

MEMORANDUM

IMFR
Agenda Item No. 1(E)1

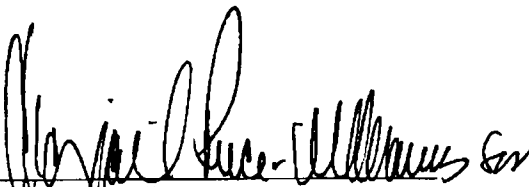
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 25, 2011

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

SUBJECT: Ordinance regarding Rules of
Procedure of the Board of
County Commissioners;
amending Sec. 2-1 of the Code,
relating to authority to sponsor or
present items on commission
agenda

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



R. A. Cuevas, Jr.
County Attorney

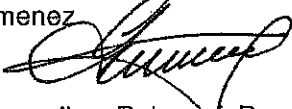
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Memorandum



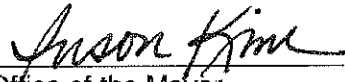
Date:

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance regarding Rules of Procedures of the Board of County Commissioners
amending Sections 2-1 of the Code

In the event that the Miami-Dade Commission on Ethics and Public Trust issues a written opinion stating that the Mayor has a conflict of interest, preventing him from presenting or sponsoring an item, the proposed ordinance authorizes a designee of the Mayor to present or sponsor the item to the Commission agenda. This proposed ordinance will not have a fiscal impact to the County.


Office of the Mayor

Fis6611



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez **DATE:** September 20, 2011
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. **SUBJECT:** Agenda Item No. 4(B)
County Attorney

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

Agenda Item No. 4(B)

Veto _____

9-20-2011

Override _____

ORDINANCE NO. _____

ORDINANCE REGARDING RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTIONS 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO AUTHORITY TO SPONSOR OR PRESENT ITEMS ON COMMISSION AGENDA; 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. That Section 2-1 of the Code of Miami-Dade County, Florida, is 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.

* * *

(b) **AUTHORITY TO SPONSOR OR PRESENT ITEMS ON AGENDA**

(1) Anything to the contrary notwithstanding, matters may only be presented or sponsored by a county commissioner, a commission committee, the county attorney and the clerk of the commission, except that the Mayor shall be able to present or sponsor: (1) reports which do not amend any policy established by the County Commission; (2) mayoral appointments; (3) solicitations for the purchase of goods and services, leases, construction contracts and debt obligations; (4) contracts for the purchase of goods and services and amendments thereto; (5) grant

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. The remaining provisions are now in effect and remain unchanged.

applications, grants and sub-grants; (6) leases and amendments thereto; (7) debt obligations and amendments thereto; (8) construction contracts and amendments thereto; (9) labor agreements and amendments thereto; (10) special taxing districts initiated by petition; (11) certificates of public convenience and necessity; (12) certificates of transportation; (13) quasi-judicial items; and (14) other matters where the presentation or sponsorship by the Mayor is required by the Home Rule Charter or state or federal law. >>In the event that the Mayor, pursuant to a written opinion from the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Commission") or from the Executive Director of the Ethics Commission, has a conflict of interest preventing him from presenting or sponsoring a matter, such matter may be presented or sponsored by a designee of the Mayor who has been delegated final decision-making authority over such matter.<<

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:

ASPW

Prepared by:

OR/ASPW

Oren Rosenthal

Prime Sponsor: Commissioner Sally A. Heyman

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