

AD HOC CHARTER REVIEW BOARD

Members:

Stephen Zack, Esq., Chair
Jonathan Beloff, Vice-Chair
Richard Alhadeff
Sherry Kaplan Roberts
Rick Kendle
Sarah Johnston
Richard "Rick" J. Preira

Appointed by:

Mayor Philip Levine
Commissioner Joy Malakoff
Commissioner Micky Steinberg
Commissioner Michael Grieco
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

Staff:

Jose Smith, City Attorney
Debora Turner, First Assistant City Attorney
Gary M. Held, First Assistant City Attorney
Donald Papy, Chief Deputy City Attorney
Rafael E. Granado, City Clerk
Lilium Hatfield, OAV, City Clerk's Office

Meeting Agenda

Monday, March 10, 2014 at 4:30 p.m.
Commission Chambers, Third Floor, City Hall
Email: CharterReview@miamibeachfl.gov

Special Note: In order to ensure adequate consideration, if necessary, the members of the Ad Hoc Charter Review Board may move any agenda item to another meeting date. In addition, the members of the Charter Review & Revision Board may, at their discretion, adjourn the Charter Review & Revision Board meeting without reaching all agenda items.

1. APPROVE THE FEBRUARY 21, 2014 CRB MINUTES.

2. VOTER REFORM

- a. Section 2.02 – *Term (Term Limits)* – Consider proposed amendment to clarify that at no time, under no circumstance, shall any individual serve more than 14 years total – a maximum of six (6) years as Mayor and a maximum of eight (8) years as a Commissioner. **Debora Turner to present.**

3. CASINO GAMBLING ON MIAMI BEACH – Consider a proposed amendment to the Bill of Rights that allows gambling in Miami Beach, only if a certain percentage of voters approve it via Referendum. **Debora Turner to present.**

4. REVIEW REVISIONS TO CITIZENS' BILL OF RIGHTS/DECLARATION OF RIGHTS AS SUGGESTED BY PROPONENT R. ALHADEFF.

5. TRAFFIC PLAN CONCERNS – Proponent Chair Zack

6. PROTECT U.S. COAST GUARD FROM ENCROACHMENTS – Proponent Rick Kendle.

7. ESTABLISH FUTURE MEETING DATES AND TIMES.

Time permitting, the following items may be discussed or carried over to the next meeting:

- **Inspector General With Subpoena Power** – Discussion led by CRB Member Kendle. (Invite Joe Jimenez, Assistant City Manager, and Alek Boksner, First Assistant City Attorney) – Item deferred at the 2/21/14 CRB Meeting.
- **Section 2.07 – Vacancies In The City Commission** – Item tabled at the 2/21/14 CRB meeting.
- **Land Use Boards – Simple Majority When Only Five Members Or Appointment Of Alternates To The Land Use Boards.** Gary Held, First Assistant City Attorney to present.
- **Voter Reform** – Groups (speaker to be invited)
- **Miami Beach United’s Five Principles For Resident Charter Rights And Companion Legislation**
- **Section 2.02 – Compensation** - Stipend and tax reporting for Mayor and Commissioners

ITEM 1
APPROVAL OF MINUTES
February 21, 2014

MIAMIBEACH

Ad Hoc Charter Review Board (CRB)

Members:

Stephen Zack, Esq., Chair
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Richard Alhadef
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Rafael E. Granado, City Clerk
Liliam Hatfield, OAV, City Clerk's Office

MINUTES

Friday, February 21, 2014 at 4:30 p.m.
City Manager's Large Conference Room, 4th Floor, City Hall
Email: CharterReview@miamibeachfl.gov

Special Note: In order to ensure adequate consideration, if necessary, the members of the Miami Beach Ad Hoc Charter Review Board may move any agenda item to another meeting date. In addition, the members of the Miami Beach Ad Hoc Charter Review Board may, at their discretion, adjourn the Miami Beach Ad Hoc Charter Review Board meeting without reaching all agenda items.

Meeting commenced at 4:45 p.m. All board members were present.

1. **Approve the February 3, 2014 CRB minutes.**

ACTION: Motion made by Board Member Beloff; seconded by Mr. Kendle to approve the minutes of February 3, 2014; Voice-vote: 7-0.

