

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 29 AND SECTIONS 2-190.128—2-190.133 THEREOF, ENTITLED "RESERVED," TO ESTABLISH THE "BLACK AFFAIRS ADVISORY COMMITTEE," AND TO SET FORTH THE PURPOSE, POWERS AND DUTIES, COMPOSITION, KNOWLEDGE AND EXPERIENCE, AND SUPPORTING DEPARTMENT; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Black community in Miami Beach make unique, diverse and valuable contributions to the culture, society and economy of the City of Miami Beach ("City"), which have a beneficial impact on life in the City; and

WHEREAS, the Black community is a long-term stakeholder of the decisions made today and should have a more prominent voice in decisions that will shape the City's future; and

WHEREAS, the City is committed to providing equality and opportunity for all residents, businesses and visitors and increasing access for Black people to civic, economic, and educational opportunities in City; and

WHEREAS, the City acknowledges the contributions of the Black community, while still recognizing the challenges still faced by many Black residents, businesses and visitors; and

WHEREAS, it will benefit the City to define and address the unique contributions, needs, and concerns of the Black community, in order to improve the lives of all Miami Beach residents, businesses and visitors; and

WHEREAS, the establishment of a Black Affairs Advisory Committee will provide a meaningful contribution to the decision-making process of the Mayor and City Commissioners which will take into account the needs of and benefits afforded by the African diaspora in our community.

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

SECTION 1. That Sections 2-190.128 through 2-190.132 of Article III of Chapter 2 of the Code of the City of Miami Beach, Florida are hereby amended as follows:

CHAPTER 2

ADMINISTRATION

* * *

ARTICLE III. AGENCIES, BOARDS AND COMMITTEES

* * *

Division 29. ~~Reserved~~ Black African-American Affairs Advisory Committee

Sec. 2.190.128. ~~Reserved.~~ Established; Purpose.

There is hereby created the African-American Black Affairs Advisory Committee which is an advisory board of the city. The purpose of the African-American Black Affairs Advisory Committee is to provide persons of African American/Black descent with a vehicle to participate in city government, represent and articulate the needs of the city's African American/Black community, provide recommendations to the city manager, and the mayor and city commissioners on issues and programs affecting the African-American/Black residents, businesses and visitors in the city, and to recommend strategies to preserve, present, and maintain African-American/Black cultural history and advocate for educational, social, and economic equity in the city.

Sec. 2.190.129. ~~Reserved.~~ Powers and Duties.

The African-American Black Affairs Advisory Committee shall have the following powers and duties:

- (a) Serve in an advisory capacity to the city manager, and the mayor and city commission concerning issues and programs affecting the city's African American/Black residents, businesses and visitors;
- (b) Foster increased involvement by the city's African-American/Black community in the affairs of city government;
- (c) Research, discuss, and formulate recommendations on issues, activities, and concerns of the African-American/Black community and diaspora in the city;
- (d) Comment upon existing or proposed legislation, ordinances, resolutions, and policies that impact the African-American/Black community in the city.

Sec. 2.190.130. ~~Reserved.~~ Composition.

The African-American Black Affairs Advisory Committee shall be composed of nine (9) voting members as follows:

- (a) The mayor and each city commissioner shall appoint one member as a direct appointment, with the remaining two (2) members to be at-large appointments of the city commission.
- ~~(b) The term of office for each member shall be for three one years. Members may be appointed for one subsequent one year term. In addition, board member terms shall automatically expire upon the latter of December 31 of the year the appointing city commission member leaves office or upon the appointment/election of the successor city commission member.~~
- (b) Appointment and term of members. The term of office for each member shall be in accordance with Section 2-22(5) of the City Code.
- (c) The members shall be affiliated with the city; this requirement shall be fulfilled in the following ways:
1. An individual must be a resident of the city for a minimum of six months, or
 2. An individual shall demonstrate an ownership/interest (for a minimum of six months) in a business established in the city (for a minimum of six months), or
 3. An individual shall be a full-time employee of such a business (for a minimum of six months); provided further that such employee must be based in an office or other location of the business that is physically located in Miami Beach (for a minimum of six months). Notwithstanding the requirements set forth herein, the qualified full-time employee of a business must be approved by a four-sevenths (4/7ths) vote of the Mayor and City Commission.

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

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

Appointed members shall be required to demonstrate compliance with the City affiliation requirements of subsections (c)(1), (2), and/or (3) by executing an affidavit, in a form prepared by the City Clerk's Office, stipulating that they have met either (or all) of the affiliation requirements in subsections (c)(1), (2) and/or (3). Each member covered by the requirements of subsections (c)(1), (2) or (3) shall file the original affidavit with the City Clerk's Office prior to being sworn in as a member.

- (d) Filling vacancies. Vacancies on the committee shall be filled by the mayor and city commission. In filling any vacancy, the mayor and city commission may

select a replacement committee member from a list of three candidates which shall be submitted by the remaining members of the committee. The individual members of the city commission may supplement the committee's suggested list with additional names of candidates or, if neither the candidates on the committee's suggested list nor the additional names submitted by the individual members of the city commission are approved, the committee shall submit an entirely different list for the mayor and city commission's consideration. This process shall continue until a suitable replacement has been found to fill the existing or anticipated vacancy. The suggested list submitted by the committee for the mayor and city commission's consideration shall be submitted without specific recommendations or endorsements by the committee as to any particular name submitted therein, but may, in the event the name of a current committee member is submitted for reappointment, indicate, as a point of information to the mayor and city commission, that said name is that of an existing committee member.

- (e) Committee members shall annually elect a member as chairperson, and other officers it deems necessary. A vote of a majority of the members shall be required to constitute action taken by the committee.

Sec. 2.190.131. ~~Reserved.~~ Knowledge and Experience.

- a) One member must be a business owner in the city;
- b) One member must be a licensed and actively practicing in the field of real estate, hospitality/tourism, or banking;
- c) One member must be licensed and actively practicing in the field of human relations/people development, communications/entertainment, art/culture, or education;
- d) The remaining six (6) members must have a personal or professional knowledge or expertise in at least one of the following areas:
1. Education
 2. Economic Development/Business Development
 3. Culture/Entertainment/Events
 4. Hospitality/Tourism
 5. Healthcare/Technology
 6. People Development/Human Relations
 7. Finance/Banking
 8. Media/Communications/Public Relations
 9. Community Service/~~Safety & Security~~/Social Justice.

Sec. 2.190.132. ~~Reserved.~~ Supporting Department

The support department for the ~~African American~~ Black Affairs Advisory Committee shall be the Tourism and Culture Department.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the work "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2020.

PASSED AND ADOPTED this ____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

Underline denotes additions

~~Strikethrough~~ denotes deletions

Double underline denotes additions after the first reading

~~Double strikethrough~~ denotes deletions after the first reading

(Sponsored by Mayor Dan Gelber)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado
City Attorney *RG*

9/8/20
Date