

MEMORANDUM

PSASC
Agenda Item No. 1G1

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

DATE: December 15, 2014

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

SUBJECT: Ordinance creating Miami-Dade
County Courts General
Obligation Bond Citizens'
Advisory Committee for purpose
of advising the County
Commission and County Mayor
regarding Miami-Dade County
Court projects funded by General
Obligation Bond Program

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.



R. A. Cuevas, Jr.
County Attorney



RAC/cp



MEMORANDUM

(Revised)

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

DATE: October 7, 2014

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

SUBJECT: Agenda Item No. 4(G)

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)

10-7-14

ORDINANCE NO. _____

ORDINANCE CREATING MIAMI-DADE COUNTY COURTS GENERAL OBLIGATION BOND CITIZENS' ADVISORY COMMITTEE FOR PURPOSE OF ADVISING THE COUNTY COMMISSION AND COUNTY MAYOR REGARDING MIAMI-DADE COUNTY COURT PROJECTS FUNDED BY GENERAL OBLIGATION BOND PROGRAM; PROVIDING FOR PURPOSE, POWERS AND DUTIES, COMPOSITION AND ORGANIZATION OF BOARD, AND STAFF AND COUNSEL TO SUPPORT BOARD; PROVIDING FOR QUALIFICATIONS AND APPOINTMENT OF BOARD MEMBERS; AND PROVIDING SUNSET PROVISION, SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

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

Section 1. To support the Miami-Dade County general obligation bond program to fund court projects as approved by the electorate on November 4, 2014, Chapter 2, Article CXLXI of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 2-2190. Creation of Miami-Dade County Courts General Obligation Bond Citizens' Advisory Committee.

There is hereby created and established pursuant to the Home Rule Amendment and Charter of Miami-Dade County, as amended, an advisory board of Miami-Dade County to be known as the Miami-Dade County Courts General Obligation Bond Citizens' Advisory Committee (hereinafter the "Advisory Committee"). The Advisory Committee is established solely for the purpose of advising the Board of County Commissioners ("County Commission") and the County Mayor ("Mayor") regarding the Miami-Dade County general obligation bond program to fund court projects (other than court projects funded by the Building Better Communities Bond Program approved by the electorate in 2004) (the "Bond Program"). The Advisory Committee may exercise only those duties specifically granted in this article or necessary in the exercise of the duties enumerated in this article.

Sec. 2-2191. Powers and Duties of Advisory Committee.

The Advisory Committee shall have the following powers, duties, responsibilities and functions:

- (a) To review and monitor performance and program achievements related to the Bond Program; and
- (b) To periodically advise the County Commission and the Mayor, and assist in informing the community, of the Bond Program's accomplishments regarding completion of court capital projects funded in whole or in part by the Bond Program; and
- (c) To review recommendations of the County Mayor on the use of any Bond Program funds to fund Miami-Dade County courts capital projects, including those set forth in informational pamphlets and media releases distributed by the County to the public prior to the November 4, 2014 election and any future election; and
- (d) To participate, along with staff of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, and of the County in citizen outreach efforts relating to the development of Miami-Dade County courts capital projects funded in whole or in part with Bond Program funds; and
- (e) To provide an annual report to the County Commission by either written resolution or oral presentation, and periodically provide advice as may be requested by the County Commission or the Mayor in accordance with the terms of this section; and
- (f) To promulgate rules consistent with this article for the conduct of its meetings and the discharge of its responsibilities; provided, however, the Advisory Committee shall not create or establish any subcommittees to address the work of the Advisory Committee; and

- (g) To comply with the laws and regulations of the United States, the State of Florida, and Miami-Dade County, including, but not limited to, the laws relating to the keeping of records including the preservation of all audit rights.

Sec. 2-2192. Governing Committee.

- (a) Composition and appointment. The Advisory Committee shall consist of up to seventeen (17) voting members ("Member(s)") appointed as follows:
 - (1) each County Commissioner shall appoint a Member;
 - (2) the County Mayor shall appoint a Member; and
 - (3) each of the following individuals shall serve as a Member or may appoint a Member who meets the criteria set forth below in paragraph (b): Miami-Dade Clerk of Court; Miami-Dade State Attorney; and Chief Judge of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida.
- (b) Qualifications. When making a selection, the individual making the appointment shall consider that the Advisory Committee as a whole should be representative of the community at large and should generally reflect the gender, racial, ethnic and cultural makeup of the community. In addition, although not required, when making an appointment to the Advisory Committee the individuals authorized to make such appointment shall consider the following individuals or leaders of the following organizations, as the case may be, for appointment: Florida Bar; Legal Aid Society of Miami-Dade County; Greater Miami Chamber of Commerce; Beacon Council Community Relations Board; The National Association for the Advancement of Colored People (NAACP); Spanish American League Against Discrimination (SALAD); National Action Network; Executive Director of the Miami-Dade County Legislative Delegation; Miami-Dade County Commission on Ethics and Public Trust (the "Commission on Ethics"); Miami-Dade Inspector General; and the 11th Circuit Historical Society. Each Member of the Advisory Committee shall: (i) be a permanent resident

