



MEMORANDUM

Agenda Item No. 4(C)

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

DATE: October 19, 2010

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

SUBJECT: Ordinance relating to Rules of Procedure of the Board of County Commissioners; amending Section 2-1 of the Code by eliminating Commission Committees and provisions relating to committee system; providing severability, inclusion in the Code

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

A handwritten signature in black ink, appearing to read "RAC", written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: October 19, 2010

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

SUBJECT: Agenda Item No. 4(C)

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. 4(C)
10-19-10

ORDINANCE NO. _____

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, BY ELIMINATING COMMISSION COMMITTEES AND PROVISIONS RELATING TO COMMITTEE SYSTEM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the rules of procedure of the Board of County Commissioners currently provide for the creation of a committee system; and

WHEREAS, there are currently seven committees and Commissioners serve on as many as four committees; and

WHEREAS, a substantial number of public hearings are held by Commission committees; and

WHEREAS, public hearings held at the committee level are usually attended by less than a majority of the members of the County Commission; and

WHEREAS, when public hearings are held before a Commission committee, members of the public are typically only given the opportunity to directly address six or fewer Commissioners; and

WHEREAS, members of the public who take the time and energy to attend a public hearing should be given the opportunity to address the entire Commission; and

WHEREAS, the average committee meeting during committee week lasts an average of two hours; and

WHEREAS, Commissioners and their staffs as well as County staff spend a substantial

amount of time preparing for and attending committee meetings during committee week; and

WHEREAS, the assignment of items to committees frequently delays the consideration of items by the County Commission; and

WHEREAS, the Commission believes that the committee system should be eliminated for the aforementioned reasons,

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 2. OFFICERS

Rule 2.01 Chairperson and Vice-Chairperson.

(a) *Chairperson.*

(1) *Election, term, term limitation, and removal.* A chairperson of the board of county commissioners shall be elected for a term of two (2) years by the vote of at least seven (7) commissioners at the commission meeting following the installation of the county commissioners during each even-numbered year. The chairperson's term shall commence on January 1 of the following year. 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.

chairperson may be removed prior to the expiration of his or her term by the vote of nine (9) commissioners. No commissioner shall serve as chairperson of the county commission for more than two consecutive years.

(2) *Duties of chairperson.* The chairperson shall:

(a) Preside at all meetings of the commission and preserve strict order and decorum;

(b) State every question coming before the commission and announce the decision of the commission on all matters coming before it;

~~[(e)]~~ ~~Appoint the chairpersons, vice-chairpersons and members of all commission committees, including standing committees, ad hoc committees and subcommittees;]~~

~~[(d)]~~>>(c)<< Convene committees of the whole;

~~[(e)]~~>>(d)<< Designate and supervise all persons who shall serve as employees of the entire county commission, as set forth in the pool budget, including employees of the Office of Legislative Analysis;

~~[(f)]~~>>(e)<< Have responsibility for the administration of the pool budget of the board of county commissioners, in conjunction with the manager;

~~[(g)]~~>>(f)<< Issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence ~~[[required by a committee, upon the request of the chairperson~~

~~of any commission committee];~~
>>and<<

[[~~(h) Schedule the meetings of all commission committees, in consultation with the committee chairperson and vice chairperson, to provide each with an opportunity to meet without conflicting with the meetings of other committees; and]]~~

[[~~(i)~~]]>>(g)<<Designate the arrangement and configuration of the county commission dais.

~~[[The chairperson shall serve as an exofficio voting member of all commission committees but shall not count as a member of a committee for purposes of determining the existence of a quorum.]]~~

(b) *Vice-chairperson.*

(1) *Election, term, term limitation and removal.* A vice-chairperson of the board of county commissioners shall be elected for a term of two (2) years by the vote of at least seven (7) commissioners at the commission meeting following the installation of the county commissioners during each even-numbered year. The term of office for the vice-chairperson of the board shall commence on January 1 of the following year. The vice-chairperson may be removed prior to the expiration of his or her term by the vote of at least seven (7) commissioners. No commissioner shall serve as vice-chairperson of the county commission for more than two consecutive years.

