

## MEMORANDUM

Agenda Item No. 5(A)

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

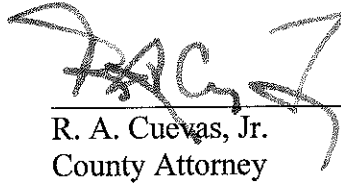
**DATE:** (Public Hearing 5-15-12)  
March 6, 2012

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

**SUBJECT:** Ordinance amending the Code,  
relating to military affairs;  
creating Miami-Dade County  
Military Affairs Board

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

  
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R. A. Cuevas, Jr.  
County Attorney

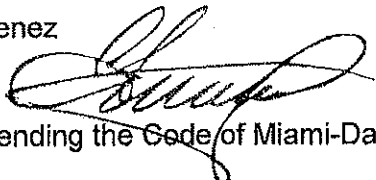
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# Memorandum



**Date:** May 15, 2012

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

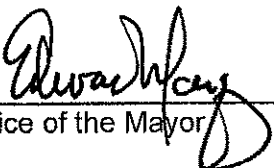
**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance amending the Code of Miami-Dade County to create the Military Affairs Board

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The proposed ordinance amends the Code of Miami-Dade County to create a Military Affairs Board. The ordinance directs the Mayor to, as part of the annual budgetary process, include funding for administrative and support staff costs necessary to ensure the Board is able to perform its powers and duties. In addition, the Medal of Valor which is currently managed and funded by the Office of the Chair Protocol Division would be transferred to the newly created board.

It is recommended that the Community Advocacy Division of the Board of County Commissioners provide administrative support to the Military Affairs Board. However, due to budget reductions over the past two years, the Office would not be able to absorb the additional workload with existing staff. In order to meet the requirements specified in the ordinance a new position and operating costs would need to be added to the Community Advocacy Division at a recurring cost of approximately \$74,000.

  
\_\_\_\_\_  
Office of the Mayor

fis4912



# MEMORANDUM

(Revised)

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

**DATE:** May 15, 2012

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

**SUBJECT:** Agenda Item No. 5(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. 5(A)

Veto \_\_\_\_\_

5-15-12

Override \_\_\_\_\_

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

ORDINANCE AMENDING CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO MILITARY AFFAIRS; CREATING MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD; PROVIDING FOR POWERS AND DUTIES, COMPOSITION AND APPOINTMENT OF BOARD, QUALIFICATIONS, ORGANIZATION, FINANCIAL SUPPORT, STAFF AND COUNSEL; 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.** Chapter 2, Article CXXXX, of the Code of Miami-Dade County, Florida, is hereby created to read as follows:<sup>1</sup>

**>>Sec 2-2101. Creation of Military Affairs Board.**

There is hereby created and established pursuant to the Miami-Dade County Home Rule Charter, as amended, the Miami-Dade County Military Affairs Board (hereinafter the "Board").

**Sec. 2-2102. Powers and Duties of Board.**

The Board shall have the following powers and duties:

- (a) Provide the Board of County Commissioners with recommendations regarding military affairs in Miami-Dade County involving the Marine Corps, Army, Navy, Air Force, National Guard and Coast Guard (collectively "Armed Forces") and active, reserve, retired, disabled and

<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.

deceased military personnel in Miami-Dade County (collectively “military personnel”); and

- (b) Promote measures to enhance the quality of life for active, reserve, retired and disabled military personnel and their families, and families of deceased military personnel in Miami-Dade County; and
- (c) Advocate on behalf of military personnel in Miami-Dade County regarding, among other matters: health care; housing; housing and business loans; pension benefits; education; employment; incarceration; reintegration; unemployment benefits; disability claims; vocational training; and insurance; and
- (d) Administer the medal of valor program created by Ordinance No. 10-29; and
- (e) Take steps to increase awareness and support for our military personnel from Miami-Dade County who are serving in the Armed Forces around the world; and
- (f) Interface with local Reserve Officer Training Corps (“ROTC”) programs at both the high school and collegiate levels; and
- (g) Solicit input from and maintain a strong relationship with the United States Department of Defense, Department of Homeland Security, Department of Veterans Affairs, the Red Cross and any other entity which interacts with the Armed Forces regarding military affairs or military personnel regarding, among other things, military affairs impacting Miami-Dade County, military personnel in Miami-Dade County and ROTC; and
- (h) Coordinate Miami-Dade County’s activities regarding Veteran’s Day, Memorial Day and the 4<sup>th</sup> of July; and
- (i) Promote, attract and solicit military activities in Miami-Dade County from throughout the United States and within Miami-Dade County to the greatest extent feasible and strive to generate and further community support for the United States Armed Forces in the United States and abroad; and