2. **Board Member Orientation – Debora Turner, First Assistant City Attorney.**

ACTION: Each board member and City staff introduced himself or herself. Debora Turner, First Assistant City Attorney, offered to give a refresher course on Sunshine Laws and Public Records if anyone required it, and members were encouraged to contact Ms. Turner regarding any legal questions they may have.

3. Selection of Vice-Chair.

ACTION: Ms. Kaplan Roberts nominated Jonathan Beloff as Vice-Chair, seconded by Board Member Kendle; Voice-vote: 7-0.

Discussion held.

Chair Zack explained that the CRB meeting is being videotaped for transparency. He added that the CRB's jurisdiction ends May 2, 2014. Ms. Turner explained that an extension of the CRB would require a resolution by the City Commission. Chair Zack added that at the CRB meeting of February 3, 2014, Commissioner Malakoff discussed the issue of having a committee periodically review the City's boards. Chair Zack suggested at that time that this could be a function of the CRB.

TO DO: CRB extension issues and additional functions, if any, to be placed in a future agenda, if deemed necessary.

Board Member Kaplan Roberts suggested that since this is a new group, they could start by reviewing some of the issues the 2012/2013 Ad Hoc Charter Review And Revision Board discussed to get additional feedback. She asked the status of Miami Beach United's (MBU) proposed Charter Amendment, and Chair Zack clarified that the MBU Charter amendment draft contained language problems, it was vague and lacked definitions of many terms. Gary Held, First Assistant City Attorney, worked with MBU representatives, but the item was tabled by the 2012/2013 Ad Hoc Charter Review And Revision Board. Mr. Zack added that he does not believe it is necessary to include MBU's proposals in the Bill of Rights.

4. Discussion Of Charter Amendments Proposed By The 2012/2013 Ad Hoc Charter Review And Revision Board, Which Was Created Pursuant To Resolution 2012-28072:

I. Proposed Amendments To The Bill Of Rights –

(A) 18 Ethics *in Government*.

ACTION: Motion made by Vice-Chair Beloff, seconded by Board Member Kaplan Roberts to remove this item in its entirety from the agenda, as it is redundant and unnecessary. **Item removed.**

II. Proposed Charter Section Amendments

A. Section 2.02 – *Compensation –*

ACTION: Motion made to remove the issue of salary increase and CPI adjustment and to research the issue of the stipend received by elected officials. **Debora Turner to handle.**

Motion 1: Motion made by Board Member Kendle, seconded by Vice-Chair Beloff to remove salary increase and the CPI, Voice-vote: 7-0. **Salary Increase and CPI adjustment issue removed.**

Motion 2: Motion made by Board Member Kendle to look at the \$1,500 stipend received by Commissioners, and have the Office of the City Attorney review; seconded by Board Member Kaplan Roberts; Voice-vote: 7-0. **Debora Turner to research.**

Chair Zack summarized the previous discussions held by **the 2012/2013 Ad Hoc Charter Review And Revision Board** regarding compensation, and added that the voters typically vote “no” on any type of salary increase.

Discussion continued regarding compensation and salary. Board Member Kendle proposed to make the salary increase for the year 2020, so that Miami Beach voters will not think the Commissioners want to increase the salaries for themselves. CPI adjustments were discussed and there was unanimous consensus not to further discuss the salary increase.

Board Member Kendle stated that currently many people could not afford to run for office because the salaries for the City’s elected officials are too low. Mr. Kendle added that a resident of Miami Beach could not afford to be elected as a City Commissioner or Mayor without being independently wealthy.

Board Member Johnston mentioned that voters will not agree to a “salary increase,” and voters will not be receptive to it.

Board Member Kendle added that the 1099 tax form elected officials receive for their stipend does not seem to be correct. Discussion on the 1099 tax form continued.

- B. Section 2.02 – *Term (Term Limits)* – The term of office of the Mayor shall be two (2) years. The term of office of the City Commissioners shall be four (4) years.

ACTION: See Item No. 7 (Voter Reform). Motion made by Member Kaplan Roberts to approve the item with language that includes that at no time, under no circumstances, shall any individual serve more than 14 years as Mayor and/or Commissioner; seconded by Vice-Chair Beloff to approve as amended. Approved by acclamation. **Item to be placed at the March 10, 2014 CRB Agenda, with final language from the City Attorney’s Office. Debora Turner to handle.**

Discussion held.