(2) *Duties of vice-chairperson.* ~~[[Unless the chairperson appoints the vice chairperson as a voting member of a committee, the vice chairperson shall serve as an ex officio non voting member of each commission committee, but shall not count as a member of a committee on which he or she serves as a non-voting member for purposes of determining the existence of a quorum.]]~~ The vice-chairperson of the board shall perform the duties of the chairperson

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in the event of the absence or incapacity of the chairperson. The vice-chairperson shall complete the unfinished term of any chairperson who resigns or is removed as chairperson of the commission.

Rule 2.02 Clerk.

The Clerk of the Circuit Court or a designated Deputy Clerk shall act as Clerk of the Commission. The Clerk of the Commission shall prepare the minutes and shall certify all ordinances and resolutions adopted by the Commission.

Rule 2.03 County Attorney.

The County Attorney, or such member of the office of the County Attorney as may be designated, shall be available to the Commission at all meetings. The County Attorney shall act as parliamentarian, and shall advise and assist the Presiding Officer in matters of parliamentary law.

Rule 2.04 Sergeant-at-Arms.

The Miami-Dade Police Director, or such other county official or employee as the Commission may designate, shall be the Sergeant-at-Arms at commission meetings~~[[, commission committee and subcommittee meetings]]~~ and community council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the meetings.

* * *

PART 4. ~~[[COMMITTEES]]~~>>RESERVED<<

~~[[Rule 4.01 Committees.~~

- ~~(a) *Establishment of commission committees.* The county commission shall convene as a committee of the whole within 30 days of the date of the election of the commission chairperson and vice chairperson to make recommendations to the chairperson regarding: the number of standing county commission committees; the subject matter of the commission's standing committees; the number of members on each standing committee; and the maximum number, if any, of standing committees on which a commissioner may serve. Within thirty (30) days of the chairperson's receipt of the recommendations of the~~

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~~committee of the whole, the commission chairperson shall establish standing county commission committees, determine the subject matter of these committees, the maximum number, if any, of standing committees on which a commissioner may serve, and the number of members on each committee and shall establish any additional procedural rules of order consistent with this section which are necessary for the efficient and effective operation of the committee system.~~

- (b) ~~*Appointment of committee members.*~~ The chairperson of the county commission shall appoint the membership of each commission committee after he or she has received any written expressions of interest from commissioners as to their preferences for committee service.
- (c) ~~*Committee chairperson and vice chairperson.*~~ A chairperson and a vice chairperson of each commission committee shall be appointed by the chairperson of the commission and shall continue in office at the pleasure of the chairperson of the commission. The chairperson of the commission shall also appoint a chairperson for each subcommittee authorized by these rules and may designate a vice chairperson, both of whom shall continue in office at the pleasure of the chairperson of the commission. The committee chairperson shall set the order of items on the committee agenda for each committee meeting. The chairperson shall preserve order and decorum and shall have general control of committee proceedings. If there is a disturbance or disorderly conduct during the committee meeting, the chairperson or vice chairperson may require participants in the disturbance to clear the room. The vice chairperson shall perform the duties of the chairperson in the absence of the chairperson. If the chairperson and vice chairperson are absent, the committee may select one of its members to perform the duties of the chair for the meeting during which the chairperson and the vice chairperson are absent.
- (d) ~~*Powers of commission committees.*~~ Commission committees and subcommittees are authorized:
- (1) ~~To maintain a continuous review of the work and performance of county agencies and, notwithstanding any provision to the contrary in the~~

