

MEMORANDUM

Amended
Agenda Item No. 7(B)

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

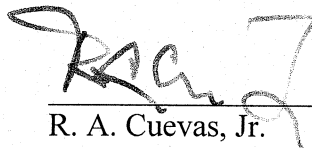
DATE: (Second Reading 03-18-08)
January 10, 2008

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

SUBJECT: Ordinance relating to
County Boards

O#08-35

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa and Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



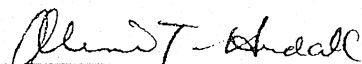
Date: March 18, 2008

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

From: George M. Burgess
County Manager

Subject: Ordinance relating to County Boards

The ordinance relating to County Boards will not have a fiscal impact to Miami-Dade County.



Alina T. Hudak
Assistant County Manager

fis002008

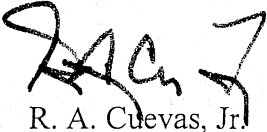


MEMORANDUM

(Revised)

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

DATE: March 18, 2008

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

SUBJECT: Amended
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 _____

Amended
Agenda Item No. 7(B)
03-18-08

ORDINANCE NO. 08-35

ORDINANCE RELATING TO COUNTY BOARDS;
AMENDING SECTION 2-11.38 TO PROVIDE THAT ANY
PERSON WHO HAS A PENDING LAWSUIT AGAINST THE
COUNTY SHALL NOT BE ELIGIBLE TO SERVE ON A
COUNTY BOARD UNLESS THIS REQUIREMENT IS
WAIVED BY TWO-THIRDS VOTE OF THE MEMBERS OF
THE BOARD OF COUNTY COMMISSIONERS; 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 2-11.38 of the Code of Miami-Dade County, Florida, is hereby
amended to read as follows:¹

ARTICLE IB.

STANDARDS FOR CREATION AND
REVIEW OF BOARDS GENERALLY

* * *

Sec. 2-11.38. Membership on boards.

All members of County boards shall be permanent residents
and electors of Miami-Dade County unless the Board of County
Commissioners, by a two-thirds vote of its membership, waives
this requirement, and should have reputations for integrity and
community service. In addition, all board members should have
demonstrated an interest in the field, activity or sphere covered by
the board. Each board shall include at least one (1) person whose

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.

livelihood does not depend on the area regulated, administered or dealt with by the board.

Unless the Board of County Commissioners by two-thirds vote of its membership waives the residency requirement, any member of County boards who ceases to be a resident of Miami-Dade County during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners. Upon being advised by the Clerk of such circumstances, the Board of County Commissioners shall declare the position to be vacant and shall promptly fill the same pursuant to the provisions of Section 2-11.38.1.

The primary consideration in appointing board members shall be to provide the board with the needed technical, professional, financial, business or administrative expertise. The membership of each board should be representative of the community at large and should reflect the gender, racial, ethnic and cultural make-up of the community.

>> No person shall be eligible to serve on a County board if, at the time of appointment to the County board, the person has filed a lawsuit against the County that is pending at the time of appointment and that challenges a policy set by the Board of County Commissioners, unless the Board of County Commissioners by two-thirds vote of its membership waives this requirement. No person sitting on a County board may file a lawsuit against the County that challenges a policy set by the Board of County Commissioners without relinquishing his or her seat on the County board unless the Board of County Commissioners by two-thirds vote of its membership waives this requirement.<<

* * *

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

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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:



Jess M. McCarty

Sponsored by Commissioner Rebeca Sosa
and Commissioner Jose "Pepe" Diaz