MEMORANDUM

Agenda Item No. 7(D)

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 2-205, 2-206, 2-207 and 2-208 of the Code, pertaining to the Miami-Dade County Community Relations Board's membership, organization, support, and duties

A substitute was presented and forwarded to the BCC with a favorable recommendation with committee amendment at the October 15, 2014 Health and Social Services Committee. This substitute differs from the original in that it:

(1) Provides that the nominating committee, proposed to be created for the purpose of nominating 13 of the 26 members of the Community Relations Board, will be selected by the Community Relations Board from its membership instead of by the Office of Community Advocacy; provides that the Community Relations Board shall make such appointments, following required criminal background checks and research; provides that the Community Relations Board shall develop nominating committee procedures; and eliminates the requirement that the 13 members nominated by the nominating committee reside in each of the 13 commission districts.

(2) Provides that the chairpersons of the Miami-Dade County Commission for Women, Miami-Dade County Asian-American Advisory Board, Miami-Dade County Black Affairs Advisory Board, and Miami-Dade County Hispanic Affairs Advisory Board shall serve as ex-officio, non-voting members of the Community Relations Board.

(3) Provides that officers serve for a two-year term at the pleasure of the Community Relations Board, that no member shall remain in office for more than four consecutive years, and that after one year of not holding the office, a member may be elected to the same office that was previously held for up to four consecutive years.

The substitute also provided that the Clerk of the Board was not required to record board meetings, but the Health and Social Services Committee amended the substitute to continue to require the Clerk to record board 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/smm

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 2-205, 2-206, 2-207 and 2-208 of the Code, pertaining to the Miami-Dade County Community Relations Board

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The proposed ordinance amends Section 2-205, 2-206, 2-207 and 2-208 of the Code of Miami-Dade County, pertaining to the Miami-Dade County Community Relations Board's membership, organization, support and duties. Implementation of this ordinance will not have a fiscal impact to the County.

Inson Kim
Director of Policy and Legislative Affairs

Fls8514

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(D)

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(D)

11-5-14

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 2-205, 2-206, 2-207 AND 2-208 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO THE MIAMI-DADE COUNTY COMMUNITY RELATIONS BOARD'S MEMBERSHIP, ORGANIZATION, SUPPORT, 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 2-205 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 2-205. Membership; qualifications; terms.

This Board shall consist of [[~~thirty (30)~~]] >>twenty-six (26)<< voting members >>in accordance with the provisions of Section 2-11.38 of the Code of Miami-Dade County as may be amended<<. The membership of the Board shall be broadly representative of the various social, racial, religious, linguistic, cultural, economic, national origin and geographic groups comprising the population of this County. Each member shall be a resident of Miami-Dade County with an outstanding reputation for community pride, interest, integrity, responsibility, and business or professional ability and a documented commitment to intergroup relations.

Each Commissioner shall appoint a member to the Community Relations Board who is duly qualified under this ordinance>>. The other thirteen (13) members shall be nominated by a nominating committee. The nominating committee shall be comprised of existing members of the board as selected by majority vote of the board, which shall develop procedures for the creation of the nominating committee in its bylaws. The nominating committee shall recommend potential members for appointment by 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.

Community Relations Board, subject to compliance with the requirements of Section 2-11.38.1(b) of the Code of Miami-Dade County, as may be amended, including the requirement relating to criminal history background checks on potential advisory board members performed by the Office of the Inspector General and compliance with the requirements of Resolution No. R-636-14, as may be amended, pertaining to background research on potential advisory board members performed by the Office of the Commission Auditor. The board shall work with the Office of Community Advocacy or successor department to advertise vacancies occurring on the Community Relations Board in publications of general circulation and maintain an online application to generate a pool of potential members for the nominating committee's consideration. The chairpersons of the Miami-Dade County Commission for Women, Miami-Dade County Asian-American Advisory Board, Miami-Dade County Black Affairs Advisory Board, and Miami-Dade County Hispanic Affairs Advisory Board shall serve as ex-officio, non-voting members of the Community Relations Board.

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.

Notwithstanding any other provision of the Code of Miami-Dade County, a board 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 board, 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 board may vote to remove the member from the board.

