MEMORANDUM

Agenda Item No. 7(D)

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

DATE: June 3, 2010

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

SUBJECT: Ordinance amending Section 2-1795 of the Code related to procedures to be followed by the Commission Auditor in the preparation and adoption of the County's annual budget

This item was amended at the Budget, Planning & Sustainability Committee on May 11, 2010. The committee amendment provides that the Commission Auditor prepare a separate budget for the Board of County Commissioners and all departments and divisions that report to the Board. In addition, the committee amendment provides that the Commission Auditor shall review any mid year and year end budget amendments proposed by the Mayor and present his or her recommendations to the Board regarding such proposed amendments.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

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

From: George M. Burgess
County Manager

Subject: Ordinance amending Section 2-1795 of the Code related to procedures to be followed by the Commission Auditor

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The Proposed Ordinance amending Section 2-1795 of the Code of Miami-Dade County, related to procedures to be followed by the Commission Auditor in the preparation and adoption of the County's annual budget will have no fiscal impact.

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

Fis04110

MEMORANDUM

(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(D)
6-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-1795 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO PROCEDURES TO BE FOLLOWED BY THE COMMISSION AUDITOR IN THE PREPARATION AND ADOPTION OF THE COUNTY'S ANNUAL BUDGET; 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 2-1795 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec 2-1795. **Allocation of County Resources.**

* * *

(d) The County Manager shall, no later than January 31 of each year, transmit to the Board of County Commissioners no more than twenty (20) of his or her top recommendations to be reflected in the coming year's budget. These recommendations shall be presented in measurable, quantifiable terms to the extent possible and shall be considered by the appropriate committees of the County Commission. Each committee shall formulate its top priorities and policy objectives and forward those recommendations to the County Commission. The County Commission shall no later than the first meeting in April of each year consider the Committees' priorities and policy objectives and, by motion, approve up to twenty (20) priorities and policy objectives for the coming year's budget. This list shall guide the

[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.

Commission when adopting the budget. On an annual basis, the County Manager shall present the proposed budget, including the proposed resource allocation plans, to the Board of County Commissioners for approval in accordance with the requirements of Section 5.03 of the Home Rule Charter. The Commission Auditor shall work with the Office of Strategic Business Management in the development of the proposed budget. Copies of the proposed budget referenced in the first sentence of Section 5.03(B) of the Home Rule Charter shall be made available to the County Commission and the Commission Auditor on the same date as such budget is presented by the County Manager to the Mayor. The Commission Auditor shall then commence an in-depth review and analysis of such budget giving full consideration to the County Commission's adopted priorities and policy directives >>, including specifically, an in-depth review and analysis of the proposed budget of the<< >>Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, the<<[2] >>Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the Board of County Commissioners' fund<<. The Commission Auditor's in-depth review and analysis shall include a review and analysis of any changes to [[~~such proposed~~]] >>the budget proposed by the Mayor<< made as a result of the budget prepared and recommended by the County Manager, and the Mayor's written response thereto, presented to the Commission in accordance with the second sentence of Section 5.03(B) of the Home Rule Charter. >>In addition to the foregoing, the Commission Auditor, in consultation with the Chair of the committee having jurisdiction over budgetary matters and the Mayor's designee from the Office of Strategic Business Management, shall prepare a separate budget for the << >>Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, the<< >>Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the Board of County Commissioners' fund. Prior to the first meeting of the Committee of the Whole, the Commission Auditor shall present same to the Committee of the Whole.<< Between August 15th and the first budget hearing, a Committee of the Whole shall meet to review and discuss the >>Mayor's<<

[2] Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

proposed budget >>and the Commission Auditor's proposed budgets for the<< >>Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, the<< >>Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the Board of County Commissioners' fund<< in relation to the County Commission's approved budget priorities and policy objectives and the findings, results and recommendations of the Commission Auditor. Prior to the first budget hearing and after consultation with the Commission Chair and the Chair of the committee having jurisdiction over budgetary matters, the Commission Auditor, in cooperation with the Mayor or his/her designee, shall prepare and issue any recommended written changes to the >>Mayor's<< proposed budget and shall present same together with proposed budget amendments to the County Commission at the first budget hearing. A Committee of the Whole shall meet between the first and second budget hearings to discuss any proposed changes and recommendations which may result from the first budget hearing. At the second budget hearing, after consultation with the Chair of the Commission and the Chair of the committee having jurisdiction over budgetary matters and in cooperation with the Mayor or his/her designee, the Commission Auditor shall issue any final recommended written changes to the tentative budget and then present implementing amendments thereto to the County Commission. >>In addition, the Commission Auditor shall review and analyze any mid year and year end budget amendments proposed by the Mayor or his/her designee giving full consideration to the County Commission's adopted priorities and policy directives. The Commission Auditor shall issue any final recommended written changes to the Mayor's proposed mid year and year end budget amendments and present same to the County Commission prior to its consideration of such proposed budget amendments.<< This paragraph is not intended to be construed in any way as a limitation on the Mayor's right to participate in the budget process as set forth in the Home Rule Charter, including specifically the right to attend and be heard at the budget hearings to express a difference of opinion with the Commission Auditor's recommendations and proposed changes >>, or the Commission Auditor's proposed budgets for the<< >>Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, the<< >>Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the

Board of County Commissioners' fund<<. The responsibilities assigned by this section to the Commission Auditor shall be deemed a permanent element of the Commission Auditor's annual work program for each ensuing fiscal year without need for further Commission approval.

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: RAA

Prepared by: GBK

Geri Bonzon-Keenan

Prime Sponsor: Commissioner Joe A. Martinez