

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAFAEL A. PAZ, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
Alina T. Hudak, City Manager

FROM: Rafael A. Paz, City Attorney



FIRST READING

DATE: July 26, 2023

SUBJECT: 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," BY CREATING SUBSECTION 2-22(23) TO PROVIDE THAT AS A CONDITION OF SUBMITTING AN APPLICATION FOR APPOINTMENT TO A CITY AGENCY, BOARD, OR COMMITTEE, AN APPLICANT MUST VOLUNTARILY AGREE THAT IN THE EVENT THE APPLICANT FILES WITH THE CITY CLERK A STATEMENT OF CANDIDATE, FORMALLY ANNOUNCING CANDIDACY FOR CITY ELECTIVE OFFICE, SUCH FILING SHALL BE DEEMED A TENDER OF RESIGNATION FROM SUCH CITY AGENCY, BOARD OR COMMITTEE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

The proposed Ordinance was prepared at the request of the sponsor, Commissioner David Richardson.

Various jurisdictions, including Miami-Dade County and the City of Miami, prohibit members of agencies, boards, and committees from becoming candidates for elective office during their terms, and provide that a candidacy for elective office is deemed a tender of resignation from such agency, board, or committee.

The proposed Ordinance would take effect on January 1, 2024, and would apply to all **new** appointments to City boards and committees made after January 1, 2024. The Ordinance provides that as a condition of applying for appointment to a City agency, board, or committee, each applicant must voluntarily agree that in the event the applicant files with the City Clerk a Statement of Candidate, formally announcing candidacy for City elective office, such filing shall be deemed a tender of resignation from such City agency, board or committee.

RAP/FA/ag