

MEMORANDUM

Agenda Item No. 7(B)
(Second Reading 6-3-14)

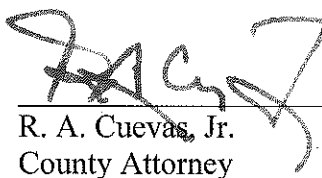
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 8, 2014

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

SUBJECT: Ordinance amending Section
25A-3 of the Code regarding
the quorum requirement for
the Public Health Trust
Nominating Council;
providing for election of a
Vice Chairperson thereof

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: June 3, 2014

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", written over a horizontal line.

Subject: Ordinance amending Section 25A-3 of the Code of Miami-Dade County regarding the quorum requirement for the Public Health Trust Nominating Council; providing for election of a Vice Chairperson thereof

The proposed ordinance amends Section 25A-3 of the Code of Miami-Dade County changing the quorum requirement for the Public Health Trust Nominating Council from five Council members present to four and provides for election of a Vice Chairperson. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Aljha Hudak", written over a horizontal line.

Aljha Hudak
Deputy Mayor

Fis6414



MEMORANDUM
(Revised)

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

DATE: June 3, 2014

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

SUBJECT: Agenda Item No. 7(B)

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(B)
6-3-14

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 25A-3 OF THE CODE OF MIAMI-DADE COUNTY REGARDING THE QUORUM REQUIREMENT FOR THE PUBLIC HEALTH TRUST NOMINATING COUNCIL; PROVIDING FOR ELECTION OF A VICE CHAIRPERSON THEREOF; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Chapter 25A of the Code of Miami-Dade County (“Code”) provides that the Board of Trustees, the governing body of the Public Health Trust, shall be comprised of seven (7) members; and

WHEREAS, Chapter 25A of the Code also provides that the Public Health Trust Nominating Council (“Nominating Council”) shall meet for the purposes of soliciting, screening, interviewing and recommending to the Commission the names of the best qualified candidates for membership on the Board of Trustees; and

WHEREAS, as established by Section 25A-3, the Nominating Council is comprised of nine (9) members and the quorum requirement for its meetings is the presence of five (5) of those members; and

WHEREAS, there is currently a vacancy on the Board of Trustees which has remained unfilled since the summer of 2013; and

WHEREAS, there has been difficulty in filling the current vacancy and potentially there may be difficulty in filling future vacancies because the Nominating Council has been or is unable to obtain a quorum of its members so that Nominating Council can take appropriate action related to its duties under the Code; and

WHEREAS, Section 25A-3 of the Code, moreover, provides for a Chairperson but it does not require a Vice Chairperson who, in the absence of the Chairperson, will serve in the Chairperson's stead, and which office will result in continuity of Nominating Council meetings and fewer cancellations of such meetings; and

WHEREAS, this Commission desires to ease the Nominating Council's quorum requirement to provide an avenue for the Nominating Council to accomplish its purposes and to provide for the election of a Vice Chairperson of the Nominating Council,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 25A-3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 25A-3. Governing body.

* * *

(d) *Appointment and removal of Trustees.* Five (5) Voting Trustees shall be appointed by resolution of the Board of County Commissioners after having been selected by the Commission from persons nominated by a Nominating Council established and described herein. Prior to September 1st of each year, the Nominating Council shall submit to the Commission a list of nominees containing a total number of names which is equal to one (1) nominee for each vacancy on the Board of Trustees plus two (2) additional nominees. The Commission shall select and appoint the voting Trustees from the list of nominees submitted by the Nominating Council. The Nominating Council shall select each nominee by individual majority vote. In the event of a tie vote, the candidate shall not be designated as a nominee.

(1) The Nominating Council, hereinafter known as the Public Health Trust Nominating Council, shall be comprised of the

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.

following nine (9) voting members: five (5) voting Trustees of the Public Health Trust as designated by the Chairperson of the Public Health Trust; the President of the South Florida AFL-CIO or his or her designee; the Chairperson of the Board of County Commissioners or a Commissioner designated by the Chairperson; the Mayor or his or her designee; and the Chairperson of the Miami-Dade Legislative Delegation or another member of the delegation appointed by Chairperson of the Miami-Dade Legislative Delegation. The Chairperson of the Trust shall chair the Nominating Council>>and the Nominating Council shall elect one (1) of its members as Vice-Chairperson<<. The presence of >>four (4)<< ~~[[five-(5)]]~~ Council members shall be necessary and sufficient to constitute a quorum for the transaction of business at all meetings of the Nominating Council.

* * *

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:



Eugene Shy, Jr.

Prime Sponsor: Commissioner Audrey M. Edmonson