Memorandum

MIAMI-DADE COUNTY

Date:	May 15, 2007
To:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	2007 Sunset Review of County Boards – Country Club of Miami Community Council 5

GOE 7H
Agenda Item No.

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2007 Sunset Review of County Boards Report for Country Club of Miami Community Council 5. The Board approved the attached report at its meeting of March 19, 2007, and has recommended the continuation of its board.

Alex Muñoz
Assistant County Manager

cmo11307

Date: March 20, 2007

To: George M. Burgess, County Manager

From: Juan Garcia, Chairman
Country Club of Miami Community Council 5

Subject: Sunset Review of County Boards for 2007 – Country Club of Miami Community Council 5

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, attached is the 2007 Sunset Review of County Boards Report for the Country Club of Miami Community Council 5 for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of March 19, 2007.

It is recommended that the BCC approve the continuation of Country Club of Miami Community Council 5.

BACKGROUND

Miami-Dade County Board of County Commissioners created the Community Councils in 1996. Each Community Council serves one of 10 separate geographic areas in unincorporated Miami-Dade County.

Community Councils were primarily created to make zoning and land use decisions in a setting more accessible to the community. Community Councils also serve as advisory liaisons from their communities to the Board of County Commissioners and County staff, relaying relevant information and recommendations on selected concerns of the council area. Community Councils make recommendations to the County Commission on capital, programming and operational priorities for municipal services such as police, parks, fire and roadway maintenance in their area, as well as relaying other concerns and needs of local residents.

Based on the statistical data provided herein, it is believed that Country Club of Miami Community Council (5) is addressing the needs of the community, and as such, successfully serves the purpose for which it was created.

Juan Garcia
Board Chairperson

2007 SUNSET REVIEW

QUESTIONNAIRE

SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2007
Includes calendar data for 2005 and 2006

I. GENERAL INFORMATION

1. Name of Board reporting:

   Country Club of Miami Community Council (5)

2. Indicate number of board members, terms of office, and number of vacancies at the time of report compilation:

   Number of board members: 7
   Terms 4 years
   Number of vacancies: 0

3. Identify number of convened meetings and members' attendance (Attach records reflecting activity from **Jan. 1, 2005** through **December 31, 2006**):

   Zoning: 15
   Non-zoning, CDMP, Workshops: 13
   Members' attendance: See attached.

4. What is the source of your funding?

   Funds for zoning functions are derived from zoning administrative hearing fees; non-zoning functions are funded by the general fund.

5. Attach a copy of the ordinance creating the Board and its standard operating procedures, if any.

   See attached ordinance.

6. Attach a copy of the Board's by-laws (if any) and include the Board's Mission Statement:

   Not applicable.

7. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, including a vote of the membership.

   See attached minutes.

8. Include a diskette, saved as ASCII or Rich Text Format (RTF), of the County Manager's memorandum to the Board of County Commissioners with his recommendation.

   Attached.

II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created?

   Yes, the Board is performing its zoning hearing function and is conducting non-zoning meetings on matters of interest to its council area residents.

2. Is the Board serving current community needs?

   Yes, the Board's agendas reflect items requested by area residents.

3. What are the Board's major accomplishments?

   Throughout this reporting period, the board held 14 zoning hearings, considering 35 applications, and held 11 non-zoning meetings, resulting in a total of 18 resolutions being forwarded to the Board of County Commissioners.

5. Is there any other board, either public or private, which would better serve the function of this board?

   No. There is no other locally based, public or private board that has the broad charge that this board has. As a result, this board is able to discuss and articulate the needs of the community to the Mayor, the Board of County Commissioners and the County Manager. This board is also responsible for hearing appeals of the Zoning Code of Miami-Dade County. There is no other board that has the legal authority to hear such zoning variance requests.

6. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (Attach proposed changes if yes.)
   No.

7. Should the Board's membership requirements be modified? No.

8. What is the operating cost of the Board, both direct and indirect? (FY04-05 and 05-06):

FY04-05	Zoning[1]	$ 37,278
	Non-zoning[2]	$ 2,825
FY05-06	Zoning[1]	$ 33,786
	Non-zoning[2]	$ 6,352

9. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.

   Number of meetings convened (during this reporting period) at which a required quorum was met -

   15 zoning hearings convened, of which 14 met quorum.
   13 non-zoning meetings convened, of which 11 met quorum.

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[1]Cost for actual meetings convened by council; excludes zoning personnel costs.
[2]Cost for actual meetings convened by council; excludes non-zoning personnel costs.

2005 AND 2006
ATTENDANCE RECORDS:

COMMUNITY COUNCIL 5

BOARD ATTENDANCE - 2005

CZAB 5

NAME	1/27/05	2/24/05	3/31/05	4/28/05	5/26/05	6/28/05	8/18/05	9/29/05	10/27/05	11/29/05	12/14/05
Sharon Franklin	A	P	P	cancelled	P	A	P	P	cancelled	P	P
Richard Friedman	P	P	P	cancelled	P	P	P	P	cancelled	P	P
Juan A. Garcia	P	P	P	cancelled	P	P	P	P	cancelled	P	P
Archie E. McKay Jr.	P	P	P	cancelled	P	P	P	P	cancelled	P	P
Roberto P. Serrano	P	A	P	cancelled	P	P	P				
Leonardo A. Perez	P	P	P	cancelled	P	P	P	P	cancelled	P	P
Paul O'Dell	P	P	P	cancelled	P	A	P	P	cancelled	P	P

