

MEMORANDUM B & F

Agenda Item No. 2(I)

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

DATE: December 9, 2008

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

SUBJECT: Ordinance amending
Sec. 2-56.33 of the Code
to provide for payment of
accumulated sick and annual
leave upon showing of good
cause

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairwoman Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



Date:

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

From: George M. Burgess
County Manager

A handwritten signature in cursive script, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Ordinance amending Section 2-56.33 of the Code of Miami-Dade County, to provide for payment of accumulated sick and annual leave upon showing of good cause

The ordinance providing for payment of accumulated sick and annual leave upon showing of good cause will not have a fiscal impact to Miami-Dade County.

A handwritten signature in cursive script, appearing to read "D. J. [unclear]", written above a horizontal line.

Assistant County Manager

fis00109



MEMORANDUM

(Revised)

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

DATE: October 7, 2008

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

SUBJECT: Agenda Item No. 4(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. 4(I)
10-7-08

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-56.33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE FOR PAYMENT OF ACCUMULATED SICK AND ANNUAL LEAVE UPON A SHOWING OF GOOD CAUSE; 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 2-56.33 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-56.33. Officer or employee under investigation of an offense.

Any county or Public Health Trust officer or employee who is under investigation by any governmental entity, whether county, state or federal, for commission of an offense involving a breach of the public trust committed while in county service, shall have any payment of accumulated sick and annual leave to which he or she may be entitled under this division and the Leave Manual held in escrow by the county or Public Health Trust until the investigation and any subsequent judicial proceedings thereon are completed. Such accumulated sick and annual leave shall be paid to the officer or employee together with interest thereon:

- (a) Upon indication from the investigating entity that the investigation has been concluded without the filing of charges or other proceedings; or

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.

- (b) Exoneration of the officer or employee; or
- (c) On the first year anniversary from the date payment would otherwise have been made unless there is an indication from the investigating entity that the investigation is continuing, and, if such indication is made, on each annual anniversary date thereafter. >>At any time after the first anniversary date, the County Manager may, upon a showing of good cause, release payment of accumulated sick and annual leave.<<

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:

WXC

William X. Candela

Prime Sponsor: Vice Chairwoman Barbara J. Jordan