

MIAMI BEACH

Commission Meeting / Committee of the Whole
City Manager's Large Conference Room, 4th Floor, City Hall, 1700 Convention Center Drive
April 27, 2018 - 4:00 PM

Mayor Dan Gelber
Commissioner John Elizabeth Aleman
Commissioner Ricky Arriola
Commissioner Michael Gongora
Commissioner Kristen Rosen Gonzalez
Commissioner Mark Samuelian
Commissioner Micky Steinberg

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the Office of the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the Office of the City Clerk. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select option 6; TTY users may call via 711 (Florida Relay Service).

In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

AGENDA KEY

Consent Agenda:

C2 - Competitive Bid Reports
C4 - Commission Committee Assignments
C6 - Commission Committee Reports
C7 - Resolutions

Regular Agenda:

R2 - Competitive Bid Reports
R5 - Ordinances
R7 - Resolutions
R9 - New Businesses & Commission Requests
R10 - City Attorney Reports

PA - Presentations and Awards

AGENDA

REGULAR AGENDA

R9 - New Business and Commission Requests

- R9 A COMMITTEE OF THE WHOLE MEETING TO BE HELD IN THE CITY MANAGER'S LARGE CONFERENCE ROOM, FOURTH FLOOR, CITY HALL, ON FRIDAY, APRIL 27, 2018, AT 4:00 P.M., OR AS SOON THEREAFTER, TO CONSIDER: 1) BEST PRACTICES FOR THE OFFICE OF THE MAYOR AND COMMISSION; 2) APPROVED LIST OF CHARITABLE ORGANIZATIONS TO RECEIVE COMPLIMENTARY TICKETS; 3) COMPLIMENTARY TICKETS FOR THE MAYOR AND COMMISSION; 4) INTRODUCTION AND PRESENTATION OF AGENDA ITEMS BY SPONSORING MEMBER(S); 5) CREATION OF FUTURE BOARDS AND COMMITTEES; AND 6) STAFFING OF EXISTING BOARDS AND COMMITTEES; 7) TIMING TO DISTRIBUTE COMMITTEE AGENDAS IN ADVANCE; AND 8) POLICY ON ITEMS THAT CAN AND CANNOT BE PLACED ON PRESENTATION AND AWARDS AGENDA.

Office of the Mayor and Commission

Supplemental updated on 4/25/2018 (New items
7 & 8 added/R5 X Attachment - Revised Memo
& Ordinance)

Notices

1. ADVERTISEMENT

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael E. Granado, City Clerk
DATE: April 27, 2018

SUBJECT: COMMITTEE OF THE WHOLE MEETING TO BE HELD IN THE CITY MANAGER'S LARGE CONFERENCE ROOM, FOURTH FLOOR, CITY HALL, ON FRIDAY, APRIL 27, 2018, AT 4:00 P.M., OR AS SOON THEREAFTER, TO CONSIDER: 1) BEST PRACTICES FOR THE OFFICE OF THE MAYOR AND COMMISSION; 2) APPROVED LIST OF CHARITABLE ORGANIZATIONS TO RECEIVE COMPLIMENTARY TICKETS; 3) COMPLIMENTARY TICKETS FOR THE MAYOR AND COMMISSION; 4) INTRODUCTION AND PRESENTATION OF AGENDA ITEMS BY SPONSORING MEMBER(S); 5) CREATION OF FUTURE BOARDS AND COMMITTEES; AND 6) STAFFING OF EXISTING BOARDS AND COMMITTEES; 7) TIMING TO DISTRIBUTE COMMITTEE AGENDAS IN ADVANCE; AND 8) POLICY ON ITEMS THAT CAN AND CANNOT BE PLACED ON PRESENTATION AND AWARDS AGENDA.

ANALYSIS

As directed by the City Commission on April 11, 2018, the City Commission, sitting as the Committee of the Whole, will meet in the City Manager's Large Conference Room, Fourth Floor, City Hall, on Friday, April 27, 2018, at 4:00 p.m., or as soon thereafter, to consider:

1. Best practices for the Office of the Mayor and Commission (C4 W);
2. Approved list of charitable organizations to receive complimentary tickets (C7 V);
3. Complimentary tickets to the Mayor and Commission (C7 W);
4. Introduction and presentation of agenda items by sponsoring member(s) (R5 X);
5. Creation and staffing of future boards and committees;
6. Staffing of existing boards and committees;
7. Timing to distribute Committee agendas in advance; and
8. Policy on items that can and cannot be placed on Presentation and Awards Agenda.

Legislative Tracking

Office of the Mayor and Commission

ATTACHMENTS:

Description

- ▣ C4 W
- ▣ C7 V
- ▣ C7 W
- ▣ R5 X (Revised Memo & Ordinance) - Supplemental
- ▣ Ad

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Michael Gonogra
DATE: April 11, 2018

SUBJECT: REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO DISCUSS BEST PRACTICES FOR THE OFFICE OF THE MAYOR AND COMMISSION, INCLUDING, BUT NOT LIMITED TO, ADDRESSING THE TRANSMITTAL OF COMMUNICATIONS AND INVITATIONS RECEIVED BY THE OFFICE, ADVANCE NOTIFICATION OF PRESS CONFERENCES, AND THE DUTIES OF THE VICE-MAYOR.

ANALYSIS

Please place on the April 11, 2018 agenda, a referral to the Neighborhood/Community Affairs Committee to discuss best practices for the Office of the Mayor and Commission, including, but not limited to, addressing the transmittal of communications and invitations received by the Office, advance notification of press conferences, and the duties of the Vice-Mayor.

Please feel free to contact my Aide, Diana Fontani Martinez, for further details at extension 6722.

Legislative Tracking

Commissioner Michael Gongora

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: April 11, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE AND APPROVING THE LIST OF CHARITABLE ORGANIZATIONS AND GROUPS ELIGIBLE TO RECEIVE COMPLIMENTARY TICKETS PURSUANT TO THE COMPLIMENTARY TICKET POLICY SET FORTH IN RESOLUTION NO 2014-28638.

RECOMMENDATION

Adopt the Resolutions.

ANALYSIS

On June 11, 2014, the City Commission adopted a Complimentary Ticket Policy ("Policy") pursuant to Resolution No. 2014-28638. As detailed in the Policy, the City Manager's Office prepared a list of deserving organizations and groups eligible to receive complimentary tickets given to the City of Miami Beach by cultural and entertainment partners.

On March 21, 2018, the NCAC reviewed the 2018 list of 41 charitable organizations and groups, supplemented the list with two additional organizations -- Miami Beach United and the Miami Beach Latin Chamber of Commerce -- and unanimously approved a list of 43 organizations and groups, as attached herein (Exhibit A).

CONCLUSION

Administration recommends adopting the Resolution to approve the updated list of charitable organizations eligible to receive tickets as a public benefit.

Legislative Tracking

Tourism, Culture and Economic Development

ATTACHMENTS:

Description

- ▣ Charitable Organizations Eligible for Complimentary Tickets
- ▣ Resolution

PROCESS FOR DISTRIBUTION OF ADDITIONAL TICKETS NOT DISTRIBUTED TO OFFICIALS:

- 1) Determine the potential audience for the tickets.
 - a. If inappropriate for youth (adult show not intended for persons under 18 years of age), then only used the organizations/groups identified as serving adult populations
 - b. If appeals to all populations, then go in order listed
- 2) Contact the identified community organizations/groups to offer the tickets.
 - a. Follow the order listed to call and offer tickets (unless not appropriate for the population served by the organization/entity; if so, note that the agency was not called, so it can be called with the next set of available tickets.)
 - b. If an agency does not accept the tickets, then they will need to wait until they are next on the rotation.
 - c. If an agency does not respond to an offer for tickets, pursuant to the process described below, then they will need to wait until they are next on the rotation.
 - i. Efforts to contact agencies should be as follows:
 1. Email to contact person
 2. If no response within 24 hours, call contact person
 3. If no return call within 24 hours, go to next entity.
 - d. Once you have distributed the tickets, note the last entity called/distributed tickets.
 - e. Start distribution calls beginning with the next organization/group on the list, unless there is any organization/entity that was not called the previous time because the tickets were not appropriate for their population served. In those cases, call that one/those first.
 - f. If the tickets are received last minute (day of event), or returned, distribution to employees can be made. Distribution to employees can also be made if requested by the Human Resources Department for purposes of recognizing certain employees.
 - i. Department Directors are to be offered tickets to provide as a recognition to employees
 - ii. If there are no interested Department Directors, then tickets can be offered on a "first come, first serve" basis. However, no employee can receive tickets through a "first come, first serve" basis more than 3 times in one year.
 - iii. Employees must sign for the tickets; employees must be advised the value of the ticket and that a Gift Disclosure may be required.
- 3) Fill out the portion of the ticket distribution spreadsheet to reflect the organization/group that received the tickets. Secure their signature when they pick up the ticket. Request that the agency keep a log of their participants that received the tickets for the City's review, if necessary.
- 4) Attach to the ticket distribution list in the binder the process used to allocate the tickets for that event. For example: contacted #1, #2, #3 – not interested; contacted #4, provided four tickets; contacted #5 – not interested; did not contact #6 – not appropriate; contacted #7, provided four tickets. In this example, #6 would be contacted first for the next set of tickets, and then you would proceed with #8.

