



MEMORANDUM

Agenda Item No. 7(G)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: (Second Reading 7-7-11)
May 3, 2011

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

SUBJECT: Ordinance creating section
2-1800A of the Code requiring
six public meetings whenever
the proposed budget or proposed
budget ordinances provide new
or increased taxes or fees

Ordinance No. 11-45

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto and Co-Sponsor Commissioner Rebeca Sosa.

A handwritten signature in black ink, appearing to read "RAC", written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

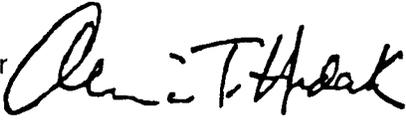
RAC/up

Memorandum



Date: July 7, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager 

Subject: Ordinance creating Section 2-1800A of the Code requiring six public meetings e
conducted at acceptable locations and times in the County for proposed increased
taxes or fees

The proposed ordinance requiring staff to conduct six public meetings at acceptable locations and times in the County for any proposed increases in taxes or fees will not have a fiscal impact to the County. Staff currently conducts, at a minimum, six public budget meetings throughout the County per Resolution 1018-94.


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

Fis3311



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2011

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

SUBJECT: Agenda Item No. 7(G)

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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(G)
7-7-11

ORDINANCE NO. 11-45

ORDINANCE CREATING SECTION 2-1800A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA REQUIRING SIX PUBLIC MEETINGS BE CONDUCTED AT ACCEPTABLE LOCATIONS AND TIMES IN THE COUNTY WHENEVER THE PROPOSED BUDGET OR PROPOSED BUDGET ORDINANCES PROVIDE FOR NEW OR INCREASED TAXES OR FEES; CODIFYING PROVISIONS OF COUNTY RESOLUTION NO. R-1018-94; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, conducting public meetings, adequately noticed and convenient to residents, will assist in informing the public of proposed revenue raising measures prior to their consideration by the Board of County Commissioners (the "Board"); and

WHEREAS, such public meetings have been conducted since 1994, following adoption of Resolution No. R-1018-94 requiring such public meetings to be held; and

WHEREAS, such public meetings typically occur during the month of August; and

WHEREAS, the County Commission is desirous of codifying the requirements of Resolution No. R-1018-94 into the Code of Miami-Dade County, Florida,

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

Section 1. Section 2-1800A of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

4

ARTICLE CXVIII.5. GOVERNING FOR RESULTS.

* * *

Sec 2-1800A. Public Meetings Regarding New or Increased Taxes or Fees.

1. Six public meetings shall be conducted as provided herein throughout the County whenever the proposed budget or the proposed budget ordinances for the ensuing fiscal year provide for new taxes or fees or for increases in the rates of ad valorem taxes, local option sales and gasoline taxes, water and sewer rates, franchise fees, utility service taxes, garbage/trash collection fees, mass transit fares, impact fees, or County imposed auto registration fees. Such meetings shall be conducted by county staff to solicit community input about the proposed new or increased taxes or fees.
2. The public meetings described herein are required only when a new fee or tax, or an increase in the rate of an existing fee or tax as enumerated in Paragraph 1 is proposed that will impact a majority of the residents of unincorporated Miami-Dade County. Such meetings shall be for the purpose of discussing revenue increase proposals as described herein and the purpose for which such revenues are being proposed only. Such meetings shall not constitute public budget hearings.
3. The public meetings required hereby shall be held at locations and times which are accessible and convenient to the majority of residents in the County affected by the tax and which allow for maximum participation by the diverse population of the County.
4. All public meetings required hereby shall take place during the period following the issuance of the proposed budget for the ensuing year and prior to the first public hearing on the proposed budget ordinances by the Board of County Commissioners.
5. The public meetings shall be appropriately advertised including use of print advertisements in newspapers of general circulation and community based periodicals, and to the extent practicable, direct mail to all registered property owners.

5

6. This ordinance shall be construed as directory only, and failure to comply with the provisions hereof shall not affect the validity of any ordinance, resolution or action of this Board in whole or in part.

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: July 7, 2011

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

Cynthia Johnson-Stacks

Prime Sponsor: Senator Javier D. Souto
Co-Sponsor: Commissioner Rebeca Sosa