- ~~Code, county boards within the jurisdiction of each committee;~~
- ~~(2) To invite public officials, employees, and private individuals to appear before the committees or subcommittees to submit information;~~
 - ~~(3) To request reports from departments and, notwithstanding any provision to the contrary in the Code, county boards performing functions reasonably related to each committee's jurisdiction;~~
 - ~~(4) To complete interim projects assigned by the chairperson of the commission;~~
 - ~~(5) To review and make recommendations with regard to prospective agenda items, and to propose or amend the same; and~~
 - ~~(6) Notwithstanding any provision to the contrary in the Code, to conduct public hearings, unless state or federal law requires the county commission to conduct a given public hearing.~~
- ~~(e) *Ancillary powers.* In order to carry out its duties, each commission committee shall be empowered to inspect and investigate the books, records, papers, documents, data, operations, and physical plant of any department, agency or entity of Miami Dade County. The chairperson of a commission committee may request the chairperson of the commission to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The chairperson of the commission may issue said process at the request of the committee chairperson. Any member of a standing committee or subcommittee may administer oaths and affirmations, in the manner prescribed by law to witnesses who appear before such committees to testify in any matter requiring evidence.~~
- ~~(f) *Committee and commission agendas.* Administrative deadlines for printing the committee and commission agendas shall be established by the county manager and the county attorney that are sufficient to allow for timely printing of the committee and commission agendas. The~~

~~commission chairperson, in consultation with the county attorney and county manager, shall assign all resolutions, ordinances for second reading, reports and other prospective agenda items received by the applicable administrative deadline to the appropriate committee agenda for consideration as required by these rules. Following any required committee consideration, the commission chairperson, in consultation with the county attorney and the county manager, shall place items on the appropriate commission agenda, as permitted by these rules. A duly authorized designee of the county manager, the county attorney, or the chairperson may carry out the duties assigned to these persons pursuant to this paragraph.~~

- (g) ~~*Subcommittees.* The chairperson of the county commission may appoint a subcommittee to study or investigate a specific matter falling within the jurisdiction of a standing committee or to consider legislation or policy issues referred to it. The chairperson of the commission shall be notified on completion of the assignment. Subcommittees shall exist only for the time period necessary to complete their assignments and report to their commission committees; provided, however, that subcommittees shall not be in existence for a period in excess of ninety (90) days, unless otherwise specified by the commission chairperson. Reports prepared by subcommittees shall be reviewed by the commission committee with jurisdiction over the subject matter of the report and accepted, amended, or rejected by majority vote of those committee members present.~~
- (h) ~~*Committee deliberations.* A commission committee may take one of the following actions with respect to each matter referred to the committee for action:~~
- ~~(1) Recommend favorably;~~
 - ~~(2) Recommend favorably with committee amendment(s);~~
 - ~~(3) Forward without recommendation, upon the unanimous vote of the members of the committee who are present;~~
 - ~~(4) Receive a report;~~

- (5) ~~Lay the matter on the table resulting in the matter not being placed on an agenda of the county commission. A report submitted by a county board may not be laid on the table where the ordinance creating the county board requires that a report be submitted to the county commission; or~~
- (6) ~~Defer or take no action on an item for a maximum of two consecutive committee meetings. Deferral of or failure to act on a matter beyond two consecutive committee meetings shall cause the matter to be laid on the table, as set forth in the preceding subparagraph. Notwithstanding any other provision of these Rules of Procedure, whenever action can not be taken because the vote of the committee members on an item has resulted in a tie, and no other available motion on an item is made and approved before the next item is called for consideration or before a recess or adjournment is called, whichever occurs first, the item shall be deemed to be laid on the table, as set forth in the preceding subparagraph; such item shall be reintroduced only in accordance with the renewal provisions of Rule 4.01(r).~~
- (i) ~~*Committee consideration required.* Except as provided elsewhere in these rules, no item shall be placed on a commission agenda or considered by the county commission, unless each committee to which the item has been referred has forwarded the item to the commission pursuant to Section 4.01(h)(1), (2), (3), or (4) above.~~
- (j) ~~*Exceptions to Committee Requirement.*~~
 - (1) ~~An item that has not been considered by a committee may be placed on the agenda of the county commission if the chairperson of the committee to which the item has been referred requests a waiver in writing and the commission chairperson concurs.~~
 - (2) ~~Quasi judicial items, special taxing districts, ordinances for first reading, consent agenda items, district office fund allocations, special presentations, road co designations, citizens' presentations, bid protests, settlements, options to~~