Vice-Chair Beloff, for the record, stated that the fourth line where it reads two terms (eight consecutive years) and **their** term... the word “their” should be substituted with “the.”

- C. Section 2.07 – *Vacancies in the City Commission* –

ACTION: Item tabled.

Discussion held regarding the period of 120 days allowed for the special election.

Debora Turner, First Assistant City Attorney, explained that the County is in charge of holding elections.

Rafael E. Granado, City Clerk, stated that the City has to ask permission from the County in order to hold an election.

- D. Sections 3.01, 4.01, 4.03 Referring To *Compensation and Salary of the City Attorney, City Manager and City Clerk.*

ACTION: Approved by acclamation.

5. Discussion of Timeframe:

Rafael E. Granado, City Clerk, clarified that May 2, 2014 is the deadline for the Committee's final recommendation to the City Commission; no later than June 6, 2014 for passage of Resolution(s) calling for an August 26, 2014 Special Election; and no later than August 5, 2014 for passage of Resolution(s) calling for a November 4, 2014 Election.

6. Establish Future Meeting Dates And Times.

ACTION: The following dates were reserved for CRB meetings:

- ✓ Monday, March 10, 2014 and
- ✓ Monday, March 17, 2014.

The following items were discussed:

a. **Voter Reform**

ACTION: Board Member Kaplan Roberts stated voter reform could be grouped with the term limit discussion. **Item to be discussed at the next 2 upcoming CRB meetings, March 10 and 17, 2014.**

Board Member Kaplan Roberts suggested inviting Victor Diaz to speak on voter reform.

Rafael E. Granado, City Clerk, asked if the Board could suggest speakers on this item. He stated that in the past the Elections Department has not been receptive to speak on the subject.

b. **Request To Revise Citizens Bill Of Rights** – Discussion lead by Board Member Alhadeff. See Exhibit "A."

Changing the term "Bill of Rights" to "Declaration of Rights." Member Kaplan Roberts suggested comparing Bill of Rights language with the revised language as proposed by Member Alhadeff to see what changes had been made.

c. **Casino Gambling On Miami Beach**

ACTION: Discussion held. Member Kaplan Roberts expressed her opposition to gambling in Miami Beach, but the Board agreed that this be discussed at a future meeting, adding language in the Charter stating that the only gambling in Miami Beach allowed would be if the residents approve it via a referendum. **Debora Turner to draft language. Rafael E. Granado to place in the March 10, 2014 CRB agenda.**

Chair Zack disclosed his business relationship with Steve Winn and recused himself from the discussion.

d. **Inspector General With Subpoena Power.**

ACTION: Chair Zack deferred the item.

e. **Attendance Requirement For Committee/Board Members** – Discussion lead by Board Member Kaplan Roberts. Debora Turner, First Assistant City Attorney, explained that this is a Code amendment. **Item deleted from Board's discussion.**

- f. **Land Use Boards – Simple Majority When Only Five Members Or Appointment Of Alternates To The Land Use Boards.** (Suggested topic by Commissioner Malakoff.)
TO DO: **Invite Gary Held, First Assistant City Attorney when item is discussed.**

ACTION: Board Member Kaplan Roberts explained the limited powers of the boards. Rafael E. Granado, City Clerk, clarified that the reason for this item being on the agenda is that there is a lobbying component that Commissioner Malakoff wants to change, and that requires a Charter change. **Gary Held to handle.**

Chair Zack explained that Commissioner Malakoff requested allowing more professionals to sit on the board without being considered a conflict of interest. Discussion continued regarding simple versus supermajority majority.

Vice-Chair Beloff suggested considering, if it is a short board, reducing the required votes. **Gary Held to draft proposed language.**

Debora Turner, First Assistant City Attorney, explained that this item requires a Code amendment and requires a policy decision and the only one affected would be the Board of Adjustment, which is in the Special Related Acts, and it would mandate a referendum requirement. Discussion continued.

Vice-Chair Beloff suggested adding the issue of marine anchoring. **Gary Held to handle.**

- g. **Discuss Telephone Attendance At Board/Committee Meetings –**

ACTION: Item deleted from the CRB Agenda per legal opinion. See handouts.

