

MEMORANDUM

GO

Agenda Item No. 2(C)

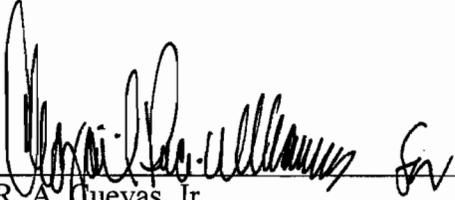
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 12, 2009

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

SUBJECT: Ordinance relating to Rules
of Procedures amending
Rule 5.05 to provide that
items forwarded by a
commission committee to the
County Commission are
exempt from the 4-day rule
under certain circumstances

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Natacha Seijas.



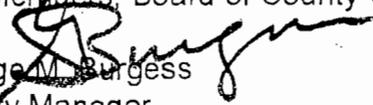
R. A. Cuevas, Jr.
County Attorney

RAC/jls

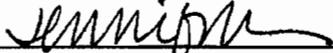
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Memorandum



Date:
To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
From: 
George M. Burgess
County Manager
Subject: Ordinance relating to Rules of Procedure to provide that items forwarded by a
commission committee to the County Commission are exempt from the 4-day rule

The ordinance relating to Rules of Procedure providing that items forwarded by a commission committee to the County Commission are exempt from the 4-day rule will not have a fiscal impact to Miami-Dade County.



Jennifer Glazer-Moon
Special Assistant/Director, Office of Strategic Business Management

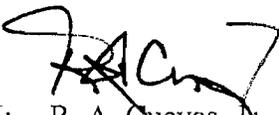
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MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** January 22, 2009
and Members, Board of County Commissioners

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

SUBJECT: Agenda Item No. 4(A)

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(A)
1-22-09

ORDINANCE NO. _____

ORDINANCE RELATING TO RULES OF PROCEDURE OF BOARD OF COUNTY COMMISSIONERS; AMENDING RULE 5.05 TO PROVIDE THAT ITEMS FORWARDED BY A COMMISSION COMMITTEE TO THE COUNTY COMMISSION ARE EXEMPT FROM THE "4-DAY RULE" UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Rule 5.05 (c) of the Rules of Procedure provides that a copy of each agenda item shall be furnished to each Commissioner not later than four (4) working days before a vote may be called on the item (hereinafter "4-day Rule"); and

WHEREAS, due to the scheduling of committee meetings during the week preceding the second Commission meeting of each month, items which are forwarded to the Commission by committees which, for example, meet on Monday and Tuesday are not subject to the "4-day Rule", while items forwarded by committees that meet on Wednesday through Friday are subject to the "4-day Rule"; and

WHEREAS, the Commission believes that considerations of fairness dictate that Rule 5.05(c) should be amended to provide that the "4-day Rule" is inapplicable to items which have been forwarded to the Commission by the committee of jurisdiction where the Chairperson of the committee and the Chairperson of the Commission concur in writing that the item should be placed on the agenda,

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

CHAPTER 2. ADMINISTRATION

ARTICLE I. IN GENERAL

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

* * *

Rule 5.05 Agenda.

* * *

- (c) "4-DAY RULE". A copy of each agenda item shall be furnished the members of the commission not later than four (4) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the board takes action on the resolution, ordinance, motion or other item in question. The provisions of the rule may not be waived under Rule 7.01(n); however, this rule is not applicable to special or emergency meetings called pursuant to Rule 3.02>>_<< ~~[[or]]~~ to items related to the County's legislative package >>or to items which have been forwarded to the commission by the committee of jurisdiction where the chairperson of the committee and the chairperson of the commission concur in writing that the item should be placed on the agenda<<. ~~[[One (1) year after the effective date of this enactment, this Rule shall not be applicable to items originated by the Department of Procurement Management, including bid awards and bid waivers, which have been forwarded to the Commission by the Committee, unless prior to such time the Board repeals or amends this Rule.]]~~

* * *

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:

APW

Prepared by:

GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Barbara J. Jordan

Co-Sponsor: Commissioner Natacha Seijas