

# MEMORANDUM

EDPC  
Agenda Item No. 2B

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

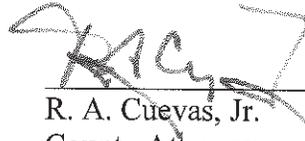
**DATE:** April 10, 2014

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

**SUBJECT:** Ordinance relating to the Rules  
of Procedure of the Board of  
County Commissioners;  
amending Section 2-1 of the  
Code to permit reconsideration of  
items resulting in a tie vote

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime and Co-Sponsor Sally A. Heyman.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/smm

# Memorandum



**Date:**

**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 style with a large, sweeping flourish at the end.

**Subject:** Ordinance relating to the Rules of Procedure of the Board of County Commissioners;  
amending Section 2-1 of the Code to permit reconsideration of items resulting in a tie  
vote

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The proposed ordinance amends Section 2-1 of the Code allowing reconsideration of an item when it has resulted in a tie vote. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Inson Kim". The signature is written in a cursive style with a horizontal line extending to the right.

Inson Kim  
Director of Policy and Legislative Affairs

Fis4214



# MEMORANDUM

(Revised)

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

**DATE:** February 4, 2014

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

**SUBJECT:** Agenda Item No. 4(I)

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. 4(I)

2-4-14

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

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PERMIT RECONSIDERATION OF ITEMS RESULTING IN A TIE VOTE; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**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:<sup>1</sup>

**Sec. 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION**

\* \* \*

**PART 7. RULES OF DEBATE**

**Rule 7.01. RULES OF DEBATE.**

\* \* \*

(h) TIE VOTES. Whenever action cannot be taken because the vote of the commissioners has resulted in a tie, and no other available motion on an item is made and approved before the next item is called for consideration or before a recess or adjournment is called, whichever occurs first, the item shall be removed from the agenda and shall be reintroduced only in accordance with the renewal provisions of Rule 7.01(l)>>, except as provided in Rule

<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.

7.01(k)<<. Notwithstanding any rule of procedure to the contrary, in zoning and other quasi-judicial matters when action on a resolution results in a tie vote, such resolution shall be carried over to the next regularly scheduled meeting for the consideration of such quasi-judicial matters unless the commission designates a different time for such reconsideration.

\* \* \*

(k) RECONSIDERATION. An action of the commission >>or an item resulting in a tie vote<< may be reconsidered only at the same meeting at which the action was taken or >>the item resulted in a tie vote or<< at the next regular meeting thereafter. A motion to reconsider >>an action of the commission<< may be made only by a commissioner who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A motion to reconsider an item resulting in a tie vote >>may be made by any commissioner who voted in the original vote and must be concurred in by a majority of those present at the meeting.<< ~~[[is not in order, and no such motion shall be reconsidered.]]~~ A motion to reconsider shall not be considered unless at least the same number of commissioners is present as participated in the original vote, or upon affirmative vote of two-thirds (2/3) of those commissioners present. Adoption of a motion to reconsider shall rescind the action reconsidered >>or the tie vote, as applicable<<.

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:

Geri Bonzon-Keenan


Prime Sponsor: Commissioner Jean Monestime  
Co-Sponsor: Commissioner Sally A. Heyman