ADDITIONAL ITEMS:

- h. **Traffic Plan Concerns.** Proponent Chair Zack. **Rafael E. Granado to place at the next meeting.**

- i. **Protecting US Coast Guard From Encroachments.** Proponent Rick Kendle. **Rafael E. Granado to place at the next meeting.**

Member Preira suggested discussing the issue of medicinal marihuana. Ms. Turner explained that a straw ballot question had passed at the 2013 election, but the Commission has not passed a resolution urging the State or the Federal governments to authorize the administration of medicinal marihuana. Discussion continued. The members agreed that this item is premature to discuss.

LIST OF ITEMS FOR FUTURE DISCUSSION:

Add language in the Charter Re: Gambling/Referendum
Land Use Boards – Simple Majority – Gary Held to present
Protect US Coast Guard from Encroachments – Proponent R. Kendle
Revise Citizens Bill of Rights – “Declaration of Rights” – Proponent R. Alhadeff
Section 2.02 – Term (Term Limits) – Debora Turner To Present
Inspector General/Subpoena Power – Proponent R. Kendle
Traffic Plan Concerns – Proponent Chair Zack
Voter reform – Proponent Member Kaplan Roberts

Joanne Bondi spoke.

Meeting adjourned at 6:00 p.m.

Handouts or Reference Materials:

1. Memorandum from Jose Smith, City Attorney, to Ad Hoc Charter Review Board, dated February 21, 2014, RE: Telephonic Participation by Board Members at Board Meetings.
2. Email from Richard Alhadeff regarding flooding language.
3. Section 112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys. 2013 Florida Statutes.

ITEM 4
REVISION TO CITIZENS'
BILL OF RIGHTS
Proponent – Richard Alhadeff

PREAMBLE

We, the citizens of the City of Miami Beach,(the “City) in order to secure for ourselves the benefits and responsibilities of home rule and in order to provide for a municipal government to serve our present and future needs, do hereby adopt this Charter and as part thereof adopt the following Declaration of Fundamental Rights..

CITIZENS' BILL OF RIGHTS DECLARATION OF FUNDAMENTAL RIGHTS

(A)

~~This government~~ The City has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed: by the City. As used in this Charter, reference to the City shall include all departments, agencies, and governmental bodies created by the City from time to time.

1.

Convenient access. Every person ~~has the right to transacting~~ business with the City ~~with~~ has the right to a minimum of personal inconvenience. The City shall provide, ~~It shall be the duty of the City Manager and the City Commission to provide,~~ within the City's budget limitations, reasonably convenient times and places to conduct ~~for~~ required inspections, and to ~~for~~ transacting business with the City.

2.

Truth in government. No ~~municipal~~ official or employee of the City shall knowingly furnish to the Public or any person false information on any public matter, nor knowingly omit significant information ~~facts~~ when giving requested information to members of the public.

3.

Development. To expedite the process to approve or deny development of property within the city, to the extent that such approval or denial must be approved by more than one board of the City the applicant shall have the right to submit the plans for review to each of the boards simultaneously. The staff of each board shall then commence its review of the plans which review shall be completed within 30 days following submission. If and to the extent that the staff of any board does not recommend approval, representatives of each staff shall meet together with the applicant and attempt to agree to such changes that will make the plans acceptable to the staff of all of the boards. If agreement has been reached the application shall be submitted to the next following meeting of each board. If a public hearing

is required the boards will conduct a joint hearing.

~~(MOVED TO #4) *Public records.* All audits, reports, minutes, documents and other public records of the City and its boards, agencies, departments and authorities shall be open for inspection at reasonable time and places convenient to the public.~~

4.

Public records. All audits, reports, minutes, documents and other public records of the City and its boards, agencies, departments and authorities shall be open for inspection at reasonable time and places within the City convenient to the public.

~~(MOVED TO #5) *Minutes and ordinance register.* The City Clerk shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions^{4[2]} listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than thirty (30) days after the conclusion of the meeting.~~

5.

