

MEMORANDUM

Agenda Item No. 5 (A)
(Public Hearing 10-23-12)

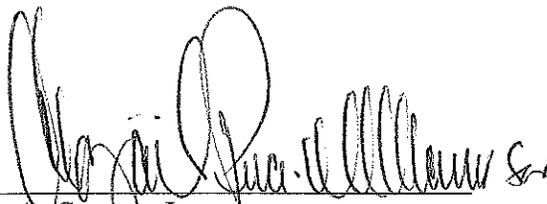
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

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

SUBJECT: Ordinance amending Rule
3.01 of the Rules of Procedure
of the Board of County
Commissioners pertaining to
regular meetings

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

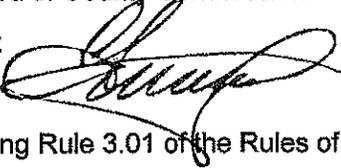
RAC/jls

Memorandum



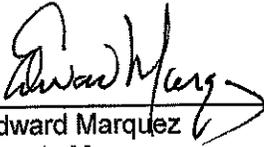
Date: October 23, 2012

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Amending Rule 3.01 of the Rules of Procedure of the Board of County Commissioners

The proposed ordinance would allow the Board of County Commissioners to schedule regular meetings in July and August to review the Mayor's proposed budget before the setting of the millage rates for the Notice of Proposed Property Taxes or Truth in Millage (TRIM) notice. The implementation of this ordinance will not have a fiscal impact to the County.



Edward Marquez
Deputy Mayor

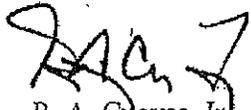
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MEMORANDUM
(Revised)

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

DATE: October 23, 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 _____

10-23-12

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING RULE 3.01 OF THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS PERTAINING TO REGULAR MEETINGS; 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 3.01 of the Rules of Procedure of the Board of County Commissioners is hereby amended to read as follows:¹

PART 3. MEETINGS

Rule 3.01. REGULAR MEETINGS.

- (a) The commission shall hold regular meetings on the first and third Tuesday and Thursday of each month, and when the day fixed for any such regular meeting falls on a day designated by law as a legal holiday, ~~>>or on the day after such a legal holiday<<~~ such meeting may be held on another day selected by the commission, or such meeting may be canceled at the discretion of the commission. ~~>>~~The foregoing notwithstanding, the commission may schedule regular meetings in July and August on any weekday so as to allow the commission sufficient time to review the Mayor's proposed budget before meeting to set the proposed millage rates for the Notice of Proposed Property Taxes or Truth in Millage (TRIM) notice; to schedule the date, time and place of the public budget hearings; and so as to preserve the commission's ability to override any mayoral veto of the proposed millage rates prior to the deadline set forth in state law.<< Unless otherwise determined by the commission, regular meetings shall commence at 9:30 in the morning and shall end no

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.

later than 6:30 p.m. each day. Regular meetings may be otherwise postponed or canceled (1) by resolution or motion adopted at a regular meeting by a majority of the commission members present, (2) by the chairperson and six (6) other members of the commission serving notice containing the required seven (7) signatures upon the clerk who shall provide public notice when a meeting is canceled or (3) by the chairperson of the commission when: (a) the agenda for a meeting has not been provided to the members of the commission at least twenty-four (24) hours before the scheduled meeting; (b) the chairperson is in receipt of written communications from at least a majority of those commissioners then in office stating that said commissioners will not be attending the meeting; or (c) no action item has been placed on the agenda of a zoning or comprehensive development master plan meeting in compliance with the applicable notice requirements. All regular meetings shall be held in the commission chambers, Stephen P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128, or such location as may be approved by a majority of the commission members present and shall be open to the public and all news media.

- (b) The commission shall consider and determine zoning matters at its regular meetings.
- (c) The second reading (public hearing) of the annual budget ordinance shall be considered at a meeting at which the said budget ordinance and the levy of the millage are the only items on the agenda.

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:

APW

Prepared by:

RAC/APW

R. A. Cuevas, Jr.

Prime Sponsor: Chairman Joe A. Martinez