

# Miami-Dade County Charter Review Task Force Meeting

Monday, July 17, 2017

Miami-Dade County

Commission Chambers

111 NW 1<sup>st</sup> Street

6:00 p.m.

## Agenda

- Welcome
- Introduction of Task Force Members and Staff
- Reasonable Opportunity for the Public to be Heard
- Selection of Charter Review Task Force Chair
- Staff Report on Budget and Technological and Communication Resources
- Comments/Discussion by Task Force Members
  - Task Force Organization, Structure and Conduct of Business
  - Meeting Schedule
  - Areas of Study
  - Marketing
  - Other Discussion Items
- Approval of the Clerk's Summary of Minutes for the June 28, 2017 Charter Review Task Force Meeting
- Adjournment

## **Proposed Areas of Study Related to the Charter (Received from Task Force Members, as of July 13, 2017)**

- Commissioner compensation
- Strong mayor form of government/County manager/County administrator
- Term limits
- Urban Development Boundary
- City-County Home Rule Body
- Election of commissioners/Commission composition and structure/at-large commission and district members/recalls
- County governance limitations/preemption/municipal compliance
- Budget process/Procurement process/Department of Finance
- Organization of the Department of Law
- Incorporation and annexation
- Citizens' Bill of Rights
- Placement of charter amendments before the electorate/initiative petition process
- The handling of financial difficulties in municipalities
- Section 1.01, paragraph 3 – adding ridesharing services
- Notice requirements in Section 1.02
- Section 7.01 relating to policies of parks, aquatic preserves and preservation lands
- Elected vs. appointed officers
- Independent authorities and districts
- Commission on Ethics
- Sustainable, resilient development; sea level rise
- Incorporation of technological advancements to advance transparency

## **Tallman, Nicole (Office of the Mayor)**

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**From:** webmaster@miamidade.gov  
**Sent:** Thursday, July 13, 2017 12:03 AM  
**To:** Charter - Miami-Dade  
**Subject:** Charter Review Suggestions

Contact Person: **Barbara Condon**

E-mail: **brcondon@yahoo.com**

Contact Phone Number:

Home Address: **19641 Holiday Road**

City: **Cutler Bay**

State: **FL**

Zip Code: **33157**

Suggestions: **To the honorable members of the Miami-Dade Charter Commission, Let me first thank you for your time and commitment in offering to serve on this task force. Having served as both the Chair and Vice-Chair on two charter review commissions for the town of Cutler Bay, I know it can be a thankless task. I am writing you today to ask you to consider an amendment to the county's lobbying rules to prohibit lobbyists from working on the campaigns of candidates for office, and the inverse, preventing campaign consultants from lobbying. In Cutler Bay, both our Mayor and Vice-Mayor have employed a campaign consultant to advise them and run their campaigns. This same individual is also a lobbyist for local developers and as such is paid to influence their votes. This creates an appearance of impropriety and a potential conflict of interest, especially for those individuals who plan to run for reelection and may be considering using the lobbyist/consultant again for their campaign. My suggestion is to consider something to the effect of: 1. No person or entity that is, or has in the prior 5 years, engaged in lobbying activities shall engage in, or be affiliated with any political consulting activity or firm for any County or Municipal public official, candidate or prospective candidate for elected office. 2. No person or entity that is, or has in the prior 5 years, engaged in political consulting for any County or Municipal public official, candidate or prospective candidate for an elected office shall engage in lobbying or lobbying activities, or be employed by, be affiliated with or be under common ownership with an person or entity engaged in lobbying or lobbying activity. And of course there needs to be significant consequences for violating this provision. Recently Miami Beach passed a similar, local ordinance to stop this practice from taking place. - <http://www.miamiherald.com/news/local/community/miami-dade/miami-beach/article158822309.html> . I recently learned that the city of San Francisco has passed a similar ordinance. This has also happened on the County level when former commissioner Lynda Bell employed an individual to run her campaign, who also frequently lobbied the commission on a variety of issues. Thank you for your consideration, Barbara Condon**

## **Tallman, Nicole (Office of the Mayor)**

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**From:** webmaster@miamidade.gov  
**Sent:** Thursday, July 13, 2017 1:14 PM  
**To:** Charter - Miami-Dade  
**Subject:** Charter Review Suggestions

Contact Person: **Beth Kibler**

E-mail: **Bethrkibler@gmail.com**

Contact Phone Number:

Home Address: **7462 SW 166 Terrace**

City: **Palmetto Bay**

State: **FL**

Zip Code: **33157**

Suggestions: **Please prohibit campaign consultants from lobbying, and lobbyists from working as campaign consultants! Penalties for violations must be stringent.**

## **Tallman, Nicole (Office of the Mayor)**

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**From:** webmaster@miamidade.gov  
**Sent:** Thursday, July 13, 2017 1:22 PM  
**To:** Charter - Miami-Dade  
**Subject:** Charter Review Suggestions

Contact Person: **Kathleen Linton**

E-mail: **Ksl316@bellsouth.net**

Contact Phone Number: **7869999507**

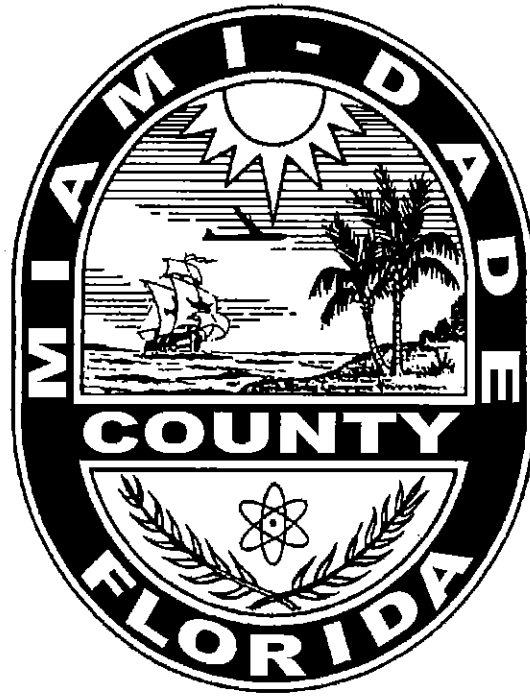
Home Address: **10030 Jamaica Dr**

City: **Cutler Bay**

State: **FI**

Zip Code: **33189**

Suggestions: **â?oPlease prohibit campaign consultants from lobbying, and lobbyists from working as campaign consultants, and provide for penalties for violations.â?**



# **RULES OF PROCEDURE**

*(AS AMENDED THROUGH 11-1-16)*

**BOARD OF  
COUNTY COMMISSIONERS**

**MIAMI-DADE COUNTY  
FLORIDA**

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**HOME RULE CHARTER**  
**CITIZENS' BILL OF RIGHTS**

\* \* \*

**5. Right to be Heard.** So far as the orderly conduct of public business permits, any interested person has the right to appear before the commission or any municipal council or any county or municipal agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the governmental entity involved; provided, nothing herein shall prohibit the commission or any municipal council from referring a matter to a committee of each of their respective bodies to conduct a public hearing, unless prohibited by law. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits for the presentation of a matter.

\* \* \*

**Section 1.02. Resolutions and Ordinances.**

A. The board shall adopt its own rules of procedure and shall decide which actions of the board shall be by ordinance or resolution, except as otherwise provided in this Charter and except that any action of the board which provides for raising revenue, appropriating funds, or incurring indebtedness (other than refunding indebtedness), or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed shall be by ordinance.

B. Every ordinance shall be introduced in writing and shall contain a brief title. The enacting clause shall be "Be it Ordained by the Board." After passage on first reading, a short summary of the ordinance shall be published in a daily newspaper of general circulation at least once together with a notice of the time when and place where it will be given a public hearing and be considered for final passage. The first such publication shall be at least one week prior to the time advertised for hearing. No ordinance shall be declared invalid by reason of any defect in publication or title if the published summary gives reasonable notice of its intent.

C. At the time and place so advertised, or at any time and place to which such public hearing may from time to time be adjourned, the ordinance shall be read by title and a public hearing shall be held. After the hearing, the board may pass the ordinance with or without amendment. No provision herein shall prohibit a committee of the commission from conducting such public hearing, as provided by Section 1.08.

D. The board may adopt in whole or in part any published code by reference as an ordinance in the manner provided by law.

E. The effective date of any ordinance shall be prescribed therein, but the effective date shall not be earlier than ten days after its enactment.

F. To meet a public emergency affecting life, health, property, or public safety the board by two-thirds vote of the members of the board may adopt an emergency ordinance at the meeting at which it is introduced, and may make it effective immediately, except that no such ordinance may be used to levy taxes, grant or extend a franchise, or authorize the borrowing of money. After the adoption of an emergency ordinance, the board shall have it published in full within ten days in a daily newspaper of general circulation.

G. Each ordinance and resolution after adoption shall be given a serial number and shall be entered by the clerk in a properly indexed record kept for that purpose.

\* \* \*

#### **Section 1.08. Organization of the Commission and Commission Committees.**

The mayor shall not be a member of the commission. The commission shall select the chairperson and vice-chairperson of the commission. The chairperson shall preside over commission meetings and perform such other duties set forth in the charter and ordinances of Miami-Dade County. The vice-chairperson shall perform the duties of the chairperson in the absence or incapacity of the chairperson. Any member may be selected by the commission to preside over commission meetings in the event of the absence of the chairperson and the vice-chairperson.

The commission may organize itself into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the commission may appoint its members or authorize the chairperson to appoint committee members. Commission committees may conduct public hearings, as authorized by ordinance of the commission. The Clerk of the Circuit Court or a deputy shall serve as clerk of the commission. No action of the commission shall be taken except by a majority vote of those present at a meeting at which a majority of the commissioners then in office is present. All meetings shall be public.

\* \* \*

#### **Section 2.02. Responsibilities of the Mayor.**

The Mayor shall serve as head of the county government with the following specific powers and responsibilities:

A. The Mayor shall be responsible for the management of all administrative departments of the County government and for carrying out policies adopted by the Commission. The Mayor, or such other persons who may be designated by the Mayor, shall execute contracts and other instruments, and sign bonds and other evidences of indebtedness. The Mayor shall serve as the head of the County for emergency management purposes.

B. The Mayor shall have the right to attend and be heard at any regular or special open session meeting of the Commission, but not the right to vote at such meetings.

C. Unless otherwise provided by this Charter, the Mayor shall have the power to appoint all department directors of the administrative departments of the County. Appointment of these department directors shall become effective unless disapproved by a two-thirds majority of those commissioners then in office at the commission's next regularly scheduled meeting. The Mayor shall also have the right to suspend, reprimand, remove, or discharge any administrative department director, with or without cause.

D. The Mayor shall within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the Commission, including the budget or any particular component contained therein which was approved by the Commission; provided, however, that (1) if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed and (2) the Mayor may not veto the selection of the chairperson or vice-chairperson of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees. The Commission may at its next regularly scheduled meeting after the veto occurs, override that veto by a two-thirds vote of the Commissioners present.

E. The Mayor shall prepare and deliver a report on the state of the county to the people of the county between November 1 and January 31 annually. Such report shall be prepared after consultation with the commissioners.

F. The Mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall set forth the Mayor's funding priorities for the County.

**CODE OF MIAMI-DADE COUNTY  
CHAPTER 2. ADMINISTRATION**

**ARTICLE I. IN GENERAL**

**Sec. 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION**

**PART 1. GOVERNING RULES**

**Rule 1.01. GOVERNING RULES.**

Except as may be provided in the charter, the code or by these rules, questions of order, the methods of organization and the conduct of business of the commission shall be governed by Mason's Manual of Legislative Procedure (1953 Edition).

**PART 2. OFFICERS**

**Rule 2.01. CHAIRPERSON AND VICE-CHAIRPERSON.**

(a) CHAIRPERSON.

- (1) ELECTION, TERM, TERM LIMITATION, AND REMOVAL. A chairperson of the board of county commissioners shall be elected for a term of two (2) years by the vote of at least seven (7) commissioners at the regular commission meeting<sup>1</sup> following the installation<sup>2</sup> of the county commissioners during each even-numbered year. The chairperson's term shall commence on January 1 of the following year. The chairperson may be removed prior to the expiration of his or her term by the vote of nine (9) commissioners. No commissioner shall serve as chairperson of the county commission for more than two consecutive years.
- (2) DUTIES OF CHAIRPERSON.<sup>3,4</sup> The chairperson shall: (a) preside at all meetings of the commission and preserve strict order and decorum; (b) state every question coming before the commission and announce the decision of the commission on all matters coming before it; (c) appoint the chairpersons, vice-chairpersons and members of all commission committees, including standing committees, ad hoc committees and subcommittees;<sup>5</sup> (d) convene committees of the whole; (e) designate and supervise all persons who shall serve as employees of the entire county commission, as set forth in the pool budget;<sup>6</sup> (f) have responsibility for the

<sup>1</sup> Rule 3.01 (a) provides that such regular meeting shall not be on the day of the installation ceremony and provides the manner of scheduling such regular meeting.

<sup>2</sup> Rule 9.03.06 provides the procedures for ceremonial oath of office at the installation ceremony.

<sup>3</sup> The Chair may call emergency meetings in accordance with Rule 3.02(b).

<sup>4</sup> The Chair assigns items referred to committees to the appropriate committee agenda and following any required committee consideration, to the appropriate commission agenda in accordance with Rule 4.01(f).

<sup>5</sup> See also Rule 4.01 regarding establishment of committees and appointment of committee members and committee chairs and vice-chairs.

<sup>6</sup> The Office of Legislative Analysis no longer exists.

administration of the pool budget of the board of county commissioners, in conjunction with the mayor; (g) issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by a committee, upon the request of the chairperson of any commission committee;<sup>7</sup> (h) schedule the meetings of all commission committees, in consultation with the committee chairperson and vice-chairperson, to provide each with an opportunity to meet without conflicting with the meetings of other committees; (i) designate the arrangement and configuration of the county commission dais; and (j) have responsibility for administering the Miami-Dade County Goodwill Ambassadors Program under the Office of Community Advocacy within the Office of the Chair, with administrative support from the Mayor or the Mayor's designee. The chairperson shall serve as an ex-officio voting member of all commission committees but shall not count as a member of a committee for purposes of determining the existence of a quorum.

(b) VICE-CHAIRPERSON.

- (1) ELECTION, TERM, TERM LIMITATION AND REMOVAL. A vice-chairperson of the board of county commissioners shall be elected for a term of two (2) years by the vote of at least seven (7) commissioners at the regular commission meeting following the installation of the county commissioners during each even-numbered year. The term of office for the vice-chairperson of the board shall commence on January 1 of the following year. The vice-chairperson may be removed prior to the expiration of his or her term by the vote of at least seven (7) commissioners. No commissioner shall serve as vice-chairperson of the county commission for more than two consecutive years.
- (2) DUTIES OF VICE-CHAIRPERSON. Unless the chairperson appoints the vice-chairperson as a voting member of a committee, the vice-chairperson shall serve as an ex-officio non-voting member of each commission committee, but shall not count as a member of a committee on which he or she serves as a non-voting member for purposes of determining the existence of a quorum. The vice-chairperson of the board shall perform the duties of the chairperson in the event of the absence or incapacity of the chairperson. The vice-chairperson shall complete the unfinished term of any chairperson who resigns or is removed as chairperson of the commission.

**Rule 2.02. CLERK.**

The clerk of the circuit court or a designated deputy clerk shall act as clerk of the commission. The clerk of the commission shall prepare the minutes and shall certify all ordinances and resolutions adopted by the commission.