Minutes and ordinance register. The City Clerk shall maintain and make available for public inspection for a period of not less than three (3) years after adoption an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions^{1[2]} listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available in print or electronic format for public inspection not later than thirty (30) days after adoption of the ordinance. ~~the conclusion of the meeting.~~

~~(MOVED TO #6) *Right to be heard.* So far as the orderly conduct of public business permits, any interested person has the right to appear before the City Commission or any City agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the City. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit the City or any agency thereof from imposing reasonable time limits for the presentation of a matter.~~

6.

Right to be heard. A citizen shall have the right to be heard on all matters affecting the City. If the hearing is mandated by law as part of an approval process the procedure to be followed shall be as provided in the applicable law rule or regulation. Otherwise the citizen seeking to be heard shall file an application to be heard with the City Clerk, which application shall contain the full legal name of the applicant, its residence address and a description of the matter it seeks a hearing on. If the matter requires a decision of the commission the applicant may submit testimony in support of its position and may question, through the chair those people testifying against the application. Upon receipt of an application, the Clerk shall place it on an agenda of a meeting of the City Commission which will occur within the next following 30 days. The applicant shall be promptly furnished with written notice by mail addressed to the address in the application. The time for the hearing shall be stated but shall be subject to change by a mayor or commission. If in the reasonable discretion of the Mayor it is not feasible to hold it on the day noticed it shall be re-noticed for the next following meeting of the commission and the applicant shall be duly noticed. ~~So far as the orderly conduct of public business permits, any interested person has the right to appear before the City Commission or any City agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the City. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit the City or any agency thereof from imposing reasonable time limits for the presentation of a matter.~~

~~Right to notice. Persons entitled to notice of a City hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.~~

7.

~~(Reserved) No unreasonable postponements. No matter once having been placed on a formal agenda by the City shall be postponed to another day except for good cause shown in the opinion of the City Commission, or~~

~~agency conducting such meeting, and then only on condition that any person so requesting is mailed adequate notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. "~~

8.

~~(Reserved) *Right to public hearing.* Upon a timely request of any interested party a public hearing shall be held by any City agency, board, department or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the law department of the City nor to any body whose duties and responsibilities are solely advisory.~~

~~At any zoning or other hearing in which review is exclusively by certiorari, a party or his counsel shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. The decision of any such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.~~

9.

~~*Managers' and attorneys' reports.* The City Manager and City Attorney shall periodically make a public status report on all major significant matters pending or concluded within their respective office jurisdictions.~~

~~*Notice of action and reasons.* Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any municipal administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.~~

10.

~~*Budgeting.* Prior to the City Commission's first public hearing on the proposed budget In addition to any budget required by state law statute, the City Manager shall make public a budget summary setting forth the proposed cost of each individual department, the purposes therefor, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department. ~~prepare a budget showing the cost of each department for each budget year. Prior to the City Commission's first public hearing on the proposed budget required by state law, the City Manager shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each~~~~

~~department, the purposes therefor, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department.~~

~~(MOVED TO #9) *Managers' and attorneys' reports.* The City Manager and City Attorney shall periodically make a public status report on all major matters pending or concluded within their respective jurisdictions.~~

11.

~~*Quarterly annual budget comparisons.* The City Manager shall make public a quarterly annual reports showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.~~

~~(MOVED TO #10) *Budgeting.* In addition to any budget required by state statute, the City Manager shall prepare a budget showing the cost of each department for each budget year. Prior to the City Commission's first public hearing on the proposed budget required by state law, the City Manager shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purposes therefor, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department.~~

12.

~~*Adequate audits.* An annual audit of the City shall be made by an independent certified public accounting firm in accordance with generally accepted Municipal auditing standards. The independent City Auditor shall be appointed by the City Commission; both appointment and removal of the independent City Auditor shall be made by the City Commission. A summary of the results of the independent City Auditor's annual audit, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy. Duties, method of selection, and method of compensation of the independent City Auditor shall be established by ordinance.~~

~~(MOVED TO #11) *Quarterly budget comparisons.* The City Manager shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.~~

13.

Representation of public. The City Commission shall endeavor to provide representation at all Federal or State proceedings the decision of which may significantly affecting the City. and its residents before state and federal regulatory bodies.

