

MEMORANDUM

Agenda Item No. 7(G)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

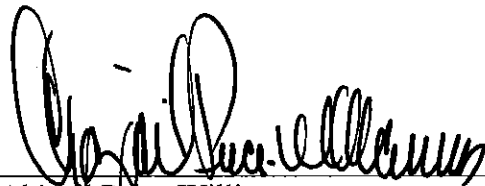
DATE: May 1, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance creating the Elder
Affairs Advisory Board; creating
Article CLIX of the Code;
providing the composition and
duties of the Board and other
related matters

A substitute was presented and forward to the BCC with a favorable recommendation at the 4-17-18 Government Operation Committee. This substitute differs from the original item in that the Office of Community Advocacy, rather than the Clerk of the Board, will provide support to the Elder Affairs Advisory Board, including the taking of minutes and maintenance of the membership roster.

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Rebeca Sosa and Senator Javier D. Souto, and Co-Sponsors Chairman Esteban L. Bovo, Jr., Commissioner Daniella Levine Cava, Vice Chairwoman Audrey M. Edmonson, Commissioner Joe A. Martinez, Commissioner Jean Monestime, Commissioner Dennis C. Moss and Commissioner Xavier L. Suarez.



Abigail Price-Williams
County Attorney

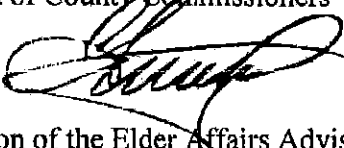
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Memorandum

MIAMI-DADE
COUNTY

Date: May 1, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Report on the Creation of the Elder Affairs Advisory Board

The following items listed in this report are provided pursuant to Section 2-11.37 of the County Code regarding the creation of a new advisory board:

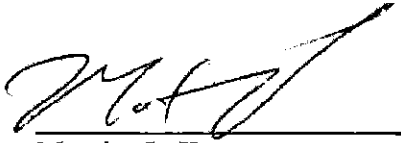
1. The proposed ordinance to create the Elder Affairs Advisory Board will further increase the involvement of Miami-Dade County elders, particularly those in underserved communities, in an advisory capacity by providing an additional platform for seniors to inform local government of services, programs and facilities that can improve their quality of life.
2. There are currently several boards, taskforces and consortiums in existence with the sole or in-part purpose of serving elders in Miami-Dade County. These groups include the Miami-Dade County Community Action Agency Board (CAAB); Older Adult Advocacy Taskforce (United Way); Alliance for the Aging, Inc. Advisory Council; Consortium for a Healthier Miami-Dade and Miami-Dade Age Friendly Initiative. One or more of these existing groups, can serve in an advisory capacity on various long and short-term social, health, infrastructure and service needs of the elderly in Miami-Dade County.
3. The implementation of this ordinance as written will require the Office of the Chair's Community Advocacy Division to convert a part-time position into a full-time position in order to meet the requirements of the ordinance. The estimated impact for FY 2017-18 is \$18,715 and cannot be absorbed within the Division's operating budget. As a result, it will have to be included as part of the FY 2018-19 budget development process. It is assumed that personnel costs would grow an estimated five percent, while operating expenses would grow at three percent, for an annualized impact in year one, of \$43,574.

Should the ordinance be amended, however, to designate the Mayor's Office of Senior Advocacy to provide support to the Elder Affairs Advisory Board, this effort could be absorbed by current staff and the fiscal impact mitigated.

4. The creation of the Elder Affairs Advisory Board would not enable the County to obtain state or federal grants, or other financing.
5. The Elder Affairs Advisory Board will not have bonding authority.
6. The Elder Affairs Advisory Board will only be advisory in nature and will not have any contracting authority.

Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
Page 2

7. In conjunction with the various groups already in existence, the Elder Affairs Advisory Board gives seniors a direct and active role and responsibility to work with local government in shaping policies and programs to better meet their evolving needs.



Maurice L. Kemp
Deputy Mayor

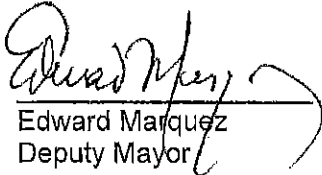
Memorandum



Date: May 1, 2018
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez
Mayor
Subject: Fiscal Impact Statement for Ordinance Creating the Elder Affairs Advisory Board

The implementation of this ordinance as written will require the Office of the Chair's Community Advocacy Division to convert a part-time position into a full-time position in order to meet the requirements of the ordinance. The estimated impact for FY 2017-18 is \$18,715 and cannot be absorbed within the Division's operating budget. As a result, it will have to be included as part of the FY 2018-19 budget development process. It is assumed that personnel costs would grow an estimated five percent, while operating expenses would grow at three percent, for an annualized impact in year one of \$43,574. Therefore, implementation of this ordinance will have a fiscal impact to Miami-Dade County.

Should the ordinance be amended, however, to designate the Mayor's Office of Senior Advocacy to provide support to the Elder Affairs Advisory Board, this effort could be absorbed by current staff and the fiscal impact mitigated.


