



OFFICE OF THE CITY ATTORNEY

RAFAEL PAZ, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR DAN GELBER
MEMBERS OF THE CITY COMMISSION
ALINA T. HUDAK, CITY MANAGER FIRST READING

FROM: RAFAEL PAZ, CITY ATTORNEY 

DATE: May 4, 2022

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE VI, ENTITLED "NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS," BY AMENDING SECTION 82-503 THEREOF, ENTITLED "NAMING OF PUBLIC FACILITIES; CO-NAMING AND RE-NAMING OF STREETS," BY AMENDING SUBSECTION 82-503(b) TO EXEMPT "ADOPT-A-BENCH" OR "BRICK PAVER" NAMING PROGRAMS APPROVED BY THE CITY COMMISSION FROM THE REQUIREMENTS OF SUBSECTION 82-503(a); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

This proposed Ordinance has been prepared at the request of Vice-Mayor Kristen Rosen Gonzalez, for consideration at first reading at the May 4, 2022 City Commission meeting.

At the December 8, 2021 City Commission meeting, a discussion regarding the "Adopt-A-Bench" Program and the 2019 repeal of the Brick Paver Program was referred to the Neighborhoods and Quality of Life Committee.

At the March 7, 2022 Public Safety and Neighborhoods Quality of Life Committee (the "PSNQLC" or the "Committee") meeting, the Committee discussed and recommended for the City Commission to: (1) reinstate the commemorative bench plaque element to the Program; (2) repeal the tiered fee structure and establish a fixed donation fee of \$10,000 to adopt any existing or new benches in City parks; and (4) provide that all net proceeds from the Program be applied to Parks and Recreation programming, and beautification and improvement projects. Further, the Committee recommended that the City Commission continue to delegate to the Parks and Recreation Department the authority to administer and approve any Adopt-A-Bench Program applications in order to streamline the process.

A Resolution accepting the Committee's March 7, 2022 recommendation has been placed

for consideration on the May 4, 2022 City Commission agenda. Should the Mayor and City Commission adopt the Resolution, an amendment to the City's Naming Ordinance codified in Section 82-503 will be required to continue allowing the Parks and Recreation Department the authority to administer and approve any Adopt-A-Bench or Brick Paver Program applications, without having to go through the cumbersome and rigorous approval process otherwise required for naming of public facilities.

The proposed Ordinance would amend subsection 82-503(b) to exempt "Adopt-A-Bench" or "Brick Paver" naming programs approved by the City Commission from the requirements of subsection 82-503(a), in recognition that naming of a bench or a brick paver does not warrant the same level of review required for naming of an entire facility or street.

RAP/FA/ag