

## **CITY OF MIAMI BEACH**

### **Subpart A – CHARTER**

#### **ARTICLE II. CITY COMMISSION**

##### **Sec. 2.01. Number and selection.**

The City Commission shall consist of six (6) City Commissioners and a Mayor who shall be elected at large. Each City Commissioner shall be a qualified elector of the City. City Commissioners shall be elected for groups numbered and designated I—VI. No candidates for the office of Commissioner shall be permitted to qualify for more than one (1) group, or for the office of Mayor.

Commissioners in groups numbered I, II and III shall be elected at the general election to be held on the first Tuesday in November, 1997 and at each general election each four (4) years thereafter. Commissioners in groups numbered IV, V, and VI shall be elected at the general election to be held on the first Tuesday in November, 1995 and at each general election each four (4) years thereafter. The Mayor shall be elected at the general election to be held on the first Tuesday in November, 1995 and at each general election each two (2) years thereafter.

A candidate must receive a majority of the votes cast to be deemed elected. If no candidate receives a majority of the votes cast, there will be a runoff election between the two candidates in each group receiving the highest number of votes; should a tie result, the outcome shall be determined by lot. This runoff election shall occur two weeks from the date of general election.

In the event that no candidate has qualified in any group, or for Mayor, a vacancy shall be deemed to have occurred, and shall be filled as provided by the Charter of the City of Miami Beach for the filling of a vacancy.

(Res. No. 2003-25289, 7-30-03; Res. No. 2003-25391, 7-30-03)

##### **Sec. 2.02. Term, term limits and compensation.**

The term of office of the Mayor shall be two (2) years. The term of office of the City Commissioners shall be four (4) years.

The lifetime term limit for Miami Beach Commissioners shall be two (2) four-year terms and the lifetime term limit for Miami Beach Mayor shall be three (3) two-year terms respectively, measured retroactively from their first elections, said terms not including time served as a member of the City of Miami Beach Commission as a result of having filled a vacancy in the Commission pursuant to Section 2.07 of the City of Miami Beach Charter so long as such time served in filling a vacancy does not exceed 50 percent of that subject term. Service by a Commission member in excess of 50 percent of any term of office shall be considered a full term for purposes of the term limit provisions in this section.

The annual compensation for the Office of Commissioner shall be six thousand dollars (\$6,000.00) and the compensation for the Office of Mayor shall be ten thousand dollars (\$10,000.00); any increase in salary for Mayor and/or Commissioner shall require approval of a majority of the electorate voting at a City election.

(Res. No. 96-22083, § 8, 7-17-96/11-6-96; Res. No. 2014-28603, 5-21-14, passed by voters 8-26-14)

### **Sec. 2.03. Powers of the city commission.**

All powers of the City shall be vested in the City Commission except those powers specifically given to the Mayor, the City Manager, the City Attorney, and the City Clerk, as provided in this Charter and except those powers specifically reserved in this Charter to the electors of the City. Moreover, the City Commission shall have all powers and privileges not inconsistent herewith, granted to the City Commission of cities and towns by the general laws of the State of Florida, and shall have power to do and perform all things necessary for the government of the City not inconsistent with the constitution of the State of Florida, the Constitution and laws of the United States, and the terms and provisions of this Charter.

The City Commission shall appoint a City Manager, a City Attorney, and a City Clerk; the City Commission shall have the power to remove the City Manager, City Attorney, and/or City Clerk at any time by a majority vote of the Commission, or, in the event of an employment agreement between the parties removal shall occur pursuant to the terms of said agreement.

The Commission may also investigate the official acts and conduct of any City official, and by similar investigations may secure information upon any matter. In conducting such investigations, the Commission may require the attendance of witnesses and the production of books, papers and other evidence.