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<sup>7</sup> See also Rule 4.01(e) regarding the Chair's issuance of subpoena for committee.

**Rule 2.03. COUNTY ATTORNEY.**

The county attorney, or such member of the office of the county attorney as may be designated, shall be available to the commission at all meetings. The county attorney shall act as parliamentarian, and shall advise and assist the presiding officer in matters of parliamentary law.

**Rule 2.04. SERGEANT-AT-ARMS.**

The Miami-Dade police director, or such other county official or employee as the commission may designate, shall be the sergeant-at-arms at commission meetings, commission committee and subcommittee meetings and community council meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the meetings.

**PART 3. MEETINGS**

**Rule 3.01. REGULAR MEETINGS AND REGULAR MEETING AFTER THE COUNTY COMMISSION INSTALLATION CEREMONY.**

- (a) The commission shall hold regular meetings on the first and third Tuesday and Thursday of each month, or on such other days as may be set on the annual calendar of meetings approved by the commission. Notwithstanding any provision herein to the contrary, there shall be no regular meeting held on the same day as the installation ceremony of County Commissioners. The first regular meeting occurring after the installation ceremony shall take place within three (3) to (7) days after the ceremony on a date selected at least 120 days prior to the meeting. The date of such meeting shall be selected by the Chairperson of the Board of County Commissioners, in consultation with the Mayor, the County Attorney, and the Clerk of the Board.
- (b) Unless otherwise determined by the commission, regular meetings shall commence at 9:30 in the morning and shall end no later than 6:30 p.m. each day. Regular meetings may be otherwise postponed or canceled (1) by resolution or motion adopted at a regular meeting by a majority of the commission members present, (2) by the chairperson and six (6) other members of the commission serving notice containing the required seven (7) signatures upon the clerk who shall provide public notice when a meeting is canceled or (3) by the chairperson of the commission when: (a) the agenda for a meeting has not been provided to the members of the commission at least twenty-four (24) hours before the scheduled meeting; (b) the chairperson is in receipt of written communications from at least a majority of those commissioners then in office stating that said commissioners will not be attending the meeting; or (c) no action item has been placed on the agenda of a zoning or comprehensive development master plan meeting in compliance with the applicable notice requirements. All regular meetings shall be held in the commission chambers, Stephen P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128, or such location as may be approved by a

majority of the commission members present and shall be open to the public and all news media.

- (c) The commission shall consider and determine zoning matters at its regular meetings.
- (d) The second reading (public hearing) of the annual budget ordinance shall be considered at a meeting at which the said budget ordinance and the levy of the millage are the only items on the agenda.

**Rule 3.02. SPECIAL MEETINGS; EMERGENCY MEETINGS.**

- (a) **SPECIAL MEETINGS.** A special meeting of the Commission may be called by a majority of the members of the commission. Whenever a special meeting is called, a notice in writing signed by such majority shall be served upon the chairperson and the clerk. Each signature by a commissioner shall constitute a representation that, at the time of affixing his or her signature to the notice, the commissioner has the present intention to attend the special meeting. The clerk shall forthwith serve verbal and written notice upon each member of the commission stating the date, hour and place of the meeting and the purpose for which such meeting is called, and no other business shall be transacted at that meeting. At least twenty-four (24) hours must elapse between the time the Clerk receives notice in writing and the time the meeting is to be held. A special meeting of the Board of County Commissioners may be cancelled (1) by resolution or motion adopted at a regular meeting by a majority of the Commission members present or (2) by seven (7) members of the Board of County Commissioners serving notice containing the required seven (7) signatures on the members of the Board of County Commissioners and upon the Clerk who shall provide public notice when a meeting is cancelled. The Commission chambers shall be made available for a special meeting whenever such a meeting is called.
- (b) **EMERGENCY MEETINGS.** An emergency meeting of the commission may be called by the chairperson whenever in his or her opinion an emergency exists which requires immediate action by the commission. Whenever such emergency meeting is called, the chairperson shall notify the clerk who shall forthwith serve either verbal or written notice upon each member of the commission, stating the date, hour and place of the meeting and the purpose for which it is called, and no other business shall be transacted at that meeting. At least twenty-four (24) hours shall elapse between the time the clerk receives notice of the meeting and the time the meeting is to be held. An emergency meeting of the Board of County Commissioners may be cancelled (1) by resolution or motion adopted at a regular meeting by a majority of the Commission members present or (2) by seven (7) members of the Board of County Commissioners serving notice containing the required seven (7) signatures on the members of the Board of County Commissioners and upon the Clerk who shall provide public notice when a meeting is cancelled. The Commission chambers shall be made available for an emergency meeting whenever such a meeting is called.



- (c) If, after reasonable diligence, it is impossible to give notice to each commissioner, such failure shall not affect the legality of the meeting if a quorum is present. The minutes of each special or emergency meeting shall show the manner and method by which notice of such special or emergency meeting was given to each member of the commission, or shall show a waiver of notice. All special or emergency meetings shall be open to the public and shall be held and conducted in the commission chambers, Stephen P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128, or other suitable location within Miami-Dade County, Florida. Minutes thereof shall be kept by the clerk.
- (d) No special or emergency meeting shall be held unless notice thereof shall be given in compliance with the provisions of this rule, or notice thereof is waived by a majority of the entire membership of the commission.

**Rule 3.03. SIGNATURE REQUIREMENT.**

Whenever in these rules an action requires the signature of a commissioner, a signature is acceptable when the commissioner: (1) provides an original handwritten signature; (2) provides a facsimile of an original handwritten signature; or (3) authorizes use of the commissioner's stamp and the stamp is accompanied by a legible signature of the staffer authorized to utilize such stamp. The authority to use a commissioner's stamp shall be evidenced by a written document on file with the office of the chairperson and the county attorney.

**PART 4. COMMITTEES**

**Rule 4.01. COMMITTEES.**

- (a) ESTABLISHMENT OF COMMISSION COMMITTEES. The county commission shall convene as a committee of the whole within 30 days of the date of the election of the commission chairperson and vice-chairperson to make recommendations to the chairperson regarding: the number of standing county commission committees; the subject matter of the commission's standing committees; the number of members on each standing committee; and the maximum number, if any, of standing committees on which a commissioner may serve. Within thirty (30) days of the chairperson's receipt of the recommendations of the committee of the whole, the commission chairperson shall establish standing county commission committees, determine the subject matter of these committees, the maximum number, if any, of standing committees on which a commissioner may serve, and the number of members on each committee and shall establish any additional procedural rules of order consistent with this section which are necessary for the efficient and effective operation of the committee system.
- (b) APPOINTMENT OF COMMITTEE MEMBERS. The chairperson of the county commission shall appoint the membership of each commission committee after he

or she has received any written expressions of interest from commissioners as to their preferences for committee service.

- (c) **COMMITTEE CHAIRPERSON AND VICE-CHAIRPERSON.** A chairperson and a vice-chairperson of each commission committee shall be appointed by the chairperson of the commission and shall continue in office at the pleasure of the chairperson of the commission. The chairperson of the commission shall also appoint a chairperson for each subcommittee authorized by these rules and may designate a vice-chairperson, both of whom shall continue in office at the pleasure of the chairperson of the commission. The committee chairperson shall set the order of items on the committee agenda for each committee meeting. The chairperson shall preserve order and decorum and shall have general control of committee proceedings. If there is a disturbance or disorderly conduct during the committee meeting, the chairperson or vice-chairperson may require participants in the disturbance to clear the room. The vice-chairperson shall perform the duties of the chairperson in the absence of the chairperson. If the chairperson and vice-chairperson are absent, the committee may select one of its members to perform the duties of the chair for the meeting during which the chairperson and the vice-chairperson are absent.
- (d) **POWERS OF COMMISSION COMMITTEES.** Commission committees and subcommittees are authorized:
  - (1) To maintain a continuous review of the work and performance of county agencies and, notwithstanding any provision to the contrary in the Code, county boards within the jurisdiction of each committee;
  - (2) To invite public officials, employees, and private individuals to appear before the committees or subcommittees to submit information;
  - (3) To request reports from departments and, notwithstanding any provision to the contrary in the Code, county boards performing functions reasonably related to each committee's jurisdiction;
  - (4) To complete interim projects assigned by the chairperson of the commission;
  - (5) Lay the matter on the table resulting in the matter not being placed on an agenda of the county commission. A report submitted by a county board may not be laid on the table where the ordinance creating the county board requires that a report be submitted to the county commission;
  - (6) Notwithstanding any provision to the contrary in the Code, to conduct public hearings, unless state or federal law requires the county commission to conduct a given public hearing; or
  - (7) To provide a reasonable opportunity for the public to be heard on propositions not subject to public hearing pursuant to Rule 6.06.

- (e) **ANCILLARY POWERS.** In order to carry out its duties, each commission committee shall be empowered to inspect and investigate the books, records, papers, documents, data, operations, and physical plant of any department, agency or entity of Miami-Dade County. The chairperson of a commission committee may request the chairperson of the commission to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The chairperson of the commission may issue said process at the request of the committee chairperson. Any member of a standing committee or subcommittee may administer oaths and affirmations, in the manner prescribed by law to witnesses who appear before such committees to testify in any matter requiring evidence.
- (f) **COMMITTEE AND COMMISSION AGENDAS.** Administrative deadlines for printing the committee and commission agendas shall be established by the county Mayor and the county attorney that are sufficient to allow for timely printing of the committee and commission agendas. The commission chairperson, in consultation with the county attorney and county Mayor, shall assign all resolutions, ordinances for second reading, reports and other prospective agenda items received by the applicable administrative deadline to the appropriate committee agenda for consideration as required by these rules.<sup>8</sup> Following any required committee consideration, the commission chairperson, in consultation with the county attorney and the county Mayor, shall place items on the appropriate commission agenda, as permitted by these rules.<sup>9</sup> The Commission Auditor shall advise the Chairperson of any agenda item sponsored by the Mayor not in compliance with the provisions of Resolution No. R-530-10 prior to the Chairperson's assignment of such item to a committee or commission agenda. The Chairperson may determine, in his or her sole discretion, whether to place any item which is identified by the Commissioner Auditor as non-compliant, on any committee or commission agenda. A duly authorized designee of the county Mayor, the county attorney, the chairperson or the Commission Auditor may carry out the duties assigned to these persons pursuant to this paragraph.

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<sup>8</sup> Reports of procurement activities advertised or placed for public notice under authority of Sec. 2-8.2.12 of the Code (Miami-Dade Water and Sewer Department ("Water & Sewer") Consent Decree and Capital Improvement Programs Acceleration Ordinance), are required to be reported to the committee of jurisdiction over Water & Sewer matters at the next available meeting for committee review and approval.

<sup>9</sup> Procurement activities advertised or placed for public notice that are reviewed and approved by the committee of jurisdiction over Water & Sewer pursuant to Sec. 2-8.2.12 of the Code (Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance) shall be reported to the Board at the next Board meeting following the report to committee. The following matters shall be placed on the next available agenda of the Board; (a) all actions executed by the Mayor or designee pursuant to Sec. 2-8.2.7 of the Code; (b) all actions executed by the Mayor or Mayor's designee pursuant to Secs. 2-8.2.11(a) and (b) and 2-8.2.15 of the Code that are subject to ratification by the Board; (c) awards pursuant to Sec. 2-8.2.7 of the Code; (d) any contracts recommended for award pursuant to Sec. 2-8.2.11 of the Code; (e) resolutions, ordinances or reports submitted by the Property Appraiser related to his or her duties as set forth in Sec. 2-70 of the Code; (f) County Commission approval of the appointment of the Inspector General pursuant to Sec. 2-1076 of the Code; and (g) Mayoral vetoes and appointments of directors of administrative departments per Rule 8.01(e), 8.1.01(d) and 8.1.02(d).

- (g) SUBCOMMITTEES. The chairperson of the county commission may appoint a subcommittee to study or investigate a specific matter falling within the jurisdiction of a standing committee or to consider legislation or policy issues referred to it. The chairperson of the commission shall be notified on completion of the assignment. Subcommittees shall exist only for the time period necessary to complete their assignments and report to their commission committees; provided, however, that subcommittees shall not be in existence for a period in excess of ninety (90) days, unless otherwise specified by the commission chairperson. Reports prepared by subcommittees shall be reviewed by the commission committee with jurisdiction over the subject matter of the report and accepted, amended, or rejected by majority vote of those committee members present.
- (h) COMMITTEE DELIBERATIONS. A commission committee may take one of the following actions with respect to each matter referred to the committee for action:<sup>10</sup>
- (1) Recommend favorably;
  - (2) Recommend favorably with committee amendment(s);
  - (3) Forward without recommendation, upon the unanimous vote of the members of the committee who are present;
  - (4) Receive a report;<sup>11</sup>
  - (5) Lay the matter on the table resulting in the matter not being placed on an agenda of the county commission. A report submitted by a county board may not be laid on the table where the ordinance creating the county board requires that a report be submitted to the county commission; or
  - (6) Defer or take no action on an item as set forth in the last sentence of this subparagraph for a maximum of two consecutive committee meetings. Deferral of or failure to act on a matter beyond two consecutive committee meetings shall cause the matter to be laid on the table, as set forth in the preceding subparagraph. Notwithstanding any other provision of these Rules of Procedure, whenever: (A)(i) an item is considered but does not receive a motion; (ii) a motion on an item does not receive a second; (iii) at least a majority plus one of the committee members are present and a majority of those committee members present votes against a motion; or (iv) the vote of the committee members on an item has resulted in a tie; and (B) 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 deemed to be laid on the

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<sup>10</sup> Advertised procurement activities under authority of Sec. 2-8.2.12 of the Code (Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance) reported to the committee of jurisdiction over the Water and Sewer Department shall be reviewed by the committee and may be approved or the committee may require that specific projects be removed from the authority delegated by the Ordinance and that the award of such projects be subject to future committee and Board approval.

<sup>11</sup> Ordinance No. 14-65 requires all reports to go to the full Board.

table, as set forth in the preceding subparagraph; such item shall be reintroduced only in accordance with the renewal provisions of Rule 4.01(r). An item shall not be deemed laid on the table where the item is considered but no action is taken on the item due to: loss of quorum or adjournment; or, less than a majority plus one of the committee members is present and a majority of those committee members present votes against a motion.

- (i) **COMMITTEE CONSIDERATION REQUIRED.** Except as provided elsewhere in these rules, no item shall be placed on a commission agenda or considered by the county commission, unless each committee to which the item has been referred has forwarded the item to the commission pursuant to section 4.01(h)(1), (2), (3), or (4) above.
- (j) **EXCEPTIONS TO COMMITTEE REQUIREMENT.**<sup>12</sup>
  - (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, other than items related to certificates of transportation, 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, notwithstanding Rule 4.01(d)(6), ordinances related to debt obligations, resolutions related to debt obligations, 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

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<sup>12</sup> Additional exceptions to committee requirement: a) emergency or time sensitive items per Rule 4.01 (k); b) ratification and/or approval of Mayor's actions for economic stimulus projects per Sec. 2-8.2.7 of the Code; c) agenda items submitted by the Property Appraiser per Sec. 2-70 of the Code; d) Truth-in-millage resolution and budget ordinances; e) Mayoral vetoes and appointments of directors of administrative departments per Rule 8.01(e), 8.1.01(d) and 8.1.02(d); f) county commission approval of the appointment of the Inspector General per Sec. 2-1076 of the Code; g) ratification of action taken by the Mayor or Mayor's designee under Sec. 2-8.2.12 of the Code (Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance) and Sec. 2-8.2.15 of the Code (Miami-Dade Seaport Department Capital Improvement Program Expedite and Acceleration Ordinance); (h) approval of Mayor's actions as to contracts for the Aviation Department per Sec. 2-285 of the Code; and (i) adoption of non-ad valorem assessment rolls.