#	Agency	Contact	Address	Telephone	Email	Target Population
1	ASPIRA of Florida	Aymet Chaples	6100 Blue Lagoon Drive, Suite 460, 33126	305-269-6767	achaples@fl.aspira.org	Youth, families
2	Ayuda, Inc.	Diana Susi	7118 Byron Avenue, 33141	305-864-6885	dianasusi@ayudamiami.org	Youth, families
3	Biscayne Elementary Community School	Leslie Rosenfeld		305-532-4515		
4	Choices Et Al, Inc.	Cheryl Polite-Eaford	P.O. Box 645409, 33269	305-332-2074	cpeaford@bellsouth.net	Youth, families, court-directed services
5	Fienberg Fisher K-8 Center	Leslie Rosenfeld		305-531-0419		
6	Get Credit Healthy	Elizabeth Karwowski	250 NW 23rd St. Ste 205, 33127	877-850-3444	ek@getcredithealthy.com	Individuals, families
7	Institute for Child & Family Health	Adriana Kochen	430 West 66th Street, 33012		akochen@icfhinc.org	Youth, families
8	Miami Beach Community Health Center	Kathryn Abbate	710 Alton Road, 33139	305-695-2184	kathryna@mbchc.com	Infants, youth, families, individuals,
9	Miami Beach Sr. High School	Leslie Rosenfeld		305-532-4515		
10	Nautilus Middle School	Leslie Rosenfeld		305-532-3481		
11	North Beach Elementary School	Leslie Rosenfeld		305-531-7666		
12	South Florida Center for Family Counseling	Jose Matos	17801 NW 2 nd Avenue #207, 33169	954-243-6298	josedmatos@hotmail.com	Youth, families, individuals, couples, court-directed services
13	South Pointe Elementary School	Leslie Rosenfeld		305-531-5437		
14	Stand Up for Those Who Can't	Jeannette Egozi	7118 Byron Avenue, 33141	305-864-5237	jeannette@ecqz.biz	Youth
15	Switchboard of Miami	Nathan Gomez	190 NE 3rd Street, Miami FL 33132	305-358-1640	ngomez@switchboardmiami.org	Youth, families, individuals, couples

16	Teen Job Corps	Deborah Ruggiero	7356 Gary Avenue, 33141	786-357-5972	djmmrug@gmail.com	Adolescent, lower income youth
17	Unidad of Miami Beach	Arsenio Jorge	833-6 th Street, 33139	305-532-5350	nsantiago@unidadmb.org	Youth, families, individuals
18	Rebecca Towers – North/ South	Magnolia Martinez	200 Alton Road	305 532-6401		
19	Michigan Ave Apts	Laura Molina	532 Michigan Ave	305-535-8002		
20	Michigan Ave Apts	Laura Molina	530 Michigan Ave	305-535-8002		
21	Council Towers South	Carmen Leon	533 Collins Ave	305-532-4118		
22	Lulav Square	Gilberto Junco	628 Lenox Avenue	305-672-8811		
23	Federation Towers	Chris Meadows/Stella Davidovic	757 West Avenue	305-531-2388		
24	Blackstone	Terry/ Carlos Cairo	800 Washington Avenue	305 534-4489		
25	Edwards Apartments	Maria	953 Collins Avenue	305-534-9464		
26	Council Towers North	Antonio Acea	1040 Collins Avenue	305-538-5658		
27	Shep Davis Plaza	Terry/Martin Martin	220 - 23rd Street	305 534-4489		
28	Four Freedoms House	Estrella Pereda	3800 Collins Avenue	305-673-8425		
29	Stella Maris	Lilian DeJarden; Ileana Viera	8638 Harding Avenue	305-868-4020		
30	Jefferson Apts	Laura Molina	542 Jefferson Ave	305-535-8002		
31	Villa Maria	Laura Molina	2800 Collins Avenue	305-535-8002		
32	Allen Apts.	Laura Molina	2001 Washington Ave	305-535-8002		
33	Coral Rock House	Estrella Pereda	1701 Normandy Drive	305-867-0051		
34	Children's Trust Parent/Child Program	Maria Ruiz	1700 Convention Center Drive	X6491	MariaRuiz@miamibeachfl.gov	At risk youth
35	Children's Trust Morning Allstars	Maria Ruiz	1700 Convention Center Drive	X6491	MariaRuiz@miamibeachfl.gov	At risk youth

36	Children's Trust Success University	Maria Ruiz	1700 Convention Center Drive	X6491	MariaRuiz@miamibeachfl.gov	At risk youth
38	Miami-Dade County Public Schools – Feeder Pattern	Leslie Rosenfeld	1700 Convention Center Drive	X6923	leslierosenfeld@miamibeachfl.gov	Youth
39	North Shore Youth Center	Cindy Casanova	501 72 Street	305-861-3616	ccasanova@miamibeachfl.gov	Youth
40	21 st Street Teen Club	Willie Priegues		305-673-7784	wpriegues@miamibeachfl.gov	Youth
41	Scott Rakow Youth Center	Ellen Vargas	2700 Sheridan	305-673-7767	evargas@miamibeachfl.gov	Youth
42	Miami Beach United, Inc.	Saul Gross	1125 Washington Ave.		info@miamibeachunited.org	Community
43	Miami Beach Latin Chamber of Commerce	Grace Calvani	1620 Drexel Avenue	305-674-1414	grace@miamibeach.org	Community Engagement

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE AND APPROVING THE LIST OF CHARITABLE ORGANIZATIONS AND GROUPS ELIGIBLE TO RECEIVE COMPLIMENTARY TICKETS PURSUANT TO THE COMPLIMENTARY TICKET POLICY SET FORTH IN RESOLUTION NO 2014-28638.

WHEREAS, on June 11, 2014, the City Commission adopted a Complimentary Ticket Policy ("Ticket Policy") pursuant to Resolution No. 2014-28638. In accordance with the Ticket Policy, the City Manager's Office prepared a list of deserving organizations and groups eligible to receive complimentary tickets given to the City of Miami Beach by cultural and entertainment partners; and

WHEREAS, pursuant to the Ticket Policy, the Neighborhood/Community Affairs Committee ("NCAC") reviews this list on an annual basis, and may recommend amendments to the list of eligible organizations and groups to the Mayor and City Commission for approval; and

WHEREAS, on March 21, 2018, the NCAC recommended that two additional deserving organizations be added to the list of charitable organizations eligible to receive tickets: Miami Beach United, Inc. and the Miami Beach Latin Chamber of Commerce; and

WHEREAS, the amended list of charitable organizations would total 43 eligible entities.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, accept the recommendation of the neighborhood/community affairs committee to approve the list of charitable organizations and groups eligible to receive complimentary tickets pursuant to the annual review policy as detailed in the complimentary ticket policy memorialized in Resolution No. 2014-28638.

PASSED and ADOPTED this _____ day of _____, 2018.

ATTEST:

Dan Gelber, Mayor

Rafael E Granada, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

4/9/18

Date

PROCESS FOR DISTRIBUTION OF ADDITIONAL TICKETS NOT DISTRIBUTED TO OFFICIALS:

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MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: April 11, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE TO PROVIDE COMPLIMENTARY TICKETS TO THE OFFICE OF THE MAYOR AND CITY COMMISSION FOR EVENTS THAT ARE SPONSORED BY THE CITY, PRESENTED IN PARTNERSHIP WITH THE CITY, OR PRESENTED AND PRODUCED BY ENTITIES WITH WHOM THE CITY HAS A MANAGEMENT OR LICENSE AGREEMENT, PURSUANT TO THE COMPLIMENTARY TICKET POLICY (PUBLIC RESOLUTION NO. 2014-28638).

RECOMMENDATION

Adopt the Resolution.

ANALYSIS

In 1992, the Florida Commission on Ethics issued its Opinion No. 92-33, holding that the City of Miami Beach elected officials could legally accept complimentary tickets from the City (obtained via negotiated 'public benefit' clauses in City contracts) to performances taking place at City-owned venues, subject only to the requirement that public disclosure of such ticket receipt be made by the recipient/Officials on quarterly gift disclosure forms.

In reliance on the opinion of the State Ethics Commission, on January 6, 1993 the City of Miami Beach adopted its Resolution No. 93-20694, in which the City Commission formally established a procedure for the City's distribution of its tickets to performances taking place at City-owned venues, and designated municipal officials and deserving member of the community to receive complimentary tickets to such productions.

In 2011, as a result of a joint investigation by the Miami-Dade State Attorney's Office and the Miami-Dade County Commission on Ethics ("COE") of the City of Miami Beach negotiations with the New World Symphony (in response to a complaint about the inclusion of a complimentary ticket program as part of the proposed revisions to the "public benefits" section of the New World Symphony's lease with the City for their use of public land - the COE found no criminal wrongdoing), the COE scrutinized the ticket distribution process of the City of Miami Beach as well as that of Coral Gables, Hialeah, Homestead, Miami and Miami-Dade County.

On March 1, 2012, the COE issued a 'Guidelines and Recommendations regarding 'public benefit' clauses in certain government contracts'. The focus of the guidelines was on complimentary ticket programs in those public benefits clauses, and what they perceived to be "flawed" policies by several

municipalities relating to such. Cities that were researched to develop these recommendations included the City of Miami Beach, Miami, Homestead, Coral Gables and Hialeah. While acknowledging the City of Miami Beach's prior ethics opinion on the matter, and the City of Miami Beach Resolution that has existed since 1993, the COE raised concerns with the methodology of distribution, in particular when elected official re-allocated tickets provided to them through complimentary ticket programs in public benefits clauses, as this may appear to serve a personal or political agenda, rather than meet the intended purpose. The recommendations did acknowledge, as well, that elected officials and other City staff may need to attend events in their capacity. On March 27, 2012, the COE issued an "Addendum" to the guidelines that specifically address the latter. Please see attached Exhibit A: Acceptable Public Purpose Uses; Exhibit B: Guidelines and Recommendations; Exhibit C: Addendum to Guidelines and Recommendations.

