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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(C)

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

DATE: (Second Reading 4-21-15) January 21, 2015

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

SUBJECT: Ordinance repealing Article CXXXIII, Sections 2-2052 through 2-2059 of the Code relating to Miami-Dade Housing Civil Rights Oversight Board; amending Section 11A-5 of the Code relating to the powers and duties of Miami-Dade Commission on Human Rights to include the former powers and duties of the Miami-Dade Housing Civil Rights Oversight Board

Ordinance No. 15-23

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: April 21, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance repealing Sections 2-2052 through 2-2059 of the Code relating to Miami-Dade Housing Civil Rights Oversight Board

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The proposed ordinance repeals Sections 2-2052 through 2-2059 of the Code of Miami Dade County and amends Section 11A-5 of the Code relating to the powers and duties of Miami-Dade Commission on Human Rights to include former powers and duties of the Miami-Dade Housing Civil Rights Oversight Board. Implementation of this ordinance will not have a fiscal impact to the County.

Russell Benford
Deputy Mayor

Fis03315

MEMORANDUM
(Revised)

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

DATE: April 21, 2015

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

SUBJECT: Agenda Item No. 7(C)

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. 7(C)
4-21-15

ORDINANCE NO. 15-23

ORDINANCE REPEALING ARTICLE CXXXIII, SECTIONS 2-2052 THROUGH 2-2059 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO MIAMI-DADE HOUSING CIVIL RIGHTS OVERSIGHT BOARD; AMENDING SECTION 11A-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE POWERS AND DUTIES OF MIAMI-DADE COMMISSION ON HUMAN RIGHTS TO INCLUDE THE FORMER POWERS AND DUTIES OF THE MIAMI-DADE HOUSING CIVIL RIGHTS OVERSIGHT BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Article CXXXIII, Sections 2-2052 through 2-2059 of the Code of Miami-Dade County, Florida, is hereby repealed in its entirety:[1]

[[~~ARTICLE CXXXIII.~~
~~MIAMI-DADE HOUSING CIVIL RIGHTS OVERSIGHT BOARD~~

~~Sec. 2-2052. Creation and Purpose.~~

~~There is hereby created the advisory board called the "Miami-Dade Housing Civil Rights Oversight Board" (hereinafter "Oversight Board"). The purpose of the Oversight Board is to monitor the compliance with the Fair Housing Act and other housing-related civil rights laws, regulations, ordinances and the County's antidiscrimination policies by the Miami-Dade Public Housing Agency, the Department of Housing and Community Development, and other County departments which administer housing programs and to report on such compliance to the Board of County Commissioners annually.~~

[1] 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.

~~Sec. 2-2053. The Board Composition.~~

~~The Oversight Board shall consist of ten (10) members as follows:~~

~~(1) Four (4) members shall be appointed by the Board of County Commissioners.~~

~~(2) One (1) representative of each of the following organizations:~~

~~(a) Housing Opportunities Project for Excellence, Inc., and~~

~~(b) Overall Tenant Advisory Council, Inc.~~

~~(3) One (1) representative from the following County departments:~~

~~(a) Miami-Dade Commission on Human Rights,~~

~~(b) Miami-Dade Public Housing Agency,~~

~~(c) The Miami-Dade Economic Advocacy Trust; and~~

~~(d) The Department of Housing and Community Development.~~

~~Sec. 2-2054. Terms, Reappointment, Vacancies and Attendance.~~

~~(a) All members shall serve two-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms.~~

~~(b) A member may be reappointed; however, a member may not serve more than four (4) consecutive terms. A member who has served four (4) consecutive terms is eligible to be appointed again after a two-year hiatus from the Oversight Board.~~

~~(c) A member may be removed for failure to comply with the attendance requirements set out in Section 2-11.39 of the Code of Miami-Dade County, Florida as amended, or for any other reason as established in the Oversight Board Bylaws.~~

~~Sec. 2-2055. Organization, Procedure and Orientation.~~

~~(a) *Bylaws.* The Oversight Board shall make and adopt bylaws for its guidance, operation, governance and maintenance, provided such bylaws, and any amendments thereto, are consistent with federal and state laws and county ordinances, rules, regulations, policies and procedures and have been approved for form and legal sufficiency by the County Attorney's Office.~~

~~(b) *Officers.* Immediately after the members are appointed, the members of the Oversight Board shall elect a chair, a vice-chair and other officers as designated in the bylaws. Officers shall be elected for a two-year term.~~

~~(c) *Committees.* The Oversight Board may establish through its bylaws such committees as it considers necessary to address the core mission of the Oversight Board. The bylaws shall also allow for the creation of ad hoc committees as necessary.~~

~~(d) *Meetings.*~~

~~(1) Meetings shall be conducted upon the call of the chairperson; however, the Oversight Board shall meet on a regular basis as determined in the bylaws during the County's fiscal year.~~

~~(2) All Oversight Board meetings must be timely noticed at least seven (7) but not more than thirty (30) days prior to the meeting. Such notice shall be provided to the media and a copy shall be maintained at the Miami-Dade Commission on Human Rights. However, if immediate action is necessary to address a matter of imminent harm to public health, safety and welfare, the Oversight Board may schedule a meeting with no less than twenty-four (24) hours notice.~~

~~(3) Minutes shall be kept of all meetings of the Oversight Board and such minutes shall be available for inspection by any interested person.~~

~~(4) All meetings shall be open to the public.~~

~~(e) *Quorum.* A quorum of the Oversight Board shall be one-half of the total number of members seated on the Oversight Board plus one.~~

