

MEMORANDUM

Agenda Item No. 7(E)

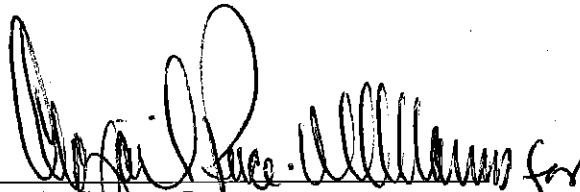
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 6-30-15)
May 19, 2015

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

SUBJECT: Ordinance relating to the Rules
of Procedure; amending section
2-1 of the Code, requiring
inclusion of additional
information in statements of
fiscal impact required for
ordinances

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.



R. A. Cuevas, Jr.
County Attorney

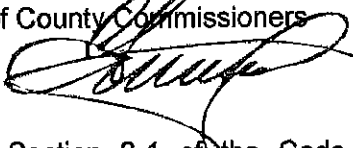
RAC/jls

Memorandum

MIAMI-DADE
COUNTY

Date: June 30, 2015

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Amending Section 2-1 of the Code Requiring Inclusion of Additional
Information in Statement of Fiscal Impacts Required for Ordinances

The proposed Ordinance relating to the rules of procedure of the Board of County Commissioners (BCC), amending Section 2-1 of the Code of Miami-Dade County, requiring inclusion of additional line item information in statements of fiscal impact required for ordinances will not have a fiscal impact. However, the provision requiring a forecast for a period of no less than five years may delay the placement of legislative items on BCC agendas. Furthermore, the forecasted revenues and expenditures that are subject to future policy decisions and therefore any future fiscal analysis will be highly uncertain as future policy decisions that may impact these projections cannot be anticipated.



Edward Marquez
Deputy Mayor

fis06515




MEMORANDUM

(Revised)

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

DATE: June 30, 2015

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

SUBJECT: Agenda Item No. 7(E)

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(E)
6-30-15

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 INCLUSION OF ADDITIONAL INFORMATION IN STATEMENTS OF FISCAL IMPACT REQUIRED FOR ORDINANCES; 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 2-1 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 4. COMMITTEES

Rule 4.01. COMMITTEES.

* * *

(s) STATEMENTS OF FISCAL IMPACT REQUIRED FOR ORDINANCES; EXCEPTIONS

(1) Prior to the public hearing of any ordinance, the Mayor shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. >>The fiscal impact statement shall at a minimum contain the following information: a description of the anticipated increase or decrease of expenditures (by component as listed in Section 2-1795(b) of

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.

the Code) and revenues for the current and subsequent fiscal year, if any; a description and projected dollar value of anticipated expenditures that will be absorbed within existing resources and/or departmental expenditure allocations for the current fiscal year, if any; a description of subsequent governmental actions that will be required in order to determine anticipated future revenues and expenditures, if any, including, but not limited to, receipt of any federal and state grant funds and approval of proposed new fees or increases to existing fees; a forecast, covering a period of no less than five years from the expected effective date of the proposed legislation, of the anticipated long-term fiscal implication of the proposed legislation, if any; in cases where risk factors or other variables that may impact future revenues or expenditures are uncertain, volatile, or difficult to project, a description of such risk factors or variables and an estimate or projection of anticipated or projected impacts to revenues and expenditures; a description of all assumptions used to project the fiscal impact of the proposed legislation and to estimate anticipated revenues and expenditures; and, in cases where the Mayor has determined that an ordinance has no fiscal impact, a description of the Mayor's assumptions and analysis used to reach such conclusion. The fiscal impact statement shall only address the fiscal impact of the proposed legislation.<< No public hearing on any ordinance shall be held, if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provision of this rule shall not apply to any emergency ordinance>>, any ordinance authorizing the issuance of bonds or indebtedness,<< or any budget ordinance.

- (2) If the Mayor initially determines that an ordinance has no fiscal impact, but later determines that the ordinance does have a fiscal impact (such as during the process of implementation), then the Mayor shall so advise the Board in a memorandum. Additionally, if, due to the fiscal impact, 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.

* * *

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:

APW

Prepared by:

GBK

Geri Bonzon-Keenan

Prime Sponsor: Chairman Jean Monestime