

MEMORANDUM

Agenda Item No. 7(H)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE:

(Second Reading 9-4-19)
June 18, 2019

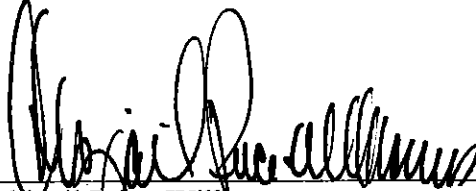
FROM: Abigail Price-Williams
County Attorney

SUBJECT:

Ordinance relating to the Domestic Violence Oversight Board; amending section 2-894 of the Code; providing that the Board of County Commissioners Office of Community Advocacy, rather than the County Mayor, shall provide staff and support to the Domestic Violence Oversight Board and that the Chairperson of the County Commission shall have the power to appoint, employ, remove and supervise such staff as deemed necessary; requiring that the Office of Community Advocacy perform certain functions regarding the Domestic Violence Oversight Board; directing County Mayor to revise the proposed Fiscal Year 2019-20 budget to transfer the funding, revenue and positions for the Domestic Violence Oversight Board from the Homeless Trust to the budget and table of organization for the Board of County Commissioners Office of Community Advocacy

Ordinance No. 19-81

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa and Co-Sponsors Commissioner Esteban L. Bovo, Jr. and Chairwoman Audrey M. Edmonson.


Abigail Price-Williams
County Attorney

APW/uw

Memorandum



Date: September 4, 2019

To: Honorable Chairwoman Audrey M. Edmonson
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, written over the printed name.

Subject: Fiscal Impact Statement for Ordinance Relating to the Domestic Violence Oversight Board

The implementation of the proposed ordinance would transfer the support staff for the Domestic Violence Oversight Board from the Homeless Trust to the Board of County Commissioners Office of Community Advocacy. If implemented, the Office of Community Advocacy FY 2019-20 budget would be amended to reflect the change. However, the administrative functions associated with the monitoring and operations of the existing and future domestic violence shelter(s) would remain under the purview of the Mayor. To the extent that costs associated with these functions can be absorbed by existing staff within Homeless Trust, no additional staffing resources would be required, and implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Maurice L. Kemp". The signature is bold and stylized, written over a horizontal line.

Maurice L. Kemp
Deputy Mayor

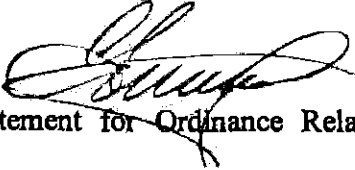
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Memorandum

MIAMI-DADE
COUNTY

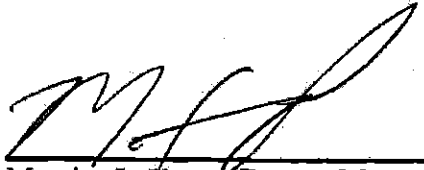
Date: September 4, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Relating to the Domestic Violence
Oversight Board

The proposed change to the ordinance not have any social equity impact. Adopting these changes continues to support the mission of the Domestic Violence Oversight Board to among other things, advise the Board of County Commissioners as to all issues that affect or relate to domestic violence, and submit a comprehensive plan, budget and specific recommendations for use of the portion of the Food and Beverage Tax proceeds collected in accordance with section 212.0306, Florida Statutes, and dedicated to the construction and operations of domestic violence shelters.



Maurice L. Kemp, Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: September 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(H)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 7(H)
9-4-19

Veto _____

Override _____

ORDINANCE NO. 19-81

ORDINANCE RELATING TO THE DOMESTIC VIOLENCE OVERSIGHT BOARD; AMENDING SECTION 2-894 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS OFFICE OF COMMUNITY ADVOCACY, RATHER THAN THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, SHALL PROVIDE STAFF AND SUPPORT TO THE DOMESTIC VIOLENCE OVERSIGHT BOARD AND THAT THE CHAIRPERSON OF THE COUNTY COMMISSION SHALL HAVE THE POWER TO APPOINT, EMPLOY, REMOVE AND SUPERVISE SUCH STAFF AS DEEMED NECESSARY; REQUIRING THAT THE OFFICE OF COMMUNITY ADVOCACY PERFORM CERTAIN FUNCTIONS REGARDING THE DOMESTIC VIOLENCE OVERSIGHT BOARD; DIRECTING COUNTY MAYOR TO REVISE THE PROPOSED FISCAL YEAR 2019-20 BUDGET TO TRANSFER THE FUNDING, REVENUE AND POSITIONS FOR THE DOMESTIC VIOLENCE OVERSIGHT BOARD FROM THE HOMELESS TRUST TO THE BUDGET AND TABLE OF ORGANIZATION FOR THE BOARD OF COUNTY COMMISSIONERS OFFICE OF COMMUNITY ADVOCACY; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County (“County”) Domestic Violence Oversight Board (“DVOB”) is a County advisory board charged with, among other things, advising this Board as to all issues that affect or relate to domestic violence; and

WHEREAS, the responsibilities of the DVOB include submitting to this Board a comprehensive plan, budget and specific recommendations for use of the portion of the Food and Beverage Tax (the “Tax”) proceeds collected in accordance with section 212.0306, Florida Statutes, and dedicated to the provision of domestic violence shelters; and

WHEREAS, the DVOB is further tasked with annually updating the comprehensive plan and reporting on the programs and services undertaken by the DVOB during the previous fiscal year; and

WHEREAS, the Homeless Trust currently provides the DVOB staff support, having been designated by the County Mayor and pursuant to section 2-894 of the Code of Miami-Dade County, Florida; and

WHEREAS, this Board desires to utilize the resources of the Office of Community Advocacy, an office that is under and reports directly to the Board of County Commissioners, to provide adequate staff and support to the DVOB in its role as an oversight board as to the Tax and an advisory board to this Board on all matters relating to domestic violence; and

WHEREAS, this Board wishes to amend the ordinance establishing the DVOB as well as revise the County's proposed Fiscal Year 2019-20 budget in order to transfer the responsibility of providing staff support for the DVOB from the County Mayor or County Mayor's designee to the Board of County Commissioners Office of Community Advocacy,

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

Section 1. Section 2-894 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-894. Staff Support.

The >>Office of Community Advocacy, an office that is under and reports directly to the Board of County Commissioners, or its successor office<< ~~[[County Mayor shall provide staff to record all~~

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.

~~meetings of the board; and the County Mayor]] shall provide to the board adequate staff and support services [[, through the Homeless Trust, or other department as designated by the County Mayor,]] to enable the board to carry out its duties and responsibilities. >>Among such other duties and responsibilities, the Office of Community Advocacy shall ensure the board's membership roster is current, shall take minutes of the board's meetings, and shall post such minutes online. The Chairperson of the County Commission shall have the power to appoint, employ, remove and supervise such staff as deemed necessary to provide appropriate staff and support to the board, including an executive director, who shall serve at the will of the Chairperson of the County Commission.<<~~

Section 2. The County Mayor is directed to revise the proposed Fiscal Year 2019-20 budget to transfer the necessary funding, revenue and positions for the DVOB from the Homeless Trust to the budget and table of organization for the Board of County Commissioners Office of Community Advocacy.


Section 3. 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 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of section 1 of this ordinance 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 5. 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: September 4, 2019

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Brenda Kuhns Neuman

Prime Sponsor: Vice Chairwoman Rebeca Sosa
Co-Sponsors: Commissioner Esteban L. Bovo, Jr.
Chairwoman Audrey M. Edmonson