

MEMORANDUM

Agenda Item No. 4 (E)

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

DATE: January 22, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending
Section 2-1 of the Code
of Miami-Dade County;
fostering truth in procurement
requiring oath or affirmation
from any person making factual
representations to the Board of
County Commissioners on
matter involving the award of a
county contract

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



R. A. Cuevas, Jr.
County Attorney

RAC/jls

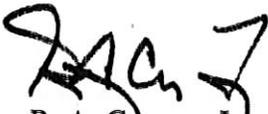


MEMORANDUM

(Revised)

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

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County Attorney

SUBJECT: Agenda Item No. 4 (E)

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. 4(E)
01-22-08

ORDINANCE NO. _____

ORDINANCE FOSTERING TRUTH IN PROCUREMENT;
REQUIRING OATH OR AFFIRMATION FROM ANY PERSON
MAKING FACTUAL REPRESENTATIONS TO THE BOARD
OF COUNTY COMMISSIONERS ON ANY MATTER
INVOLVING THE AWARD OF A COUNTY CONTRACT;
AMENDING THE RULES OF PROCEDURE OF THE COUNTY
COMMISSION; AMENDING SECTION 2-1 OF THE CODE OF
MIAMI-DADE COUNTY; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA, that:**

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 I. GOVERNING RULES

* * *

PART 9. ADDITIONAL ORDINANCES PRESCRIBING
COUNTY COMMISSION PROCEDURE

* * *

>>Rule 9.06. Any person, including any employee of the County,
who makes factual representations of his or her personal
knowledge to the Board or committee of the Board on any matter
involving the award of a County contract shall do so only after
oath or affirmation taken or administered by or before any person
authorized by law. The oath or affirmation shall be in

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.

substantially the following form: "Do you swear or affirm that the information you are about to share will be the truth, the whole truth, and nothing but the truth?" The person's answer shall be noted for the record. This requirement shall not apply to a minor, if the chair of the Board or committee of the Board determines the minor understands the duty to tell the truth or the duty not to lie. The violation of this Section shall be punished in the manner provided by law.<<

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 re-lettered 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 within 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:
Hugo Benitez



Sponsored by Commissioner Carlos A. Gimenez