- (j) Form an independent 501(c)(3) corporation, approved by the Board of County Commissioners, which will raise private funds to assist military personnel and perform the other functions provided for herein; and
- (k) To submit annually to the Board of County Commissioners a report summarizing and evaluating all programs and activities undertaken by the Board during the previous fiscal year; and
- (l) Accept gifts of money or services for the public purposes provided for in this Ordinance; and
- (m) Cooperate with any federal, state, county, or municipal government, agency or instrumentality

**Sect. 2-2103. Governing Board.**

- (a) **Composition and appointment.** The Military Affairs Board shall consist of twenty-four (24) voting members appointed as follows:
  - (1) Each member of the Board of County Commissioners shall designate one (1) member who shall be approved by the County Commission; and
  - (2) The Chairperson of the County Commission shall appoint one (1) member of the County Commission who shall be the Military Liaison of the County Commission; and
  - (3) The Mayor of Miami-Dade County shall appoint one (1) member of the Board; and
  - (4) The command staff of Southern Command shall appoint one (1) member; and
  - (5) The command staff at the United States Air Force Base in Homestead shall appoint one (1) member; and
  - (6) The command staff at the United States Coast Guard Station in Miami Beach shall appoint one (1) member; and

- (7) The command staff at the United States Army National Guard Reserve Station located in Miami shall appoint one (1) member; and
- (8) The command staff of the United States Navy and Marine Corps Reserves located in Hialeah shall appoint two (2) members: one (1) member representing the United States Navy; and one (1) member representing the United States Marine Corps; and
- (9) The Miami-Dade Defense Alliance shall appoint one (1) member; and
- (10) The Greater Miami Chamber of Commerce shall appoint one (1) member; and
- (11) The Red Cross shall appoint one (1) member.

When making a selection, each person or entity shall consider that the voting members should reflect the gender, racial ethnic or cultural make-up of the community.

- (b) **Qualifications.** Each member of the Commission shall (i) be a United States citizen, a duly qualified elector of Miami-Dade County and (ii) shall comply with the requirements of Chapter 2-11-38 of the Code of Miami-Dade County. Additionally, each member shall be a person who has previously served or is currently serving in the Armed Forces, or has an interest in military affairs. Before taking any official action, each voting member shall take the prescribed oath of office.
- (c) **Term.** Members of the Board shall serve terms of three (3) years each.
- (d) **Vacancies.** Each person or entity shall appoint a new representative within one month when its appointee resigns or is removed.
- (e) **Applicability of Conflict of Interest and Code of Ethics Ordinance.** The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), Section 2-11.1 of the Code of Metropolitan

Dade County, Florida, shall be applicable to the members of the Board. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Board members on the basis of interests relating to Miami-Dade County when such interests do not conflict with the Board.

- (f) **Organization and Procedure.** The Chairperson of the Board shall be the Military Liaison of the County Commission selected by the Chairperson of the County Commission. The Board shall elect one (1) of its members as vice-chairperson and such other officers as the Board may determine to be necessary. The Board shall create by-laws and shall hold regular meetings in accordance with those by-laws. The Board may hold such other meetings as it deems necessary. A majority of the members of the Board shall constitute a quorum. All meetings of the Board shall be public and the Board shall maintain written minutes of all proceedings that shall be promptly prepared and recorded. Copies of all minutes and resolutions of the Board shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Board.

**Sec. 2-2104. Financial Support for the Board.**

Subject to Miami-Dade County's budgetary process and the availability of funds, the Mayor shall include in the County's annual budget, administrative costs and additional funds for the implementation of the Board's powers and duties.

**Sec. 2-2105. Staff Support and Counsel.**

The Mayor shall provide the Board with adequate staff to perform its powers and duties. The Board shall utilize the County Attorney's Office for legal services.<<

**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 Jose "Pepe" Diaz