

MEMORANDUM

Agenda Item No. 7(B)

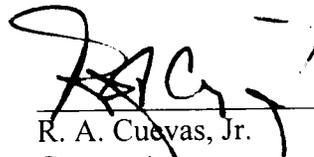
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: (Second Reading 11-4-10)
July 20, 2010

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

SUBJECT: Ordinance amending Section
2-1 of the Code relating to rules
of procedure to provide that
resolutions or motions directing
Mayor to prepare an item for
consideration by the County
Commission are exempt from
the "4-Day Rule"

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez, and Co-Sponsors Commissioner Audrey M. Edmonson, Commissioner Joe A. Martinez and Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum



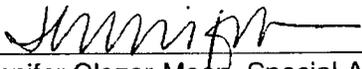
Date: November 4, 2010

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

From: George M. Burges: 
County Manager

Subject: Ordinance amending Section 2-1 of the Code of Miami-Dade County relating to the rules of procedure of the Board of County Commissioners

The proposed ordinance amending Section 2-1 of the Code, providing that resolutions or motions directing the Mayor or his designee to prepare an item for consideration by the County Commission are exempt from the "4-Day Rule" will have no fiscal impact to the County.



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



MEMORANDUM

(Revised)

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

DATE: November 4, 2010

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

SUBJECT: Agenda Item No. 7(B)

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(B)
11-4-10

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING RULE 5.05 TO PROVIDE THAT RESOLUTIONS OR MOTIONS DIRECTING MAYOR OR DESIGNEE TO PREPARE AN ITEM FOR CONSIDERATION BY THE COUNTY COMMISSION ARE EXEMPT FROM THE "4-DAY RULE"; 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

CHAPTER 2. ADMINISTRATION

ARTICLE I. IN GENERAL

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

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

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.

Rule 5.05. AGENDA.

* * *

(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 shall 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.

(c) *4-day rule.* A copy of each agenda item shall be furnished to 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, items related to the County's legislative package, resolutions recommending the acceleration and deceleration of Building Better Communities General Obligation Bond Program funding of projects using unspent bond proceeds, including interest earnings and premium funds<><< [[and]] items originated by the Department of Procurement Management, including bid awards and bid waivers, which have been forwarded to the commission by committee >>and resolutions or motions directing the Mayor or his or her designee to prepare an item for consideration by the Commission<<.

Section 3. 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 4. 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.

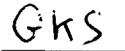
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez

Prime Sponsor: Commissioner Carlos A. Gimenez
Co-Sponsors: Commissioner Audrey M. Edmonson
Commissioner Joe A. Martinez
Commissioner Rebeca Sosa