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.

- (3) Whenever the committee of jurisdiction considers a proposed road closing in a commission district where the district commissioner is not a member of the committee of jurisdiction, the Mayor shall notify the commissioner prior to the meeting. Under such circumstances, the committee may only lay the item on the table if the district commissioner attends the commission meeting and states that he or she supports laying the matter on the table.
- (k) EMERGENCY MATTERS; TIME SENSITIVE MATTERS. A matter that has not been considered by the committee(s) to which it is assigned may be placed on the agenda of the county commission by the chairperson to meet a public emergency as provided in section 1.02 of the Home Rule Charter. Time sensitive matters with little or no financial impact on the county may be placed on an agenda of the county commission by the chairperson of the commission without having been considered by a committee.
- (l) QUORUM. A quorum of any commission committee must be present in order for committee to take action. A majority of the members of each commission committee or subcommittee shall constitute a quorum.
- (m) CALLING COMMITTEE TO ORDER. The chairperson or, in the chairperson's absence, the vice-chairperson, shall call the committee to order at the time for which the meeting was noticed. On the appearance of a quorum the committee shall proceed with the order of business.
- (n) "3-DAY RULE". A copy of each agenda item shall be furnished to the members of each committee and subcommittee not later than three (3) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the committee takes action on the resolution, ordinance, motion or other item in question.

Proposed committee agenda items not delivered in accordance with the preceding paragraph (except for alternates, and substitutes), shall not be placed on the committee agenda unless placed on the agenda at the request of the committee chair.

- (o) MEMBERS' ATTENDANCE. Committee attendance requirements shall be established by the chairperson of the commission, after receiving recommendations by a commission committee of the whole regarding any attendance requirements. Any Commissioner who notifies the Committee Chairperson or the Clerk of the Board that he or she will be absent from a committee meeting prior to the start of such scheduled meeting shall be noted as excused in the minutes of the meeting. The Clerk of the Board shall note in the minutes when a Commissioner arrives at a committee meeting, if the Commissioner arrives after the meeting has commenced.
- (p) MAJORITY VOTE REQUIRED. Unless otherwise specified in these rules, an affirmative vote of voting members present, as long as a quorum is present, shall be required to act upon any ordinance, resolution, report or other matter considered by the committee.
- (q) RECONSIDERATION. Any committee action taken pursuant to Rule 4.01(h) may be reconsidered only at the same meeting at which the action was taken. A motion to reconsider an item which has been laid on the table as set forth in Rule 4.01(h)(5) and (6) is out of order and no such motion may be reconsidered.
- (r) RENEWAL. Once an ordinance or resolution is laid on the table in a committee, the proposed ordinance or resolution may not be brought before that committee again during the three (3) month period following the date the item is laid on the table (subject to the provisions of Rule 4.01(q)), unless an application for renewal made by two-thirds (2/3) of the committee members is first submitted to the chairperson of the committee.
- (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. The fiscal impact statement shall at a minimum contain the following information: a description of the anticipated increase or decrease of expenditures (by component as listed in Section 2-1795(b) of the Code) and revenues for the current and subsequent fiscal year, if any; a description and projected dollar value of anticipated expenditures that will be absorbed within existing resources and/or departmental expenditure allocations for the current fiscal year, if any; a description of subsequent governmental actions that will be required in order to determine anticipated future revenues and expenditures, if any, including, but not limited to, receipt of any federal and state grant funds and approval of proposed new fees or increases to existing fees; a forecast, covering a period of no less than five years from the expected effective date of the proposed legislation, of the anticipated long-term fiscal implication of the proposed legislation, if any; in cases where risk factors or other variables that may impact future revenues or expenditures are uncertain, volatile, or difficult to project, a description of such risk factors or variables and an

estimate or projection of anticipated or projected impacts to revenues and expenditures; a description of all assumptions used to project the fiscal impact of the proposed legislation and to estimate anticipated revenues and expenditures; and, in cases where the Mayor has determined that an ordinance has no fiscal impact, a description of the Mayor's assumptions and analysis used to reach such conclusion. The fiscal impact statement shall only address the fiscal impact of the proposed legislation. 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, any ordinance authorizing the issuance of bonds or indebtedness, 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.

(i) SOCIAL EQUITY STATEMENT REQUIRED FOR ORDINANCES;  
EXCEPTIONS.

- (1) Prior to the public hearing on any ordinance, the Mayor shall prepare a written social equity statement (a) identifying the possible non-monetary benefits and burdens of the policy to be implemented by the proposed ordinance and describing how those benefits and burdens would affect the community (e.g., geographically, demographically, by income levels, etc.), and (b) identifying the possible increase or decrease in monetary impacts anticipated to be borne by the residents of the County if the proposed ordinance is adopted and describing how those increased or decreased monetary impacts would affect the community (e.g., geographically, demographically, by income levels, etc.) ("social equity statement"). No public hearing on any ordinance shall be held, if the social equity statement is not submitted with the ordinance as part of the agenda.
- (2) If the Mayor initially determines that an ordinance has no social equity impact, but later determines that the ordinance does have a social equity impact (such as during the process of implementation), then the Mayor shall so advise the Board in a memorandum. Additionally, if, due to the social equity impact of an ordinance, 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.

- (3) The Mayor shall not be required to provide a social equity statement for budget or emergency ordinances.
- (4) The social equity statement shall be based on information that is currently available and known by the administration.
- (u) **PROCUREMENT ITEMS.** Provided public notice, public hearing and other legal requirements can be met, and notwithstanding and prevailing over any provision to the contrary, all items approved at committee meetings recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services, shall be placed on the agenda of the next regularly scheduled Board of County Commissioners meeting, unless placed on the agenda of a special meeting held sooner than the next regularly scheduled Board of County Commissioners meeting or unless the chairperson of the commission deems it necessary to place the item on another agenda.
- (v) Upon completion of any report prepared pursuant to a motion or other action of a committee of the Board of County Commissioners, such report shall be placed on an agenda for review by the requesting committee and the Board of County Commissioners, notwithstanding any statement to the contrary in the motion or other action of the committee. For purposes of this ordinance, a report is deemed to include any oral or written document of any kind, including a feasibility study, that is intended to communicate information requested by resolution, motion or other action of a committee of the Board of County Commissioners. This ordinance shall not apply to reports provided pursuant to requests for information made by individual County Commissioners or memoranda from the Office of the County Attorney.

## **PART 5. CONDUCT OF MEETINGS; AGENDA**

### **Rule 5.01. CALL TO ORDER.**

Promptly at the hour set for each meeting, the members of the commission, the county attorney and the clerk shall take their regular stations in the commission chamber. The chairperson shall take the chair and shall call the commission to order immediately. In the absence of the chairperson and vice-chairperson, the clerk shall then determine whether a quorum is present and in that event shall call for the election of a temporary presiding officer. Upon the arrival of the chairperson or vice-chairperson, the temporary presiding officer shall relinquish the chair upon the conclusion of the business immediately before the commission.

### **Rule 5.02. ROLL CALL.**

The clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. Any Commissioner who notifies the Chairperson or the Clerk of the Board of County Commissioners that he or she will be absent from a County Commission meeting prior to the start of such scheduled meeting shall be noted as excused in the minutes of the meeting. The Clerk of the Board shall note in the minutes when a Commissioner arrives at a County Commission meeting, if the Commissioner arrives after the meeting has commenced.

### **Rule 5.03. QUORUM.**

A majority of the commissioners then in office shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the commission without the affirmative vote of the majority of all the members present.

### **Rule 5.04. FAILURE TO ATTAIN A QUORUM.**

Should no quorum attend within thirty (30) minutes after the hour appointed for the meeting of the commission, the chairperson or the clerk may adjourn the meeting until another hour or day unless, by unanimous agreement, those members present select another time. The names of the members present and their action at such meeting shall be recorded in the minutes by the clerk.

### **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. invocation as provided in Rule 5.05(h)  
roll call  
pledge of allegiance  
special presentations  
citizen's presentations  
reports of official county boards

reasonable opportunity for public to be heard as provided in Rule 6.06

motion to set agenda

commission auditor

office of intergovernmental affairs

office of community advocacy

2. mayoral vetoes  
mayoral reports<sup>13</sup>
- 3(a). Consent Agenda – commissioner items
- 3(b). Consent Agenda – department items
4. ordinances for first reading
5. public hearings, which shall be scheduled for 9:30 a.m.
- 6(a). chairperson of the board of county commissioners
- 6(b). policy matters for discussion by the board
7. ordinances for second reading
8. departments
9. additional departmental items
10. authorities, boards, councils and trusts
11. county commissioners
12. county mayor
13. county attorney
14. items subject to “4-day rule”
15. clerk of the board.
16. items scheduled for Thursday
17. summer recess items

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<sup>13</sup> Sec. 2-8.2.12 of the Code (Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance) requires mayoral reports to the Board every 30 days on the status of consent decree work and other required capital improvement projects.

The following items shall be considered consent agenda items and placed in section 3(a) or 3(b) of the agenda, as appropriate:

1. Items approving or ratifying the submittal of grant applications and acceptance of grant awards, as long as required matching funds are appropriated in the County budget, as determined by the Office of Management and Budget
2. Resolutions ratifying contracts executed by the Mayor, as allowed by law or previous action of the Board (non-summer recess items)
3. Resolutions approving in-kind contributions
4. Resolutions making district office fund allocations
5. Resolutions approving namings, renamings or codesignations of federal, state or municipal roads, facilities or properties
6. Items awarding, granting, amending or relating to an award or grant of Targeted Jobs Incentive Fund, Qualified Targeted Industry Business incentives and tax exemption programs
7. Resolutions approving donations of surplus County property, except those donations made for emergency purposes and to foreign governmental entities
8. Resolutions approving the issuance or transfer of certificates of transportation for passenger motor carriers

Notwithstanding any provision herein to the contrary, first or second reading items, public hearing items, quasi-judicial items, and items requiring a supermajority vote of the board shall not be placed in the consent agenda section of the agenda.

Items shall be considered in the order in which they are placed on the agenda unless a majority of the commissioners determines to deviate from the printed agenda or in the discretion of the chairperson, certain matters should be taken out of order to help eliminate logistical concerns or exigent circumstances which would impede the proper functioning of the commission. During a commission meeting, commissioners may identify certain items for individual consideration (i.e., the "pull list"). Agenda items, including consent agenda items, not selected for individual consideration may be approved in a single vote.

The commission shall not take action upon any matter when it is first presented to the commission in a report or reports made by the County Commissioners.

(2) At Thursday meetings the following items of business shall be conducted in the following order:

1. special presentations and proclamations
2. items scheduled for Thursday
3. policy matters for discussion by the board
4. zoning
5. Historic preservation appeals
6. metropolitan planning organization (MPO)
7. workshops

(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 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) other matters where the presentation or sponsorship by the Mayor is required by the Home Rule Charter or state or federal law and (14) 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, private applications for amendment, modification, addition, or change to the CDMP shall be placed on the appropriate CDMP agenda after the Department of Regulatory and Economic Resources 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.

- (2) Proposed agenda items not delivered in accordance with subsection (c) hereof, or which have not been considered by any committee, (except for alternates, substitutes and items not subject to committee review) shall not be placed on the agenda unless the chairperson of the committee which has jurisdiction over the item, if any, and the chairperson of the commission concur in writing.
- (c) "4-DAY RULE". A copy of each agenda item shall be furnished to the members of the commission not later than four (4) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the board takes action on the resolution, ordinance, motion or other item in question. The provisions of the rule may not be waived under Rule 7.01(o); however, this rule is not applicable to special or emergency meetings called pursuant to Rule 3.02, items related to the County's legislative package, 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, items approved at a committee meeting recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services, resolutions related to debt obligations that do not require a public hearing, and resolutions or motions directing the Mayor or his or her designee to prepare an item for consideration by the Commission.<sup>14</sup>

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<sup>14</sup> Additional exceptions to the 4-day rule: a) Mayoral vetoes and appointments of directors of administrative departments per Rules 8.01(e), 8.1.01(d) and 8.1.02(d); b) Truth-in-millage resolution and budget ordinances; c) awards of Water & Sewer Department contracts as provided in Sec. 2-8.2.11(3) of the Code; d) actions for ratification under Sec. 2-8.2.12(6) of the Code (Miami-Dade and Sewer Department Consent Decree and Capital Improving Program Acceleration Ordinance) and Sec. 2-8.2.15 of the Code (Miami-Dade Seaport Department

- (d) APPROVAL OF MINUTES. Unless a reading of the minutes of a meeting is requested by a majority of the commission, such minutes, when approved by the commission and signed by the presiding officer and the clerk, shall be considered approved without reading; provided that the clerk shall place a copy of the minutes of each meeting, as soon as they have been completed, at a designated place in the clerk's office where they may be examined by the commissioners prior to formal approval. A copy of such minutes shall, upon completion by the clerk, be delivered to the mayor and county attorney. The minutes of prior meetings may only be approved by a majority of the commissioners present at a meeting of the commission, and upon such approval shall become the official minutes.
- (e) REMOVAL OF PUBLIC HEARING ITEMS FROM THE AGENDA. The sponsor of an item scheduled for public hearing shall be able to withdraw that item from the Commission agenda at any time prior to the commencement of the public hearing by written notification to the agenda coordinator.
- (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 vote of those members present before final action is taken; however, debate by commissioners shall be allowed.
- (g) SUMMER RECESS ITEMS. During the Board's annual summer recess period, as determined by the County Calendar approved by the Board, the County Mayor or County Mayor's designee shall administer County business requiring approval of the Board, including the award of contracts and approval of change orders required to maintain essential health and safety activities pursuant to approved County procedures; application for grants; execution of grant agreements, related memoranda of understanding, and other intergovernmental cooperation agreements; application and execution of grants and agreements; receipt and expenditure of funds under the American Recovery and Reinvestment Act of 2009 and authorization to perform any and all requirements of said Act; and receipt and expenditure of other funds which will be put in jeopardy, if not received and expended during the summer recess period. All summer recess items not otherwise excepted from committee review will be scheduled for the appropriate committee of jurisdiction and will be placed on the Board's agenda for ratification at the first regular meeting in the month of October.
- (h) INVOCATIONS BEFORE THE COUNTY COMMISSION AND COMMITTEES.
  - (1) It is the policy of the Board to allow for an invocation, which may include a prayer or a short solemnizing message, to be offered before its meetings for the benefit of the Board.

- (2) Although the invocation shall be listed in the agenda, it shall not be considered an agenda item for the meeting or part of the public business.
- (3) No member or employee of the Board or any other person in attendance at the meeting shall be required to participate in any invocation that is offered.
- (4) The invocation shall be voluntarily delivered by an individual selected by members of the Board on a rotating basis.
- (5) No invitational speaker shall receive compensation for his or her service.
- (6) Any invitation extended shall specify that the opportunity to offer a legislative invocation shall not be exploited to convert others to any particular faith, to advance any particular faith, or to disparage any other faith or belief.
- (7) Neither the Board nor the Clerk of the Board shall engage in any prior inquiry, review of, or involvement in, the content of any prayer to be offered by an invitational speaker.
- (8) This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Board with, nor express the Board's preference for, any faith or religious denomination.

**Rule 5.06. ORDINANCES, RESOLUTIONS<sup>15</sup> 16 MOTIONS, CONTRACTS.**

- (a) PREPARATION AND ENACTMENT OF ORDINANCES. The county attorney, when requested, shall prepare ordinances and resolutions.

