MEMORANDUM

BFC
Substitute to Agenda Item No. 2(A)

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

DATE: April 15, 2008

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

SUBJECT: Ordinance relating to Rules of Procedure; amending Sec. 2-1 regarding the Commission Agenda, authority to sponsor agenda items and disposition of reports

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

The substitute differs from the original proposal in that Paragraph (b)(1) has been amended to read as follows:

(b) *Authority to sponsor or present items on agenda.*

(1) >>Except as provided elsewhere in the rules of procedure, ordinances, resolutions, reports and other matters<<[[~~Matters~~]] may >>only<< be presented or sponsored by a[~~ny~~] County Commissioner, a commission committee, [[~~the county mayor,~~]] the County Attorney and the Clerk of the Commission. [[~~The mayor's authority to sponsor a matter shall be limited to departmental items and shall be non-delegable. The Board will not consider any such recommendation unless such recommendation has been approved in writing by the mayor. If, however, the mayor shall be incapacitated for a period in excess of 14 days, his or her authority to sponsor a departmental item shall be vested in the manager until the incapacity is removed.~~]] Notwithstanding the foregoing, the >>Mayor shall be able to present or sponsor reports, mayoral appointments, procurement-related matters and other matters where the presentation or sponsorship by the Mayor is required by the Home Rule Charter or state or federal law<< >>The M<<[[~~m~~]]anager shall be able to recommend directly to the Board the waiver of competitive bidding as provided in Section 5.03(D) of the Charter or quasi-judicial items >>and present or sponsor reports and other matters where the presentation or sponsorship by the County Manager is required by the Home Rule Charter or state or federal law.

R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum

MIAMI-DADE COUNTY

Date:

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

From: George M. Burgess
County Manager

Subject: Ordinance relating to Rules of Procedure; amending Sec. 2-1 regarding the Commission Agenda, authority to sponsor agenda items and disposition of reports

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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

Fis02408

MEMORANDUM

(Revised)

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

DATE: May 6, 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
Veto _____
Override _____

Agenda Item No.
5-6-08

ORDINANCE NO. _____

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE COUNTY COMMISSION; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGARDING THE COMMISSION AGENDA, AUTHORITY TO SPONSOR AGENDA ITEMS AND THE DISPOSITION OF REPORTS; 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]

CODE OF MIAMI-DADE COUNTY
CHAPTER 2. ADMINISTRATION
ARTICLE I. IN GENERAL

Sec. 2-1. Rules of Procedure of County Commission.

* * *

PART 4. COMMITTEES

Rule 4.01 Committees.

* * *

[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.

(h) COMMITTEE DELIBERATIONS. A commission committee may take one of the following actions with respect to each matter referred to the committee for action:

(1) Recommend favorably;

(2) Recommend favorably with committee amendment(s);

(3) Forward without recommendation, upon the unanimous vote of the members of the committee who are present;

[[~~(4)~~]] [[~~Receive a report;~~]]

[[~~(5)~~]]>>(4)<<Lay the matter on the table resulting in the matter not being placed on an agenda of the county commission; or

[[~~(6)~~]]>>(5)<<Defer or take no action on an item for a maximum of two consecutive committee meetings. Deferral of or failure to act on a matter beyond two consecutive committee meetings shall cause the matter to be laid on the table, as set forth in the preceding subparagraph.

>>A commission committee may take any one of the following actions regarding reports presented by, among others, the Mayor, County Manager, County Attorney, Clerk of the Board, County boards or any other person or entity authorized to present a report: (1) receive the report without endorsing any of the conclusions or recommendations contained therein; (2) adopt the report including all or some of the conclusions and/or recommendations contained therein; or (3) reject the report resulting in the matter not being placed on an agenda of the county commission. Reports which have been received or adopted as provided in the preceding sentence may be placed on a county commission agenda at the request of the presenter of the report.<<

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

Rule 5.05 Agenda.