Edward Marquez
Deputy Mayor

Attachment

fiscal03518 180254

Ordinance Creating The Elder Affairs Advisory Board

Fiscal Impact Table

Use Existing
Resources

| Revenue Category | Value | Year 1 | Future Yr 1 | Future Yr 2 | Future Yr 3 | Future Yr 4 | Future Yr 5 | Yes | No |
|---|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-----|----|
| General Fund | \$ 18,715 | \$ 18,715 | \$ 43,574 | \$ 45,748 | \$ 48,031 | \$ 50,428 | \$ 52,945 | X | |
| Proprietary | | | | | | | | | |
| Federal Funds | | | | | | | | | |
| State Funds | | | | | | | | | |
| Interagency Transfers | | | | | | | | | |
| Subtotal | \$ 18,715 | \$ 18,715 | \$ 43,574 | \$ 45,748 | \$ 48,031 | \$ 50,428 | \$ 52,945 | | |
| Expenditure Category | | | | | | | | | |
| <i>Operating</i> | | | | | | | | | |
| Salary | \$ 11,000 | \$ 11,000 | \$ 26,000 | \$ 27,300 | \$ 28,665 | \$ 30,098 | \$ 31,603 | | X |
| Fringes | \$ 7,615 | \$ 7,615 | \$ 17,364 | \$ 18,232 | \$ 19,143 | \$ 20,100 | \$ 21,105 | | X |
| Court Costs | | | | | | | | | |
| Contractual Services | | | | | | | | | |
| Charges for County Services | | | | | | | | | |
| Other Operating | \$ 100 | \$ 100 | \$ 210 | \$ 216 | \$ 223 | \$ 229 | \$ 236 | | X |
| Grants to Outside Organizations | | | | | | | | | |
| Capital | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | X |
| Subtotal | \$ 18,715 | \$ 18,715 | \$ 43,574 | \$ 45,748 | \$ 48,031 | \$ 50,428 | \$ 52,945 | | |
| <i>Non-Operating</i> | | | | | | | | | |
| Debt Services | | | | | | | | | |
| Distribution of Funds In Trust | | | | | | | | | |
| Transfers | | | | | | | | | |
| Depreciation, Amortization, and Deletions | | | | | | | | | |
| Subtotal | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | |
| Grand Total | \$ 18,715 | \$ 18,715 | \$ 43,574 | \$ 45,748 | \$ 48,031 | \$ 50,428 | \$ 52,945 | | |

Note: Fiscal impact narrative (paragraph above the table) should contain the following, if applicable:

1. Description of the anticipated increase or decrease of expenditures listed above and current and subsequent fiscal years, if any,
2. Description of projected dollar value of anticipated expenditures that will be absorbed within existing resources within the current fiscal year;
3. Description of subsequent governmental action that will be required in order to determine anticipated revenues and expenditures, including new revenues (federal, state, or the need to increase existing fees)
4. Any long-term fiscal implications as a result of the implementation 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 risk factors or variables and estimate or projection of anticipated or projected impacts to revenues and expenditures
5. Description of all assumptions used to project the fiscal impact of the proposed legislation and include estimate anticipated revenues and expenditures
6. In the cases where the Mayor has determined a "no fiscal impact", a description of the assumptions and analysis used to reach that conclusion

Memorandum



Date: May 1, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, written over the printed name.

Subject: Social Equity Statement for Ordinance Related to the Creation of the Elder Affairs
Advisory Board

The proposed ordinance will increase the involvement of Miami-Dade County elders, particularly those in underserved communities, in an advisory capacity, by providing an additional platform for seniors to inform local government of services, programs and facilities that can improve their quality of life.

A handwritten signature in black ink, appearing to read "M. L. Kemp". The signature is fluid and cursive, written over a horizontal line.

Maurice L. Kemp
Deputy Mayor

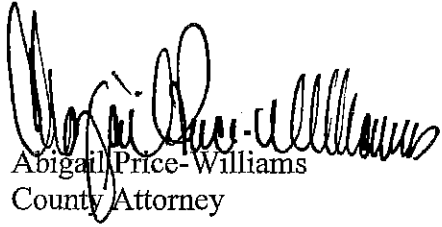


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: May 1, 2018

FROM: 
Abigail Price-Williams
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
- Statement of social equity 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)
5-1-18

ORDINANCE NO. _____

ORDINANCE CREATING THE ELDER AFFAIRS ADVISORY BOARD; CREATING ARTICLE CLIX OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THE COMPOSITION AND DUTIES OF THE BOARD AND OTHER RELATED MATTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County has the largest population in Florida of individuals who are 60 years old or older; and

WHEREAS, identifying the needs of and providing funding for Senior Services at a local level is beneficial, as local governments are well-suited to tailor services and programs to meet the needs of their distinct senior population; and

WHEREAS, seniors with the most need are those from historically underserved and disadvantaged groups, according to a 2013 report entitled *Assessing the Needs of Elder Floridians* by the Florida Department of Elder Affairs; and

WHEREAS, this Board has a longstanding interest in and concern for the elderly population in Miami-Dade County, as demonstrated by its funding of services, programming and facilities for elderly persons; and

WHEREAS, having the advice of persons who are well aware of the needs of the elderly due to their long lives and life experiences would inform this Board's future legislative and budgeting initiatives; and

WHEREAS, having an advisory board focused on issues related to the elderly formalizes a means for getting this much needed advice, while encouraging the elderly population to become even more active and involved in community events by assuming a leadership role,

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

Section 1. Article CLIX of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

ARTICLE CLIX. ELDER AFFAIRS ADVISORY BOARD.

