

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED “STRUCTURE OF THE CITY GOVERNMENT” BY SPECIFICALLY AMENDING SECTION 2-1.4 TO CLARIFY THAT A SIMPLE MAJORITY VOTE IS REQUIRED TO CALL A VOTE ON A MATTER UNLESS A SUPER MAJORITY VOTE IS REQUIRED UNDER THE CITY CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in section 2-1.4 of the City’s Code of Ordinances, the City Commission has adopted Robert’s Rules of Order to ensure a more orderly procedure for its meetings; and

WHEREAS, the Code further provides that when Robert’s Rules of Order are in conflict with the City Charter or any of the City’s ordinances, then the Charter or ordinances shall supersede Robert’s Rules of Order; and

WHEREAS, Robert’s Rules of Order provides in many instances that there must be a two-thirds (2/3) vote to carry on the business of a body which means that in the City of North Miami Beach there must be a supermajority vote of five to pass a motion relating to a procedural issue when only a simple majority vote of four is needed to pass a substantive motion; and

WHEREAS, for example, Robert’s Rules of Order specifically provides that when a motion is made to stop the consideration of a main motion/question, this incidental motion requires a two-thirds (2/3) vote to pass, i.e., if two thirds of those agree that the main motion should not be heard, the main motion cannot be heard; otherwise, if the motion to stop consideration fails, then the body will continue with considering the main motion; and

WHEREAS, notwithstanding the dictates of Robert’s Rules of Order the City Commission has a long-standing tradition that a vote on a matter can proceed based on a simple majority vote unless a super majority vote is required by the City Charter; and

WHEREAS, to avoid the inconsistent application of the Robert’s Rules of Order the City Commission wishes to clarify that a simple majority vote is required to call for a vote unless a super majority vote is required under the City Charter.

WHEREAS, the City Commission has determined it is in the best interests of the City to provide a rule that unless there is a specific Charter provision which requires a two-thirds vote, any motion to call for a vote on a particular matter before the City Commission shall require a simple majority vote to allow the matter to proceed for a vote by members of the City Commission at City Commission meetings.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida:

Section 1. That the recitals and finding contained in the forgoing “whereas” clauses are adopted by reference and incorporated as if fully set forth in this section.

Section 2. That Chapter II, entitled “Structure of City Government,” Article I, “The City Commission,” Section 2-1.4 entitled “Rules of Order of Commission Meetings,” is hereby amended to provide as follows:

2-1.4 Rules of Order of Commission Meetings.

- a. *Parliamentary Rules of Order Adopted.* The City Commission hereby adopts the Robert’s Rules of Order to effect a more orderly procedure as to the Commission meetings whether regularly or specially called.
- b. *Conflict with Charter or Ordinances.* Where the Robert’s Rules of Order are in conflict with the City Charter or any of the ordinances of the City, then, in that event, the Charter or the ordinances of the City shall supersede the Robert’s Rules of Order.
- c. *Exceptions.* Unless there is a Charter provision, whenever the Robert’s Rules of Order calls for a two-thirds (2/3) vote to pass a motion on calling for a vote or the question on a particular item before the City Commission, that requirement shall be converted to a simple majority vote.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 5. It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word “Ordinance” may be changed to “Section,” “Article,” or other word as the codified may deem appropriate.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

APPROVED on this first reading this _____ day of _____, 2021.

APPROVED AND ADOPTED on second reading this _____ day of _____, 2021.

[SIGNATURES ON THE FOLLOWING PAGE]

ATTEST:

ANDRISE BERNARD, CMC
CITY CLERK

(CITY SEAL)

ANTHONY F. DEFILLIPO
MAYOR

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION

HANS OTTINOT
INTERIM CITY ATTORNEY

Sponsored By: Vice Mayor Michael Joseph

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