~~renew contracts, 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, resolutions urging an entity or person to take stated action, resolutions taking a position or seeking direction from the Board on legislation or administrative action at the federal, state or local level, resolutions related to contract lobbyist conflict waiver requests and resolutions expressing intent shall be heard directly by the county commission. On such items, the public shall have the same rights to participate and be heard at the county commission as they would have received had the item been heard in committee.~~

(3) ~~Whenever the committee of jurisdiction considers a proposed road closing in a commission district where the district commissioner is not a member of the committee of jurisdiction, the County Manager shall notify the commissioner prior to the meeting. Under such circumstances, the committee may only lay the item on the table if the district commissioner attends the commission meeting and states that he or she supports laying the matter on the table.~~

(k) ~~*Emergency matters; time sensitive matters.* A matter that has not been considered by the committee(s) to which it is assigned may be placed on the agenda of the county commission by the chairperson to meet a public emergency as provided in Section 1.02 of the Home Rule Charter. Time sensitive matters with little or no financial impact on the county may be placed on an agenda of the county commission by the chairperson of the commission without having been considered by a committee.~~

(l) ~~*Quorum.* A quorum of any commission committee must be present in order for committee to take action. A majority of the members of each commission committee or subcommittee shall constitute a quorum.~~

(m) ~~*Calling committee to order.* The chairperson or, in the chairperson's absence, the vice chairperson, shall call the committee to order at the time for which the meeting was~~

~~noticed. On the appearance of a quorum the committee shall proceed with the order of business.~~

- (n) ~~"3-day rule". A copy of each agenda item shall be furnished to the members of each committee and subcommittee not later than three (3) 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 committee takes action on the resolution, ordinance, motion or other item in question.~~

~~Proposed committee agenda items not delivered in accordance with the preceding paragraph (except for alternates, and substitutes), shall not be placed on the committee agenda unless placed on the agenda at the request of the committee chair.~~

- (o) ~~Members' attendance. Committee attendance requirements shall be established by the chairperson of the commission, after receiving recommendations by a commission committee of the whole regarding any attendance requirements.~~
- (p) ~~Majority vote required. Unless otherwise specified in these rules, an affirmative vote of voting members present, as long as a quorum is present, shall be required to act upon any ordinance, resolution, report or other matter considered by the committee.~~
- (q) ~~Reconsideration. Any committee action taken pursuant to Rule 4.01(h) may be reconsidered only at the same meeting at which the action was taken. A motion to reconsider an item resulting in a tie vote is out of order and no such motion may be reconsidered.~~
- (r) ~~Renewal. Once an ordinance or resolution is laid on the table in a committee, the proposed ordinance or resolution may not be brought before that committee again during the three (3) month period following the date the item is laid on the table (subject to the provisions of Rule 4.01(q)), unless an application for renewal made by two thirds (2/3) of the committee members is first submitted to the chairperson of the committee.~~
- (s) ~~Statements of fiscal impact required for ordinances; exceptions. Prior to the public hearing of any ordinance, the~~

~~county manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No public hearing on any ordinance shall be held, if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provision of this rule shall not apply to any emergency ordinance or any budget ordinance.]]~~

PART 5. CONDUCT OF MEETINGS; AGENDA

Rule 5.01 Call to order.

Promptly at the hour set for each meeting, the members of the Commission, the County Attorney, the Manager and the Clerk shall take their regular stations in the Commission Chamber. The chairperson shall take the chair and shall call the Commission to order immediately. In the absence of the chairperson and vice-chairperson, the Clerk shall then determine whether a quorum is present and in that event shall call for the election of a temporary Presiding Officer. Upon the arrival of the chairperson or vice-chairperson, the temporary Presiding Officer shall relinquish the chair upon the conclusion of the business immediately before the Commission.

Rule 5.02 Roll call.

The Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. In the event the roll call reflects the absence of any member on official county business that fact shall be noted in the minutes. Any County Commissioner who intends to be absent from any Commission meeting shall notify the Clerk of the board of the intended absence as soon as convenient.

Rule 5.03 Quorum.

A majority of the Commissioners then in office shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the Commission without the affirmative vote of the majority of all the members present.

Rule 5.04 Failure to attain a quorum.

Should no quorum attend within thirty (30) minutes after the hour appointed for the meeting of the Commission, the chairperson or the Clerk may adjourn the meeting until another hour or day unless, by unanimous agreement, those members

present select another time. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk.

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:

1. Roll call
Invocation
Pledge of allegiance
Special presentations
Citizens' 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.
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.

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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 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~~>>and<<[[,]]~~ 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]]~~.
- (d) *Approval of minutes.* Unless a reading of the minutes of a meeting is requested by a majority of the Commission, such minutes, when approved by the Commission and signed by the Presiding Officer and the Clerk, shall be considered approved without reading; provided that the clerk shall

place a copy of the minutes of each meeting, as soon as they have been completed, at a designated place in the Clerk's office where they may be examined by the Commissioners prior to formal approval. A copy of such minutes shall, upon completion by the Clerk, be delivered to the County Manager and County Attorney. The minutes of prior meetings may only be approved by a majority of the Commissioners present at a meeting of the Commission, and upon such approval shall become the official minutes.

- (e) *Removal of public hearing items from the agenda.* The sponsor of an item scheduled for public hearing shall be able to withdraw that item from the Commission agenda at any time prior to the commencement of the public hearing by written notification to the agenda coordinator.
- (f) ~~[[Public hearings heard by committee. When a public hearing relating to an ordinance or resolution is conducted before a commission committee as authorized herein, no additional testimony from the public shall be permitted except by a majority vote of those members present before final action is taken; however, debate by commissioners shall be allowed.]]>>~~ Statements of fiscal impact required for ordinances; exceptions. Prior to the public hearing of any ordinance, the county manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No public hearing on any ordinance shall be held, if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provision of this rule shall not apply to any emergency ordinance or any budget ordinance.<<

Rule 5.06 Ordinances, resolutions, motions, contracts.

- (a) *Preparation and enactment of ordinances.* The County Attorney, when requested, shall prepare ordinances and resolutions.

Ordinances may be introduced and listed by title and shall be read by title only before consideration by the Commission on first reading. On first reading of ordinances, there shall be no discussion by either County Commissioners, County staff or members of the public. On

first reading only, the Commission may either vote for all ordinances in one (1) vote or may vote separately on any ordinance. At second reading, each ordinance shall be voted on individually.

- (b) *Approval by County Attorney.* All ordinances, resolutions and contract documents, before presentation to ~~[[a commission committee or]]~~ the Commission, shall have been reduced to writing and shall have been approved as to form and legality by the County Attorney. Prior to presentation all such documents may be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve. The county attorney shall communicate with a designated staff person from each commissioner's office regarding the preparation and tracking of agenda items.
- (c) *Introduction and sponsorship.* Ordinances, resolutions and other matters and subjects requiring action by the Commission must be introduced and sponsored by a member of the Commission, except that either the Manager or the County Attorney may present ordinances, resolutions and other matters or subjects to the Commission for consideration, and any Commissioner may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered.
- (d) *Exception.* The provisions of this Rule 5.06 shall not be applicable to zoning resolutions which shall be governed exclusively by chapter 33 of the Code.
- (e) *When action to be taken by resolution or ordinance.* All actions of the Commission may be taken by motion, resolution or ordinance except that any action of the Commission which provides for raising revenue, appropriating funds or incurring indebtedness (other than refunding indebtedness), or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed, shall be by ordinance.
- (f) *Ordinances directly affecting municipalities.* Any proposed county ordinances that would directly affect the jurisdiction or the duties of municipalities or their officers, or any proposed ordinances that may have a direct fiscal impact

upon municipal governments in Miami-Dade County, shall be scheduled for second reading no sooner than six (6) weeks after its passage on first reading. At least four (4) weeks prior to the scheduled public hearing, the County Manager is directed to mail or e-mail a copy of the proposed ordinance to each city clerk, city attorney, city manager and the Executive Director of the Miami-Dade League of Cities, Inc. The County Manager's communication shall include the date of the scheduled public hearing and shall state that the proposed ordinance may have an impact upon municipalities. This subsection shall be construed as directory only, and failure to comply with the provisions hereof shall not affect the validity of any ordinance.

