

MEMORANDUM

Agenda Item No. 5(A)

TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Public Hearing 12-15-20)
December 1, 2020

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Ordinance creating the Office of Policy and Budgetary Affairs under the Board of County Commissioners; creating article CLXIV of chapter 2 of the Code; providing for minimum qualifications, term of office, and method of appointment and removal of director; requiring certain votes, including supermajority votes, by full membership of Board; providing for functions, scope of authority, and powers of office; establishing duties of Mayor to provide office with access to certain information; approving and adopting Fiscal Year 2020-21 mid-year supplemental budget adjustments and amendments; authorizing director to establish job classifications and salary ranges for staff pending amendment to the Miami-Dade County Pay Plan – FY 2020-21

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Acting Chairwoman Rebeca Sosa and Commissioner Jose "Pepe" Diaz.



Geri Bonzon-Keenan
Successor County Attorney

GBK/smm



MEMORANDUM
(Revised)

TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 15, 2020

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 5(A)

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. 5(A)
12-15-20

ORDINANCE NO. _____

ORDINANCE CREATING THE OFFICE OF POLICY AND BUDGETARY AFFAIRS UNDER THE BOARD OF COUNTY COMMISSIONERS; CREATING ARTICLE CLXIV OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR MINIMUM QUALIFICATIONS, TERM OF OFFICE, AND METHOD OF APPOINTMENT AND REMOVAL OF DIRECTOR; REQUIRING CERTAIN VOTES, INCLUDING SUPERMAJORITY VOTES, BY FULL MEMBERSHIP OF BOARD; PROVIDING FOR FUNCTIONS, SCOPE OF AUTHORITY, AND POWERS OF OFFICE; ESTABLISHING DUTIES OF MAYOR TO PROVIDE OFFICE WITH ACCESS TO CERTAIN INFORMATION; APPROVING AND ADOPTING FISCAL YEAR 2020-21 MID-YEAR SUPPLEMENTAL BUDGET ADJUSTMENTS AND AMENDMENTS; AUTHORIZING DIRECTOR TO ESTABLISH JOB CLASSIFICATIONS AND SALARY RANGES FOR STAFF PENDING AMENDMENT TO THE MIAMI-DADE COUNTY PAY PLAN – FY 2020-21; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners is the governing and ultimate policymaking body for Miami-Dade County; and

WHEREAS, the Board is endowed with the responsibility of setting millage rates and adopting a budget every fiscal year; and

WHEREAS, the current annual budget for Miami-Dade County exceeds \$9 billion in capital and operating expenses, and represents the second-largest government budget in the State of Florida; and

WHEREAS, this Board wishes to create an Office of Policy and Budgetary Affairs that would serve under its direction to assist all county commissioners with the county budget process by providing objective and critical analysis regarding the budgetary impact of proposed legislation,

liaising with the Office of the Mayor, the County Attorney, and the Commission Auditor, and conducting research and policy analysis to facilitate the development of legislation; and

WHEREAS, this Board intends the responsibilities of the newly-created Office of Policy and Budgetary Affairs to be additional and complementary to the existing responsibilities provided by the Commission Auditor,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Article CLXIV of chapter 2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

**CHAPTER 2
ADMINISTRATION**

* * *

ART. CLXIV.
OFFICE OF POLICY AND BUDGETARY AFFAIRS

Sec. 2-2417 Creation.

The Board of County Commissioners ("Board") hereby creates the Office of Policy and Budgetary Affairs.

Sec. 2-2418 Budget and Director.

The Board shall provide the Office of Policy and Budgetary Affairs with a budget and staffing allowance. There shall be a director, who shall head the Office of Policy and Budgetary Affairs and shall have the power to appoint, employ, and remove such assistants, employees and personnel as deemed necessary for the efficient and effective administration of the affairs of the office. The director shall report to and receive direction from the Board and the Chairperson of the County Commission ("Chair"). On an annual basis, the director shall submit a one-year work program to the Board for approval. The Chair shall determine the appropriate salary and benefits package for the director and shall perform all duties as set forth in the Code.

Sec. 2-2419 Appointment of a Director.

