

MEMORANDUM

Agenda Item No. 11(A)(3)

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

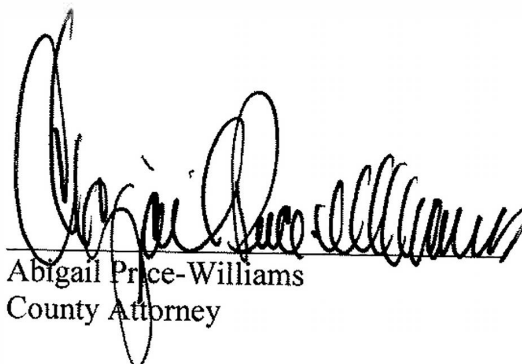
DATE: April 7, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution requiring a written
report regarding certain non-
governmental organizations that
fundraise on behalf of Miami-
Dade County

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 2-13-20 Health Care and County Operations Committee. This substitute differs from the original item in that it only requires a written report regarding certain non-governmental organizations that fundraise on behalf of Miami-Dade County, does not require any renegotiation of any such contracts, and does not establish a policy. The title of this resolution has been modified to reflect the changes to this item.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



Abigail Price-Williams
County Attorney

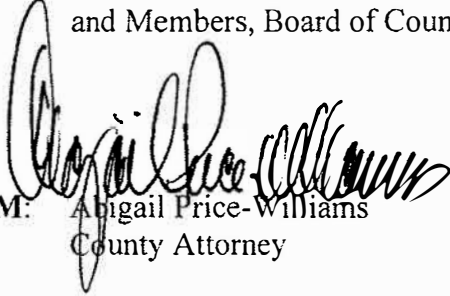
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MEMORANDUM
(Revised)

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

DATE: April 7, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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. 11(A)(3)
4-7-20

RESOLUTION NO. _____

RESOLUTION REQUIRING A WRITTEN REPORT
REGARDING CERTAIN NON-GOVERNMENTAL
ORGANIZATIONS THAT FUNDRAISE ON BEHALF OF
MIAMI-DADE COUNTY

WHEREAS, under the Home Rule Amendment and Charter (the “Charter”), the Board of County Commissioners (the “Commission”) is the legislative and governing body of the County; and

WHEREAS, the Mayor is responsible for the management of all administrative departments and for carrying out policies adopted by the Commission; and

WHEREAS, in conformance with the Charter, all County policy decisions are within the purview of the Commission and the Mayor is responsible for the County’s operations in accordance with the policies adopted by the Commission; and

WHEREAS, there are associations, foundations, and non-governmental organizations that fundraise in support of particular County departments (“non-governmental organizations”); and

WHEREAS, this Board recognizes the important role that such organizations play as fundraisers for County departments>>, <<¹[[~~;~~ and

~~**WHEREAS**, because members of non-governmental organizations are not elected officials, such organizations despite their importance as fundraisers, should not be involved in the policy decisions or the operations of the County; and~~

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

~~WHEREAS, this Board desires that the role of those non-governmental organizations that fundraise for the County should be limited only to fundraising and such organizations should be precluded from making County policy decisions or implementing policies of the County,]]~~

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are approved and incorporated as if fully set forth herein.

Section 2. The County Mayor or the Mayor's designee shall provide a written report stating with specificity which County contracts with non-governmental organizations who fundraise on behalf of Miami-Dade County contain provisions that allow or authorize such non-governmental organizations to participate in any activity beyond fundraising. >>The written report shall identify what activities beyond fundraising are permitted under any such contract.<< The written report shall be provided to this Board within 90 days of the effective date of this resolution and shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

~~[[**Section 3.** All non-governmental organizations shall be precluded from making County policy decisions or decisions regarding the operation of the County, except as may be provided for in an existing ordinance or a resolution adopted after the effective date of this resolution. To the extent that this section conflicts with any existing contracts between the County and non-governmental organizations, the Mayor or the Mayor's designee is, to the extent legally permissible, directed to attempt to renegotiate the contracts to conform to this policy. The Mayor or Mayor's designee shall provide quarterly reports to this Board on the status of any such renegotiations.]]~~

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman | |
| Rebeca Sosa, Vice Chairwoman | |
| Esteban L. Bovo, Jr. | Daniella Levine Cava |
| Jose "Pepe" Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of April, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MJS

Melanie J. Spencer