These guidelines and recommendations resulted in the City's Complimentary Ticket Policy ("Ticket Policy") adopted on June 11, 2014, pursuant to Resolution No. 2014-28638. Pursuant to the Policy, elected officials and certain City Staff will receive tickets on a limited basis (e.g. only for attendance at opening day events of the facility at City-owned venues), with the balance of the tickets distributed to "deserving organizations or groups" that are identified, through a Committee, once a year as being eligible to receive tickets for their participants. In addition, the Resolution provides for a process for tickets to also be distributed to other parties by the City in other circumstances (e.g. visiting dignitaries, to meet contractual obligations relating to a municipal marketing program, to recognize employees).

As noted in the Letter to Commission dated July 8, 2014, additional public purpose uses include:

1. Economic development of the City, including the promotion/exposure to, marketing and awareness of tourism, nightlife, recreational, educational, and cultural facilities or attractions on City property or awareness of the City as a regional destination, economic asset or business opportunity;
2. Promoting or showing City appreciation for programs and services rendered by community and other non-profit resources for the benefit of the community, including artistic and cultural organizations and institutions;
3. Advertisement and promotion of City-controlled or City-sponsored events, activities, or programs, public facilities and resources;
4. Monitoring and evaluation of City venues and the quality of performances therein (in particular, attendance at opening day events of the facility at City-owned venues), and/or monitoring and evaluation of the value of City-sponsored events and their compliance with City policies, agreements and other requirements in response to a documented complaint specifically addressed to the attendee;
5. Information gathering and education regarding matters of local, regional and state wide concern that affect the City including enhancing intergovernmental relations through attendance at events with or by officials from other jurisdictions;
6. Promoting, encouraging and rewarding educational and athletic achievements by students and officials of local and regional educational institutions;
7. Promotion of City recognition, visibility and or profile on a local, state, national or worldwide scale, including exchange programs with national and foreign officials and dignitaries, and as part of any marketing promotions with municipal marketing partners, or as may be required by contractual obligations with municipal marketing partners;
8. Attracting and retaining highly qualified employees in City service, including special recognition or reward of meritorious service by a City employee;
9. Performance of a ceremonial or official function on behalf of the City, not otherwise set forth above, including but not limited to the following:
 - a. Hosting leaders of community service organizations (organizations that serve the disadvantaged, senior citizens, disabled, ill, children, etc.), dignitaries from municipal, county, state and federal governmental entities; dignitaries and business leaders from other countries;

- youth groups, student leaders, and recipients of awards; and/or elderly, disabled or low-income City residents;
- b. Hosting constituents as (a) a designated official appointed by the City Commission, or (b) upon invitation of the event(s) organizers or some other person or entity authorized to extend such invitation;
 - c. hosting groups of employees being specifically recognized for job-related achievements;
 - d. Being officially recognized by sponsors of event in a printed program or other public announcement;
 - e. Performance of one of the following functions in one's official capacity as (a) a designated official appointed by the City Commission or (b) an individual invited by the venue:
 - 1. Introducing organizers, participants or dignitaries;
 - 2. Recognizing the contributions of organizers or staff;
 - 3. Receiving or giving an award or other special recognition;
 - 4. Giving a speech;
 - 5. Greeting and welcoming attendees;
 - 6. Ribbon cutting;
 - 7. Leading the pledge of allegiance or national anthem;
 - 8. Acting as a Goodwill Ambassador, as designated by the City Commission;
 - 9. Assess facility needs, proposed changes and constituent concerns in response to a documented complaint specifically addressed to the attendee.

NOTE: The mere passive, spectator attendance at an event will not be regarded as attendance in one's official capacity for a public purpose.

Under this recommendation, if the elected official is not able to attend and use these complimentary tickets, the tickets are to be turned over to the City Manager's Office for distribution to the approved list of charitable organizations, pursuant to the 2014 Policy. This change in distribution policy still falls within the guidelines of the City's Complimentary Ticket Policy adopted on June 11, 2014, pursuant to Resolution No. 2014-28638.

Pursuant to the Ticket Policy, which requires that the list of organizations that are eligible to receive tickets be reviewed each year, Neighborhood and Community Affairs Committee (NCAC) reviewed the list at the March 21, 2018 meeting and made recommendations for approval. At the same meeting, the NCAC also recommended that complimentary tickets to events first be provided to the Office of the Mayor and Commission, recommending that each elected official receives two complimentary tickets to events that are sponsored by the City, presented in partnership with the City, or presented and produced by entities with whom the City has a management or license agreement. In the past, the City had received tickets for the Mayor and Commissioners in this manner, but pulled back on this process in 2014.

For existing agreements, NCAC directed staff to research the possibility of reaching out to City partners to request that they voluntarily consider this arrangement moving forward, whereby they would provide two complimentary tickets to each new event to the Mayor and Commissioners. For new agreements between the City and presenting partners, the complimentary tickets for elected officials is recommended by NCAC to be included in standard boilerplate language.

CONCLUSION

Administration recommends adopting the Resolution regarding providing complimentary tickets to the Office of the Mayor and Commission.

Legislative Tracking

Tourism, Culture and Economic Development

ATTACHMENTS:

Description

- ▣ Resolution-Form Approved
- ▣ Exhibit A, B, C

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE TO PROVIDE COMPLIMENTARY TICKETS TO THE OFFICE OF THE MAYOR AND CITY COMMISSION FOR EVENTS THAT ARE SPONSORED BY THE CITY, PRESENTED IN PARTNERSHIP WITH THE CITY, OR PRESENTED AND PRODUCED BY ENTITIES WITH WHOM THE CITY HAS A MANAGEMENT OR LICENSE AGREEMENT, WHICH TICKETS SHALL BE DISTRIBUTED BY THE MAYOR AND CITY COMMISSION CONSISTENT WITH THE CITY'S COMPLIMENTARY TICKET POLICY, ADOPTED PURSUANT TO CITY RESOLUTION NO. 2014-28638; AND DIRECTING THE ADMINISTRATION TO NEGOTIATE ADDITIONAL "PUBLIC BENEFIT" COMPLIMENTARY TICKETS IN EXISTING OR FUTURE LICENSE OR MANAGEMENT AGREEMENTS.

WHEREAS, on June 11, 2014, the City Commission adopted a Complimentary Ticket Policy ("Policy") pursuant to Resolution No. 2014-28638; and

WHEREAS, many of the complimentary tickets, received as a 'public benefit' under an existing management or licensing agreement, were distributed to the Mayor and City Commission for public purpose distribution; and

WHEREAS, additionally, pursuant to the Policy, the City Manager's Office would prepare an annual list of deserving organizations and groups eligible to receive complimentary tickets that were (1) provided for City Sponsored events; (2) provided for events to which the City is a partner to the event; (3) provided by entities with whom the City has a management or license agreement; and

WHEREAS, were the complimentary tickets not distributed by the Mayor and City Commission, the tickets would be provided to the City Manager for distribution to the deserving organizations and groups eligible to receive complimentary tickets; and

WHEREAS, pursuant to the Policy, the Neighborhood and Community Affairs Committee ("NCAC") reviews this list on an annual basis, and may amend and recommend modifications to the list of organizations and groups that the Mayor and City Commission annually authorize as eligible to receive complimentary tickets; and

WHEREAS, at the March 21, 2018 meeting of the NCAC, the Committee recommended approved the 2018 list of 43 charitable organizations and groups and recommended that the Mayor and City Commission approve these organizations and groups as eligible to receive complimentary tickets; and

WHEREAS, the NCAC also directed the City to seek additional opportunities to negotiate a "public benefit" complimentary tickets from existing management or license holders; and to negotiate such "public benefit" terms in future management and license agreements, which tickets would be utilized for a proper public purpose consistent with the Policy; and

WHEREAS, further, the NCAC directed that such complimentary tickets shall be provided to the Office of the Mayor and Commission, to be used by the Mayor and Commissioners for a proper public purpose; or if not distributed to return the tickets to the Office of the City Manager for distribution to the City's list of deserving organizations and groups eligible to receive complimentary tickets.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, accepting the recommendation of the Neighborhood And Community Affairs Committee to provide complimentary tickets to the Office of the Mayor and City Commission for events that are sponsored by the City, presented in partnership with the City, or presented and produced by entities with whom the City has a management or license agreement, which tickets shall be distributed by the Mayor and City Commission consistent with the City's complimentary ticket policy, adopted pursuant to City Resolution No. 2014-28638; and directing the administration to negotiate additional "public benefit" complimentary tickets in existing or future license or management agreements.

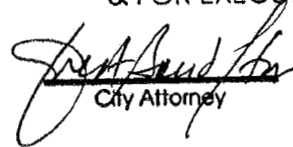
PASSED and ADOPTED this ____ day of _____, 2018.

ATTEST:

DAN GELBER, MAYOR

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

4/2/18

Date

EXHIBIT A
ACCEPTABLE 'PUBLIC PURPOSE' USES
(BY CATEGORY)
OF CITY OF MIAMI BEACH TICKETS

EXHIBIT A

ACCEPTABLE 'PUBLIC PURPOSE' USES (BY CATEGORY) OF CMB TICKETS

--PER CMB RESO NO. _____.