Sec. 2-2349. Creation and Composition.

The Miami-Dade County Elder Affairs Advisory Board (board) is hereby created and shall be comprised of a total of 15 members, as follows: (1) each County Commissioner shall appoint one member; (2) the Mayor shall appoint one member; and (3) the Miami-Dade Chapter of the American Association of Retired Persons shall appoint one member. The members shall be permanent residents and electors of the County in accordance with section 2-11.38, as may be amended, shall have knowledge of and interest in the County's elderly population and shall be at least 65 years of age. Board members shall serve four-year terms, and no member may serve more than eight consecutive years in accordance with section 2-11.38.2, as may be amended.

Sec. 2-2350. Membership; officers; meetings.

The members of the board shall elect a chairperson, vice-chairperson, and such other additional officers as the board shall deem necessary. All officers shall serve one-year terms, and no member may remain in the same office for more than two consecutive years. After one year of not holding the office, a member may be elected to the same office that was previously held for up to two consecutive years. Officer elections shall take place each November, with newly elected officers installed the following January.

A majority of members duly appointed to the board shall constitute a quorum necessary to hold a meeting and take any action. Members shall serve without compensation. The chairperson or vice-chairperson may call meetings of the board. Meetings may also be called by written notice signed by eight members. The board at any duly noticed public meeting may fix and call a meeting on a future date.

All meetings shall be held in accordance with Government in the Sunshine laws and access to public records shall be afforded as required by the Public Records Act. Additionally, the public shall be given a reasonable opportunity to be heard pursuant to section 286.0114, Florida Statutes, and related applicable provisions of the Code.

Notwithstanding any other provision of the Code, a board member shall be automatically removed if, in a given County fiscal year the member is absent from two consecutive meetings without an acceptable excuse or the member is absent from three 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 vote of its membership, deems appropriate. If a member is absent with an acceptable excuse from three 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 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, as well as other laws applicable to public advisory board membership, including but not limited to section 2-11.38 of the Code.

Sec. 2-2351. **Duties; powers; responsibilities.**

The board shall have the following duties, powers and responsibilities:

- (1) The board shall advise the Mayor and the Board of County Commissioners on issues related to the County's programming, public services, and facilities for elderly persons, including but not limited to, transportation/mobility services, health care services, parks programming, including silver services programming, and affordable housing.

- (2) The board shall serve as a liaison with the elderly community. This relationship will enable outreach with the elderly community and receipt of input on the needs of the elderly community that may be addressed by the County.
- (3) The Board shall recommend activities or programming that promote a healthy lifestyle and enhance the quality of life for elderly persons.
- (4) The Board shall act as an advisor to the Mayor and the Board of County Commissioners on all other policy matters pertaining to the elderly community in Miami-Dade County, as may be requested by the Mayor, the Chairperson of the Board of County Commissioners, or the Board of County Commissioners.
- (5) The board shall report at least annually to the Board of County Commissioners as to its activities and recommendations.

Sec. 2-2352. **Supervision and Support.**

The Clerk of the Board of County Commissioners (Clerk of the Board) shall ~~[[maintain a]]~~¹ >>retain the<< current roster of the board's members and ~~[[retain]]~~ minutes of the board's meetings that are provided to the Clerk of the Board.

The Office of the Chairperson of the Board of County Commissioners, County Attorney and >>Office of Community Advocacy<< ~~[[Clerk of the Board]]~~ shall provide appropriate support for the board. The Chairperson of the Board of County Commissioners shall have the power to appoint, employ, remove and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to the board, and such assistants, employees, and personnel. The executive director shall be the director of the Office of Community Advocacy or his or her designee. Any assistant, employee, personnel or executive director shall serve at the will of the Chairperson of the Board of County Commissioners.

¹ 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.

The Office of Community Advocacy [~~its duties~~] shall [~~include working with the Clerk of the Board to~~] ensure the board's membership roster is current and [~~taking~~] >>take<< the minutes and [~~posting~~] >>post<< 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 12 months to the Board of County Commissioners.

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:

APL
for

Prepared by:

Cynthia Johnson-Stacks
Shanika A. Graves

Co-Prime Sponsors: Commissioner Rebeca Sosa
Senator Javier D. Souto

Co-Sponsors: Chairman Esteban L. Bovo, Jr.
Commissioner Daniella Levin Cava
Vice Chairwoman Audrey M. Edmonson
Commissioner Joe A. Martinez
Commissioner Jean Monestime
Commissioner Dennis C. Moss
Commissioner Xavier L. Suarez