

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

DATE: **May 13, 2008**

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

SUBJECT: Ordinance amending Rule
5.05(c) of Section 2-1 of
the Code of Miami-Dade
County relating to "4-Day
Rule"

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



R. A. Cuevas, Jr.
County Attorney

RAC/bw



MEMORANDUM

(Revised)

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

DATE: April 8, 2008

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

SUBJECT: Agenda Item No.

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.

Veto _____

4-8-08

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING RULE 5.05 (c) OF SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO "4-DAY RULE"; DELETING EXEMPTION OF CERTAIN ITEMS ORIGINATED BY THE DEPARTMENT OF PROCUREMENT MANAGEMENT; 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. Section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

Rule 5.05 AGENDA

* * *

(c) "4-DAY RULE". A copy of each agenda item shall be furnished the members of the commission not later than four (4) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the board takes action on the resolution, ordinance, motion or other item in question. The provisions of the rule may not be waived under rule 7.01(n); however, this rule is not applicable to special or emergency meetings called pursuant to Rule 3.02 ~~[[;]]~~ >>or to<< items related to the County's legislative package ~~[[and items originated by the Department of Procurement~~

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.

~~Management, including bid awards and bid waivers, which have been forwarded to the commission by committee]].~~

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 work.

Section 4. This ordinance shall become effective 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 Joe A. Martinez

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