1. Economic development of the City, including the promotion/exposure to, marketing and awareness of tourism, nightlife, recreational, educational, and cultural facilities or attractions on City property or awareness of the City as a regional destination, economic asset or business opportunity;
2. Promoting or showing City appreciation for programs and services rendered by community and other non profit resources for the benefit of the community, including artistic and cultural organizations and institutions;
3. Advertisement and promotion of City-controlled or City-sponsored events, activities, or programs, public facilities and resources;
4. Monitoring and evaluation of City venues and the quality of performances therein (in particular, attendance at opening day events of the facility at City-owned venues), and/or monitoring and evaluation of the value of City-sponsored events and their compliance with City policies, agreements and other requirements in response to a documented complaint specifically addressed to the attendee;
5. Information gathering and education regarding matters of local, regional and state wide concern that affect the City including enhancing intergovernmental relations through attendance at events with or by officials from other jurisdictions;
6. Promoting, encouraging and rewarding educational and athletic achievements by students and officials of local and regional educational institutions;
7. Promotion of City recognition, visibility and or profile on a local, state, national or worldwide scale, including exchange programs with national and foreign officials and dignitaries, and as part of any marketing promotions with municipal marketing partners, or as may be required by contractual obligations with municipal marketing partners;
8. Attracting and retaining highly qualified employees in City service, including special recognition or reward of meritorious service by a City employee;
9. Performance of a ceremonial or official function on behalf of the City, not otherwise set forth above, including but not limited to the following:
 - a. Hosting leaders of community service organizations (organizations that serve the disadvantaged, senior citizens, disabled, ill, children, etc.), dignitaries from municipal, county, state and federal governmental entities; dignitaries and business leaders from other countries; youth groups, student leaders, and recipients of awards; and/or elderly, disabled or low-income City residents;
 - b. Hosting constituents as (a) a designated official appointed by the City Commission, or (b) upon invitation of the event(s) organizers or some other person or entity authorized to extend such invitation;
 - c. hosting groups of employees being specifically recognized for job-related achievements;
 - d. Being officially recognized by sponsors of event in a printed program or other public announcement;
 - e. Performance of one of the following functions in one's official capacity as (a) a designated official appointed by the City Commission or (b) an individual invited by the venue:
 1. Introducing organizers, participants or dignitaries;
 2. Recognizing the contributions of organizers or staff;
 3. Receiving or giving an award or other special recognition;
 4. Giving a speech;
 5. Greeting and welcoming attendees;
 6. Ribbon cutting;
 7. Leading the pledge of allegiance or national anthem;
 8. Acting as a Goodwill Ambassador, as designated by the City Commission;
 9. Assess facility needs, proposed changes and constituent concerns in response to a documented complaint specifically addressed to the attendee.

NOTE: The Mere passive, spectator attendance at an event will not be regarded as attendance in one's official capacity for a public purpose.

EXHIBIT B

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

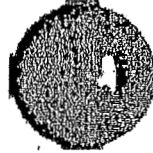
GUIDELINES AND RECOMMENDATIONS REGARDING

"PUBLIC BENEFIT" CLAUSES IN

CERTAIN GOVERNMENT CONTRACTS

EXHIBIT H

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



DRAFT

Guidelines and recommendations regarding "public benefit" clauses in certain government contracts.

Pursuant to the Ethics Commission's enabling ordinance¹ the purpose of the Ethics Commission is to serve as the guardian of the public trust by, among other things, educating the public, elected and appointed officials and other public servants as to the required standards of ethical conduct. The Ethics Commission is empowered to exercise all powers either specifically granted or necessary in the exercise of those enumerated powers. Accordingly, after the conclusion of a joint investigation by the Public Corruption Unit of the Miami-Dade State Attorney's Office (SAO) and the Commission on Ethics (COE); we felt it appropriate to follow up on concerns identified during the investigation and suggest recommendations and guidelines to address those concerns. The investigation involved a grant dispute between the City of Miami Beach (CMB) and the New World Symphony (NWS). The initial complaint was made by a prominent local attorney and former Miami Beach mayor who was also the Chairman of the Board of Trustees of the NWS. The allegation was that the CMB was refusing to pay the NWS monies due under a Grant-in-Aid Agreement (GIAA) unless the NWS provided the Mayor, Commissioners, and CMB Senior Administrative staff with complimentary tickets to NWS performances. The SAO Close-Out memo is attached hereto as Exhibit 1.

Although the joint investigation did not uncover any violation of criminal laws, it did expose flawed policies that have resulted in unwarranted and inappropriate benefits for elected and appointed officials. Elected and appointed officials can exploit these policies which provide them with thousands of dollars worth of tickets to coveted events sponsored by private entities that have a contractual relationship with the local governments which these officials serve. Moreover, further investigation has shown that several other municipalities engage in similar

¹ Section 2-1065 of the Code of Miami-Dade County.

ticket distribution plans. These distribution plans sometimes amount to no more than a thinly disguised form of political favoritism used by elected officials to curry favor with supporters and to build political support. The Commission on Ethics and Public Trust finds these practices troublesome and urges all local governments to consider the recommendations set forth in this report.

The City of Miami Beach:

The investigation found that the practice by the City of receiving complimentary tickets to City-owned venues was officially sanctioned with the passage of CMB Resolution 93-20594, which reads as follows:

A Resolution of the City Commission of the City of Miami Beach, Florida, providing that complimentary tickets for performances and events at TOPA² and the Convention Center which would otherwise be received by the Mayor, City Commissioners, and City employees, shall hereafter be made available to disadvantaged youths, disabled persons, senior citizens and other individuals who do not have the financial ability to purchase tickets for cultural events.

Now, therefore, be it resolved by the City Commission of the City of Miami Beach, Florida, that:

1) The following City officials shall receive a maximum of four (4) complimentary tickets for one performance of all new productions or events at TOPA and the Convention Center:

- (1) Mayor and members of the City Commission*
- (2) City Manager*
- (3) City Attorney*

The following City officials shall receive a maximum of two (2) complimentary tickets for one performance of all new productions or events at TOPA and the Convention Center for which such tickets are available:

- (1) Senior Assistant City Manager, Contract Administrator*
- (2) Chief Deputy City Attorney*

2) Any and all remaining tickets shall be donated to disadvantaged youths, disabled persons, senior citizens of Miami Beach and other individuals who do not have the financial ability to purchase tickets for cultural events.

3) The City administration shall develop guidelines and appropriate procedures with regard to the administration of this program and shall submit said guidelines and appropriate procedures to the City Commission for final

² Theater of the Performing Arts.

approval... (emphasis added)

While CMB Resolution 93-20694 allows for the receipt of complimentary tickets to events at only the TOFA and the Convention Center, both City-owned facilities, this resolution has been used by CMB Commissioners and employees to justify the receipt of complimentary tickets to many events at CMB venues including the NWS.

In 1993, the then City Manager established a "Promotional Ticket Policy." The policy mirrored the resolution's eligibility requirements, stating that the complimentary tickets be first given to the Mayor, the Commission, the City Attorney, the Assistant City Managers, the Chief Deputy City Attorney, and the Contract Administrator, and that any remaining tickets be donated to disadvantaged youths, disabled persons, and senior citizens. The policy also established the following guidelines:

- 1) A committee appointed by the City Manager shall meet to establish a list of organizations and/or groups eligible to receive promotional tickets... the list shall be updated every quarter.
- 2) A current list of local organizations or civic groups shall be maintained from which a rotation of recipients shall exist.
- 3) Donated promotional tickets may be used by organizations solely to promote fundraisers...
- 4) No more than ten (10) promotional tickets shall be issued to any one organization for one show/event.
- 5) When a representative from an organization receives the tickets he/she will sign a receipt. Organizations will be given a form to be completed and returned to the City Manager's office within two weeks of the show/event... if the organization does not return the completed form, then the City Manager will not issue any more tickets to that organization...

It should be noted that virtually none of the CMB employees or elected officials (except for one Assistant City Manager) interviewed during the investigation, were aware of the City's own "Promotional Ticket Policy." Not even the current City Manager, who, according to the policy, is responsible for managing the "Promotional Ticket Program," was aware of its existence. Apparently, the only part of the policy implemented was the distribution of complimentary tickets to the Mayor, Commissioners, and CMB senior staff. No record of the appointment of a ticket distribution committee, nor the creation of a list of organizations authorized to receive tickets, was found.

The investigation found that the CMB City Manager acts as the distribution point for all complimentary tickets received by the City. Once tickets come to his office, they are then distributed among the Mayor and City Commissioners. A distribution log is maintained. Once the tickets get into the hands of the elected officials, however, they then have unfettered discretion to do with them what they please. The investigation revealed that many Commissioners kept certain tickets for their personal use. Often, however, Commissioners gave their allotted tickets away to friends, family, staff or other constituents. Certain anecdotal evidence gathered during the course of the investigation suggests that, quite often, the recipients are targeted groups of senior citizens who are made well aware of which Commissioner's beneficence is responsible for the free tickets. The political goodwill derived from these acts of taxpayer subsidized generosity can itself be perceived as a "gift" to the elected official. Utilized by elected officials, this practice is likely to lead to political pandering, including the carrying of favor with blocks of potential voters and/or other influential individuals within the electorate.

It is clear that the CMB is not adhering at all to the spirit of its own resolution (93-20694) in that few of the intended recipients i.e. disadvantaged youths, disabled persons, senior citizens of Miami Beach and other individuals who may not have the financial ability to purchase tickets for cultural events, end up benefiting from these free tickets. "Public Benefits" should, in our view, benefit the actual public at large. It is clear that the primary beneficiaries of these "public benefits" are the government officials; this needs to end. Moreover, this type of ticket distribution system appears to be the same type of system that the Florida State Ethics Commission (FSEC) opined, results in "gifts" being given to elected officials.

