

R5 L 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 2-14, ENTITLED "MEETING PROCEDURES AND AGENDAS," TO REQUIRE THAT THE PRECEDENCE AFFORDED TO NOT REACHED ORDINANCES AND RESOLUTIONS NOT REACHED AT A PRIOR MEETING ALSO BE AFFORDED TO DISCUSSION ITEMS NOT REACHED, AND TO PROVIDE FOR THE AUTOMATIC EXTENSION OF A REGULAR COMMISSION MEETING UNTIL ALL ORDINANCES, RESOLUTIONS, AND DISCUSSION ITEMS NOT REACHED AT THE PREVIOUS CITY COMMISSION MEETING ARE HEARD; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: June 26, 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 2-14, ENTITLED "MEETING PROCEDURES AND AGENDAS," TO REQUIRE THAT THE PRECEDENCE AFFORDED TO NOT REACHED ORDINANCES AND RESOLUTIONS NOT REACHED AT A PRIOR MEETING ALSO BE AFFORDED TO DISCUSSION ITEMS NOT REACHED, AND TO PROVIDE FOR THE AUTOMATIC EXTENSION OF A REGULAR COMMISSION MEETING UNTIL ALL ORDINANCES, RESOLUTIONS, AND DISCUSSION ITEMS NOT REACHED AT THE PREVIOUS CITY COMMISSION MEETING ARE HEARD; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **ANALYSIS**

The attached Ordinance was prepared at the request of Commissioner Kristen Rosen Gonzalez for consideration at the May 15, 2024 City Commission meeting.

The City Commission has established agenda procedures for the conduct of its monthly meetings in Chapter 2 of the City Code. From time to time, certain agenda items are not reached at City Commission meetings due to time constraints or unforeseen circumstances, and, pursuant to Section 2-14(d)(10) they must take precedence over all other items on the agenda at the next regularly scheduled City Commission meeting, with the exception of previously scheduled time certain items.

Section 14(d)(10), enacted on February 21, 2024 pursuant to Ordinance No. 2024-4594, provides for priority treatment of ordinances and resolutions, but does not address discussion items. To further ensure that all matters brought before the City Commission receive timely consideration, the sponsor desires to require that until all unheard resolutions, ordinances, as well as discussion items from the previous meeting be heard at the next regularly scheduled City Commission meeting, with the exception of previously scheduled time certain items, and if there is insufficient time at such next meeting to hear all such items, then the next regularly scheduled meeting shall be automatically extended until all such items are heard.

### **FISCAL IMPACT STATEMENT**

N/A

### **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)**

ORDINANCE NO. \_\_\_\_\_

**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 2-14, ENTITLED "MEETING PROCEDURES AND AGENDAS," TO REQUIRE THAT THE PRECEDENCE AFFORDED TO NOT REACHED ORDINANCES AND RESOLUTIONS NOT REACHED AT A PRIOR MEETING ALSO BE AFFORDED TO DISCUSSION ITEMS NOT REACHED, AND TO PROVIDE FOR THE AUTOMATIC EXTENSION OF A REGULAR COMMISSION MEETING UNTIL ALL ORDINANCES, RESOLUTIONS, AND DISCUSSION ITEMS NOT REACHED AT THE PREVIOUS CITY COMMISSION MEETING ARE HEARD; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and City Commission strive to provide the residents of Miami Beach with efficient public service, much of which is initiated through legislative action; and

**WHEREAS**, the City Commission has established procedures for the conduct of its monthly meetings in Chapter 2 of the Code; and

**WHEREAS**, the City Commission acknowledges the importance of promptly addressing all agenda items during City Commission meetings; and

**WHEREAS**, from time to time, certain agenda items are not reached at a Commission meeting due to time constraints or unforeseen circumstances, and, pursuant to Section 2-14(d)(10) they must take precedence over all other items on the agenda at the next regularly scheduled City Commission meeting, with the exception of previously scheduled time certain items; and

**WHEREAS**, Section 14(d)(10), enacted on February 21, 2024 pursuant to Ordinance No. 2024-4594, provides for priority treatment of ordinances and resolutions, but does not address discussion items; and

**WHEREAS**, to further ensure that all matters brought before the City Commission receive timely consideration, the Mayor and City Commission desire to require that until all not reached resolutions, ordinances, as well as discussion items from the previous meeting be heard at the next regularly scheduled City Commission meeting, with the exception of previously scheduled time certain items, and if there is insufficient time at such next meeting to hear all such items, then the next regularly scheduled meeting shall be automatically extended until all such items are heard.