- (g) *Prime sponsorship and co-sponsorship.* When a resolution or ordinance is placed on the agenda at the request of a commissioner, the commissioner who requested the preparation of the item shall be designated as the prime sponsor. Any other commissioner who wishes to sponsor the resolution or ordinance shall be designated as a co-sponsor.
- (h) ~~[[Items amended in committee. Any item on the commission agenda that has been amended in committee shall so indicate on the cover memorandum and include a brief description of the amendment. In addition, committee amendments shall be uniquely identified in the item itself so as to distinguish committee amendments from the original item, such as by underlining and strike through in the case of a resolution amended in committee and by double underlining and double strike through in the case of an ordinance amended in committee, or where such an approach would not clearly show committee amendments or is not practical, by providing footnotes or comments on the item.~~
- (i) *Substitute and alternate items.* Any item on ~~[[a committee agenda or]]~~ the commission agenda that is a substitute or alternate shall so indicate on the cover memorandum and include a brief description of how the item differs from the original item. In addition, differences between the original item and the substitute or alternate item shall be uniquely identified in the substitute or alternate item itself so as to distinguish it from the original item, such as by underlining and strike-through in the case of a resolution, by double

underlining and double strike-through in the case of an ordinance, or where such approaches would not clearly show the differences or are not practical, by providing footnotes or comments on the item.

* * *

PART 8. MAYORAL VETO AND COMMISSION OVERRIDE

Rule 8.01 Mayoral veto and Commission override.

The veto provisions of Section 1.10.A of the Miami-Dade County Home Rule Charter shall be exercised exclusively in accordance with the terms and conditions of this rule.

- (a) Each ordinance and resolution finally adopted by the Commission shall contain a place for noting Mayoral approval or veto, and Commission override. The Mayor may indicate approval of any ordinance or resolution by signing it in the place provided, or the Mayor may permit the item to become effective in accordance with its terms by allowing ten (10) days to elapse without exercising a veto.
- (b) If the Mayor determines to veto an ordinance, resolution, motion or budget line item, the Mayor shall personally sign a copy of the form set forth herein in the place so provided and shall indicate with specificity the reason(s) for the veto. The form shall be as follows:

OFFICE OF THE MAYOR
MIAMI-DADE COUNTY, FLORIDA

VETO AND VETO MESSAGE

To: Honorable Chairperson and Members
Board of County Commissioners
Miami-Dade County, Florida

From: [Signature of Mayor]
_____, Mayor
Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Section 1.10.A of the Miami-Dade County Home Rule Charter, I hereby veto:

{state ordinance, resolution, motion or budget line item}
Veto message:

- (c) The completed form shall be submitted to the Clerk of the board on or before 4:30 p.m. on the tenth (10th) calendar day following final Commission enactment or adoption thereof. The Clerk's official date and time recorder stamp on the completed form shall conclusively determine compliance or noncompliance with the ten-day time frame.
- (d) The Clerk shall place items vetoed by the Mayor, together with the completed veto forms, on the next regularly scheduled Commission agenda as the first substantive items for Commission consideration.
- (e) Notwithstanding any other rule of the Commission, items vetoed by the Mayor shall (1) not be subject to the "4-day rule" as provided in Rule 5.05(c); (2) not be deferred to a future meeting; (3) ~~not require committee review~~; (4) not be subject to a motion to reconsider, except at the same meeting; >>(4)<<[(5)] not require first reading; >>(5)<<[(6)] not require publication or additional public hearings; or >>(6)<<[(7)] not be amended if the item required special publication or a public hearing to be originally adopted or enacted.
- (f) A motion to override a mayoral veto shall be stated as follows:
 - (1) "I move that [the ordinance, resolution or motion] be adopted and become effective notwithstanding the veto of the Mayor," or
 - (2) "I move that [the specific line item in the budget] be restored to the ordinance and become effective notwithstanding the veto of the Mayor."
- (g) If two-thirds (2/3) of all commissioners present vote in favor of the motion as stated in subsection (f) above, the ordinance, resolution, motion or budget appropriation shall be deemed enacted or adopted and effective in accordance

