

MEMORANDUM

Agenda Item No. 7(G)

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 pertaining to the Rules of Procedure; amending Section 2-1 of Code; providing for the election of the County Commission Chairperson and Vice-Chairperson at a regular meeting of the Board of County Commissioners on a date after the installation ceremony for County Commissioners

The substitute ordinance differs from the original in that some of the phrases are re-ordered and stated differently to clarify the intent of the item, which is to provide that there will not be a regular county commission meeting on the same day as the installation ceremony for County Commissioners.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss, and Co-Sponsors Vice Chair Lynda Bell, Commissioner Audrey M. Edmonson, and Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

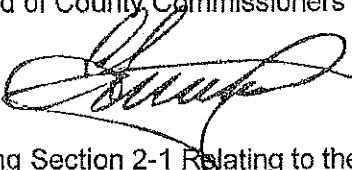
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Memorandum



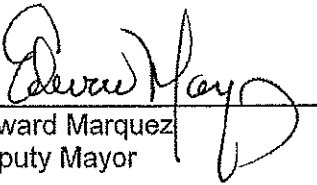
Date: February 5, 2013

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Amending Section 2-1 Relating to the Board of County Commission Rules
of Procedures

The proposed ordinance amends Section 2-1 of the Code and modifies the Board of County Commissioners' Rules of Procedures to prohibit regular commission meetings from taking place on the same day as the installation ceremony for incoming Board members. This ordinance also requires the election of the Chairperson and Vice-Chairperson to take place at the regular commission meeting following the installation ceremony. The implementation of this ordinance will not have fiscal impact to the County.

A handwritten signature in cursive script, appearing to read "Edward Marquez".

Edward Marquez
Deputy Mayor

fis3213



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(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 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(G)

2-5-13

ORDINANCE NO. _____

ORDINANCE PERTAINING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE ELECTION OF THE COUNTY COMMISSION CHAIRPERSON AND VICE-CHAIRPERSON AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS ON A DATE AFTER THE INSTALLATION CEREMONY FOR COUNTY COMMISSIONERS; 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

PART 2. OFFICERS

Rule 2.01. Chairperson and Vice-Chairperson.

(a) *Chairperson.*

(1) *Election, term, term limitation, and removal.*

A chairperson of the board of county commissioners shall be elected for a term of two (2) years by the vote of at least seven (7) commissioners at the >>regular<< commission meeting following the installation of the county commissioners during each even-numbered year. The chairperson's term shall commence on January 1 of the following year. The chairperson may be removed prior to

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.

the expiration of his or her term by the vote of nine (9) commissioners. No commissioner shall serve as chairperson of the county commission for more than two consecutive years.

* * *

(b) *Vice-chairperson.*

(1) *Election, term, term limitation and removal.*

A vice-chairperson of the board of county commissioners shall be elected for a term of two (2) years by the vote of at least seven (7) commissioners at the >>regular<< commission meeting following the installation of the county commissioners during each even-numbered year. The term of office for the vice-chairperson of the board shall commence on January 1 of the following year. The vice-chairperson may be removed prior to the expiration of his or her term by the vote of at least seven (7) commissioners. No commissioner shall serve as vice-chairperson of the county commission for more than two consecutive years.

(2) *Duties of vice-chairperson.* Unless the chairperson appoints the vice-chairperson as a voting member of a committee, the vice-chairperson shall serve as an ex-officio non-voting member of each commission committee, but shall not count as a member of a committee on which he or she serves as a non-voting member for purposes of determining the existence of a quorum. The vice-chairperson of the board shall perform the duties of the chairperson in the event of the absence or incapacity of the chairperson. The vice-chairperson shall complete the unfinished term of any chairperson who resigns or is removed as chairperson of the commission.

* * *

PART 3. MEETINGS

Rule 3.01. Regular meetings >>and<< >>regular meeting after the<<² >>County Commission installation ceremony<<.

(a) The commission shall hold regular meetings on the first and third Tuesday and Thursday of each month, or on such other days as may be set on the annual calendar of meetings approved by the commission. >>Notwithstanding any provision herein to the contrary, there shall be no regular meeting held on the same day as the installation ceremony of County Commissioners.<< >>The first regular meeting occurring after the installation ceremony shall take place within three (3) to (7) days after the ceremony on a date selected at least 120 days prior to the meeting.<< [[The next regular meeting occurring after the general election in November shall be scheduled no later than the end of June of each even-numbered year]] >>The date of such meeting shall be selected<< >>by the Chairperson of the Board of County Commissioners, in consultation with the Mayor, the County Attorney, and the Clerk of the Board.<< [[Such meeting shall take place within three (3) to (7) days after the installation ceremony of County Commissioners.]]

>>(b)<< Unless otherwise determined by the commission, regular meetings shall commence at 9:30 in the morning and shall end no 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

² The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[doubled bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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)~~]]>>(c)<< The commission shall consider and determine zoning matters at its regular meetings.

[[~~(e)~~]]>>(d)<< 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 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:

Cynthia Johnson-Stacks

Prime Sponsor: Commissioner Dennis C. Moss
Co-Sponsors: Vice Chair Lynda Bell
Commissioner Audrey M. Edmonson
Commissioner Barbara J. Jordan