

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(F)
9-4-07

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

ORDINANCE NO. 07-123

**ORDINANCE RELATING TO RESIDENCY
REQUIREMENTS FOR COMMUNITY COUNCIL
CANDIDATES AND APPOINTEES; AMENDING
SECTION 20-43 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA ("CODE"); PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND
AN EFFECTIVE DATE**

WHEREAS, Community Councils were created and established in significant part to foster a sense of community identity, inclusiveness and empowerment in their respective areas, and to improve the effectiveness of public services by helping make those services more responsive to their community's needs and desires; and

WHEREAS, these goals can best be accomplished when Community Council members have strong ties to their respective communities, by virtue of having resided in their communities for a period of time sufficient to acquaint them with the communities' characteristics and needs,

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

Section 1. Section 20-43 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-43. Community Councils; membership.

Except as provided in subsection (E), Community Councils shall have seven (7) members, six (6) of whom shall be elected at large within the council area and one (1) of whom shall be appointed by the Board of County Commissioners as follows:

¹Words 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.

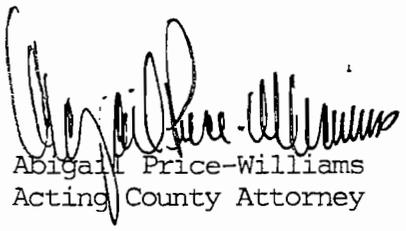


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: September 4, 2007

FROM: 
Abigail Price-Williams
Acting County Attorney

SUBJECT: Amended
Agenda Item No. 7(F)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

(A) *Elected Council Members.*

- (1) Elected Council Members shall, for ~~>>at least six months prior to qualifying, have been resident electors of the council area for which they are qualifying, and, for at least three years prior to qualifying, resident electors of Miami-Dade County. Additionally, each elected Council Member seeking to represent a subarea shall, for~~<< three (3) months prior to qualifying, have been ~~>>a~~<< resident elector ~~[[s]]~~ of the separate subarea~~[[s]]~~ of the council area for which the~~[[y]]~~ ~~>>Member~~<< ~~[[are]]~~ ~~>>is~~<< qualifying ~~[[or for an at large position be a resident of the council area for three (3) months prior to qualifying and be elected by the electors of the entire council area]]~~. At the time of qualifying candidates shall submit proof of residency for the prescribed period to the supervisor of elections. ~~>>Proof of residency shall establish that the qualifying candidate has met the residency requirements for the required period.~~<< Any person misrepresenting their residency shall, upon conviction be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the County jail or both, at the discretion of the court. No Council Member shall be employed by Miami-Dade County or be a member of the County Commission.

* * *

(B) *Appointed Council Members.*

- (1) The County Commissioners shall appoint one (1) member to each Community Council following each election of Council Members. Each appointed Community Council Member shall ~~[[be]]~~ ~~>>have been for at least six months prior to appointment~~<< ~~[[either]]~~ a resident elector of the Council area~~>>~~, and, for at least three years, a resident elector of Miami-Dade County~~<< [[or an elector of Miami-Dade County who, in the sole discretion of the Board of County Commissioners, has significant business or community interest in the Council area]]~~. No appointed Council Member shall be employed by Miami-Dade County or be a member of the County Commission. These members shall be appointed by the County Commissioner(s) whose district(s) include the boundaries of all or part of the Community Council area. Appointments shall be confirmed by a majority of the Board of County Commissioners.

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: ~~September~~ 4, 2007

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Joni Armstrong-Coffey

Sponsored by Commissioner Rebeca Sosa

MEMORANDUM

Amended
Agenda Item No. 7(F)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: (Second Reading 9-4-07)
June 26, 2007

FROM: Abigail Price-Williams
Acting County Attorney

SUBJECT: Ordinance relating to
residency requirements for
community council
candidates; amending section
20-43 of the Code

O#07-123

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa.


Abigail Price-Williams
Acting County Attorney

APW/bw

Memorandum



Date: September 4, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "George M. Burgess", written over the printed name in the "From:" field.

Subject: Ordinance relating to residency requirements for Community Council candidates;
amending section 20-43 of the Code

The ordinance relating to residency requirements for Community Council candidates will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Alex Muñoz", written above a horizontal line.

Alex Muñoz
Assistant County Manager

fis01707