


MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

RAFAEL PAZ, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR DAN GELBER
MEMBERS OF THE CITY COMMISSION FIRST READING
ALINA HUDAK, CITY MANAGER

FROM: RAFAEL PAZ, CITY ATTORNEY 

DATE: May 4, 2022

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 II, ENTITLED "CITY COMMISSION," TO AMEND THE AGENDA REQUIREMENTS AND RULES OF PROCEDURE APPLICABLE TO MEETINGS OF THE CITY COMMISSION AND CITY COMMISSION COMMITTEES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

This Ordinance has been submitted by Commissioner David Richardson for consideration at First Reading by the Mayor and City Commission at the May 4, 2022 City Commission meeting.

Rules of procedure and agenda requirements for meetings of the City Commission are codified in Chapter 2 of the City Code. In instances where the City's Charter, Related Special Acts, and Chapter 2 of the City Code do not expressly dictate a particular parliamentary procedure, Robert's Rules of Order are recognized as the authority for general parliamentary procedure applicable to meetings of the City Commission.

At the Goals Conference on February 16th, 2022, the Mayor and City Commission discussed the City Commission's rules of procedure and agenda requirements, as well as specific proposed amendments.

The attached Ordinance addresses concerns and proposals raised by individual members of the City Commission at the Goals Conference, as well as additional procedures reflecting best practices from other jurisdictions. The Ordinance also includes amendments to reflect existing City practices that have not yet been codified.

The following amendments have been drafted in order to promote efficiency and decorum in the conduct of public business:

- Codify the duration for regular meetings of the City Commission, as well as the duration of City Commission Committee meetings, and provide flexibility to extend the meetings by majority vote.
- Codify the role and duties of the Mayor as the Chairperson of the City Commission, and the roles and duties of the Chairperson of each Commission Committee.
- Codify decorum requirements.
- Establish a procedure for initiating and amending motions (reflecting existing practices).
- Amend agenda submission deadlines.
- Codify the existing practice that, for special meetings called pursuant to Sec. 2.04 of the City Charter, agenda items must be related to the subject matter for which the meeting was called.
- Amend agenda procedures to establish a “four-day” rule to permit any member to object to the placement of an item on an agenda, where the item was furnished to the members of the Commission less than four (4) business days prior to the date of each meeting, along with a procedure for waiving the four-day rule, if invoked by any member. The “four-day” rule will apply to regular meetings, presentations and awards meetings, special meetings, and City Commission workshops.
- Require drafts of legislative items sponsored and initiated by the members of the City Commission to be shared with the City Manager and City Attorney, as applicable, sufficiently in advance to provide sufficient time for response or comment.
- Require any legislative item sponsored and initiated by a member of the City Commission and determined to have a fiscal impact greater than \$25,000.00 to be referred to a Commission Committee for review and recommendation, and codify a procedure for waiving committee review.
- Require that any agenda item that has not been heard within 120 days from the date the item was first placed on a City Commission meeting agenda shall be automatically withdrawn.
- Provide that previously proposed resolutions that failed to be adopted shall not be placed on another meeting agenda for a 90-day period, consistent with the existing rule for previously proposed ordinances that were not adopted.

- Establish a limit on the number of Commissioner-initiated discussion items, resolutions, and ordinances per meeting agenda, and clarify that there is no limit on the number of referral items that may be placed on any given agenda.
- Encourage City Commissioners to refer new business to a Commission Committee prior to consideration by the full City Commission in order to promote efficiency, obtain a fiscal impact analysis from the City Administration, seek public input, and thoroughly develop new policy proposals.
- Adopt a procedure for the City Commission, in the context of discussion items, to (i) give assignments to the City Manager, City Attorney, or City Clerk, and (ii) take formal policy action.
- Include a section on meeting agendas for Commissioner-initiated informational items requiring no action by the City Commission, in an effort to reduce the number of discussion items on any given agenda.
- Establish a Sergeant-at-Arms position of the City Commission, Commission Committees, and land use boards to maintain order and decorum at public meetings, or in the alternative, specify that the Miami Beach Police Department shall serve as the Sergeant-at-Arms and be responsible for security in Commission Chambers.
- Amend other existing City Code provisions consistent with the above amendments.

If the City Commission adopts the Ordinance at First Reading, Second Reading/Public Hearing will be scheduled on June 22, 2022.