

ORDINANCE NO. 2020-4330

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 1, ENTITLED "GENERALLY," BY AMENDING SECTION 2-22 THEREOF, ENTITLED "GENERAL REQUIREMENTS," TO CLARIFY THE QUALIFICATION REQUIREMENTS FOR MEMBERS OF AGENCIES, BOARDS, AND COMMITTEES, ; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, currently, Section 2-22 of the City Code provides for general requirements governing the City's agencies, boards, and committees; and

WHEREAS, Section 2-22(4)(b) provides that members of agencies, boards and committees shall be affiliated with the City and fulfill that requirement in one of the following ways: (1) an individual shall have been a resident of the City for a minimum of six months, or (2) an individual shall demonstrate ownership/interest, for a minimum of six months, in a business established in the City for a minimum of six months.

WHEREAS, the Mayor and City Commission determined that it is in the best interest of the City to amend Section 2-22(4)(b) to clarify the requirements for members of agencies, boards, and committees.

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

SECTION 1. Section 2-22(4)(b) of Division 1, 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 1. Generally

Sec. 2-22. General requirements.

Except as otherwise specifically provided:

- (1) All agencies, boards and committees shall express a statement of their bodies' purpose.

- (2) All agencies, boards and committees shall appoint a chairperson and a vice-chairperson, or a chair shall be appointed by the mayor in cases dealing with a mayor's board or committee.
- (3) The enabling legislation for all agencies, boards and committees shall contain qualifications for membership as to knowledge and experience.
- (4) Members of agencies, boards and committees shall be affiliated with the city; this requirement shall be fulfilled in the following ways:
 - a. An individual shall have been a resident of the city for a minimum of six months; or
 - b. An individual shall demonstrate an ownership/ interest (for a minimum of six months) in a business established in the city (for a minimum of six months), or
 - c. An individual shall be a full-time employee of such a business (for a minimum of six months); provided further that such employee must be based in an office or other location of the business that is physically located in Miami Beach (for a minimum of six months). Notwithstanding the requirements set forth herein, the qualified full-time employee of a business must be approved by a four-sevenths (4/7ths) vote of the Mayor and City Commission.

For the purposes of this subsection (b), the following terms shall have the following meaning:

- (i) "Ownership Interest" shall mean the ownership of ten percent (10%) or more (including the ownership of 10% or more of the outstanding capital stock) in a business.
- (ii) "Business" shall mean any sole proprietorship, sponsorship, corporation, limited liability company, or other entity or business association.

Members of agencies, boards, and committees shall be required to demonstrate compliance with the City affiliation requirements of subsections 4(a) and (b) by executing an affidavit, in a form prepared by the City Clerk's Office, stipulating that they have met either (or both) of the affiliation requirements in subsections 4(a) and/or (b). Each agency, board, and committee member covered by the requirements of subsections 4(a) or (b) shall file the original affidavit with the City Clerk's Office prior to being sworn in as a member.

Exceptions to subsections (4)a and b of this section shall only be permitted if it is determined by the city commission that an agency, board or committee requires the membership of an individual with a specific position, knowledge, experience or expertise not available in another individual who may otherwise comply with the terms of subsections (4)a and b of this section.

* * *

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 22 day of February, 2020.

PASSED AND ADOPTED this 12 day of February, 2020.

ATTEST:

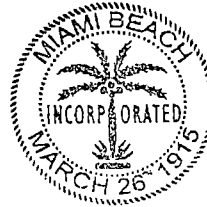


Dan Gelber, Mayor

 2/18/2020


Rafael E. Granada, City Clerk

(Sponsored by Commissioner David Richardson)



Underlines denote additions
Doublelines denote additions at the second reading
~~Strikethrough~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2/12/2020
Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, City Attorney
DATE: February 12, 2020

10:10 a.m. Second Reading Public Hearing

SUBJECT: 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 1, ENTITLED "GENERALLY," BY AMENDING SECTION 2-22 THEREOF, ENTITLED "GENERAL REQUIREMENTS," TO CLARIFY THE QUALIFICATION REQUIREMENTS FOR MEMBERS OF AGENCIES, BOARDS, AND COMMITTEES; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

On January 15, 2020, at the City Commission meeting, the above-referenced Ordinance passed on First Reading with no revisions. The Ordinance is now submitted for consideration by the Mayor and City Commission for Second Reading/Public Hearing.

FINANCIAL INFORMATION

No fiscal impact is expected.

Applicable Area

Not Applicable

Is this a Resident Right to Know item?

No

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Attorney

Sponsor

Vice-Mayor David Richardson

ATTACHMENTS:

Description

- Ordinance 1st Rdg.