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

**SECTION 1.** That Section 2-14 of Chapter 2 of the City Code is hereby amended as follows:

## Chapter 2

### ADMINISTRATION

\* \* \*

### ARTICLE II. CITY COMMISSION

\* \* \*

#### Section 2-14. Meeting procedures and agendas.

\* \* \*

##### (d) *Agenda items.*

- (1) *Item details.* Items published in a city commission meeting agenda shall include sufficient detail and information for the city commission and the public to evaluate the items in a reasonable and timely manner and, whenever possible, endeavor to sufficiently advise the city commission and the public of the nature of any requested actions that may be taken on the items. A draft of any resolution or ordinance sponsored and initiated by the mayor or a member of the city commission shall be shared with the city administration sufficiently in advance of the publication of the agenda to provide sufficient time for response or comment during the scheduled meeting.
  - a. Fiscal impact statement required. As part of the .commission memorandum that accompanies any ordinance or resolution placed on a city commission meeting agenda (including any resolution calling for a voter referendum on any measure), the city administration shall, to the extent applicable, prepare a written statement, to be included as a stand-alone section of the commission memorandum, briefly describing the estimated or anticipated increase or decrease of the revenues or expenditures of the city associated with the proposed measure, if any, for the current fiscal year and the subsequent fiscal year. If an ordinance or resolution sponsored and initiated by the mayor or a city commissioner is determined to have a fiscal impact greater than 75,000.00, the item shall first be referred to a commission committee for review and recommendation. unless the city commission waives this requirement by a five-sevenths vote.
  - b. To the extent determined applicable by the city administration, the fiscal impact statement may include:
    - (i) Historical data concerning the revenues or expenditures at issue;
    - (ii) Any assumptions, sources of information or methodologies used to estimate the fiscal impact to the city;
    - (iii) An estimate of the staff time or other resources that may be needed to implement the proposed measure;
    - (iv) Whether the proposed measure could be absorbed in the current fiscal year's budget, or whether an additional appropriation is required to implement the proposed measure;
    - (v) Whether the fiscal impact in subsequent years (up to, but no more than, five years, from adoption of the measure) materially differs from the fiscal impact in the first year;

- (vi) Whether the proposed measure will involve pension liability, and the estimated costs thereof; and
  - (vii) Any capital requirements or infrastructure constraints associated with the proposed measure.
- c. If the fiscal impact on the current or future revenues or expenditures of the city cannot be determined at the time the proposed measure is considered by the city commission, the fiscal impact statement shall include a description of the risk factors or variables involved, and the administrative actions that will be required in order to determine the anticipated impact on future revenues and expenditures. In such cases, the fiscal impact statement should, to the extent possible, use ranges to estimate the impact on revenues or expenditures.
  - d. With respect to proposed agenda items related to the procurement of goods and services, including construction services, that are awarded pursuant to a previously approved budget, or which involve expenditures that are specifically authorized in a previously approved budget, the requirements of this section shall be deemed satisfied by a statement of the budget code or funding source that will be used to cover the proposed item, and the contract amount associated with the proposed item, if any.
  - e. If a proposed item has a fiscal impact on revenues or expenditures of the city in the amount of \$25,000.00 or less, the fiscal impact statement shall state that the item involves an estimated fiscal impact of \$25,000.00 or less, and no further information or analysis shall be required.
  - f. The failure to comply with the requirements of this section shall not constitute grounds for canceling the consideration of a proposed measure or rendering invalid any determination made by the city commission.
- (2) *Time certain.* Except for the setting of time certain for public hearings as required by law, the mayor shall be authorized to set time certain for all matters to be discussed or considered on a city commission agenda. The mayor may consider and set a time certain based upon the request of a city commissioner, the city administration, or a member of the public if such request is made prior to the commission meeting.
  - (3) *Deferred items.* If an agenda item that is not set as a time certain for a public hearing is not reached during a city commission meeting, and the city commission does not specifically defer the item, the item shall be deemed to be deferred:
    - a. To the next regularly scheduled commission meeting if the item was on a regular commission meeting agenda; or
    - b. To the next regularly scheduled presentations and awards meeting if the item was on a presentations and awards meeting agenda.

