

Neighborhood/Community Affairs Committee Meeting  
November 19, 2012

**Discussion Regarding Criteria For Calling Special Meetings Of The City Commission.**  
*Commission Item R7H, October 24, 2012*  
*(Requested by City Attorney's Office)*

City Attorney's Office

**ITEM #14**




# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jose Smith, City Attorney 

DATE: November 19, 2012

SUBJECT: Discussion Regarding Criteria for Calling Special Meetings of the City Commission.

Pursuant to a referral by the City Commission on October 24, 2012, the attached amended Resolution setting forth the criteria for the calling of Special Meetings of the City Commission is submitted for consideration by the Neighborhood/Community Affairs Committee.

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING, PURSUANT TO CITY CHARTER SECTION 2.04, PROCEDURES FOR CALLING SPECIAL MEETINGS OF THE CITY COMMISSION BY A MAJORITY OF THE MEMBERS OF THE CITY COMMISSION.**

**WHEREAS**, Section 2.04 of the Miami Beach Charter provides that the "Mayor or the City Manager may call special meetings of the Commission upon at least twenty-four (24) hours written notice to each member, served personally, or left at his [/her] usual place of abode"; and

**WHEREAS**, in a Special Election held on August 14, 2012, the following ballot question was approved by the electorate of the City of Miami Beach, which provides for an additional method of calling a special meeting of the City Commission by a majority of the members of the Commission:

Shall Section 2.04 of the Miami Beach Charter be amended to provide that, in addition to being called by the Mayor or City Manager, special meetings of the City Commission may be called by a majority of the members of the Commission upon written notice to the City Clerk and in accordance with the procedures set forth in a resolution of the City Commission; and

**WHEREAS**, pursuant to City of Miami Beach Resolution No. 2012-28004, which was passed and adopted by the Miami Beach City Commission on September 12, 2012, the Miami Beach City Commission adopted the Miami-Dade County Canvassing Board's Certification of the Official Results of the August 14, 2012 Special Election for the above-stated City of Miami Beach ballot question and declared the results thereof; and

**WHEREAS**, Section 2.04 of the Miami Beach Charter has now been amended to include the following language:

...In addition, special meetings of the City Commission may be called by a majority of the members of the Commission upon written notice to the City Clerk and in accordance with the procedures set forth in a resolution of the City Commission"; and

**WHEREAS**, the following procedures for calling a special meeting by a majority of the members of the Miami Beach City Commission are hereby adopted in accordance with the above-stated Charter Amendment approved by the electorate in the August 14, 2012 City of Miami Beach Special Election:

Procedures for the Calling of Special Meetings of the City Commission  
by a Majority of the Members of the Commission.  
Pursuant to Section 2.04 of the City Charter

A special meeting of the City Commission may be called by a majority of the members of the Commission. A special meeting shall be called only: (1) to address emergency matters that cannot be postponed until the next regularly scheduled city commission meeting and (2) whenever four or more members of the City Commission individually serve a written signed request for a special meeting upon the City Clerk by hand-delivery. The written request shall state the purpose(s) of the Special Meeting. The signature of the Mayor or of a Commissioner on each such request shall constitute a representation that the member of the City Commission intends to attend the Special Meeting.

Upon receipt of the initial signed written request for a Special Meeting from a member of the City Commission, the City Clerk shall immediately send notice thereof to the entire City Commission, as well as to the City Manager and the City Attorney. After receipt of a total of four or more written requests for a special meeting, the City Clerk shall schedule the Special Meeting and shall serve verbal and written notice (by hand-delivery or email) upon each member of the City Commission, the City Manager and the City Attorney, stating the date, hour, and place of the Special Meeting, and the purpose(s) for which such Special Meeting is called. The City Clerk shall use his or her best efforts to ensure that all, or as close as possible to all, of the members of the City Commission are available to attend the Special Meeting. The City Clerk shall further provide the public with Notice of the Special Meeting by publishing of the Special Meeting Notice on the City of Miami Beach's website, and shall also provide newspaper publication notice of the Special Meeting when there are at least seven (7) business days from the Clerk's scheduling of the Special Meeting to the date of the Special Meeting. At least 24 hours must elapse between the time the City Clerk receives four signed written requests for the Special Meeting and the time the Special Meeting is to be held. The City Commission chambers shall be made available for a special meeting whenever such a meeting is called. No business other than the purpose(s) stated in the Clerk's Notice of Special Meeting shall be transacted at the Special Meeting. If after reasonable diligence, it is impossible to give notice to each Commissioner, such failure shall not affect the legality of the Special Meeting if a quorum is present. The minutes of each special meeting shall show the manner and method by which notice of such special meeting was given to each member of the Commission.

A special meeting of the City Commission called pursuant to this Resolution may be cancelled as follows:

- (1) By motion adopted at a regular Commission meeting by a majority of the City Commission members present; or
- (2) By service upon the City Clerk of signed, written requests for cancellation of the special meeting from at least four members of the City Commission.

When a special meeting pursuant to this Resolution is cancelled, the City Clerk shall provide notice of said cancellation to each member of the City Commission, the City Manager, the City Attorney, and shall further provide the public with cancellation notice of the Special Meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby adopt the procedures for the calling of special meetings by a majority of the members of the City Commission as set forth herein.

**PASSED AND ADOPTED** this \_\_\_\_ day of November, 2012.

ATTEST:

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Matti Herrera Bower  
Mayor

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Rafael Granado  
City Clerk

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Matti Herrera Bower  
Mayor

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Rafael Granado  
City Clerk

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