~~(f) *Inquiries and Communications.* All inquiries or communications from the Oversight Board or any of its members to the Miami-Dade Commission on Human Rights or to the County shall be made through the Chair of the Oversight Board. Informal communications may be made freely from the Miami-Dade Commission on Human Rights to the Oversight Board members, in a manner that is consistent with the Sunshine Law.~~

~~(g) *Orientation.* All new members of the Oversight Board shall receive sufficient training and orientation to enable them to perform their duties.~~

~~**Sec. 2-2056. Powers and Duties.**~~

~~The Oversight Board shall have the following powers and duties:~~

~~(1) To advise the Board of County Commissioners regarding compliance by the Miami-Dade County Public Housing Agency, the Miami-Dade County Department of Housing and Community Development and other County departments that administer housing programs with the Fair Housing Act and other housing-related civil rights laws, regulations, ordinances and the County's antidiscrimination policies;~~

~~(2) To provide advice to the Board of County Commissioners, the Mayor and the County Manager regarding housing discrimination issues in Miami-Dade County;~~

~~(3) To approve and provide a report annually to the Board of County Commissioners regarding compliance of the Miami-Dade Public Housing Agency, the Miami-Dade County Department of Housing and Community Development, and other County departments that administer housing programs with the Fair Housing Act and other housing-related civil rights laws, regulations, ordinances and the County's antidiscrimination policies.~~

~~**Sec. 2-2057. Applicability of Federal, State and County Laws.**~~

~~The Oversight Board shall be subject to and governed by: Chapter 286 of Florida Statutes, ("Sunshine Law"); Chapter 119 of Florida Statutes ("Public Records Act"); Chapter 112, Part III of Florida Statutes ("Code of Ethics for Public Officers and Employees"); Section 2-11.1 of Miami-Dade County Code ("Conflict of Interest and Code of Ethics Ordinance"); Article IB of Miami-Dade County Code ("Standards for Creation and Review of Boards Generally") and the Home Rule Charter.~~

~~**Sec. 2-2058. Staff Support.**~~

~~The County Manager's Office shall designate appropriate staff to support the Oversight Board.~~

~~**Sec. 2-2059. Legal Counsel.**~~

~~The County Attorney's Office shall provide legal counsel, as needed, to the Oversight Board.~~]]

Section 2. Section 11A-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

CHAPTER 11A – DISCRIMINATION
ARTICLE I. GENERAL PROVISIONS

* * *

Sec. 11A-5. Duties and powers of the Commission.

The Commission on Human Rights shall have the following duties, functions, powers and responsibilities:

(1) To apply to the appropriate court on behalf of the County for such temporary or permanent injunctive relief as the Commission, or a Hearing Panel thereof, believe is necessary to preserve the status quo or to prevent irreparable harm and to carry out the purposes of this chapter;

(2) To adopt, promulgate, amend and rescind rules and regulations necessary to effectuate the purposes and provisions of this chapter following a public hearing and subject to approval by the County Commission;

(3) To issue an adjudicative final order upon the authority of the Chairperson following approval by the appropriate Hearing Panel. Such an adjudicative final order may review and uphold, modify or reverse recommended final orders issued by the Director or his or her designated representative in accordance with the provisions of this chapter;

(4) To administer oaths;

(5) To compel, by subpoena issued by the Chairperson of the Commission, the attendance of witnesses and the production of evidence for discovery, investigation, hearing or deposition for the preservation of testimony;

(6) To issue remedial orders requiring cessation of violations of this chapter;

(7) To issue such other final orders as, in the judgment of the Hearing Panel, will carry out the purposes of this chapter, including but not limited to:

(a) Hiring, reinstatement or promotion of employees with accrued seniority, with accrued benefits and with back pay;

(b) Taking affirmative action and making corrections; and

(c) Requiring reasonable accommodation;

(d) Awarding of front pay, to the extent that the calculation of any such front pay is quantifiable and reasonably definite.

(8) To issue final orders dismissing the complaint;

(9) To award quantifiable relief to a prevailing complainant for injuries incurred as a proximate result of an act prohibited by this chapter or to apply to the appropriate court for such an award, provided that such damages are not prohibited by state or federal law;

(10) To award costs and Attorney's fees to a prevailing party or to apply to the appropriate court for such an award; provided, however, that such an award is not contrary to the purposes of this chapter.

(11) To award prejudgment interest to a prevailing party upon a finding of employment discrimination and post judgment interest to a prevailing party upon a finding of any type of discrimination, or to apply to the appropriate court for such an award;

(12) At the conclusion of a hearing and upon a finding of housing discrimination in violation of Article II of this chapter, to recommend that the County Attorney commence a civil action on behalf of the County for fines pursuant to Section 11A-17.

>>(13) In addition to the powers and duties set forth herein, the Commission shall have the following powers and duties:

(a) To advise the County Commission regarding compliance by Miami-Dade County Public Housing and Community Development Department, or its successor department, and other County departments that administer housing programs with the Fair Housing Act and other housing-related civil rights laws, regulations, ordinances and the County's antidiscrimination policies;

(b) To provide advice to the County Commission and the County Mayor regarding housing discrimination issues in Miami-Dade County; and

(c) To approve and provide a report annually to the County Commission regarding compliance of Miami-Dade Public Housing and Community Development Department, or its successor department, and other County departments that administer housing programs with the Fair Housing Act and other housing-related civil rights laws, regulations, ordinances and the County's antidiscrimination policies.<<

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 ordinance 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: April 21, 2015

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Terrence A. Smith

Prime Sponsor: Commissioner Barbara J. Jordan