with its terms; otherwise, the Mayor's veto shall be deemed sustained.

- (h) The provisions of this rule shall not be waived under Rule 7.01(n).

PART 8.1. MAYORAL APPOINTMENT OF COUNTY
MANAGER AND OF DEPARTMENT DIRECTORS OF THE
ADMINISTRATIVE DEPARTMENTS OF THE COUNTY, AND
COMMISSION DISAPPROVAL.

*Rule 8.1.01. Mayoral Appointment of the County Manager and of
Department Directors of the Administrative Departments of the
County, and Commission Disapproval*

The authority and powers provided to the Mayor and the Commission under Sections 2.02 C and D of the Miami-Dade County Home Rule Charter regarding the appointment of the County Manager and department directors of administrative departments shall be exercised exclusively in accordance with the terms and conditions of this rule.

- (a) The Mayor shall utilize the form provided herein to appoint the County Manager or a department director of an administrative department of the County. The Mayor shall personally sign a copy of the form in the place so provided and shall indicate with specificity the position, name, and qualifications of the person appointed. The form shall be as follows:

OFFICE OF THE MAYOR
MIAMI-DADE COUNTY, FLORIDA
MAYORAL APPOINTMENT
To: Honorable Chairperson and Members Board of County
Commissioners Miami-Dade County, Florida
From: [Signature of Mayor]
, Mayor
Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Sections 2.02 C and D of the Miami-Dade County Home Rule Charter, I hereby appoint:

[insert name of person appointed]
to the position of:
[insert position to which the person is appointed].

The person's qualifications for this position are as follows:
 [insert person's qualifications]

A copy of the person's resume shall be attached.

(b) The completed form, together with the resume, shall be submitted to the Clerk of the Board on or before 4:30 p.m. on the date of appointment. The Clerk's official date and time recorder stamp on the completed form shall conclusively determine date and time of submission of the form to the Clerk.

(c) The Clerk shall place appointments by the Mayor pursuant to Rule 8.1.01, together with the completed form and resume on the next regularly scheduled Commission agenda under the mayoral reports section of the agenda for Commission consideration.

(d) Notwithstanding any other rule of the Commission, appointments made by the Mayor pursuant to Rule 8.1.01 shall:

(1) Not be subject to the "4-day rule" as provided in Rule 5.05(c);

(2) Not be deferred to a future meeting;

(3) ~~[[Not require committee review;~~

~~(4)]~~ Not be subject to a motion to reconsider, except at the same meeting; or

~~>>(4)<<[[(\$)]~~Not require publication or public hearing.

(e) The Mayor shall make every effort to have the nominee attend the Commission meeting at which the appointment is presented. Commissioners may ask such questions as they deem appropriate at that time.

(f) Any Commissioner may move to disapprove a mayoral appointment made subject to this rule. A motion to disapprove a mayoral appointment shall be stated as follows:

"I move that the Mayor's appointment of [insert name of person appointed by the Mayor] as [insert the position to which such person was appointed by the Mayor] be disapproved."

- (g) If a two-thirds (2/3) majority of those Commissioners then in office vote in favor of the motion as stated in subsection (f) above, the appointment shall be deemed disapproved; otherwise, the appointment shall be deemed effective.
- (h) The provisions of this rule shall not be waived under Rule 7.01(n).

