

Memorandum



Date: August 7, 2013
To: Department Directors
From: Carlos A. Gimenez
Mayor

Subject: Summer Recess Ratification Items

The ratification period commenced with the adjournment of the July 16, 2013 Board of County Commissioners (Board) meeting and concludes on August 23, 2013. Items being submitted for the ratification agenda must meet the specific criteria outlined in Ordinance No. 12-92, regarding the Rules of Procedure of the County Code, as approved by the Board (Attachment I). Items approved under the ratification authority will be submitted to the Board for ratification at the appropriate August committee and subsequently at the October 1, 2013 Board meeting.

As in the past, Department Directors shall continue to submit agenda items for ratification by the Board to the Office of the Mayor to allow for proper administrative and legal review of the item. Inson Kim, Director of Policy and Legislation, will review all ratification items on my behalf in collaboration with the respective Deputy Mayor. Ms. Kim will forward the items to the Agenda Coordinator, who has been instructed to only process items that have been approved by the Office of the Mayor, and specifically Inson Kim. The County Attorney's Office will forward the completed items to the Clerk of the Board once they have been reviewed and approved for legal sufficiency.

For your information, a sample resolution to be used during the Ratification Period is included here as Attachment II. The deadline for submitting ratification agenda items to the Agenda Coordinator is the same as the deadline required for submission of committee items in August.

If you have any questions or require additional information, please contact Eugene Love at 305-375-2035.

Attachments

c:
R.A. Cuevas Jr., County Attorney
Office of the Mayor Senior Staff
Eugene Love, Agenda Coordinator
Christopher Agrippa, Division Chief, Clerk of the Board

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA



MEMORANDUM

Agenda Item No. 7(C)

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

DATE: October 23, 2012

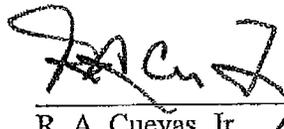
FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance regarding Rules
Procedure of the Code of
Miami-Dade County;
amending Sec. 2-1

Ordinance No. 12-92

This item was amended at the Internal Management and Fiscal Responsibility Committee on 10-16-12; it clarifies that only certain supplement or reports would need to be reviewed and approved by the County Attorney prior to placement on a Board agenda. Such review and approval would only be required when a supplement or report contains proposed amendatory language.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



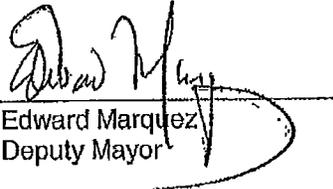
Date: October 23, 2012

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Amending Section 2-1 of the Code Related to Rules of Procedure of the Code

The proposed ordinance amends the following areas in Section 2-1: (1) Items approving or ratifying the submission of grant applications and acceptance of grant awards shall not require committee review; (2) eliminates the "consent agenda"; (3) clarifies the types of items that the County Mayor or his designee may administer without approval of the Board during summer recess; and (4) requires that all reports or memoranda that supplement pending ordinances or resolutions be presented to the County Attorney for review and approval. The implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis8812



MEMORANDUM

(Revised)

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

DATE: October 23, 2012

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

SUBJECT: Agenda Item No. 7(C)

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

Agenda Item No. 7(C)

Veto _____

10-23-12

Override _____

ORDINANCE NO. 12-92

ORDINANCE REGARDING RULES OF PROCEDURE OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 2-1 OF THE CODE; DELETING CONSENT AGENDA SECTION OF THE COUNTY COMMISSION AGENDA; ESTABLISHING EXCEPTION TO THE COMMITTEE REVIEW REQUIREMENT FOR ITEMS APPROVING OR RATIFYING GRANT APPLICATIONS OR ACCEPTANCES; REQUIRING LEGAL REVIEW AND APPROVAL PRIOR TO PLACING CERTAIN SUPPLEMENTS OR REPORTS ON BOARD AGENDAS; GIVING THE MAYOR OR THE MAYOR'S DESIGNEE AUTHORITY TO ACT DURING THE BOARD'S SUMMER RECESS AND PROVIDING FOR PLACEMENT OF ITEMS RATIFYING SUCH ACTIONS ON BOARD AGENDAS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in accordance with the Rules of Procedure of the Board of County Commissioners (the "Rules"), the official agenda is divided into several sections; and

WHEREAS, there are no articulated standards in the rules to establish what items are to be considered as consent agenda items and consequently there is inconsistency in the types of items deemed consent agenda items; and

WHEREAS, pursuant to the Rules, the Board of County Commissioners (the "Board") has employed a "pull list" process by which each County Commissioner identifies certain items on the Board's agenda for individual consideration, pursuant to Rule 5.05; and

WHEREAS, other than pull list, public hearing, and first and second reading items, the remaining action items are approved with one vote during the commencement of the board meeting; and

