

CHARTER

REVIEW

RECOMMENDATIONS

MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
FROM: Members of the City of Miami Beach Ad Hoc Charter Review Board

Members:

Stephen Zack, Esq., Chair
Jonathan Beloff, Vice-Chair
Richard Alhadeff
Sherry Kaplan Roberts
Rick Kendle
Sarah Johnston
Richard "Rick" J. Preira¹

Appointed by:

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

DATE: April 23, 2014

SUBJECT: DISCUSSION OF THE AD HOC CHARTER REVIEW BOARD'S
RECOMMENDATIONS REGARDING AMENDMENTS TO THE CITY CHARTER.

Background:

Pursuant to Section 8.01 of the Miami Beach City Charter, the City Charter "shall be reviewed ten years from November 3, 1993, and each tenth year thereafter."

On November 14, 2012, via City Resolution No 2012-28072, the Mayor and City Commission created an Ad Hoc Charter Review and Revision Board that reviewed the City Charter and presented its recommendations regarding amendments to the City Charter at the December 11, 2013 City Commission meeting. The Charter Review and Revision Board held 15 meetings prior to issuing its recommendations.

The Ad Hoc Charter Review and Revision Board expired on January 1, 2014; however, on December 11, 2013, via City Resolution 2013-28446, the Mayor and City Commission established a new Ad Hoc Charter Review Board (Board) for a period of 120 days to further review the City Charter and to make additional recommendations regarding amendments thereto.

The newly formed Ad Hoc Charter Review Board is composed of seven (7) members who are direct appointees of the individual City Commissioners with the Mayor appointing Stephen Zack as a member and Chair of the Board. The term of the Board members commenced on January 2, 2014 and expires on May 2, 2014 (subject to earlier or later sunset by the City Commission). The Board's power of review includes submittal of a report to the City Commission by May 2, 2014, which report shall include any recommendations concerning proposed amendments to the City's Charter.

¹ Resigned on March 10, 2014.

Comprehensive review and revision of the City Charter took place in 1993, with subsequent Charter review occurring in 2003, through Charter Review and Revision Boards, all chaired by Stephen Zack.

The currently formed Board has held six (6) meetings since the beginning of this year. The Board utilized the Charter Review webpage, located at <http://www.miamibeachfl.gov/cityclerk/scroll.aspx?id=72572>, and the e-mail address CharterReview@miamibeachfl.gov for citizen input to ensure communications between the citizens and the Board members. The webpage was used to inform the public of agendas, minutes, meetings, public notices regarding meetings, and other relevant information such as access to the City Charter.

Because of the importance of the City Charter review process, the Board felt it was necessary to reach the most citizens possible. Given this objective, all meetings were televised on MBTV. The meetings were advertised in The Miami Herald Miami Beach Neighbors Section, and the meeting dates, times, and topics were posted on the webpage, and broadcast via the City's social media outlets. At each meeting, all individuals in attendance had an opportunity to be heard, consistent with the State's open meeting laws.

Timeframe:

The Board recommends that the City Commission present CRB's recommended Charter amendments to the voters at the August 26, 2014 Countywide Primary Election.

- **April 23, 2014** – Last regularly-scheduled City Commission meeting before CRB sunsets; CRB recommendations/Final Report to be presented.
- **May 2, 2014** – CRB Sunsets.
- **May 21, 2014** – Last regularly-scheduled City Commission meeting to adopt resolutions calling for City Special Election for **August 26, 2014** for Charter amendment ballot questions. (Per County Elections Department, last date by which City Commission may adopt a resolution placing a Charter amendment on the August 26th ballot is June 6, 2014); and
- **July 23, 2014** – Last regularly-scheduled City Commission meeting to adopt resolutions calling for City Special Election for **November 4, 2014** for Charter amendment ballot questions. (Per County Elections Department, last date by which City Commission may adopt a resolution placing a Charter amendment on the November 4, 2014 ballot is August 5, 2014.)

