

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

**TO:** Mayor Steven Meiner and Members of the City Commission

**FROM:** Alina T. Hudak, City Manager

**MEETING DATE:** January 31, 2024

**SUBJECT: BUSINESS IMPACT ESTIMATE FOR:**

**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 34, BY CREATING SECTIONS 2-190.149 THROUGH 2-190.152 TO ESTABLISH THE "NEIGHBORHOOD RESILIENCY PROJECTS ADVISORY COMMITTEE," TO ADVISE THE ADMINISTRATION AND CITY COMMISSION IN CONNECTION WITH THE CITY'S RESILIENCY PROJECTS IN ORDER TO IMPROVE PLANNING AND DELIVERY OF THESE CRITICAL PROJECTS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE**

## Is a Business Impact Estimate Required?

**Yes**       **No** (If no, please check one of the boxes below)

If one or more boxes are checked below, this means the City of Miami Beach has determined that a Business Impact Estimate for the above-referenced Ordinance is not required by State law.

- The proposed Ordinance is required for compliance with Federal or State law or regulation;
- The proposed Ordinance relates to the issuance or refinancing of debt;
- The proposed Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed Ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the City;
- The proposed Ordinance is an emergency ordinance;
- The Ordinance relates to procurement; or
- The proposed Ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

If none of the above exceptions apply, this Business Impact Estimate is hereby provided in accordance with Section 166.041(4), Florida Statutes.

1. The summary of the proposed Ordinance and its purpose is more fully set forth in the Commission Memorandum accompanying the Ordinance, as well as in the recitals to the Ordinance itself, which are attached hereto.

2. The City of Miami Beach estimates that the proposed Ordinance will have no direct economic impact on private, for-profit businesses in the City of Miami Beach, that the proposed Ordinance will have no direct compliance costs that businesses may reasonably incur; that the proposed Ordinance will not impose any new charge or fee for which businesses will be financially responsible, and that the proposed Ordinance will not impact the City of Miami Beach's regulatory costs and will not generate any revenue from new charges or fees.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed Ordinance:

The City of Miami Beach estimates that no businesses are likely to be impacted by the proposed Ordinance.

4. Additional comments: None.

# MIAMI BEACH

Rafael A. Paz, City Attorney

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

**TO:** Mayor Steven Meiner and Members of the City Commission  
Alina T. Hudak, City Manager

**FROM:** Rafael A. Paz, City Attorney



**FIRST READING**

**DATE:** December 13, 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 34, BY CREATING SECTIONS 2-190.149 THROUGH 2-190.152 TO ESTABLISH THE "NEIGHBORHOOD RESILIENCY PROJECTS ADVISORY COMMITTEE," TO ADVISE THE ADMINISTRATION AND CITY COMMISSION IN CONNECTION WITH THE CITY'S RESILIENCY PROJECTS IN ORDER TO IMPROVE PLANNING AND DELIVERY OF THESE CRITICAL PROJECTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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The attached Ordinance was prepared at the request of Commissioner Laura Dominguez for consideration at the December 13, 2023 City Commission meeting.

On October 13, 2021, the Mayor and City Commission of the City of Miami Beach (the "City") adopted Resolution No. 2021-31898, establishing the Ad Hoc Neighborhood Resiliency Projects Advisory Committee (the "Committee") for a period of one year, to advise the Administration and City Commission in connection with the City's climate resiliency projects in order to improve planning and delivery of these critical projects.

The Committee sunsetted in October 2022, one year after its establishment. In 2022, the Mayor and City Commission re-established the Committee for a period of one year, in order for the Committee to continue advising the City Manager and the Mayor and City Commission on neighborhood and private property matters related to the City's resiliency projects.

The sponsor has proposed the attached Ordinance, to make the Committee a permanent standing advisory board of the City, to allow the Committee to continue to engage residents to build and strengthen the stakeholder and community support and feedback, and to highlight areas of concern in delivering critical resiliency projects.

