

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



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SECOND READING

COMMISSION MEMORANDUM

DATE: January 28, 2009

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 City Commission approved this proposed measure on first reading at its December 10, 2008 Commission meeting; the attached Ordinance is thus presented to the City Commission for second and final reading.

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Agenda Item RSA
Date 1-28-09

1700 Convention Center Drive -- Fourth Floor -- Miami Beach

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

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that second readings and public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, January 28, 2009**, to consider the following:

10:15 a.m.

An Ordinance 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.

Inquiries may be directed to the City Attorney's Office at (305) 673-7470.

10:20 a.m.

An Ordinance Amending The Land Development Regulations Of The City Code Of The City Of Miami Beach, Florida By Amending Chapter 118, "Administration And Review Procedures," Article II, "Boards," Division 2, "Planning Board," By Amending Section-118-53, "Composition," By Clarifying That Only A Resident Of The City Shall Be Eligible For Appointment; Amending Division 4, "Historic Preservation Board," Section 118-103, "Membership," By Establishing That One Of The At-Large Members Who Must Own Or Manage Property In One Of The Historic Districts Shall Also Reside In The City.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:25 a.m.

An Ordinance Amending City Code Chapter 118, "Administration And Review Procedures," Article VII, "Division Of Land/Lot Split," Section 118-321, "Purpose, Standards And Procedure," By Clarifying That The Review Criteria For Requests For A Division Of Land/Lot Split To Require An Applicant To Submit Massing And Scale Studies Of Possible Structures And Uses On The Lot Or Lots Proposed To Result From Lot Splits; And The Required Opinion Of Title Should Be As Of A Date Not More Than 120 Days Before The Planning Board Meeting.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:35 a.m.

An Ordinance Implementing A Deferred Retirement Option Plan For Members Of The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504, As Subsequently Amended; Creating A New Section 2.26; Providing A Definition Of Deferred Retirement Option Plan; Creating A New Section 5.13, Establishing The Deferred Retirement Option Plan And Setting Forth The Features Of The Plan.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

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. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

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 accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #519