

MEMORANDUM

Agenda Item No. 7(B)

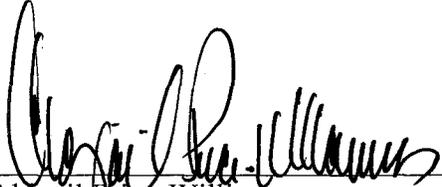
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

(Second Reading 11-06-07)
DATE: September 4, 2007

FROM: Abigail Price-Williams
Acting County Attorney

SUBJECT: Ordinance relating to Office
of Inspector General

The accompanying ordinance was prepared and placed on the agenda at the request of Chairman Bruno A. Barreiro.



Abigail Price-Williams
Acting County Attorney

APW/bw

Memorandum



Date: November 6, 2007

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

From: George M. Burgess
County Manager

Subject: Ordinance relating to Office of Inspector General

The ordinance relating to Office of Inspector General will not have a fiscal impact to Miami-Dade County.


Assistant County Manager

fis03507



MEMORANDUM

(Revised)

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

DATE: November 6, 2007

FROM: 
R. A. Cuevas, Jr.
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)

11-06-07

ORDINANCE NO. _____

ORDINANCE RELATING TO OFFICE OF INSPECTOR GENERAL; AMENDING SECTION 2-1076(j) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO CLARIFY THAT CURRENT INSPECTOR GENERAL HAS BEEN DULY APPOINTED AND HAS COMPLIED WITH THE REQUIREMENTS OF SECTION 2-1076; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on March 1, 2005, this Board passed Ordinance No. 05-51, relating to the Office of Inspector General, which has been codified in Section 2-1076 of the Code of Miami-Dade County, Florida; and

WHEREAS, section 2-1076(j) provided for the retention of the current Inspector General, who was at the time and currently is Christopher R. Mazzella, subject to the execution and approval of a contract for a four-year term; and

WHEREAS, on December 20, 2005, this Board, pursuant to paragraph 2-1076(j), passed a resolution approving a contract for the retention of Christopher R. Mazzella as Inspector General for a four-year term; and

WHEREAS, a lawsuit has been filed alleging that Christopher R. Mazzella was not appointed in accordance with the provisions of Section 2-1076 or the Board's intent; and

WHEREAS, this Board wishes to make clear that Christopher R. Mazzella was properly appointed on December 20, 2005, and to remove any possible doubt or confusion about the Board's intent,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-1076(j) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-1076. Office of the Inspector General.

* * *

(j) ~~[[*Effective Term.*]]~~>>Retention of current Inspector General. Notwithstanding any provision to the contrary, ~~the incumbent Inspector General >>~~, Christopher R. Mazzella,<< shall ~~[[, subject to the execution and approval of a contract of employment as provided in subsection (c), commence]]~~ >>serve<< a four-year term of office ~~[[upon the effective date of this ordinance]]~~>>commencing on December 20, 2005, as provided in the Memorandum of Understanding approved by Resolution No. R-1394-05, and shall not be subject to the appointment process provided for in Section 2-1076(b)(2)<<.

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.

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.

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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:

APW

Prepared by:

Lfc.

Lee Kraftchick

Sponsored by Chairman Bruno A. Barreiro