The Inspector General shall be appointed by the Ad Hoc Inspector General Selection Committee, as further established by ordinance; however, before any appointment by the Ad Hoc Inspector General Selection Committee shall become effective, the appointment must be approved by a majority vote of the City Commission. The Inspector General may be removed from office upon a five-sevenths ( 5/7) vote of the City Commission.

The independent City Auditor shall be appointed by the City Commission; both appointment and removal of the independent City Auditor shall be made by the City Commission. Duties, method of selection and method of compensation of the independent City Auditor shall be established by ordinance.

(Res. No. 2003-25291, 7-30-03; Res. No. 2012-27962, 7-18-12, passed by voters on 11-6-12; Res. No. 2018-30437, 7-25-18, passed by voters on 11-6-18)

### **Sec. 2.04. Election of Vice-Mayor and meetings.**

The City Commission shall, at its first meeting after each general election (or at its first meeting after the runoff election, if a runoff election is held), initially elect from its membership a Vice-Mayor who, during the absence or disability of the Mayor, shall perform the duties of Mayor. In the absence or disability of both the Mayor and Vice-Mayor, the said duty shall be performed by another member appointed by the Commission.

The City Commission shall meet at such times as may be prescribed by ordinance or resolution. The Mayor, or the City Manager, may call special meetings of the Commission upon at least twenty-four (24) hours written notice to each member, served personally, or left at his usual place of abode; provided, however, that the requirement of such written notice may be waived at a special meeting by the unanimous vote of the Commission. In addition, special meetings of the City Commission may be called by a majority of the members of the Commission upon written notice to the City Clerk and in accordance with the procedures set forth in a resolution of the City Commission.

No member of the City Commission shall, during the time for which he/she was elected, be appointed or elected to any City office that has been created or the emoluments thereof shall have been increased during such time.

(Res. No. 2012-27903, approved by electorate Aug. 14, 2012; Res. No. 2014-28604, 5-21-14, passed by voters 8-26-14)

### **Sec. 2.05. Procedures for passing ordinances generally.**

The City Commission shall have the power to make, establish and ordain for the government of the City of Miami Beach and the officers of said City, ordinances in writing not inconsistent with this Charter, the Constitution and laws of the State of Florida and of the United States, as it may deem necessary provided a majority of the City Commission shall consent thereto.

Each ordinance shall be introduced in writing and shall embrace one subject and matters properly connected therewith. The subject shall be clearly stated in the title. The enacting clause shall be "BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION..." No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection. A proposed ordinance may be read by title, or in full, on at least two (2) separate dates and shall, at least ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting, the title or titles of proposed ordinances, and the place or places within the municipality where such proposed ordinance or ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance or ordinances. No ordinances shall be declared invalid by reason of any defect in publication or title if the published summary gives reasonable notice of its intent. At the time and place so advertised, or at any time and place to which such public hearing may, from time to time, be adjourned, the ordinance shall be read by title and a public hearing shall be held. After the hearing, the City Commission may pass the ordinance with or without amendment. The effective date shall not be earlier than ten (10) days after its enactment.

Proposed ordinances which enact or amend the City's Zoning Ordinance or comprehensive Plan of the City of Miami Beach shall be adopted according to the procedures set forth in the City of Miami Beach's Zoning Ordinance.

To meet a public emergency affecting life, health, property or public safety, the City Commission by two-thirds ( $\frac{2}{3}$ ) vote of the members of the City Commission may adopt an emergency ordinance at the meeting at which it is introduced and may make it effective immediately. After adoption of an emergency ordinance, the City Commission shall cause it to be published in full within ten (10) days in a newspaper of general circulation in the municipality. No emergency ordinance shall be enacted which enacts or amends a land use plan or which rezones private property.

State law reference(s)—Uniform minimum mandatory procedure for passage of ordinances, F.S. § 166.041.