Rule 8.1.02. Mayoral Appointment of Interim or Acting Department Directors of the Administrative Departments of the County, and Commission Disapproval.

Notwithstanding any other rule of the Commission, the authority and powers provided to the Mayor and the Commission under Section 2.02 D of the Miami-Dade County Home Rule Charter regarding the appointment of interim or acting department directors shall be exercised exclusively in accordance with the terms and conditions of this rule. An "interim or acting department director" shall mean a person who has been appointed by the Mayor as a department director of an administrative department of the County for a term of six months or less.

- (a) The Mayor shall utilize the form provided herein to appoint an interim or acting department director of an administrative department of the County. The Mayor shall personally sign a copy of the form in the place so provided and shall indicate with specificity the position, name, and qualifications of the person appointed. The form shall be as follows:

OFFICE OF THE MAYOR
MIAMI-DADE COUNTY, FLORIDA
MAYORAL APPOINTMENT
To: Honorable Chairperson and Members Board of County Commissioners Miami-Dade County, Florida
From: [Signature of Mayor]
, Mayor
Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Sections 2.02 D of the Miami-Dade County Home Rule Charter, I hereby appoint:

[insert name of person appointed]

to the position of:

[insert position to which the person is appointed].

The person's qualifications for this position are as follows:

[insert person's qualifications]

This appointment shall serve until: [insert date].

A copy of the person's resume shall be attached.

- (b) The completed form, together with the resume, shall be submitted to the Clerk of the Board on or before 4:30 p.m. on the date of appointment. The Clerk's official date and time recorder stamp on the completed form shall conclusively determine date and time of submission of the form to the Clerk.
- (c) The Chairperson of the County Commission may, at his or her discretion, place the appointment by the Mayor of an interim or acting department director, together with the completed form and resume on the next regularly scheduled Commission agenda under the mayoral reports section of the agenda for Commission consideration.
- (d) Notwithstanding any other rule of the Commission, interim or acting appointments made by the Mayor shall:
 - (1) Not be placed on a Commission agenda except as provided in Rule 8.1.02;
 - (2) Not be subject to the "4-day rule" as provided in Rule 5.05(c);
 - (3) Not be deferred to a future meeting;
 - (4) ~~[[Not require committee review;~~
 - (5)]] Not be subject to a motion to reconsider, except at the same meeting; and
 - >>(5)<<[[(6)]] Not require publication or public hearing.
- (e) In the event the Chairperson of the County Commission places an interim or acting appointment on the Commission agenda, the Mayor shall make every effort to have the nominee attend the Commission meeting at which the appointment is presented. Commissioners may ask such questions as they deem appropriate at that time.
- (f) Any Commissioner may move to disapprove a mayoral appointment made subject to this rule if said appointment is placed on the agenda by the Chairperson. In the event an interim or acting mayoral appointment of a department director is not placed on the Commission agenda by the Chairperson of the County Commission, any Commissioner

may appeal the decision of the Chairperson upon a question of order, when, without debate, the presiding officer shall submit to the Commission the question: "Shall the decision of the Chairperson be sustained?" If the question to appeal the decision of the Chairperson is approved by a majority vote, a motion to disapprove the interim or acting mayoral appointment shall be in order. A motion to disapprove an interim or acting mayoral appointment shall be stated as follows:

"I move that the Mayor's appointment of [insert name of person appointed by the Mayor] as [insert the position to which such person was appointed by the Mayor] be disapproved."

- (g) If a two-thirds (2/3) majority of those Commissioners then in office vote in favor of the motion as stated in subsection (f) above, the appointment shall be deemed disapproved; otherwise, the appointment shall be deemed effective.
- (h) The provisions of this rule shall not be waived under Rule 7.01(n).
- (i) At the conclusion of the term of an interim or acting department director, any reappointment of the interim or acting director or of a new department director shall be subject to the requirements of Rule 8.1.01.

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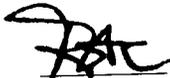
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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.

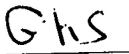
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez

Prime Sponsor: Commissioner Carlos A. Gimenez