MEMORANDUM

Agenda Item No. 7(A)

(Second Reading 6-2-09)

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

DATE: April 7, 2009

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

SUBJECT: Ordinance relating to the Rules of Procedure amending Section 2-1 of the Code of Miami-Dade County modifying order of the day to provide for Board Policy discussions

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum

MIAMI-DADE COUNTY

Date: June 2, 2009

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

The ordinance relating to Rules of Procedure modifying order of the day will not have a fiscal impact on Miami-Dade County.

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

fis03109

MEMORANDUM

(Revised)

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

DATE: June 2, 2009

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

SUBJECT: Agenda Item No. 7(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 Mayor'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(A)
6-2-09

ORDINANCE NO. _____

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; MODIFYING ORDER OF THE DAY TO EXPRESSLY PROVIDE FOR BOARD POLICY DISCUSSIONS ON TUESDAYS AND MAKING OTHER CHANGES TO THE ORDER OF THE DAY; CONFORMING RULES OF PROCEDURE TO HOME RULE CHARTER AMENDMENT WHICH REQUIRES THE MAYOR TO MAKE RECOMMENDATIONS FOR WAIVER OF COMPETITIVE BIDDING; 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]

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:

>>roll call<<

[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.

invocation
pledge of allegiance
[[~~roll call~~]]
>>special presentations<<
[[~~reports of official county boards~~]]
citizen's presentations
>>reports of official county boards<<
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>>(a)<<. chairperson of the board of county commissioners

>>6(b). policy matters for discussion by the board<<

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.

(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) Matters may be presented or sponsored by any 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<< [[~~manager~~]] 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.

(2) Proposed agenda items not delivered in accordance with subsection (c) hereof, or which have not been considered by any committee, (except for alternates, substitutes and items not subject to committee review) shall not be placed on the agenda unless the chairperson of the committee which has jurisdiction over the item, if any, and the chairperson of the commission concur in writing.

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: CJS

Cynthia Johnson-Stacks

Prime Sponsor: Chairman Dennis C. Moss