### **Sec. 2.06. Duties of elected mayor.**

The Mayor shall be the presiding officer at the meetings of the Commission and shall bear the title of Mayor and shall have a voice and a vote in the proceedings of the City Commission but no veto power, and he/she may use the title of Mayor in any case in which the execution of legal instruments in writing or other necessity arising from the general laws of the state so

requires; he/she shall sign all deeds, contracts, bonds or other instruments of writing to the which the City is a party when authorized to do so by ordinance or resolution of the City Commission, but he/she shall not have the administrative or judicial functions and powers of the Mayor under the general laws of the state. He/she shall be recognized as the official head of the City by the Courts for the purpose of serving civil processes, by the Governor in the exercise of military law and for all ceremonial purposes and he/she shall, in addition thereto, perform such other duties as may be by ordinance prescribed by the City Commission. The Mayor shall be the appointing authority for the employees in the Mayor's Office who are in the unclassified service.

#### **Sec. 2.07. Vacancies in City Commission.**

Any vacancy occurring in the City Commission shall be filled as follows:

- (a) *Vacancy for reasons other than resignation.* The City Commission shall, within 30 days after the vacancy occurs, decide whether to fill said vacancy by City election or by Commission appointment. Should the Commission choose to appoint, said action shall be taken by vote of the majority of the remaining members of the City Commission within 30 days after the expiration of the above subject initial 30-day period, with the appointee serving the remainder of the unexpired term until the next succeeding General City Election and with any further remainder of said unexpired term to be filled by a Commission member elected at said General Election. If the members of the City Commission shall choose instead to fill such vacancy by election, then a Special Election shall be called to be held within 90 days after the expiration of the subject 30-day period to elect a Commission member to fill such vacancy for the remainder of the unexpired term.
- (b) *Vacancy due to resignation.* Resignations from office shall be filed with the City Clerk and shall be irrevocable upon such filing, thus creating a vacancy in office. The Commission shall, within 30 days from submittal of a resignation to the City Clerk, decide whether to fill said vacancy by City election or by Commission appointment.
  1. Should the Commission choose to appoint, said action shall be taken by vote of the majority of the remaining members of the Commission within 30 days after expiration of the subject 30-day period (referenced in (b) above), with the appointee serving the remainder of the unexpired term from the date the resigning official would take office, if elected (assuming the resignation was filed pursuant to Section 99.012, Florida Statutes) until the next succeeding General City Election, and with any further remainder of the unexpired term to be filled by a Commission member elected at said General Election. However, if the resignation was not filed pursuant to Section 99.012, Florida Statutes, then the appointee shall serve the remainder of the unexpired term from either the resignation's effective date or from the date the appointee is appointed, whichever occurs later, and shall serve until the next succeeding General City Election, and with any further remainder of the unexpired term to be filled by a Commission member elected at said General Election.
  2. If the members of the City Commission shall choose instead to fill such vacancy by election, then a Special Election shall be called to be held within 120 days after expiration of the subject initial 30-day period (referenced in (b) above) to elect a Commission member to fill such vacancy for the remainder of the unexpired term; but if a City or County-wide election is otherwise scheduled to be held during the intervening period from expiration of the subject initial 30-day period through and including the resignation's effective date, the Special Election to fill the vacancy for

the unexpired term as provided above may occur at any such City or County-wide election. Any person who has been elected to fill a vacancy due to resignation filed pursuant to Section 99.012, Florida Statutes, shall be installed and take office following the date the resigning official would take office, if elected; any person who has been elected to fill a vacancy due to resignation not filed pursuant to Section 99.012, Florida Statutes, shall be installed and take office following the effective date set forth in said resignation.

- (c) *Resolution calling Special Election.* Provisions related to a Special Election called pursuant to this section, including the qualifying period and Runoff Election (if required), shall be established in the City Resolution calling the Special Election.

(Res. No. 2019-30901, 7-17-19)

**Sec. 2.08. Removals and suspensions from office of city commission.**

The mayor and any City Commissioner, in addition to being removed by recall pursuant to State law, may be removed from office pursuant to the Miami Beach City Code.