



**City Commission Meeting
SUPPLEMENTAL MATERIAL 3**

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
June 10, 2015

Mayor Philip Levine
Vice-Mayor Jonah Wolfson
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Deede Weithorn

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

R5 - Ordinances

- R5R An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article II, Entitled "City Commission," By Amending Section 2-11, Entitled "Time Of Regular Meetings" And Section 2-12, Entitled "Meeting Agendas," By Amending The Requirements And Procedures Relating To City Commission Meetings And Agendas; Providing For Repealer, Codification, And An Effective Date. **First Reading**
(Sponsored by Vice-Mayor Jonah Wolfson)
(Legislative Tracking: Office of the City Attorney)
(Memorandum & Ordinance)

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OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: Mayor Philip Levine
Members of the City Commission
City Manager Jimmy Morales**

FROM: Raul J. Aguila, City Attorney 

DATE: June 10, 2015

SUBJECT: 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 SECTION 2-11, ENTITLED "TIME OF REGULAR MEETINGS" AND SECTION 2-12, ENTITLED "MEETING AGENDAS," BY AMENDING THE REQUIREMENTS AND PROCEDURES RELATING TO CITY COMMISSION MEETINGS AND AGENDAS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The attached Ordinance is sponsored by Vice-Mayor Jonah Wolfson and is submitted for consideration by the Mayor and City Commission. The Ordinance provides amendments to provisions in Article II of Chapter 2 of the City Code concerning City Commission meetings and agendas in order to foster greater efficiency with regard to conducting City business at Commission meetings.

Specifically, the Ordinance amends Section 2-11 to conform the City Code to the actual practice for the setting of regular City Commission meetings and provides flexible language to accommodate the setting of meetings on dates other than the first and third Wednesdays of each month. The amendments also codify the established practice of providing for a Commission recess month, as set by resolution.

The Ordinance also amends Section 2-12 to codify within the City Code various meeting procedures that are currently set forth in City Resolutions, such as: agenda submission procedures, the adding of addendum items to agendas by a 5/7th affirmative vote, the setting of presentation and awards meetings, and the adoption of Robert's Rules of Order as the parliamentary procedure for City Commission when the Charter,

Related Special Acts, or City Code do not otherwise establish a parliamentary procedure. Also, the current practice regarding supplemental agenda materials is codified.

In addition, new procedures are established in Section 2-12 with regard to co-sponsors of ordinances and charter amendments; the setting of time certain; a requirement that addendum items be placed on an agenda pursuant to a 5/7th vote (emergency items) or 7/7th vote (non-emergency items) if the Mayor does not approve the adding of the addendum item to an agenda; and a requirement that items other than presentations and awards may be placed on an agenda of a presentation and awards meeting upon the approval of the Mayor, or alternatively, by a 5/7th vote (emergency items) or 7/7th vote (non-emergency items).

This Ordinance codifies housekeeping amendments and existing language in Resolution Nos. 91-20386, 91-20421, and 2014-28842, as well as establishing additional best practices, therefore, no fiscal impact is expected.

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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 SECTION 2-11, ENTITLED "TIME OF REGULAR MEETINGS" AND SECTION 2-12, ENTITLED "MEETING AGENDAS," BY AMENDING THE REQUIREMENTS AND PROCEDURES RELATING TO CITY COMMISSION MEETINGS AND AGENDAS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in order to foster greater efficiency with regard to the conducting of City business at City Commission meetings, and to incorporate and unify all City Commission meeting and agenda requirements and procedures into the City Code that are currently established in various City Resolutions (Nos. 91-20386, 91-20421, and 2014-28842), the amendments set forth in this Ordinance should be adopted.

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

SECTION 1. That Section 2-12 of Article II of Chapter 2 of the Code of the City of Miami Beach, Florida, is hereby amended as follows:

**CHAPTER 2
ADMINISTRATION**

* * *

ARTICLE II. CITY COMMISSION

Sec. 2-11. Time of regular meetings.

All regular meetings of the city commission will be held on ~~the first and third Wednesdays of each month, with commission meeting the dates and at the times to be established by resolution;~~ however, the city commission may from time to time cancel and/or change the dates and starting times of the meetings as it deems advisable and proper. The city commission may recess for one month during the calendar year, as established by resolution.

Sec. 2-12. Meeting procedures and agendas.

(a) *Statement of legislative intent:* Consistent with the City of Miami Beach Charter, this section will help uphold the principles of separation of powers and checks and balances. It will also lend to improving transparency in government.