Recommended Process:

Any of the issues that are approved by the City Commission for placement on a 2014 ballot, shall comply with the following procedures: a motion on each recommendation must be made by the City Commission instructing the City Attorney's Office to draft a resolution calling for a Special Election with the specific ballot language for each question. The City Attorney's Office will prepare the appropriate legislation for consideration by the City Commission.

Charter Review Board Recommendations:

After six public meetings, and presentations by City Staff members and City residents, including: Jose Smith, City Attorney; Jean Olin, CAO Outside Counsel; Donald Papy, Chief Deputy City Attorney; Debora Turner, First Assistant City Attorney; Gary Held, First Assistant City Attorney; Rafael E. Granado, City Clerk; Jose Gonzalez, Director of Transportation; Georgie Echert, Finance Assistant Director; Commissioner Joy Malakoff; Nancy Liebman, Miami Beach United (MBU); Mark Needle, MBU; Victor Diaz, Esq., and others, the following Charter amendments are respectfully being presented to the City Commission for its review and consideration:

I. Proposed Amendment To City Charter's "Citizens' Bill Of Rights":

1. **(C) Remedies for violations.**

In any suit by a citizen alleging a violation of this Bill of Rights filed in the Dade County eCircuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the court. ~~Any public official or employee who is found by the court to have willfully violated this article shall forthwith forfeit his office or employment.~~

II. Proposed City Charter Amendments:

1. **Charter Section 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.

Commencing with the General Election in November ~~1997~~ 2015 (~~excluding individuals holding City of Miami Beach elective office prior thereto for their unexpired terms~~), the term limit for Miami Beach Commissioners shall be two four-year terms ~~eight consecutive years~~ and the term limit for Miami Beach Mayor shall be three two-year terms ~~six consecutive years~~ 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% of that subject term. Service by a Commission member in excess of 50% 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.

2. **Charter Section 2.04: "Induction Election of Vice-Mayor and meetings"**

The City Commission shall, at its first meeting after each general election, ~~which shall be within three (3) days after the general election (or within thirty (30) days after the runoff election~~ at its first meeting after the runoff election, if a runoff election is held), 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.

3. Charter Section 2.07: "Vacancies in eCity eCommission

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

- a) Vacancy for reasons other than resignation: The City Commission shall fill said vacancy by the vote of the majority of the remaining members of said City Commission within 30 days after the vacancy occurs and with the appointee serving the remainder of the unexpired term until the next succeeding gGeneral City eElection and with any further remainder of said unexpired term to be filled by a Commissioner member elected at said gGeneral eElection; if the remaining members of the City Commission shall fail or refuse to fill such vacancy within said 30 days period, after it occurs and if no general City election will be held within 90 days after the expiration of said 30 days, then a eSpecial eElection shall be called and to be held within 90 days after expiration of the subject 30 day period to elect a Commissioner member to fill such vacancy for the remainder of the unexpired term.
- b) Vacancy due to resignation: The Commission shall fill said vacancy by vote of the majority of the remaining members of the Commission within 30 days from submittal of resignation to City Clerk, with the appointee serving the remainder of the unexpired term from said resignation's effective date 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 remaining members of the City Commission shall fail or refuse to fill such vacancy within said 30 day period, then a Special Election shall be called to be held within 120 days after expiration of the subject 30 day period to elect a Commission member to fill such vacancy for the remainder of the unexpired term, but if a City General or County-wide election is scheduled to be held within 150 days after such 30 day period has expired the Commission may defer the required Special Election until such City General or County-wide election. Any person who has been elected to fill a vacancy due to resignation filed pursuant to Florida Statute section 99.012 shall be installed and take office no earlier than the resignation's effective date provided by terms of such statute; any person who has been elected to fill a vacancy due to resignation

not filed pursuant to Florida Statute section 99.012 shall be installed and take office no earlier than the effective date set forth in said resignation.

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.

