MEMORANDUM

Agenda Item No. 7(G)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	November 5, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance amending Sections 2-265, 2-266, 2-267, 2-268 and 2-269 of the Code, pertaining to the Miami-Dade County Commission for Women's membership, terms of office, organization, and duties

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 10-15-14 Health and Social Services Committee. This substitute differs from the original in that the substitute provides that following one year of not holding an elected office on the Commission for Women, a member may be elected to the same office he or she previously held for two consecutive years. The substitute does not require the Clerk of the Board to record the minutes of board meetings but still requires the Clerk to maintain minutes of the board's meetings.

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/jls

Memorandum

MIAMI-DADE COUNTY

Date: November 5, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance amending sections 2-265, 2-266, 2-267, 2-268 and 2-269 of the Code, pertaining to the Miami-Dade County Commission For Women's Membership

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The proposed ordinance amends sections 2-265, 2-266, 2-267, 2-268 and 2-269 of the Code of Miami-Dade County, pertaining to the Miami-Dade County Commission For Women's Membership, terms of office, organization, and duties. Implementation of this ordinance will not have a fiscal impact to the County.

Inson Kim
Director of Policy and Legislative Affairs

Fis8314

MEMORANDUM
(Revised)

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

DATE: November 5, 2014

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

SUBJECT: Agenda Item No. 7(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. 7(G)
11-5-14

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 2-265, 2-266, 2-267, 2-268 AND 2-269 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO THE MIAMI-DADE COUNTY COMMISSION FOR WOMEN'S MEMBERSHIP, TERMS OF OFFICE, ORGANIZATION, AND DUTIES; 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 2-265 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: [1]

Sec. 2-265. Commission for Women.

The Miami-Dade County Commission for Women >>("the Commission")<< is hereby created and established. The Commission shall consist of [[~~twenty-seven (27)~~]] >>twenty-six (26) members.<< [[~~members appointed by the County Commission.~~]] The Office of the Chairperson of the County Commission shall provide appropriate support for the Commission for Women. The Chairperson of the County Commission shall have the power to appoint employ, remove and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to the Commission for Women, and such assistants, employees, and [[~~personnel~~]] >>personnel, including an executive director, collectively herein referred to as the Office of Community Advocacy,<< shall serve at the will of the Chairperson of the 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.

Section 2. Section 2-266 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-266. Qualifications of members.

[[~~Members~~]] >>In accordance with the provisions of Section 2-11.38 of the Code of Miami-Dade County as may be amended, members<<of the Commission shall be permanent residents >>and electors<< of Miami-Dade County. Members, while serving, shall not become candidates for election to any public office. In order to secure representative membership upon the Commission, each of the >>thirteen (13)<< [[~~eight (8)~~]] County Commissioners shall appoint [[~~three (3)~~]] >>two (2)<< members to the >>Commission.<< [[~~Commission and the Mayor shall appoint three (3) members to the Commission.~~]]

Section 3. Section 2-267 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-267. Terms of office.

[[~~In order that the terms of Office of all members of the Commission shall not expire at the same time, the initial appointments to the Commission shall be as follows: The Mayor and the County Commissioners shall each appoint one (1) member to the Commission for a term of one (1) year, one (1) member to the Commission for a term of two (2) years, and one (1) member to the Commission for a term of three (3) years. The Chairman shall be elected by the members of the Commission for a one (1) year term. Thereafter all~~]] >>All<< appointments shall be made for a term of four (4) years. >>No member may serve more than eight (8) consecutive years in accordance with Section 2-11.38.2 of the Code of Miami-Dade County as may be amended. This section shall apply to all board members, except that current board members shall be allowed to complete their current terms.<< Appointments to fill any vacancy on the Commission shall be for the remainder of the unexpired term of office. A member may be removed without cause only by three-fourths vote of the entire membership of the County Commission.

>>However, notwithstanding any other provision of the Code of Miami-Dade County, a member shall be automatically removed if, in a given County fiscal year: the member is absent from two (2) consecutive meetings without an acceptable excuse or the member

is absent from three (3) of the board's meetings without an acceptable excuse. An 'acceptable excuse' is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Commission for Women, by a two-thirds (2/3) vote of its membership, deems appropriate. If a member is absent with an acceptable excuse from three (3) or more meetings, the Commission for Women at its discretion may vote to remove the member from the Commission, and the Commission's vote shall be final.

A member shall be considered absent from a meeting if the member is not physically present for at least seventy-five (75) percent of the meeting's duration. A member shall also be considered absent from a meeting if the member refrains from voting on any matter for which voting is conducted at the meeting, unless the member is prevented from voting by a conflict of interest. The provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, as may be amended, are applicable to this board.<<

[[~~When any member of the Commission fails to attend three (3) consecutive meetings without due cause, the Chairman shall certify the same to the County Commission. Such member shall then be deemed to have been removed and a vacancy created.~~

~~Terms of office, of members of the Commission appointed by the Board of County Commissioners, which would normally expire on or between the dates of January 1 through June 30, or July 1 through December 31 of the termination year, shall be deemed ended and expired as of March 31 or September 30 thereof respectively; and the position thereon vacated may be refilled by the Board of County Commissioners.~~]]

Section 4. Section 2-268 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-268. Organization of the Commission.

The members of the Commission shall elect such officers other than a Chairman as may be deemed necessary or desirable, who shall serve >>one-year terms<< at the will of the Commission. >>No member shall remain in the same office for more than two (2) consecutive years.<< >>After one (1) year of not holding the office, a member may be elected to the same office that was

previously held for up to two (2) consecutive years.<<[2] >>Officer elections shall take place each November, with newly elected officers installed the following January.<<

[[~~Fourteen (14) members of~~]] >>A majority of members duly appointed to<< the Commission shall constitute a quorum necessary to hold a meeting and take any action. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval by the County Commission. The Chairman may call meetings of the Commission, and meetings may be called by written notice signed by fourteen (14) members and the Commission at any meeting may fix and call a meeting on a future date. Minutes shall be kept of all meetings of the Commission. All meetings shall be public.

>>The Clerk of the Board of County Commissioners ("Clerk of the Board") shall maintain a current roster of the Commission for Women's members<< [[~~and record~~]] >>and maintain minutes of the Commission's meetings.

The Office of Community Advocacy's duties shall include working with the Clerk of the Board to ensure the Commission's membership roster is current and posting minutes from the Commission's meetings online. In addition, the executive director of the Office of Community Advocacy shall provide a report on the Commission every twelve months to the Board of County Commissioners.<<

Section 5. Section 2-269 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-269. Duties and powers of the Commission.

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

* * *

[2] The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

>>(g) To report at least annually to the County Commission on the Commission for Women's accomplishments and priorities.<<

[[~~(g)~~]] >>(h)<< To perform such other duties as may from time to time be assigned to it by resolution of the County Commission.

Section 6. 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 7. 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 8. 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: GBK for

Prepared by: SR

Estephanie S. Resnik

Prime Sponsor: Chairwoman Rebeca Sosa