

MEMORANDUM

Agenda Item No. 7(G)

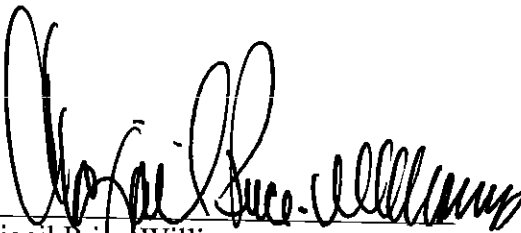
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: (Second Reading 2-19-20)
December 17, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to the Rules of Procedure of the Board of County Commissioners; amending section 2-1 of the Code; requiring the County Mayor to provide a written public outreach statement related to any item associated with planning activities, implementation of policies or procedures, or major development or redevelopment activities that have a direct impact on the County's Public Housing Program or Public Housing Residents; setting forth exceptions

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss, and Co-Sponsors Chairwoman Audrey M. Edmonson and Commissioner Barbara J. Jordan.



Abigail Price Williams
County Attorney

APW/lmp

Memorandum



Date: February 19, 2020

To: Honorable Chairwoman Audrey M. Edmonson
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 a horizontal line.

Subject: Fiscal Impact Statement for Ordinance Relating to the Rules of Procedure of the Board of County Commissioners; Public Outreach Statement

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as the proposed amendment will not require additional staffing resources nor generate additional operational expenses.

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Maurice Kemp
Deputy Mayor

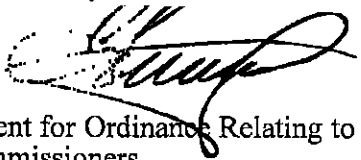
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Memorandum



Date: February 19, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

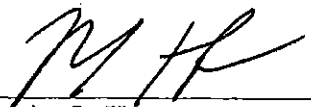
From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Relating to the Rules of Procedure of the Board of County Commissioners

The proposed ordinance amends Section 2-1 of the Miami-Dade County Code requiring a written public outreach statement related to any item associated with planning activities, implementation of policies or procedures, or major development or redevelopment activities that have a direct impact on the County's public housing program or public housing residents.

The County currently engages in public outreach efforts, not only with the residents of public housing developments, but also with the resident councils who are encouraged to communicate and represent its public housing residents. In reference to major redevelopment activities, PHCD assists to mitigate the impact of our redevelopment strategy by continuing outreach to the community.

This ordinance intends to benefit public housing residents by providing additional documentation of the public engagement process that takes place in association with activities that have a direct impact on the County's public housing program and public housing residents. This documentation shall accompany any ordinance or resolution that requires Board consideration.



Maurice L. Kemp
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 19, 2020

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)
2-19-20

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 OR MAYOR'S DESIGNEE TO PROVIDE A WRITTEN PUBLIC OUTREACH STATEMENT RELATED TO ANY ITEM ASSOCIATED WITH PLANNING ACTIVITIES, IMPLEMENTATION OF POLICIES OR PROCEDURES, OR MAJOR DEVELOPMENT OR REDEVELOPMENT ACTIVITIES THAT HAVE A DIRECT IMPACT ON THE COUNTY'S PUBLIC HOUSING PROGRAM OR PUBLIC HOUSING RESIDENTS; SETTING FORTH EXCEPTIONS; 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) and (t) of the Board's Rules of Procedure to prepare written statements setting forth the fiscal impact and social equity of a proposed ordinance and submit such statements with the ordinance as a part of the agenda; and

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

WHEREAS, similarly, the County Mayor also provides social equity statements that (a) identifies the possible non-monetary benefits and burdens of the policy to be implemented by the proposed ordinance and describing how those benefits and burdens would affect the community, and (b) identifies the possible increase or decrease in monetary impacts anticipated to be borne by

the residents of the County if the proposed ordinance is adopted and describing how those increased or decreased monetary impacts would affect the community; and

WHEREAS, the County is a “public housing agency” as defined by the United States Housing Act of 1937, as amended, (42 U.S.C. § 1437, *et seq.*), and is the sixth largest public housing agency in the nation; and

WHEREAS, this Board serves as the board of commissioners of the public housing agency; and

WHEREAS, the County, as a public housing agency, is the recipient of federal funds from the United States Department of Housing and Urban Development (“HUD”), which are used to administer such federal housing programs as the public housing program; and