Ordinances may be introduced and listed by title and shall be read by title only before consideration by the commission on first reading. On first reading of ordinances, there shall be no discussion by either county commissioners, county staff or members of the public, except as provided in Rule 6.06. On first reading only, the commission may either vote for all ordinances in one vote or may vote separately on any ordinance. At second reading, each ordinance shall be voted on individually. All ordinances presented for first reading related to debt obligations

<sup>15</sup> Resolution No. R-938-14 adopted a policy that, unless otherwise requested by the sponsoring Commissioner, resolutions presented for the Board's consideration shall have an "effective date" clause providing that the resolution shall be effective upon the earlier of: (i) 10 days after the date of adoption unless vetoed by the County Mayor, and if vetoed, only upon override by this Board; or (ii) approval by the County Mayor of the Board resolution and the filing of the approval with the Clerk of the Board. Further, Sec. 2-8.2.12 of the Code (Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance) provides that resolutions ratifying an act undertaken shall include an effective date provision that provides that the resolution shall become effective upon approval by the County Mayor of the resolution and the filing of the Mayor's approval with the Clerk of the Board, which approval may be provided before the expiration of the 10 day mayoral veto period.

<sup>16</sup> Resolution R-636-14, relating to agenda items for Board nominations and appointments requires action by the Clerk of the Board and the Commission Auditor for background research on such nominees and proposed appointees.



shall be placed on the next available regular or special Commission meeting agenda for public hearing and second reading in accordance with applicable public notice requirements and advertising, including but not limited to, those set forth in Section 1.02 B. of the Home Rule Amendment and Charter of Miami-Dade County.

- (b) **APPROVAL BY COUNTY ATTORNEY.** All ordinances, resolutions and contract documents, before presentation to a commission committee or the commission, shall have been reduced to writing and shall have been approved as to form and legality by the county attorney. All reports or memoranda that supplement pending ordinances or resolutions shall be presented to the County Attorney for review and approval for placement on a Board agenda, when such reports or memoranda contain proposed amendatory language that can be used to formulate amendments to ordinances or resolutions. Prior to presentation all such documents may be referred to the head of the department under 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.
- (c) **SPONSORSHIP.** A Commissioner may assume sponsorship of any ordinance, resolution, report or other matter.
- (d) **EXCEPTION.** The provisions of this Rule 5.06 shall not be applicable to zoning 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.
- (e) **WHEN ACTION TO BE TAKEN BY RESOLUTION OR ORDINANCE.** All actions of the commission may be taken by motion, resolution or ordinance except that any action of the commission which provides for raising revenue, appropriating funds or incurring indebtedness (other than refunding indebtedness), or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed, shall be by ordinance.
- (f) **ORDINANCES DIRECTLY AFFECTING MUNICIPALITIES.** Any proposed county ordinances that would directly affect the jurisdiction or the duties of municipalities or their officers, or any proposed ordinances that may have a direct fiscal impact upon municipal governments in Miami-Dade County, shall be scheduled for public hearing no sooner than six (6) weeks after its passage on first reading. At least four (4) weeks prior to the scheduled public hearing, the Mayor is directed to mail or e-mail a copy of the proposed ordinance to each city clerk, city attorney, city manager and the Executive Director of the Miami-Dade League of Cities, Inc. The Mayor's communication shall include the date of the scheduled public hearing and shall state that the proposed ordinance may have an impact upon municipalities. This subsection shall be construed as directory only, and

failure to comply with the provisions hereof shall not affect the validity of any ordinance.

- (g) **PRIME SPONSORSHIP AND CO-SPONSORSHIP.** When a resolution or ordinance is placed on the agenda at the request of a commissioner, the commissioner who requested the preparation of the item shall be designated as the prime sponsor. Any other commissioner who wishes to sponsor the resolution or ordinance shall be designated as a co-sponsor.
- (h) **ITEMS AMENDED IN COMMITTEE.** Any item on the commission agenda that has been amended in committee shall so indicate on the cover memorandum and include a brief description of the amendment. In addition, committee amendments shall be uniquely identified in the item itself so as to distinguish committee amendments from the original item, such as by underlining and strike-through in the case of a resolution amended in committee and by double underlining and double strike-through in the case of an ordinance amended in committee, or where such an approach would not clearly show committee amendments or is not practical, by providing footnotes or comments on the item.
- (i) **SUBSTITUTE AND ALTERNATE ITEMS.** Any item on a committee agenda or the commission agenda that is a substitute or alternate shall so indicate on the cover memorandum and include a brief description of how the item differs from the original item. In addition, differences between the original item and the substitute or alternate item shall be uniquely identified in the substitute or alternate item itself so as to distinguish it from the original item, such as by underlining and strike-through in the case of a resolution, by double underlining and double strike-through in the case of an ordinance, or where such approaches would not clearly show the differences or are not practical, by providing footnotes or comments on the item.
- (j) Upon completion of any report prepared pursuant to a resolution, motion or other action of the Board of County Commissioners, such report shall be placed on an agenda of the Board of County Commissioners for review, notwithstanding any provision to the contrary or any statement to the contrary in any resolution, motion or other action of the Board of County Commissioners. For purposes of this ordinance, a report is deemed to include any oral or written document of any kind, including a feasibility study, that is intended to communicate information requested by resolution, motion or other action of the Board of County Commissioners. This ordinance shall not apply to reports provided pursuant to requests for information made by individual County Commissioners or memoranda from the Office of the County Attorney.

**Rule 5.07. LIMITATION ON AGENDA ITEMS.**

- (a) No Commissioner shall be a prime sponsor of a total of more than ten (10) action items on a single regular commission agenda unless the Chairperson of the Commission authorizes the placement of additional items on the agenda by a particular Commissioner when approving the agenda. As used in Rule 5.07(a), an "action item" means an ordinance for first reading or a resolution. This provision

shall not be applied to ordinances or resolutions which are intended to correct scrivener's errors.

- (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, or to applications amend the Comprehensive Development Master Plan.<sup>17</sup>

**Rule 5.08. STATEMENT OF PRIVATE BUSINESS SECTOR IMPACT REQUIRED FOR ORDINANCE**

At the request of any commissioner at the first reading of any ordinance that regulates private business, land development or building code standards, the mayor shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance on the private business sector. No ordinance regulating private business, land development or building code standards shall be considered on second reading if the requested statement of fiscal impact on private business is not submitted with the ordinance as part of the agenda.

**Rule 5.09. STATEMENT OF CONSIDERATION OF IMPACT OF SEA LEVEL RISE**

For all agenda items brought to the Board that relate to the planning, design and/or construction of County infrastructure projects, including but not limited to, County building elevation projects, County installation of mechanical and electrical systems, County infrastructure modifications and County infrastructure renovations, the Mayor or Mayor's designee shall include a statement in the item that the impact of sea level rise has been considered in the project.

**PART 6. PUBLIC PARTICIPATION**

**Rule 6.01. PERSONS AUTHORIZED ON THE DAIS.**

No person, except county officers or their representatives, shall be permitted on the dais unless authorized by the presiding officer or a majority of the commission.

**Rule 6.02. CITIZENS' PRESENTATIONS; PUBLIC HEARINGS.**

- (a) CITIZENS' PRESENTATIONS. Any citizen shall be entitled to be placed on the official agenda of a regular meeting of the commission and be heard concerning any matter within the scope of the jurisdiction of the commission. Only commissioners and the mayor may place a citizen on the official agenda. The deadline for placing a citizen on the agenda is noon on Monday of the week preceding the week of the meeting at which said citizen wishes to be heard. No action may be taken by the commission on an item heard as a citizen's

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<sup>17</sup> In addition, Rule 5.07(b) shall not apply to quasi-judicial items.

presentation unless two-thirds (2/3) of the members present deem that the issue requires immediate commission action.

- (b) PUBLIC HEARINGS. Any citizen shall be entitled to speak on any matter appearing on the official agenda under the section entitled "Public Hearings".
- (c) PUBLIC DISCUSSION ON AGENDA ITEMS. No member of the public shall be entitled as a matter of right to address the commission on any matter listed on or added to the official agenda which is not scheduled for citizen's presentations or a public hearing, except as provided in Rule 6.06.

**Rule 6.03. REGISTRATION OF SPEAKERS FOR PUBLIC HEARING ITEMS.**

- (a) The Office of Agenda Coordination shall prepare appropriate registration cards for public hearing items which should indicate the speaker's name, the public hearing item on which he or she is speaking, and whether he or she is speaking in favor of or against the proposed item.
- (b) On the day of the commission or committee meeting, a person desiring to speak shall register with the office of the agenda coordinator, at least fifteen (15) minutes prior to the commencement of the discussion on the public hearing item, at a registration table in the lobby of the commission chambers.
- (c) Failure to comply with the registration provisions of this rule shall prohibit a person from speaking on any public hearing item for which he or she is not properly registered.
- (d) In the event that the seats in the commission chambers are filled to capacity, the Office of Agenda Coordination shall provide appropriate overflow seating in an area where the commission or committee meeting is being monitored on television.

**Rule 6.04. ADDRESSING COMMISSION, MANNER, TIME FOR PUBLIC HEARING ITEMS.**

Each person, other than salaried members of the county staff, who addresses the commission or a committee shall step up to a podium and shall give the following information in an audible tone of voice for the minutes:

- (a) Name;
- (b) Address;
- (c) Whether the person speaks on his or her own behalf, a group of persons, or a third party; or if the person represents an organization; and whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council;

- (d) Compensation, if any;
- (e) Whether the person or any immediate family member has a personal financial interest in the pending matter, other than as set forth in (d).

Unless further time is granted by the commission or committee, the statement on a public hearing item shall be limited to five (5) minutes. All remarks shall be addressed to the commission or committee as a body and not to any member thereof. No person, other than commissioners and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the commission, without the permission of the presiding officer. No question shall be asked a commissioner except through the presiding officer.

Any person who either supports or opposes a particular public hearing item, but does not wish to use his or her allotted time when called upon to speak may express his or her support or opposition by stepping up to the podium, complying with the requirements of Rule 6.04, identifying the public hearing item the person wishes to address, and stating either "I waive in support" or "I waive in opposition." Notwithstanding any provision to the contrary, any person who is called upon to speak and wishes to state his or her support for or opposition to a public hearing item without stepping up to the podium may do so by: (1) standing up wherever he or she may be in the audience; (2) stating his or her name; (3) identifying the public hearing item the person wishes to address; and (4) stating either "I waive in support" or "I waive in opposition" in an audible tone of voice. Any person who states his or her support or opposition as provided for in the preceding sentence shall comply with the rules of decorum set forth in Rule 6.05, and be required to fill out a registration card, prior to stating his or her position, which includes, among other things, the person's name, address and the public hearing item the person wishes to address. Whenever a person has elected to waive his or her right to speak in support or opposition to a public hearing item without stepping up to the podium, the presiding officer shall thereafter state the person's name and address as they appear on his or her registration card, repeat what the person stated (*i.e.*, the public hearing item addressed and whether the person waived in support or opposition) and, at the appropriate time, give that person's registration card to the Clerk of the Board.

#### **Rule 6.05. DECORUM.**

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present.

No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. No signs or placards shall be allowed in the commission chamber. Persons exiting the commission chamber shall do so quietly.

The use of cell phones in the commission chambers is not permitted. Ringers must be set to silent mode to avoid disruption of proceedings. Individuals, including those on the dais, must exit the chambers to answer incoming cell phone calls. County employees may not use cell phone cameras or take digital pictures from their positions on the dais.

**RULE 6.06. REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD ON NON-PUBLIC HEARING PROPOSITIONS.**

- (a) In addition to and apart from the right to speak on any public hearing item as set forth above and notwithstanding and prevailing over any other provision of the Code to the contrary, members of the public shall be given a reasonable opportunity to be heard as set forth in this rule on any non-public hearing proposition that is before the Commission or a committee pursuant to section 286.0114, Florida Statutes, as such may be amended from time to time.
- (b) For purposes of this rule, "proposition" shall mean a general substantive policy issue or matter proposed or offered for consideration or adoption, and shall not include:
  - (i) Procedural motions on propositions, or
  - (ii) Individual components, aspects or line items of a proposition.

While a single proposition may be considered multiple times before the Commission and Commission committees as the same or different agenda items, there shall only be one reasonable opportunity to be heard on each proposition during the decision-making process as set forth in this rule.

- (c) For any non-public hearing proposition that is referred to committee, the reasonable opportunity to be heard shall be before the committee subject to the limitations in (d) below. For any non-public hearing proposition that is not referred to committee and heard only by the Commission, the reasonable opportunity to be heard shall be before the Commission subject to the limitations in (d) below.
- (d) The reasonable opportunity to be heard shall not apply to:
  - 1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Commission or a committee to act;
  - 2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamation;
  - 3. A meeting that is exempt from the Sunshine Law;
  - 4. A meeting during which the Commission or a committee is acting in a quasi-judicial capacity; provided, however, that this provision does not affect the right of a person to be heard as otherwise provided by law;
  - 5. Procedural motions, including, but not limited to, motions to defer an item, recess or adjourn;

6. Ordinances on second reading when there was a previous opportunity to be heard at a public hearing at committee or otherwise;
  7. Propositions before the Commission when there was a previous opportunity to be heard at committee;
  8. A request or direction to the Mayor or other County official that will be brought back before the Commission or a committee when there will be a subsequent opportunity to be heard on the proposition; or
  9. Any situation where there has been a previous public hearing or reasonable opportunity to be heard on a proposition, or where there will be a subsequent public hearing or reasonable opportunity to be heard on a proposition.
- (e) On the day of the Commission or committee meeting and no less than one-half hour after the publicly noticed time for the meeting to begin, a person desiring to speak on a non-public hearing proposition shall register with the Office of Agenda Coordination in the lobby of the Commission chambers and complete a registration card as set forth in (f) below.
- (f) The Office of Agenda Coordination shall make available appropriate registration cards for non-public hearing propositions. Such cards shall be formatted to indicate the speaker's name, address, the non-public hearing proposition on which he or she is speaking, and whether he or she is speaking in favor of or against the proposition or for informational purposes. Such registration cards shall be in a distinct color or otherwise immediately distinguishable from registration cards for public hearing items.
- (g) Failure to comply with the registration provisions of this rule shall prohibit a person from having an opportunity to be heard on any item or proposition for which he or she is not properly registered, provided however that if a proposition is discussed that is not listed on the agenda of the Commission or a committee, then a person shall have an opportunity to be heard on the proposition by registering with the Office of Agenda Coordination and completing a registration card as soon as it is announced that the Commission or committee, as applicable, will hear the proposition. Only in the event that (i) a proposition is being discussed and (ii) there was no advance notice of the proposition being heard shall a person have a right to approach the podium and request to be heard on the proposition.
- (h) A person who addresses the Commission or a committee under this rule shall step up to a podium and give the following information in an audible tone of voice:
1. Name;
  2. Address;

3. Whether the person speaks on his or her own behalf, a group of persons, or a third party; or if the person represents an organization .
- (i) Unless further time is granted by the presiding officer of the Commission or a committee, the statement shall be limited to no more than two (2) minutes subject to the following additional limitations:
    1. No more than 10 minutes shall be available in total for all persons speaking in favor of a proposed item or proposition and no more than 10 minutes shall be available in total for all persons speaking against a proposed item or proposition;
    2. When more than five (5) persons have registered to speak in favor of an item or proposition, then such persons shall select a representative who shall speak on behalf of the proponents for no more than four (4) minutes and the presiding officer may read into the record the names of the other persons who have registered to speak in favor of the proposition. If the proponents cannot decide on a representative, then the representative shall be the first person that registered with the Office of Agenda Coordination pursuant to subsection (f) above;
    3. When more than five (5) persons have registered to speak against an item or proposition, then such persons shall select a representative who shall speak on behalf of the opponents for no more than four (4) minutes and the presiding officer shall read into the record the names of the other persons who have registered to speak against the proposition. If the opponents cannot decide on a representative, then the representative shall be the first person that registered with the Office of Agenda Coordination pursuant to subsection (f) above.
  - (j) All remarks shall be addressed to the Commission or committee as a body and not to any particular member thereof. No person, other than commissioners and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the presiding officer. No question shall be asked a commissioner except through the presiding officer.
  - (k) No person shall be entitled to speak for more than five (5) minutes in total on any one Commission or committee agenda.
  - (l) The reasonable opportunity for the public to be heard on all propositions except public hearing items shall be provided before the motion to set the agenda for the Commission or committee meeting is entertained, or at the discretion of the presiding officer.
  - (in) The rules of decorum set forth in Rule 6.05 shall apply to the reasonable opportunity to be heard.



