

# MEMORANDUM

Agenda Item No. 7(C)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** (Second Reading 2-5-13)  
December 18, 2012

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

**SUBJECT:** Ordinance amending Chapter 2,  
Article CXL of the Code relating  
to 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

RAC/smm

# Memorandum



**Date:** February 5, 2013

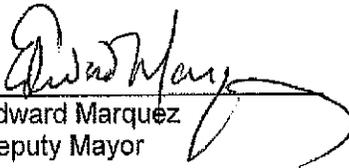
**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Amending Chapter 2, Article OXL of the Code relating to the Miami-Dade County Military Affairs Board

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The proposed ordinance establishes the Military Affairs Board Trust Fund and requires the County Mayor or Mayor's designee to provide monthly reports to the Military Affairs Board (MAB) of all available funds in the trust fund. In addition, it allows the MAB to solicit, approve, and distribute grant funds received by the MAB which must be deposited in the MAB Trust Fund. It also allows for the MAB to solicit and approve contracts for public purposes provided in the article to the extent that funds are available in the MAB Trust Fund. The Community Advocacy Division of the Board of County Commissioners will use existing staff to absorb any additional activities pertaining to the implementation of this ordinance. There will be no fiscal impact to the County.

  
Edward Marquez  
Deputy Mayor

fis3013



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** February 5, 2013

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

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

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 Mayor'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. 7(C)  
2-5-13

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

ORDINANCE AMENDING CHAPTER 2, ARTICLE CXL OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD; INCREASING MEMBERSHIP OF MILITARY AFFAIRS BOARD; AUTHORIZING MILITARY AFFAIRS BOARD TO EXPEND FUNDS, SOLICIT GIFTS, SOLICIT AND APPROVE CONTRACTS AND GRANTS AND HAVE AN OFFICIAL SEAL; AUTHORIZING THE CREATION OF MILITARY AFFAIRS BOARD TRUST FUND; REQUIRING CLERK OF BOARD TO KEEP MINUTES OF MEETINGS OF MILITARY AFFAIRS BOARD; 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 CXL, of the Code of Miami-Dade County, Florida, is hereby amended 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:

<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.

- (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 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]]~~ >>Adopt an official seal<<; 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) >>Notwithstanding any provision to the contrary,<< [[A]]>>a<<cept >>and solicit<< gifts of money or services for the public purposes provided for in this article; and
- (m) Cooperate with any federal, state, county, or municipal government, agency or instrumentality; and
- (n) Create a standing committee relating to the Base Realignment and Closure process ("BRAC") charged with the following responsibilities and duties:
  - (1) Working with other entities, such as federal and state agencies, to represent Miami-Dade County's interests by ensuring that local military bases remain open as part of the next BRAC round potentially scheduled for 2015; and
  - (2) Maximizing any opportunities for Miami-Dade County that may be realized from any potential realignment; and
  - (3) Minimizing any negative impacts to local communities; and
  - (4) Developing a comprehensive plan, approved by the Military Affairs Board, to be recommended to the Board of County Commissioners after evaluating infrastructure needs, land use needs, 21st century

mission of the armed forces, and community support; and

- (5) Working with military bases in South Florida in order to put together a vision for the future and a relevance plan; and
- (6) Providing advice and recommendations, approved by the Military Affairs Board, to the Board of County Commissioners regarding any actions it may take to further Miami-Dade County's interests with relation to any future BRAC round.

>>(o) Expend funds for the purposes provided in this article. The Military Affairs Board shall only be authorized to expend funds deposited in the Military Affairs Trust Fund. The Mayor or his or her designee shall, on a monthly basis, provide the Military Affairs Board with an accounting of available funds. All expenditures of the Military Affairs Board shall be subject to a county audit.

(p) To solicit and approve grant agreements for the public purposes provided for in this article. All funds received pursuant to a grant agreement shall be deposited in the Military Affairs Trust Fund. The Military Affairs Board shall only approve a grant agreement distributing funds to a third-party to the extent that funds are currently available in the Military Affairs Trust Fund.

(q) To solicit and approve contracts for the public purposes provided for in this article, and only to the extent that funds are currently available in the Military Affairs Trust Fund. It is the intent of the County Commission that the Military Affairs Board be given the authority to enter into county contracts with the assistance of county staff subject to the limitations of this article. The contracting policies and procedures to be followed by the Military Affairs Board to give effect to this intent shall be set forth in an implementing order approved by resolution of the Board of County Commissioners.<<

**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 District 7 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.

>>The Military Affairs Board shall also consist of the following non-voting members:

- (1) The Director of the Miami Veteran's Administration Healthcare System shall appoint one (1) member; and
- (2) Each Congressperson whose district includes a portion of Miami-Dade County shall appoint one (1) member; and
- (3) Each United States Senator representing the State of Florida shall appoint one (1) member; and
- (4) The United States Attorney from the Southern District of Florida shall appoint one (1) member; and
- (5) The State Attorney for Miami-Dade County 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.

**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. >>There is hereby created the Military Affairs Trust Fund for the public purposes provided for in this Ordinance. The Finance Director is hereby authorized and directed to establish the Military Affairs Trust Fund and disburse monies in accordance with the provisions of this Ordinance.<<

**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. >>The Clerk of the Board of County Commissioners shall take and keep the minutes of the Military Affairs Board.<<

**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:

GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Jose "Pepe" Diaz