

RESOLUTION NO. 2024-33168

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY CHARTER'S "CITIZENS' BILL OF RIGHTS" SHOULD BE AMENDED TO EXPAND UPON ITS EXISTING RIGHTS AND TO INCORPORATE MIAMI-DADE COUNTY ETHICS COMMISSION'S POWERS TO ENFORCE AND IMPOSE PENALTIES (IN ADDITION TO EXISTING CIRCUIT COURT ENFORCEMENT).

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 5, 2024, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County Election Officials.¹

¹ Pursuant to City Code Section 38-3(b): "...The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statute § 50.031 and on the City's website, the polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held."

SECTION 4.

Notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

The Notice of Election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA
NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 5th DAY OF NOVEMBER, 2024, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

Charter’s “Citizens’ Bill of Rights”: Amending Existing Rights, Incorporating County Ethics Commission’s Enforcement

Shall Bill of Rights be amended:

- expanding existing right to public records, right to no unreasonable postponements, and right to notice and be heard on City matters, amendments including: limits on deferring agenda items, increased public hearings and notice requirements;
- incorporating Code Chapter 62 “Human Relations” classification categories (on which discrimination is prohibited) into “Nondiscrimination” rights;
- incorporating Miami-Dade County Ethics Commission’s powers to enforce and impose penalties (in addition to existing Circuit Court enforcement)?

Yes _____

No _____

Said Notice shall further set forth pertinent information regarding eligibility of electors to participate in said elections.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 5, 2024, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

Charter’s “Citizens’ Bill of Rights”: Amending Existing Rights, Incorporating County Ethics Commission’s Enforcement

Shall Bill of Rights be amended:

- expanding existing right to public records, right to no unreasonable postponements, and right to notice and be heard on City matters, amendments including: limits on deferring agenda items, increased public hearings and notice requirements;
- incorporating Code Chapter 62 “Human Relations” classification categories (on which discrimination is prohibited) into “Nondiscrimination” rights;
- incorporating Miami-Dade County Ethics Commission’s powers to enforce and impose penalties (in addition to existing Circuit Court enforcement)?

Yes _____

No _____

SECTION 7.

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

SECTION 8.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until October 7, 2024. All persons eligible to vote at this Special Election must be registered

by the date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to such voting. All questions concerning Vote-by-Mail ballots should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 10.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 11.

That if the Charter Amendment provided for in Sections 5 and 6 above shall be approved by a majority of the qualified electors of the City voting on the subject Charter Amendment, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

SECTION 12.

Upon the Charter Amendment's approval by a majority of the qualified electors of the City voting on such measure in the election and the City Commission's acceptance of certification of final election returns, the City Clerk is hereby directed to have the subject Charter amendment incorporated into the City Charter, file such Amendment with the Clerk of the Circuit Court and file the revised Charter with the Department of State.

SECTION 13.

In the event that some, but not all, of the Charter amendments on the City's subject November 5, 2024 Special Election ballot are approved by the electors, conforming amendments shall be deemed to be adopted, and the City Attorney is authorized to reflect and implement such revisions to the Charter, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting amendments are adopted at the same election, the one receiving the greatest

number of affirmative votes shall prevail to the extent of such conflict.

SECTION 14.

If any section, sentence, clause or phrase of this Resolution or of the ballot measure or Charter Amendment set forth in Exhibit A and incorporated herein is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution, ballot measure or Charter Amendment.

SECTION 15.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 24 day of July, 2024.