Distribution of tickets obtained through "public benefit" clauses:

We recommend that elected official be entirely removed from the process involving distribution of complimentary tickets. All local government entities that have contractual relationships wherein their municipality receives "public benefits," including, but not limited to, event tickets, should adopt a policy or procedure that insulates elected and appointed officials from involvement in the distribution process of the benefits, and limits their receipt of complimentary tickets to occasions when there is a public purpose served by their attendance.

We underscore that, when public power is executed through government contracts to extract a benefit, such as complimentary tickets, from a private party, there can be no permissible purpose for such a benefit other than a public one. Such publicly obtained assets do not differ in character from any other public property such as tax revenue or public buildings. Use of such assets for anything other than public purposes is ethically and legally problematic.

In light of the City of Miami Beach investigation, the Ethics Commission surveyed the "public benefit" practices in several other municipalities. We learned that, in the City of Miami, tickets are routinely provided to elected officials and the City Manager for events at, among other locales, the James L. Knight Center, Bayfront Park and the Gary Eriksen Tennis Tournament (SETT), through a similar distribution procedure.

An Assistant City Manager advised the COE that in 2011, Commissioners, the Mayor and the City Manager each received two (2) tickets per session for a total of twenty-two (22) sessions plus a parking space for the SETT. A City official advised the COE that the SETT tickets are provided as part of an agreement between the City's Department of Asset Management and Miami-Dade County for use of the Marine Stadium parking lot. One elected official in the City advised that he gives the tickets away to "friends...and other important people." Thus, we see another example of elected officials using the so-called "public benefits," in a manner that inures to their personal or political benefit. In practice, the "public" derives little, if any, benefit, from such a self-interested mode of distribution.

Inquiry into similar practices by the City of Homestead (COH) revealed that COH has lease agreements for the Homestead Sports Complex and the Homestead Speedway (the "Lease Agreements"). For each event held at the complex (pursuant to the City's lease agreement with La Ley Sports at the City of Homestead, Inc.), COH receives: the use of a designated skybox, forty (40) skybox tickets, and twenty (20) parking passes. Pursuant to COH's agreement with Homestead Motorsports Joint Venture and Ralph Sanchez, COH has been granted: eighty (80) complimentary general admission tickets, the use of two (2) skyboxes, and complimentary tickets for each seat in the skyboxes for each event held at the speedway. In addition, employees of COH are granted a twenty-five percent (25%) discount off of the face value of a ticket to all motorsports events held at the speedway. Each eligible employee may purchase a maximum of two (2) discounted tickets.

One COH official advised the COE that such tickets are routinely left in his office and that he then distributes those tickets to City officials. This individual said he would appreciate formal guidance from the Ethics Commission on this issue.

As another example of the often times inappropriate use of these "public benefits," in 2008, a COH Councilperson was advised by the COE that it would be inappropriate for a Councilperson to offer a candidate running for State office the opportunity to hold a fundraiser at the designated City skybox and only be charged the discounted City rate.

An inquiry into the policies of Miami-Dade County's related policies was also made. According to a representative of the Adrienne Arsh Center (AAC), there is no policy that requires the Performing Arts Center to provide a certain number of tickets to each performance to County officials. However, if the Arts Center/AAC has, what they term, "excess inventory," they do contact County Commissioners' offices to obtain the names of non-profit and/or other charity type organizations they can donate the excess inventory tickets to. The tickets themselves do not pass through the hands of County officials. Once again, however, we find that the practice of making the tickets available to a private, non-profit, group upon the mere designation by a single elected official, rather than a neutral, non-political person or entity, is similarly questionable and problematic.

COE interviewed the County's Director of Cultural Affairs who advised that he "scrupulously avoids" having any type of "public benefit" clauses in any of the contracts between the County and any of the cultural arts groups that perform at various County owned facilities. He further advised that many arts groups themselves often provide tickets directly to underprivileged groups on their own but his office does not engage in any distribution of tickets to elected officials nor requires that any number of tickets be provided contractually.

The City of Coral Gables (CG) was asked about its policy concerning the issuance of tickets under similar agreements. The COE found that the Actors Playhouse (Miracle Theater) in CG manages to avoid interference from elected officials in their distribution of public benefit tickets. The Executive Director of the Miracle Theater advised that the Playhouse has a management agreement with CG. In the agreement, the Playhouse agrees to give 500 tickets to the community. According to the Executive Director, the Playhouse gives away thousands of tickets every year to not-for-profit agencies, schools, and other groups that represent individuals

who cannot afford to buy tickets. She advised that the Playhouse recently gave away 60 tickets to Northwestern High School students (value of more than \$1,000.00).

The decision as to which tickets to give away and to whom ultimately lies with the Executive Director. The Executive Director claimed that CG does not interfere with the Playhouse's distribution of the tickets. The City does not monitor the Playhouse's distribution of complimentary tickets. She advised that no tickets go to the City.

When such benefits are provided wholly through the discretion of a non-governmental entity that is not performing a government function, there is no legal prohibition to consider pursuant to the Miami-Dade County Conflict of Interest and Code of Ethics ordinance, provided that there is no connection between the acceptance of the proffered tickets and any action to be taken by the recipients in his or her public role. The acceptance of such tickets by a public official does, of course, subject the official to the gift reporting requirements where the value of the tickets exceeds \$100.00.

Attendance as part of official city/county business:

Investigation also determined that, in addition to the myriad number of tickets provided pursuant to "public benefit" clauses, elected and appointed officials are invited to attend numerous events as a matter of "official city business."

Attendance at "official city business" events generally does not require gift disclosure as long as the elected/appointed official is, in fact, performing some bona fide official function at the event (see generally, FSEC opinion 01-019). However, it should be noted that mere attendance at an event by an elected official does not magically transform the event into official city business. "Official functions" can include, but are not limited to: participating in a ribbon cutting, giving a speech, or leading the pledge of allegiance.

There may also be occasions when, due to the presence of visiting dignitaries or other special invited guests, it will be appropriate for officials to attend an event to socialize with such persons as representatives of the local government. Such occasions, however, should be limited to special occasions rather than regularly scheduled events, and ought to include some official designation by the county/city government to those officials in attendance.

It is unlikely that mere, passive attendance by an elected official to such an event, without either some official role in the event, or, at a minimum, recognition as part of an official program of the event, can be considered attendance at an "official function."

Ramifications under gift rules:

Irrespective of the method of distribution employed by a government entity, elected officials must be cognizant of State and local gift rules when accepting tickets to an event. As previously discussed, if an elected official is attending a function as official city/county business, the value of the ticket or function is not considered a gift and therefore, the elected official is not required to disclose it as such.

It is important to note, however, that in CEO-92-33, the FSEC held that City Commissioners have received a gift, not a benefit of office, when the city gives them a block of tickets to performances at a municipally-owned theater, which tickets the City receives as a condition of its lease agreement with the producers. Where a City, by contract, receives tickets to events at the City-owned theater, and where the tickets are divided among the members of the City Commission for either their personal use or to distribute to others at their discretion, the members of the City Commission receive gifts which are subject to gift acceptance and disclosure provisions.

Also, a ticket received directly from a non-government entity outside of any previous agreement between the entity and the local government, is subject to the disclosure requirements set out in Section 2-11.1(e) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (reproduced below in its entirety).

Lastly, pursuant to Section 112.3148(4), Florida Statutes:

"A reporting individual" ... is prohibited from knowingly accepting, directly or indirectly, a gift...from a lobbyist who lobbies the reporting individual's...agency...if he or she knows or reasonably believes that the gift has a value in excess of \$100..."

² "Reporting individual" includes "(e) (1.) Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office." Section 112.3145(1), Florida Statutes.

Thus, it is important that elected officials exercise extreme caution in accepting tickets from an individual registered to lobby in their particular government as State law outright prohibits the acceptance of such, if the value is in excess of \$100.00.

Relevant Ordinances:

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Miami-Dade County Code Section 2-11.1 states in pertinent part:

"(e) Gifts.

(1) *Definition.* The term "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single sitting or meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(2) *Exceptions.* The provisions of Subsection (e) (1) shall not apply to: (a) Political contributions specifically authorized by state law; (b) Gifts from relatives or members of one's household; (c) Awards for professional or civic achievement; (d) Material such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature; (e) Gifts solicited by County employees or departmental personnel on behalf of the County in performance of their official duties for use solely by the County in conducting its official business; (f) Gifts solicited by Commissioners on behalf of the County in performance of their official duties for use solely by the County in conducting its official business; (g) Gifts solicited by Commissioners, or their staff members, on behalf of any nonprofit organization for use solely by that organization where neither the Commissioner nor his or her staff receives any compensation as a result of the solicitation. As used in this subsection, a "nonprofit organization" shall mean any entity described in section 501(c) (3) of the Internal Revenue Code (the "Code") that is tax exempt under section 501(a) of the Code. As used in this subsection, "compensation" means any money, gift, favor, political contribution, thing of value or other financial benefit.

(3) *Prohibitions.* A person described in Subsection (b) (1) through (6) shall neither solicit nor demand any gift. It is also unlawful for any person or entity to offer, give, or agree to give to any person included in the term defined in Subsection (b) (1) through (6) or for any person included in the term defined in Subsection (b) (1) through (6) to accept or agree to accept from another person or entity, any gift for or because of: (a) An official public action taken or to be taken, or which could be taken; (b) A legal duty performed or to be performed, or which could be performed; or (c) A legal duty violated or to be violated, or which could be violated by any person included in the term defined in Subsection (b) (1).

