

## MEMORANDUM

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

**DATE:** Agenda Item No. 7(A)  
(Second Reading 6-18-13)  
April 2, 2013

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

**SUBJECT:** Ordinance pertaining to  
Community Councils; modifying  
procedures for filling vacancies  
of elected Community Council  
positions amending Section 20-  
43 of the Code

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

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/smm

# Memorandum



**Date:** June 18, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
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, flowing style.

**Subject:** Ordinance Pertaining to Community Councils; Modifying Procedures for Filling Vacancies of Elected Community Council Positions; Amending Section 20-43 of the Code

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The proposed ordinance modifies procedures for filling vacancies of elected Community Council positions and amends Section 20-43 of the Code. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jack Osterholt". The signature is written in a cursive, flowing style.

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Jack Osterholt  
Deputy Mayor

Fis5413



# MEMORANDUM

(Revised)

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

**DATE:** June 18, 2013

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

**SUBJECT:** Agenda Item No. 7(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 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(A)  
6-18-13

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

ORDINANCE PERTAINING TO COMMUNITY COUNCILS;  
MODIFYING PROCEDURES FOR FILLING VACANCIES OF  
ELECTED COMMUNITY COUNCIL POSITIONS; AMENDING  
SECTION 20-43 OF THE CODE OF MIAMI-DADE COUNTY,  
FLORIDA ("CODE"); 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 20-43 of the Code of Miami-Dade County, Florida, is hereby  
amended to read as follows:<sup>1</sup>

**Sec. 20-43. - Community Councils; membership.**

Except as provided in subsection (E), Community Councils shall have seven (7) members, six (6) of whom shall be elected at large within the council area and one (1) of whom shall be appointed by the Board of County Commissioners as follows:

(A) Elected Council Members.

(1) Elected Council Members shall, for at least six (6) months prior to qualifying, have been resident electors of the council area for which they are qualifying, and, for at least three (3) years prior to qualifying, resident electors of Miami-Dade County. Additionally, each elected Council Member seeking to represent a subarea shall, for three (3) months prior to qualifying, have been a resident elector of the separate subarea of the council area

<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.

for which the Member is qualifying. At the time of qualifying candidates shall submit proof of residency for the prescribed period to the supervisor of elections. Proof of residency shall establish that the qualifying candidate has met the residency requirements for the required period. Any person misrepresenting their residency shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the County jail or both, at the discretion of the court. No Council Member shall be employed by Miami-Dade County or be a member of the County Commission.

\* \* \* \*

(7) >>Vacancies<< The County Commissioner whose district encompasses the greatest total population within the Community Council area, based on population data from the decennial Census, shall fill any vacant Council positions, by the appointment of an individual meeting the qualifications provided in subsection (1) above from a list of one or more names supplied by the Community Council. A person appointed shall serve until the earlier of the following: (1) the next primary election; or (2) expiration of the term of office for which the appointment is made. This limitation on term length shall apply to any person appointed by either a Community Council or a County Commissioner, whether appointed prior to or after the effective date of this ordinance. A person elected at such county-wide election shall serve for the remainder of the unexpired term. It is provided, however, in the event there is an insufficient number of Community Council Members in office to constitute a quorum, the County Commissioner whose district encompasses the greatest total population within the Community Council area, based on population data from the decennial Census, shall appoint a sufficient number of members necessary to constitute a quorum. Further, should any Community Council fail to supply a list of one or more names for any vacant Council position within ninety (90) days from the

date such position becomes vacant or that the names supplied within such time period are not acceptable to the appointing County Commissioner, the County Commissioner whose district encompasses the greatest total population within the Community Council area, based on population data from the decennial Census, shall appoint an individual meeting the qualifications set forth in subsection (1) above to fill such vacancy, >>except that such County Commissioner may appoint any resident elector within the council area, regardless of whether that elector resides within the subarea represented by the vacant position.<< In the event any Council Member no longer resides in a Council subarea for a subarea position or Council area for an at large position, that person shall be deemed to have tendered their resignation from such Council; provided, however, any Council Member who, as a result of a modification to the configuration of a Council subarea pursuant to Section 20-42, is no longer qualified to be an elected member of such Council, shall be permitted to complete the term of office commenced prior to the subarea boundary modification.

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**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:  
Dennis A. Kerbel

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