

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Raul J. Aguila, City Attorney

DATE: January 16, 2019

**SECOND READING**

**SUBJECT: 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 III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 26, AND SECTIONS 2-190.106 THROUGH 2-190.111 THEREOF, ENTITLED "RESERVED," TO ESTABLISH THE "GENERAL OBLIGATION BOND OVERSIGHT COMMITTEE," AND TO SET FORTH THE PURPOSE, POWERS AND DUTIES, COMPOSITION, KNOWLEDGE AND EXPERIENCE, AND SUPPORTING DEPARTMENTS FOR THE COMMITTEE; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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Pursuant to Commission Agenda Item C4B, sponsored by Mayor Dan Gelber on the November 14, 2018 City Commission agenda, a discussion was referred to the November 30, 2018 Finance and Citywide Projects Committee (FCWPC) meeting regarding the composition and qualifications for membership on a proposed General Obligation (G.O.) Bond Oversight Committee.

At the November 30, 2018 FCWPC meeting, two proposed Ordinances were considered and discussed. The attached draft Ordinance reflects the suggestions recommended by the FCWPC relative to the addition of the chairs of the City's Budget Advisory Committee and Sustainability Committee as ex-officio members, and the addition of a category of "Neighborhood Leaders" as a knowledge or experience criteria. Additional clarifying language as to terms for Committee members was added in subsections 2-190.109(a) and (d).

As set forth in the proposed Ordinance, the G.O. Bond Committee would be tasked solely with oversight duties and would not have any authority to act, other than in an advisory capacity to the City Manager and City Commission. The proposed G.O. Bond Committee's limited oversight and advisory powers are specifically intended to avoid the problems associated with prior G.O. Bond committees, namely the exercise of de facto powers as to project design and scope enhancements that resulted in costly design changes and project delays.

This Ordinance was heard on First Reading at the December 12, 2018 City Commission meeting. At the meeting, minor revisions were approved with respect to: a) the City Commissioner's authority to modify, as well as ratify, the Mayor's appointments for the Committee members' initial terms and b) the designation of the ex-officio members by the other boards or committees they represent, rather than such ex-officio members being the chairs of such other boards or committees.

As the General Obligation Bond Oversight Committee would be a new committee, a 5/7<sup>th</sup> vote of the City Commission is required to pass this Ordinance pursuant to Section 2-27 of the City Code.