

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioner

DATE: April 21, 2015

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

SUBJECT: Ordinance relating to Rules of Procedure of the Board of County Commissioners; amending section 2-1 of the Code regarding preparation of ordinances and resolutions; establishing a timeframe within which a prime sponsor must request placement of an item on an agenda; prohibiting another County Commissioner from requesting that the same or similar item be placed on the agenda during such timeframe; allowing another County Commissioner to request that the same or similar item be placed on the agenda after the expiration of such timeframe

This item was amended at the 2-10-15 Strategic Planning & Government Operations Committee as follows:

1. If a requested ordinance or resolution is not ready to be submitted to the Chairperson of the County Commission within six months from the date of the request due to circumstances beyond the control of the prime sponsor, the Board of County Commissioners may by motion or resolution waive the six-month requirement and approve another time period within which the prime sponsor may submit the item to the Chairperson; and
2. Prior to requesting a waiver of the six-month requirement as provided in the preceding sentence, the prime sponsor shall make a good faith effort to schedule a sunshine meeting in compliance with Chapter 119, Florida Statutes, with any other commissioner interested in becoming a co-prime sponsor of the item.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr. and Co-Sponsor Commissioner Daniella Levine Cava.



R. A. Cuevas, Jr.
County Attorney

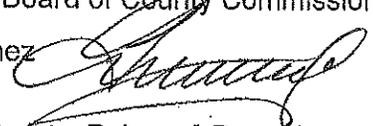
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Memorandum



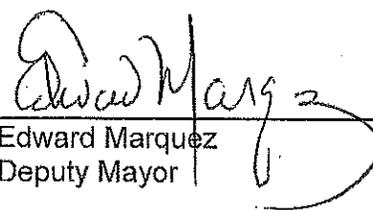
Date: April 21, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Ordinance relating to Rules of Procedures of the Board of County Commissioners
Amending Section of the Code Regarding Preparation of Ordinances and
Resolutions, and Establishing a Timeframe for Placement of Items

This ordinance amends Section 2-2 of the Code related to the preparation of ordinances and resolutions. Implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis02315



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 21, 2015

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

SUBJECT: Agenda Item No. 7(A)

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(A)
4-21-15

ORDINANCE NO. _____

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGARDING PREPARATION OF ORDINANCES AND RESOLUTIONS; ESTABLISHING A TIMEFRAME WITHIN WHICH A PRIME SPONSOR MUST REQUEST PLACEMENT OF AN ITEM ON AN AGENDA; PROHIBITING ANOTHER COUNTY COMMISSIONER FROM REQUESTING THAT THE SAME OR SIMILAR ITEM BE PLACED ON THE AGENDA DURING SUCH TIMEFRAME; ALLOWING ANOTHER COUNTY COMMISSIONER TO REQUEST THAT THE SAME OR SIMILAR ITEM BE PLACED ON THE AGENDA AFTER THE EXPIRATION OF SUCH TIMEFRAME; PROVIDING FOR 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 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-1. Rules of procedure of County Commission.

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

Rule 5.06 Ordinances, resolutions, motions, contracts.

- (a) *Preparation and enactment of ordinances.* The County Attorney, when requested, shall prepare ordinances and resolutions. >>Whenever a Commissioner requests that 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.

County Attorney prepare an ordinance or resolution, the prime sponsor shall have six months from the date of the request for legislation within which to submit the item to the Chairperson of the County Commission for placement on the appropriate agenda. Prior to submission by the prime sponsor of the item to the Chairperson of the County Commission for placement on the appropriate agenda, no other Commissioner may request that the same or substantially similar item be placed on the agenda. If a requested item is not submitted by the prime sponsor to the Chairperson of the County Commission for placement on the agenda within six months from the date of the request for the legislation, any other Commissioner may request that the same or substantially similar item be prepared for placement on the agenda.<< >>Notwithstanding the foregoing, if a requested ordinance or resolution is not ready to be submitted to the Chairperson of the County Commission within six months from the date of the request due to circumstances beyond the control of the prime sponsor, the Board of County Commissioners may by motion or resolution waive the six-month requirement and approve another time period within which the prime sponsor may submit the item to the Chairperson. Prior to requesting a waiver of the six-month requirement as provided in the preceding sentence, the prime sponsor shall make a good faith effort to schedule a sunshine meeting in compliance with Chapter 286, Florida Statutes, with any other Commissioner interested in becoming a co-prime sponsor of the item.<<²

Ordinances may be introduced and listed by title and shall be read by title only before consideration by the Commission on first reading. On first reading of ordinances, there shall be no discussion by either County Commissioners, County staff or members of the public, except as provided in Rule 6.06. On first reading only, the Commission may either vote for all ordinances in one (1) vote or may vote separately on any ordinance. At second reading, each ordinance shall be voted on individually.

* * *

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 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:

DAE

Prepared by:

GKS

Gerald K. Sanchez

Prime Sponsor: Vice Chairman Esteban L. Bovo, Jr.
Co-Sponsor: Commissioner Daniella Levine Cava