

MEMORANDUM

Agenda Item No. 7(F)

(Second Reading 5-5-20)

April 20, 2020

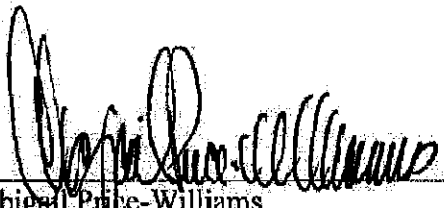
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE:

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; authorizing the chairperson to place certain matters directly on an agenda of the Board without committee review during certain declared states of emergency; providing that the 3-day and 4-day rules shall not apply to such matters or to certain emergency and time sensitive matters

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



Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: May 5, 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", written over a horizontal line.

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

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez
Deputy Mayor

FIS04620 200630

Memorandum



Date: May 5, 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", written over a horizontal line.

Subject: Social Equity Statement for Ordinance Relating to the Rules of Procedure of the Board of County Commissioners to Place Certain Matters Directly on an Agenda of the Board During Certain Declared States of Emergency

The proposed ordinance relating to the Rules of Procedure of the Board of County Commissioners amending Section 2-1 of the Miami-Dade County Code, authorizes the Chairperson to place certain matters directly on an agenda of the Board without Committee review during certain declared states of emergency. The proposed ordinance further provides that the 3-day and 4-day rules shall not apply to certain emergency and time sensitive matters

The proposed ordinance could provide a social benefit by way of expediting certain processes and procedures that directly affect the acquisition of goods and services from which the residents of Miami-Dade County benefit.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez
Deputy Mayor



MEMORANDUM
(Revised)

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

DATE: May 5, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(F)

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(F)
5-5-20

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; AUTHORIZING THE CHAIRPERSON TO PLACE CERTAIN MATTERS DIRECTLY ON AN AGENDA OF THE BOARD WITHOUT COMMITTEE REVIEW DURING CERTAIN DECLARED STATES OF EMERGENCY; PROVIDING THAT THE 3-DAY AND 4-DAY RULES SHALL NOT APPLY TO SUCH MATTERS OR TO CERTAIN EMERGENCY AND TIME SENSITIVE MATTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52, declaring a State of Emergency for the State of Florida due to coronavirus disease 2019 (“COVID-19”); and

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) determined that the COVID-19 outbreak constitutes a pandemic; and

WHEREAS, on March 12, 2020, the Mayor of Miami-Dade County declared a State of Emergency for all of Miami-Dade County; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency concerning the COVID-19 pandemic; and

WHEREAS, to address this emergency situation, there is urgent need for the Board to be able to consider and enact important legislation as efficiently and expeditiously as possible; and

WHEREAS, pursuant to rule 4.01(i) of the Board’s Rules of Procedure, no matter may be placed on a Board agenda or considered by the Board without first being considered and forwarded to the Board by a committee, subject to limited exceptions; and

WHEREAS, pursuant to rule 4.01(j)(1), the requirement of committee review may be waived, and dispensed with, only if the chairperson of the committee to which the item has been referred requests a waiver in writing and the commission chairperson concurs; and

WHEREAS, rule 4.01(k) provides that a matter that has not been considered by the committee to which it is assigned may be placed on an agenda of the Board by the chairperson to meet a public emergency, as provided in section 1.02 of the Miami-Dade County Home Rule Charter (the “Charter”); and

WHEREAS, section 1.02 of the Charter provides in relevant part that “[t]o meet a public emergency affecting life, health, property, or public safety the Board by two-thirds vote of the members of the Board may adopt an emergency ordinance at the meeting at which it is introduced, and may make it effective immediately, except that no such ordinance may be used to levy taxes, grant or extend a franchise, or authorize the borrowing of money”; and

WHEREAS, rule 4.01(k) also provides that time sensitive matters with little or no financial impact may be placed on a Board agenda by the chairperson without committee review; and

WHEREAS, for all other types of matters, the Board’s rules do not currently authorize the chairperson to unilaterally dispense with committee review during a declared state of emergency; and

WHEREAS, currently, emergency items and time sensitive items are not categorically exempt from the 3-day and 4-day rules; and

WHEREAS, this Board wishes to amend the Board’s Rules of Procedure to authorize the chairperson to place matters directly on an agenda of the Board without committee review during certain declared states of emergency and to provide that such matters are not subject to the 3-day and 4-day rules,

**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.

* * *

Rule 4.01 Committees.

* * *

(k) *Emergency matters*>> *matters during declared states of emergency*<< *time sensitive matters.* A matter that has not been considered by the committee(s) to which it is assigned may be placed on the agenda of the county commission by the chairperson to meet a public emergency as provided in Section 1.02 of the Home Rule Charter. >>In addition and notwithstanding any rule or procedure to the contrary, during the pendency of a state of emergency (i) declared by the County Mayor or (ii) declared by the Governor affecting the County, the chairperson may place any matter directly on the agenda of the county commission without committee review regardless of whether the matter has been previously (i) assigned to, (ii) referred to, (iii) considered by, or (iv) scheduled for a public hearing before a committee.<< Time sensitive matters with little or no financial impact on the county may be placed on an agenda of the county commission by the chairperson of the commission without having been considered by a committee. >>The foregoing matters shall not be subject to the 3-day or 4-day rules.<<

* * *

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.

- (n) *3-day rule.* A copy of each agenda item shall be furnished to the members of each committee and subcommittee not later than three (3) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the committee takes action on the resolution, ordinance, motion or other item in question. >>This rule shall not apply to emergency matters, matters during declared states of emergency, and time sensitive matters, as set forth in rule 4.01(k).<<

* * *

Rule 5.01 Agenda.

* * *

- (c) *4-day rule.* A copy of each agenda item shall be furnished to the members of the commission not later than four (4) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the board takes action on the resolution, ordinance, motion or other item in question. The provisions of the rule may not be waived under Rule 7.01(o); however, this rule is not applicable to special or emergency meetings called pursuant to Rule 3.02, items related to the County's legislative package, items that both urge the codesignation of a road and approve a codesignation of the same or an adjacent segment of the road, resolutions recommending the acceleration and deceleration of Building Better Communities General Obligation Bond Program funding of projects using unspent bond proceeds, including interest earnings and premium funds, items approved at a committee meeting recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services, resolutions related to debt obligations that do not require a public hearing, ~~[[and]]~~ resolutions or motions directing the Mayor or

his or her designee to prepare an item for consideration by the Commission>>, and emergency matters, matters during declared states of emergency, and time sensitive matters, as set forth in rule 4.01(k)<<.

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:



Prepared by:



James Eddie Kirtley

Prime Sponsor: Chairwoman Audrey M. Edmonson

Co-Sponsors: Commissioner Sally A. Heyman

Commissioner Barbara J. Jordan

Commissioner Dennis C. Moss