~~(MOVED TO #12) Adequate audits.~~ An annual audit of the City shall be made by an independent certified public accounting firm in accordance with generally accepted auditing standards. The independent City Auditor shall be appointed by the City Commission; both appointment and removal of the independent City Auditor shall be made by the City Commission. A summary of the results of the independent City Auditor's annual audit, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy. Duties, method of selection, and method of compensation of the independent City Auditor shall be established by ordinance.

14.

Natural resources and scenic beauty. It shall be the policy of the City of ~~Miami Beach~~ to conserve and protect its natural resources and scenic beauty, which policy shall include the abatement of air and water pollution and of excessive and unnecessary noise.

~~(MOVED TO #13) Representation of public.~~ The City Commission shall endeavor to provide representation at all proceedings significantly affecting the City and its residents before state and federal regulatory bodies.

15.

Nondiscrimination. No person shall be deprived of any rights and privileges conferred by law because of race, color, national origin, religion, gender, sexual orientation, disability, marital status, familial status, or age.

~~(MOVED TO #14) Natural resources and scenic beauty.~~ It shall be the policy of the City of Miami Beach to conserve and protect its natural resources and scenic beauty, which policy shall include the abatement of air and water pollution and of excessive and unnecessary noise.

16.

Transportation. Though most of the major streets and roads in the city are controlled by state and federal authorities, the City is mindful of the substantial traffic problems that arise during the winter season and when major events take place. In recognition there of the City shall use its best

efforts (within the budget constraints) to improve traffic congestion within the city. Such efforts shall include but not be limited to:

- a. Supplement public transportation provided by Miami Dade County
- b. Provide out of the city parking with direct shuttle service for City employees.
- c. Implement a plan for two way traffic on one way streets when traffic is blocked on the one way street
- d. Train, public safety personnel in traffic control.
- e. Create a dedicated line for citizens to notify the City of traffic congestion.
- f. Create a ready response team of traffic control personnel.
- g. Cause work in the street to be done, if possible, in the off season and at night.
- h. Prohibit developers from closing lanes.

(B)

The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the City of Miami Beach. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the City. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C)

Remedies for violations. In any suit by a citizen alleging a violation of a Fundamental Right ~~this Bill of Rights~~ filed in the Dade County circuit Court pursuant to its general equity jurisdiction, the prevailing party, if plaintiff, if successful, shall be entitled to recover reasonable attorneys' fees and court costs as fixed by the court. ~~costs as fixed by the court. Any public official or employee who is found by the court to have willfully violated this article shall forthwith forfeit his office or employment.~~

(D)

Construction. All provisions of this article shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this article shall be declared invalid, it shall not affect the validity of the remaining provisions.

(Res. No. 2003-25288, 7-30-03; Res. No. 2003-25391, 7-30-03; Res. No. 2003-25443, 12-10-03; Res. No. 2009-27152, 7-22-09)

(MOVED TO #15) ~~*Nondiscrimination. No person shall be deprived of any rights and privileges conferred by law because of race, color, national origin, religion, gender, sexual orientation, disability, marital status, familial status, or age.*~~

17. Drainage. The City is and island community and subject to regular flooding caused by rain and anticipates that within a few years rising tides may cause additional flooding. Therefore, the City shall: (a)review the existing pumping and drainage systems (b)create a multi-year plan for the maintenance and improvement of the systems.(c) allocate the resources for effecting the plan."

[Reserved]

18.

~~*Ethics in Government. The public's confidence and trust in City of Miami Beach operations and government must meet the most demanding ethical standards and demonstrate the highest level of achievement in its adherence to ethics laws. City of Miami Beach officials and employees are agents of the people and hold their positions for the benefit of the public as public servants, they are to observe in their official acts a high standard of conduct and to discharge faithfully the duties of their office regardless of personal considerations and interests, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern. In upholding the values of accountability and responsibility, all city officials and employees shall abide by applicable codes of ethical conduct, and be subject to all penalties provided for in such regulations.*~~

FOOTNOTE(S):

~~(2)~~

~~*Editor's note* The following footnote to this section on citizen's bill of rights was adopted with the Charter: ⁴"Ordinance" means an official legislative action of the Miami Beach City Commission, which action is a regulation of a general and permanent nature and enforceable as a local law. "Resolution" means an expression of the Miami Beach City Commission concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the Miami Beach City Commission. (Back)~~