



MIAMI BEACH

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

COMMITTEE MEMORANDUM

TO: Members of the Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: May 18, 2016

SUBJECT: **SUPPLEMENTAL TO THE LAND USE AND DEVELOPMENT COMMITTEE MEETING AGENDA**

- 1. b) Special Election on November 8, 2016 to Amend City Code Section 2-459 to Exempt Land Use Board Members Who Are Architects or Landscape Architects from the Lobbying Prohibition Applicable to Members of City Boards.**

(Continued from the April 20, 2016 LUDC Meeting
Sponsored by Joy Malakoff
February 10, 2016 City Commission Meeting, Item C4J)

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

To: Commissioner Joy Malakoff, Chair
Members of the Land Use & Development Committee

Date: May 18, 2016

From: Raul J. Aguila
City Attorney



Subject: **Special election on November 8, 2016, to amend City Code Section 2-459 to exempt land use board members who are architects or landscape architects from the lobbying prohibition applicable to members of City boards**

Pursuant to the request of Commissioner Joy Malakoff, the following ballot questions have been prepared calling for a Special Election to be held in the City of Miami Beach on November 8, 2016. The proposed ballot questions seek to amend City Code Section 2-459, in the City's Code of Ethics, by providing for an exception from the prohibition on lobbying by City officials. The exception would be limited to land use board members who are architects or landscape architects, and would allow those members to lobby City personnel or officials, except for members of the boards on which they serve. Because the proposed exemption would lessen the stringency of City Code Section 2-459, a public vote is required pursuant to City Charter Section 1.05.

Commissioner Malakoff has proposed this ballot measure as part of her envisioned comprehensive legislative reform towards streamlining and otherwise improving the City's development review process. The prohibition on lobbying by all board members set forth in City Code Section 2-459, although laudable in concept, has served to discourage qualified design professionals from serving on the City's land use boards, as such service prevents them from lobbying the City on behalf of their clients. By amending the Code to allow for a limited exception whereby such land use board members, who are architects or landscape architects, may lobby the City (while maintaining the existing prohibition on lobbying (i) other members of the board on which the land use board member serves or (ii) related City staff), the City will have a greater opportunity to attract qualified design professionals for such City service.

OPTION 1

City Code Section 2-459 prohibits City board members and their associates from lobbying City personnel and agencies. Should this section be amended to include an exception allowing land use board (Board of Adjustment, Design Review Board, Historic Preservation Board, and Planning Board) members who are architects or

landscape architects to lobby City personnel and agencies on land development applications, except for applications before the board on which they serve?

OPTION 2

On February 10, 2016, Commissioner Malakoff sponsored a discussion item regarding the creation of a Panel of Architects ("Panel") to review all new single family home construction in the City. If the City Commission decides to create the Panel, the second reading of the Ordinance creating the Panel shall take place no later than the City Commission meeting at which the Resolution approving the ballot question is adopted. In that event, the following alternate question, which includes the Panel, may be submitted to the City's voters:

City Code Section 2-459 prohibits City board members and their associates from lobbying City personnel and agencies. Should this section be amended to include an exception allowing land use board (Board of Adjustment, Design Review Board, Historic Preservation Board, Panel of Architects, and Planning Board) members who are architects or landscape architects to lobby City personnel and agencies on land development applications, except for applications before the board on which they serve?

Finally, pursuant to a directive of the Miami-Dade County Elections Department, the final date by which the City may adopt a Resolution placing a ballot measure on the November 8, 2016 ballot is August 9, 2016. The last regular City Commission meeting prior to the County's August 9, 2016 deadline is scheduled on July 13, 2016.