BOARD ATTENDANCE - 2006

CZAB 5

NAME	1/19/06	2/16/06	3/16/06	4/18/06	5/18/06	6/15/06	7/13/06	9/21/06	10/19/06	11/16/06	12/14/06
Sharon Franklin	P	Cancelled	P	Cancelled	Cancelled	P	P	P	Cancelled	P	Cancelled
Richard Friedman	P	Cancelled	P	Cancelled	Cancelled	A	P	P	Cancelled	P	Cancelled
Juan A. Garcia	P	Cancelled	A	Cancelled	Cancelled	P	P	P	Cancelled	P	Cancelled
Archie E. McKay Jr.	P	Cancelled	P	Cancelled	Cancelled	A	P	P	Cancelled	P	Cancelled
Roberto P. Serrano											
Leonardo A. Perez	P	Cancelled	P	Cancelled	Cancelled	A	P	A	Cancelled	P	Cancelled
Paul O'Dell	P	Cancelled	P	Cancelled	Cancelled	A	A	P	Cancelled	P	Cancelled

ATTENDANCE & MEETING DETAILS SUMMARY
For SUNSET REVIEW PACKAGES

Data captured is based on calendar year 2005.

Subarea #	February 3, 2005	April 7, 2005	June 2, 2005	August 23, 2005	September 8, 2005	November 3, 2005 – CANCELLED.
Sub. 51	Sharon Franklin	Sharon Franklin	Sharon Franklin	Absent	Sharon Franklin	Sharon Franklin
Sub. 52	Absent	Paul O'Dell	Paul O'Dell	Absent	Paul O'Dell	Paul O'Dell
Sub. 53	Richard Friedman	Richard Friedman	Richard Friedman	Richard Friedman	Richard Friedman	Richard Friedman
Sub. 54	Roberto Serrano	Roberto Serrano	Roberto Serrano	Absent	Absent	Vacant
Sub. 55	Leonardo A. Perez	Leonardo A. Perez	Leonardo A. Perez	Absent	Leonardo A. Perez	Leonardo A. Perez
At-Large	Archie E. McKay, Jr.	Archie E. McKay, Jr.	Archie E. McKay, Jr.	Absent	Archie E. McKay, Jr.	Archie E. McKay, Jr.
Commission Appointee	Juan A. Garcia	Juan A. Garcia	Absent	Absent	Absent	Juan A. Garcia
Quorum? <Y or N>	Y	Y	Y	N	Y	-
# of Resos. Passed during this meeting?	1	0	1	1	1	No meeting due to the hurricanes

(In order to correctly record stats, if a meeting was "cancelled" prior to the meeting date, please explain why. Do not write "cancelled" if a meeting was not held because of lack of quorum; in this case, note all members available to meet, and those not available to meet.)

Total Meetings with Quorum: 4

Total Resolutions Passed: 4

ATTENDANCE & MEETING DETAILS SUMMARY
For SUNSET REVIEW PACKAGES

(revised 1/4/06)

Data captured is based on calendar year 2006.

Subarea #	January 5, 2006	March 2, 2006	April 6, 2006– CANCELLED.	May 4, 2006	July 6, 2006	August 31, 2006	September 27, 2006	October 5, 2006	December 7, 2006
<Sub 51>	Sharon Franklin	Sharon Franklin	Sharon Franklin	Sharon Franklin	Sharon Franklin	Sharon Franklin	Sharon Franklin	Absent	Sharon Franklin
<Sub 52>	Paul O'Dell	Absent	Paul O'Dell	Paul O'Dell	Paul O'Dell	Paul O'Dell	Paul O'Dell	Absent	Paul O'Dell
<Sub 53>	Richard Friedman	Richard Friedman	Richard Friedman	Richard Friedman	Richard Friedman	Richard Friedman	Richard Friedman	Richard Friedman	Richard Friedman
<Sub 54>	Vacant	Vacant	Vacant	Vacant	Vacant	Vacant	Vacant	Vacant	Vacant
<Sub 55>	Leonardo A. Perez	Leonardo A. Perez	Leonardo A. Perez	Leonardo A. Perez	Leonardo A. Perez	Leonardo A. Perez	Leonardo A. Perez	Absent	Leonardo A. Perez
At Large	Archie E. McKay, Jr.	Absent	Archie E. McKay, Jr.	Archie E. McKay, Jr.	Archie E. McKay, Jr.	Archie E. McKay, Jr.	Archie E. McKay, Jr.	Absent	Archie E. McKay, Jr.
<Commission Appointee>	Juan A. Garcia	Juan A. Garcia	Juan A. Garcia	Juan A. Garcia	Juan A. Garcia	Juan A. Garcia	Absent	Absent	Juan A. Garcia
Quorum? <Y or N>	Y	Y	-	Y	Y	Y	Y	N	Y
# of Resos. Passed during this meeting?		1	Meeting was scheduled, but wasn't held because it wasn't advertised in advance.	1	1	1	3	0	6

(In order to correctly record stats, if a meeting was "cancelled" prior to the meeting date, please explain why. Do not write "cancelled" if a meeting was not held because of lack of quorum; in this case, note all members available to meet, and those not available to meet.)

Total Meetings with Quorum: ~~8~~ 7

Total Resolutions Passed: 13

2007 SUNSET REVIEW

ORDINANCE CREATING BOARD
(with Purpose Statement)

ARTICLE IV. COMMUNITY COUNCILS

Sec. 20-40. Community Councils; creation and purposes.

There are hereby established and created Community Councils to serve the unincorporated Miami-Dade County. Community Councils are established for the following purposes:

(1) Providing the residents of unincorporated Miami-Dade County with increased governmental accountability, and responsiveness in decision-making processes for the delivery of municipal-type services;

(2) Improving the effectiveness of services by making them more responsive to community desires and needs;

(3) Retaining efficiencies of services by maintaining economies of scale;

(4) Maintaining the ability to match unincorporated area needs with available resources; and

(5) Fostering a sense of community identity, inclusiveness and empowerment.