4. **Charter Sections 3.01, 4.01, 4.03:** [Referring To Compensation and Salary of the City Attorney, City Manager and City Clerk].

In relevant part, these three Charter Sections provide for "compensation" for the City Attorney, City Manager and City Clerk. The term "compensation" should be further defined to make it clear that compensation includes benefits in addition to "salary" and should be consistent with the terminology used in Section 2.02 relative to the Mayor and City Commissioners.

5. **Charter Section 6.04:** "Vacancy in candidacy"

If the death, withdrawal or removal of a qualified candidate for Miami Beach City Commission following the end of the qualifying period results in ~~only one~~ fewer than two candidates remaining on the ballot for that office, there shall be one supplemental qualifying period of five (5) days beginning on the first business day following the vacancy in candidacy. No further supplemental qualifying period shall thereafter be established at all if a vacancy in candidacy occurs within ~~twenty-six (26)~~ forty-five (45) days prior to the date of the ~~general~~ election for the office of City Commissioner or Mayor. If within ~~twenty-six (26)~~ forty-five (45) days prior to the date of the ~~general~~ election for the office of City Commissioner or Mayor, there is only one candidate on the ballot for an elected office, said candidate shall be declared elected and no election for that office shall be required.

III. Proposed Related Special Acts Amendments

1. **Related Special Acts, Sec. 2²:** "Appointment, composition and duties of board of adjustment."

* * *

Such board of adjustment shall hear and decide appeals from, and review, any order, requirements, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance of the City of Miami Beach. Except for those variance requests included as part of applications for development approval within the jurisdiction of the Design Review Board or Historic Preservation Board, ~~where~~ where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of said Zoning Ordinance, the board of adjustment shall have the power in passing upon appeals, to vary or modify any regulations or provisions of such ordinance relating

² This proposed amendment is sponsored by City Commissioner Joy Malakoff, and the related Resolution calling for an August 26, 2014 Special Election is slated for placement on the City Commission's May 21, 2014 agenda.

to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In no case shall the board have any power to amend the Zoning Ordinance with reference to the use of land, or jurisdiction over any request for variance which shall constitute an amendment to the Zoning Ordinance as to the use of land, nor shall the board have power to grant a height variance greater than 3 feet or any variance from a property's allowable number of stories (floors). The board shall fix a reasonable time for the hearing of any matter before it and shall give due notice thereof to the parties.

Upon the hearing, any person may appear in person or by agent or by attorney. The board may require that all testimony given before it shall be under oath. Any order or decision of the board of adjustment shall require an affirmative ~~five~~four-sevenths vote of the board. The decision of the board of adjustment shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

* * *

Remaining Charter Issue Left for Discussion:

The Board devoted one meeting to the issue of "voter reform," but tabled further conversation on the item as the Board did not think that in the limited time they had they could fully discuss such a complex and intricate issue. If the City Commission so desires, the Board is willing to further discuss this matter, including further exploring such topics as preferential voting and geographic voting districts.

Sunset of Board

Pursuant to City Resolution No. 2013-28446, the Board will sunset on May 2, 2014. Thus, if the Board is to continue in existence, a resolution extending the Board's term is required.

The members of the Board respectfully request that the City Commission extend the term of the Board until August 5, 2014 (last date by which City Commission may adopt a resolution placing a Charter amendment on the November 4, 2014 ballot), to allow the Board to discuss the above remaining issue and any additional issues that the City Commission may wish the Board to review for possible inclusion on the November 4, 2014 ballot.

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May 21, 2014

MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Raul J. Aguila, City Attorney *R. J. Aguila*
Rafael E. Granado, City Clerk *R. E. Granado*

DATE: May 21, 2014

SUBJECT: Committee of the Whole Workshop Regarding the Ad Hoc Charter Review Board's Charter Amendment Recommendations

Background:

Pursuant to Section 8.01 of the Miami Beach City Charter, the City Charter "shall be reviewed ten years from November 3, 1993, and each tenth year thereafter."

