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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(D)

(Second Reading 12-2-14)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 21, 2014

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

SUBJECT: Ordinance relating to the Rules of Procedure of the Board of County Commissioners; amending Section 2-1 of the Code to require the Mayor to provide a memorandum to the Board if (I) the Mayor initially determines that an ordinance has no fiscal impact, but later determines that the ordinance does have a fiscal impact; and (II) if, due to the fiscal impact, the Mayor has not fully implemented the program or policy provided for in an ordinance within one year of the effective date, or such other date as set forth in the ordinance

Ordinance No.14-119

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: December 2, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance relating to the rules of procedure of the Board of County Commissioners; Amending Section 2-1 of the Code of Miami-Dade County, Florida, to require the Mayor to provide a memorandum to the Board if (I) the Mayor initially determines that an ordinance has no fiscal impact, but later determines that the ordinance does have a fiscal impact; and (II) if, due to the fiscal impact, the Mayor has not fully implemented the program or policy provided for in an ordinance within one year of the effective date, or such other date as set forth in the ordinance

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The proposed ordinance amends Section 2-1 of the Code to require the Mayor to provide a memorandum to the Board of County Commissioners as it relates to determination of fiscal impact statements. Implementation of this ordinance will not have a fiscal impact to the County.

Inson Kim
Director of Policy and Legislative Affairs

Fis00715

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 2, 2014

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

SUBJECT: Agenda Item No. 7(D)

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 Mayor'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(D)
12-2-14

ORDINANCE NO. 14-119

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE THE MAYOR TO PROVIDE A MEMORANDUM TO THE BOARD IF (I) THE MAYOR INITIALLY DETERMINES THAT AN ORDINANCE HAS NO FISCAL IMPACT, BUT LATER DETERMINES THAT THE ORDINANCE DOES HAVE A FISCAL IMPACT; AND (II) IF, DUE TO THE FISCAL IMPACT, THE MAYOR HAS NOT FULLY IMPLEMENTED THE PROGRAM OR POLICY PROVIDED FOR IN AN ORDINANCE WITHIN ONE YEAR OF THE EFFECTIVE DATE, OR SUCH OTHER DATE AS SET FORTH IN THE ORDINANCE

WHEREAS, Rule 4.01(s) of the Rules of Procedure of the Board of County Commissioners provides that prior to the public hearing of any ordinance, the Mayor shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance; and

WHEREAS, situations have arisen when the Mayor provides a fiscal impact statement pursuant to Rule 4.01(s) that indicates that the ordinance has no fiscal impact, but it is later discovered, such as during implementation of the ordinance, that the ordinance does have a fiscal impact; and

WHEREAS, the Board would like to amend Rule 4.01(s) to provide that, if the Mayor initially determines that an ordinance has no fiscal impact, but later determines that the ordinance does have a fiscal impact, the Mayor shall advise the Board of the fiscal impact in a memorandum; and

WHEREAS, the Board would like to further amend Rule 4.01(s) to provide that if, due to the fiscal impact, the Mayor has not fully implemented all or any part of the program or policy provided for in an ordinance within one year of the effective date, or such other date as set forth

in the ordinance, then the Mayor shall so advise the Board in a memorandum,

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

Section 1. Section 4.01(s) of the Rules of Procedure of the Miami-Dade County Board of County Commissioners is hereby amended to read as follows:[1]

PART 4. COMMITTEES

Rule 4.01. COMMITTEES.

* * *

(s) STATEMENTS OF FISCAL IMPACT REQUIRED FOR ORDINANCES; EXCEPTIONS.

>>(1)<< Prior to the public hearing of any ordinance, the Mayor shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No public hearing on any ordinance shall be held, if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provision of this rule shall not apply to any emergency ordinance or any budget ordinance.

>>(2) If the Mayor initially determines that an ordinance has no fiscal impact, but later determines that the ordinance does have a fiscal impact (such as during the process of implementation), then the Mayor shall so advise the Board in a memorandum. Additionally, if, due to the fiscal impact, the Mayor has not fully implemented all or any part of the program or policy provided for in an ordinance within one year of the effective date, or such other date as set forth in the ordinance, then the Mayor shall so advise the Board in a memorandum. Notwithstanding the foregoing, nothing in this rule shall be construed to authorize the Mayor not to comply with the policy direction contained in an ordinance without Board approval.<<

[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.

* * *

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: December 2, 2014

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

Prepared by: JMM

Jess M. McCarty

Prime Sponsor: Commissioner Audrey M. Edmonson