(Ord. No. 96-126, § 1, 9-4-96)

Sec. 20-41. Community Councils; responsibilities.

(A) Community Councils shall perform the duties and responsibilities of Community Zoning Appeals Boards as set forth in Section 33-306 of the Code of Miami-Dade County.

(B) Community Councils may, at their option, perform the following duties and responsibilities:

(1) *Planning.*

(a) Compile profiles of their respective community's social, physical and economic conditions to assist them in performing their duties;

(b) Prepare an annual statement of community needs including development patterns and regulations, public facilities and services to assist the Council;

(c) Make recommendations to the Planning Advisory Board and Board of County Commissioners on proposed Miami-Dade County Comprehensive Development Master Plan amendments that impact each Council's area; and

(d) Make recommendations to the County Commission on the location and siting of specific public facility and infrastructure projects.

(2) *Protection of persons and property programming.*

(a) Recommend policies to coordinate the Fire Rescue District and Police Department in the enhancement of public safety and protection of property in the council area through improved communications and service needs assessments.

(3) *Budgeting.*

(a) Make recommendations to the County Manager and County Commission on priorities for community facilities and services and on community based organization grants for the council area; and

(b) Make recommendations to the County Manager and County Commission on

revenue needs including unincorporated area property taxes millages and special taxing districts.

(4) *Communication.*

(a) Conduct forums on council area issues to facilitate the exchange of information between residents, property owners, businesses, institutions and County Officials and Administrators;

(b) Disseminate information about council area related organizations, programs and activities; and

(c) Coordinate with Miami-Dade County's Team Metro in the exercise of that agency's responsibilities within the council area.

(C) No member of a Community Council shall appear at any public hearings or meetings before the Board of County Commissioners or any other federal, state, or local board or tribunal, to advocate concerning any zoning application that was heard by, or that could reasonably be expected to be heard by, any Community Council.

(Ord. No. 96-126, § 1, 9-4-96; Ord. No. 05-139, § 1, 7-7-05)

Sec. 20-42. Community Councils; configuration.

(A) There shall be no more than (10) Community Councils each of which shall have jurisdiction within its boundary within the unincorporated area. Council areas should be large enough to reasonably accommodate local zoning issues without unduly increasing staffing requirements. The boundaries of Community Councils' jurisdiction, to the extent feasible, shall coincide with those of groupings of Census Designated Places.

(B) Each Community Council area shall contain no more than six (6) subareas. The boundaries of these subareas, to the extent feasible, shall coincide with those of existing election precincts. Enclave areas that are fully surrounded by municipal boundaries and are not large enough to be subareas shall be part of the nearest subarea.

(C) The boundaries and numerical designations of the Community Councils and of the subareas within them are depicted and described in Attachment I attached hereto and incorporated herein by reference [which can be found in the County Clerk's office]. These boundaries may be amended from time to time by resolution of the County Commission after public hearing. The names of the Community Councils shall be designated by the respective Community Council.

(D) Notwithstanding anything in this Code to the contrary, when, as a result of municipal incorporation or annexation, a Community Council does not have enough members in office to act, the Board of County Commission may by resolution after public hearing, reassign the remaining areas of the affected Community Council to a different Community Council and modify the total number of Councils accordingly.

(Ord. No. 96-126, § 1, 9-4-96; Ord. No. 97-16, § 2, 2-25-97; Ord. No. 97-163, § 1, 9-23-97; Ord. No. 01-17, § 1, 1-23-01; Ord. No. 04-101, § 1, 5-11-04)

Sec. 20-43. Community Councils; membership.

Except as provided in subsection (E), Community Councils shall have seven (7) members, six (6) of whom shall be elected at large within the council area and one (1) of whom shall be appointed by the Board of County Commissioners as follows:

(A) *Elected Council Members.*

(1) Elected Council Members shall, for three (3) months prior to qualifying, have been resident electors of the separate subareas of the council area for which they are qualifying or for an at large position be a resident of the counsel area for three (3) months prior to qualifying and be elected by the electors of the entire council area. At the time of qualifying candidates shall submit proof of residency for the prescribed period to the supervisor of elections. Any person misrepresenting their residency shall, upon conviction be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed sixty (60) days in the County jail or both, at the discretion of the court. No Council Member shall be employed by Miami-Dade County or be a member of the County Commission.

(2) The term of office of Community Council members shall be for four (4) years. It is provided, however, that when a Community Council has been modified to establish new subareas or at large areas, in the initial election of Council Members, those members representing even numbered subareas shall serve a two year term and those members representing odd numbered subareas or at large areas shall serve a four year term so as to create staggered terms. Thereafter all Council Members shall serve four year terms. When a subarea is dissolved and is replaced by an at large area, the at large representative shall serve until expiration of the term of office that was provided for the dissolved subarea. It is further provided that when a Community Council consisting of one subarea is created in the initial election three seats shall be designated as two year terms and three seats shall be designated as four year terms so as to provide staggered terms. Thereafter, all Council members shall serve four year terms.

(3) All elections for Community Council Members shall be non-partisan. The initial general election for Council Members shall be held at the time of the 1996 General Election. Subsequent elections of Council Members shall be held in each even numbered year, in conjunction with state primary elections. The terms of Council Members shall commence on the second Tuesday next succeeding the date provided for the state general election.

(4) All candidates for Community Councils shall qualify with the Clerk of the Circuit Court no earlier than the 51st day and no later than 5:00 p.m. of the 49th day prior to the date of the election at which he or she is a candidate, in the manner provided by law or ordinance. Each candidate shall pay a filing fee of one hundred dollars ($100.00).