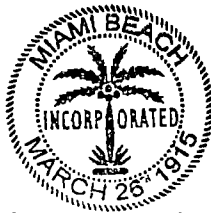
ATTEST:

RJG

RAFAEL E. GRANADO
CITY CLERK
NK

Steven Meiner

STEVEN MEINER
MAYOR



(Sponsored by the Mayor and City Commission)

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

[Signature] 7/14/2024
City Attorney NK Date

EXHIBIT "A"

**CITY CHARTER AMENDMENT RE:
CITIZENS' BILL OF RIGHTS-AMENDING EXISTING RIGHTS
AND INCORPORATING COUNTY ETHICS COMMISSION'S ENFORCEMENT
JURISDICTION**

**BALLOT QUESTION AND PROPOSED AMENDED CITY CHARTER TEXT
NOVEMBER 5, 2024 SPECIAL ELECTION**

Ballot Question:

**Charter's "Citizens' Bill of Rights": Amending Existing Rights, Incorporating
County Ethics Commission's Enforcement**

Shall Bill of Rights be amended:

- expanding existing right to public records, right to no unreasonable postponements, and right to notice and be heard on City matters, amendments including: limits on deferring agenda items, increased public hearings and notice requirements;
- incorporating Code Chapter 62 "Human Relations" classification categories (on which discrimination is prohibited) into "Nondiscrimination" rights;
- incorporating Miami-Dade County Ethics Commission's powers to enforce and impose penalties (in addition to existing Circuit Court enforcement)?

Proposed Amended Charter Text:

CITIZENS' BILL OF RIGHTS

(A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

1. *Convenient access.* Every person has the right to transact business with the City with a minimum of personal inconvenience. It shall be the duty of the City Manager and the City Commission to provide, within the City's budget limitations, reasonably convenient times and places for required inspections, and for transacting business with the City.
2. *Truth in government.* No municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.
3. *Public records.* All audits, reports, minutes, documents and other public records of the City and its boards, agencies, departments and authorities shall be open for inspection and copying, consistent with the requirements of the State of

Florida's public records laws, at reasonable times and places convenient to the public.

4. *Minutes and ordinance register.* The City Clerk shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions² listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than thirty (30) days after the conclusion of the meeting.
5. *Right to be heard.* So far as the orderly conduct of public business permits, any interested person has the right to appear before the City Commission or any City agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the City. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit the City or any agency thereof from imposing reasonable time limits for the presentation of a matter.³

At each regular meeting of the City Commission there shall be two Dr. Stanley Sutnick Citizens' Forums, both attended by a quorum of the City Commission, one to be held at the meeting's commencement and one to be held after 12:00 noon, at which members of the public shall have an opportunity to address the City Commission on matters relating to the City. The City Commission shall establish by ordinance procedural rules of order consistent with this Section which are necessary for the efficient and effective operation of the Sutnick Forums, including setting the order and scope of public items for discussion at each of the Sutnick Forums.

6. *Right to notice.* Persons entitled to notice of a City hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.

The City shall also provide targeted neighborhood notice, timely opportunities for input, and procedural fairness in hearings for any proposed policy,

² Editor's note(s)—The following footnote to this section on citizen's bill of rights was adopted with the Charter: "Ordinance" means an official legislative action of the Miami Beach City Commission, which action is a regulation of a general and permanent nature and enforceable as a local law. "Resolution" means an expression of the Miami Beach City Commission concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the Miami Beach City Commission.

³ See also Miami Beach City Code Section 2-1, entitled "Reasonable Opportunity to be Heard."

ordinance, project, or other matter that impacts residents' quality of life, as defined by Ordinance.⁴

7. *No unreasonable postponements.* No matter once having been placed on a formal agenda by the City shall be postponed to another day except for good cause shown in the opinion of the City Commission, or agency conducting such meeting, and then only on condition that any person so requesting is mailed adequate notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing.

Any City Commission agenda item that (i) has been deferred by the City Commission member who has sponsored the item and (ii) has not been heard within 3 regularly-scheduled City Commission meetings following the meeting date the item was first placed on a City Commission agenda shall be automatically withdrawn, and no item based on the same proposal may be placed on another City Commission meeting agenda within the following 3 regularly-scheduled City Commission meetings unless this provision is waived by a six-sevenths vote of the City Commission.

8. *Right to public hearing.* Upon a timely request of any interested party a public hearing shall be held by any City agency, board, department or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the law department of the City nor to any body whose duties and responsibilities are solely advisory.

