

MEMORANDUM

Agenda Item No. 7(C)

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

DATE: April 2, 2013

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

SUBJECT: Ordinance relating to Rules
of Procedure; amending
Section 2-1 of the Code;
requesting that the Commission
Auditor complete background
research on the person,
organization, place or thing
that is the subject of the naming

This item was amended at the Economic Development & PortMiami Committee on March 14, 2013. The County Mayor's Fiscal Impact Statement, included as a supplement to the item, was amended at committee to reflect that the item has no fiscal impact.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa and Co-Sponsors Vice Chair Lynda Bell, Commissioner Jose "Pepe" Diaz, and Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

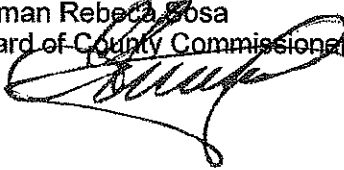
RAC/smm

Memorandum



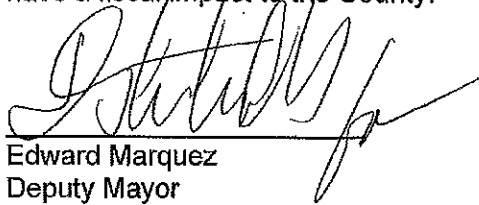
Date: April 2, 2013

To: Honorable Chairwoman Rebecca Rosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Ordinance Related to Rules of Procedure; Amending Section 2-1 of the Code;
Requesting that the Commission Auditor Complete Background Research on the
Person, Organization, Place or Thing that is the Subject of the Naming

The proposed ordinance requires the Commission Auditor to complete background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item. Based on the initial review of work required to perform the background reviews, the Commission Auditor will absorb the additional workload using existing staff. Implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis4313



MEMORANDUM

(Revised)

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

DATE: April 2, 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)

4-2-13

ORDINANCE NO. _____

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUESTING THAT THE COMMISSION AUDITOR COMPLETE BACKGROUND RESEARCH ON THE PERSON, ORGANIZATION, PLACE OR THING THAT IS THE SUBJECT OF A NAMING, RENAMING OR CODESIGNATION ITEM AND PREPARE A REPORT DETAILING THE FINDINGS OF SAID RESEARCH; DIRECTING THE CLERK OF THE BOARD TO PLACE THE REPORT ON THE AGENDA AS A SUPPLEMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board periodically names, renames or codesignates Miami-Dade County roads, facilities or property following a public hearing in honor of various people, organizations, places and things that are significant to this community; and

WHEREAS, this Board is also asked to periodically approve state and municipal road codesignations; and

WHEREAS, Florida Statutes section 334.071 provides that the installation of state road designation signs, following the Florida Legislature passing legislation making an honorary road codesignation, shall be contingent on the applicable county or city commission passing a resolution in support of the particular honorary road designation; and

WHEREAS, municipalities also pass resolutions making honorary codesignations, and while municipalities have the authority to codesignate municipal roads, this Board approves such codesignations prior to them being displayed on County street signs and traffic signal mast arms; and

WHEREAS, by passing resolutions to name, rename, or codesignate Miami-Dade County roads, facilities or property and by approving state and municipal road codesignations, this Board is recognizing and praising the person, organization, place or thing that is the subject of the naming, renaming or codesignation item; and

WHEREAS, due to the respect and service that is owed to the residents of Miami-Dade County, this Board desires to take all necessary steps to ensure that all naming, renaming or codesignation items are appropriate; and

WHEREAS, the Commission Auditor is charged with providing this Board with information about pending legislation, issues and proposals coming before the Board; and

WHEREAS, this Board desires to have the Commission Auditor complete background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item and provide this Board with a report of the findings of said research prior to the Board's consideration of the item; and

WHEREAS, this Board finds that tasking the Commissioner Auditor with this endeavor will assist this Board in approving only those honorary naming, renaming or codesignation items that are appropriate for the residents of Miami-Dade County,

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 of County Commission.

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.

* * *

Rule 9.02 Naming, renaming or codesignation of Miami-Dade County roads, facilities or property>>; approval of state or municipal road codesignations<<.

- (a) Resolutions regarding proposed naming, renaming or codesignation of Miami-Dade County roads, facilities or property shall be sponsored by the district commissioner where the property is located and shall be considered at public hearing.
- (b) Resolutions honoring outstanding individuals shall not be authorized for living individuals except as provided in subsection (d) hereof.
- (c) For every resolution honoring an individual without a personal and direct meaningful relationship to the Greater Miami area, the Board of County Commissioners shall, at the same time, honor an individual who has made a direct, significant contribution to this community.
- (d) This rule shall not prohibit the naming, renaming or designation of a facility or property after a living individual who donates a significant portion of the cost of such facility or property. Further, this rule shall not prohibit the naming, renaming or designation of a road, facility or property after a living individual who has made a direct, significant lifetime contribution to this community, provided:
 - (i) That the naming, renaming or designation is approved by three-fifths vote of the Board members present;
 - (ii) That the naming, renaming or designation is not for any elected municipal, county, state or federal official currently serving or having served in any elected office within the last five years; and
 - (iii) That the naming, renaming or designation of a road, facility or property in a particular commission district is limited to two times during any calendar year.

- (e) Special provisions for employees who give their lives in the line of duty. The County Manager shall present the Board of County Commissioners with a resolution proposing the naming of an appropriate public right-of-way or portion thereof in honor of any Miami-Dade County employee who gives his or her life in the line of duty. Such resolution shall be considered at public hearing and may be adopted by the Board upon a favorable vote of a majority of the commissioners present.

- >>(f) The Commission Auditor shall complete background research, reviewing public records and other sources of information, in print, on the internet, or through other means of communication, that are publicly available, on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads, and shall prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered. The Clerk of the Board shall place the Commission Auditor's report on the commission agenda as a supplement to the related agenda item.<<

* * *

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:

RAC

Prepared by:

Annery Pulgar APA

Annery Pulgar Alfonso

- Prime Sponsor: Chairwoman Rebeca Sosa
- Co-Sponsors: Vice Chair Lynda Bell
- Commissioner Jose "Pepe" Diaz
- Commissioner Audrey M. Edmonson