

MEMORANDUM

Agenda Item No. 7(A)

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

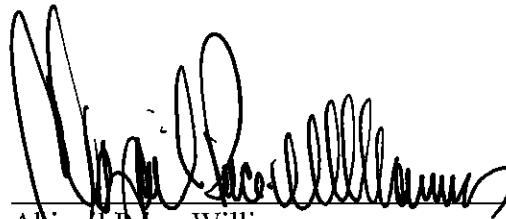
DATE: (Second Reading 7-6-16)
May 3, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to the Rules
of Procedure of the Board of
County Commissioners;
amending section 2-1 of the
Code; revising provisions
relating to sponsorship and
other procedures governing
quasi-judicial matters

Ordinance No. 16-73

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.



Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: July 6, 2016

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, with a prominent loop at the end.

Subject: Fiscal Impact Statement for Ordinance Relating to Rules of Procedures of the Board
of County Commissioners

The proposed ordinance amends Section 2-1 of the Code of Miami-Dade County revising provisions relating to sponsorship and other procedures governing quasi-judicial matters. The revisions include: (1) the addition of zoning applications governed exclusively by chapter 33 and historic preservation appeals governed by chapter 16A of the Code to Rule 5.06 (d) titled "Exceptions"; (2) the addition of the certification of elections and quasi-judicial matters to Rule 5.07 (b) regarding limitation on agenda items; and (3) further clarifies the actions taken under Rule 7.01(h) "the votes" specific to zoning applications and other quasi-judicial matters when the motion to take action on the matter results in a tie vote.

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

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Edward Marquez
Deputy Mayor

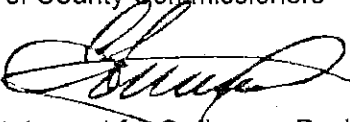
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Memorandum



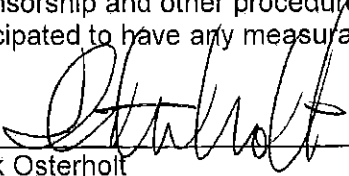
Date: July 6, 2016

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

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Impact Statement for Ordinance Revising Provisions Relating to
Sponsorship and Other Procedures Governing Quasi-Judicial Matters

The proposed ordinance revises provisions in the current Code of Miami-Dade County relating to sponsorship and other procedures governing quasi-judicial matters. The proposed ordinance is not anticipated to have any measurable social equity benefit or burden.



Jack Osterholt
Deputy Mayor

160876



MEMORANDUM

(Revised)

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

DATE: July 6, 2016

FROM: Abigail Price-Williams
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
- Statement of social equity 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(A)
7-6-16

ORDINANCE NO. 16-73

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; REVISING PROVISIONS RELATING TO SPONSORSHIP AND OTHER PROCEDURES GOVERNING QUASI-JUDICIAL MATTERS; 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

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

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

Rule 5.05 Agenda

* * *

(b) Authority to sponsor or present items on agenda.

- (1) Anything to the contrary notwithstanding >>and subject to the following paragraph related to quasi-judicial matters and certain Comprehensive Development Master Plan (“CDMP”) applications<<, matters may only be presented or sponsored by a county commissioner, a commission

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.

committee, the county attorney and the clerk of the 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 of non-County-owned property 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; (14)]]~~ other matters where the presentation or sponsorship by the Mayor is required by the Home Rule Charter or state or federal law; and ~~>>(14)<< [[(15)]]~~ leases and licenses of County-owned property and amendments thereto if the Mayor first provides written notification to the Commissioner of the District wherein the County-owned property that is to be leased or licensed is located of the matter and the District Commissioner does not agree to present or sponsor such lease or license or amendment thereto within ten (10) days of the written notification. 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. 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.

>>Quasi-judicial matters may be presented by the applicable department and shall be placed on the appropriate agenda in accordance with these Rules. In addition,<< ~~[[Anything to the contrary notwithstanding,]]~~ private applications for amendment, modification, addition, or change to the ~~[[Comprehensive Development Master Plan ("CDMP")]]~~ shall be placed on the appropriate CDMP agenda after the Department of >>Regulatory and Economic Resources<< ~~[[Sustainability Planning and Economic Enhancement]]~~ or successor department has completed its review of the application as provided in section 2-116.1 of the Code and all required fees have been paid (hereinafter "completed private CDMP application"). Each completed private CDMP application and the accompanying ordinance and any related resolution shall: (i) be forwarded to the Office of the Agenda Coordinator for placement on the appropriate CDMP agenda; and (ii) be accompanied by a recommendation from the Mayor or his or her designee.

* * *

Rule 5.06 Ordinances, resolutions, motions, contracts.

* * *

(d) *Exception.* The provisions of this Rule 5.06 shall not be applicable to zoning ~~[[resolutions]]~~ >>applications,<< which shall be governed exclusively by chapter 33 of the Code>>, or to historic preservation appeals, which shall be governed by chapter 16A. In addition, all quasi-judicial matters shall be exempt from subsection (c) of this Rule<<.

* * *

Rule 5.07 Limitation on agenda items.

* * *

- (b) An agenda item shall be deemed withdrawn upon its third deferral. The provisions of this subsection shall not apply to >>the certification of any election, quasi-judicial matters,<< zoning applications>>₂<< or ~~[[to]]~~ applications to amend the Comprehensive Development Master Plan.

* * *

Rule 7.01 Rules of debate.

* * *

- (h) *Tie votes.* Whenever action cannot be taken because the vote of the commissioners has resulted in a tie, and no other available motion on an item is made and approved before the next item is called for consideration or before a recess or adjournment is called, whichever occurs first, the item shall be removed from the agenda and shall be reintroduced only in accordance with the renewal provisions of Rule 7.01(1). Notwithstanding any rule of procedure to the contrary, >>for<< ~~[[in]]~~ zoning >>applications<< and other quasi-judicial matters>>₂<< when >>a motion to take<< action on >>the matter<< ~~[[a resolution]]~~ results in a tie vote, and no other available motion ~~[[on the resolution]]~~ is made and approved before the next matter is called for consideration or before a recess or adjournment is called, whichever occurs first, such >>matter<< ~~[[resolution]]~~ shall be carried over to the next regularly scheduled meeting for the consideration of such >>zoning applications or other<< quasi-judicial matters>>₂<< unless the commission designates a different time for such >>consideration<< ~~[[reconsideration]]~~.

* * *

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 6, 2016

Approved by County Attorney as
to form and legal sufficiency:

A handwritten signature in black ink, appearing to read 'ADW', is written over a horizontal line. Below this line, there is another handwritten signature in black ink, which is more stylized and difficult to decipher.

Prepared by:

James "Eddie" Kirtley, Jr.
Dennis A. Kerbel

Prime Sponsor: Chairman Jean Monestime