At any zoning or other hearing in which review is exclusively by certiorari, a party or his counsel shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The decision of any such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

9. *Notice of action and reasons.* Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any municipal administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.
10. *Managers' and attorneys' reports.* The City Manager and City Attorney shall periodically make a public status report on all major matters pending or concluded within their respective jurisdictions.
11. *Budgeting.* In addition to any budget required by state statute, the City Manager shall prepare a budget showing the cost of each department for each budget year. Prior to the City Commission's first public hearing on the proposed budget

⁴ See Miami Beach City Code Section 2-17, entitled "Residents' Right to Know."

required by state law, the City Manager shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purposes therefor, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department.

12. *Quarterly budget comparisons.* The City Manager shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.
13. *Adequate audits.* An annual audit of the City shall be made by an independent certified public accounting firm in accordance with generally accepted auditing standards. 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. A summary of the results of the independent City Auditor's annual audit, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy. Duties, method of selection, and method of compensation of the independent City Auditor shall be established by ordinance.
14. *Representation of public.* The City Commission shall endeavor to provide representation at all proceedings significantly affecting the City and its residents before state and federal regulatory bodies.
15. *Natural resources and scenic beauty.* It shall be the policy of the City of Miami Beach to conserve and protect its natural resources and scenic beauty, which policy shall include the abatement of air and water pollution and of excessive and unnecessary noise.
16. *Nondiscrimination.* No person shall be deprived of any rights and privileges conferred by law because of race, color, national origin, religion, gender, sexual orientation, disability, marital status, familial status, or age, or any other classification category set forth in City Code Chapter 62, entitled "Human Relations."
17. *Nondiscrimination in City Employment and Benefits.* The City of Miami Beach shall not discriminate in employment practices and benefits offered based upon an employee or applicant's race, color, national origin, religion, gender, sexual orientation, gender identity, disability, marital status, familial status, or age, or any other classification category set forth in City Code Chapter 62, entitled "Human Relations."
18. *Ethics in Government.* The public's confidence and trust in City of Miami Beach operations and government must meet the most demanding ethical standards and demonstrate the highest level of achievement in its adherence to ethics laws. City of Miami Beach officials and employees are agents of the people and hold their positions for the benefit of the public—as public servants, they are to

observe in their official acts a high standard of conduct and to discharge faithfully the duties of their office regardless of personal considerations and interests, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern. In upholding the values of accountability and responsibility, all city officials and employees shall abide by applicable codes of ethical conduct, and be subject to all penalties provided for in such regulations.

19. *Improvement of Public Educational Facilities available to Miami Beach Citizenry.* It shall be the policy of the City of Miami Beach to cooperate with the Miami-Dade County public schools, and with other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of the City of Miami Beach, Florida.

20. *City Assistance to Condominium and Co-op Owners.* The City of Miami Beach hereby acknowledges the purpose and duties of the City's Administration as assisting condominium and co-op owners to navigate through the City's permitting process; to facilitate the resolution of other condominium-related issues with other outside agencies; and to act as a liaison between condominium or co-op owners, management firms and the City.

(B) The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the City of Miami Beach. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the City. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C) Remedies for violations.⁵

* * *

Pursuant to Miami-Dade County law, as may be amended from time to time, and concurrent with the Miami-Dade County Circuit Court's jurisdiction over suits alleging violations of this Bill of Rights, the Miami-Dade County Commission on Ethics and Public Trust has jurisdiction to enforce the provisions of this Bill of Rights and may impose any penalty authorized by County Code not otherwise prohibited by a collective bargaining agreement, for a violation of this Bill of Rights, and any penalty imposed by the

⁵ See Resolution No. 2024-_____ at Exhibit "A", setting forth corresponding ballot measure and proposed Charter text amendments to subsection (C) of Citizens' Bill of Rights' re: Forfeiture Remedy, said Resolution calling City's November 5, 2024 Special Election on said measure.

Commission on Ethics and Public Trust pursuant to this subsection may be enforced in the Miami-Dade County Circuit Court.