(5) All elections for Community Councils shall be canvassed by the County Canvassing Board as provided under the election laws of this state.

(6) The election ballot for the Council Member of each council area shall contain the names of all qualified candidates for election for Council positions from each subarea and shall instruct the electors to cast one (1) vote for the subarea position for which an election is being held. The candidate receiving the greatest number of votes shall be duly elected to that Council Seat. If there is a tie vote among the two (2) candidates receiving the greatest number of votes, there shall be a run-off election.

The ballot for any run-off election for a Council Seat shall contain the names of the two (2) candidates for the Council Seat who received the most votes. The ballot shall instruct electors of the council area to cast one (1) vote for each subarea position. The candidate for each Council Seat receiving the most votes in such run-off election shall be duly elected to that Council Seat. Provided, however, where there are fewer than six (6) subareas in a council area the

number of persons to be elected from each subarea shall be as follows:

(a) Where there are five (5) subareas the electors of the entire council area shall elect one (1) member from each subarea and one (1) member at large.

(b) Where there are four (4) subareas the electors of the entire council area shall elect one (1) member from each subarea and two (2) members at large.

(c) Where there are three (3) subareas the electors of the entire council area shall elect two (2) members from each subarea.

(d) Where there are two (2) subareas the electors of the entire council area shall elect three (3) members from each subarea.

(e) Where there is one (1) subarea there shall be six (6) members elected from the subarea.

Where there is more than one position available in a subarea for election, the candidates with the largest number of votes shall be elected to those positions. In the event that a subarea election has positions for both expired and unexpired terms, the candidates elected with the least number of votes shall fill the positions for the unexpired terms. It is provided, however, where the number of persons qualifying for a Community Council election is equal to the number of positions both for expired and unexpired terms the candidates filling the unexpired terms shall be determined by lot.

(7) The County Commissioner or Commissioners whose district encompasses all or part of a Community Council shall fill any vacant Council positions, by the appointment of an individual meeting the qualifications provided in subsection (1) above from a list of one or more names supplied by the Community Council. A person appointed shall serve until the earlier of the following: (1) the next state first primary election; or (2) expiration of the term of office for which the appointment is made. This limitation onterm length shall apply to any person appointed by either a Community Council or a County Commissioner, whether appointed prior to or after the effective date of this ordinance. A person elected at such county-wide election shall serve for the remainder of the unexpired term. It is provided, however, in the event there is an insufficient number of Community Council Members in office to constitute a quorum, the County Commissioner or Commissioners whose district encompasses all or part of a Community Council, shall appoint a sufficient number of members necessary to constitute a quorum. Further, should any Community Council fail to supply a list of one or more names for any vacant Council position within ninety (90) days from the date such position becomes vacant or that the names supplied within such time period are not acceptable to the appointing County Commissioner or Commissioners, the County Commissioner or Commissioners whose district encompasses all or part of a Community Council shall appoint an individual meeting the qualifications set forth in subsection (1) above to fill such vacancy. In the event any Council Member no longer resides in a Council subarea for a subarea position or Council area for an at large position, that person shall be deemed to have tendered their resignation from such Council; provided, however, any Council Member who, as a result of a modification to the configuration of a Council subarea pursuant to Section 20-42, is no longer qualified to be an elected member of such Council,shall be permitted to complete the term of office commenced prior to the subarea boundary modification.

(B) *Appointed Council Members.*

(1) The County Commissioners shall appoint one (1) member to each Community Council following each election of Council Members. Each appointed Community Council Member shall be either a resident elector of the Council area or an elector of Miami-Dade County who, in the sole discretion of the Board of County Commissioners, has significant business or community interest in the Council area. No appointed Council Member shall be employed by Miami-Dade County or be a member of the County Commission. These members shall be appointed by the County Commissioner(s) whose district(s) include the boundaries of all or part of the Community Council area. Appointments shall be confirmed by a majority of the Board of County Commissioners.

(2) The term of each appointed Council Member shall be four (4) years; provided, however, the term of each member expires when the Commissioner who appointed that member leaves office. Each member shall hold office until a successor has been duly appointed, qualified and confirmed. Vacant Council Member positions shall be filled for the unexpired term in the same manner as other appointed Council Members.

(C) *Organizational meeting.* The first organizational meeting of each Community Council shall take place on the 30th day, or as soon thereafter as is practical, after the date of the general election. In the event of a tie vote for one (1) or more Council seats in the general election such Community Council shall meet on the 30th day, or as soon thereafter as is practical, after the date of the run-off election. At the organizational meeting, or as soon thereafter as is practical, each Community Council shall elect a chair and vice-chair from its members who shall serve a one-year term.

(D) *Reimbursements of expenses.* All Council Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval of the County Commission.

(E) *Reassignment of Community Council Members.* When, as a result of incorporation or annexation, subareas or portions thereof are reassigned to a different Community, elected or appointed Council Members who continue to reside in the unincorporated area, whether at-large or subarea representatives representing the reassigned areas, shall serve as additional members to the reassigned Community Council. The reassigned Council Members shall serve until the next first state primary election.

(Ord. No. 96-126, § 1, 9-4-96; Ord. No. 96-165, § 1, 11-12-96; Ord. No. 96-185, § 1, 12-17-96; Ord. No. 97-16, § 2, 2-25-97; Ord. No. 99-108, § 1, 9-9-99; Ord. No. 00-35, § 1, 3-21-00; Ord. No. 02-28, § 1, 2-26-02; Ord. No. 02-41, § 1, 3-26-02; Ord. No. 02-91, § 1, 6-6-02; Ord. No. 03-267, § 1, 12-8-03; Ord. No. 04-101, § 1, 5-11-04; Ord. No. 06-115, § 1, 7-18-06)

Sec. 20-43.1. Community Councils; recall.

