

MEMORANDUM

Agenda Item No. 4(G)

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

DATE: June 17, 2014

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

SUBJECT: Ordinance amending Sections
2-2102, 2-2104, and 2-2105 of
the Code pertaining to the
Military Affairs Board

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

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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(G)
6-17-14

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 2-2102, 2-2104, AND 2-2105 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO THE MILITARY AFFAIRS BOARD; 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 2-2102 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-2102. Powers and Duties of Board.

* * *

(q) To solicit and approve contracts for the public purposes provided for in this article, and only to the extent that funds are currently available in the Military Affairs Trust Fund. It is the intent of the County Commission that the Military Affairs Board be given the authority to enter into county contracts with the assistance of county staff subject to the limitations of this article. ~~[[The contracting policies and procedures to be followed by the Military Affairs Board to give effect to this intent shall be set forth in an implementing order approved by resolution of the Board of County Commissioners.]]~~

>>(r) The Military Affairs Board's power to expend funds and solicit and approve contracts shall be as set forth in § 2-2104 of the Code. Implementing Order 3-59, titled "Procurement of the Miami-Dade Military Affairs Board," is hereby rescinded.<<

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.

Section 2. Section 2-2104 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-2104. Financial Support for >>and Expenditures of<< the Board.

Subject to Miami-Dade County's budgetary process and the availability of funds, the Mayor shall include in ~~[[die]]~~ >>the<< County's annual budget, administrative costs and additional funds for the implementation of the Board's powers and duties. There is hereby created the Military Affairs Trust Fund for the public purposes provided for in this Ordinance. The Finance Director is hereby authorized and directed to establish the Military Affairs Trust Fund and disburse monies in accordance with the provisions of this Ordinance.

>>Once per fiscal year, the Military Affairs Board shall hold a meeting specifically for the purpose of adopting a proposed budget, which budget shall be subject to the approval of the Board of County Commissioners. The budget shall set forth the funds available in the Military Affairs Trust Fund. To the extent funds are available, the proposed budget shall specifically allocate funds towards administrative expenses and towards the fulfillment of the powers and duties identified in § 2-102(a)-(i) and (n). The proposed budget shall also indicate how any additional funding received after budget preparation—whether such funding is received through gifts, grants, or otherwise—will be allocated within the proposed budget.

All expenditures of Trust Fund funds shall be authorized by the Military Affairs Board, and any agreements for the expenditure of Trust Fund funds shall be executed by the Chairperson of the Military Affairs Board, if designated by the Mayor, or the Mayor or Mayor's designee. The procurement of goods and services using funds from the Military Affairs Trust Fund shall be consistent with the procurement processes set forth in the Master Procurement Implementing Order, IO 3-38, and shall be conducted with the assistance of the Internal Services Department.<<

Section 3. Section 2-2105 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-2105. Staff Support and Counsel.

The ~~[[Mayor]]~~ >>Office of Community Advocacy<< shall provide the Board with adequate staff to perform its power and duties, >>one of whom the Military Affairs Board shall designate as the "Director of the Military Affairs Board." The duties of the Director of the Military Affairs Board shall be described in the by-laws.<< The Board shall utilize the County Attorney's Office for legal services. The Clerk of the Board of County Commissioners shall take and keep the minutes of the Military Affairs Board.

Section 4. 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 5. 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 6. 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:



Miguel A. Gonzalez

Prime Sponsor: Chairwoman Rebeca Sosa