

MEMORANDUM

Agenda Item No. 7(C)

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

DATE: January 10, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending
Sec. 2-1795 of the Code
relating to procedures to be
followed in preparation and
adoption of annual budget

O#08-08

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum

MIAMI-DADE
COUNTY

Date: January 10, 2008

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

From: George M. Burgess
County Manager

Subject: Ordinance amending Section 2-1795 of the Code relating to procedures to be followed in preparation and adoption of the annual budget

The ordinance amending Section 2-1503 and 2-1505 of the Code relating to procedures to be followed in preparation and adoption of the annual budget will not have a fiscal impact to Miami-Dade County.



Jennifer Glazer-Moon, Director
Office of Strategic Business Management

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MEMORANDUM

(Revised)

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

DATE: January 10, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(C)

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
01-10-08

ORDINANCE NO. 08-08

ORDINANCE AMENDING SECTION 2-1795 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO PROCEDURES TO BE FOLLOWED IN THE PREPARATION AND ADOPTION OF THE COUNTY'S ANNUAL BUDGET; AMENDING SECTION 2-481 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO THE COMMISSION AUDITOR'S ACCESS TO INFORMATION; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

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

Section 1. Section 2-1795 of the Code of Miami-Dade County, Florida is amended as follows:¹

Sec. 2-1795. Allocation of County Resources

* * *

(d) The County Manager shall, no later than January 31 of each year, transmit to the Board of County Commissioners no more than twenty (20) of his or her top recommendations to be reflected in the coming year's budget. These recommendations shall be presented in measurable, quantifiable terms to the extent possible and shall be considered by the appropriate committees of the County Commission. Each committee shall formulate its top priorities and policy objectives and forward those recommendations to the County Commission. The County Commission shall no later than the first meeting in April of each year consider the Committees' priorities and policy objectives and, by motion, approve up to twenty (20) priorities and policy objectives for the coming year's budget. This list shall guide the

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.

Commission when adopting the budget. On an annual basis, the County Manager shall present the proposed budget, including the proposed resource allocation plans, to the Board of County Commissioners for approval in accordance with the requirements of Section 5.03 of the Home Rule Charter. >>The Commission Auditor shall work with the Office of Strategic Business Management in the development of the proposed budget. Copies of the proposed budget referenced in the first sentence of Section 5.03(B) of the Home Rule Charter shall be made available to the County Commission and the Commission Auditor on the same date as such budget is presented by the County Manager to the Mayor. The Commission Auditor shall then commence an in depth review and analysis of such budget giving full consideration to the County Commission's adopted priorities and policy directives. The Commission Auditor's in depth review and analysis shall include a review and analysis of any changes to such proposed budget made as a result of the budget prepared and recommended by the County Manager, and the Mayor's written response thereto, presented to the Commission in accordance with the second sentence of Section 5.03(B) of the Home Rule Charter. Between August 15th and the first budget hearing, the Budget and Finance Committee, or the successor committee with jurisdiction over budgetary matters, shall meet to review and discuss the proposed budget in relation to the County Commission's approved budget priorities and policy objectives and the findings, results and recommendations of the Commission Auditor. Prior to the first budget hearing and after consultation with the Commission Chair and the Chair of the committee having jurisdiction over budgetary matters, the Commission Auditor, in cooperation with the Mayor or his/her designee, shall prepare and issue any recommended written changes to the proposed budget and shall present same together with proposed budget amendments to the County Commission at the first budget hearing. The Budget and Finance Committee, or the successor committee with jurisdiction over budgetary matters, shall meet between the first and second budget hearings to discuss any proposed changes and recommendations which may result from the first budget hearing. At the second budget hearing, after consultation with the Chair of the Commission and the Chair of the committee having jurisdiction over budgetary matters and in cooperation with the Mayor or his/her designee, the Commission Auditor shall issue any final recommended written changes to the tentative budget and then present implementing amendments thereto to the County Commission. This paragraph is not intended to be construed in any way as a limitation on the Mayor's right to participate in the

budget process as set forth in the Home Rule Charter, including specifically the right to attend and be heard at the budget hearings to express a difference of opinion with the Commission Auditor's recommendations and proposed changes. The responsibilities assigned by this section to the Commission Auditor shall be deemed a permanent element of the Commission Auditor's annual work program for each ensuing fiscal year without need for further Commission approval.<<

* * *

Section 2. Section 2-481 of the Code of Miami-Dade County, Florida is amended as

follows:

Sec. 2-481. Access to information.

The Commission Auditor shall have >>read-only access to any and all financial, data, and reporting systems of the County and<< access to all books>>,<< [[and]] records>>, memoranda and other documents, including both those internally or externally created,<< of all departments, boards, agencies, and other entities of the County. >>To the extent such information is required by law to remain confidential and/or exempt from disclosure, such information shall also be maintained by the Commission Auditor as confidential and/or exempt. The Commission Auditor may make direct inquiries of any officer, agent, or employee of any department, board, agency or other County entity to clarify matters under his or her purview. It shall be a policy of this Board that such officer, agent or employee shall respond to such inquiries and shall not knowingly omit significant facts when presenting the requested information.<< The Commission Auditor may require the appearance of any officer, agent or employee of any department, board, agency or other entity for the purpose of examining that person under oath or affirmation. All contracts with outside contractors and subcontractors shall provide for access by the Commission Auditor to all financial and performance related records, property, and equipment purchased in whole or in part with governmental funds. The Commission Auditor shall have the power to summon any person to be examined under oath or affirmation. The Commission Auditor, or an assistant, may administer an oath or affirmation. The Commission Auditor may issue necessary process, including a subpoena or subpoena duces tecum, to compel attendance or the production of documents or other things. Prior to issuing a subpoena, the Commission Auditor shall notify the State Attorney and the U.S. Attorney for the

Southern District of Florida. The Commission Auditor shall not interfere with any ongoing investigation of the State Attorney or the U.S. Attorney for the Southern District of Florida where the State Attorney or the U.S. Attorney for the Southern District of Florida has explicitly notified the Commission Auditor in writing that the Commission Auditor's investigation is interfering with an ongoing criminal investigation.

Section 3. 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 4. 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 re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate work.

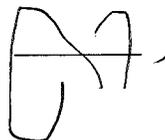
Section 5. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **January 10, 2008**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Jim Kracht/Geri Bonzon-Keenan

Sponsored by Commissioner Carlos A. Gimenez