- (n) Any person who either supports or opposes a particular non-public hearing proposition ("proposition") but does not wish to use his or her allotted time when called upon to speak may express his or her support or opposition by: (1) stepping up to the podium; (2) complying with the requirements of subsection (h); (3) identifying the proposition the person wishes to address; and (4) stating either "I waive in support" or "I waive in opposition." Notwithstanding any provision to the contrary, any person who is called upon to speak and wishes to state his or her support for or opposition to a particular proposition without stepping up to the podium may do so by: (1) standing up wherever he or she may be in the audience; (2) stating his or her name; (3) identifying the proposition the person wishes to address; and (4) stating either "I waive in support" or "I waive in opposition" in an audible tone of voice. Any person who states his or her support or opposition without stepping up to the podium as provided for in the preceding sentence shall comply with the rules of decorum as provided in subsection (m), and be required to fill out a registration card, prior to stating his or her position, which includes, among other things, the person's name, address and the proposition the person wishes to address. Whenever a person has elected to waive his or her right to speak in support or opposition to a proposition without stepping up to the podium, the presiding officer shall thereafter state the person's name and address as they appear on his or her registration card, repeat what the person stated (*i.e.*, the particular proposition addressed and whether the person waived in support or opposition) and, at the appropriate time, give that person's registration card to the Clerk of the Board.

## **PART 7. RULES OF DEBATE**

### **Rule 7.01. RULES OF DEBATE.**

- (a) **QUESTIONS UNDER CONSIDERATION.** When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present.

- (b) AS TO THE PRESIDING OFFICER. The presiding officer, upon relinquishing the chair, may move, second, debate and vote, subject only to such limitations as are by these rules imposed upon all members.
- (c) GETTING THE FLOOR, IMPROPER REFERENCES TO BE AVOIDED. Every member desiring to speak for any purpose shall address the presiding officer, and upon recognition, shall be confined to the question under debate avoiding all personalities and indecorous language.
- (d) INTERRUPTION; CALL TO ORDER; APPEAL A RULING OF THE CHAIR. A member once recognized shall not be interrupted when speaking unless it be a call to order or as herein otherwise provided. If a member is called to order, the member shall cease speaking until the question of order shall be determined by the presiding officer, and if in order, the member shall be permitted to proceed. Any member may appeal to the commission from the decision of the presiding officer upon a question of order, when, without debate, the presiding officer shall submit to the commission the question, "Shall the decision of the chair be sustained?" and the commission shall decide by a majority vote.
- (e) PRIVILEGE OF CLOSING DEBATE. The commissioner sponsoring or moving the adoption of an ordinance, resolution or motion shall have the privilege of closing the debate.
- (f) METHOD OF VOTING. Voting shall be by machine, roll call, voice vote, or paper ballot. Upon every roll call vote the names of the commissioners shall be called alphabetically by surname, except that the names shall be rotated after each roll call vote, so that the commissioner who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however, that the presiding officer shall always cast the last vote. The clerk shall call the roll, tabulate the votes, and announce the results. The vote upon every ordinance shall be taken by roll call or machine vote. The vote upon any resolution, motion or other matter may be by voice vote provided that the presiding officer or any commissioner may require a roll call or machine vote to be taken upon any resolution or motion. Board appointments may be made by paper ballot which clearly identify the commissioner voting.
- (g) EXPLANATION OF VOTE; CONFLICTS OF INTEREST. Upon any roll call, there shall be no discussion by any commissioner voting, and the commissioner shall vote yes or no. Any commissioner, upon voting, may give a brief statement to explain his or her vote. A commissioner shall have the privilege of filing with the clerk a written explanation of his or her vote. Any commissioner with a conflict of interest on a particular matter shall; (1) announce publicly at the meeting the nature of the conflict before the matter is heard; (2) absent himself or herself from the commission chambers during that portion of the meeting when the matter is considered; and (3) file a written disclosure of the nature of the conflict with the Clerk of the Board within 15 days after the vote. The filing of the State of Florida form prescribed for written disclosure of a voting conflict

shall constitute compliance with this subsection. Any such commissioner who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.

- (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(l). Notwithstanding any rule of procedure to the contrary, for zoning applications and other quasi-judicial matters, when a motion to take action on the matter results in a tie vote, and no other available motion 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 shall be carried over to the next regularly scheduled meeting for the consideration of such zoning applications or other quasi-judicial matters, unless the commission designates a different time for such consideration .
- (i) VOTE CHANGE. Any commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter.
- (j) NO MOTION OR SECOND. If an agenda item fails to receive a motion or second, it shall be removed from the agenda and shall be reintroduced only in accordance with the renewal provisions of Rule 7.01(l).
- (k) RECONSIDERATION. An action of the commission may be reconsidered only at the same meeting at which the action was taken or at the next regular meeting thereafter. A motion to reconsider may be made only by a commissioner who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A motion to reconsider an item resulting in a tie vote is not in order, and no such motion shall be reconsidered. A motion to reconsider shall not be considered unless at least the same number of commissioners is present as participated in the original vote, or upon affirmative vote of two-thirds (2/3) of those commissioners present. Adoption of a motion to reconsider shall rescind the action reconsidered.
- (l) RENEWAL. Once action is taken on a proposed ordinance or resolution, neither the same matter nor its repeal or rescission may be brought before the commission again during the six (6) month period following the said action (subject to the provisions of Rule 7.01(k)), unless application for renewal by seven (7) commissioners is first submitted to the presiding officer.
- (m) EXPIRATION OF POSTPONED ITEMS. Once an item before the Board is postponed indefinitely, and no action is taken by the Board on such item for a period of six (6) months following the latest postponement, such item shall be deemed withdrawn. Consideration of the matter covered under the item shall require the introduction of a new item.

- (n) ADJOURNMENT. A motion to adjourn shall always be in order and decided without debate.
- (o) SUSPENSION OF THE RULES.<sup>18</sup> No rule of procedure adopted by this board shall be suspended except by an affirmative vote of two-thirds (2/3) of the commissioners present.

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<sup>18</sup> The following rules cannot be suspended: a) the "4-Day Rule" per Rule 5.05(c); b) the provisions of Rule 8.01 regarding Mayoral veto per Rule 8.01(h); c) the provisions of Rules 8.1.01 and 8.1.02 regarding Mayoral appointment of directors of administrative departments per Rules 8.1.01(h) and 8.1.02(h); and d) the reasonable opportunity for the public to be heard under Rule 6.06 per §286.011(4), Fla. Statutes.

## **PART 8. MAYORAL VETO AND COMMISSION OVERRIDE**

**Rule 8.01. MAYORAL VETO AND COMMISSION OVERRIDE.**

The veto provisions of Section 2.02(D) of the Miami-Dade County Home Rule Charter shall be exercised exclusively in accordance with the terms and conditions of this rule.

- (a) Each ordinance and resolution finally adopted by the commission shall contain a place for noting mayoral approval or veto, and commission override. The mayor may indicate approval of any ordinance or resolution by signing it in the place provided, or the mayor may permit the item to become effective in accordance with its terms by allowing ten (10) days to elapse without exercising a veto.
- (b) If the mayor determines to veto an ordinance, resolution, motion or budget line item, the mayor shall personally sign a copy of the form set forth herein in the place so provided and shall indicate with specificity the reason(s) for the veto. The form shall be as follows:

CLERK OF THE BOARD  
DATE AND TIME RECORDER STAMP

OFFICE OF THE MAYOR

MIAMI-DADE COUNTY, FLORIDA

## VETO AND VETO MESSAGE

To: Honorable Chairperson and Members  
Board of County Commissioners  
Miami-Dade County, Florida

From: [Signature of Mayor]  
, Mayor  
Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Section 2.02(D) of the Miami-Dade County Home Rule Charter, I hereby veto:

{state ordinance, resolution, motion or budget line item}

Veto message:

- (c) The completed form shall be submitted to the clerk of the board on or before 4:30 p.m. on the tenth (10th) calendar day following final commission enactment or adoption thereof. The clerk's official date and time recorder stamp on the completed form shall conclusively determine compliance or non-compliance with the ten (10) day time frame.
- (d) The clerk shall place items vetoed by the mayor, together with the completed veto forms, on the next regularly scheduled commission agenda as the first substantive items for commission consideration.
- (e) Notwithstanding any other rule of the commission, items vetoed by the mayor shall (1) not be subject to the "4-day rule" as provided in Rule 5.05(c); (2) not be deferred to a future meeting; (3) not require committee review; (4) not be subject to a motion to reconsider, except at the same meeting; (5) not require first reading; (6) not require publication or additional public hearings; or (7) not be amended if the item required special publication or a public hearing to be originally adopted or enacted.
- (f) A motion to override a mayoral veto shall be stated as follows:
  - (1) "I move that [the ordinance, resolution or motion] be adopted and become effective notwithstanding the veto of the mayor", or
  - (2) "I move that [the specific line item in the budget] be restored to the ordinance and become effective notwithstanding the veto of the mayor".
- (g) If two-thirds (2/3) of all commissioners present vote in favor of the motion as stated in subsection (f) above, the ordinance, resolution, motion or budget appropriation shall be deemed enacted or adopted and effective in accordance with its terms; otherwise, the mayor's veto shall be deemed sustained.
- (h) The provisions of this rule shall not be waived under Rule 7.01(o).

**PART 8.1. MAYORAL APPOINTMENT OF DEPARTMENT DIRECTORS OF  
THE ADMINISTRATIVE DEPARTMENTS OF THE COUNTY,  
AND COMMISSION DISAPPROVAL**

**Rule 8.1.01. MAYORAL APPOINTMENT OF DEPARTMENT DIRECTORS OF THE  
ADMINISTRATIVE DEPARTMENTS OF THE COUNTY, AND  
COMMISSION DISAPPROVAL.**<sup>19</sup>

The authority and powers provided to the Mayor and the Commission under Sections 2.02 C of the Miami-Dade County Home Rule Charter regarding the appointment of department directors of administrative departments shall be exercised exclusively in accordance with the terms and conditions of this rule.

- (a) The Mayor shall utilize the form provided herein to appoint a department director of an administrative department of the County. The Mayor shall personally sign a copy of the form in the place so provided and shall indicate with specificity the position, name, and qualifications of the person appointed. The form shall be as follows:

OFFICE OF THE MAYOR  
MIAMI-DADE COUNTY, FLORIDA

\_\_\_\_\_  
MAYORAL APPOINTMENT

To: Honorable Chairperson and Members  
Board of County Commissioners  
Miami-Dade County, Florida

From: [Signature of Mayor]

\_\_\_\_\_, Mayor

Miami-Dade County, Florida

Pursuant to the authority vested in me under the  
provisions of Sections 2.02 C of the Miami-Dade County  
Home Rule Charter, I hereby appoint:

[insert name of person appointed]

to the position of:

[insert position to which the person is appointed].

<sup>19</sup> In accordance with the Code of Miami-Dade County references in Rule 8.1.01 to Section 2.02D of the Miami-Dade County Home Rule Charter have been removed as Section 2.02 of the Charter was amended by special election held on August 24, 2010 and effective November 16, 2012. See Miami-Dade County Code Section 1-4.1.

The person's qualifications for this position are as follows:

[insert person's qualifications]

A copy of the person's resumé shall be attached.

- (b) The completed form, together with the resumé, shall be submitted to the Clerk of the Board on or before 4:30 p.m. on the date of appointment. The Clerk's official date and time recorder stamp on the completed form shall conclusively determine date and time of submission of the form to the Clerk.
- (c) The Clerk shall place appointments by the Mayor pursuant to Rule 8.1.01, together with the completed form and resumé on the next regularly scheduled Commission agenda under the mayoral reports section of the agenda for Commission consideration.
- (d) Notwithstanding any other rule of the Commission, appointments made by the Mayor pursuant to Rule 8.1.01 shall (1) not be subject to the "4-day rule" as provided in Rule 5.05(c); (2) not be deferred to a future meeting; (3) not require committee review; (4) not be subject to a motion to reconsider, except at the same meeting; or (5) not require publication or public hearing.
- (e) The Mayor shall make every effort to have the nominee attend the Commission meeting at which the appointment is presented. Commissioners may ask such questions as they deem appropriate at that time.
- (f) Any Commissioner may move to disapprove a mayoral appointment made subject to this rule. A motion to disapprove a mayoral appointment shall be stated as follows:

"I move that the Mayor's appointment of [insert name of person appointed by the Mayor] as [insert the position to which such person was appointed by the Mayor] be disapproved."
- (g) If a two-thirds (2/3) majority of those Commissioners then in office vote in favor of the motion as stated in subsection (f) above, the appointment shall be deemed disapproved; otherwise, the appointment shall be deemed effective.
- (h) The provisions of this rule shall not be waived under Rule 7.01(0).



**Rule 8.1.02    MAYORAL APPOINTMENT OF INTERIM OR ACTING DEPARTMENT DIRECTORS OF THE ADMINISTRATIVE DEPARTMENTS OF THE COUNTY, AND COMMISSION DISAPPROVAL.**<sup>20</sup>

Notwithstanding any other rule of the Commission, the authority and powers provided to the Mayor and the Commission under Section 2.02 C of the Miami-Dade County Home Rule Charter regarding the appointment of interim or acting department directors shall be exercised exclusively in accordance with the terms and conditions of this rule. An "interim or acting department director" shall mean a person who has been appointed by the Mayor as a department director of an administrative department of the County for a term of six months or less.

- (a) The Mayor shall utilize the form provided herein to appoint an interim or acting department director of an administrative department of the County. The Mayor shall personally sign a copy of the form in the place so provided and shall indicate with specificity the position, name, and qualifications of the person appointed. The form shall be as follows:

OFFICE OF THE MAYOR  
MIAMI-DADE COUNTY, FLORIDA

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MAYORAL APPOINTMENT

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To: Honorable Chairperson and Members Board of County  
Commissioners Miami-Dade County, Florida

From: [Signature of Mayor]

\_\_\_\_\_, Mayor

Miami-Dade County, Florida

Pursuant to the authority vested in me under the  
provisions of Sections 2.02 C of the Miami-Dade County  
Home Rule Charter, I hereby appoint:

[insert name of person appointed]

to the position of:

[insert position to which the person is appointed].

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<sup>20</sup> In accordance with the Code of Miami-Dade County references in Rule 8.1.02 to Section 2.02D of the Miami-Dade County Home Rule Charter have been changed to Section 2.02C as the prior Section 2.02C of the Charter was removed and the remaining provisions renumbered by special election held on August 24, 2010 and effective November 16, 2012. *See* Miami-Dade County Code Section 1-4.1.

