Condensed Title:

Referral to the Planning Board: An Ordinance proposing an amendment to Chapter 2 of the City Code requiring that an application be filed with the City Clerk prior to the City Commission making appointments to a Land Use Board.

Key Intended Outcome Supported:

Not Applicable - Regulatory

Supporting Data (Surveys, Environmental Scan, etc
Not Applicable - Regulatory

Issue:

Should the City Commission adopt the proposed ordinance which would require that a person interested in serving in a Land Use Board first would have to file an application with the City Clerk?

Item Summary/Recommendation:

REFERRAL TO THE PLANNING BOARD

This ordinance will require a person who would like to serve in a land use board file an application with the City Clerk prior to the Commission considering his/her appointment to any such board.

The Administration recommends that the City Commission refer the ordinance to the Planning Board.

Advisory Board Recommendation:

At the September 22, 2008 meeting, the LUDC recommended in favor of the ordinance with a modification that would allow the City Commission to waive the application requirement by a 5/7ths vote, provided such waiver is only instituted one time per board per meeting.

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
	3		
OBPI	Total		

Financial Impact Summary:
The proposed Ordinance is not expected to have any fiscal impact upon the resources of the City.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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Agenda Item C4J
Date 12-10-08

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: December 10, 2008

SUBJECT: **Referral to Planning Board - Application requirement for appointment to a Land Use Board**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE, CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE II, "BOARDS," DIVISION 1 "GENERALLY," BY CREATING A NEW SECTION 118-32, "APPLICATION REQUIREMENT FOR LAND USE BOARDS" TO REQUIRE THE FILING OF AN APPLICATION FOR MEMBERSHIP ON ANY OF THE FOUR LAND USE BOARDS NOT LESS THAN TEN DAYS BEFORE APPOINTMENT, PROVIDING FOR WAIVER BY THE CITY COMMISSION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

Refer to the Planning Board.

ANALYSIS

Several months ago the City Commission requested comments regarding ways to improve the City's current Board and Committee System. At the Land Use and Development Committee (LUDC) meeting of September 22, 2008, a group of interested citizens proposed that the City Commission require that a person who would like to serve in a land use board file an application with the City Clerk prior to the Commission considering his/her appointment to any such board. They explained that the filing of the application would ensure that the members of the City Commission have the information available in advance. In addition, the information would be useful to the various organizations that are enlisted by provisions in the City Code to identify candidates for these boards. The LUDC recommended in favor of the ordinance with a modification that would allow the City Commission to waive the application requirement by a 5/7ths vote, provided such waiver is only instituted one time per board per meeting.

The proposed ordinance refers only the land use boards and no other board or committee. Upon review of the ordinance, the City Attorney's Office, has determined that the more appropriate place for the proposed ordinance would be within the Land Development Regulations of the City Code.

CONCLUSION

The Administration recommends that the City Commission refer the proposed ordinance to the Planning Board.

JMG/TH/JGG/ML

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ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE, CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE II, "BOARDS," DIVISION 1 "GENERALLY," BY CREATING A NEW SECTION 118-32, "APPLICATION REQUIREMENT FOR LAND USE BOARDS" TO REQUIRE THE FILING OF AN APPLICATION FOR MEMBERSHIP ON ANY OF THE FOUR LAND USE BOARDS NOT LESS THAN TEN DAYS BEFORE APPOINTMENT, PROVIDING FOR WAIVER BY THE CITY COMMISSION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Code provides for the appointment by the City Commission of the members of the Planning Board, Design Review Board, Historic Preservation Board, and Board of Adjustment (the "Land Use Boards"); and

WHEREAS, the City Code establishes membership requirements for each of the Land Use Boards; and

WHEREAS, an application requirement would facilitate conformance in the appointment process with the prescribed membership requirements; and

WHEREAS, the availability of information about applicants for appointment to the Land Use Boards serves an important public policy and governmental interest in transparency.

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

Section 1. That Chapter 118, "Administration and Review Procedures", Article II, "Boards," Division 1, "Generally," is hereby amended by creating a new Section 118-32, "Application Requirement For Land Use Boards", as follows:

Sec. 118-32. Application Requirement for Land Use Boards.

No person shall be appointed to the Planning Board, Design Review Board, Historic Preservation Board, or the Board of Adjustment unless he or she has filed an application with the City Clerk on the form prescribed, not less than ten days before the date of appointment. The City Commission may waive this requirement by a 5/7ths vote, provided such waiver shall only be granted one time per board, per meeting, provided further that any applicant granted such a waiver files his or her application prior to being sworn in as a member of these boards.

SECTION 2. Repealer.

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. Codification.

It is the intention of the City Commission, 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 as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____day of _____, 2009.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ _____
City Attorney Date

First Reading:
Second Reading:

Underscore denotes new language.

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