

**MEMORANDUM**

Agenda Item No. 7(A)

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

**DATE:** April 17, 2012


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

**SUBJECT:** Ordinance regarding BCC  
Rules of Procedure; amending  
Sec. 2-1 of the Code;  
providing that items are not  
subject to the 4-day rule

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**This Ordinance was amended at the 2-14-12 Internal Management and Fiscal Responsibility Committee to add the following exception at the end of the first paragraph on handwritten page 5: or unless the chairperson of the commission deems it necessary to place the item on another agenda.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.

  
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R. A. Cuevas, Jr.  
County Attorney

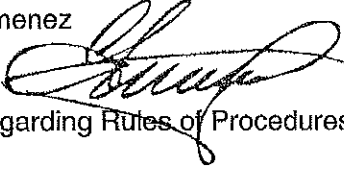
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# Memorandum



**Date:** April 17, 2012


**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  
(BCC)

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The proposed ordinance provides that items approved at committee meetings recommending or rejecting the award of contracts for public improvements, and purchases of supplies, materials, and services shall be placed on the agenda of the next regularly scheduled BCC meeting. In addition, these items are not subject to the four (4) day rule procedures. This proposed ordinance will not have a fiscal impact to the County.

  
Office of the Mayor

Fis3112



# MEMORANDUM

(Revised)

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

**DATE:** April 17, 2012

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

**SUBJECT:** Agenda Item No. 7(A)

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. 7(A)

Veto \_\_\_\_\_

4-17-12

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE REGARDING RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT ITEMS APPROVED AT COMMITTEE MEETINGS RECOMMENDING OR REJECTING THE AWARD OF CONTRACTS FOR PUBLIC IMPROVEMENTS, AND PURCHASES OF SUPPLIES, MATERIALS, AND SERVICES, INCLUDING PROFESSIONAL SERVICES SHALL BE PLACED ON THE AGENDA OF THE NEXT REGULARLY SCHEDULED BOARD OF COUNTY COMMISSIONERS MEETING; PROVIDING THAT THESE ITEMS ARE NOT SUBJECT TO 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.<sup>1</sup>

**CHAPTER 2. ADMINISTRATION**

**ARTICLE I. IN GENERAL**

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

**Rule 4.01. COMMITTEES**

>>(t) PROCUREMENT ITEMS. Provided public notice, public hearing and other legal requirements can be met, and notwithstanding and prevailing over any provision to the contrary,

<sup>1</sup> 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.

all items approved at committee meetings recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services, shall be placed on the agenda of the next regularly scheduled Board of County Commissioners meeting, unless placed on the agenda of a special meeting held sooner than the next regularly scheduled Board of County Commissioners meeting<< >>or unless the chairperson of the commission deems it necessary to place the item on another agenda<<.<sup>2</sup>

Section 2. Section 2-1 of the Code of Miami-Dade County, Florida is hereby amended to read as follows.

**CHAPTER 2. ADMINISTRATION**

**ARTICLE I. IN GENERAL**

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

**Rule 5.05 AGENDA**

- (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, ~~[[items originated by the Department of Procurement Management, including bid awards and bid waivers, which have been forwarded to the Commission by~~

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<sup>2</sup> 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.

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~~the Committee]] >>~~items approved at a committee meeting recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services,<< 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, or clause 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 re-lettered 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:

ATZ  
D.F.

Prepared by:

Daniel Frastai

Prime Sponsor: Vice Chairwoman Audrey M. Edmonson