RAP/FA/ag

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 34, BY CREATING SECTIONS 2-190.149 THROUGH 2-190.152 TO ESTABLISH THE "NEIGHBORHOOD RESILIENCY PROJECTS ADVISORY COMMITTEE," TO ADVISE THE ADMINISTRATION AND CITY COMMISSION IN CONNECTION WITH THE CITY'S RESILIENCY PROJECTS IN ORDER TO IMPROVE PLANNING AND DELIVERY OF THESE CRITICAL PROJECTS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, on October 13, 2021, the Mayor and City Commission of the City of Miami Beach (the "City") adopted Resolution No. 2021-31898, establishing the Ad Hoc Neighborhood Resiliency Projects Advisory Committee for a period of one year (subject to earlier or later sunset by City Commission) to advise the Administration and City Commission in connection with the City's climate resiliency projects in order to improve planning and delivery of these critical projects; and

**WHEREAS**, the Committee sunsetted in October 2022, one year after its establishment, per Resolution No. 2021-31898; and

**WHEREAS**, it is in the best interest of the City to continue to engage residents to build and strengthen the stakeholder and community support and feedback, as well as to highlight areas of concern in delivering critical resiliency projects; and

**WHEREAS**, resiliency projects can have substantial impacts on the nature and character of residential neighborhoods, and can potentially impact private properties; and

**WHEREAS**, in 2022, the Mayor and City Commission re-established the Committee for a period of one year, in order for the Committee to continue advising the City Manager and the Mayor and City Commission on neighborhood and private property matters related to the City's resiliency projects; and

**WHEREAS**, due to the lengthy and ever-evolving nature of the City's neighborhood resiliency projects, the Mayor and City Commission wish to establish the Committee on a permanent basis and codify its purpose and composition as part of Chapter 2 of the City Code.

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

**SECTION 1.** Sections 2-190-2.19 of Division 34, of Article III, of Chapter 2 of the City Code, entitled "Administration," are hereby created as follows:

**CHAPTER 2**

**ADMINISTRATION**

\* \* \*

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

\* \* \*

**DIVISION 34. NEIGHBORHOOD RESILIENCY PROJECTS ADVISORY COMMITTEE**

**Sec. 2-190.149. Committee Purpose.**

The purpose of the Neighborhood Resilience Projects Advisory Committee is to act as an advisory board to City Commission and City Manager on neighborhood infrastructure programs and private property matters related to the City's resilience projects. This includes helping build awareness of existing and future projects within the community and seeking resident ideas and feedback to improve the planning and delivery of future projects. The Committee will not advise on matters that have specifically been reviewed by the City Commission to avoid creating fiscal impacts or undue delays in the implementation of critical resiliency projects.

**Sec. 2-190.150. Powers and duties**

The committee shall have the following powers and duties:

- (1) Provide advisory recommendations and feedback on best approaches to enhance resident education and resident engagement.
- (2) Provide advisory recommendations and feedback regarding process improvements for flood mitigation.
- (3) Share input and evaluate general neighborhood aesthetics and utility and infrastructure improvements, such as location decision criteria for pump stations or other improvements.
- (4) Provide a forum for the Committee to share best practices and lessons learned from completed projects and/or ongoing projects, for potential incorporation as part of future projects.

### **Sec. 2-190.151. Composition**

The committee shall be composed of seven (7) members, all of whom shall be appointed to serve for a term of no more than two (2) years at a time. Each member of the city commission shall make one (1) direct appointment to the committee.

- (1) The seven (7) members shall be affiliated with the city pursuant to the general requirements in section 2-22 of the City Code. In addition, the members must meet the following requirements:
- (2) General Requirements. Each of the seven (7) members must have a demonstrated interest in flood mitigation, sea level rise and adaptation, infrastructure, and/or neighborhood leadership issues, including, without limitation, academia, homeowners associations, condominium associations, cooperatives, civic groups, or other similar qualifications. It would be beneficial if members have expertise in the following fields:
  - a) Civil engineering or related background with a focus on infrastructure
  - b) Architecture, landscape architecture, or related field with a focus on neighborhood planning
  - c) Public engagement or communications for construction or neighborhood planning or similar
  - d) Emergency management planning, or disaster or flood mitigation.

### **Sec. 2-190.152. Supporting departments.**

The supporting departments for committee shall be the City Manager's Office. Supporting City Staff shall be determined and assigned at the discretion of the City Manager.

### **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 \_\_\_\_\_, 2023.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
Steven Meiner, Mayor

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

(Sponsored by Commissioner Laura Dominguez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

11-29-23  
Date