



MEMORANDUM

IMFR
Agenda Item No. 1(E)3

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

DATE: June 12, 2012

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

SUBJECT: Ordinance relating to Rules of
Procedure; amending Sec. 2-1
Of the Code, to authorize the
Chairperson to create the
Committee to investigate
County affairs

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date:

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style with a large, sweeping flourish at the end.

Subject: Ordinance relating to Rules of Procedures of the Board of County Commissioners,
authorizing the Chairperson to create the committee to investigate County affairs

The proposed ordinance authorizes the Chairperson of the Board of County Commissioners to create a standing committee to investigate County affairs, called Committee to Investigate County Affairs. The implementation of this ordinance will have an indeterminate fiscal impact to the County. This legislation adds a committee to the current committee structure and existing staff will facilitate meetings and address directives as currently done with the existing six Commission committees. However, it is difficult to determine the additional effort that will be required associated with the activities of this new Committee and the amount of time that will be diverted from other activities for which current staff is responsible.

A handwritten signature in black ink, appearing to read "Edward Marquez". The signature is written in a cursive style with a large, sweeping flourish at the end.

Edward Marquez
Deputy Mayor

fis5312

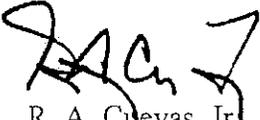


MEMORANDUM

(Revised)

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

DATE: May 1, 2012


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

SUBJECT: Agenda Item No. 4(G)

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(G)
5-1-12

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, TO AUTHORIZE THE CHAIRPERSON TO CREATE THE COMMITTEE TO INVESTIGATE COUNTY AFFAIRS; PROVIDING FOR MEMBERSHIP, POWERS AND DUTIES; 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

Sec. 2.1. RULES OF PROCEDURE OF COUNTY COMMISSION.

* * *

PART 4. COMMITTEES

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

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.

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 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.

* * *

>>(t) Committee to Investigate County Affairs. In addition to the

standing committees authorized pursuant to Rule 4.01(a), the chairperson shall be authorized to create a standing committee to investigate county affairs (hereinafter "Committee to Investigate County Affairs"). The chairperson shall appoint the chairperson, vice-chairperson and members of the Committee to Investigate County Affairs, as provided in Rule 4.01(b). The Committee to Investigate County Affairs shall be empowered to, among other things, make investigations of county affairs and inquire into the conduct, accounts, records, and transactions of any department or office of the county. In order to carry out its duties, the Committee to Investigate County Affairs shall be empowered to, among other things, 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 the Committee to Investigate County Affairs may request that the chairperson of the commission 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 the committee. The chairperson of the commission may issue said process at the request of the committee chairperson. Prior to issuing a subpoena or subpoena duces tecum, the chairperson shall notify the Inspector General, the Miami-Dade Police Department, the State Attorney and the U.S. Attorney for the Southern District of Florida. The chairperson shall not issue a subpoena or subpoena duces tecum where the Inspector General, the State Attorney, the Miami-Dade Police Department or the U.S. Attorney for the Southern District of Florida notifies the chairperson that such action could interfere with an ongoing investigation. Any member of the Committee to Investigate County Affairs may administer oaths and affirmations, in the manner prescribed by law, to witnesses who appear before such committee to testify in any matter requiring evidence.<<

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.

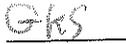
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez

Prime Sponsor: Senator Javier D. Souto