



OFFICE OF THE CITY ATTORNEY

RAFAEL PAZ, ACTING CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR DAN GELBER
MEMBERS OF THE CITY COMMISSION
RAUL J. AGUILA, INTERIM CITY MANAGER

FROM: RAFAEL PAZ, ACTING CITY ATTORNEY

DATE: February 10, 2021

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," TO CLARIFY EXCEPTIONS FOR QUALIFICATION REQUIREMENTS FOR MEMBERS OF AGENCIES, BOARDS, AND COMMITTEES; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

FIRST READING

The above-referenced Ordinance was prepared at the request of Commissioner Ricky Arriola, the sponsor of this item.

In order to serve on a City board, agency, or committee, Section 2-22(4) of the City Code requires prospective applicants to meet a City affiliation requirement in any one of three ways: either as (a) a resident of the City, (a) a business owner of an establishment in the City, or (c) a full-time employee of a business with a physical location in the City.

Section 2-22(4) further provides that the City Commission has an ability to waive the requirements of subsections 2-22(4)(a) and 2-22(4)(b) if the City Commission determines that an agency, board or committee requires the membership of an individual with a specific position, knowledge, experience or expertise not available in another individual who may otherwise comply with a affiliation requirements under (a) or (b).

Accordingly, as written, Section 2-22(4) authorizes the City Commission to waive the requirements for only 2 of the 3 affiliation categories, (a) or (b). If a nominee is neither a resident nor a business owner, the nominee must – without exception, and without regard to that person's specific knowledge, experience or expertise – satisfy the affiliation requirement of subsection 4(c), even if the City Commission otherwise found that the person met the requirements for a waiver.

The proposed amendment would permit the City Commission to waive the affiliation requirement, under (a), (b), or (c), provided the City Commission finds that the individual has specific position, knowledge, or experience or expertise required to serve on the agency, board, or committee.

Furthermore, as Section 2-22 governs general requirements for membership on City boards, agencies, or committees, any residency requirement applicable to a specific board, such as the City's land use boards, will continue to control. This amendment does not waive or affect the residency requirements that may be applicable to any specific board.

RAP/FA/ag