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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: April 8, 2008

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

SUBJECT: Ordinance pertaining to Community Small Business Enterprise Program

Ordinance No. 08-40

The accompanying ordinance was prepared and placed on the agenda at the request of Vice-Chairwoman Barbara J. Jordan

R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum

MIAMI-DADE COUNTY

Date: April 8, 2008

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

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to Community Small Business Enterprise Program

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The Ordinance pertaining to Community Small Business Enterprise Program will have an estimated fiscal impact of $3,500 per year. Currently, appeals are heard though a Review Committee comprised of County staff. This ordinance requires that appeals be heard by an Administrative Hearing Officer.

Susanne M. Torriente
Chief Assistant County Manager

Fis02508

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MEMORANDUM

(Revised)

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

DATE: April 8, 2008

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

SUBJECT: Agenda Item No. 7(A)

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(A)

4-8-08

ORDINANCE NO. 08-40

ORDINANCE PERTAINING TO COMMUNITY SMALL BUSINESS ENTERPRISE ("CSBE") PROGRAM; AMENDING SECTION 10-33.02 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR APPEALS FROM DECERTIFICATION, DENIALS OF CERTIFICATION, AND DETERMINATIONS OF NONCOMPLIANCE WITH SECTION 10-33.02; PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

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

Section 1. Section 10-33.02, Code of Miami-Dade County, is hereby amended as follows[1]:

Sec. 10-33.02. Community Small Business Enterprise Program.

(1) *Title*. This section shall be referred to as the Miami-Dade County Community Small Business Enterprise ("CSBE") Program.

* * *

>>*(7) Appeals.*

A. Any firm that is denied certification, decertified, or issued a determination of noncompliance with the requirements of this ordinance or its implementing order may appeal such action to the County Manager by submitting a written request to the County Manager along with a nonrefundable filing fee to be established by implementing order, within 30 days of issuance of the notice. Upon timely receipt of a request for an administrative hearing, the County Manager shall appoint a hearing officer and fix a time for an administrative hearing thereon. Such hearing officers may be paid a fee for their services, but shall not be deemed County officers or employees within the purview of sections 2-10.2, or 3-11.1 or otherwise.

B. Upon completion of the administrative hearing, the hearing officer shall render a final decision, in writing, addressing all matters before him or

[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.

her, including, where appropriate, a determination of the sanction to be imposed; provided, however, the Mayor or designee may appeal the hearing officer's decision to the Board of County Commissioners. The decision of the hearing officer or the Board of County Commissioners may be reviewed by an appropriate court in the manner provided in the Florida Rules of Appellate Procedure.<<

[[~~(7)~~]]>>(8)<<*County responsibilities.* The Department of >>Small<<Business Development (or other County department designated by the County Manager) shall:

1. Administer, or provide oversight for, the CSBE program and incentives outlined in this section;

* * *

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 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: April 8, 2008

Approved by County Attorney as to form and legal sufficiency: RAC

Prepared by: JM

John McInnis

Sponsored by Vice-Chairwoman Barbara J. Jordan