

MEMORANDUM

Agenda Item No. 7(I)

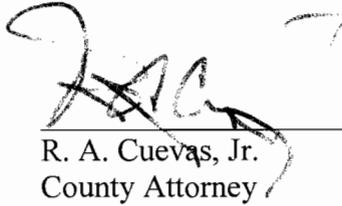
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 1, 2008

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

SUBJECT: Ordinance amending
Article XLVII of the
Code relating to
Metro-Miami Action
Plan Trust

The accompanying ordinance was prepared and placed on the agenda at the request of the Economic Development and Human Services Committee.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE
COUNTY

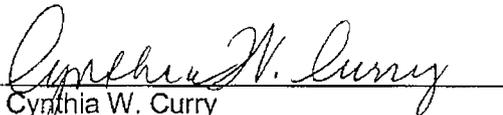
Date: July 1, 2008

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

From: George M. Burgess
County Manager

Subject: Ordinance amending Article XLVII of the Code of Miami-Dade, Florida, relating to Metro-Miami Action Plan Trust

The Ordinance relating to the Metro-Miami Action Plan Trust does not have a fiscal impact to Miami-Dade County.


Cynthia W. Curry
Senior Advisor

fis03207



MEMORANDUM
(Revised)

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

DATE: July 1, 2008


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

SUBJECT: Agenda Item No. 7(I)

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(I)
7-1-08

ORDINANCE NO. _____

ORDINANCE AMENDING ARTICLE XLVII OF THE
CODE OF MIAMI-DADE COUNTY, FLORIDA,
RELATING TO METRO-MIAMI ACTION PLAN
TRUST, 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 2-502 of the Code of Miami-Dade County, Florida is
hereby amended to read as follows:¹

Sec. 2-502. Governing Body.

(a) The governing body of the Trust shall be a Board of
Trustees composed of ~~[[twenty-one (21)]]~~ >>fifteen (15)<<
voting members. >>A quorum of the Trust shall be the
lesser of seven (7) Trustees or a majority of those Trustees
in office.<<

* * *

Section 2. Section 2-503 of the Code of Miami-Dade County, Florida is
hereby amended to read as follows:

Sec. 2-503. Appointment and tenure.

(a) *Nominating council.* Trustees shall be appointed by
resolution of the Board of County Commissioners
>>(hereinafter known as "Board")<< after having been
selected by the Metro-Miami Action Plan Trust
Nominating Council (hereinafter known as "Nominating
Council") established and described herein. The
Nominating Council shall be comprised of five (5) voting

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.

members, ~~[[one (1)]]~~>>two (2)<< of whom shall be the Chairperson of the Board of Trustees of the Trust >>and the Chair of the Board's committee with jurisdiction over economic development issues,<< who shall serve as the chair of the Nominating Council and ~~[[four (4)]]~~ >>three (3)<< of whom shall be appointed by the ~~[[Mayor]]~~ >>Chair of the Board of County Commissioners<< and ratified by the Board ~~[[of County Commissioners]]~~. No acting Trustee of the Trust, other than the Chairperson of the Board of Trustees, shall serve on the Nominating Council, nor shall any acting member of the Nominating Council, other than the Chairperson of the Board of Trustees, be eligible to serve on the Board of Trustees of the Trust. In serving on the Nominating Council, the Chairperson of the Board of Trustees of the Trust shall not vote on or participate in any way in any matter affecting the Chairperson's appointment to the Board of Trustees of the Trust. The members of the Nominating Council shall be appointed for staggered three-year terms and shall not serve more than >>two (2) consecutive and complete<< three (3) >>years each as set forth in Section 2-503(d) of this article<< ~~[[consecutive terms]]~~. The sole function of the Nominating Council shall be to solicit, screen, interview and recommend for appointment the best qualified candidate for each vacancy of the Board of Trustees. The Nominating Council and the procedures under which it will operate shall be approved by the Board of County Commissioners. The Nominating Council shall submit to the Board of County Commissioners one (1) nominee for each vacancy on the Trust Board. The slate of nominees shall be submitted directly to the Board of County Commissioners no later than September 1 of each year. As applicable, Section 2-11.36 et seq. of the Code of Miami-Dade County shall govern the establishment and activities of the Nominating Council. In the event the Commission is unable to appoint a member to the Board of Trustees pursuant to said section(s), no action of the Trust shall be rendered void because of such inability on the part of the Commission. >>The County Mayor shall designate a liaison to coordinate the Nominating Council process.<<