On November 14, 2012, via City Resolution No 2012-28072, the Mayor and City Commission created an Ad Hoc Charter Review and Revision Board that reviewed the City Charter and presented its recommendations regarding amendments to the City Charter at the December 11, 2013 City Commission meeting. The Charter Review and Revision Board held 15 meetings prior to issuing its recommendations.

The Ad Hoc Charter Review and Revision Board expired on January 1, 2014; however, on December 11, 2013, via City Resolution 2013-28446, the Mayor and City Commission established a new Ad Hoc Charter Review Board (Board) for a period of 120 days to further review the City Charter and to make additional recommendations regarding amendments thereto.

The newly formed Ad Hoc Charter Review Board was composed of seven (7) members who were direct appointees of the individual City Commissioners with the Mayor appointing Stephen Zack as a member and Chair of the Board. The term of the Board members commenced on January 2, 2014 and expired on May 2, 2014. The Board submitted a report to the City Commission on April 23, 2014, which report included the recommendations concerning proposed amendments to the City's Charter.

Pursuant to the City Commission's direction at the April 23, 2014 City Commission meeting, a Workshop to discuss the Charter amendments recommended by the Ad Hoc Charter Review Board was scheduled for a Committee of the Whole meeting at the May 21, 2014 Commission meeting. Due to scheduling conflicts, this was the first date when all members of the City Commission would be available for a Workshop.

In order to place a proposed Charter amendment on the August 26, 2014 Primary Election ballot, the City Commission must adopt a resolution no later than June 6, 2014 calling for a City Special Election for each question to be placed on the ballot. Proposed resolutions for each of the recommended Charter amendments are on the May 21, 2014 City Commission agenda for consideration after the Committee of the Whole's Charter Workshop. If any proposed Charter

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amendment resolutions require additional consideration, they will be placed on the May 28, 2014 City Commission Presentation & Awards meeting agenda for adoption.

Timeframe:

The Board recommended that the City Commission present CRB's recommended Charter amendments to the voters at the August 26, 2014 Countywide Primary Election.

- **May 21, 2014** – Last regularly scheduled City Commission meeting to adopt resolutions calling for City Special Election for **August 26, 2014** for Charter amendment ballot questions. (Per County Elections Department, last date by which City Commission may adopt a resolution placing a Charter amendment on the August 26th ballot is June 6, 2014); and
- **May 28, 2014** – Last regularly scheduled Presentations & Awards meeting, which may be utilized to adopt resolutions calling for City Special Election for **August 26, 2014** for Charter amendment ballot questions. (Per County Elections Department, last date by which City Commission may adopt a resolution placing a Charter amendment on the August 26th ballot is June 6, 2014); and
- **July 23, 2014** – Last regularly scheduled City Commission meeting to adopt resolutions calling for City Special Election for **November 4, 2014** for Charter amendment ballot questions. (Per County Elections Department, last date by which City Commission may adopt a resolution placing a Charter amendment on the November 4, 2014 ballot is August 5, 2014.)

Charter Review Board Recommendations:

After six public meetings, and presentations by City Staff members and City residents, including: Jose Smith, City Attorney; Jean Olin, CAO Outside Counsel; Donald Papy, Chief Deputy City Attorney; Debora Turner, First Assistant City Attorney; Gary Held, First Assistant City Attorney; Rafael E. Granado, City Clerk; Jose Gonzalez, Director of Transportation; Georgie Echert, Finance Assistant Director; Commissioner Joy Malakoff; Nancy Liebman, Miami Beach United (MBU); Mark Needle, MBU; Victor Diaz, Esq., and others, the following Charter amendments are respectfully being presented to the City Commission for its review and consideration:

I. **Proposed Amendment To City Charter's "Citizens' Bill Of Rights":**

1. **(C) Remedies for violations.**

In any suit by a citizen alleging a violation of this Bill of Rights filed in the Dade County eCircuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the court. ~~Any public official or employee who is found by the court to have willfully violated this article shall forthwith forfeit his office or employment.~~

II. Proposed City Charter Amendments:

1. **Charter Section 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.

