


MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: Members of the City Commission
City Manager Jimmy Morales

FROM: Raul J. Aguila, City Attorney 

DATE: May 17, 2017

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," BY CREATING SECTION 2-14 TO BE ENTITLED "RESIDENTS' RIGHT TO KNOW," TO CODIFY THE LEGISLATIVE INTENT OF THIS ORDINANCE, DEFINE MATTERS THAT IMPACT RESIDENTS' QUALITY OF LIFE, PROVIDE THAT THE CITY COMMISSION SHALL ADOPT A PROCESS FOR REGISTERING NEIGHBORHOOD ASSOCIATIONS AND INDIVIDUAL RESIDENTS WHO CHOOSE TO REGISTER, REQUIRE TARGETED ELECTRONIC NEIGHBORHOOD NOTICES FOR MATTERS THAT IMPACT RESIDENTS' QUALITY OF LIFE, ALLOW FOR TIMELY OPPORTUNITIES FOR PUBLIC INPUT, SUPPLEMENT EXISTING PROVISIONS IN THE CITY CODE RELATING TO PROCEDURAL FAIRNESS IN QUASI-JUDICIAL HEARINGS, ALLOW A REGISTERED NEIGHBORHOOD ASSOCIATION OR INDIVIDUAL RESIDENT WHO CHOOSES TO REGISTER TO REQUEST DEFERRAL OR RECONSIDERATION OF A MATTER IF SUCH MATTER IS NOT DULY NOTICED PURSUANT TO THIS ORDINANCE, PROVIDE THAT ANY AMENDMENT OR REPEALER OF THIS ORDINANCE SHALL REQUIRE THE AFFIRMATIVE VOTE OF 5/7THS OF THE CITY COMMISSION, DIRECT THE CITY MANAGER OR THE MANAGER'S DESIGNEE TO CONDUCT PERIODIC REVIEW AND PREPARE ANNUAL WRITTEN REPORTS, AND PROVIDE THAT THIS ORDINANCE SHALL BE ADMINISTERED BY THE OFFICE OF THE CITY MANAGER; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

A. Introduction

Pursuant to the request of Vice-Mayor Kristen Rosen Gonzalez and Commissioner Michael Grieco, attached are two versions of an Ordinance amending Chapter 2 of the City Code to create a "Residents' Right to Know" Ordinance. Option A is the City Attorney's recommended draft, and Option B includes additional provisions requested by Miami Beach United, to which the sponsors of the Ordinance have agreed.

B. Analysis

The intent of the Ordinance is to supplement any notice and procedural requirements set forth in the City Code or State law that are currently applicable to the City, in order to provide targeted neighborhood notice, timely opportunities for input, and procedural fairness in hearings for any proposed policy, ordinance, project, or other matter that impacts residents' quality of life, which matters are defined in the Ordinance.

C. City Attorney's recommendation

The Residents' Right to Know Ordinance is a groundbreaking proposal that, together with the recent implementation of the MB Resident Connect system,¹ will provide residents with unprecedented targeted electronic notices of specific City actions. Because the notices contemplated in the Ordinance will require the coordination of the City Administration (especially the Information Technology Department), the City Clerk, and the City Attorney to develop a system and a procedure to implement the Ordinance, the City Attorney recommends that the Mayor and City Commission adopt the City Attorney's version of the Ordinance.

¹ The MB Resident Connect system, which allows residents to sign up to receive electronic alerts based on keyword searches, may be accessed at <https://secure.miamibeachfl.gov/mbresidentconnect>.