

# MEMORANDUM

Agenda Item No. 7(G)

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

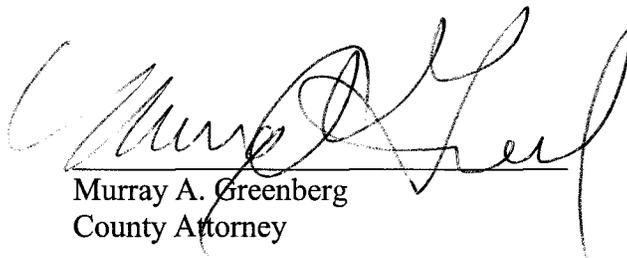
**DATE:** (Second Reading 12-6-05)  
October 18, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance relating to the  
Jay Malina International Trade  
Consortium

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The accompanying ordinance was prepared and placed on the agenda at the request of Dr. Barbara Carey-Shuler and Commissioner Natacha Seijas.



Murray A. Greenberg  
County Attorney

MAG/jls

# Memorandum



**Date:** December 6, 2005

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

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the sender.

**Subject:** Ordinance relating to the Jay Malina International Trade Consortium

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This ordinance relating the Jay Malina International Trade Consortium will not have a fiscal impact to Miami-Dade County.

The ordinance amends sections of the Code relating to appointment, tenure of members, organization and powers and duties.

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the sender.  

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Assistant County Manager



# MEMORANDUM

(Revised)

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

**DATE:** December 6, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 7(G)

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. 7(G)  
12-6-05

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO JAY MALINA INTERNATIONAL TRADE CONSORTIUM OF MIAMI-DADE COUNTY; AMENDING SECTIONS 2-1503, 2-1504 AND 2-1505 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO APPOINTMENT, TENURE OF MEMBERS, ORGANIZATION AND POWERS AND DUTIES; 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 CII, Sections 2-1503, 2-1504 and 2-1505 of the Code of Miami-Dade County, are hereby amended as follows:<sup>1</sup>

**ARTICLE CII.**

**JAY MALINA INTERNATIONAL TRADE CONSORTIUM OF MIAMI-DADE COUNTY**

\* \* \*

**Sec. 2-1503. Appointment and tenure.**

(a) *Composition.* The voting members of the ITC governing board shall be appointed as follows: The ~~[[County Manager]]~~ >>Chairperson of the Board of County Commissioners<< shall appoint the Chairperson of the ITC ~~[[subject to ratification by Commission]]~~ >>who shall be a member of the County Commission. The Chairperson of the County Commission shall also appoint the Vice-Chairperson of the ITC who shall be a well-respected member of the business

<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.

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community<<. The Mayor of Miami-Dade County shall appoint ~~[[five (5)]]~~ >>three (3)<< voting members to the ITC. Each member of the BCC>>, with the exception of the Chairperson of the County Commission, <<shall appoint one (1) voting member to the ITC. ~~[[The Chairperson of the ITC shall appoint seven (7) voting members to the ITC with the approval of the ITC Board]].~~ In addition, the following organizations shall each appoint one (1) voting member to the ITC: Greater Miami Chamber of Commerce, Association Bi-National Chambers of Commerce, Mayor's African Trade Task Force, Enterprise Florida Inc., Miami International Airport, Port of Miami, the Greater Miami Visitors and Convention Bureau, the Beacon Council, United States Department of Commerce, Latin Chamber of Commerce (CAMACOL), Miami-Dade Chamber of Commerce, World Trade Center, Florida International Bankers Association, the City of Miami International Trade Board, the Florida Custom Brokers and Freight Forwarders Association, the District Export Council, and the Mayor's International Trade Council. The Chair of the Miami-Dade Sister Cities Coordinating Council and the Dean of the Consular Corps of Miami shall also serve as voting members of the ITC. ITC members appointed by the above listed organizations must be members of the board of directors of said organizations and not paid staff members with the exception of the appointees of Miami International Airport, Port of Miami, Greater Miami Convention and Visitors Bureau, Enterprise Florida, and the United States Department of Commerce. Voting members of Miami International Airport and the Port of Miami shall be appointed by the County Manager. The Directors, or their designees, of the Greater Miami Convention and Visitors Bureau and Enterprise Florida, Inc., shall serve as voting members of the ITC. The ITC shall retain the existing members of the >>ITC governing board until the expiration of their terms<< ~~[[Board of Directors of the TMC as the initial governing board of the ITC until the members of the ITC have been appointed.]]~~