~~Commencing with the General Election in November 1997 (excluding individuals holding City of Miami Beach elective office prior thereto for their unexpired terms),~~

The term limit for Miami Beach Commissioners shall be two four-year terms eight consecutive years and the term limit for Miami Beach Mayor shall be three two-year terms six consecutive years 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% of that subject term. Service by a Commission member in excess of 50% of any term of office shall be considered a full term for purposes of the term limit provisions in this section.

2. **Charter Section 2.04: "Induction Election of Vice-Mayor and meetings"**

The City Commission shall, at its first meeting after each general election, ~~which shall be within three (3) days after the general election (or within thirty (30) days after the runoff election~~ 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.

3. **Charter Section 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 fill said vacancy by the vote of the majority of the remaining members of said City Commission within 30 days after the vacancy occurs and with the appointee serving the remainder of the unexpired term until the next succeeding gGeneral City eElection and with any further remainder of said unexpired term to be filled by a Commissioner member elected at said gGeneral eElection; if the remaining members of the City Commission shall fail or refuse to fill such vacancy within said 30 days period, after it occurs and if no general City election will be held within 90 days after the expiration of said 30 days, then a eSpecial eElection shall be called and to be held within 90 days after expiration of the subject 30 day period to elect a Commissioner member to fill such vacancy for the remainder of the unexpired term.

b) Vacancy due to resignation: The Commission shall fill said vacancy by vote of the majority of the remaining members of the Commission within 30 days from submittal of resignation to City Clerk, with the appointee serving the remainder of the unexpired term from said resignation's effective date 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 remaining members of the City Commission shall fail or refuse to fill such vacancy within said 30 day period, then a Special Election shall be called to be held within 120 days after expiration of the subject 30 day period to elect a Commission member to fill such vacancy for the remainder of the unexpired term, but if a City General or County-wide election is scheduled to be held within 150 days after such 30 day period has expired the Commission may defer the required Special Election until such City General or County-wide 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.

4. **Charter Sections 3.01, 4.01, 4.03:** [Referring To Compensation and Salary of the City Attorney, City Manager and City Clerk].

In relevant part, these three Charter Sections provide for "compensation" for the City Attorney, City Manager and City Clerk. The term "compensation" should be further reviewed and defined to make it clear that compensation includes benefits in addition to "salary" and should be consistent with terminology in Section 2.02 relative to the Mayor and City Commissioners. These proposed amendment were approved in concept, however, proposed text for these sections is subject to review and consideration.

5. **Charter Section 6.04:** "Vacancy in candidacy"

If the death, withdrawal or removal of a qualified candidate for Miami Beach City Commission following the end of the qualifying period results in ~~only one~~ fewer than two candidates remaining on the ballot for that office, there shall be one supplemental qualifying period of five (5) days beginning on the first business day following the vacancy in candidacy. No further supplemental qualifying period shall thereafter be established at all if a vacancy in candidacy occurs within ~~twenty-six (26)~~ forty-five (45) days prior to the date of the ~~general~~ election for the office of City Commissioner or Mayor. If within ~~twenty-six (26)~~ forty-five (45) days prior to the date of the ~~general~~ election for the office of City Commissioner or Mayor, there is only one candidate on the ballot for an elected office, said candidate shall be declared elected and no election for that office shall be required.

III. Proposed Related Special Acts Amendments:

1. **Related Special Acts, Sec. 2¹:** "Appointment, composition and duties of board of adjustment."

