

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE II, ENTITLED "CITY COMMISSION," BY AMENDING SECTION 2-12, ENTITLED "MEETING PROCEDURES AND AGENDAS," BY REPEALING PROVISIONS IN SUBSECTION (B), ENTITLED "ORDINANCE AND CHARTER AMENDMENT SPONSORS AND CO-SPONSORS," TO ELIMINATE THE REQUIREMENTS AND PROCEDURES RELATIVE TO CO-SPONSORS, AND BY RELETTERING AND AMENDING SUBSECTION (C)(1) TO CORRECT THE SUB-HEADING ENTITLED "SUBMISSION OF AGENDAS"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in order to eliminate the current limitations imposed by the requirements and procedures for the sponsorship and co-sponsorship of ordinances and charter amendments on City Commission meeting agendas, the amendments proposed herein should be adopted; and

WHEREAS, further, to correct a subheading in subsection 2-12(c)(1) of the City Code, the proposed amendment of that subsection, as set forth herein, should also be adopted.

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

SECTION 1. That Chapter 2, Article II, Section 2-12 of the Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 2

ADMINISTRATION

* * *

ARTICLE II. City Commission

* * *

Sec. 2-12. Meeting procedures and agendas.

- (a) *Statement of legislative intent.* Consistent with the City of Miami Beach Charter, this section will help uphold the principles of separation of powers and checks and balances. It will also lend to improving transparency in government.
- (b) *Ordinance and charter amendment sponsors-and-co-sponsors.* Any proposed ordinance or charter amendment that appears on the agenda of a city commission meeting for discussion, referral, and/or approval by the mayor and city commission must have the name

of the mayor, a member of the city commission placed prominently next to it as the primary sponsor of the legislation. ~~A commission member that seeks to co-sponsor an ordinance or charter amendment that appears on an agenda of a city commission meeting must submit a co-sponsorship request to the city clerk before (as the case may be) discussion, referral, vote, or (in the case of an ordinance) first reading of the item. The primary sponsor must approve the co-sponsor request before (as the case may be): (i) the vote at the first reading of an ordinance; (ii) the vote on a resolution placing a charter amendment on the ballot; (iii) the discussion of the item; or (iv) the referral of the item (if the item is on the commission agenda for a referral to a city or commission committee). A commission member may withdraw as a co-sponsor of an item by submitting a written request to the city clerk prior to the commission meeting when the item appears on the agenda or by announcing such withdrawal at the public meeting of the city commission where the item is to be heard, prior to the city commission vote on such item.~~ Except for the setting of a time certain, which is governed by the provisions in subsection (d)(2) hereof, the primary sponsor controls the placing of the item on an agenda and the withdrawal of the item from an agenda. Co-sponsors are merely intended to provide additional support for an item and do not possess any procedural control of the item. Notwithstanding the foregoing, members of the city commission shall not be precluded from sponsoring ordinances or charter amendments on the same subject matter, provided that the proposed ordinances or charter amendments contain different terms or text. The following are excepted from the requirement of a sponsor:

- (1) applications for amendments to the land development regulations filed by appointed boards or property owners pursuant to subsection 118-162(a) or (b) of the City Code; and
- (2) resolutions that do not concern charter amendments; discussion and/or referral items that do not concern charter amendments; discussion and/or referral of items to boards or committees not scheduled for first or second reading as an ordinance; and referrals to boards or committees proposed by the city manager or city attorney.

(c) *Agenda submission schedule.*

- (1) ~~*Submission of agendas.*~~ All city commission meeting agendas shall be submitted to the mayor and city commissioners on the initial print day of the agenda, which shall be no later than five (5) calendar days preceding a regularly scheduled city commission meeting. In those instances when a special meeting is called pursuant to section 2.04 of the City Charter, the agenda shall be submitted to the mayor and city commissioners as soon as practicable before the special meeting.
- (2) *Supplemental agenda materials.* Agenda items that are included in the agenda that is printed on the initial print day may be supplemented, amended, or corrected by materials in a supplemental agenda, and as may be provided by the city clerk in an errata document or announcement.
- (3) *Addendum agenda items.* Any item not included in the agenda submitted to the mayor and city commission on the initial print day must be submitted by the city clerk to the mayor for a determination whether the item is to be placed on the agenda as an addendum item. If the mayor declines to place the item on the agenda as an addendum item, then the item shall be submitted to the city commission for a vote and the item shall only be considered at the city commission meeting upon a finding by the city commission, by a five-seventh affirmative vote, that such item:

- a. Constitutes a public emergency affecting life, health, property, or public safety and should be considered immediately; or
- b. Does not constitute a public emergency, but should be considered immediately.

* * *

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 word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2018.

PASSED AND ADOPTED this ____ day of _____, 2018.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Sponsored by Mayor Dan Gelber)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION
Rafael Granado 11/6/18
City Attorney Date