Any elected member of a Community Council or any member appointed by the Community Council pursuant to Section 20-43(A)(7) may be removed from office by the electors of the Council area. The procedure for removal by electors shall be as follows:

(1) The person proposing the exercise of recall shall submit the recall petition to the Clerk of the Circuit Court for approval of the form of the petition. Recall petitions shall be submitted for approval during the months of January and June only.

(2) The person or persons circulating the recall petition shall, within sixty (60) days after approval of the form of the petition, obtain the valid signatures of electors in the council area in numbers at least equal to ten (10) percent of the registered voters in the council area on the date on which the recall petition is approved, according to the official records of the County Supervisor of Elections. Each signer of a petition shall place thereon, after

his or her name, the date and the signer's place of residence or precinct number. Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.

(3) The signed petition shall be filed with the Clerk of the Circuit Court which shall within thirty (30) days after filing order a canvass of the signatures thereon to determine the sufficiency of the signatures. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the Clerk shall notify the person filing the petition that the petition is insufficient and has failed. The Clerk shall certify the petition if the number of signatures is sufficient and the petition if sufficient as to form and compliance with this section.

(4) The Board of County Commissioners must provide for a recall election not less than forty-five (45) days nor more than ninety (90) days after certification of the petition.

(5) The question of recall shall be placed on the ballot in a manner that will give the elector a clear choice for or against the recall. The result shall be determined by a majority vote of the electors voting on the question.

(6) If the majority is against recall the Community Council member shall continue in office under the terms of the member's previous election or appointment. If the majority is for recall, the member shall, regardless of any defect in the recall petition, be deemed removed from office immediately.

(7) No recall petition against an elected Community Council member shall be certified within one (1) year after the member takes office nor within one (1) year after a recall petition against the member is defeated.

(8) Any vacancy created by recall in a Community Council shall be filled for the remaining term by appointment in the manner prescribed for filling vacant positions.

(Ord. No. 97-196, § 1, 11-4-97; Ord. No. 01-72, § 1, 4-10-01)

Sec. 20-43.2. Community Councils; removal.

Any elected or appointed member of a Community Council may be removed from office for cause by resolution of the Board of County Commissioners. The following events shall be deemed sufficient cause for removal: malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or indictment for crime. Any vacancy created by removal in a Community Council shall be filled for the remaining term by appointment in the manner prescribed for filling vacant positions.

(Ord. No. 97-196, § 1, 11-4-97)

Sec. 20-44. Community Councils; organization; new member orientation; annual orientation workshop.

(A) The County Manager shall assign existing County staff positions to provide support for the Community councils, to the fullest extent feasible. Such staff may include: a Community Council Administrator, an Administrative Assistant, clerical staff and others as the County Manager deems needed. Team Metro shall develop strong linkages to each Community Council.

(B) The County Manager shall coordinate the activities and schedules of Community Councils with other County activities to ensure maximum effectiveness and efficiency. The County Manager may limit the total staff time available to each Community Council.

(C) Within parameters recommended by the County Manager and approved by the County Commission, Community Councils shall be empowered to establish their own procedures for conducting their business and to select from the activities described in Section 20-41(B) those in which it wishes to engage. It is provided however that zoning procedures shall be adopted pursuant to Sections 33-308 of the Code. It is further provided that no zoning or non zoning meeting of a Community Council or Community Zoning Appeals Board shall extend beyond 11:00 p.m.

(D) Prior to serving on a Community Council, a Community Council member appointed or elected to a Council after the effective date of this ordinance shall attend a New Member Orientation Seminar conducted by the Department of Planning and Zoning, the Commission on Ethics, Team Metro and the County Attorney's Office. The seminar shall include, but shall not be limited to, review of the Comprehensive Development Master Plan and issues related thereto, review of zoning regulations, incorporation and annexation issues, workforce and affordable housing issues and applicable laws, rules and regulations pertaining to duties and responsibilities of Community Council members.

(E) All Community Council members shall attend an Annual Community Council Workshop organized and conducted by the Department of Planning and Zoning, the Commission on Ethics, Team Metro and the County Attorney's Office. The Workshop shall include, but shall not be limited to, review of the Comprehensive Development Master Plan and issues related thereto, review of zoning regulations, incorporation and annexation issues, workforce and affordable housing issues and applicable laws, rules and regulations pertaining to duties and responsibilities of Community Council members.

(F) Notwithstanding Sec. 20-43.2, failure of any elected or appointed member of a Community Council to attend an annual Community Council Workshop shall be deemed sufficient cause for removal.

(Ord. No. 96-126, § 1, 9-4-96; Ord. No. 99-67, § 1, 6-8-99; Ord. No. 05-171, § 1, 9-8-05)

Sec. 20-45. Community Councils; conflict of interest.

In addition to the provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, each Community Council member is prohibited from voting on or participating in any way in any matter presented to the Community Council on which the member serves if the member has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Community Council on which the member serves: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the Community Council member in a manner distinct form the manner in which it would affect the public generally. Any Community Council member who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Community Council on which the member serves shall absent himselfor herself from the Community Council meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter.

(Ord. No. 97-196, § 1, 11-4-97)

2007 SUNSET REVIEW

STANDARD OPERATING PROCEDURES

RULES AND REGULATIONS FOR THE CONDUCT OF COMMUNITY ZONING APPEALS BOARD BUSINESS

1. **MEETINGS:** The meetings of the Board shall be held at such place and at such time as may be designated by the Director of the Miami-Dade County Department of Planning and Zoning. Meetings will generally commence at 7:00 p.m. No meeting shall extend beyond the time permitted by the facility where the meeting is being held.