* * *

Such board of adjustment shall hear and decide appeals from, and review, any order, requirements, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance of the City of Miami Beach. Except for those variance requests specified as part of applications for development approval within the jurisdiction of the Design Review Board or Historic Preservation Board, ~~where~~ there

¹ This proposed amendment is sponsored by City Commissioner Joy Malakoff, and the related Resolution calling for an August 26, 2014 Special Election is slated for placement on the City Commission's May 21, 2014 agenda.

are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of said Zoning Ordinance, the board of adjustment shall have the power in passing upon appeals, to vary or modify any regulations or provisions of such ordinance relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In no case shall the board have any power to amend the Zoning Ordinance with reference to the use of land, or jurisdiction over any request for variance which shall constitute an amendment to the Zoning Ordinance as to the use of land, nor shall the board have power to grant a height variance greater than 3 feet or any variance from a property's allowable number of stories (floors). The board shall fix a reasonable time for the hearing of any matter before it and shall give due notice thereof to the parties.

Upon the hearing, any person may appear in person or by agent or by attorney. The board may require that all testimony given before it shall be under oath. Any order or decision of the board of adjustment shall require an affirmative ~~five~~four-sevenths vote of the board. The decision of the board of adjustment shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

* * *

IV. Proposed City Code Text:

1. **City of Miami Beach Code section 2-459. "Certain appearances prohibited."**

(a) No member of a city board, agency or committee or a member of any board, agency or committee created hereafter which is designated as a board, agency or committee subject to the purview of this section shall:

- (1) Either directly or through an associate, appear, represent or act on behalf of a third person before the city commission or any city agency with respect to any agency action sought by the third person.
- (2) Either directly or through an associate be engaged as a lobbyist for and on behalf of a third person with respect to any official action by any public officer sought by such third person.

(b) Definitions. As used in this section, the following definitions shall apply:

Agency means any board, commission, committee or authority of the city, whether advisory, ad hoc or standing in nature.

Associate means any person or entity engaged in or carrying on a business enterprise with a city agency member as a partner, joint venturer, or co-corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange or co-owner of property. Associate shall further include a business affiliation with a city agency member where an "employee" or "of counsel" relationship exists.

Lobbyist means all persons, firms, or corporations employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat, or modification(s) of any

of the following: (1) ordinance, resolution, action or decision of any commissioner; (2) any action, decision, or recommendation of any city board or committee; or (3) any action, decision or recommendation of the city manager, deputy city manager, assistant city managers, all department heads, all division heads, city attorney, chief deputy city attorney, deputy city attorneys, and/or all assistant city attorneys (except when such personnel are acting in connection with administrative hearings) during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the city commission or a city agency. "Lobbyist," as defined above, specifically includes the principal, as described above, as well as any agent, attorney, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, attorney, officer or employee.

- (1) For purposes of this section, and with limited applicability to those agencies that are not standing in nature, "lobbyist" shall exclude any person who only appears as a representative of a not for profit corporation or entity (such as a charitable organization, a neighborhood or homeowner association, a local chamber of commerce or a trade association or trade union) without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item.
- (2) For purposes of this section, and with limited applicability to those agencies that are standing in nature:
 - a. Lobbying by a board, agency or committee member shall be permitted when such person is affiliated with a not for profit corporation or entity (such as a charitable organization, a neighborhood or homeowner association, a local chamber of commerce or a trade association or trade union) in a capacity other than as a managerial employee and appears as a representative of that particular not for profit corporation or entity without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item.
 - b. Lobbying by the associate of a board, agency or committee member shall be permitted:
 - (i) When a board, agency or committee member is affiliated with a not for profit corporation or entity in a capacity other than as a managerial employee, and the subject associate is appearing as a representative of that particular not for profit corporation or entity without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item.
 - (ii) When a board, agency or committee member is a managerial employee of a not for profit corporation or entity, and the subject associate is appearing as a representative of that particular not for profit corporation or entity without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item and is affiliated with said not for profit corporation or entity in a capacity other than as a managerial employee.

