

ORDINANCE NO. _____

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 THEREOF, ENTITLED "CITY COMMISSION," BY AMENDING SECTION 2-12 THEREOF, ENTITLED "MEETING PROCEDURES AND AGENDAS," TO REQUIRE AN INCENTIVE STATEMENT AS PART OF THE ANALYSIS ACCOMPANYING ALL ORDINANCES PLACED ON CITY COMMISSION AGENDAS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on November 11, 2018, the Mayor and City Commission adopted Ordinance No. 2019-4318, amending Section 2-12 of the City Code, entitled "Meeting Procedures and Agendas," to require a fiscal impact statement as part of the consideration of any proposed measure, in order to provide the members of the City Commission and the public with the financial information necessary to take into account the budgetary effects of proposed measures; and

WHEREAS, in addition to potential fiscal impacts, proposed ordinances could potentially create new fees, or increase fees above Consumer Price Index ("CPI"), affecting local businesses and residents; and

WHEREAS, the inclusion of an incentive statement in the accompanying memorandum that would identify and offer various incentives, such as discounts off future fees, would encourage compliance and support for proposed ordinances; and

WHEREAS, possible examples of incentives may include, but, not be limited to, recertification fee incentives for timely submittal of maintenance logs, Business Tax Receipt incentives for no Code violations, or water incentives for usage under City average; and

WHEREAS, the Mayor and City Commission desire to require an incentive statement as part of the consideration of any proposed ordinance that would potentially impose costs on businesses, create new fees, or increase fees above CPI.

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

SECTION 1. That Section 2-12, paragraph (d), of Article II, of Chapter 2 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.

* * *

(d) *Agenda items.*

(1) *Item details.* Items published in a city commission meeting agenda shall include sufficient detail and information for the city commission and the public to evaluate the items in a reasonable and timely manner and, whenever possible, endeavor to sufficiently advise the city commission and the public of the nature of any requested actions that may be taken on the items.

a. Fiscal impact statement required. As part of the commission memorandum that accompanies any ordinance or resolution placed on a city commission meeting agenda (including any resolution calling for a voter referendum on any measure), the city administration shall, to the extent applicable, prepare a written statement, to be included as a stand-alone section of the commission memorandum, briefly describing the estimated or anticipated increase or decrease of the revenues or expenditures of the city associated with the proposed measure, if any, for the current fiscal year and the subsequent fiscal year.

1. To the extent determined applicable by the city administration, the fiscal impact statement may include:

- (i) Historical data concerning the revenues or expenditures at issue;
- (ii) Any assumptions, sources of information or methodologies used to estimate the fiscal impact to the city;
- (iii) An estimate of the staff time or other resources that may be needed to implement the proposed measure;
- (iv) Whether the proposed measure could be absorbed in the current fiscal year's budget, or whether an additional appropriation is required to implement the proposed measure;
- (v) Whether the fiscal impact in subsequent years (up to, but no more than, five years, from adoption of the measure) materially differs from the fiscal impact in the first year;
- (vi) Whether the proposed measure will involve pension liability, and the estimated costs thereof; and
- (vii) Any capital requirements or infrastructure constraints associated with the proposed measure.

2. If the fiscal impact on the current or future revenues or expenditures of the city cannot be determined at the time the proposed measure is considered by the city commission, the fiscal impact statement shall include a description of the risk factors or variables involved, and the administrative actions that will be required in order to determine the anticipated impact on future revenues and expenditures. In such cases, the fiscal impact statement should, to the extent possible, use ranges to estimate the impact on revenues or expenditures.
3. With respect to proposed agenda items related to the procurement of goods and services, including construction services, that are awarded pursuant to a previously approved budget, or which involve expenditures that are specifically authorized in a previously approved budget, the requirements of this section shall be deemed satisfied by a statement of the budget code or funding source that will be used to cover the proposed item, and the contract amount associated with the proposed item, if any.
4. If a proposed item has a fiscal impact on revenues or expenditures of the city in the amount of \$25,000.00 or less, the fiscal impact statement shall state that the item involves an estimated fiscal impact of \$25,000.00 or less, and no further information or analysis shall be required.

~~The failure to comply with the requirements of this section shall not constitute grounds for canceling the consideration of a proposed measure or rendering invalid any determination made by the city commission.~~

- b. Incentive statement required. As part of the commission memorandum that accompanies an ordinance placed on a city commission meeting agenda, the city administration shall, to the extent applicable, prepare a written incentive statement, to be included as a stand-alone section of the commission memorandum. The incentive statement shall apply to proposed ordinances that would create new fees, or increase fees above CPI (such as a recertification fee incentive for timely submittal of building maintenance logs, Business Tax Receipt incentive for no Code violations, or water incentive for usage under City average). To the fullest extent possible, the incentive statement shall provide at least one incentive to encourage and/or offset costs of compliance with the City code. The incentive statement shall not be required for pass-through fees (such as water pass through rates).
- c. The failure to comply with the requirements of subsections (a) and (b) above shall not constitute grounds for canceling the consideration of a proposed measure or rendering invalid any determination made by the city commission.

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 6. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2022.

PASSED AND ADOPTED this _____ day of _____, 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *AK*

3-21-22
Date