(D) Construction. All provisions of this article Bill of Rights shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this article Bill of Rights shall be declared invalid, it shall not affect the validity of the remaining provisions.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Clerk Rafael E. Granado
City Attorney Ricardo J. Dopico

DATE: July 24, 2024

TITLE: 1. CHARTER REVIEW - BILL OF RIGHTS

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY CHARTER'S "CITIZENS' BILL OF RIGHTS" SHOULD BE AMENDED TO EXPAND UPON ITS EXISTING RIGHTS AND TO INCORPORATE MIAMI-DADE COUNTY ETHICS COMMISSION'S POWERS TO ENFORCE AND IMPOSE PENALTIES (IN ADDITION TO EXISTING CIRCUIT COURT ENFORCEMENT).

2. CHARTER REVIEW - BILL OF RIGHTS-FORFEITURE

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY CHARTER'S "CITIZENS' BILL OF RIGHTS" SHOULD BE AMENDED REGARDING ITS CIRCUIT COURT FORFEITURE REMEDY FOR WILLFUL VIOLATIONS OF BILL OF RIGHTS, TO PROVIDE THAT FORFEITURE IS SUBJECT TO COLLECTIVE BARGAINING AGREEMENTS (PER STATE LAW) AND TO ESTABLISH SUCH FORFEITURE REMEDY AS DISCRETIONARY INSTEAD OF MANDATORY BASED UPON COURT'S DETERMINATION THAT THE VIOLATOR HAS COMMITTED REPEATED VIOLATIONS OF BILL OF RIGHTS.

3. CHARTER REVIEW - CHARTER 1.03(C) SALE/LEASE

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 1.03 SHOULD BE AMENDED TO REQUIRE MAJORITY VOTER APPROVAL FOR ALL RIGHT-OF-WAY VACATIONS, SALES, AND LEASES (10 YEARS OR MORE) OF CITY PROPERTY; AMEND REQUIREMENTS FOR SALES/LEASES/VACATIONS; AND AMEND REQUIREMENTS FOR MANAGEMENT/CONCESSION AGREEMENTS OF 10 YEARS OR MORE.

4. CHARTER REVIEW - CHARTER 2.01 DATE OF ELECTION

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY CHARTER SHOULD BE AMENDED TO MOVE CITY'S RUNOFF ELECTION DATE FROM 2 WEEKS AFTER CITY'S GENERAL ELECTION TO SECOND TUESDAY IN DECEMBER IMMEDIATELY FOLLOWING CITY'S GENERAL ELECTION, ESTABLISH INSTALLATION/ COMMENCEMENT OF

TERMS DATE AS MONDAY IMMEDIATELY FOLLOWING DATE OF RUNOFF ELECTION, AND IN ORDER TO CONFORM WITH AND ENSURE AN ORDERLY TRANSITION TO THE ABOVE CHARTER AMENDMENTS, PROVIDE THAT EXISTING COMMISSION MEMBERS' TERMS EXPIRING NOVEMBER 2025 AND NOVEMBER 2027 SHALL BE RESPECTIVELY EXTENDED TO THOSE YEARS' DECEMBER INSTALLATION DATE.

5. CHARTER REVIEW - CHARTER 2.05 PUBLIC HEARINGS AND ONLINE NOTICES

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 2.05 SHOULD BE AMENDED TO REQUIRE TWO PUBLIC HEARINGS INSTEAD OF ONE FOR PROPOSED CITY ORDINANCES (SUBJECT TO EXISTING EXCEPTIONS), AND TO AUTHORIZE THE CITY'S ALTERNATIVE OPTIONAL PUBLICATION OF NOTICE OF PROPOSED ORDINANCES ON A PUBLICLY ACCESSIBLE WEBSITE IN ACCORDANCE WITH CHAPTER 50, FLORIDA STATUTES, INSTEAD OF REQUIRING PUBLICATION OF SUCH NOTICES ONLY IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY.