The person's qualifications for this position are as follows:

[insert person's qualifications]

This appointment shall serve until: [insert date].

A copy of the person's resumé shall be attached.

- (b) The completed form, together with the resumé, shall be submitted to the Clerk of the Board on or before 4:30 p.m. on the date of appointment. The Clerk's official date and time recorder stamp on the completed form shall conclusively determine date and time of submission of the form to the Clerk.
- (c) The Chairperson of the County Commission may, at his or her discretion, place the appointment by the Mayor of an interim or acting department director, together with the completed form and resumé on the next regularly scheduled Commission agenda under the mayoral reports section of the agenda for Commission consideration.
- (d) Notwithstanding any other rule of the Commission, interim or acting appointments made by the Mayor shall (1) not be placed on a Commission agenda except as provided in Rule 8.1.02; (2) not be subject to the "4-day rule" as provided in Rule 5.05(c); (3) not be deferred to a future meeting; (4) not require committee review; (5) not be subject to a motion to reconsider, except at the same meeting; and (6) not require publication or public hearing.
- (e) In the event the Chairperson of the County Commission places an interim or acting appointment on the Commission agenda, the Mayor shall make every effort to have the nominee attend the Commission meeting at which the appointment is presented. Commissioners may ask such questions as they deem appropriate at that time.
- (f) Any Commissioner may move to disapprove a mayoral appointment made subject to this rule if said appointment is placed on the agenda by the Chairperson. In the event an interim or acting mayoral appointment of a department director is not placed on the Commission agenda by the Chairperson of the County Commission, any Commissioner may appeal the decision of the Chairperson upon a question of order, when, without debate, the presiding officer shall submit to the Commission the question: "Shall the decision of the Chairperson be sustained?" If the question to appeal the decision of the Chairperson is approved by a majority vote, a motion to disapprove the interim or acting mayoral appointment shall be in order. A motion to disapprove an interim or acting mayoral appointment shall be stated as follows:

"I move that the Mayor's appointment of [insert name of person appointed by the Mayor] as [insert the position to which such person was appointed by the Mayor] be disapproved."

- (g) If a two-thirds (2/3) majority of those Commissioners then in office vote in favor of the motion as stated in subsection (f) above, the appointment shall be deemed disapproved; otherwise, the appointment shall be deemed effective.
- (h) The provisions of this rule shall not be waived under Rule 7.01(o).
- (i) At the conclusion of the term of an interim or acting department director, any reappointment of the interim or acting director or of a new department director shall be subject to the requirements of Rule 8.1.01.

**PART 9.      ADDITIONAL ORDINANCES  
PRESCRIBING COUNTY COMMISSION PROCEDURE**

**Rule 9.01.      ANNUAL BUDGET.**

- (a) The mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall be prepared after consulting with the budget director and shall set forth the mayor's funding priorities for the county. By July 15, the mayor shall prepare and submit a proposed budget in a line item format pursuant to Section 2-1800 containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. Other formats, such as narrative, pie charts and graphs may also be used to supplement the line item format. The budget prepared and recommended by the mayor shall be presented by the mayor or his or her designee to the commission in a line item format pursuant to Section 2-1800 on or before the board adopts tentative millage rates for the ensuing fiscal year. A summary of the budget shall be published and the board shall hold hearings on and adopt a budget on or before the dates required by law.
- (b) The Board shall adopt its proposed millage rates for use in the preparation of the truth in millage (TRIM) notice of proposed property taxes by separate resolution for each of the following rates:
  - (1) Countywide General Fund;
  - (2) Unincorporated Municipal Service Area;
  - (3) Miami-Dade Fire and Rescue Service District for operating purposes;
  - (4) Miami-Dade Library System for operating purposes;
  - (5) Countywide bonded debt service; and
  - (6) Miami-Dade Fire and Rescue Service District bonded debt service.

The date, time, and place at which the annual public hearings are scheduled shall be approved by motion or set forth in a separate resolution adopted by the Board.

- (c) The Board shall adopt millage rates at the first and second budget hearing by a separate vote for each millage rate. The Board's adoption of each proposed millage rate at the first budget hearing and each final millage rate at the second budget hearing shall be by separate ordinance for each of the following millage rates:

- (1) Countywide General Fund;
- (2) Unincorporated Municipal Service Area;
- (3) Miami-Dade Fire and Rescue Service District millage for operating purposes;
- (4) Miami-Dade Library System millage for operating purposes;
- (5) Countywide bonded debt service; and
- (6) Miami-Dade Fire and Rescue Service District bonded debt service.

- (d) At the first budget hearing, a separate motion and vote on any part of the proposed budget shall be held upon the request of any Commissioner. In addition, a separate motion and vote shall be held on any amendment to the Mayor's proposed budget that:

- (1) Addresses an issue raised by a Commissioner at a Committee of the Whole meeting held in conjunction with the budget approval process, including a request by a Commissioner to propose or recommend funding alternatives for the Board's consideration;
- (2) Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program or matter; or
- (3) Proposes or provides for increased or decreased funding for a countywide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.

If any of the foregoing amendments are recommended or provided by the County Mayor, such amendments shall be set forth in detail in a separate section of the Mayor's memorandum relating to information for the first budget hearing (the "First Changes Memorandum").

The Commission Auditor shall prepare and maintain a list of all issues raised in conjunction with the budget approval process as set forth in subsection (d)(1) above. The Commission Auditor shall distribute such list to each member of the Board no later than forty-eight (48) hours prior to the scheduled commencement of the first budget hearing.

After a separate vote on each proposed amendment but before the Board's adoption of each ordinance adopting a tentative millage rate, the Mayor or the Mayor's designee shall, for each such ordinance, recompute the tentative millage rate, and publicly announce the name of the taxing authority, the rolled back rate, the percent, if any, by which the recomputed tentative millage rate exceeds the rolled-back rate, and the tentative millage rate to be levied. The tentative budget

ordinances shall be adopted by separate vote after the tentative millage rate ordinances are adopted.

- (e) At the second budget hearing, a separate motion and vote on any part of the proposed budget shall be held upon the request of any Commissioner. In addition, a separate motion and vote shall be held on any amendment to the Mayor's proposed budget that:
  - (1) Addresses an issue raised by a Commissioner at a Committee of the Whole meeting held in conjunction with the budget approval process, including a request by a Commissioner to propose or recommend funding alternatives for the Board's consideration;
  - (2) Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program or matter; or
  - (3) Proposes or provides for increased or decreased funding for a countywide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.

If any of the foregoing amendments are recommended or provided by the County Mayor, such amendments shall be set forth in detail in a separate section of the Mayor's memorandum relating to information for the second budget hearing (the "Second Changes Memorandum").

The Commission Auditor shall prepare and maintain a list of all issues raised in conjunction with the budget approval process as set forth in subsection in subsection (e)(1) above. The Commission Auditor shall distribute such list to each member of the Board no later than forty-eight (48) hours prior to the scheduled commencement of the second budget hearing.

After a separate vote on each proposed amendment but before the Board's adoption of each ordinance adopting a final millage rate, the Mayor or the Mayor's designee shall, for each such ordinance, recompute the final millage rate, and publicly announce the name of the taxing authority, the rolled back rate, the percent, if any, by which the recomputed final millage rate exceeds the rolled-back rate, and the final millage rate to be levied. The final budget ordinances shall be adopted by separate vote after the final millage rate ordinances are adopted.

- (f) The Mayor shall distribute the First Changes Memorandum and the Second Changes Memorandum to each member of the Board and shall post a copy thereof on the County's website no later than forty-eight (48) hours prior to the scheduled commencement of the first and second budget hearings, respectively.
- (g) For all mid-year and end-of-year budget amendments, a separate motion and vote on any part of the proposed budget amendment shall be held upon the request of any Commissioner. In addition, a separate motion and vote shall be held on any part of the proposed budget amendment that:

- (1) Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program or matter; or
  - (2) Proposes or provides for increased or decreased funding for a countywide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.
- (h) This ordinance shall be construed as directory only, and failure to comply with the provisions of this ordinance shall not affect the validity of any ordinance, resolution or action of the Board in whole or in part.<sup>21</sup>

**Rule 9.02. NAMING, RENAMING OR CODESIGNATION OF MIAMI-DADE COUNTY ROADS, FACILITIES OR PROPERTY; APPROVAL OF STATE OR MUNICIPAL ROAD CODESIGNATIONS.**

- (a) Resolutions regarding proposed naming, renaming or codesignation of Miami-Dade County roads, facilities or property shall be sponsored by the district commissioner where the property is located and shall be considered at public hearing.
- (b) Resolutions honoring outstanding individuals shall not be authorized for living individuals except as provided in subsection (d) hereof.
- (c) For every resolution honoring an individual without a personal and direct meaningful relationship to the Greater Miami area, the board of county commissioners shall, at the same time, honor an individual who has made a direct, significant contribution to this community.
- (d) This rule shall not prohibit the naming, renaming, or designation of a facility or property after a living individual who donates a significant portion of the cost of such facility or property. Further, this rule shall not prohibit the naming, renaming, or designation of a road, facility or property after a living individual who has made a direct, significant lifetime contribution to this community provided: (i) the naming, renaming or designation is approved by three-fifths vote of the board members present; (ii) that the naming, renaming or designation is not for any elected municipal, county, state or federal official currently serving or having served in any elected office within the last five years; and (iii) that the naming, renaming or designation of a road, facility or property in a particular commission district is limited to two times during any calendar year.
- (e) Special provisions for employees who give their lives in the line of duty. The mayor shall present the board of county commissioners with a resolution proposing the naming of an appropriate public right of way or portion thereof in honor of any Miami-Dade County employee who gives his or her life in the line

<sup>21</sup> Subsections (d), (e), (f) and (g) were added by Ordinance No. 15-44. This subsection (g) applies to subsections (d), (e) and (f) of Rule 9.01.

of duty. Such resolution shall be considered at public hearing and may be adopted by the board upon a favorable vote of a majority of the commissioners present.

- (f) The Commission Auditor shall complete background research, reviewing public records and other sources of information, in print, on the internet, or through other means of communication, that are publicly available, on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads, and shall prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered. The Clerk of the Board shall place the Commission Auditor's report on the commission agenda as a supplement to the related agenda item.
- (g) Notwithstanding any other provision of this section, the Board of Trustees of the Public Health Trust may name or rename any interior portion of a Public Health Trust designated facility without approval by the Board of County Commissioners pursuant to the provisions of this subsection. Any Public Health Trust resolution to name or rename an interior portion of a designated facility shall only be considered by the Board of Trustees of the Public Health Trust after a public hearing and upon completion of a report by the Commission Auditor as required by subsection (f) herein. Prior to issuance of a notice for such public hearing, the Chief Executive Officer of the Public Health Trust shall notify the Board of County Commissioners by memorandum of the proposed naming or renaming. Such notification shall include the proposed name, the location and description of the designated facility and the scheduled time, date and location of the public hearing. Upon passage of a resolution by the Board of Trustees of the Public Health Trust to name or rename an interior portion of a designated facility, the clerk of the Board of Trustees of the Public Health Trust shall provide notice of same along with a copy of the Public Health Trust resolution to the Board of County Commissioners.

**Rule 9.03. FEE REDUCTION AND WAIVER REQUESTS FOR THE USE OF VIZCAYA MUSEUM AND GARDENS.**

- (a) All requests for fee reductions and waivers for the use of Vizcaya Museum and Gardens must be submitted to the board for review at a public hearing before the full Commission. Following the public hearing any such fee reductions and waivers will require a two-thirds (2/3) majority vote of the board members present. This Rule does not apply when Vizcaya Museum and Gardens' budget is

fully reimbursed from another County fund for such fee reduction or waiver. The following criteria shall govern the grant of a fee waiver or reduction:

- i. Fee waivers and reductions shall be granted only to major cultural, diplomatic, international, military, or other events or conferences involving heads-of-state or other similar individuals that will enhance the visibility of the County as a place to live, work, visit, or invest.
  - ii. No fee waivers or reductions shall be granted for events whose purpose is, in whole or in part, to raise funds.
  - iii. Fee waivers and reductions shall be granted only to not-for-profit or governmental organizations, and not to private individuals or for-profit organizations.
  - iv. Fee waivers and reductions may be granted at the discretion of the Board to an organization more than once every two years, but the Board recognizes that repeat events should generally not be based on recurrent complimentary use of this fragile facility.
  - v. Organizations that are offered fee waivers and reductions shall comply with all Vizcaya Museum and Gardens facility rental rules and regulations and shall sign and be bound by the facility rental agreement, except for the provisions regarding rental fee payment and deposit.
  - vi. All direct costs that result from the organization's event shall be payable by the organization directly to Vizcaya Museum and Gardens, including but not limited to tent or equipment rental, hire of police and cleanup crew, and costs of any damages or cleanup by County staff or outside vendors, unless the resolution granting the fee waiver and reduction states that the County will pay such costs to Vizcaya Museum and Gardens.
  - vii. Organizations requesting a fee waiver or reduction should first attempt to find other public or private ways to fund the Vizcaya fee.
- (b) Notwithstanding the previous paragraph (a), the mayor shall be permitted to:
- (1) Administratively reduce fees four (4) times during any calendar year and waive fees two (2) times during any calendar year for the use of Vizcaya Museum and Gardens for any non-fund raising events provided that those events are either diplomatic activities or events that benefit the entire citizenry of Miami-Dade County, and annually report the reductions and waiver to the commission; and
  - (2) Waive fees for events sponsored by organizations which provide volunteer services to Vizcaya Museum and Gardens or raise funds and provide support for the maintenance of, and improvements to, Vizcaya Museum and Gardens.



**Rule 9.03.01. EXPENDITURE OF SEAPORT DEPARTMENT PROMOTIONAL FUNDS.**

All proposed expenditures from seaport promotional funds over \$5,000, other than those adopted as part of the county's annual budget ordinance, shall require a written recommendation from the mayor together with a two thirds (2/3) vote of the entire membership of the board.

**Rule 9.03.02. ACTIONS WHICH DECREASE REVENUES OR INCREASE EXPENDITURES.**

- (a) Whenever a commissioner proposes a resolution, ordinance or other action of the board that would result in a decrease in revenues, the proposal from the commissioner must specifically designate an equal or greater reduction in expenditures or identify a project or services of equal or greater costs to be eliminated.

Whenever a commissioner proposes an increase in expenditures above the adopted budget level, such commissioner must concurrently propose additional revenue appropriate to fund the increased expense or an expenditure reduction equal to or greater than the amount of proposed new expense.

No final action affecting the adopted budget shall be taken if any member of the county commission requests a recommendation from the mayor pertaining to a budget adjustment proposed by a county commissioner. The mayor's recommendation shall be presented at the next regularly scheduled meeting of the county commission.

- (b) The provisions of this ordinance do not apply to actions taken at the annual budget hearings held pursuant to state law.

**Rule 9.03.03. PEOPLE'S TRANSPORTATION PLAN AMENDMENTS.**

\* \* \*

[T]he County Commission may not delete or materially change any County project listed on Exhibit 1 attached to the ordinance levying the surtax [Ordinance No. 02-116 codified in §§29-121 – 124 of the Code] nor add any project thereto except as provided in this subsection .... A proposed deletion, material change or addition of such a County project shall be initially reviewed by the Citizens' Independent Transportation Trust ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommendation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in said Exhibit 1 may be changed as a result of the MPO process as mandated by federal and state law.