The initial director of the Office of Policy and Budgetary Affairs shall be appointed by the Chair. Any future director shall be appointed by a majority vote of the full membership of the Board then in office.

Sec. 2-2420 Minimum Qualifications of the Director.

The director shall have relevant experience working in the budget and policymaking processes for state or local governments.

Sec. 2-2421 Term of Office.

The director shall serve at the pleasure of the Board and may be removed from office by a vote of two-thirds of the full membership of the Board then in office.

Sec. 2-2422 Functions.

The Office of Policy and Budgetary Affairs shall perform the following functions:

1. Provide budget, management, and policy support to the Board.
2. Liaise with the Office of the Mayor, the County Attorney, and the Commission Auditor.
3. Provide objective and critical analysis of the budgetary impact of proposed legislation.
4. Conduct research and policy analysis to facilitate development of legislation.
5. Report to the Board on a timely basis relating to policy and budgetary matters.

Sec. 2-2423 Duties of Mayor.

The Mayor or the Mayor's designee shall respond to requests for information from the director of the Office of Policy and Budgetary Affairs on a timely basis. The Office of Policy and Budgetary Affairs shall have (i) read-only access to any and all financial, data, and reporting systems of the County, (ii) access to all books, records, memoranda and other documents, including both those internally or externally created, of all departments, boards, agencies, and other

entities of the County, and (iii) read-only access to all digital information maintained or owned by the County, including any application programming interface (“API”) or database. For purposes of this section, API shall mean any communication method that software uses to access shared information, such as data, server software, and other applications. To the extent such information is required by law to remain confidential or exempt from disclosure, such information shall also be maintained by the Office of Policy and Budgetary Affairs as confidential or exempt. Access to such information shall be provided to the Office of Policy and Budgetary Affairs within five business days from the date of the office’s request; provided, however, if it is not reasonably possible to comply with the office’s request within five business days, then access to the requested information shall be provided within the limited reasonable time necessary to retrieve the information. The information must be provided in the medium requested if the record is maintained in that medium.

Section 2. In compliance with the provisions of section 1.02(A) of the Miami-Dade County Home Rule Charter and section 129.06, Florida Statutes, the supplemental budgets and table of organization, which are attached hereto as Exhibits A and B and made a part hereof, are hereby approved, adopted, and ratified. The budgeted revenues and expenditures provided in Exhibit A are hereby appropriated and the table of organization for the Board of County Commissioners is hereby amended to include the Office of Policy and Budgetary Affairs as provided in Exhibit B.

Section 3. Ordinance Nos. 20-91, 20-93, and 20-96 are hereby amended as set forth herein and in the amended appropriation schedules which are attached hereto as Exhibit A. In addition, Ordinance Nos. 20-91, 20-93, and 20-96 are further amended to include the Office of Policy and Budgetary Affairs among the divisions and offices of the Board of County Commissioners that shall receive the same cost of living adjustments for Fiscal Year 2020-21 as County employees under any of the collective bargaining agreements that are approved for Fiscal Year 2020-21. Such amendments to the County’s Fiscal Year 2020-21 Adopted Budget are hereby approved, adopted, and ratified.

Section 4. The initial director of the Office of Policy and Budgetary Affairs may establish, assign and maintain appropriate job classifications, salary ranges, and pay supplements of assistants, employees and personnel as deemed operationally necessary on a temporary basis until such time as an appropriate amendment to the Miami-Dade County Pay Plan - FY 2020-21 is submitted to the Board of County Commissioners for adoption.


Section 5. 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 6. 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 7. 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:

Michael B. Valdes

Co-Prime Sponsors: Acting Chairwoman Rebeca Sosa
Commissioner Jose "Pepe" Diaz

BOARD OF COUNTY COMMISSIONERS
(Fund GF 030, Subfund 052, Project 052BCC, Various Project Details)

Revenues:

Carryover		\$ <u>8,024,000</u>
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Expenditures:

Board of County Commissioners Reserves	\$ 8,024,000	\$ 7,051,000
Office of Policy and Budgetary Affairs		<u>\$ 973,000</u>

Total		\$ <u>8,024,000</u>
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FY 2020 - 21 Adopted Budget and Multi-Year Capital Plan

TABLE OF ORGANIZATION