Any agenda item that has been deferred by the sponsor and has not been heard for a period of 120 days or more following the meeting date the item was first placed on a city commission agenda shall be automatically withdrawn. For purposes of this paragraph, the term "deferred" shall not include an item postponed by the city commission due to a lack of time. No item based on the same proposal may be placed on another commission agenda for a 90-day period; however, the 90-day period may be waived by a six-sevenths vote of the city commission.

- (4) *Time certain public hearing items.* If a time certain public hearing agenda item is to be reset to another commission meeting agenda, the public hearing must either be:

- a. Specifically opened and continued to another commission meeting date and time certain; or
  - b. Re-advertised for another commission meeting date and time certain.
- (5) *Previously proposed ordinances and resolutions: exceptions.*
- a. *Previously proposed ordinances.* Should an ordinance fail on first or second reading due to the lack of the requisite vote for passage or adoption, or should an ordinance fail to receive a second on a motion for passage or adoption on first or second reading, an ordinance based on the same proposal shall not be placed on another commission agenda for a three month 90-day period; however, the three month 90-day period may be waived by a six-sevenths commission vote. This subsection shall not:
    - i. Prevent a reconsideration vote pursuant to subsection (i) hereof; or
    - ii. Permit the earlier consideration of a previously submitted ordinance if not otherwise permitted in this Code. In such event, the City Code provision with the more stringent time period for the consideration of a previously proposed ordinance shall control.
  - b. *Previously proposed resolutions.* Should a resolution fail due to the lack of the requisite vote for passage or adoption, or should a resolution fail to receive a second on a motion for adoption, a resolution based on the same proposal shall not be placed on another commission agenda for a 60-day period: however, the 60-day period may be waived by a six-sevenths commission vote. This subsection shall not:
    - i. Prevent a reconsideration vote pursuant to subsection 2-14(i) hereof; or
    - ii. Permit the earlier consideration of a previously submitted resolution if not otherwise permitted in this Code. In such event, the City Code provision with the more stringent time period for the consideration of a previously proposed resolution shall control.
- (6) *Referrals to commission committees.* City commissioners are encouraged, wherever possible, to refer new business to a commission committee prior to consideration by the full city commission. There shall be no limit on the number of commissioner-sponsored referral items per meeting agenda.
- (7) *Limit on number of commissioner-initiated discussion items and resolutions per meeting agenda.* No more than eight discussion items and resolutions, combined, may be placed on a regular meeting agenda by the mayor or by each member of the city commission. The requirement in this paragraph may be waived by a five-sevenths vote of the city commission. The mayor and members of the city commission are encouraged to first request a referral to committee, prior to introducing new business by sponsoring a discussion item or resolution, in order to promote efficiency, obtain a fiscal impact analysis from the city administration, seek public input, and thoroughly develop new policy proposals.
- (8) *Limit on number of new ordinances per meeting agenda.* No more than four ordinances may be sponsored and initiated by the mayor or by each member of the city commission and placed on the same agenda for first reading (excluding items that were transmitted to the city commission by a city commission committee or land use board). The requirement in this paragraph shall not apply to ordinances initiated by the city administration, and may be waived by a five-sevenths vote of the city commission.



- (9) *Informational items requiring no action: responses to constituent inquiries.* Each meeting agenda shall include a separate section for mayor or commissioner-initiated informational items requiring no action by the city commission. Such information may include correspondence from the mayor or a commissioner to a resident, business owner, or other constituent in response to an inquiry relating to city business which may be of general interest to the city commission or the public at large, or an update relating to any matter on which the mayor or commissioner is directly working with the administration.
- (10) *Items not reached.* Any ordinances, ~~or resolutions,~~ or discussion items that were not reached during a city commission meeting shall take precedence over all other items on the agenda at the next regularly scheduled city commission meeting, with the exception of previously scheduled time certain items. The next regularly scheduled meeting shall be automatically extended until all such not heard ordinances, resolutions and discussion items from the previous meeting are heard.

\* \* \*

## **SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith 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 re-lettered 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:**

\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

5/18/2024  
Date