WHEREAS, the pull list process, as described above, serves the same purpose as having a consent agenda, in that both procedures allow more routine, non-objectionable items to be identified and voted upon in a group at the beginning of the agenda; and

WHEREAS, due to the existence of the pull list, there is no need for consent agenda section on the Board's agenda; and

WHEREAS, items previously deemed consent items which approve or ratify administrative submittal of grant applications or acceptance of grant awards are generally time sensitive and should still not be required to receive committee review; and

WHEREAS, supplements and reports frequently will contain language that may be used to formulate an amendment to an ordinance or resolution and such items should routinely receive review by the County Attorney's Office prior to the item being added to the Board's agenda or presented to the Board; and

WHEREAS, customarily the Board authorizes the administration to take certain actions during the Board's summer recess, subject to ratification by the Board, and this process should be memorialized in the rules to avoid the need for annual resolutions regarding this subject,

NOW, THEREFORE, 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.

PART 4. COMMITTEES.

¹ Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< shall be added. Remaining provisions are now in effect and remain unchanged.

* * *

Rule 4.01. Committees.

* * *

(j) EXCEPTIONS TO COMMITTEE REQUIREMENT.

(1) An item that has not been considered by a committee may be placed on the agenda of the county commission if the chairperson of the committee to which the item has been referred requests a waiver in writing and the commission chairperson concurs.

(2) Quasi-judicial items, special taxing districts, ordinances for first reading, ~~[[consent agenda items,]]~~ >>items approving or ratifying submittal of grant applications and acceptance of grant awards, << district office fund allocations, special presentations, namings, renamings or codesignations of County roads, facilities or properties, approvals of namings, renamings or codesignations of federal, state or municipal roads, facilities or properties, citizens' presentations, bid protests, settlements, options to renew contracts, resolutions recommending the acceleration and deceleration of Building Better Communities General Obligation Bond Program funding of projects using unspent bond proceeds, including interest earnings and premium funds, resolutions urging an entity or person to take stated action, resolutions taking a position or seeking direction from the Board on legislation or administrative action at the federal, state or local level, resolutions related to contract lobbyist conflict waiver requests and resolutions expressing intent shall be heard directly by the county commission, items awarding, granting, amending or relating to an award or grant of Targeted Jobs Incentive Fund, Qualified Targeted Industry Business incentives, property or utility tax exemptions in enterprise zones, or Brownfield Economic Development Initiative Loan Funds or similar incentives and tax exemption programs; provided, however, any such item relating to an award of Community Redevelopment Agency funding or Community Development Block Grant funding or other funding administered by the Public Housing and Community Development department, or successor department, shall not be excepted from committee review by this subsection (j)(2). On such items, the public shall have the same rights to participate and be heard at the

county commission as they would have received had the item been heard in committee.

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

Rule 5.05. AGENDA.

(a) ORDER OF BUSINESS.

(1) There shall be an official agenda for every meeting of the commission which shall determine the order of business conducted at the meeting. The order of business for Tuesday meetings shall be as follows:

1. roll call
invocation
pledge of allegiance
special presentations
citizen's presentations
reports of official county boards
motion to set agenda
commission auditor
office of intergovernmental affairs
2. mayoral vetoes
mayoral reports
3. ~~[[consent agenda]]~~ >>summer recess items<<
4. ordinances for first reading
5. public hearings, which shall be scheduled for 9:30 a.m.

* * *

(f) Public Hearings Heard By Committee. When a public hearing relating to an ordinance or resolution is conducted before a commission committee as authorized herein, no additional testimony from the public shall be permitted except by a majority

whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve. The county attorney shall communicate with a designated staff person from each commissioner's office regarding the preparation and tracking of agenda items.

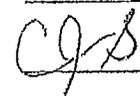
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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: October 23, 2012

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Cynthia Johnson-Stacks

Prime Sponsor: Chairman Joe A. Martinez

Approved _____ Mayor Agenda Item No.
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION RATIFYING THE COUNTY MAYOR'S OR
COUNTY MAYOR'S DESIGNEE'S ACTIONS OF

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, this Board has adopted Ordinance No. 12-92, authorizing the County Mayor or County Mayor's designee to administer County business during the Board of County Commissioners' annual summer recess as provided therein, and has directed that all actions taken pursuant to such authority be submitted to this Board for ratification at its first regular meeting in October,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies the County Mayor's or County Mayor's designee's actions of

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|----------------------|-------------------------|
| | Rebeca Sosa, Chairwoman |
| | Lynda Bell, Vice Chair |
| Bruno A. Barreiro | Esteban L. Bovo, Jr. |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of October, 2013. This resolution shall become effective ten (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.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. _____