

MEMORANDUM

Agenda Item No. 11(A)(19)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

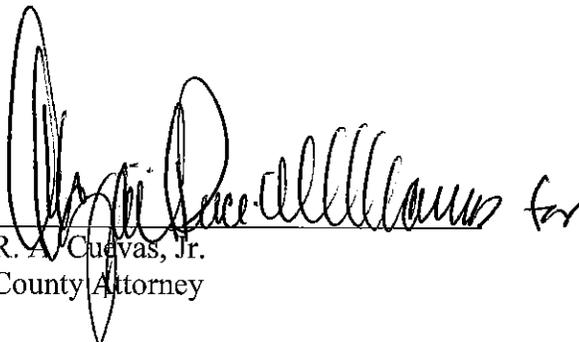
DATE: September 1, 2015

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

SUBJECT: Resolution urging the Florida
Legislature to amend state law
to allow two members of a board
of county commissioners or city
council having more than seven
members to meet and discuss
legislative matters without
triggering the sunshine law
requirements, consistent with the
rules the Florida Legislature
imposes on itself

Resolution No. R-745-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.


R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 1, 2015

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

SUBJECT: Agenda Item No. 11(A)(19)

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. 11(A)(19)

9-1-15

RESOLUTION NO. R-745-15

RESOLUTION URGING THE FLORIDA LEGISLATURE TO AMEND STATE LAW TO ALLOW TWO MEMBERS OF A BOARD OF COUNTY COMMISSIONERS OR CITY COUNCIL HAVING MORE THAN SEVEN MEMBERS TO MEET AND DISCUSS LEGISLATIVE MATTERS WITHOUT TRIGGERING THE SUNSHINE LAW REQUIREMENTS, CONSISTENT WITH THE RULES THE FLORIDA LEGISLATURE IMPOSES ON ITSELF

WHEREAS, Florida's Sunshine Law prohibits two members of the same board from communicating with each other regarding an item in advance of board action on that item; and

WHEREAS, Florida's Sunshine Law requires that the public be provided reasonable notice of any gathering of two or more members of the same board to discuss a matter which could foreseeably come before that board for action; and

WHEREAS, Florida's Sunshine Law requires that such meetings be open to the public, and that minutes of such meetings be promptly recorded and those records be open to the public for inspection; and

WHEREAS, Florida's Sunshine Law that applies to local governments does not apply to the Florida Legislature; and

WHEREAS, while the Florida Constitution requires that the rules of procedure of each house provide that meetings of the Florida Legislature be open and noticed, two members of the Florida Legislature are not prohibited from meeting and discussing issues that will come before the Legislature or legislative committees; and

WHEREAS, in most cities and counties in Florida, the governing board is comprised of five members, with three members constituting a quorum and two members constituting a majority of a quorum sufficient to enact legislation; and

WHEREAS, for this reason, with a five member board, it may be reasonable to prohibit two members to speak outside the sunshine; and

WHEREAS, Miami-Dade County currently has a population larger than 16 states; and

WHEREAS, if two members of a large board, such as the Miami-Dade Board of County Commissioners, were permitted to meet to discuss an issue, only two of the 13 members is far less than the seven members required for a quorum; and

WHEREAS, the Broward County Board of County Commissioners has nine members and the Jacksonville City Council has 19 members; and

WHEREAS, this Board would urge the Florida Legislature to amend the Sunshine Law requirements imposed on local governments to apply the same standards that the Legislature applies to itself to boards of county commissioners and city councils having more than seven members,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to amend state law to allow two members of a board of county commissioners or city council having more than seven members to meet and discuss legislative matters without triggering the Sunshine Law requirements, consistent with the rules the Florida Legislature imposes on itself.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, Members of the Jacksonville City Council and Members of the Broward County Board of County Commissioners.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2016 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. It was offered by Commissioner **Juan C. Zapata**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	aye	
	Esteban L. Bovo, Jr., Vice Chairman	aye	
Bruno A. Barreiro	aye	Daniella Levine Cava	nay
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Sally A. Heyman	absent	Barbara J. Jordan	aye
Dennis C. Moss	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**

Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MP

Matthew Papkin