MEMORANDUM

IMFR
Substitute to
Agenda Item No. 2E

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 14, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance pertaining to membership on County Boards

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dennis C. Moss.

The substitute differs from the original item in that it provides:

1. That a person may not serve on more than two County boards without Commission approval; and

2. That a person sitting on any one of the following boards may not serve on any other County board except as provided by ordinance: Community Council; Community Zoning Appeals Board; Planning Advisory Board; Citizens' Independent Transportation Trust; Housing Finance Authority; Independent Review Panel; Industrial Development Authority; Health Facilities Authority; Educational Facilities Authority; Commission on Ethics and Public Trust; Environmental Quality Control Board; The Children's Trust; and the Public Health Trust.

Murray A. Greenberg
County Attorney

MAG/jls

Memorandum

MIAMI-DADE COUNTY

Date: October 14, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to membership of County Boards

This ordinance pertaining to the removal of the prohibition against a person serving on more than one County board simultaneously will not have a fiscal impact on Miami-Dade County.

Assistant County Manager

fiscal07405

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE:

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

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 Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO MEMBERSHIP ON COUNTY BOARDS; AMENDING SECTION 2-11.38 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO REMOVE PROHIBITION AGAINST A PERSON SERVING ON MORE THAN ONE COUNTY BOARD SIMULTANEOUSLY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

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

Section 1. Sec. 2-11.38 of the Code of Miami-Dade County, Florida is hereby amended as follows:[1]

Sec. 2-11.38. Membership on boards.

All members of County boards shall be permanent residents and electors of Miami-Dade County unless the Board of County Commissioners, by a two-thirds vote of its membership, waives this requirement, and should have reputations for integrity and community service. In addition, all board members should have demonstrated an interest in the field, activity or sphere covered by the board. Each board shall include at least one (1) person whose livelihood does not depend on the area regulated, administered or dealt with by the board.

Unless the Board of County Commissioners by two-thirds vote of its membership waives the residency requirement, any member of County boards who ceases to be a resident of Miami-Dade County during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners. Upon being advised by the Clerk of such circumstances, the Board of County Commissioners shall declare the position to be vacant and shall promptly fill the same pursuant to the provisions of Section 2-11.38.1.

[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.

The primary consideration in appointing board members shall be to provide the board with the needed technical, professional, financial, business or administrative expertise. The membership of each board should be representative of the community at large and should reflect the gender, racial, ethnic and cultural make-up of the community.

No member of any County board shall become a candidate for elective political office during his or her term. Should any member of a County board qualify as a candidate for elective political office, such qualification shall be deemed a tender of resignation from such board. No person shall serve on more than >>two (2)<< ~~[[one (1)]]~~ County board>>s<< simultaneously >>unless the Commission has by majority vote approved the appointment after being advised of all other County board(s) upon which the person sits<<, provided, however, a >>person serving on any one of the following boards shall not serve on any other County board simultaneously except as provided by ordinance: Community Council; Community Zoning Appeals Board; Planning Advisory Board; Citizens' Independent Transportation Trust; Housing Finance Authority; Independent Review Panel; Industrial Development Authority; Health Facilities Authority; Educational Facilities Authority; Commission on Ethics and Public Trust; Environmental Quality Control Board; The Children's Trust; and the Public Health Trust<< [[~~member of a county board is not prohibited by this paragraph from simultaneously serving on another county board, if the County Commission has established that service on a particular board is a prerequisite or requirement for service on another county board~~]]. >>Notwithstanding the foregoing, a person is prohibited from serving on a County board where such service would violate federal or state law, the Miami-Dade County Home Rule Charter or county ordinance.<<

Any Commissioner who has nominated a citizen to a County board as that term is defined in Section 2-11.36 of the Code of Miami-Dade County may at any time, with or without cause, request the Board of County Commissioners to remove said board member from his or her position on a County board and recommend a different person to fill the position.

* * *

Section 2. If any section, subsection, sentence, clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance 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," or "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:

Prepared by:

Gerald K. Sanchez

Sponsored by Commissioner Dennis C. Moss