

MEMORANDUM

Alternate
Agenda Item No. 11(A)(8)

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

DATE: May 18, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution waiving Resolution No. R-636-14 directing the Commission Auditor to complete background research on applicants being considered to serve on County boards and trusts that require nominations or appointments by this Board; and waiving by a two-thirds vote of the Board members present, the process for appointments of members of the governing body of the Miami-Dade Expressway Authority (the "MDX Board") as set forth in section 2-128.1 of the Code of Miami-Dade County, Florida, and appointing Chairman Jose "Pepe" Diaz, Commissioner Joe A. Martinez, Dennis C. Moss, Darlene Fernandez, and Rafael Rodon to the MDX Board

The alternate differs from the original version in that it waives Resolution No. R-636-14, directing the Commission Auditor to complete background research on applicants being considered to serve on County boards and trusts that require nominations or appointments by this Board, and makes the five appointments to fill the Board appointed vacancies on the governing Board of the Miami-Dade Expressway Authority.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM
(Revised)

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

DATE: May 18, 2021

FROM: 
Gen. Bonzon-Keenan
County Attorney

Alternate

SUBJECT: Agenda Item No. 11(A)(8)

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 _____

Alternate
Agenda Item No. 11(A)(8)
5-18-21

RESOLUTION NO. _____

RESOLUTION WAIVING RESOLUTION NO. R-636-14 DIRECTING THE COMMISSION AUDITOR TO COMPLETE BACKGROUND RESEARCH ON APPLICANTS BEING CONSIDERED TO SERVE ON COUNTY BOARDS AND TRUSTS THAT REQUIRE NOMINATIONS OR APPOINTMENTS BY THIS BOARD; AND WAIVING BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT, THE PROCESS FOR APPOINTMENTS OF MEMBERS OF THE GOVERNING BODY OF THE MIAMI-DADE EXPRESSWAY AUTHORITY (THE "MDX BOARD") AS SET FORTH IN SECTION 2-128.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AND APPOINTING CHAIRMAN JOSE "PEPE" DIAZ, COMMISSIONER JOE A. MARTINEZ, DENNIS C. MOSS, DARLENE FERNANDEZ, AND RAFAEL RODON TO THE MDX BOARD

WHEREAS, section 2-128.1 of the Code of Miami-Dade County, Florida, (the "Code") provides the process for appointments of members of the governing body of the Miami-Dade Expressway Authority (the "MDX Board"); and

WHEREAS, section 2-128.1 of the Code also provides that by a two-thirds vote of the Board members present, the nomination process set forth therein may be waived; and

WHEREAS, this Board may appoint five voting members to the MDX Board; and

WHEREAS, all five of the Board appointed seats are vacant and expired; and

~~[[**WHEREAS**, it is in the best interest of the County residents and visitors for all vacant Board appointed seats to be filled as expeditiously as possible so that the MDX Board can continue to manage its roads and highways in a safe and efficient manner,]]¹~~

>> **WHEREAS**, the terms of the members shall be four years each; and

¹ The differences between the alternate 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, Resolution No. R-636-14 directs the Commission Auditor to complete background research on applicants being considered to serve on County boards and trusts that require nominations or appointments by this Board; and

WHEREAS, it is in the best interest of the County that this Board fill the MDX Board vacancies in a prompt manner so as to promote the public health and welfare of the County residents and visitors who travel along the MDX expressway system; and

WHEREAS, in order to promptly fill the MDX Board vacancies, this Board wishes to waive Resolution No. R-636-14; and

WHEREAS, this Board wishes to appoint Chairman Jose “Pepe” Diaz, Commissioner Joe A. Martinez, Dennis C. Moss, Darlene Fernandez, and Rafael Rodon to the MDX Board,<<

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

Section 1. ~~[[Waives by a two-thirds vote of the Board members present, the process for appointments of members of the MDX Board as set forth in section 2-128.1 of the Code of Miami-Dade County, Florida, to allow members of this Board to submit to the Clerk of the Board of County Commissioners (the “Clerk”) by May 21, 2021, any nominations with resumes, if available, to fill the five vacant and expired seats on the MDX Board.]] >>Waives Resolution No. R-636-14 directing the Commission Auditor to complete background research on applicants being considered to serve on County boards and trusts that require nominations or appointments by this Board.<<~~

Section 2. ~~[[Directs the Clerk to transmit such nominations to the Executive Director of the Miami-Dade County Commission on Ethics and Public Trust who shall opine as to whether the nominees can comply with applicable local and state law requirements and shall transmit said~~

~~opinions electronically to each Board member no later than on May 28, 2021.]] >>Waives by a two-thirds vote of the Board members present, the process for appointments of members of the MDX Board as set forth in section 2-128.1 of the Code of Miami-Dade County, Florida, and appoints Chairman Jose “Pepe” Diaz, Commissioner Joe A. Martinez, Dennis C. Moss, Darlene Fernandez, and Rafael Rodon to the MDX Board.<<~~

~~[[**Section 3.**— Further directs the Clerk to prepare a ballot or ballots to be utilized by Board members at the June 2, 2021 Board meeting to cast a written vote for a person or persons to be appointed to the MDX Board.]]~~

The Prime Sponsor of the foregoing resolution is Chairman Jose “Pepe” Diaz. 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:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of May, 2021. 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.



Annery Pulgar Alfonso