and elector of Miami-Dade County; (ii) have an outstanding reputation for civic pride, integrity, responsibility and community service; (iii) comply with the requirements of Chapter 2-11-38 of the Code of Miami-Dade County; (iv) have demonstrated an interest in the activities covered by the Advisory Committee; and (v) have no financial interest, direct or indirect, in any of the capital projects that are to be funded by the Bond Program as determined by the Commission on Ethics. Except as permitted by Section 2-2192(a)(3), elected officials, or persons whose livelihood or their immediate family member's livelihood depends on the area administered or dealt with by the Advisory Committee as determined by the Commission on Ethics, shall not serve as Members of the Advisory Committee. Immediate family means and shall have the definition set forth in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), Section 2-11.1 of the Code of Miami-Dade County, Florida. Before taking any official action, each voting Member shall take the prescribed oath of office.

- (c) Term. Each Member appointed by a County Commissioner shall serve on the Advisory Committee for an initial term which begins on the day of appointment and expires three (3) years from such appointment date. All other appointees to the Advisory Committee shall be for initial terms which begin on the day of appointment and expire two (2) years from such appointment date. The term of any Advisory Committee Member appointed or re-appointed pursuant to this article after the initial terms shall be for a term of three (3) years each. The foregoing notwithstanding the term of any Advisory Committee Member appointed or re-appointed pursuant to this article shall be subject to automatic expiration as provided in Section 2-11.38.2 of this Code. Each Advisory Committee Member shall be permitted to serve no more than two (2) consecutive and complete terms of three (3) years each, and, in no event, more than the maximum number of years provided in Section 2-11.38.2 of this Code.
- (d) Vacancies. The individuals and/or organizations set forth in Section 2-2192(a) shall designate a representative qualified pursuant to paragraph (b) to serve on the Advisory Committee within sixty (60) days of the effective date of

this Code provision and shall fill vacancies by designating a new representative qualified pursuant to paragraph (b) within sixty (60) days after an appointee resigns or is removed. In the event of a vacancy during the term of a County Commissioner designated Member of the Advisory Committee, the Advisory Committee shall notify the County Commissioner of the vacancy and shall request a replacement representative.

- (e) Unexcused Absences. Any Advisory Committee Member shall be automatically removed if, in a given calendar year, he/she (i) incurs two (2) unexcused absences from Advisory Committee meetings; or (ii) is absent from three (3) consecutive Advisory Committee meetings; or (iii) is absent from more than fifty percent (50%) of all the Advisory Committee meetings. A Member shall be deemed absent when he/she is not present at the meeting for at least seventy-five percent (75%) of its duration.
- (f) Applicability of Conflict of Interest and Code of Ethics Ordinance. The Conflict of Interest Ordinance shall be applicable, as determined by the Commission on Ethics, to the Members of the Advisory Committee. Moreover, neither Members of the Advisory Committee nor their employers nor corporations in which they hold an ownership stake may, as determined by the Commission on Ethics, obtain, seek or bid on projects at Miami-Dade County court facilities, whether funded by the Bond Program or other sources, during the Advisory Committee Member's term on the Advisory Committee or for two (2) years after said individual leaves Advisory Committee membership. It is declared to be the intent of the County Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Advisory Committee Members on the basis of interests relating to Miami-Dade County when such interests do not conflict with the matters administered or dealt with by the Advisory Committee.
- (g) Organization and Procedure. The Advisory Committee shall elect one (1) of its Members as chairperson and one (1) of its Members as vice-chairperson and both shall serve as officers for a term of two (2) years. The Members shall also elect such other officers as the Members may determine to be necessary and such officers shall also serve

a term of two (2) years. The Advisory Committee shall hold regular meetings no less than four (4) times per calendar year and such other meetings as it deems necessary. A majority of the appointed Members of the Advisory Committee shall constitute a quorum. All meetings of the Advisory Committee shall be public and the Advisory Committee shall maintain written minutes of all proceedings that shall be promptly prepared and recorded by the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Advisory Committee.

- (h) Compensation. Members of the Advisory Committee shall serve without compensation.

Sec. 2-2193. Staff Support and Counsel.

The County Mayor shall provide the Advisory Committee with adequate staff to perform its powers and duties. The Advisory Committee shall utilize the County Attorney's Office for legal services.

Sec. 2-2194. Modifications and Term.

It is the intent of the County Commission to create by this article and for the purposes set forth in this article an Advisory Committee that may be modified or revoked in whole or in part by duly enacted ordinance of the County Commission.

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. Notwithstanding and prevailing over any other provision to the contrary, 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.

Section 5. This ordinance shall stand repealed ten (10) years from its effective date.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

GBK for

Prepared by:

JRA

Juliette R. Antoine

Prime Sponsor: Commissioner Xavier L. Suarez