MEMORANDUM

Agenda Item No. 7(B)

(Second Reading 06-05-07)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending Sec. 2-1 of the Code relating to Mayoral appointment of County Manager and department directors of administrative departments of the county

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez.

Murray A. Greenberg
County Attorney

MAG/bw

Memorandum

MIAMI-DADE COUNTY

Date: June 5, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance amending Section 2-1 of the Code relating to Mayoral appointment of the County Manager and department directors of administrative departments of the County

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The ordinance amending Section 2-1 of the Code relating to Mayoral appointment of the County Manager and Department Directors will not have a fiscal impact on Miami-Dade County.

Jennifer Glazer-Moon
Director, Office of Strategic Business Management

Fiscal00207

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: June 5, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(B)

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. 7(B)
06-05-07

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO SPECIFY PROCEDURES FOR THE EXERCISE OF POWERS AND AUTHORITY OF THE MAYOR AND THE COUNTY COMMISSION REGARDING APPOINTMENT OF THE COUNTY MANAGER AND OF DEPARTMENT DIRECTORS OF ADMINISTRATIVE DEPARTMENTS OF THE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN CODE AND 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]

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

* * *

>>PART . MAYORAL APPOINTMENT OF COUNTY MANAGER AND OF DEPARTMENT DIRECTORS OF THE ADMINISTRATIVE DEPARTMENTS OF THE COUNTY, AND COMMISSION DISAPPROVAL

* * *

Rule .01 Mayoral appointment of County Manager and of department directors of the administrative departments of the County, and Commission disapproval.

The authority and powers provided to the Mayor and the Commission under Sections 2.02 C and D of the Miami-Dade County Home Rule Charter shall be exercised exclusively in accordance with the terms and conditions of this rule.

[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.

(a) The Mayor shall utilize the form provided herein to appoint the County Manager or a department director of an administrative department of the County. The Mayor shall personally sign a copy of the form in the place so provided and shall indicate with specificity the position, name, and qualifications of the person appointed. The form shall be as follows:

OFFICE OF THE MAYOR
MIAMI-DADE COUNTY, FLORIDA

MAYORAL APPOINTMENT

To: Honorable Chairperson and Members
Board of County Commissioners
Miami-Dade County, Florida

From: [Signature of Mayor]

, Mayor

Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Sections 2.02 C and D of the Miami-Dade County Home Rule Charter, I hereby appoint:

[insert name of person appointed]

to the position of:

[insert position to which the person is appointed].

The person's qualifications for this position are as follows:

A copy of the person's resumé shall be attached.

(b) The completed form, together with the resumé, shall be submitted to the Clerk of the Board on or before 4:30 p.m. on the date of appointment. The Clerk's official date and time recorder stamp on the completed form shall conclusively determine date and time of submission of the form to the

Clerk.

(c) The Clerk shall place appointments by the Mayor, together with the completed form and resumé on the next regularly scheduled Commission agenda under the mayoral reports section of the agenda for Commission consideration.

(d) Notwithstanding any other rule of the Commission, appointments made by the Mayor shall (1) not be subject to the "4-day rule" as provided in Rule 5.05(c); (2) not be deferred to a future meeting; (3) not require committee review; (4) not be subject to a motion to reconsider, except at the same meeting; or (5) not require publication or public hearing.

(e) The Mayor shall make every effort to have the nominee attend the Commission meeting at which the appointment is presented. Commissioners may ask such questions as they deem appropriate at that time.

(f) Any Commissioner may move to disapprove a mayoral appointment made subject to this rule. A motion to disapprove a mayoral appointment shall be stated as follows:

(1) "I move that the Mayor's appointment of [insert name of person appointed by the Mayor] as [insert the position to which such person was appointed by the Mayor] be disapproved."

(g) If a two-thirds (2/3) majority of those Commissioners then in office vote in favor of the motion as stated in subsection (f) above, the appointment shall be deemed disapproved; otherwise, the appointment shall be deemed effective.

(h) The provisions of this rule shall not be waived under Rule 7.01(n).<<

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:

R.A. Cuevas, Jr.

Sponsored by Commissioner Carlos A. Gimenez