WHEREAS, the County, through its housing department, Miami-Dade Public Housing and Community Development Department, operates and maintains the County’s public housing developments which are subsidized using public housing program subsidy and other subsidies received from HUD; and

WHEREAS, according to the federal laws and regulations (“federal laws”) governing the Public Housing Program, public housing agencies are required to permit the formation and participation of resident councils and jurisdiction-wide resident councils, where applicable; and

WHEREAS, according to the federal laws, “the role of a resident council is to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing;” and

WHEREAS, the federal laws further provide that “[r]esident councils may actively participate through a working partnership with the [public housing agency] to advise and assist in all aspects of public housing operations;” and

WHEREAS, the federal laws further provide that “[r]esident councils may come together to form an organization which can represent the interest of residents residing in units under a [public housing agency’s] jurisdiction;” and

WHEREAS, the organization that is formed by the resident councils is known as a jurisdiction-wide resident council, which is responsible for advising “the Board of Commissioners [of the public housing agency] and executive director in all areas of [public housing agency’s] operations, including but not limited to occupancy, general management, maintenance, security, resident training, resident employment, social services and modernization priorities;” and

WHEREAS, in accordance with the federal laws, the County is required to adopt policies and procedures that govern the County’s Public Housing; and

WHEREAS, these policies and procedures are codified in the County’s Admissions and Continued Occupancy Policy and its Annual and Five-Year Public Housing Agency Plan (“public housing policies”); and

WHEREAS, prior to this Board’s adoption of the public housing policies, the County is required to seek comments from the public, including, but not limited to, the resident councils and the jurisdiction-wide resident council, also known as the Overall Tenant Advisory Council, for a period of 30 days; and

WHEREAS, the federal laws also require that a public hearing be held prior to the adoption of the public housing policies; and

WHEREAS, similarly, if the County undertakes development or redevelopment activities, including, but not limited to, the demolition, and/or disposition or both of public housing, the County is required by the federal laws to consult with the resident councils and jurisdiction-wide resident council; and

WHEREAS, in light of the federal laws, this Board believes that it is important to be advised by the Administration regarding the public engagement process that was undertaken prior to this Board's consideration and approval of any ordinance or resolution related to the planning activities, implementation of policies and procedures, or major development and redevelopment activities (e.g demolition, disposition, construction and rehabilitation of public housing developments) that directly impact the public housing program and the public housing residents; and

WHEREAS, this Board believes that this information will assist the Board in making informed decisions concerning public housing; and

WHEREAS, accordingly, this Board wishes to amend the Board's Rules of Procedure to require the County Mayor to provide a written public outreach statement summarizing the above-referenced public engagement process,

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

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.

Sec. 2-1. RULES OF PROCEDURE OF THE COUNTY COMMISSION

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

>>Rule 5.11. STATEMENT OF PUBLIC OUTREACH FOR PUBLIC HOUSING PROGRAM ITEMS

(1) Prior to Board consideration of any ordinance or resolution related to planning activities, implementation of any policies or procedures, or major development or redevelopment activities, including, but not limited to, demolition, disposition, construction and rehabilitation of public housing developments that impact the County's public housing program and public housing residents, the Mayor shall include in the memorandum accompanying the item or otherwise provide a written public outreach statement detailing the public outreach efforts undertaken to collect and apply public input or comments, including, but not limited to, public input or comments from public housing residents, public housing resident councils, the jurisdiction-wide resident council known as the Overall Tenant Advisory Council, Inc. or its successor entity, and community advisory councils, if applicable. No ordinance or resolution shall be considered by the Board or a committee of the Board, if the public outreach statement has not been provided.

(2) The public outreach statement shall be based on information that is currently available and known. If the Mayor or Mayor's designee initially determines that an ordinance or resolution does not require a public engagement process, but later determines that the ordinance or resolution does require such process, then the Mayor or Mayor's designee shall so advise the Board in a memorandum.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is

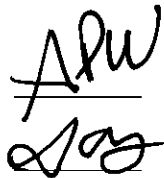
held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of 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 in black ink, appearing to be 'APW' with a horizontal line underneath.

Prepared by:

Terrence A. Smith
Gerald Sanchez

Prime Sponsor: Commissioner Dennis C. Moss
Co-Sponsors: Chairwoman Audrey M. Edmonson
Commissioner Barbara J. Jordan