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

# MEMORANDUM

Agenda Item No. 7(B)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** June 2, 2009

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

**SUBJECT:** Ordinance relating to the Rules of Procedure; amending Section 2-1 of the Code of Miami-Dade County to provide process whereby special and emergency meetings of the County Commission may be cancelled

**Ordinance No. 09-43**

**The attached ordinance was amended by the Government Operations Committee to provide that a special or emergency meeting of the Board of County Commissioners may be cancelled by seven (7) members of the County Commission serving notice containing the required seven (7) signatures on the members of the Board of County Commissioners and upon the Clerk. The ordinance was also amended to provide that the Commission chambers shall be made available whenever a special or emergency meeting is called.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/up

# Memorandum

MIAMI-DADE COUNTY

**Date:** June 2, 2009

**To:** Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

**From:** George M. Burgess
County Manager

**Subject:** Ordinance Relating to Rules of Procedure

---

The ordinance relating to Rules of Procedure to provide a process whereby Special and Emergency meetings may be cancelled will not have a fiscal impact on Miami-Dade County.

Jennifer Glazer-Moon
Special Assistant/Director, Office of Strategic Business Management

fis03209

# MEMORANDUM
(Revised)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** June 2, 2009

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

**SUBJECT:** Agenda Item No. 7(B)

**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 Mayor'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(B)
6-2-09

ORDINANCE NO. **09-43**

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 TO PROVIDE PROCESS WHEREBY SPECIAL AND EMERGENCY MEETINGS OF THE COUNTY COMMISSION MAY BE CANCELLED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

**ARTICLE I.**

**IN GENERAL**

**Sec. 2-1. Rules of procedure of County Commission.**

* * *

PART 3. MEETINGS

*Rule 3.01 Regular meetings.*

(a) The Commission shall hold regular meetings on the first and third Tuesday and Thursday of each month, and when the day fixed for any such regular meeting falls on a day designated by law as a legal holiday, such meeting may be held on another

[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.

day selected by the Commission, or such meeting may be canceled at the discretion of the Commission. Unless otherwise determined by the Commission, regular meetings shall commence at 9:30 in the morning and shall end no later than 6:30 p.m. each day. Regular meetings may be otherwise postponed or canceled (1) by resolution or motion adopted at a regular meeting by a majority of the Commission members present or (2) by the chairperson and six (6) other members of the commission serving notice containing the required seven (7) signatures upon the clerk who shall provide public notice when a meeting is canceled. All regular meetings shall be held in the Commission Chambers, Stephen P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128, or such location as may be approved by a majority of the Commission members present and shall be open to the public and all news media.

* * *

*Rule 3.02 Special meetings, emergency meetings.*

(a) Special meetings. A special meeting of the Commission may be called by a majority of the members of the Commission. Whenever a special meeting is called, a notice in writing signed by such majority shall be served upon the chairperson and the Clerk. The Clerk shall forthwith serve verbal and written notice upon each member of the Commission stating the date, hour and place of the meeting and the purpose for which such meeting is called, and no other business shall be transacted at that meeting. At least twenty-four (24) hours must elapse between the time the Clerk receives notice in writing and the time the meeting is to be held. >>A special meeting of the Board of County Commissioners may be cancelled (1) by resolution or motion adopted at a regular meeting by a majority of the Commission members present or (2) by<< >>seven (7) members<<[2] [[~~the chairperson~~]] >>of the Board of County Commissioners<< [[~~by~~]] >>serving notice<< >>containing the required seven (7) signatures<< >>on the members of the Board of County Commissioners and upon the Clerk who shall provide public notice when a

[2] Committee amendments are indicated as follows: words within [[double brackets]] and double strike-through are deleted, words within >>double arrows<< and double underlining are added.

meeting is cancelled.<< >>The Commission chambers shall be made available for a special meeting whenever such a meeting is called.<<

(b) Emergency meetings. An emergency meeting of the Commission may be called by the chairperson whenever in his or her opinion an emergency exists which requires immediate action by the Commission. Whenever such emergency meeting is called, the chairperson shall notify the Clerk who shall forthwith serve either verbal or written notice upon each member of the Commission, stating the date, hour and place of the meeting and the purpose for which it is called, and no other business shall be transacted at that meeting. At least twenty-four (24) hours shall elapse between the time the Clerk receives notice of the meeting and the time the meeting is to be held. >>An emergency meeting of the Board of County Commissioners may be cancelled (1) by resolution or motion adopted at a regular meeting by a majority of the Commission members present or (2) by<< [[~~the chairperson~~]] >>seven (7) members<< >>of the Board of County Commissioners<< [[~~by~~]] >>serving notice<< >>containing the required seven (7) signatures<< >>on the members of the Board of County Commissioners and upon the Clerk who shall provide public notice when a meeting is cancelled.<< >>The Commission chambers shall be made available for an emergency meeting whenever such a meeting is called.<<

(c) If after reasonable diligence, it is impossible to give notice to each Commissioner, such failure shall not affect the legality of the meeting if a quorum is present. The minutes of each special or emergency meeting shall show the manner and method by which notice of such special or emergency meeting was given to each member of the Commission, or shall show a waiver of notice. All special or emergency meetings shall be open to the public and shall be held and conducted in the Commission Chambers, Stephen P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128, or other suitable location within Miami-Dade County, Florida. Minutes thereof shall be kept by the Clerk.

(d) No special or emergency meeting shall be held unless notice thereof shall be given in compliance with the

provisions of this rule, or notice thereof is waived by a majority of the entire membership of the Commission.

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: **June 2, 2009**

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

Prepared by: GKS

Gerald K. Sanchez

Prime Sponsor: Chairman Dennis C. Moss