

## MEMORANDUM

Agenda Item No. 5(G)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:**

(Public Hearing 11-3-15)  
September 1, 2015

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance amending  
sections 2-892 and 2-894  
if the code, pertaining to  
the appointment by the  
County Mayor and the  
State Attorney for Miami-  
Dade County, and  
tenure of the Board  
members and the  
provision of staff support  
to the Domestic  
Violence Oversight Board

Ordinance No. 15-125

The accompanying ordinance was prepared by the Miami-Dade Homeless Trust and placed on the agenda at the request of Prime Sponsor Metropolitan Services Committee.



R. A. Cuevas, Jr.  
County Attorney

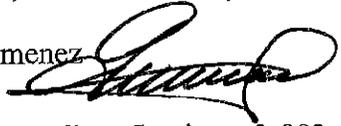
RAC/jls

# Memorandum



**Date:** November 3, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Ordinance amending Sections 2-892 and 2-894 of the Code of Miami-Dade County, Florida, pertaining to the appointment and tenure of board members and the provision of staff support to the Domestic Violence Oversight Board

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve an amendment to Sections 2-892 and 2-894 of the Code of Miami-Dade County, Florida, pertaining to the appointment and tenure of members of the Domestic Violence Oversight Board (DVOB). This proposed amendment to the ordinance maintains the appointment by each member of the Board of one (1) member to the DVOB and the County Mayor's appointment of one (1) member from the law enforcement community; but the amendment adds the appointment by the Miami-Dade County State Attorney of one (1) member to the DVOB.

In addition, the tenure of DVOB members is amended from three (3) years to four (4) years. The amendment clarifies that each DVOB member's term ends concurrently with the last day of the term of the County Mayor, County Commissioner or State Attorney who appointed the board member. However, each DVOB member continues to serve on the DVOB until his or her successor has been appointed to the DVOB.

## **Scope**

The DVOB is an advisory board with countywide impact, and members must meet the requirements of Section 2-11.38 of the Miami-Dade County Code of Ordinances.

## **Fiscal Impact/Funding Source**

Any expenses associated with this ordinance amendment will be funded by the County's DVOB Trust Fund. The Trust Fund receives 15 percent of the Local Option Food and Beverage Tax specifically designated for construction and operation of new domestic violence centers. This ordinance amendment will not require any allocation from the County's General Fund and will not have a fiscal impact on the County.

## **Track Record/Monitor**

The appointment and tenure of members will continue to be monitored by the Homeless Trust, through Vaughn Tooley, Executive Director of the DVOB.

## **Background**

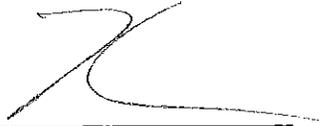
The DVOB was created by County Ordinance in 1994 to serve in an advisory capacity to the Board with respect to issues affecting or relating to domestic violence. The DVOB submits to the Board a comprehensive plan, budget and specific recommendations for use of 15

Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners  
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percent of the Local Options Food and Beverage Tax dedicated to the construction and operation of domestic violence centers. The DVOB is also tasked with reviewing the plan annually to ensure that a coordinated and responsive continuum of services is available and accessible for victims of domestic violence and their children in Miami-Dade County.

The DVOB consists of 15 members. Originally, 13 members were appointed by the Board (one (1) for each Commissioner), and two (2) members were appointed by the County Mayor, one (1) of which shall be a member of law enforcement. This ordinance amendment retains a DVOB membership of 15, the appointment of 13 members by the Board (one (1) for each Commissioner), and the appointment of one (1) member by the Mayor from the law enforcement community. The ordinance amendment reduces the appointments of the Mayor from two (2) to one (1). If adopted, the ordinance amendment provides that one (1) appointment shall be made by the Miami-Dade County State Attorney.

Attachment



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Russell Benford, Deputy Mayor

# Memorandum



**Date:** November 3, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style with a large, looping initial "C".

**Subject:** Social Equity Statement for Ordinance amending Sections 2-892 and 2-894 of the Code of Miami-Dade County, Florida, pertaining to the appointment and tenure of board members and the provision of staff support to the Domestic Violence Oversight Board - Legistar 151879

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The purpose of this supplemental memorandum is to provide a Social Equity Statement as required by Ordinance No. 15-83.

The amendment to this ordinance will not impose non-monetary benefits or burdens, or create additional monetary impacts to the residents of Miami-Dade County.

A handwritten signature in black ink, appearing to read "Russell Benford". The signature is written in a cursive style with a large, looping initial "R".

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Russell Benford, Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** November 3, 2015

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 5(G)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(G)  
11-3-15

ORDINANCE NO. 15-125

ORDINANCE AMENDING SECTIONS 2-892 AND 2-894 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO THE APPOINTMENT BY THE COUNTY MAYOR AND THE STATE ATTORNEY FOR MIAMI-DADE COUNTY, AND TENURE OF BOARD MEMBERS AND THE PROVISION OF STAFF SUPPORT TO THE DOMESTIC VIOLENCE OVERSIGHT BOARD; PROVIDING SEVERABILITY, AND INCLUSION IN THE CODE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-892 of the Miami-Dade County Code of Ordinances, pertaining to the governing body of the Miami-Dade County Domestic Violence Oversight Board, is hereby amended to read as follows:<sup>1</sup>

\* \* \*

(c) *Appointment.* Each member of the Board of County Commissioners of Miami-Dade County shall appoint one (1) member to the board >><< ~~[[and]] the County [[Manager]]~~ >>Mayor<< shall appoint ~~[[two (2) members, one of which shall be a member]]~~ >>one (1) member<< of the law enforcement community >>to the board; and the State Attorney for Miami-Dade County shall appoint one (1) member to the board. Each appointed member must meet the requirements of Section 2-11.38 of the Miami-Dade County Code of Ordinances.<<

(d) *Tenure and removal of board members.* ~~[[All board members shall serve terms of three (3) years each. No board member shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each unless so authorized by two thirds (2/3) vote of the full membership of the Board of County~~

<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~Commissioners:]]~~ >>Each board member shall be appointed to a term of four (4) years, which shall end concurrently with the last day of the term of the County Mayor, County Commissioner or State Attorney who appointed the board member. However, each board member shall continue to serve on the board until the board member's successor has been duly qualified and appointed to the board. No board member shall be permitted to serve more than two (2) consecutive and complete terms of four (4) years unless so authorized by two thirds (2/3) vote of the members present of the Board of County Commissioners. Nothing set forth in this subsection shall prohibit any individual from being reappointed to the board after a hiatus of two (2) years.<< Board members may be removed in accordance with the provisions of Section 2-11.38 of the Code of Miami-Dade County.

Section 2. Section 2-894 of the Miami-Dade County Code of Ordinances, pertaining to staff support for the Miami-Dade County Domestic Violence Oversight Board, is hereby amended to read as follows:

*Staff support.* The ~~[[clerk of the board]]~~ >>County Mayor<< shall >>provide staff to<< record all meetings of the board >>,<< and the County ~~[[Manager]]~~ >>Mayor<< shall provide to the board adequate staff and support services, through the ~~[[Office of Victims Services]]~~ >>Homeless Trust, or other department as designated by the County Mayor<<, to enable the board to carry out its duties and responsibilities.

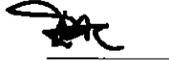
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This amendment shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: November 3, 2015

Approved by County Attorney as  
to form and legal sufficiency:

A handwritten signature in black ink, appearing to be "BKN", written over a horizontal line.

Prepared by:

Handwritten initials "BKN" in black ink, written over a horizontal line.

Brenda Kuhns Neuman