

MEMORANDUM

IMFR
Agenda Item No. 1(E)3


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

DATE: October 16, 2012

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

SUBJECT: Ordinance regarding Rules
Procedure of the Code of
Miami-Dade County; amending
Sec. 2-1

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum



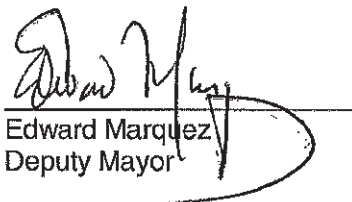
Date: October 2, 2012

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Amending Section 2-1 of the Code Related to Rules of Procedure of the Code

The proposed ordinance amends the following areas in Section 2-1: (1) items approving or ratifying the submission of grant applications and acceptance of grant awards shall not require committee review; (2) eliminates the "consent agenda"; (3) clarifies the types of items that the County Mayor or his designee may administer without approval of the Board during summer recess; and (4) requires that all reports or memoranda that supplement pending ordinances or resolutions be presented to the County Attorney for review and approval. The implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis8812



MEMORANDUM
(Revised)

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

DATE: July 17, 2012

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

SUBJECT: Agenda Item No. 4(F)

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(F)

Veto _____

7-17-12

Override _____

ORDINANCE NO. _____

ORDINANCE REGARDING RULES OF PROCEDURE OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 2-1 OF THE CODE; DELETING CONSENT AGENDA SECTION OF THE COUNTY COMMISSION AGENDA; ESTABLISHING EXCEPTION TO THE COMMITTEE REVIEW REQUIREMENT FOR ITEMS APPROVING OR RATIFYING GRANT APPLICATIONS OR ACCEPTANCES; REQUIRING LEGAL REVIEW AND APPROVAL PRIOR TO PLACING CERTAIN SUPPLEMENTS OR REPORTS ON BOARD AGENDAS; GIVING THE MAYOR OR THE MAYOR'S DESIGNEE AUTHORITY TO ACT DURING THE BOARD'S SUMMER RECESS AND PROVIDING FOR PLACEMENT OF ITEMS RATIFYING SUCH ACTIONS ON BOARD AGENDAS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in accordance with the Rules of Procedure of the Board of County Commissioners (the "Rules"), the official agenda is divided into several sections; and

WHEREAS, there are no articulated standards in the rules to establish what items are to be considered as consent agenda items and consequently there is inconsistency in the types of items deemed consent agenda items; and

WHEREAS, pursuant to the Rules, the Board of County Commissioners (the "Board") has employed a "pull list" process by which each County Commissioner identifies certain items on the Board's agenda for individual consideration, pursuant to Rule 5.05; and

WHEREAS, other than pull list, public hearing, and first and second reading items, the remaining action items are approved with one vote during the commencement of the board meeting; and

WHEREAS, the pull list process, as described above, serves the same purpose as having a consent agenda, in that both procedures allow more routine, non-objectionable items to be identified and voted upon in a group at the beginning of the agenda; and

WHEREAS, due to the existence of the pull list, there is no need for consent agenda section on the Board's agenda; and

WHEREAS, items previously deemed consent items which approve or ratify administrative submittal of grant applications or acceptance of grant awards are generally time sensitive and should still not be required to receive committee review; and

WHEREAS, supplements and reports frequently will contain language that may be used to formulate an amendment to an ordinance or resolution and such items should routinely receive review by the County Attorney's Office prior to the item being added to the Board's agenda or presented to the Board; and

WHEREAS, customarily the Board authorizes the administration to take certain actions during the Board's summer recess, subject to ratification by the Board, and this process should be memorialized in the rules to avoid the need for annual resolutions regarding this subject,

NOW, THEREFORE, 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.

PART 4. COMMITTEES.

¹ Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< shall be added. Remaining provisions are now in effect and remain unchanged.

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* * *

Rule 4.01. Committees.

* * *

(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,]]~~ >>items approving or ratifying submittal of grant applications and acceptance of grant awards.<< district office fund allocations, special presentations, namings, renamings or codesignations of County roads, facilities or properties, approvals of namings, renamings or codesignations of federal, state or municipal roads, facilities or properties, 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, items awarding, granting, amending or relating to an award or grant of Targeted Jobs Incentive Fund, Qualified Targeted Industry Business incentives, property or utility tax exemptions in enterprise zones, or Brownfield Economic Development Initiative Loan Funds or similar incentives and tax exemption programs; provided, however, any such item relating to an award of Community Redevelopment Agency funding or Community Development Block Grant funding or other funding administered by the Public Housing and Community Development department, or successor department, shall not be excepted from committee review by this subsection (j)(2). 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.

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PART 5. CONDUCT OF MEETINGS; AGENDA

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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
citizen's presentations
reports of official county boards
motion to set agenda
commission auditor
office of intergovernmental affairs
2. mayoral vetoes
mayoral reports
3. ~~[[consent agenda]]~~ >>summer recess items<<
4. ordinances for first reading
5. public hearings, which shall be scheduled for 9:30 a.m.

* * *

(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.

>>(g) Summer Recess Items. During the Board's annual summer recess period, as determined by the County Calendar approved by the Board, the County Mayor or County Mayor's designee shall administer County business requiring approval of the Board, including the award of contracts and approval of change orders required to maintain essential health and safety activities pursuant to approved County procedures; application for grants; execution of grant agreements, related memoranda of understanding, and other intergovernmental cooperation agreements; application and execution of grants and agreements; receipt and expenditure of funds under the American Recovery and Reinvestment Act of 2009 and authorization to perform any and all requirements of said Act; and receipt and expenditure of other funds which will be put in jeopardy, if not received and expended during the summer recess period. All summer recess items not otherwise excepted from committee review will be scheduled for the appropriate committee of jurisdiction and will be placed on the Board's agenda for ratification at the first regular meeting in the month of October.<<

Rule 5.06. ORDINANCES, RESOLUTIONS, MOTIONS, CONTRACTS.

* * *

(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. >>All reports or memoranda that supplement pending ordinances or resolutions shall be presented to the County Attorney for review and approval for placement on a Board agenda, when such reports or memoranda contain language or concepts that can be used to formulate amendments to ordinances or resolutions.<< 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.

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:

Cynthia Johnson-Stacks

Prime Sponsor: Chairman Joe A. Martinez