2. **INSPECTIONS:** Board members are welcome to visit the sites on an individual basis.

3. **AGENDA:** The agenda and kit for the meeting shall be prepared by the Miami-Dade County Department of Planning and Zoning and distributed to members prior to the meeting date. The kit shall contain professional staff recommendations and other pertinent information.

4. **PRESIDING OFFICER:** The Chairperson shall preserve strict order and decorum at all meetings of the Board. He or she shall state every question coming before the Board and announce the decision of the Board on all matters coming before it. The Chairperson may vote on all questions coming before the Board for a decision. The Chairperson may make a motion or second a motion, but in so doing shall relinquish the chair. In the event that neither the Chairperson nor the Vice-Chairperson is present or able to act, the members present shall designate a temporary Chairperson.

5. **CALL TO ORDER:** The Chairperson shall take the chair at the hour appointed for the meeting, and shall immediately call the Board to order. In the absence of the Chairperson, the Vice-Chairperson shall assume all the duties of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, the Secretary of the Board shall determine whether a quorum is present and, in that event, shall call for the election of a temporary chairperson. Upon the arrival of the Chairperson or Vice-Chairperson, the temporary chairperson shall relinquish the chair upon the conclusion of the business immediately before the Board.

6. **ROLL CALL:** Before proceeding with the business of the Board, the Secretary shall call the roll of the members in alphabetical order, and the names of those present and absent shall be entered in the minutes.

7. **QUORUM:** Four (4) members of the Board shall constitute a quorum. No resolution or motion shall be adopted by the Board without the affirmative vote of three (3) of the members present and voting, except in those cases where a greater vote may be required by the Code of the Miami-Dade County, Florida. The names of the members present and their action at such meeting shall be recorded by the Secretary. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Board, the Chairperson or the Vice-Chairperson, or in their absence, the Secretary, may adjourn the meeting to a date as determined by the Director.

8. **DECORUM:** Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Board, shall be barred from further audience before the Board by the presiding officer, unless permission to continue or again address the Board be granted by the majority vote of the Board members present. No clapping, applauding, heckling, or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. No signs or placards shall be allowed in the meeting room. Persons exiting the meeting room shall do so quietly.

9. **RULES OF DEBATE:** When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to defer, or to amend, until the question is decided.

These motions shall have preference in the order in which they are made.

Every member desiring to speak for any purpose shall address the Chairperson, and, upon recognition, shall confine discussion and comments to the question under debate, avoiding all personalities and indecorous language.

A member once recognized shall not be interrupted when speaking unless it is to call the member to order. If called to order, the member shall cease speaking until the question of order is determined by the Chairperson and, if in order, the member shall be permitted to proceed.

Any member may appeal to the Board from the decision of the Chairperson upon a question of order when, without debate, the Chairperson shall submit to the Board the question, "Shall the decision of the chair be sustained?" and the Board shall decide by a majority vote.

When a vote is taken by roll call, there shall be no discussion by any member prior to voting, and the members shall either vote yes or no. Any member, upon voting, may give a brief statement to explain his or her vote.

10. **VOTING:** The vote upon every motion or resolution shall be either vote by voice, by a show of hands, at the discretion of the Chairperson, or at the request of any members, by roll call in progressive alphabetical order, except the Chairperson shall be the last member called. All resolutions adopted by the Miami-Dade County Community Zoning Appeals Board shall be file with the Clerk of the Board of County Commissioners and shall be maintained in an appropriate record book. All resolutions shall become effective after action is taken by the Board, when prepared and transmitted by the Secretary or the Secretary's designee, who shall attest that the same was duly adopted.

11. **DECISIONS:** At the conclusion of each individual hearing, the Board shall make its decision immediately after that hearing is concluded, except in the event of a tie vote or a loss of quorum, or unless the Board by majority vote defers the matter.

12. **ORDER OF BUSINESS:**

a. Opening of the meeting by the Chairperson
b. Roll call
c. Call for deferrals and withdrawals at the beginning of the meeting or when the particular zoning matter is being heard
d. Presentations of applications
   (1) Department introduces application
   (2) Directors' Recommendations presented upon request
   (3) Applicant's presentation
   (4) Objectors' presentations
   (5) Applicant's rebuttal
   (6) Chairperson calls for a motion on the matter pending when chairperson feels there has been sufficient discussion
   (7) Board votes and announces decision
e. Adjournment

13. **PRESENTATIONS:** Each person addressing the Board shall give his or her name and address in an audible tone so that the same may be part of the record; all remarks shall be brief, to the point, and non-repetitious. All remarks shall be addressed to the Board as a group and not to any individual member. No person, other than a Board Member or Staff Member and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without permission of the presiding officer. No question shall be asked unless the same is addressed through the presiding officer.

14. **FAILURE TO APPEAR:** If neither side is present, unless the Board defers, the application shall be considered on the basis of the application and information filed and obtained from inspection, recommendations and the records, including zoning maps.

If the applicant is not present, the opposition will be heard and action will be taken on the matter unless the Board defers.

If objection has been registered to the application but the objectors are not present, the applicant will be heard and action will be taken on the matter, unless the Board defers.

15. **DEFERRALS:** If a deferral has been requested, the same may be granted by the Board only upon the following conditions:
    a. Upon agreement of the parties concerned; or
    b. Only for good cause meeting with the approval of the majority of the Board Members present; and
    c. If a deferral is granted and it is necessary to renotify parties concerned, the cost of said new notices and advertisements should be at the expense of the party requesting the deferral.