6. CHARTER REVIEW - CHARTER 2.07 VACANCIES

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 2.07, "VACANCIES IN CITY COMMISSION," SHOULD BE AMENDED TO REQUIRE AN ELECTION TO FILL A VACANCY UNLESS THE CITY COMMISSION MAKES AN APPOINTMENT TO FILL THE VACANCY WITHIN 30 DAYS, PROVIDE THAT COMMISSION'S POWER TO APPOINT SHALL COMMENCE UPON VACANCY OR SUBMITTAL OF RESIGNATION (IF FILED) INSTEAD OF 30 DAYS LATER, REQUIRE APPOINTMENTS BY REMAINING COMMISSION MEMBERS BE APPROVED ON A SUPER-MAJORITY (MAJORITY PLUS 1) VOTE INSTEAD OF MAJORITY VOTE, AND CLARIFY ELECTION AND INSTALLATION DATES REGARDING VACANCIES DUE TO RESIGNATION.

7. CHARTER REVIEW – CONFORMING

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY CHARTER SHOULD BE AMENDED TO CLARIFY THE ONE-YEAR RESIDENCY REQUIREMENT TO QUALIFY FOR OFFICE AS "IMMEDIATELY" PRIOR TO QUALIFYING, CLARIFY FILING REQUIREMENTS FOR QUALIFYING BY PETITION (CHARTER SECTION 6.03); CLARIFY AND CONFORM TO FLORIDA LAW THE RESTRICTION ON QUALIFYING FOR MORE THAN 1 CITY OFFICE, REPLACE CERTAIN OBSOLETE REFERENCE TO "COMMISSIONER" WITH "COMMISSION MEMBER" (CHARTER SECTION 2.01); AND CONFORM CHARTER SECTION 1.07 TO INCLUDE ALL NONDISCRIMINATION CLASSIFICATION CATEGORIES IN CHAPTER 62 OF THE CITY CODE.

RECOMMENDATION

BACKGROUND/HISTORY

In accordance with Section 8.01 of the Miami Beach City Charter, the Ad Hoc Advisory Charter Review and Revision Board (the "Charter Review Board" or "Board") has reviewed and transmitted recommendations for proposed Charter Amendments intended to enhance governance, transparency, and citizen engagement in Miami Beach. The recommendations presented represent the Board's best efforts to address key themes identified during its review process:

1. Enhanced Bill of Rights with improved mechanisms to protect residents' rights.
2. Enhanced protections for public land.
3. Enhanced transparency, ethics, electoral process, and compensation adjustment.
4. Enhanced opportunities for public input and engagement.
5. Clarifications and "clean up".

The Mayor and each member of the City Commission directly appointed the Members of the Charter Review Board. The term of the Board commenced on February 6, 2023, and expired on June 30, 2024. The Board's members included:

- Jorge M. Gonzalez, Chair;
- Ronald Starkman, Vice Chair;
- Michael Band, Esquire;
- Julie Basner;
- Elizabeth Latone; and
- Samuel Rabin, Esquire.

Note: Brian Goldberg, who was originally appointed in 2023, served on the Board until November 16, 2023.

The Board held eighteen public meetings between February 6, 2023 and April 16, 2024. The Board ensured transparency and public participation by holding evening meetings, live-streaming sessions, and engaging with various stakeholders, including City officials, neighborhood-based organizations, and residents.

The Charter Review Board's recommendations were meticulously crafted and unanimously approved by the Board. The Board's Final Report and Recommendations were transmitted to the City Commission on May 3, 2024, via LTC 170-2024. At its meetings on May 15, 2024, and June 26, 2024, the City Commission held two Committee of the Whole discussions to discuss the Charter Review Board's recommendations and provide direction to the City Attorney and City Clerk on the proposed Amendments (including which Amendments to proceed with).

ANALYSIS

PROPOSED CITY CHARTER AMENDMENTS^[1]

Pursuant to the Mayor and Commissioners' analysis and discussions of the Charter Review Board's Report setting forth its recommended City Charter amendments, the attached Resolutions have been prepared calling for a City of Miami Beach Special Election to be held on November 5, 2024 ^[2] for the purpose of submitting to the City's voters the following seven (7) proposed Charter amendments, briefly summarized as follows.