(4) *Disclosure.* Any person included in the term defined in Subsection (b) (1) through (5) shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of one hundred dollars (\$100.00). Said disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for "local officers" with the Clerk of the Board of County Commissioners simultaneously with the filing of the form with the Secretary of State."

City of Miami Code, Section 2-613 states in pertinent part:

"Every officer, official or employee of the city, including every member of any Board, commission or agency of the city, is expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is or might be awarded, any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the city."

Conclusion

It is important to note that the problem we perceive, i.e., the unfair advantage provided to elected officials utilizing these tickets as an extension of their self-promotional or campaign activities, is not an issue the Ethics Commission has ever addressed in the past. It appears though that there is simply no good reason why event tickets received by a municipality through a contractual "public benefits" clause or through any other understanding between the municipality and a private entity, should pass through the hands of elected officials. It is recommended that these tickets be distributed to the public by an objective, non-political mechanism. Such a neutral process would remove any suggestion of political or other non-public benefit to the officials. This recommendation is not intended to suggest that distribution of complimentary tickets by public officials is an automatic or per se violation of the ethics ordinance or of other applicable ethics rules. It is conceivable that some public officials distribute such benefits in a manner that is non-political and otherwise appropriate. However, the temptations that are inherently likely to cause ethical problems in any distribution of public benefits are heightened by a policy that allows for discretionary distribution of such benefits by politicians without oversight or accountability. The difficulty in fashioning an ethically unassailable policy under these circumstances has led to the recommendations contained in this report.

One of the ways we suggest that tickets be made available to the public is to post an announcement on the city/county's website or other publicly advertised medium, notifying the public of when tickets are available and allowing individuals interested in obtaining them to seek them from a non-political source, for example, the City/County Clerk's office. The tickets could be either given away or sold at a discounted rate. Another method might be to follow the Promotional Ticket Policy that the City of Miami Beach adopted but never implemented. This method would seem to ensure that youth organizations, seniors or low income groups get to reap the majority of the public benefit, consistent with the true intention of such contract provisions. It would deny elected officials the undeserved opportunity to grandstand or otherwise use the giveaway of tickets to further their personal or political agendas. Yet another suggested process is to follow CC's example and remove the government entity from the process entirely.

Again, we reiterate that "public benefits" should not inure to the personal, private benefit of elected and appointed officials. These "public benefit" clauses should not be interpreted as another opportunity for elected and appointed officials to reap "perks of office" or be utilized by them for political or other self-aggrandizing purposes. Public benefits should truly benefit the public-at-large, not just certain influential or well-connected individuals.

We understand that the SEC has opined that officials may receive tickets pursuant to "public benefit" clauses, as long as they report them pursuant to the gift reporting requirements. We want to underscore, by this policy statement, that we believe that elected and appointed officials should have no need to report benefits received under "public benefit" clauses because they should not be the recipients of these benefits in the first place, unless they are being used by them in their official roles, as previously described.

Public benefits should benefit the public; they should not be used by elected officials to ingratiate themselves with supporters. It is unethical, in our view, for officials to dole out benefits meant for the public-at-large in a manner that serves the officials' personal interests rather than the public's interest.

We hope that local governments will take these recommendations seriously and expeditiously implement changes in accordance with this report. The frequency with which the issue of distribution of "public benefits" has arisen in the past and continues to arise, including inquiries to this agency, has led to this attempt to clarify and explain the ethical issues involved.

To that end, we hereby resolve to adopt as a set of "best practices" the recommendations set forth in this report.

Moreover, we will continue to examine the ticket distribution policies of local governments to ensure that they are in conformance with applicable ethics rules. While such policies need not be identical, we believe that adherence to the guidelines and recommendations herein would insure such conformance. Further, we will investigate any instance brought before us, where it appears that "public benefits" are being exploited for the benefit of elected or appointed officials for possible violations of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance. In sum, we recommend as follows:

1. Municipalities and local governments may have "public benefit" clauses in contracts between certain entities and the respective cities. The "public benefits" however, should benefit the public-at-large.
2. Tickets or other "public benefits" should be distributed in a non-political, neutral manner with no interference from local officials.
3. If local officials are the recipient of tickets or other benefits, and the value of the benefits exceed \$100.00, the official must comply with gift disclosure rules.
4. Local officials may not accept tickets with a value in excess of \$100.00 from any person registered to lobby the government which they serve. This is prohibited pursuant to Section 112.3148(4), Florida Statutes:

A reporting individual⁴...is prohibited from knowingly accepting, directly or indirectly, a gift...from a lobbyist who lobbies the reporting individual's...agency...if he or she knows or reasonably believes that the gift has a value in excess of \$100..."

5. If an official is appearing at an event in his or her official capacity, for a public purpose, the official need not report the attendance at the event as a gift. However, mere passive, spectator attendance at an event will not be regarded as attendance in one's official capacity for a public purpose. Attending an event merely to "be seen" by your constituency is not, in our view, a "public

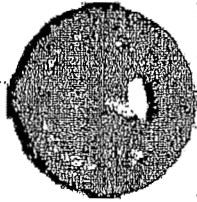
⁴ "Reporting individual" includes "(a) (1.) Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office." Section 112.3145(1), Florida Statutes.

purpose". Attendance at "official city business" events generally does not require gift disclosure as long as the elected/appointed official is, in fact, performing some bona fide official function at the event. Although the Miami-Dade County Ethics Commission may not have specifically opined in this area in a formal way, we agree with the rationale of the State Ethics Commission's opinions in FSEC opinions 91-46 and 01-019. These opinions hold that a public or local officer who claims that [a] trip is not a gift is not relieved of the responsibility of determining that he is in fact giving quid pro quo, that is, that the value of his time and services are equal to or greater than the value of the trip.

Smith, Jose

From: Ramos, Miriam S. (COE) [MSRAMOS@miamidadade.gov]
Sent: Tuesday, March 27, 2012 2:46 PM
To: Abbott, Daniel; Agulla, Raul; Alfonso, Lourdes; Amuchastegui, Fernando; Armstrong, Bert; Barnes, Monica; Bleler, Alison; Bierman, Mitch; Blizin Sumberg (Christine Bower); Blitner, Warren; Boksnor, Aleksandr; Boniske, Nina; Boutsis, Eve; Brialbe, Emomotimi; Britton, Tiffany; Brochin, Robert; Bru, Julie; Caballero, Sylvia; Callejo, Karen; Chiaro, Maria J.; Citrin, Charles; Cypen, Stephen; Dannhauser, Lynn; Dickens, Sonja Knighton; Dumas, Carmen; Entin, Monica; Espino, Daniel; Everett, Cynthia; Forte, Iljane; Friedman, Chad; Galdo, Roland; Garcia-Toledo, Vicky; Geller, Joseph; Greco, John; Green, Chris; Greenberg, Murray; Grodnick, William; Heam, John; Held, Gary; Halfman, Steve; Harin, John; Hernandez, Elizabeth; Herrera, Jose Pepe; Hialeah Attorneys; Hill, Marlon; Irtzarri, Ramon; Jacobowitz, Jan; Jaramillo-Valez, Elsa; Jimenez, Jose; Kennedy, Harlane; Kuper, Richard; Leon, Craig; Lehr, Bruce; Leonard, Howard; Lloyd-Still, Robert; Maer, Miriam; Marks, Lloyd; Martinez-Esteva, Jorge (CAO); Mahaffey, Kathy; Mendez, Victoria; Meyers, Robert; Min, Barnaby; Moas, Joanne; Monsalme, Regina; Morales, Jimmy; Negron, Melissa; Norris-Woaks, Burnadette; Olin, Jean; Olinot, Hans; Palenzuela, Alexander; Papy, Don; Pepe, Thomas; Pizzi, Michael; Reyes, Ninoshka; Riesberg, Barbara; Rosawald, Rob; Rothstein, Steven; Santiago, Amy; Sarafan, Richard; Selden, Jan; Sherman, Craig B.; Sibila, Estrella; Siegel, Darce; Smith, Jose; Suarez-Rivas, Rafael; Switkes, Robert; Trevarthen, Susan L.; Turner, Debra; Ventura, Ralph; Villalobos, Jose; Vizcaino, Diane; Wolke, Richard Jay; Wandell, Laura K.; Wolfe, Mel; Wolpin, David; Xiques, Veronica

Subject: Ethics Commission meeting summary



For Immediate Release: March 27, 2012
Contact: Joseph Centorino, Executive Director
(305) 360-0613 or centorj@miamidadade.gov

Ethics Commission supplements guidelines on free event tickets

As a follow up to guidelines it issued earlier this month for the official use of complimentary tickets by public officials, the Miami-Dade Commission on Ethics and Public Trust (COE) today adopted internal guidelines that clarify when a politician appears at a function in an "official capacity." The list of recommended public purposes for attending ticketed events includes hosting dignitaries, visitors and certain residents or groups and performing actions related to the official's position, such as introductions, presentations, ribbon cuttings and speech making.

The addendum to the guidelines* also suggests how public officials should distribute tickets that are received through a contractual agreement with a private entity in order to avoid possible misuse of public resources and bolster confidence in the integrity of government. Distribution may be first-come, first-serve or by a lottery. The tickets could be sold, with the proceeds designated to a public purpose. They could be allocated to non-profit agencies, schools, children's groups or community organizations. The tickets also could be used as rewards for citizens or employees making substantial contributions to the community or local government. The COE will continue to provide opinions to inquiring officials regarding whether other uses are ethically acceptable.

