

RESOLUTION NO. R2026-XXX

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE APPOINTMENT OF PERMANENT CHARTER OFFICERS DURING THE PERIOD IMMEDIATELY PRECEDING AND FOLLOWING THE 2026 MUNICIPAL ELECTION; PROVIDING THAT NO PERMANENT CHARTER OFFICER SHALL BE APPOINTED UNTIL ALL MEMBERS OF THE CITY COMMISSION ELECTED DURING THE 2026 MUNICIPAL ELECTION HAVE BEEN DULY SWORN INTO OFFICE; PRESERVING THE AUTHORITY OF THE CITY COMMISSION TO MAKE INTERIM OR ACTING APPOINTMENTS NECESSARY TO ENSURE CONTINUITY OF MUNICIPAL OPERATIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach (“City”) will conduct municipal elections on Tuesday, November 3, 2026 when three (3) seats on the City Commission will be subject to election; and

WHEREAS, the results of the 2026 municipal election will therefore determine the composition of a substantial portion of the City Commission responsible for establishing the policy direction of the City during the succeeding term; and

WHEREAS, Charter Officers occupy positions of exceptional responsibility and exercise significant authority affecting the City’s administration, legal affairs, governance, finances, public records, and implementation of the policy directives of the City Commission; and

WHEREAS, the appointment of a permanent Charter Officer is among the most consequential personnel decisions entrusted to the City Commission and may materially influence the administration and operation of the City beyond the remaining terms of individual members of the Commission making such appointment; and

WHEREAS, the Mayor and City Commission recognize the importance of preserving continuity of municipal government while also respecting the ability of a newly constituted City Commission to participate meaningfully in major and enduring decisions affecting the future administration of the City; and

WHEREAS, the City Commission finds that, during the period immediately preceding a municipal election involving three (3) Commission seats, principles of good governance, institutional stability, and respect for the electoral process favor deferring permanent Charter Officer appointments until the members elected by the voters have assumed office; and

WHEREAS, such a temporary limitation does not prevent the City Commission from ensuring continuity of municipal operations through the appointment or continued service of qualified interim or acting Charter Officers; and

WHEREAS, the City Commission desires to establish a temporary moratorium applicable only to permanent appointments and which shall automatically expire upon all persons elected to the City Commission during the 2026 municipal election being duly sworn into office; and

WHEREAS, the City Commission finds that adoption of this Resolution promotes orderly governance and allows the Commission constituted following the 2026 municipal election to participate in permanent Charter Officer appointments that will substantially affect the City's administration during its tenure.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, THAT:

Section 1. Incorporation of Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Temporary Moratorium on Permanent Charter Officer Appointments. Effective immediately upon adoption of this Resolution, the City Commission shall not appoint, approve, confirm, or otherwise designate any individual or entity to serve on a permanent basis in any Charter Officer position of the City of North Miami Beach until all persons elected to the City Commission during the City's 2026 municipal election, including any runoff election if applicable, have been duly sworn into office.

During the effective period of this Resolution, no item providing for the permanent appointment of a Charter Officer shall be placed on an agenda for final action by the City Commission.

Section 3. Interim and Acting Appointments. Nothing contained in this Resolution shall prevent the City Commission from appointing, retaining, extending the service of, or otherwise providing for an Interim or Acting Charter Officer when reasonably necessary to maintain continuity of municipal operations and the uninterrupted performance of the duties assigned to such Charter Office.

Any appointment made pursuant to this Section shall be expressly designated as interim or acting and shall not constitute or be construed as a permanent appointment.

Section 4. Preservation of Charter Authority. Nothing in this Resolution shall be construed to amend, diminish, transfer, or otherwise modify any power or authority granted to the City Commission by the City Charter.

This Resolution establishes a temporary policy governing the timing of the Commission's exercise of its Charter appointment authority during the 2026 municipal election transition period and shall be interpreted in a manner consistent with the City Charter.

Section 5. Automatic Expiration. The temporary moratorium established by this Resolution shall automatically expire, without further action of the City Commission, immediately upon all persons elected to the City Commission in the City's 2026 municipal election, including any runoff election if applicable, being duly sworn into office.

Upon expiration of the moratorium, the City Commission as then constituted may exercise its authority under the City Charter to recruit, consider, appoint, remove, or otherwise take action concerning any Charter Officer without regard to this Resolution.

Section 6. Applicability. This Resolution shall apply to any permanent Charter Officer appointment that has not been finally approved by the City Commission prior to the effective date of this Resolution.

Nothing herein shall affect the status, authority, compensation, or tenure of any permanent Charter Officer duly appointed prior to the effective date of this Resolution.

Section 7. Conflicts. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict during the effective period of this Resolution.

Section 8. Severability. If any section, sentence, clause, phrase, or provision of this Resolution is held invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect to the maximum extent permitted by law.

Section 9. Effective Date. This Resolution shall become effective immediately upon its adoption and shall remain in effect until its automatic expiration pursuant to Section 5 herein.

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APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this ____ **day of August, 2026.**

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

MICHAEL JOSEPH
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH:

GREENSPOON MARDER, LLP

BY: _____
CITY ATTORNEYS

Sponsored By: Commissioner Fortuna Smukler