(a) *Order of business.*

(1) There shall be an official agenda for every meeting of the Commission, which shall determine the order of business conducted at the meeting. The order of business for Tuesday meetings shall be as follows:

1. >>Roll call<<
   [[~~I~~]]>>i<<nvocation>>and/or moment of silence<<
   pledge of allegiance
   [[~~roll call~~]]
   reports of official county boards
   citizen's presentations
   motion to set agenda
   commission auditor
   office of intergovernmental affairs

2. Mayoral vetoes
   mayoral reports

3. Consent agenda

4. Ordinances for first reading

5. Public hearings which shall be scheduled for 9:30 a.m.

6. Chairperson of the board of county commissioners

7. Ordinances for second reading

8. Departments

9. Additional departmental items

10. Authorities, boards, councils and trusts

11. County commissioners

12. County manager

13. County attorney

14. Items subject to "4-day rule"

15. Clerk of the board.

Items shall be considered in the order in which they are placed on the agenda unless a majority of the Commissioners determines to deviate from the printed agenda or in the discretion of the chairperson, certain matters should be taken out of order to help eliminate logistical concerns or exigent circumstances which would impede the proper functioning of the commission. During a commission meeting, commissioners may identify certain items for individual consideration (i.e., the "pull list"). Agenda items not selected for individual consideration may be approved in a single vote.

The commission [[~~shall not take action upon any matter when it is first presented to the commission in a report or reports made by the County Commissioners~~]] >>may take any one of the following actions regarding reports presented by, among others, the Mayor, County Manager, County Attorney, Clerk of the Board, County boards or any other person or entity authorized to present a report: (1) receive the report without endorsing any of the conclusions or recommendations contained therein; (2) adopt the report including all or some of the conclusions and/or recommendations contained therein provided, however, that no recommendations contained in the report shall be implemented except as expressly provided for in the motion or resolution adopting the report; or (3) reject the report.<<

(2) At Thursday meetings the following items of business shall be conducted in the following order: (1) special presentations and proclamations; (2) policy matters for discussion by the board; (3) zoning; (4) metropolitan planning organization (MPO); (5) workshops.

(b) *Authority to sponsor or present items on agenda.*

(1) >>Except as provided elsewhere in the rules of procedure, ordinances, resolutions, reports and other matters<<[[~~Matters~~]] may >>only<< be presented or sponsored by a[~~ny~~] County Commissioner, a commission committee, [[~~the county mayor,~~]] the County Attorney and the Clerk of the Commission. [[~~The mayor's authority to sponsor a matter shall be limited to departmental items and shall be non-delegable. The~~

~~Board will not consider any such recommendation unless such recommendation has been approved in writing by the mayor. If, however, the mayor shall be incapacitated for a period in excess of 14 days, his or her authority to sponsor a departmental item shall be vested in the manager until the incapacity is removed.~~]] Notwithstanding the foregoing, the >>Mayor shall be able to present or sponsor reports, mayoral appointments, procurement-related matters and other matters where the presentation or sponsorship by the Mayor is required by the Home Rule Charter or state or federal law<< >>The M<<[[~~m~~]]anager shall be able to recommend directly to the Board the waiver of competitive bidding as provided in Section 5.03(D) of the Charter or quasi-judicial items >>and present or sponsor reports and other matters where the presentation or sponsorship by the County Manager is required by the Home Rule Charter or state or federal law.

* * *

Rule 5.06 Ordinances, resolutions, motions, contracts.

* * *

(c) [[~~*Introduction and*~~]] >>*S*<<[[~~*s*~~]]*ponsorship.* [[~~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 a~~]]>>A<<ny Commissioner may assume sponsorship [[~~thereof~~]] >>of any ordinance, resolution, report or other matter<< [[~~by moving that such ordinance, resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered.~~]]

* * *

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: RAC

Prepared by: GKS

Gerald K. Sanchez

Sponsored by Chairman Bruno A. Barreiro