

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



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COMMISSION MEMORANDUM NO. _____

DATE: December 10, 2008

TO: MAYOR MATTI HERRERA BOWER
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JORGE GONZALEZ

FROM: JOSE SMITH
CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE III, SECTION 2-22(5)(a) THEREOF REGARDING GENERAL REQUIREMENTS FOR MEMBERSHIP ON CITY OF MIAMI BEACH'S AGENCIES, BOARDS AND COMMITTEES, BY PROVIDING THAT WHEN A VACANCY ON THE CITY COMMISSION EXISTS BEYOND DECEMBER 31 OF THE YEAR AN APPOINTING COMMISSION MEMBER LEAVES OFFICE, DIRECT APPOINTEES OF SAID FORMER COMMISSION MEMBER SHALL HOLD OVER UNTIL THE APPOINTMENT/ELECTION OF THE SUCCESSOR CITY COMMISSION MEMBER; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Pursuant to the request of Commissioner Saul Gross, the attached Ordinance has been drafted to establish that in those instances in which a vacancy exists on the City Commission beyond December 31 of the year an appointing City Commission member leaves office, any direct appointees of said former City Commission member shall continue in office until the vacancy on the City Commission is filled.

The attached Ordinance is ready for City Commission review and discussion.

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE III, SECTION 2-22(5)(a) THEREOF REGARDING GENERAL REQUIREMENTS FOR MEMBERSHIP ON CITY OF MIAMI BEACH'S AGENCIES, BOARDS AND COMMITTEES, BY PROVIDING THAT WHEN A VACANCY ON THE CITY COMMISSION EXISTS BEYOND DECEMBER 31 OF THE YEAR AN APPOINTING COMMISSION MEMBER LEAVES OFFICE, DIRECT APPOINTEES OF SAID FORMER COMMISSION MEMBER SHALL HOLD OVER UNTIL THE APPOINTMENT/ELECTION OF THE SUCCESSOR CITY COMMISSION MEMBER; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

SECTION 1. That Miami Beach City Code Chapter 2, Article III, Section 2-22(5)(a) thereof is hereby amended to read as follows:

Sec. 2-22. General requirements.

* * *

(5) All ad hoc agency, board and committee terms shall be one year; all other agency, board and committee terms shall be two years, expiring on December 31 and commencing on January 1.

a. Members appointed by individual city commissioners (referred to as "direct appointees") to a specific agency, board or committee shall serve for no more than eight consecutive years on such agency, board or committee.

Notwithstanding any other provision of the City Code or of any Resolution, commencing with terms beginning on or after January 1, 2007, the term of every board member who is directly appointed by a member of the City Commission shall automatically expire upon the latter of: December 31 of the year the appointing City Commissioner leaves office or upon the appointment/election of the successor City Commission member.

* * *

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, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

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 a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered 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 ten days from passage thereof.

PASSED and ADOPTED this ___ day of _____ 2008.


ATTEST:

Matti Herrera Bower
Mayor

Robert Parcher
City Clerk

Requested by Commissioner Saul Gross

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

12/4/08

Date