- c. The term "managerial employee" shall mean any employee of a nonprofit corporation or entity who has supervision and operational responsibilities/control of all or some departments of said entity.
- (3) For purposes of this section, and with limited applicability to Historic Preservation Board and/or Design Review Board members who are architects or landscape architects, lobbying activities set forth in (a) 1 and 2 above shall be permitted with regard to land development applications, insofar as said activities are restricted to City personnel and City agencies other than the agency (i.e., Historic Preservation Board or Design Review Board) on which the subject Board member serves and related City personnel serving in their capacity as staff to such agency; this subsection shall not prohibit such architects or landscape architects serving on the Historic Preservation Board and/or Design Review Board from submitting plans to their board on behalf of a client so long as such member also makes known at meetings of their board his or her representation of the applicant and disqualifies himself or herself from speaking or voting or otherwise participating on such application.

Public officer means any person elected or appointed to hold office in the city, as a member of an agency which shall include an advisory body.

Financial Information:

The Miami-Dade County Elections Department has provided the Administration an estimate of \$30,551.95 for the City's August 26, 2014 Special Election, which includes canvassing costs. (See attached DOE estimate of cost.) Additionally, the City will incur approximately \$32,000 in legally mandated advertisements, required by the Florida Statutes and the City Code, to notice this Special Election.

Remaining Charter Issue Left for Discussion:

The Board devoted one meeting to the issue of "voter reform," but tabled further conversation on the item as the Board did not think that in the limited time they had they could fully discuss such a complex and intricate issue. If the City Commission so desires, the Board is willing to further discuss this matter, including further exploring such topics as preferential voting and geographic voting districts.

Sunset of Board:

Pursuant to City Resolution No. 2013-28446, the Board sunsetted on May 2, 2014. Thus, if the Board is to continue in existence, a resolution extending the Board's term is required.

ESTIMATE

Piggyback with Countywide Primary Election August 26, 2014

Rafael E. Granado, City Clerk
City of Miami Beach
1700 Convention Center Drive, #200
Miami Beach, FL 33139

Estimate N°: MB-PB-2014
Estimate Date: March 31, 2014

Registered Voters:	50,729	Early Voting Days:	14
Precincts:	36	Early Voting Sites:	20
Polling Places:	23		
Permanent Absentee Ballots:	7,259		

Personnel	\$	-
<i>Salaries & Fringe Benefits, Overtime, Poll Workers</i>		
Polling Places		-
<i>Security, Polling Place Rentals</i>		
Supplies and Services		-
<i>Absentee Ballots Set Up</i>		
Trucks and Vehicles		-
<i>Truck Rentals, GSA Vehicles</i>		
Printing and Advertising		25,364.50
<i>Absentee, Early Voting & Precinct Ballots</i>		
Postage		-
<i>Absentee Ballots Sent and Business Reply</i>		
Ballot Creation		2,410.00
<i>In-House & Outside Contractual Services, Translations - Based on one question</i>		
Administrative Overhead		2,777.45
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>		
*TOTAL	\$	<u>30,551.95</u>

* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.

For more information, you may contact:

Patricia Prochnicki
Deputy SOE Finance and Administration
Miami-Dade Elections Department
2700 NW 87 Avenue
Miami, Florida 33172

Office: 305-499-8568 E-mail: bproch@miamidade.gov

MIAMIBEACH

CITY OF MIAMI BEACH

NOTICE OF A COMMITTEE OF THE WHOLE MEETING AND WORKSHOP

NOTICE IS HEREBY given that the City Commission of the City of Miami Beach, Florida, sitting as the Committee of the Whole, will hold a meeting and workshop regarding the Ad Hoc Charter Review Board Charter amendment recommendations. The meeting and workshop is scheduled on **Wednesday, May 21, 2014, at 1:30 P.M.**, in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Inquiries may be directed to the City Clerk's Office at (305) 673-7411.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, First Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, First Floor, City Hall, Miami Beach, Florida 33139. This meeting or any of the items herein may be continued, and under such circumstances additional legal notice will not be provided.

Rafael E. Granado, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at (305) 673-7411(voice) or TTY users may also call the Florida Relay Service at 711.

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