In a related matter, Ethics Commissioners found No Probable Cause to a complaint (C 12-07) that officials in the City of Miami violated County and City Ethics Ordinances by failing to report tickets they had received to events at the Knight Center, Bayfront Park and the Mayor's Ball, but also approved the drafting of a general Letter of Instruction for future reference. That letter will cite the clarification of "public purpose" and emphasize that officials are not entitled to the use of public benefit tickets as a matter of right. Public officials will be reminded they have an obligation to report gifts (which include tickets to events) and that when an official receives two tickets for use with a spouse or partner, they must be disclosed as the total value of the gift.

In other action at today's meeting, probable cause was found that a bus maintenance technician for the Miami-Dade Transit Department violated the "prohibition on outside employment" provision of the Conflict of Interest and Code of Ethics Ordinance. An investigation by the Inspector General's Office had found that Niranjan Seepersaud also worked for American Coach Lines from March 2007 through June of 2010, but failed to obtain authorization for outside employment and did not file financial disclosure forms each year as required by the Code. After the case was turned over to the Ethics Commission, Seepersaud was told that if he complied with the filing requirement by the end of 2011, no action would be taken. He has failed to do so, and the complaint (C 12-08) will proceed.

Two complaints (C 12-09 and C 12-13) accusing Homestead Mayor Steven Bateman of misspending campaign funds at a liquor store were found "not legally sufficient." The charges are based on state law, which is outside the Ethics Commission's jurisdiction.

The same citizen accused Homestead Councilman Stephen Shelley of "exploitation of official position" by using a photo of himself on the city website for his business website. The city did pay for the original photograph. However, works of government are excluded from copyright protection, are considered in the public domain and can be used by anyone. For that reason, the complaint (C 12-16) was deemed "not legally sufficient."

Seven complaints were filed against Homestead Councilwoman Judy Waldman relating to her re-election campaign last fall. Four of them (C 12-17, C 12-18, C 12-19 and C 12-23) were deemed "not legally sufficient" because they don't violate any laws. Two complaints (C 12-20 and C 12-21) were found "not legally sufficient" because they allege violations of state election laws, which is outside of the jurisdiction of the COE. The final one (C 12-22) does not allege an action that violates the Ethics Code.

No Probable Cause was found to a complaint (C 12-06) accusing a Miami Lakes Council member of exploitation of official position. A resident of the city alleged that Richard Pulido demanded that, as a part of a municipal beautification project, trees be planted in front of his home first, and that he pressured the Town's park staff to provide free use of public land to a flag football league. The investigation found no substance to the charges, and the complaint was dismissed.

A complaint (C 12-03) filed against a lobbyist, John Morse, who registered on behalf of Ascent Healthcare Solutions in September of 2010 but failed to file the required Lobbyist Expenditure Statement by the July 1, 2011, deadline, was dismissed after he completed the form. Investigators learned he had moved out of town and never received the notices, but once they called him and explained his obligations, he responded.

In light of cases like that, which consume investigative resources, the Ethics Commission discussed changing the rule requiring lobbyists to file annual expenditure reports if they spent no funds during the reporting period. A proposed amendment to the Code of Ethics will be forwarded to the County Commission for its consideration.

A liability claims adjuster with Miami-Dade County's Risk Management division may provide consulting and inspection services for private clients, including some governmental entities, if he has permission from his supervisors. The COE response to Request for Opinion 12-07 stated that Kenneth McCoy's private clients cannot have interests adverse to the County or control or maintain property associated with the County. The RQO also recommends that, if granted permission, McCoy provide the names of his private clients to his supervisor.

The Ethics Commission was created in 1995 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

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*The addendum is posted on MiamiDadeEthics.com

Rhonda Victor Sibilla, Community Outreach Coordinator
Miami-Dade Commission on Ethics & Public Trust
19 West Flagler, Suite 520
Miami, Florida 33130
305-350-0631
rhonda@miamidade.gov

miamidade.gov

"Delivering Excellence Every Day"

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

EXHIBIT C

MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST:

ADDENDUM TO GUIDELINES AND RECOMMENDATIONS

REGARDING "PUBLIC BENEFIT" CLAUSES IN CERTAIN

GOVERNMENT CONTRACTS: PUBLIC PURPOSE

ADDENDUM TO GUIDELINES AND RECOMMENDATIONS REGARDING
"PUBLIC BENEFIT" CLAUSES IN CERTAIN GOVERNMENT CONTRACTS:
PUBLIC PURPOSE

It is the intent of these guidelines and recommendations concerning the distribution of tickets and other public benefits, obtained by governmental entities through contractual negotiation or other exercise of public authority, to assure that these benefits, which are public property, shall be used and distributed for a public purpose. The overriding principle behind these suggestions is to curtail the private use of these public benefits by government officials and employees for their own personal benefit, directly or indirectly. In addition, these guidelines are established to provide guidance to such officials and their employees, as well as their advisors, in order to avoid possible future misuse of such public resources. It is hoped that this will also increase public confidence in the integrity of government in its use of such resources, as well as help to remove the perception that elected and other government officials distribute these public benefits with unfettered discretion and for purposes inconsistent with the proper disposition of public property. Further, it is the intent of these guidelines and recommendations to make clear that public benefits may be utilized under certain permissible circumstances by elected and other government officials and employees where there is a genuine, legitimate and articulable public purpose involved. To that end, we have set forth below a list of suggested permissible public purposes for government officials, staff and employees to consider when it is appropriate to use, for themselves or others, public benefits contemplated by these guidelines. The foregoing list is not exhaustive. The Commission on Ethics is always available to provide an opinion to an inquiring public official or employee regarding whether any particular use or method of distribution is ethically acceptable.

A. PERMISSIBLE PUBLIC PURPOSES FOR OFFICIALS, STAFF AND EMPLOYEES

1. Host business leaders to promote economic development;
2. Host leaders of community service organizations (e.g. organizations that serve the disadvantaged, senior citizens, disabled, ill, children, etc.);
3. Host dignitaries from municipal, state and federal governmental entities;
4. Host dignitaries and business leaders from other countries;
5. Host youth groups, student leaders and recipients of awards;
6. Host elderly Miami-Dade County residents;
7. Host disabled residents;
8. Host low-income residents;
9. Host constituents as: (a) a designated official by the Commission, Chairperson, Mayor or some other person delegated that responsibility, or (b) upon invitation of the event organizer(s) or a person or entity authorized to extend such invitation;
10. Host group(s) of governmental employees being specially recognized for job-related achievements;
11. Being officially recognized by the sponsors of event in a printed program or other public announcement.
12. Performing one of the following functions in one's official capacity as: (a) a designated official by the Commission, Chairperson, Mayor or other person delegated that responsibility, or (b) an individual invited by the venue

- a. Introducing organizers, participants, or dignitaries;
- b. Recognizing the contributions of the organizers or staff;
- c. Receiving or giving an award or other special recognition;
- d. Giving a speech;
- e. Greeting and welcoming attendees;
- f. Ribbon cutting;
- g. Leading the pledge of allegiance or national anthem;
- h. Acting as a goodwill ambassador designated by the Commission/Council, Chairperson, Mayor or other person qualified to delegate that responsibility;
- i. Assess facility needs, proposed changes and constituent concerns in response to a documented complaint specifically addressed to the attendee;
- j. Attending the opening day game or performance of a County/City-owned facility.

B. OTHER PERMISSIBLE USES OF PUBLIC BENEFITS


- 1. Distribution to residents on a publicly-advertised first-come, first-served basis or by lottery;
- 2. Sell to members of the public, if permissible, with the proceeds going to the general fund or a specially-designated public purpose;
- 3. Return to donor in exchange for monetary value, with the approval of the governing body of the County/City;
- 4. Allocations to:
 - a. Non-profit agencies for distribution to individuals served by the organizations;
 - b. Schools/students or youth athletic leagues;
 - c. Bona fide organizations that represent needy individuals, which organizations have no affiliation with the public official providing the benefits or the official's immediate family;
 - d. Community based organizations for distribution to individuals served by the organizations.
- 5. Allocations to the following based upon their contributions to the community or local government:
 - a. Employees, as part of an employee recognition program with defined criteria;
 - b. Residents who have made special contributions to the community, as established by defined criteria;
 - c. Unelected members who serve without pay on County/City boards; County, State and/or federal officials or local officials from other cities, in recognition of significant assistance to the local government;
 - d. Businesses and institutions which have contributed to the welfare of the County/City;
 - f. Visiting dignitaries or foreign officials.

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Raul J. Aguila, City Attorney 

DATE: April 11, 2018

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 AMENDING SECTION 2-12, ENTITLED "MEETING PROCEDURES AND AGENDAS," BY PROVIDING PROCEDURES FOR RECOGNIZING CITY COMMISSION SPONSORS OF ITEMS AT CITY COMMISSION MEETINGS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

RECOMMENDATION

Pursuant to the request of Commissioner Kristen Rosen Gonzalez, the above-referenced substituted Ordinance is submitted on First Reading for consideration by the Mayor and City Commission at the April 11, 2018 City Commission meeting.