(b) *Qualifications.* Each voting member of the ITC shall be a United States citizen, a permanent resident and duly qualified elector of Miami-Dade County unless the Board of County Commissioners waives the residency requirement by a two-thirds vote of its membership. No person shall be qualified to sit as a voting member if that person is an officer, representative, administrator, or employee of any consultant, contractor or agency contracting with or receiving funding from the ITC except if that person is employed by or is serving on the governing board of the ITC as a representative of State or local government. Trustees who are representatives of or who are employed by any State or local

governmental agency may not vote on matters affecting the governmental agency by which they are employed or whom they represent. The provision of Section 2-11.38 of the Miami-Dade County Code providing that no person shall serve on more than one (1) County board simultaneously, shall not apply to the voting members of the ITC governing board appointed to the board since its inception.

(c) *Tenure of Voting Members.* ITC voting members shall serve two (2) year staggered terms beginning from the time of their appointment. The members of the ITC governing board may be re-appointed to two (2) additional two (2) year terms at the conclusion of their first term. ~~[[At the second meeting of the ITC, lots will be drawn to determine which half of the ITC shall initially serve a one (1) year term. The remaining half of the ITC shall serve for a two (2) year term of office. Thereafter, the members of the ITC shall on November 1<sup>st</sup> of each year serve a two (2) year staggered term of office.]]~~

(d) *Compensation.* ITC members shall serve without compensation ~~[[but shall be entitled to reimbursement for necessary expenses]].~~

(e) *Removal.* An ITC member may be removed by a majority vote of the BCC for cause.

(f) *Vacancy.* Upon any vacancy of an ITC member, the appropriate appointing entity shall fill the vacancy.

**Sec. 2-1504. Organization; staff support.**

(a) *Organization.* The ITC shall elect one of its voting members as ~~[[Vice Chairperson,]]~~ Secretary and Treasurer, and such other officers as the ITC may determine to be necessary. The appointed Chairperson and elected officers shall constitute the Executive Committee and shall serve for a ~~[[one (1)]]~~ >>two (2)<< year term. The voting members of the ITC shall be responsible for establishing the direction and polices of the ITC and for approving the annual budget of the ITC. The Executive Committee shall be responsible for implementing ITC policies, certifying incoming and outgoing missions, selecting consultants, disbursing funds, and issuing all contracts within the annual budget approved by the ITC. The Executive Committee shall provide all ITC members with an advanced copy of the agenda of Executive Committee meetings.

(b) *Bylaws.* The ITC shall make, adopt and amend bylaws and rules for the ITC's governance and operation.

(c) *Meetings, Sunshine and Public Records.* The ITC shall hold regular meetings in accordance with its bylaws. All meetings shall be public and in accordance with Section 286.011 of the Florida Statutes, the "Sunshine Law", as amended. In addition, all books and records of the ITC shall be open to the public in the manner provided in Chapter 119 of the Florida Statutes, the "Public Records Act", as amended.

(d) *Applicability of Conflict of Interest and Code of Ethics Ordinance.* The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of the Code of Miami-Dade County, Florida, shall be applicable to members of the ITC.

(e) *Employees.* The employees of the ITC shall be Miami-Dade employees in the exempt service. The Executive Director shall be appointed by the ~~[[Mayor]]~~ >>County Commission<<. The Executive Director may be a county employee or contract employee to the ITC. The ITC shall have the power to remove the Executive Director >>subject to ratification by the County Commission<<.

(f) *Staff support.* The County Attorney shall serve as attorney for the ITC and the County Manager shall provide audit, budget and financial assistance to the ITC.~~[[The ITC shall retain the existing number of employees currently used by the TMC and the Office of Protocol, International Trade and Commerce.]]~~ The ITC may increase the number of its employees provided the source of funding for additional employees is not Miami-Dade County.

