

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: December 6, 2011

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

SUBJECT: Ordinance regarding Rules
of Procedure; amending Sec.
2-1 of the Code, relating to
authority to sponsor or present
items on commission agenda

Ordinance 11-95

The attached ordinance was amended at the 11-8-11 IMFR committee by deleting the first sentence of the proposed amendment to Rule 5.05(b)(1) and inserting the following language: "Any Commissioner or commission committee may present or sponsor any item which the Mayor is authorized to present or sponsor pursuant to the preceding sentence, except as provided otherwise in the Home Rule Charter, or state or federal law."

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Bruno A. Barreiro and Commissioner Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

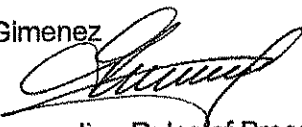
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Memorandum




Date: December 6, 2011

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance regarding Rules of Procedures of the Board of County Commissioners,
amending Section 2-1 of the Code

The proposed ordinance would allow any Commissioner to present or sponsor an item in the event the Mayor is unable to, or elects not to, sponsor an item. In addition, the committee chairperson of jurisdiction may, upon written request from the Mayor, submit an item for placement on a committee or Commission agenda. This ordinance will not have a fiscal impact to the County.


Office of the Mayor

Fis0212



MEMORANDUM

(Revised)

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

DATE: December 6, 2011


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

SUBJECT: Agenda Item No. 7(A)

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(A)
12-6-11

ORDINANCE NO. 11-95

ORDINANCE REGARDING RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO AUTHORITY TO SPONSOR OR PRESENT ITEMS ON COMMISSION AGENDA; 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, as amended by Ordinance No. 11-15 is hereby further amended to read as follows:¹

CHAPTER 2. ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-1. Rules of Procedure of County Commission.

* * *

Rule 5.05. AGENDA.

* * *

(b) AUTHORITY TO SPONSOR OR PRESENT ITEMS ON AGENDA.

(1) Anything to the contrary notwithstanding, matters may only be presented or sponsored by a county commissioner, a commission committee, the county attorney and the clerk of 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, except that the Mayor shall be able to present or sponsor: (1) reports which do not amend any policy established by the County Commission; (2) mayoral appointments; (3) solicitations for the purchase of goods and services, leases, construction contracts and debt obligations; (4) contracts for the purchase of goods and services and amendments thereto; (5) grant applications, grants and sub-grants; (6) leases and amendments thereto; (7) debt obligations and amendments thereto; (8) construction contracts and amendments thereto; (9) labor agreements and amendments thereto; (10) special taxing districts initiated by petition; (11) certificates of public convenience and necessity; (12) certificates of transportation; (13) quasi-judicial items; and (14) other matters where the presentation or sponsorship by the Mayor is required by the Home Rule Charter or state or federal law. >>Any Commissioner or commission committee may present or sponsor any item which the Mayor is authorized to present or sponsor pursuant to the preceding sentence, except as provided otherwise in the Home Rule Charter, or state or federal law.<<²~~[[Any Commissioner may present or sponsor any item which the Mayor is unable to sponsor or elects not to sponsor, except as provided otherwise in the Home Rule Charter, or state or federal law.]]>>~~Additionally, the committee chairperson of jurisdiction may, upon the written request of the Mayor or his or her designee, submit an item for placement on a committee or Commission agenda. Such an item shall, if requested by the committee chairperson of jurisdiction, be placed on the appropriate agenda, in accordance with the applicable rules of procedure, as an item sponsored by the committee of jurisdiction.<<

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

² Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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: December 6, 2011

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez

Co-Prime Sponsors: Commissioner Bruno A. Barreiro
Commissioner Lynda Bell