* * *

(d) *Tenure of Trustees.* The Trustees shall serve terms of three (3) years each; provided, however, that of the original Board of Trustees, the Board of County Commissioners shall select one-third for a term of one (1)

year and one-third for a term of two (2) years. No Trustee shall be permitted to serve more than >>two (2)<< ~~[[three (3)]]~~ consecutive and complete terms of three (3) years each unless so authorized by a two-thirds vote of the full membership of the Board of County Commissioners.

>>All Trustees serving on the Board of Trustees on the effective date of this ordinance shall continue to serve on the Board of Trustees. Current Trustees shall be eligible to serve up to two consecutive and complete three year terms. Service on the Board of Trustees by current members prior to the effective date of this ordinance shall not count towards the maximum term of service provided for in this ordinance. The initial Board of Trustees, appointed after the effective date of this ordinance, excluding Trustees serving on the Board of Trustees on the effective date of this ordinance, shall serve staggered terms. One-third of Trustees appointed after the effective date of this ordinance shall serve for a term of one (1) year, one-third shall serve for a term of two (2) years, and one-third shall serve for a term of three years. Straws shall be drawn to determine the terms.<<

* * *

Section 3. Section 2-505 of the Code of Miami-Dade County, Florida is

hereby amended to read as follows:

Sec. 2-505. Organization; staff support.

* * *

(e) The Trust shall present ~~[[an annual]]~~ >>quarterly << financial ~~[[report]]~~ >>reports, << including a current statement of all accounts>>, to the Commission Auditor and the County Manager<<. >>Said reports shall also include information concerning an assessment of the performance of each agency funded by the Trust as well as those program activities carried out directly by the Trust. In addition to these quarterly reports, the Trust shall submit annual reports to the County Manager and the Commission Auditor summarizing and evaluating all programs and activities undertaken by the Trust during the previous fiscal year. The annual report shall include an audit in accordance with generally accepted accounting principles

of all funds received and expended by the Trust.<< The Trust shall not be able, however, to establish any bank accounts without the express approval of either the Board of County Commissioners or the County Manager; provided, however, that the Trust can establish an account for Miami-Dade Community Foundation monies to receive and expend non-County monies which the Trust receives. No County monies nor income from County accounts shall be deposited into>>_external<< [[the Miami-Dade Community Foundation]] account>>s<<. >>The Trust shall be subject to periodic reviews as deemed necessary by the County Mayor, the Board of County Commissioners, the Department of Audit and Management Services and the Office of Strategic Business Management. In the event that these reviews reveal management problems, as determined by the reviewing entity, then the County Mayor, after the approval of the Board of County Commissioners, may place the Trust on Management Watch. If the Trust is placed on Management Watch, the Mayor shall present a plan to the Board of County Commissioners which provides timelines for removal of the Trust from Management Watch. The Mayor or the Board of County Commissioners shall have the authority to remove the Trust from Management Watch.<<

>>The Trust, in addition to providing quarterly financial reports, shall submit to the Board an annual Report Card on the State of the Black Community in Miami-Dade County. The report card shall include information on factors such as, but not limited to, the unemployment rate, the rates of business ownership, graduation rates, and homeownership rates within Miami-Dade County's Black community. The report card shall be presented to the Board and to the community.<<

* * *

Section 4. 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 5. 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 part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be re-numbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. 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:



Shannon D. Summerset

Sponsored by Economic Development and Human Services Committee