

MEMORANDUM

Agenda Item No. 7(G)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Second Reading 3-2-21)
December 15, 2020

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the
Rules of Procedure of the
Board of County Commissioners;
amending section 2-1 of the
Code; revising the Board's order
of business to include certain
sections relating to states of
emergency; providing for a
standing discussion item at
every Board meeting during
the pendency of any declared
state or local emergency

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



Gerri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: March 2, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in cursive script that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Amending Section 2-1 of the Code Pertaining to the Rules of Procedures of the Board of County Commissioners

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

A handwritten signature in cursive script that reads "JD Patterson".

JD Patterson
Chief Public Safety Officer

FIS01021 202355

Date: March 2, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Social Equity Statement for Ordinance Amending Section 2-1 of the Code to include a Standing Discussion Item at Every Board Meeting During States of Emergency

The proposed ordinance seeks to revise the Board's order of Business to include certain sections relating to states of emergency and provide for a standing discussion item at every Board Meeting during the pendency of any declared state or local emergency.

This proposed ordinance will include two new sections on each agenda. An addition to Section 6C for a discussion item, which will afford the Board an opportunity to discuss any declared state or local emergency at every meeting, without requiring further action, and Section 18, which will be for any action item related to a declared state or local emergency. This ordinance will potentially create a social equity benefit because it will allow additional opportunity for public input.



JD Patterson
Chief Public Safety Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: 
Gen Bonzon-Keenan
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)
3-2-21

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 THE BOARD’S ORDER OF BUSINESS TO INCLUDE CERTAIN SECTIONS RELATING TO STATES OF EMERGENCY; PROVIDING FOR A STANDING DISCUSSION ITEM AT EVERY BOARD MEETING DURING THE PENDENCY OF ANY DECLARED STATE OR LOCAL EMERGENCY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, since March 2020, governments in Miami-Dade County, along with residents and visitors have faced myriad challenges caused by the infectious disease known as coronavirus disease 2019 (“COVID-19”); and

WHEREAS, due to the rapid spread and severity of the virus, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, as a result of the COVID-19 pandemic, among other things, this Board has called 11 special meetings to discuss COVID-19 related matters and approved funding directed to assist various sectors of the community that have been detrimentally impacted by the virus; and

WHEREAS, in an effort to address COVID-19 related issues while the pandemic is ongoing, as well as any other declared state or local emergency, in a timely more expeditious manner, and notwithstanding the authority of the Chairperson of the Board to place matters on the agenda, each agenda of this Board should be revised to include two additional sections relating to the pendency of any declared state or local emergency, one for discussion items and the other for action items; and

WHEREAS, the standing discussion item would provide a mechanism for discussion and afford this Board an opportunity to discuss any declared state or local emergency at every meeting without requiring further action; and

WHEREAS, this Board desires to amend section 2-1 of the Code of Miami-Dade County, Florida as provided herein,

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

Chapter 2. ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-1. Rules of procedure of County Commission.

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

Rule 5.05. AGENDA.

(a) **ORDER OF BUSINESS.**

- (1) There shall be an official agenda for every meeting of the commission, which shall determine the order of business conducted at the meeting. The order of business for Tuesday meetings shall be as follows:

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.

1. invocation as provided in Rule 5.05(h)
roll call
pledge of allegiance
special presentations
citizen's presentations
reports of official county boards
reasonable opportunity for public to be heard as provided in Rule 6.06
motion to set agenda
commission auditor
office of intergovernmental affairs
office of community advocacy
2. mayoral vetoes
mayoral reports
- 3(a). Consent Agenda – commissioner items
- 3(b). Consent Agenda – department items
4. ordinances for first reading
5. public hearings, which shall be scheduled for 9:30 a.m.
- 6(a). chairperson of the board of county commissioners
- 6(b). policy matters for discussion by the board
- >>6(c). matters for discussion relating to the pendency of any declared state or local emergency<<
7. ordinances for second reading
8. departments
9. additional departmental items
10. authorities, boards, councils and trusts
11. county commissioners
12. county mayor
13. county attorney

14. items subject to “4-day rule”
15. clerk of the board
16. items scheduled for Thursday
17. summer recess items
- >>18. items relating to a declared state or local emergency<<

The following items shall be considered consent agenda items and placed in section 3(a) or 3(b) of the agenda, as appropriate:

1. Items approving or ratifying the submittal of grant applications and acceptance of grant awards, as long as required matching funds are appropriated in the County budget, as determined by the Office of Management and Budget
2. Resolutions ratifying contracts executed by the Mayor, as allowed by law or previous action of the Board (non-summer recess items) provided the total value of the contract, including any options to renew, does not exceed \$5,000,000.00
3. Resolutions approving in-kind contributions
4. Resolutions making district office fund allocations
5. Resolutions approving namings, renamings or codesignations of federal, state or municipal roads, facilities or properties
6. Items awarding, granting, amending or relating to an award or grant of Targeted Jobs Incentive Fund, Qualified Targeted Industry Business incentives and tax exemption programs
7. Resolutions approving donations of surplus County property, except those donations made for emergency purposes and to foreign governmental entities
8. Resolutions approving the issuance or transfer of certificates of transportation for passenger motor carriers

>>Notwithstanding any other provision of the rules to the contrary, there shall be a discussion item pursuant to section 6(c) of the agenda at every meeting of the Board of County Commissioners during the pendency of any declared state or local emergency.<<

* * *

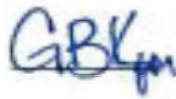
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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:



Shanika A. Graves

Prime Sponsor: Commissioner Raquel A. Regalado