**Rule 9.03.04. HOME RULE CHARTER AMENDMENTS.**

- (1) The County shall hold six public meetings regarding any resolution calling an election on a proposed Home Rule Charter amendment. The Mayor or the Mayor's designee shall schedule public meetings on any such resolution proposed by the Board following the Chairperson's assignment of the items to committee or following any waiver of the committee requirement. Such public meetings shall be held prior to committee review or adoption of such resolution, if committee review is waived or not required.
- (2) If the Clerk of the Circuit Court approves an initiative petition to amend the Home Rule Charter as to form, the County Mayor or the County Mayor's designee shall make County-owned public facilities such as public libraries or park facilities available to the initiative petition proposers, at no cost, so that six public meetings can be conducted regarding the proposed initiative. Such meetings shall be scheduled within 60 days after the date the Clerk approves the initiative as to form.
- (3) The public meetings required in this section shall be conducted by county staff and shall be for the purpose of soliciting community input about the proposed charter amendments. Members of the public, County officials, County staff, and initiative petition proposers, if any, may be heard at such meetings.
- (4) All public meetings required hereby shall be held at locations and times which are accessible and convenient to the majority of residents in Miami-Dade County and allow for maximum participation by geographic and ethnic communities within Miami-Dade County.

- (5) All public meetings shall be appropriately advertised, including use of print advertisements in newspapers of general circulation and community based periodicals.
- (6) The provisions of this section shall be construed as directory only and failure to comply with the provisions hereof shall not affect the validity of any resolution, action of the Board, the election scheduled on any proposed charter amendment, or the timing of any initiative petition.

**Rule 9.03.05. COUNTY BALLOT QUESTIONS, INCLUDING HOME RULE CHARTER AMENDMENTS AND STRAW BALLOT QUESTIONS.**

The Board shall place no more than three (3) County questions on any general election ballot that includes a presidential election. For purposes of this rule, "County questions" shall mean straw ballot questions, commissioner-sponsored proposed amendments to the Home Rule Charter and any other questions related to the County that are proposed by the Board. This subsection shall not apply to amendments to the Home Rule Charter proposed by initiatory petition pursuant to section 9.07 of the Home Rule Charter. Once the Board has voted to place three (3) County questions on any general election ballot that includes a presidential election, each additional County question may be placed on such a ballot only with an affirmative vote of two-thirds (2/3rds) of those commissioners present.

**Rule 9.03.06. PROCEDURES FOR OATH OF OFFICE FOR COUNTY COMMISSIONERS.**

- (a) Prior to entering upon the duties of the office, each newly-elected or re-elected County Commissioner shall take the oath of office as set forth in Article II, Section 5(b) of the Florida Constitution or as otherwise required by law. Each Commissioner shall, at his or her option, either:
  - 1. Verbally take the oath of office; or
  - 2. Execute a written oath of office as set forth in substantially the form attached to this ordinance<sup>22</sup> or as otherwise required by law.
- (b) The oath of office under either paragraphs (a)(1) or (a)(2) above shall be administered by a person authorized to administer the oath of office pursuant to Florida law. Such person shall sign an acknowledgement of administration of the oath of office as set forth in substantially the form attached to this ordinance.
- (c) The Clerk of the Board shall retain in the public records each executed written oath of office and each executed acknowledgement of administration of the oath of office.
- (d) Nothing contained in this section shall prevent the Board of County Commissioners from holding an installation ceremony for County

<sup>22</sup> Refer to Ordinance No. 13-28.

Commissioners. At the installation ceremony, Commissioners may take a ceremonial oath of office which shall be administered at each Commissioner's option, in one of the two following ways:

- a. The Clerk or other official administering the oath shall state the oath of office in its entirety as set forth in Article II, Section 5(b) of the Florida Constitution or as otherwise required by law, as follows:

Do you (Commissioner's name) solemnly swear (or affirm) that you will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that you are duly qualified to hold office under the Constitution of the state; and that you will well and faithfully perform the duties of County Commissioner on which you are now about to enter. So help you God

After the Clerk or other official has stated the oath in its entirety, the Commissioner shall then say "I do;" or

- b. The Commissioner shall repeat after the Clerk or other official administering the oath of office the oath as set forth in Article II, Section 5(b) of the Florida Constitution or as otherwise required by law.

**Rule 9.04. REPRESENTATION OF MIAMI-DADE COUNTY.**

Whenever the commission deems it necessary or desirable that the commission shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or nongovernmental organizations, or departments, agencies or officials of the county government, the presiding officer may designate members of the commission to represent the commission at such meetings, conferences or other occasions, with the consent of the designee. A majority of the board then present may disapprove any such appointment. Such representatives shall have no power to act for or on behalf of the commission, or to make any commitment or binding obligation on behalf of the commission or the county. Such representatives shall report in writing to the commission with regard to such meeting, conference or other occasion.

**Rule 9.05. NONCOMPLIANCE WITH PROCEDURAL RULES.**

If a procedural rule of this board is not complied with by either the presiding officer or the parliamentarian, then the validity of the underlying substantive ordinance, resolution, motion or other action shall in no way be affected thereby, and the failure of compliance with said procedural rule shall not be the basis for any person or party to challenge any ordinance, resolution or other action of this board.

MIAMI-DADE CHARTER REVIEW TASK FORCE  
CLERK'S SUMMARY AND OFFICIAL MEETING MINUTES  
JUNE 28, 2017

The Miami-Dade Charter Review Task Force (the Task Force) convened its first meeting on June 28, 2017, at the Miami-Dade Public Library Auditorium, 101 West Flagler Street, Miami, Florida, at 10:00 a.m. Upon roll call, the following Task Force members were present: Mr. Carlos Diaz-Padron, Mr. Maurice Ferre, Mr. Alfredo J. Gonzalez, Mr. Marlon Hill, Mr. William H. Kerdyk Jr., Ms. Maria Lievano-Cruz, Mr. Mike Valdes-Fauli, and Mr. Eric Zichella. Mr. Neisen Kasdin arrived late. Ms. Alice Burch, Mr. George M. Burgess, Mr. Jeff P. H. Cazeau, Mr. Robert Cuevas and Mr. Luis E. Gonzalez were absent. Commission District 10 seat was vacant.

In addition to Task Force members, the following staff members were present: Assistant County Attorneys Oren Rosenthal and Mike Valdez; Ms. Nicole Tallman, Director of Policy and Legislation and Ms. Patricia Flor, Senior Policy Analyst, Office of the Mayor; Mr. Christopher A. Agrippa, Director and Mr. Alan Eisenberg, Deputy Clerk, Office of the Clerk of the Board.

Ms. Nicole Tallman welcomed Task Force members and guests to the first Task Force meeting, followed by a moment of silence and the Pledge of Allegiance.

Ms. Tallman recommended the Task Force followed the agenda distributed for today's (6/28) meeting.

It was moved by Mr. Maurice Ferre that the prepared agenda be followed. This motion was seconded by Mr. William Kerdyk Jr., and upon being put to a vote, passed by a vote of 8-0. Ms. Alice Burch, Mr. George M. Burgess, Mr. Jeff P. H. Cazeau, Mr. Robert Cuevas, Mr. Luis E. Gonzalez and Mr. Neisen Kasdin were absent.

Ms. Tallman announced there would be a reasonable opportunity for the public to be heard later in the meeting and that the meeting was being televised live.

**INTRODUCTON OF TASK FORCE MEMBERS AND STAFF**

Task Force members and staff introduced themselves.

## **OVERVIEW OF FLORIDA'S SUNSHINE LAW, PUBLIC RECORDS LAW AND CONFLICT OF INTEREST LAW**

Mr. Joseph Centorino, Executive Director, Commission on Ethics & Public Trust (COE), presented overview of the Florida Sunshine Law, the Conflict of Interests Law and the Public Records Law as they applied to the Task Force.

Mr. Centorino explained that the Government-In-The-Sunshine Law (Section 286.011, Florida Statutes) required government board meetings open and accessible to the public, with the exception of the State legislature. He commented that no formal action shall be binding unless taken at such meetings; that reasonable notice must be provided to the public; and that meeting minutes were to be recorded promptly and open to inspection. Mr. Centorino said that the Sunshine Law applied to any discussion between two or more board members on which foreseeable action may be taken by the Board of County Commissioners (BCC), noting no private discussions, phone calls, or emails were allowed between Task Force members about Task Force business. Mr. Centorino indicated that meetings must be held at accessible locations; that there were no restrictions impeding public access; and that efforts should be taken to avoid one-on-one private discussions in public view before, during or after public meetings, even if unrelated to public business.

Mr. Centorino commented that an absent Task Force member could not participate or vote by telephone, pursuant to a recommendation of the County Attorney. He said that a quorum of Task Force members must be present in one location to vote and that any absent member may listen to the meeting but could not participate or vote. Mr. Centorino advised Task Force members that one way communications were permissible; however, that information should be provided to the Clerk of the Board and the Clerk would then make that information available to the public. He added that that no other Task Force member could directly respond to that communication. Mr. Centorino pointed out that a Task Force member should not affect communication through a third party and that communicating to the media was not considered a violation. He mentioned that anyone was permitted to record Task Force meetings provided that it did not disrupt the meeting. Mr. Centorino suggested that Task Force members should leave the room when another member was engaged in a discussion about Task Force business when at other events.

Mr. Centorino described the criminal penalties and non-criminal penalties associated with Sunshine Law violations.

Mr. Centorino proceeded to discuss the Public Records Law (Chapter 119, Florida Statute), noting all information (emails, letters, texting, Twitter, Snapchat, etc.) dealing with Task Force

business whether sent or received was considered public records and must be maintained. He said that the Clerk of the Board was the custodian of public records and suggested that such records be provided to the Clerk to maintain and respond to requests. Mr. Centorino advised Task Force members that the County Attorney's Office and the COE was available to assist them determine whether something was considered a public record, noting that personal notes and drafts were not public records unless read by someone else. He mentioned that an oral request for public records was as binding as a written request. Mr. Centorino stated that communications that were considered transitory business such as meeting times was not considered a public record.

Mr. Centorino described the criminal penalties for knowingly falsifying or tampering with public records. He said the COE also had jurisdiction to enforce the Statewide Freedom of Information Law through the Citizens' Bill of Rights which was part of the County Charter.

Mr. Centorino proceeded to discuss Voting Conflicts (Section 112.3143, Florida Statutes), noting Task Force members were not regulated under the County's Ethics Code because their term of office was less than one year, but they did fall under the State Ethics Code. He advised Task Force members not to vote on an item if they had an economic interest in a decision that could personally affect them, their family, their business, their families business, or employer. Mr. Centorino explained that Task Force members needed to publically disclose the conflict and to file a report stating the nature of the conflict of interest with the Clerk of the Board within 15 days of a vote. He advised Task Force members that his office was available to assist members if they believed there might be a conflict. Mr. Centorino stated that Task Force members could not abstain from voting, pursuant to State law unless there appeared to be a conflict of interest.

## **OVERVIEW OF HOME RULE AMENDMENT AND MIAMI-DADE COUNTY CHARTER**

Assistant County Attorney Oren Rosenthal provided an overview of the Miami-Dade County Home Rule Charter (Charter). He noted the Charter gave the County the constitutional authority to adopt local laws and regulate local affairs as long as such regulations and adoption were not inconsistent with general State laws. He noted State government was prohibited from enacting special laws dealing with Miami-Dade County. Assistant County Attorney Rosenthal said the County could differ from general law of the State and from public provisions of the Constitution in areas dealing with the structure of County government, the way in which County officials were elected, annexation, incorporation, the relationship between County government and its municipalities, and the ways of amending the Charter.

Assistant County Attorney Rosenthal pointed out that the Charter consisted of a Citizens' Bill of Rights (CBOR) and ten Articles. He indicated that the CBOR set forth general standards for the

operation of local government and created the Commission on Ethics and Public Trust (COE), noting both were within the Charter and could be part of the Task Force review. Assistant County Attorney Rosenthal reviewed Articles 1 – 10.

Assistant County Attorney Rosenthal pointed out that the Charter could be amended by an initiatory petition of the citizens or by action of Board resolution. He said the Charter could only be amended by an affirmative vote of Miami-Dade County electors.

### **OVERVIEW OF RESOLUTION NO. R-304-17 CREATING THE CHARTER REVIEW TASK FORCE**

Assistant County Attorney Oren Rosenthal explained that the Task Force was created by the Board of County Commissioners (BCC) to review the County Charter every five years. He said the Task Force did not have the authority to place matters directly on ballot; however, they would submit written recommendations to the BCC on Charter provisions needing to be amended.

Assistant County Attorney Rosenthal said the BCC asked the Task Force to 1) study the Final Report of the last Charter Review Task Force, 2) study all proposed charter amendments submitted to the voters since the last Charter Review Task Force, 3) invite knowledgeable members of the community to appear and make recommendations, 4) conduct public hearings at various stages in the review process, and 5) conduct regional meetings to convey the recommendations of the Task Force, to ask for advice and opinions of meeting participants, and to meet again to consider public comments in the final report to the BCC.

Mr. Eric Zichella mentioned that he believed every meeting should be considered a regional meeting and that meetings should be located throughout the community. He stated that he believed the BCC wanted the Task Force members to be able to telephonically participate in meetings.

Assistant County Attorney Rosenthal reported that the intent was for meetings to be conducted throughout the County as well as for a regional meeting providing electronic access. He said that the intention was to videotape and broadcast meetings as well as to provide the public with the opportunity to speak at meetings. Assistant County Attorney Rosenthal advised Mr. Zichella that it would be a violation of the Sunshine Law for a Task Force member to verbally express an opinion or vote on matters at any meeting where they were not present and watching on television.

Mr. Maurice Ferre indicated that he submitted a memorandum on three procedural areas and would like to discuss this proposal at the appropriate time.



Assistant County Attorney Rosenthal said that the BCC gave a great deal of flexibility to the Task Force to determine how they wanted to conduct meetings. He noted he would advise the Task Force whether they proceeded in a manner that was consistent with the Resolution creating the Task Force and in compliance with the Sunshine Law.

Mr. Zichella said that his intention was to encourage maximum participation for Task Force members and the public. He commented that elected and appointed officials were able to participate in meetings telephonically in other parts of the State and suggested that the Task Force considered this option and defined its own rules for maximum participation.

Assistant County Attorney Rosenthal indicated that a quorum of Task Force members was only needed at meetings when a vote was being taken.

Assistant County Attorney Rosenthal stated that the Task Force was required to elect a Chairperson and suggested that a Vice Chairperson also be elected to serve in the absence of the Chairperson. He noted the Task Force could adopt rules as they deemed appropriate and elect other officers if desired. Assistant County Attorney Rosenthal said the ultimate responsibility of the Task Force was to issue a report and recommend changes to the Charter, noting that report would be placed on a BCC meeting agenda. He indicated that the County Attorney was asked by the Board to prepare any resolutions that were sponsored by Commissioners to effectuate calling elections as deemed appropriate by the BCC for any of the Task Force's recommendations.

Assistant County Attorney Rosenthal reported that the Task Force was created on March 31, 2017 and that it would end on March 28, 2018. He said that a Task Force report must be submitted by March 26, 2017; however, recommended the report be submitted earlier in case the BCC wanted to meet and give the Task Force additional work. Assistant County Attorney Rosenthal indicated that all charter amendments recommended by the Task Force must be on a general election, pursuant to Article 9 of the County Charter, noting a general election is held in November every two years. He said that the next general election is on November 6, 2018.