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner Kristen Rosen Gonzalez

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, ENTITLED "CITY COMMISSION," BY AMENDING SECTION 2-12, ENTITLED "MEETING PROCEDURES AND AGENDAS," BY PROVIDING PROCEDURES FOR RECOGNIZING CITY COMMISSION SPONSORS OF ITEMS AT CITY COMMISSION MEETINGS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission wish to establish a best practices requirement with regard to the presentation of Commission meeting agenda items that are sponsored by members of the City Commission; and

WHEREAS, the amendment set forth in this Ordinance will foster greater efficiency and meaningful participation by City Commission members with regard to Commission meeting agenda items that they sponsor.

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

SECTION 1. That Section 2-12 of Article II of Chapter 2 of the Code of the City of Miami Beach, Florida, is hereby amended as follows:

**CHAPTER 2
ADMINISTRATION**

* * *

ARTICLE II. CITY COMMISSION

* * *

Sec. 2-12. - Meeting procedures and agendas.

- (a) *Statement of legislative intent.* Consistent with the City of Miami Beach Charter, this section will help uphold the principles of separation of powers and checks and balances. It will also lend to improving transparency in government.

(b) *Ordinance and charter amendment sponsors and co-sponsors.* Any proposed ordinance or charter amendment that appears on the agenda of a city commission meeting for discussion, referral, and/or approval by the mayor and city commission must have the name of the mayor, a member of the city commission placed prominently next to it as the primary sponsor of the legislation. A commission member that seeks to co-sponsor an ordinance or charter amendment that appears on an agenda of a city commission meeting must submit a co-sponsorship request to the city clerk before (as the case may be) discussion, referral, vote, or (in the case of an ordinance) first reading of the item. The primary sponsor must approve the co-sponsor request before (as the case may be): (i) the vote at the first reading of an ordinance; (ii) the vote on a resolution placing a charter amendment on the ballot; (iii) the discussion of the item; or (iv) the referral of the item (if the item is on the commission agenda for a referral to a city or commission committee). A commission member may withdraw as a co-sponsor of an item by submitting a written request to the city clerk prior to the commission meeting when the item appears on the agenda or by announcing such withdrawal at the public meeting of the city commission where the item is to be heard, prior to the city commission vote on such item. Except for the setting of a time certain, which is governed by the provisions in subsection (d)(2) hereof, the primary sponsor controls the placing of the item on an agenda and the withdrawal of the item from an agenda. Co-sponsors are merely intended to provide additional support for an item and do not possess any procedural control of the item. Notwithstanding the foregoing, members of the city commission shall not be precluded from sponsoring ordinances or charter amendments on the same subject matter, provided that the proposed ordinances or charter amendments contain different terms or text. The following are excepted from the requirement of a sponsor:

- (1) applications for amendments to the land development regulations filed by appointed boards or property owners pursuant to subsection 118-162(a) or (b) of the City Code; and
- (2) resolutions that do not concern charter amendments; discussion and/or referral items that do not concern charter amendments; discussion and/or referral of items to boards or committees not scheduled for first or second reading as an ordinance; and referrals to boards or committees proposed by the city manager or city attorney.

(c) *Recognition of agenda item sponsors.* When Commission agenda items identify a commission member sponsor, which items include, without limitation, discussion items, referral to committee items, ordinances, resolutions, and charter amendments, at the time the item is called to be considered, the Mayor, or the chair of the meeting, shall recognize and defer to the Commission member that is the primary sponsor of the item and give the primary sponsor the option of introducing and making introductory remarks regarding the item. In addition, this procedure is to be followed for consent agenda items that are separated for discussion.

~~(e)~~(d) *Agenda submission schedule.*

- (1) *Submission of agendas.* All city commission meeting agendas shall be submitted to the mayor and city commissioners on the initial print day of the agenda, which shall be no later than five (5) calendar days preceding a regularly scheduled city commission meeting. In those instances when a special meeting is called pursuant to section 2.04 of the City Charter, the agenda shall be submitted to the mayor and city commissioners as soon as practicable before the special meeting.
- (2) *Supplemental agenda materials.* Agenda items that are included in the agenda that is printed on the initial print day may be supplemented, amended, or corrected by materials in a supplemental agenda, and as may be provided by the city clerk in an errata document or announcement.
- (3) *Addendum agenda items.* Any item not included in the agenda submitted to the mayor and city commission on the initial print day must be submitted by the city clerk to the mayor for a determination whether the item is to be placed on the agenda as an addendum item. If the mayor declines to place the item on the agenda as an addendum item, then the item shall be submitted to the city commission for a vote and the item shall only be considered at the city commission meeting upon a finding by the city commission, by a five-seventh affirmative vote, that such item:
 - a. Constitutes a public emergency affecting life, health, property, or public safety and should be considered immediately; or
 - b. Does not constitute a public emergency, but should be considered immediately.

~~(d)~~(e) *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.
- (2) *Time certains.* Except for the setting of time certains for public hearings as required by law, the mayor shall be authorized to set time certains for all matters to be discussed or considered on a city commission agenda. The mayor may consider and set a time certain based upon the request of a city commissioner, the city administration, or a member of the public if such request is made prior to the commission meeting.
- (3) *Deferred items.* If an agenda item that is not set as a time certain for a public hearing is not reached during a city commission meeting, and the city commission does not specifically defer the item, the item shall be deemed to be deferred:
 - a. To the next regularly scheduled commission meeting if the item was on a regular commission meeting agenda; or
 - b. To the next regularly scheduled presentations and awards meeting if the item was on a presentations and awards meeting agenda.

(4) *Time certain public hearing items.* If a time certain public hearing agenda item is to be reset to another commission meeting agenda, the public hearing must either be:

- a. Specifically opened and continued to another commission meeting date and time certain; or
- b. Re-advertised for another commission meeting date and time certain.

(5) *Previously proposed ordinances; exceptions.* Should an ordinance fail on first or second reading due to the lack of the requisite vote for passage or adoption, or should an ordinance fail to receive a second on a motion for passage or adoption on first or second reading, an ordinance based on the same proposal shall not be placed on another commission agenda for a three-month period; however, the three-month period may be waived by a six-sevenths commission vote. This subsection shall not:

- a. Prevent a reconsideration vote pursuant to subsection (f) hereof; or
- b. Permit the earlier consideration of a previously submitted ordinance if not otherwise permitted in this Code. In such event, the City Code provision with the more stringent time period for the consideration of a previously proposed ordinance shall control.

~~(e)~~(f) *Presentations and awards meetings.* The presentation of proclamations, awards, certificates, and all other recognitions made by the mayor and city commission shall occur at separate regularly scheduled meetings of the city commission specifically dedicated for these purposes. Other agenda items may be on an agenda of a presentation and awards meetings of the city commission only under the following circumstances:

- (1) The item was specifically deferred or opened and continued to a presentation and awards meeting; or
- (2) The item is submitted to the mayor for a determination whether the item is to be placed on the agenda. If the mayor declines to place the item on the agenda, the item shall only be considered at the presentations and awards meeting upon a finding by the city commission, by a five-sevenths affirmative vote, that the item constitutes either:
 - a. A public emergency affecting life, health, property, or public safety and should be considered immediately; or
 - b. Does not constitute a public emergency, but should be considered immediately.

~~(f)~~(g) *Parliamentary procedure.* Robert's Rules of Order Newly Revised, 11th Edition, and all subsequent amendments thereto and all subsequent editions thereof, shall be the recognized authority for general parliamentary procedure applicable to meetings of the city commission in those instances when the city's Charter, Related Special Acts, and Code do not expressly dictate parliamentary procedure.

(g)(h) *Effect.* The validity of any action or determination of the city commission or city personnel, board, or committee shall not be affected by the failure of any person to comply with the provisions of this section.

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 Code of the City of Miami Beach, Florida. 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 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2018.

PASSED AND ADOPTED this _____ day of _____, 2018.

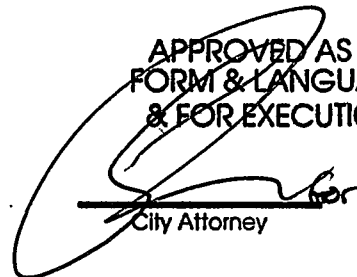
ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strike through~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

4/10/18
Date

(Sponsored by Commissioner Kristen Rosen Gonzalez)

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF COMMITTEE OF THE WHOLE MEETING APRIL 27, 2018

NOTICE IS HEREBY that the Miami Beach City Commission, sitting as the Committee of the Whole, will meet in the City Manager's Large Conference Room, Fourth Floor, City Hall, on Friday, April 27, 2018, at 4:00 p.m., or as soon thereafter, to consider: 1. Best practices for the Office of the Mayor and Commission; 2. Approved list of charitable organizations to receive complimentary tickets; 3. Complimentary tickets to the Mayor and Commission; 4. Introduction and presentation of agenda items by sponsoring member(s); and 5. Creation of future boards and committees.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This item is available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach

Ad No. 042718-02

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: April 27, 2018

SUBJECT: ADVERTISEMENT

Legislative Tracking
Office of the City Clerk

ATTACHMENTS:

Description

- ▣ COW Ad

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF COMMITTEE OF THE WHOLE MEETING APRIL 27, 2018

NOTICE IS HEREBY that the Miami Beach City Commission, sitting as the Committee of the Whole, will meet in the City Manager's Large Conference Room, Fourth Floor, City Hall, on Friday, April 27, 2018, at 4:00 p.m., or as soon thereafter, to consider: 1. Best practices for the Office of the Mayor and Commission; 2. Approved list of charitable organizations to receive complimentary tickets; 3. Complimentary tickets to the Mayor and Commission; 4. Introduction and presentation of agenda items by sponsoring member(s); and 5. Creation of future boards and committees.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This item is available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

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Rafael E. Granado, City Clerk
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