



# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

## COMMISSION MEMORANDUM

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

**FROM: CITY ATTORNEY JOSE SMITH**

**FIRST READING**

**DATE: February 25, 2009**

**SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SECTION 2-22, ENTITLED "GENERAL REQUIREMENTS," OF DIVISION I, ENTITLED "GENERALLY," OF ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," OF CHAPTER 2 ENTITLED "ADMINISTRATION," OF THE MIAMI BEACH CITY CODE TO REQUIRE AN ANNUAL REPORTING TO THE CITY COMMISSION WITH REGARD TO CITY AGENCY, BOARD, AND COMMITTEE APPOINTMENTS AND CITY WORKFORCE DIVERSITY STATISTICS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

Pursuant to the request of Commissioner Victor M. Diaz, Jr., the attached Ordinance is submitted for consideration by the Mayor and City Commission for First Reading.

Agenda Item RSD  
Date 2-25-09

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SECTION 2-22, ENTITLED "GENERAL REQUIREMENTS," OF DIVISION I, ENTITLED "GENERALLY," OF ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," OF CHAPTER 2 ENTITLED "ADMINISTRATION," OF THE MIAMI BEACH CITY CODE TO REQUIRE AN ANNUAL REPORTING TO THE CITY COMMISSION WITH REGARD TO CITY AGENCY, BOARD, AND COMMITTEE APPOINTMENTS AND CITY WORKFORCE DIVERSITY STATISTICS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, "diversity" refers to the existence of many unique individuals in the community that may include people of differing genders, cultures, ethnic groups, backgrounds, sexual orientations, gender identities, national origins, and other characteristics that make them who they are; and

**WHEREAS**, cities are ideally structured to address issues associated with inclusion of people of diverse backgrounds, such as increasing the participation of people of diverse backgrounds on citizen boards and commissions, increasing access to public services and employment, and constructing democratic, efficient, and equitable governance structures; and

**WHEREAS**, people of diverse backgrounds have historically faced barriers to full participation in the democratic process and in the opportunities for employment and public services offered by cities; and

**WHEREAS**, in order to chart the progress of the City in fostering and promoting more democratic governance structures which reflect the diversity of the community, the City of Miami Beach wishes to monitor, on an annual basis, the progress of the City in affording opportunities for people of diverse backgrounds to participate on its agencies, boards, and committees.

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

**SECTION 1.**

That Section 2-22, entitled "General requirements," of Division 1, entitled "Generally," of Article III, entitled "Agencies, Boards and Committees," of the Miami Beach City Code is hereby amended as follows:

**CHAPTER 2**

**ADMINISTRATION**

\* \* \*

**ARTICLE III. Agencies, Boards and Committees**

**DIVISION 1. Generally**

\* \* \*

**Sec. 2-22. General requirements.**

Except as otherwise specifically provided:

\* \* \*

(19) The city manager, or the city clerk, shall annually prepare and present a report to the city commission tracking and identifying the city's diversity statistics. The report shall include the city's diversity statistics relating to individual commissioner agency, board, and committee appointments, city commission agency, board, and committee appointments, and city workforce diversity statistics.

**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 6. Effective Date.**

This Ordinance shall take effect the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

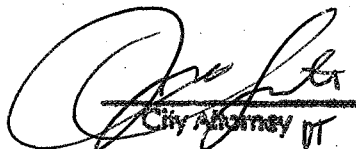
**ATTEST:**

\_\_\_\_\_  
Matti Herrera Bower  
Mayor

\_\_\_\_\_  
Robert Parcher  
City Clerk

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

Underline denotes additions

  
\_\_\_\_\_  
City Attorney VT

1/22/09  
\_\_\_\_\_  
Date