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.<<

[[~~and the criteria provided by a special nominating committee. The special nominating committee shall consist of: the Mayor or his designee, as chair; the County Manager; one person appointed by the Board of County Commissioners; and six past chairs of the Community Relations Board appointed by the Mayor. The special nominating committee will appoint thirteen duly qualified at-large members assuring diverse representation from among gender, ethnic and national origin groups. Four additional members shall serve by virtue of their election as chairpersons by the respective community advisory boards which are: Black Affairs Advisory Board, Hispanic Affairs Advisory Board, Asian-American Advisory Board and the Commission for Women. The advisory board chairpersons shall serve as voting members of the CRB during the period each holds that elected position. The remaining twenty-six (26) members of the Community Relations Board shall be appointed for an initial one year term.~~

~~Thereafter, the Community Relations Board shall consist of thirteen duly qualified members appointed by each Commissioner thirteen at-large members appointed by an ad hoc nominating committee designated by the CRB and four members elected as chairpersons by the community advisory boards.~~

~~After one year, the twenty-six appointed members will serve staggered terms chosen by lottery as follows: nine (9) members shall be appointed for terms expiring on the second anniversary of their appointment, nine (9) members shall be appointed for terms expiring on the third anniversary of their appointment, and eight (8) members shall be appointed for terms expiring on the fourth anniversary of their appointment. Subsequent appointments shall be for terms of three (3) years except that appointments to fill any vacancy shall be for the remainder of the unexpired term. Former chairpersons of the Board, who are not current members of the Board shall serve as ex officio members of the Board but shall not be entitled to vote on any matter before the Board and shall not be required to attend meetings of the Board.~~]] Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in official duties, >>in accordance with applicable law.<< [[~~as may be determined and approved by the County Manager. The members of the Community Relations Board at the time of the passage of this ordinance shall continue to~~

~~serve until such time as the reorganized Board is convened. The reorganized Community Relations Board shall be convened by the Mayor and Board of County Commissioners within 90 days of the passage of this ordinance. The Mayor shall serve as the convening chairperson until such time as the newly constituted Board shall select an executive committee.~~]]

Section 2. Section 2-206 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-206. Organization; quorum; voting; rules of procedure; records of meetings.

The members of the Board shall select and designate from its members a Chairperson, Vice-Chairperson, Secretary, and such other officers as may be deemed necessary, who shall serve >>for a two-year term<< at the pleasure of the Board. >>No member shall remain in the same office for more than four (4) 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 four (4) consecutive years. Officer elections shall take place each November, with newly elected officers installed the following January.<<

[[~~Fifteen (15) members of~~]] >>A majority of members duly appointed to<< the Board shall constitute a quorum, not withstanding Chapter 2-11.39.1. No action shall be taken except by a majority vote of those present at a duly constituted meeting of the Board; provided, however, an executive committee consisting of all officers and such other persons as the Chairperson may appoint from time to time is authorized to exercise all powers, duties and functions of the Board between Board meetings, any such action to be reported to the Board at its next meeting and the Board shall either ratify or rescind the action of the executive committee. The Board may adopt rules of procedure governing its meetings and actions on matters within its jurisdiction, not inconsistent with the provisions of this article, which rules of procedure shall be filed with the Clerk of the County Commission.

Copies of the minutes of all Board meetings shall be furnished to the Chairperson of the County Commission and the County [[~~Manager.~~]] >>Mayor. The Clerk of the Board of County Commissioners ("Clerk of the Board") shall maintain a current

roster of the board's members<< >>and record the board's meetings<<[2] >>and maintain minutes of the board's meetings.

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

Section 3. Section 2-207 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-207. Supervision and Support.

The Office of the Chairperson of the County Commission shall provide appropriate support for the Community Relations Board. 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 Community Relations Board, 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.

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2 Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

Section 4. Section 2-208 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-208. Duties and functions.

* * *

The functions of the Board shall be:

* * *

(g) To submit an annual report >>including the Board's accomplishments and priorities<< to the Mayor[[,]] >>and<< the Board of County Commissioners [[~~and the County Manager~~]].

* * *

Section 5. 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 6. 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 7. 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: _____

Estephanie Resnik

Prime Sponsor: Chairwoman Rebeca Sosa