

MEMORANDUM

Agenda Item No. 6(C)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: (Second Reading 11-30-04)
June 8, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to
Rules of Procedure; relating to
items not delivered in
accordance with "4-Day Rule"

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz and Commissioner Rebeca Sosa.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** November 30, 2004

FROM: George M. Burgess
County Manager  **SUBJECT:** Ordinance pertaining to Rules of Procedures; relating to items not delivered in accordance with "4-Day Rule"

The ordinance pertaining to Rules of Procedures relating to items not delivered in accordance with "4-Day Rule" will not have a fiscal impact on Miami-Dade County.

fiscal/03904



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: November 30, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(C)

Please note any items checked.

- _____ "4-Day Rule" ("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
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6(C)

11-30-04

ORDINANCE NO. _____

ORDINANCE RELATING TO RULES OF PROCEDURE;
AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA, TO REQUIRE THAT COUNTY
MANAGER FOLLOW SPECIFIED PROCEDURE
REGARDING PROPOSED AGENDA ITEMS NOT
DELIVERED IN ACCORDANCE WITH "4-DAY RULE";
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. Section 2-1 of the Code of Miami-Dade County, Florida, is hereby
amended as follows:¹

Chapter 2

ADMINISTRATION

ARTICLE I.

IN GENERAL

Sec. 2-1. Rules of procedure of County Commission.

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

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.

Rule 5.05 Agenda.

* * *

(b) Authority to sponsor or present items on agenda.

- (1) Matters may be presented or sponsored by any County Commissioner, a commission committee, the County Manager, the County Attorney and the Clerk of the Commission.
- (2) Proposed agenda items not delivered in accordance with subsection (c) hereof, or which have not been considered by any committee, (except for alternates, substitutes, board appointments and office allocations) shall not be placed on the agenda unless accompanied by the signatures of at least seven members of the board of county commissioners. Proposed agenda items not delivered in accordance with subsection (c) hereof, (except for alternates, substitutes, reports and supplements) and which are sponsored by the county manager, shall not be placed on the agenda, unless the county manager certifies in writing >>in a memorandum attached to the item<< that the matter >>(1)<<is time sensitive >>and states the reasons for that determination,<< or >>(2)<<is an emergency affecting life, health, property, or public safety. Such items shall require the affirmative vote of two-thirds of board members present for adoption or enactment.

* * *

Section 2. 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 3. 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 4. 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:

Approved by County Attorney as
to form and legal sufficiency:

KAC

Prepared by:

GKS

Gerald K. Sanchez

Sponsored by Commissioner Jose "Pepe" Diaz and
Commissioner Rebeca Sosa