Assistant County Attorney Rosenthal advised Task Force members that Board Rule 9.3.4 directed County Administration to hold six public meetings at various locations throughout the County in order to receive public comment before a Commissioner sponsored resolution to implement a Task Force recommendation goes to Committee. He pointed out that Board Rule 9.3.5 placed a limit of three charter amendments that could be proposed on a general election without a super majority BCC vote. He said that this limit only applied to Presidential General Elections, noting the 2018 election was a Gubernatorial General Election and did not apply and the Board could place as many charter amendments before the voters. Assistant County Attorney Rosenthal reported that there would be State Constitutional Amendments on the 2018 ballot and cautioned the Task Force about numerous ballot items and long voting lines.

Assistant County Attorney Rosenthal stated that the County Attorney's Office was available to support the Task Force with any legal advice needed. He pointed out that his expertise was in areas of general government, constitutional issues, election, and the County Charter and he would be joined by Assistant County Attorney Michael Valdez who shared much of his expertise. Assistant County Attorney Rosenthal mentioned his colleagues, Assistant County Attorney Monica Rizo with budget, finance and Save our Parks (Article 7) expertise and Assistant County Attorney Abbie Schwaderer-Raurell with planning, annexation and incorporation expertise would also be supporting these efforts. He mentioned the County Attorney's Office would help Task Force members comply with Sunshine and Public Records laws.

Mr. Maurice Ferre stated that he drafted a memorandum which was distributed on three organizational issues and suggested it should be considered at the next Task Force meeting. He proceeded to indicate that the Task Force should 1) adopt Masons Rules and the Board's Rules of Procedure; 2) establish a Fiscal and Budgetary Committee, a Governance and Public Policy Committee, and a Boundaries and Real Estate Committee; and 3) conduct no less than six area public hearings. Mr. Ferre expressed concern over poor attendance, lack of quorum, lack of time to discuss issues, too many single issue interests participation, and too many items were left until the last meeting in the past two Task Forces. He expressed his support for having six regional area public hearings, noting each Task Force member would serve on two Committees. Mr. Ferre recommended that all meetings be held at public locations where meeting could be easily televised.

#### **REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD**

Ms. Susan Windmiller, 2103 Coral Way, Miami, appeared before the Task Force representing the League of Women Voters of Miami-Dade County. She commented on the Leagues interest in the Task Force's discussion, noting they would be watching and participating in the process. Ms. Windmiller stated that the League would help make Task Force information available to the public and encourage voter participation. She pointed out that an updated Task Force website was needed.

Mr. Juan Cuba, 165 Ponce de Leon Boulevard, Coral Gables, Chair, Miami-Dade Democratic Party, noted he appeared before the Task Force as a concerned citizen. He stressed the need to engage the general public in the discussions and to hear their concerns. Mr. Cuba commented that there were only two women on the Task Force; that there were no black women appointments; and that half its members resided either in Coral Gables or Miami Beach, noting he hoped Commissioner Souto made an appropriate appointment based on diversity.

Ms. Maggie Fernandez, 3620 SW 21 Street, Miami, indicated that she served as a staff member on the 2007-2008 Charter Review Task Force. She commented on increased public

participation, noting she would work with the Task Force to help educate the public about the County Charter, to get information out about the process, and to advocate for new ballot items.

Elva Spencer-Belz, 3330 Creekside, Anchorage Alaska, appeared before the Task Force commenting on cameras in the Turner Guilford Knight Correctional Center's showers and violent conditions at that facility.

Ms. Christina Bracken, Key Biscayne, appeared before the Task Force representing local resistance groups, including: Women's March, Indivisible, Galvanize Miami, and Rise Up Florida. She commented on looking forward to interacting with the Task Force and making the Task Force process available to the public.

### **COMMENTS / DISCUSSION BY TASK FORCE MEMBERS**

- **SELECTION OF CHARTER REVIEW TASK FORCE CHAIR**

Ms. Maria Lievano-Cruz expressed concern that the selection of a Task Force Chair should take place when more members were present. She suggested that individuals wanting to serve should be given the opportunity to express their interest in this position.

Mr. Maurice Ferre noted he concurred with Ms. Lievano-Cruz.

Assistant County Attorney Oren Rosenthal indicated that the decision to elect a Chair could be postponed if that was the Task Force's desire; however, he commented on the importance of having a Chair for the organization of the meeting and suggested a temporary Chair be elected at this time.

Mr. Alfred Gonzalez spoke in opposition to a temporary Chair for one meeting and any discussion about this position and the organization structure should take place at the next meeting.

Ms. Nicole Tillman stated she would continue to lead the meeting until a Chair was selected.

Mr. Eric Zichella questioned whether there were communication resources within the County available to the Task Force that would help engage the public. He encouraged the use of social media and the creation of a new Task Force web site. Mr. Zichella commented on the use of written online comments from people that could not attend meetings and the inclusion of these

comments into meeting minutes. He said that a discussion on how the Task Force conducted business was just as important as when it met.

Mr. Marlon Hill stated that Miami-Dade County was among the leading locations in the nation for start-up, entrepreneurs and technology business. He commented that the website needed to communicate the Task Force's progress; that there needed to be Facebook and Twitter presence; that a hashtag was needed for people to follow the conversation; that there was Livestream coverage; and that meeting times were scheduled when people could attend. Mr. Hill said that technology could be used in ways that were not available for previous Task Forces. He indicated that he looked forward to learning about available resources to support this Task Force, noting the possibility of using infographics to explain the Home Rule Charter and the Task Force process.

Ms. Maria Lievano-Cruz requested that the question about technological resources be submitted as a motion.

It was moved by Mr. Marlon Hill that the Mayor provided Task Force members with an overview of available technological resources for outreach purposes, including Facebook, website access, social media and the ability for the public to present electronic comments to the Task Force. This motion was seconded by Mr. Eric Zichella and upon being put to a vote, passed unanimously by those members present.

- **MEETING SCHEDULE**

Mr. Eric Zichella expressed concern as noted by Mr. Maurice Ferre about too much information presented at the end of the Task Force process resulting in these matters not being thoroughly considered. He said the Board's objective was to prepare a final report or reports, noting the Task Force could discuss whether to send items to the BCC more frequently as items were discussed. Mr. Zichella indicated that it was important for the public to know what was going to be discussed and when.

Mr. Neisen Kasdin concurred over the need to enhance participation. He inquired whether the Task Force had funding available to bring in outside expertise to guide them on best practices being used across the country and how that translated into legal structures. Mr. Kasdin stressed the need to schedule Task Force meetings at times that would accommodate the majority of its members and promote public access, suggesting early morning, late afternoon or early evening as options.

Mr. Maurice Ferre stated that all 2007 Task Force meetings were held in the evenings. He pointed out that the University of Miami, Florida International University, Florida International University and Barry University and others had specific departments dealing with these issues and believed they would be interested in participating. Mr. Ferre also noted the expertise that could be acquired through the League of Cities and the Mayors Conference.

Mr. Marlon Hill expressed concern about multiple meetings and making each meeting as productive as possible.

Assistant County Attorney Oren Rosenthal indicated that a quorum of members was needed to consider taking action on an item and a majority vote of members present was needed to vote on an item. He said that the Task Force could meet in informational sessions throughout the County where no vote was being taken without having a quorum present. Assistant County Attorney Rosenthal stated that a report of these sessions would be presented to the Task Force for action when a quorum was present. He said that meetings throughout the County would be advertised as Sunshine meetings.

Ms. Nicole Tallman pointed out that the Charter Review website ([www.miamidade.gov\charter\taskforce2017](http://www.miamidade.gov\charter\taskforce2017)) was launched on June 27, 2017 and would be updated throughout the process. She said that there was no specific budget allocated for the Task Force and that she would inquire about available communications resources at the next Task Force meeting.

Mr. Mike Valdes-Fauli mentioned that he was available to provide the Task Force with marketing assistance and suggested a marketing subcommittee be formed.

Mr. Neisen Kasdin said he did not feel compelled to legislate, noting the Charter was already a well written document. He commented on the need to spend time being generalists, figuring out areas needing to be fixed. Mr. Kasdin noted he was reluctant to create committees until the Task Force developed a philosophy.

Mr. Alfredo Gonzalez said he envisioned having regional meetings where action was taken as well as holding public hearings throughout the County for information gathering purposes. He suggested that public hearings be held throughout the fall months and preliminary reports considered at the beginning of 2018.

Mr. Maurice Ferre stated that people talked better with functioning committees. He said that three subcommittees covered all areas needing review. Mr. Ferrer indicated that there should be discussion on whatever issue the public introduced. He commented on the problems associated with previous Task Force member participation, noting breaking out into committees did not require every Task Force member to attend every meeting throughout the County. Mr. Ferre said that decisions would be made at general meetings in a central public location.

Mr. Alfredo Gonzalez stated that the informational meetings throughout the County did not require a quorum of Task Force members, noting it was up to individual members whether they wanted to attend those meetings.

Ms. Maria Lievano-Cruz recommended that the Task Force focused on the calendar and determined how many times they should meet. She suggested setting a specific day or days each month to meet along with a location and time and subcommittees could be scheduled later.

Mr. Eric Zichella said that there needed to be a discussion on the Task structure and the types of meetings. He said the public would be upset if they came to a meeting only to find out they were discussing something different and suggested that all meetings started with a public hearing before conducting Task Force business.

Mr. Neisen Kasdin said that seven Task Force members were absent from this meeting and suggested that staff polled those members to inquire about their availability for future meetings.

Ms. Maria Lievano-Cruz recommended getting a general consensus of availability from Task Force members present.

Discussion ensued between Task Force members as to an appropriate day and time for future meetings and ways to encourage participation.

It was the consensus of Task Force members present to schedule just the next meeting and to schedule additional meetings later.

Assistant County Oren Rosenthal advised Task Force members that meeting notices should indicate a specific meeting ending time such as "9:00 p.m. or thereafter" to provide adequate notice for Sunshine requirements, noting that the Task Force could meet longer if necessary. He indicated that the meeting times could be changed later by Task Force motion and vote.

It was moved by Mr. Mike Valdes-Fauli that the next Task Force meeting was scheduled for July 17, 2017 in the BCC Commission Chambers, pending BCC Chairman Bovo's approval for use of that facility; that Task Force meetings begin at 6:00 p.m. and end at 9:00 p.m. This motion was seconded by Ms. Maria Lievano-Cruz, and upon being put to a vote, passed by a 9-0 vote.

Mr. Mike Valdes-Fauli asked County staff to provide Task Force members with Outlook calendar invites for future meetings.

Mr. Eric Zichella suggested that the Task Force adopted Mason's Rules of Order.

Mr. Maurice Ferre further suggested that the Task Force also adopted the Board of County Commission's (BCC) Rules of Procedure.

Ms. Maria Lievano-Cruz and Mr. Maurice Cruz asked County staff to provide Task Force members with a copy of both sets of rules.

Assistant County Attorney Oren Rosenthal advised that the BCC Rules of Procedure included Mason's Rules of Order.

It was moved by Mr. Eric Zichella to adopt Masons Rules of Order and the County's Rules of Procedure. This motion was seconded by Mr. Alfredo Gonzalez, and upon being put to a vote, passed unanimously by those members present.

Mr. Eric Zichella questioned what made Task Force meetings public hearings, noting he did not want meetings to be taken up by strictly business and extra meetings scheduled for public hearings.

Mr. Maurice Ferre stated that all Task Force meetings should be public hearings and no less than one-third of the meeting time should be allocated to the public hearing.

Mr. Neisen Kasdin indicated that time should be allocated for public input on specific agenda topics when those items were discussed as well as an opportunity for public input at the beginning of meetings.

Assistant County Attorney Oren Rosenthal advised Task Force members that the BCC Rules of Procedure provided for the reasonable opportunity to be heard and the standards allowing individuals with two minutes to be heard prior to the meeting on topics and propositions to be discussed at that meeting. He noted speakers were required to provide their name and address

and the Chair could shorten the allotted time allowed to speak based upon the number of speakers present. Assistant County Attorney Rosenthal mentioned that there was a process and a policy for the types of input that might satisfy the Task Force's requirements.

In response to Mr. Eric Zichella's question about video conference capabilities to accept public comments, Ms. Nicole Tillman reported that she would look into this suggestion.

Further discussion ensued among Task Force members about the nature of a public hearing and the amount of time to be allocated to the reasonable opportunity for the public to be heard.

Assistant County Attorney Oren Rosenthal clarified that providing a reasonable opportunity to be heard as long it was broad enough would meet the requirement of the resolution creating the Task Force.

It was moved by Mr. Eric Zichella that every Task Force meeting be a public hearing. This motion was seconded by Mr. Maurice Ferre and upon being put to a vote, passed unanimously by those members present.

It was subsequently moved by Mr. Alfredo Gonzalez that Task Force members provided staff with any items they wanted included on upcoming Task Force meeting agendas and that those agendas be provided to Task Force members and posted to the Task Force website no later than the Thursday prior to the meeting. This motion was seconded by Mr. Marlon Hill and upon being put to a vote, passed unanimously by those members present.

- **AREAS OF STUDY**

It was suggested that the particular areas of study would be considered at the next Task Force meeting when more members were present.

Mr. Zichella recommended that each Task Force member provided details on the areas of study they would like to be considered before the next meeting and for a determination to be made on whether there was any funding available to bring experts to provide guidance to Task Force members.

Ms. Maria Lievano-Cruz mentioned that the National Civic League offered assistance to municipal and county governments who were developing and revising charters. She recommended that this organization be considered to participate in the charter review process.



Mr. Marlon Hill said he wanted to learn about best practices from other municipalities, summarized into a spreadsheet.

Mr. Maurice Ferre pointed out the resources were available through the League of Cities and Counties and the Conference of Mayors to assist the Task Force. He said the areas of study needed to be narrowed down and a discussion about the number of final recommendations that will be presented to the Board of County Commissioners.

Assistant County Attorney Oren Rosenthal suggested that Ms. Nicole Tillman send an email to Task Force members requesting information on areas of study and Task Force members provided this information directly to Ms. Tillman, in order to comply with Sunshine Law requirements.

Mr. Marlon Hill suggested that Ms. Tillman send emails requesting information to Task Force members as blind copies to prevent members from responding to all recipients.

Following discussion, it was moved by Mr. Eric Zichella that Task Force members provided a list of potential areas of study to Ms. Tillman by Wednesday, July 12, 2017 for inclusion on the July 17, 2017 Task Force meeting agenda; that the compiled list of areas of study will be provided to Task Force members; and that County staff provided a report on whether funding was available to bring experts to provide the Task Force with guidance. This motion was seconded by Ms. Maria Lievano-Cruz and upon being put to a vote, passed unanimously by those members present.

It was subsequently moved by Mr. Alfredo Gonzalez that Task Force members provided staff with any item they wanted discussed at Task Force meetings no later than the Thursday prior to the Monday meeting, so that those items could be included on the agenda. This motion was seconded by Ms. Maria Lievano-Cruz and upon being put to a vote, passed by a 9-0 vote.

- **OTHER DISCUSSION ITEMS**

Mr. Marlon Hill inquired when the Task Force meeting minutes and the ability to watch meetings live would be available after each meeting.

Mr. Christopher Agrippa reported that meeting minutes would depend on the intensity of the discussion and the length of the meeting; however, it was the goal to provide meeting minutes in a timely manner.

Ms. Nicole Tillman noted she would inquire when meetings could be viewed and provide this information to Task Force members.

### **ADJOURNMENT**

There being no further business, it was moved by Ms. Maria Lievano-Cruz that the Charter Review Task Force meeting be adjourned at 12:30 p.m. This motion was seconded by Mr. Maurice Ferre.

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