The Community Zoning Appeals Board may not defer action on an application beyond the next regularly scheduled zoning hearing date, unless applicants consents thereto or unless required otherwise by the provisions of Chapter 33.

When a motion for deferral does not carry by majority vote, or ends in tie vote, the motion shall be considered to have failed, and the matter shall still be before the Board for further action and disposition.

16. **ATTENDANCE OF WITNESSES AND OATHS:** The Chairperson, Vice Chairperson, or Acting Chairperson may administer oaths and compel the attendance of witnesses in the same manner prescribed in the Circuit Court.

17. **CONFLICT OF RULES:** In the event these rules and regulations conflict with Chapters 2 and 33 of the Code of the Miami-Dade County, Florida, the Code shall control and supersede these rules and regulations.

18. **ATTENDANCE OF BOARD MEMBERS**: All Board Members are requested to provide prior notice to the Secretary of the Board in writing if unable to attend a specific meeting.

REQUIREMENTS FOR THE CONDUCT OF COMMUNITY COUNCILS NON-ZONING BUSINESS
(As Adopted 9/9/99, R-977-99)

1. ACTIVITIES: The responsibilities set forth in Section 20-41 of the Code of Metropolitan Dade County define the non-zoning activities of the community councils. At the request of a community council or the Director of the Department of Planning and Zoning (DP&Z) or his designee, the County Attorney will render an opinion if a specific activity is within the scope of the council's responsibilities. Other council concerns and issues may be addressed within the limitations of available staff and time. Each community council will accomplish its non-zoning activities on a schedule that is generally concurrent and consistent with the overall schedule of the non-zoning activities with which the participation of the community councils must be coordinated. The initial organizational meeting of councils at which officers will be elected shall, to the extent feasible, be held when all council members have been elected or appointed. Appropriate orientation and training will be provided to new council members. Quarterly meetings of community council chairpersons may be conducted as necessary in a central location for purposes of exchanging information and ideas and coordinating non-zoning activities. The councils shall conduct all business as a whole; there shall be no separate subcommittee structure and no separate subcommittee meetings.

2. STAFF: The Department of Planning and Zoning (DP&Z) will be responsible for the overall administration of the community council program, support of non-zoning, zoning and planning activities, and coordination of the involvement of other county departments. A DP&Z staff member shall be designated as executive secretary to each community council. At his discretion, the County Manager will assign staff from other County agencies for the support of other community council activities as needed.

3. MEETINGS: To the extent feasible, non-zoning activities of community councils will be conducted in separate meetings from meetings in which activities are conducted by councils sitting as community zoning appeals boards. The meetings of community councils shall be held at such place and at such time as may be designated by the Director of DP&Z. The meetings shall be held in a facility within the boundaries of the council area to the extent possible. Non-zoning meetings shall be held on an as needed basis generally but no more frequently than every other month except where a specific activity requires that a meeting be held on a different schedule. At least seven calendar days prior to each meeting of a community council, notice of the time and place of the meeting shall be published in a newspaper of general circulation or in a regularly published section or supplement thereto which is distributed within the geographic boundaries of the community council area. The meetings shall be noticed in a newspaper of general circulation in the appropriate community council area at least seven calendar days prior to each meeting. All meetings shall be held no earlier than 5:00 PM and the last agenda item shall be called no later than 9:00 PM. All meetings shall be adjourned no later than 11:00 PM, subject to any additional time limitations imposed by the operator of the meeting facility. During those portions of council meetings designated as public hearings, public participation shall be permitted. All other council business shall be conducted in executive session in which public participation shall be permitted only upon approval by the chairperson or majority vote of the council.

4. AGENDA: The agenda for non-zoning community council meetings shall be established by the council chairperson and the council executive secretary and material for the meeting shall be prepared by DP&Z and distributed to members approximately four calendar days prior to the meeting date.

5. COUNCIL OFFICERS: A chairperson and vice-chairperson shall be elected by the community council at the initial organization meeting and annually at an October or November meeting thereafter. The officers shall take office immediately and shall serve until successors have been duly elected. In no event shall the chairperson serve more than two consecutive one-year terms. The chairperson shall be the presiding officer and the vice-chairperson shall preside over the community council in the absence of the chairperson. The chairperson shall preserve strict order and decorum at all meetings of the community council. He or she shall state every question coming before the community council and announce the decision of the community council on all matters coming before it. The chairperson may vote on all questions coming before the community council for a decision. The chairperson may make a motion or second a motion, but in so doing shall relinquish the chair. In the event that neither the chairperson nor vice-chairperson is present or able to act, the members present shall designate a temporary chairperson.

6. CALL TO ORDER: The chairperson shall take the chair at the hour appointed for the meeting, and shall immediately call the council to order. In the absence of the chairperson, the vice-chairperson shall assume all the duties of the chairperson. In the absence of the chairperson and vice-chairperson, the executive secretary of the council shall determine whether a quorum is present and, in that event, shall call for the election of a temporary chairperson. Upon the arrival of the chairperson or vice-chairperson, the temporary chairperson shall relinquish the chair upon the conclusion of the business immediately before the council.

7. ROLL CALL: Before proceeding with the business of the council, the executive secretary shall call the roll of the members in alphabetical order, and the names of those present and absent shall be entered in the minutes.

8. QUORUM: Four members of a council shall constitute a quorum. No resolution or motion shall be adopted by a council without the affirmative vote of the majority of all the members present and voting. The names of the members present and their action at such meeting shall be recorded by the secretary. Should no quorum be in attendance within 30 minutes after the time appointed for the meeting of a council, the chairperson or the vice-chairperson or, in their absence, the executive secretary may adjourn the meeting. No meeting shall be conducted in the absence of a quorum.

