committees may, by a majority vote, request that the City Administration provide information or perform studies, investigations, or analysis, as long as the request (i) is within the scope of the Committee referral, (ii) can be performed with existing budgeted resources, and (iii) is within the City Manager's purchasing authority.

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

SECTION 1. That Chapter 2, "Administration," Article II, "City Commission," Section 2-16, "Commission committee draft minutes – City commission approval," of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 2
ADMINISTRATION**

* * *

ARTICLE II. – "CITY COMMISSION"

* * *

Sec. 2-16. Commission committee draft minutes—City commission approval.

- (a) *Procedure.* Draft minutes from meetings of each city commission committee shall be placed on a subsequent city commission agenda for the purpose of city commission review and approval. Meeting minutes shall reflect any motions, votes on motions, and the

conclusion of each discussion on each agenda item including any future action that shall be taken. The draft minutes are subject to correction, amendment, and approval by the city commission, with any corrections or amendments to be reflected in those minutes. Once the draft minutes from the commission committee meeting have been approved by the city commission, the "draft" notation shall be removed, and the minutes shall be considered final.

- (b) *Effect.* In general, approval of the minutes do not constitute the city commission's substantive approval of actions taken at said commission committees, but shall serve only to allow the minutes to assume their essential status as the official record of the proceedings of the commission committee. However, those portions of minutes addressing a commission committee's request for city administration action, shall only be effectuated when a corresponding item for such requested city administration action is placed on a city commission agenda, and approved pursuant to resolution or motion passed by a majority vote of the members present. Nothing in this section shall be construed to prevent a commission committee from requesting, by a vote of a majority of the committee, that the city administration provide information or perform studies, investigations, or analysis, as long as the request is (i) within the scope of the item referred to the committee, and (ii) can be performed by City staff with existing budgeted resources, and (iii) if the request involves a purchase of services, the purchase is within the city manager's purchasing authority as set forth in chapter 2, article VI of this Code. If any request by a committee to provide information or perform studies, investigations, or analysis shall require the purchase of services, such purchase shall be subject to the prior approval of the City Commission even if the purchase would otherwise be within the city manager's purchasing authority set forth in chapter 2, article VI of this Code.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

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

SECTION 4. 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 Code of the City of Miami Beach, Florida. 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 5. EFFECTIVE DATE.

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

PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

(Sponsored by Commissioner Kristen Rosen Gonzalez)

Underline denotes additions

~~Strike through~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

10/23/2024

Date