

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

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

**WHEREAS**, Section 2-22(4) provides that members of agencies, boards and committees shall be affiliated with the City and fulfill that requirement in one of the following ways: (a) an individual shall have been a resident of the City for a minimum of six months, or (b) an individual shall demonstrate ownership/interest, for a minimum of six months, in a business established in the City for a minimum of six months; or (c) an individual shall be a full-time employee of such a business (for a minimum of six months); provided further that such employee must be based in an office or other location of the business that is physically located in Miami Beach (for a minimum of six months); and

**WHEREAS**, the Mayor and City Commission determined that it is in the best interest of the City to amend Section 2-22 to establish exceptions for requirements under 2-22(4)(a),(b), and (c),

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

**SECTION 1.** Section 2-22(4) of Division 1, of Article III, of Chapter 2 of the City Code, entitled "Administration," is hereby amended as follows:

**CHAPTER 2**

**ADMINISTRATION**

\* \* \*

**ARTICLE III. AGENCIES, BOARDS AND COMMITTEES**

\* \* \*

**Division 1. Generally**

Sec. 2-22. General requirements.

Except as otherwise specifically provided:

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

For the purposes of this subsection (4)(b), the following terms shall have the following meaning:

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

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

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

\* \* \*

## **SECTION 2. CODIFICATION**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the

Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 3. REPEALER**

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

**SECTION 4. SEVERABILITY**

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

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

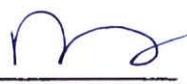
\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Ricky Arriola)

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

1-27-21  
Date