9. DECORUM: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing a council, shall be barred from further audience before the council by the residing officer, unless permission to continue or again address the council be granted by the majority vote of the council members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. No signs or placards shall be allowed in the council meeting room. Persons exiting the meeting shall do so quietly.

10. RULES OF DEBATE: When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to defer. or to amend, until the question is decided. These motions shall have preference in the order in which they are mentioned above. Every member desiring to speak for any purpose shall address the chairperson, and, upon recognition, shall confine discussion and comments to the question under debate, avoiding all personalities and indecorous language. A member once recognized shall not be interrupted when speaking unless it is to call the member to order. If called to order, the member shall cease speaking until the question of order is determined by the chairperson and, if in order, the member shall be permitted to proceed. Any member may appeal to the council from the decision of the chairperson upon a question of order when, without debate, the chairperson shall submit to the council the question, "Shall the decision of the chair be sustained?" and the council shall decide by a majority vote. When a vote is taken by roll call, there shall be no discussion by any member prior to voting, and the members shall either vote yes or no. Any member, upon voting, may give a brief statement to explain his or her vote. All members of community councils are subject to the Conflict of Interest and Code of Ethics Ordinance pursuant to Section 2-1 1 of the Code of Metropolitan Dade County.

11. READING MINUTES: An audio tape of each council meeting shall be made and retained in the offices of DP&Z in a manner consistent with the public records law. A brief written summary of each meeting shall be prepared and signed by the executive secretary of the council. Upon approval by the council, that summary shall constitute the official minutes of the meeting. The minutes shall be kept on file in the offices of DP&Z and shall be available for inspection by any council member or the general public. The minutes shall include the decision of the council and the vote of each member on each question. If a member is absent or abstains from voting, the minutes shall so indicate.

12. VOTING: The vote upon every motion or resolution shall be either by voice or by a show of hands, at the discretion of the chairperson of a council. In the event the chairperson is in doubt or if any member of the council so requests, the vote shall be by roll call in progressive alphabetical order, except the chairperson shall be the last member called. All resolutions adopted by the community council shall be filed with the Clerk of the Board of County Commissioners and shall be maintained in an appropriate record book provided by the Clerk. All resolutions reflecting an action of a council shall be prepared as soon as practical thereafter by the executive secretary or his or her designee who shall attest that the same was duly adopted, and shall transmit copies to the appropriate entities.

13. PRESENTATIONS: Each person addressing the council shall give his or her name and address in an audible tone so that the same may be part of the record; all remarks shall be brief and to the point and non-repetitious. All remarks shall be addressed to the council as a group and not to any individual member. No person, other than a council member or staff member and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without permission of the presiding officer. No question shall be asked unless the same is addressed through the presiding officer.

14. COMMUNICATIONS: Consistent with the State Sunshine Law, all communications between community council members on council matters will be conducted only during council meetings. Communications between individual community council members and county staff on community council matters shall be through the Office of Community Council Administration in DP&Z.

15. CONFLICT OF RULES: In the event these rules and regulations conflict with Chapters 2 or 20 of the Code of Metropolitan Dade County, Florida, the code shall control and supersede these rules and regulations.

16. EXPENSES: Council members will be reimbursed for parking and Metrorail costs for attendance at scheduled central location events. Council members will also be provided with photo identification cards. No other expense shall be reimbursable.

17. BUSINESS CARDS AND STATIONARY: Council members who desire to do so may obtain business cards and/or stationary at their own expense using an approved format provided by the Office of Community Council Administration in DP&Z.

2007 SUNSET REVIEW

MINUTES APPROVING QUESTIONNAIRE (with Membership Vote)

COUNTRY CLUB OF MIAMI COMMUNITY COUNCIL 5

BOARD MINUTES as to the discussion on 2007 SUNSET REVIEW PACKET:

During the regular non-zoning meeting of March 19, 2007, the Country Club of Miami Community Council 5 was presented with the 2007 Sunset Review Packet for review and consideration. After the opportunity to review the information provided, Vice-Chairman Friedman moved to approve the packet with a minor scrivener's error on the backup 2006 non-zoning attendance sheet. Councilman McKay seconded the motion. Upon being put to a vote, the vote was as follows:

Sharon Franklin	Absent	Richard Friedman	Aye
Julio Garuz	Aye	Archie McKay, Jr.	Aye
Paul O'Dell	Absent	Leonardo Perez	Aye
Juan A. Garcia	Aye		

The Chair thereupon declared the 2007 Sunset Review Packet as approved with changes as noted above.

I hereby certify that the above information reflects the action of the Council.

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Sandy N. McNeill-Finklin, Acting Executive Secretary
Country Club of Miami Community Council 5

Sunset Review of County Boards for 2007
Package Checklist

COMMUNITY COUNCIL

___✓___ Completed Sunset Review Questionnaire

___✓___ Membership attendance for the previous 2 years (2005 and 2006)

___✓___ Ordinance creating the Board (and all subsequent amendments)

___✓___ Mission or Purpose Statement included in Sunset Review Questionnaire

___✓___ Standard Operating Procedures (if any)

_____ By-Laws (if any)

___✓___ Minutes from Board meeting approving Sunset Review Questionnaire, **including a vote of the membership**

___✓___ Memorandum from Board Chair to County Manager

___✓___ County Manager's Transmittal Memorandum

___✓___ Diskette with County Manager's Transmittal Memorandum saved as ASCII or Rich Text Format-RTF (for Legistar purposes)

___✓___ No. of copies included in package (**5 of each document required**)