- Charter's "Citizens' Bill of Rights"-Amending Existing Rights, etc.: Expand existing rights to public records, to no unreasonable postponements, to notice and be heard on City matters; incorporate all City Code Chapter 62 classification categories into "Nondiscrimination" rights; incorporate enforcement powers of Miami-Dade County Ethics Commission.

- Charter's "Citizens' Bill of Rights"—Amending Circuit Court Forfeiture Remedy: Provide that the "forfeiture of office or employment" judicial remedy for willful violations of the Bill of Rights is subject to terms of collective bargaining agreements (per State law); establish such forfeiture remedy is discretionary with the Court instead of mandatory, based upon the Court's determination that the violator has committed repeated violations of the Bill of Rights.
- Charter Section 1.03 "Sale/Lease of City Property, etc.": Amend existing requirements for the sale/lease/disposition of City property to require majority voter approval for the sale/lease (10 years or more) of City property and right-of-way vacations (includes changing approval for Convention Center Campus/Parking Lots from 60% to majority); as well as advisory Planning Board review, planning analysis, appraisal, competitive bidding (for sales/leases), and a public hearing. For management/concession agreements (10 years or more), require a 6/7ths vote of the City Commission, public hearing, and advisory review by the Planning Board. This measure would apply to any sale, lease (10 years or more), vacation, or agreement awarded pursuant to a competitive bidding process (if applicable) or waiver of such process approved by the City Commission after November 5, 2024.
- Charter Section 2.01 "City Commission Elections": (Per request of the Miami-Dade County Elections Supervisor that the City's 2-week gap between its General and Runoff Election be increased to at least 4 weeks) Change the date of City's Runoff Election from 2 weeks after City's November General Election to the second Tuesday in December immediately following said General Election; establish installation/commencement of terms as the Monday immediately following the date of Runoff Election; to conform to above, provide that existing Commission members' terms expiring November 2025 and November 2027 are extended to those years' respective December installation date.
- Charter Section 2.05 "Public hearings and Public Notice": Require two public hearings instead of one for proposed City ordinances; authorize City's alternative optional publication of notice of proposed ordinances on a publicly accessible website per Chapter 50, Florida Statutes, instead of requiring notice only in newspapers of general circulation within the City.
- Charter Section 2.07 "Vacancies in City Commission": Require election to fill vacancy unless City Commission timely appoints a person to fill the vacancy; provide when Commission's power to appoint commences; require appointments by remaining Commission members be super-majority (majority plus 1) vote instead of majority vote; clarify election and installation dates regarding vacancies due to resignation.
- Clarify/Conform to Applicable Laws and/or Current Usage ("housekeeping" ballot measure): Clarify that the one-year residency requirement to qualify as a candidate applies to the year "immediately" prior to qualifying, clarify filing requirements for qualifying by petition (Charter 6.03); clarify and conform to Florida law restriction against qualifying for more than 1 City office, replace certain obsolete reference to "Commissioner" with "Commission member" (Charter 2.01); amend Charter 1.07 to include therein all nondiscrimination classification categories in Code Chapter 62.

The City Commission should note that per the election schedule of the Miami-Dade County Elections Supervisor, July 24, 2024 is the last regularly scheduled meeting of the City Commission at which a Resolution may be adopted placing a City ballot question on the November 5, 2024 ballot.

^[1] The seven (7) Resolutions setting forth each of the proposed Charter amendments are attached to this Memorandum.

[2] The City Commission should note that any Charter questions adopted pursuant to the Charter Review Board's recommendations would be in addition to the ballot question approved by the prior City Commission on July 26, 2023, pursuant to Resolution No. 2023-32719, asking whether the City should impose a 1% tax on food and beverage sales to address homelessness/domestic violence. This question was submitted to the County Elections Department for placement on the November 5, 2024 ballot pursuant to the Commission's prior Resolution.

FISCAL IMPACT STATEMENT

See attached Exhibit – November 5, 2024 MDC Cost Estimate.

Does this Ordinance require a Business Impact Estimate?
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on .
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

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)

Mayor and City Commission

Co-sponsor(s)

Condensed Title

Referendum Ballot Questions - Charter Review. CA/CC