

MEMORANDUM

EPC
Agenda Item No. 1(G)1

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

DATE: June 11, 2015

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

SUBJECT: Ordinance relating to the Rules of Procedure; amending section 2-1 of the Code; requiring the County Mayor to provide a written social equity statement regarding any proposed County ordinance and place such statement on an agenda with the proposed ordinance prior to public hearing on the ordinance; setting forth exceptions; requiring the Mayor to take certain actions after provision of the social equity statement

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Daniella Levine Cava and Chairman Jean Monestime, and Co-Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: May 19, 2015


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

SUBJECT: Agenda Item No. 4(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. 4(A)
5-19-15

ORDINANCE NO. _____

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING THE COUNTY MAYOR TO PROVIDE A WRITTEN SOCIAL EQUITY STATEMENT REGARDING ANY PROPOSED COUNTY ORDINANCE AND PLACE SUCH STATEMENT ON AN AGENDA WITH THE PROPOSED ORDINANCE PRIOR TO PUBLIC HEARING ON THE ORDINANCE; SETTING FORTH EXCEPTIONS; REQUIRING THE MAYOR TO TAKE CERTAIN ACTIONS AFTER PROVISION OF THE SOCIAL EQUITY STATEMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, prior to the public hearing on any ordinance to be considered by the Board of County Commissioners (the "Board"), other than an emergency or budget ordinance, the County Mayor is required by Rule 4.01(s) of the Board's Rules of Procedure to prepare a written statement setting forth the fiscal impact of the proposed ordinance and submit it with the ordinance as a part of the agenda; and

WHEREAS, in accordance with the requirements of this rule, the Mayor routinely prepares statements describing the fiscal impact that ordinances proposed by the Board would have on Miami-Dade County government; and

WHEREAS, a County ordinance also could potentially increase or decrease the monetary costs borne by the citizens of the County by affecting housing affordability, public and private employment opportunities, wages and benefits, and the cost of living, among other things; and

WHEREAS, furthermore, a County ordinance could potentially unfairly distribute the non-monetary benefits or burdens of the ordinance throughout the community; and

WHEREAS, in these difficult economic times, it is important that the Board of County Commissioners advisedly consider these impacts that a proposed County ordinance could have on the public; and

WHEREAS, the provision of a social equity statement identifying these impacts would encourage a healthy, well-informed debate when ordinances are considered and will assist the Board and the public in determining the possible effects of the Board's legislative decisions,

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

Section 1. The above recitals are incorporated in this ordinance.

Section 2. 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 THE COUNTY COMMISSION.

* * *

PART 4. COMMITTEES

Rule 4.01. COMMITTEES.

* * *

>>(t) SOCIAL EQUITY STATEMENT REQUIRED FOR ORDINANCES; EXCEPTIONS.

- (1) Prior to the public hearing on any ordinance, the Mayor shall prepare a written social equity statement (a) identifying the possible non-monetary benefits and burdens of the policy to be implemented by the proposed ordinance and

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.

describing how those benefits and burdens would be distributed throughout the community (e.g., geographically, demographically, by income levels, etc.), and (b) identifying the possible increase or decrease in monetary costs anticipated to be borne by the residents of the County if the proposed ordinance is adopted and describing how those increased or decreased monetary costs would be distributed throughout the community (e.g., geographically, demographically, by income levels, etc.) (“social equity statement”). No public hearing on any ordinance shall be held, if the social equity statement is not submitted with the ordinance as part of the agenda.

- (2) If the Mayor initially determines that an ordinance has no social equity impact, but later determines that the ordinance does have a social equity impact (such as during the process of implementation), then the Mayor shall so advise the Board in a memorandum. Additionally, if, due to the social equity impact of an ordinance, the Mayor has not fully implemented all or any part of the program or policy provided for in an ordinance within one year of the effective date, or such other date as set forth in the ordinance, then the Mayor shall so advise the Board in a memorandum. Notwithstanding the foregoing, nothing in this rule shall be construed to authorize the Mayor not to comply with the policy direction contained in an ordinance without Board approval.
- (3) The Mayor shall not be required to provide a social equity statement for budget or emergency ordinances.<<

[[~~(t)~~]]>>(u)<< PROCUREMENT ITEMS. Provided public notice, public hearing and other legal requirements can be met, and notwithstanding and prevailing over any provision to the contrary, all items approved at committee meetings recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services, shall be placed on the agenda of the next regularly scheduled Board of County Commissioners meeting, unless placed on the agenda of a

special meeting held sooner than the next regularly scheduled Board of County Commissioners meeting or unless the chairperson of the commission deems it necessary to place the item on another agenda.

[[(+)]>>(v)<< Upon completion of any report prepared pursuant to a motion or other action of a committee of the Board of County Commissioners, such report shall be placed on an agenda for review by the requesting committee and the Board of County Commissioners, notwithstanding any statement to the contrary in the motion or other action of the committee. For purposes of this ordinance, a report is deemed to include any oral or written document of any kind, including a feasibility study, that is intended to communicate information requested by resolution, motion or other action of a committee of the Board of County Commissioners. This ordinance shall not apply to reports provided pursuant to requests for information made by individual County Commissioners or memoranda from the Office of the County Attorney.

Section 3. 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 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of Section 2 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 5. 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:

Handwritten signature of the County Attorney, appearing to be 'AC', written over a horizontal line.

Prepared by:

Cynthia Johnson-Stacks

Co-Prime Sponsors: Commissioner Daniella Levine Cava
Chairman Jean Monestime
Co-Sponsor: Commissioner Barbara J. Jordan