

MEMORANDUM

Agenda Item No. 4(N)

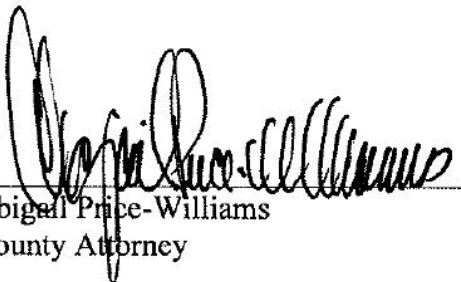
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: August 31, 2020

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; revising rules addressing the selection and terms of the Chairperson and Vice-Chairperson of the Board and the County Commission installation ceremony; providing when the Chairperson and Vice-Chairperson shall be selected and when their terms shall begin and end; revising rules relating to such selection when the Chairperson or Vice-Chairperson are term-limited; providing rules regarding the planning, timing, and holding of the County Commission installation ceremony; making technical changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.


Abigail Price-Williams
County Attorney

APW/smm

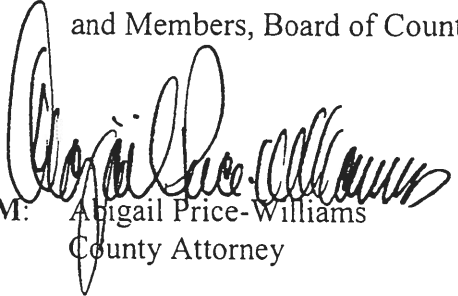


MEMORANDUM

(Revised)

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

DATE: August 31, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 4(N)

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. 4(N)

8-31-20

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; REVISING RULES ADDRESSING THE SELECTION AND TERMS OF THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE BOARD AND THE COUNTY COMMISSION INSTALLATION CEREMONY; PROVIDING WHEN THE CHAIRPERSON AND VICE-CHAIRPERSON SHALL BE SELECTED AND WHEN THEIR TERMS SHALL BEGIN AND END; REVISING RULES RELATING TO SUCH SELECTION WHEN THE CHAIRPERSON OR VICE-CHAIRPERSON ARE TERM-LIMITED; PROVIDING RULES REGARDING THE PLANNING, TIMING, AND HOLDING OF THE COUNTY COMMISSION INSTALLATION CEREMONY; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in November 2012, the Miami-Dade County term limit amendment was approved, amending the County Home Rule Charter to establish term limits of two consecutive four-year terms for County Commissioners; and

WHEREAS, section 3.01(E) of the County Home Rule Charter provides that “effective with the term of Commissioners scheduled to commence in 2012, no person shall be elected as Commissioner for more than two consecutive four-year terms”; and

WHEREAS, accordingly, beginning this year, certain County Commissioners will be term-limited and leave office following the end of their current terms in November; and

WHEREAS, such term limits have implications relating to the Board’s rules of procedure governing the election of chairperson and vice-chairperson of the Board, and to the scheduling and planning of the County Commission installation ceremony; and

WHEREAS, the Board's rules of procedure currently provide that the chairperson and vice-chairperson of the Board shall be elected for two-year terms at the regular Board meeting following the installation of the County Commissioners in each even-numbered year, and that the chairperson and vice-chairperson shall begin their terms on January 1 of the following year; and

WHEREAS, if the chairperson, vice-chairperson, or both are term-limited, the current rules could leave a gap in such positions since the new chairperson and vice-chairperson terms would not begin until January 1 of the following year; and

WHEREAS, to minimize the effects of this issue and provide for appropriate succession procedures, this Board wishes to amend the rules of procedure to provide that the chairperson and vice-chairperson shall be elected and begin their terms at the first regular meeting on or after the date that the new County Commission terms begin in even-numbered years; and

WHEREAS, this Board also wishes to provide rules to address who will fulfill the duties of the chairperson and vice-chairperson on an interim basis, when such positions are left temporarily unfilled due to term limits; and

WHEREAS, this Board further wishes to modify rules relating to the County Commission installation ceremony to ensure that term limits do not negatively impact the scheduling, planning, and holding of such ceremony,

**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

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 County Commission.

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PART 2. OFFICERS

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Rule 2.01 CHAIRPERSON AND VICE-CHAIRPERSON

(a) CHAIRPERSON.

- (1) ELECTION, TERM, TERM LIMITATION, AND REMOVAL. A chairperson of the board of county commissioners shall be elected for a term of >>approximately<< two (2) years by the vote of at least seven (7) commissioners at the >>first<< regular commission meeting >>on or after the second Tuesday following the General Election in November<< ~~[[following the installation of the county commissioners]]~~ during each even-numbered year. The chairperson's term shall commence on >>the same day that the election is held<< ~~[[January 1 of the following year]]~~. The chairperson may be removed prior to the expiration of his or her term by the vote of nine (9) commissioners. No commissioner shall serve as chairperson of the county commission for ~~[[more than]]~~ two consecutive >>terms<< ~~[[years]]~~.

* * *

(b) VICE-CHAIRPERSON.