(g) The Board of County Commissioners shall provide to the ITC fiscal review and oversight as well as programmatic focus and direction.

(h) The ITC shall present an annual report including a current statement of all accounts to the Board of County Commissioners.

(i) The existing financial assets of the ~~[[TMC]]~~ >>ITC<< shall be retained and administered under the ITC. The ITC shall not establish any bank accounts without express approval of either the Board of County Commissioners or the County Manager.

(j) Subject to the Miami-Dade County budgetary process and the availability of funds, the County will include in its annual budget administrative costs and additional funds for programmatic activities. Request for administrative and programmatic funds are to be made in accordance with the established County procedures. The County Manager is directed to include his recommendation for administrative and programmatic funding for the ITC in the annual proposed budget. Subject to the County's annual budgetary process, the existing level of County funding ~~[[provided to the TMC and the Office of Protocol, International Trade and Commerce]]~~ shall continue to be provided to the ITC. The existing level of County funding referred to herein may increase as a result of increases in employee benefits and other personnel related expenditures.

**Sec. 2-1505. Powers and Duties of the ITC.**

The ITC, acting through its voting members, shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided:

- (a) Represent Miami-Dade County's international trade interests and be an advocate for the international trade community at the local, state and federal level.
- (b) Organize Incoming and Outgoing Trade Missions, and promote two way trade between Miami-Dade County and other parts of the world.
- (c) Increase the coordination and proliferation of e-commerce and promote Miami-Dade County as the e-commerce Center of the Americas.
- (d) Engage in Trader Maker Alliances with other cities in the United States and North America.
- (e) Establish and maintain a well-defined database of County businesses in international trade to determine product markets and businesses for use in matchmaking, mission recruiting, and referrals. Provide trade information to all sectors of Miami-Dade County as well as state, national, and international governments.

- (f) Develop a strategic action plan to help define Miami-Dade County's top markets and products; and conduct other studies as needed to support ITC international trade activities.
- (g) Employ, engage, and compensate personnel to carryout the responsibilities of the ITC and to budget, administer, and implement all funds both public and private received by the ITC.
- (h) Accept, receive, and expend public, and private monies, gifts, fees, revenues and donations in addition to County funds.
- (i) Seek BCC approval of contracts, with agencies, corporations, persons or other entities.
- (j) Engage in activities that increase Miami International Airport's airline competition, and air service development.
- (k) Develop and expand trade through the County's Seaport.
- (l) Promote Miami-Dade County as the Gateway to the Americas and beyond.
- (m) Develop and expand trade and commerce with markets in Latin America, Europe, Africa, and Asia.
- (n) Perform any other such functions reasonably related to the execution of the ITC functions and responsibilities.
- (o) The ITC shall be empowered to expend administrative and programmatic resources to achieve its mission.
- (p) The ITC shall identify and develop a variety of alternative funding sources and shall seek and apply for State, federal and private grants.
- (q) The ITC, as an agent and instrumentality of Miami-Dade County, shall be authorized to act for Miami-Dade County in the performance and enforcement of all ITC contracts approved by the BCC.

- (r) The ITC's budget request shall be prepared and submitted in the same manner as the budget for a County department and will be considered as part of the Miami-Dade County budget process. The ITC's budget requests shall be prepared in a format prescribed by the County Manager.
- (s) The ITC shall also administer the Miami-Dade County Sister Cities Program under its existing County resolutions, bylaws, governing structure, assets, and programs.
- (t) The ITC shall coordinate services with the Consular Corps of Miami and shall serve as a proactive liaison between the consular community and Miami-Dade County.
- (u) The ITC shall develop a one-stop information and resource center for international trade.
- >>(v) The ITC shall submit a written quarterly report to the County Commission detailing, among other things, the activities and goals of the ITC. A representative of the ITC shall also provide an oral report to the County Commission at least two times a year.<<

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:



Prepared by:



Gerald K. Sanchez

Sponsored by Dr. Barbara Carey-Shuler and Commissioner Natacha Seijas