MEMORANDUM

Agenda Item No. 7(D)

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

DATE: April 8, 2008

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

SUBJECT: Ordinance relating to Rules of Procedure; amending Sec. 2-1 to provide any item amended in committee shall so indicate on cover memorandum

---

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/jls

Memorandum

MIAMI-DADE COUNTY

Date: April 8, 2008

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

From: George M. Burgess
County Manager

Subject: Ordinance to Rules of Procedures; amending Sec. 2-1 to provide any item amended in committee shall so indicate on cover memorandum

---

The ordinance related to the Rules of Procedure will not have a fiscal impact to Miami-Dade County.

Jennifer Glazer-Moon
Director, Office of Strategic Business Management

Fis02308

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. 7(D)

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(D)
04-08-08

ORDINANCE NO. _____

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE COUNTY COMMISSION; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT ANY ITEM ON THE COMMISSION AGENDA THAT HAS BEEN AMENDED IN COMMITTEE SHALL SO INDICATE ON THE COVER MEMORANDUM, INCLUDE A BRIEF DESCRIPTION OF THE AMENDMENT AND IDENTIFY THE CHANGES IN THE ITEM; 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.

* * *

Rule 5.06 Ordinances, resolutions, motions, contracts.

(a) *Preparation and enactment of ordinances.* The County Attorney, when requested, shall prepare ordinances and resolutions.

Ordinances may be introduced and listed by title and shall be read by title only before consideration by the Commission on first reading. On first reading of ordinances, there shall be no discussion by either County Commissioners, County staff or members of the public. On

[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.

first reading only, the Commission may either vote for all ordinances in one (1) vote or may vote separately on any ordinance. At second reading, each ordinance shall be voted on individually.

(b) *Approval by County Attorney.* All ordinances, resolutions and contract documents, before presentation to a commission committee or the Commission, shall have been reduced to writing and shall have been approved as to form and legality by the County Attorney. Prior to presentation all such documents may be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve. The county attorney shall communicate with a designated staff person from each commissioner's office regarding the preparation and tracking of agenda items.

(c) *Introduction and sponsorship.* Ordinances, resolutions and other matters and subjects requiring action by the Commission must be introduced and sponsored by a member of the Commission, except that either the Manager or the County Attorney may present ordinances, resolutions and other matters or subjects to the Commission for consideration, and any Commissioner may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered.

(d) *Exception.* The provisions of this Rule 5.06 shall not be applicable to zoning resolutions which shall be governed exclusively by chapter 33 of the Code.

(e) *When action to be taken by resolution or ordinance.* All actions of the Commission may be taken by motion, resolution or ordinance except that any action of the Commission which provides for raising revenue, appropriating funds or incurring indebtedness (other than refunding indebtedness), or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed, shall be by ordinance.

(f) *Ordinances directly affecting municipalities*. Any proposed county ordinances that would directly affect the jurisdiction or the duties of municipalities or their officers, or any proposed ordinances that may have a direct fiscal impact upon municipal governments in Miami-Dade County, shall be scheduled for second reading no sooner than six (6) weeks after its passage on first reading. At least four (4) weeks prior to the scheduled public hearing, the County Manager is directed to mail or e-mail a copy of the proposed ordinance to each city clerk, city attorney, city manager and the Executive Director of the Miami-Dade League of Cities, Inc. The County Manager's communication shall include the date of the scheduled public hearing and shall state that the proposed ordinance may have an impact upon municipalities. This subsection shall be construed as directory only, and failure to comply with the provisions hereof shall not affect the validity of any ordinance.

>>(g) *Items amended in committee*. Any item on the commission agenda that has been amended in committee shall so indicate on the cover memorandum and include a brief description of the amendment. In addition, committee amendments shall be uniquely identified in the item itself so as to distinguish committee amendments from the original item, such as by underlining and strike-through in the case of a resolution amended in committee and by double underlining and double strike-through in the case of an ordinance amended in committee, or where such an approach would not clearly show committee amendments, by providing footnotes or comments on the item.<<

* * *

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.

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 Joe A. Martinez