- (1) ELECTION, TERM, TERM LIMITATION AND REMOVAL. A vice-chairperson of the board of county commissioners shall be elected for a term of >>approximately<< two (2) years by the vote of at least seven (7) commissioners at the >>first< regular commission meeting >>on or after the second Tuesday following the General Election in November<< ~~[[following the installation of the county commissioners]]~~ during each even-numbered year. The term of office for the vice-chairperson of the board shall commence on >>the same day that the election is held<< ~~[[January 1 of the following~~

~~year~~]]. The vice-chairperson may be removed prior to the expiration of his or her term by the vote of at least seven (7) commissioners. No commissioner shall serve as vice-chairperson of the county commission for ~~[[more than]]~~ two consecutive >>terms<< ~~[[years]]~~.

- (2) DUTIES OF VICE-CHAIRPERSON. Unless the chairperson appoints the vice-chairperson as a voting member of a committee, the vice-chairperson shall serve as an ex-officio non-voting member of each commission committee, but shall not count as a member of a committee on which he or she serves as a non-voting member for purposes of determining the existence of a quorum. The vice-chairperson of the board shall perform the duties of the chairperson in the event of the absence or incapacity of the chairperson. The vice-chairperson shall complete the unfinished term of any chairperson who resigns or is removed as chairperson of the commission~~[[.]]~~>>, and, in such instances, the board shall select another commissioner to complete the unfinished term of the vice-chairperson.

(c) TERM-LIMITS; DUTIES OF CHAIRPERSON AND VICE-CHAIRPERSON.

- (1) When the chairperson leaves office because of term limits prior to the election of the next chairperson, the vice-chairperson shall perform the duties of the chairperson, on an interim basis, until such time as the next chairperson is elected. In such instances, the board shall select another commissioner to perform the duties of the vice-chairperson until such time as the next vice-chairperson is elected. The board shall select such commissioner no later than the last regular meeting before the second Tuesday following the General Election in November.
- (2) When the vice-chairperson leaves office because of term limited prior to the election of the next vice-chairperson, the board shall select another commissioner to perform the duties of the vice-chairperson, on an interim basis, until such time as the next vice-chairperson is elected. The board shall

select such commissioner no later than the last regular meeting before the second Tuesday following the General Election in November.

- (3) When both the chairperson and vice-chairperson leave office because of term limits prior to the election of the next chairperson and vice-chairperson, the board shall select a commissioner to perform the duties of chairperson and another commissioner to perform the duties of vice-chairperson, on an interim basis, until such time as the next chairperson and vice-chairperson are elected. The board shall select such commissioner no later than the last regular meeting before the second Tuesday following the General Election in November.<<

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PART 3. MEETINGS

* * *

Rule 3.01 REGULAR MEETINGS ~~[[AND REGULAR MEETING AFTER THE COUNTY COMMISSION INSTALLATION CEREMONY]]~~

- (a) The commission shall hold regular meetings on the first and third Tuesday and Thursday of each month, or on such other days as may be set on the annual calendar of meetings approved by the commission. ~~[[Notwithstanding any provision herein to the contrary, there shall be no regular meeting held on the same day as the installation ceremony of County Commissioners. The first regular meeting occurring after the installation ceremony shall take place within three (3) to seven (7) days after the ceremony on a date selected at least 120 days prior to the meeting. The date of such meeting shall be selected by the Chairperson of the Board of County Commissioners, in consultation with the Mayor, the County Attorney, and the Clerk of the Board.]]~~

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**PART 9. ADDITIONAL ORDINANCES
PRESCRIBING COUNTY
COMMISSION PROCEDURE**

* * *

>>Rule 9.03.07 COUNTY COMMISSION INSTALLATION
CEREMONY

- (a) In even numbered years, an installation ceremony for county commissioners shall be held on a date after the selection of the new chairperson, but before the end of the calendar year. In no event shall the ceremony be scheduled on the same date as a regular meeting of the board.
- (b) The outgoing chairperson shall select the date for and otherwise plan the ceremony in consultation with the County Attorney and the Clerk of the Board.
- (c) After a new chairperson is elected, the new chairperson shall assume responsibility for the ceremony from the outgoing chairperson. The new chairperson shall also preside over the installation ceremony.
- (d) When the outgoing chairperson leaves office because of term limits before the next chairperson is elected, the vice-chairperson shall temporarily assume responsibility for the ceremony until such time as the next chairperson is elected. If both the chairperson and vice-chairperson are term-limited, the commissioner selected to perform the duties of chairperson on an interim basis, pursuant to rule 2.01(c), shall temporarily assume responsibility for the ceremony until the next chairperson is elected.
- (e) The installation ceremony may be held in the commission chambers or any other location in the County selected by the chairperson.
- (f) At the installation ceremony, commissioners may take a ceremonial oath of office, as provided in rule 9.03.06(d).<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is

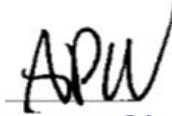
held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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: Commissioner Joe A. Martinez