(b) Ordinance and charter amendment sponsors and co-sponsors: Any proposed ordinance or charter amendment that appears on the agenda of a city commission meeting for discussion, referral, and/or approval by the mayor and city commission must have the name of the mayor, ~~and/or one or more~~ a members of the city commission, placed prominently next to it as the primary sponsor of the legislation. ~~This requirement also applies to ordinances or charter amendments on any agenda of a committee of the city commission.~~ A commission member that seeks to co-sponsor an ordinance or charter amendment that appears on an agenda of a city commission meeting must submit a co-sponsorship request to the city clerk before (as the case may be) discussion, referral, vote, or (in the case of an ordinance) first reading of the item. The primary sponsor must approve the co-sponsor request before (as the case may be): (i) the vote at the first reading of an ordinance; (ii) the vote on a resolution placing a charter amendment on the ballot; (iii) the discussion of the item; or (iv) the referral of the item (if the item is on the commission agenda for a referral to a city or commission committee). A commission member may withdraw as a co-sponsor of an item by submitting a written request to the city clerk prior to the commission meeting when the item appears on the agenda or by announcing such withdrawal at the public meeting of the city commission where the item is to be heard, prior to the city commission vote on such item. Except for the setting of a time certain, which is governed by the provisions in subsection (d)(2) hereof, the primary sponsor controls the placing of the item on an agenda and the withdrawal of the item from an agenda. Co-sponsors are merely intended to provide additional support for an item and do not possess any procedural control of the item.

The following are excepted from the requirements of a sponsor ~~of this subsection~~:

- (1) ~~Applications for amendments to the land development regulations filed by appointed boards or property owners pursuant to subsection 118-162(a) or (b) of the City Code;~~ and
- (2) ~~Resolutions; that do not concern charter amendments; discussion and/or referral items that do not concern charter amendments; discussion and/or referral of items to boards or committees not scheduled for first or second reading as an ordinance; and referrals to boards or committees proposed by the city manager or city attorney.~~

(c) Agenda submission schedule:

- (1) All city commission meeting agendas shall be submitted to the mayor and city commissioners on the initial print day of the agenda, which shall be no later than five (5) calendar days preceding a regularly scheduled city commission meeting. In those instances when a special meeting is called pursuant to section 2.04 of the

City Charter, the agenda shall be submitted to the mayor and city commissioners as soon as practicable before the special meeting.

(2) Supplemental agenda materials. Agenda items that are included in the agenda that is printed on the initial print day may be supplemented by materials in a supplemental agenda.

(3) Any item not included in the agenda submitted to the mayor and city commission on the initial print day must be submitted by the city clerk to the mayor for a determination whether the item is to be placed on the agenda as an addendum item. If the mayor declines to place the item on the agenda as an addendum item, then the item shall only be considered at the city commission meeting upon:

(a) a finding by the city commission, by a five-seventh (5/7th) affirmative vote, that such item constitutes a public emergency affecting life, health, property, or public safety and should be considered immediately; or

(b) a finding by the city commission, by a seven-seventh (7/7th) affirmative vote, that the item does not constitute a public emergency, but needs to be considered immediately.

(e)(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.

(2) Time certains. Except for the setting of time certains for public hearings as required by law, the mayor shall be authorized to set time certains 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.

(e) Presentations and Awards meetings. The presentation of proclamations, awards, certificates, and all other recognitions made by the mayor and city commission shall occur at separate regularly scheduled meetings of the city commission specifically dedicated for these purposes. Other agenda items may be on an agenda of a presentation and awards meetings of the city commission only under the following circumstances:

(1) The item was specifically deferred or opened and continued to a presentation and awards meeting; or

(2) The item is submitted to the mayor for a determination whether the item is to be placed on the agenda. If the mayor declines to place the item on the agenda, the item shall only be considered at the presentations and awards meeting upon:

(a) a finding by the city commission, by a five-seventh (5/7th) affirmative vote, that the item constitutes a public emergency affecting life, health, property, or public safety and should be considered immediately; or

(b) a finding by the city commission, by a seven-seventh (7/7th) affirmative vote, that the item does not constitute a public emergency, but needs to be considered immediately.

(f) *Parliamentary Procedure.* Robert's Rules of Order Newly Revised, 11th Edition, and all subsequent amendments thereto and all subsequent editions thereof, shall be the recognized authority for general parliamentary procedure applicable to meetings of the city commission in those instances when the city's Charter, Related Special Acts, and Code do not expressly dictate parliamentary procedure.

(g)(d) *Effect.* The validity of any action or determination of the city commission or city personnel, board, or committee shall not be affected by the failure of any person to comply with the provisions of this section.

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 _____, 2015.

PASSED AND ADOPTED this _____ day of _____, 2015.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions

~~Strike through~~ denotes deletions

(Sponsored by Vice-Mayor Jonah Wolfson)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney *DL*

6-8-15
Date

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