

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners


DATE: (Second Reading 7-6-17)
May 2, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to the
Office of the Commission
Auditor; amending Chapter 2,
Article XLVII of the Code;
providing that the Chairperson
of the Board of County
Commissioners shall select the
members of the Ad Hoc Auditor
Screening Committee; providing
that such members are County
Commissioners; revising
selection process and minimum
qualifications for the
Commission Auditor

Ordinance No. 17-41

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor
Chairman Esteban L. Bovo, Jr.




Abigail Price-Williams
County Attorney




APW/smm

Memorandum



Date: July 6, 2017
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Fiscal Impact Statement For Ordinance Relating to Office of Commission Auditor
Amending Chapter 2, Article XLVII

The proposed ordinance amends Chapter 2, Article XLVII of the Code of Miami-Dade County regarding the Office of the Commission Auditor providing that the Chairperson of the Board of County Commissioners select the members of the Ad Hoc Auditor Screening Committee. In addition, the item revises the selection process and minimum qualifications of the Commission Auditor. The implementation this ordinance will not have a fiscal impact to Miami-Dade County.



Edward Marquez
Deputy Mayor

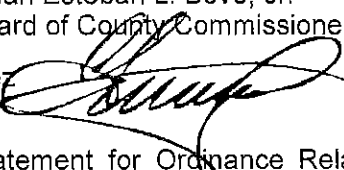
FIS03317 171102

Memorandum



Date: July 6, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

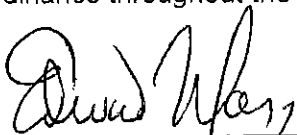
From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Relating to the Office of the Commission Auditor

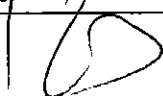
The proposed ordinance amends Chapter 2, Article XLVII of the Code:

- Providing that the Chairperson of the Board of County Commissioners selects the members of the Ad Hoc Auditor Screen Committee;
- Providing that such members are County Commissioners; and
- Revising the selection process and minimum qualifications for the Commission Auditor.

These amendments to the Code will not potentially increase or decrease the monetary costs borne by the citizens of the County, and will not unfairly distribute the non-monetary benefits or burdens of the ordinance throughout the community.



Edward Marquez
Deputy Mayor



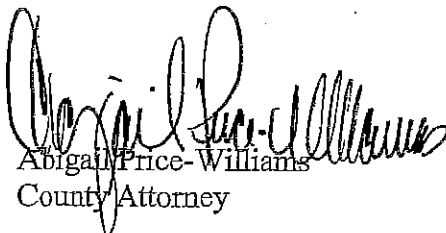


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: July 6, 2017

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
7-6-17

ORDINANCE NO. 17-41

ORDINANCE RELATING TO THE OFFICE OF THE COMMISSION AUDITOR; AMENDING CHAPTER 2, ARTICLE XLVII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS SHALL SELECT THE MEMBERS OF THE AD HOC AUDITOR SCREENING COMMITTEE; PROVIDING THAT SUCH MEMBERS ARE COUNTY COMMISSIONERS; REVISING SELECTION PROCESS AND MINIMUM QUALIFICATIONS FOR THE COMMISSION AUDITOR; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, section 9.10 of the Miami-Dade Home Rule Charter (the “Charter”) created the Office of the Commission Auditor; and

WHEREAS, section 9.10 of the Charter requires that the Board of County Commissioners (the “Board”) adopt an ordinance providing for the specific functions and responsibilities of the Commission Auditor; and

WHEREAS, the Commission Auditor reports to the Board on the fiscal operations of County departments and makes findings as to whether the fiscal and legislative policy directions of the Commission are being efficiently and effectively implemented; and

WHEREAS, the Code of Miami-Dade County, Florida (the “Code”) currently provides that the Commission Auditor shall be selected by the Board from a slate of candidates proposed by an Ad Hoc Auditor Screening Committee (“Auditor Screening Committee”); and

WHEREAS, the Auditor Screening Committee is responsible for screening and preliminary interviewing of candidates for the position of Commission Auditor; and

WHEREAS, currently, members are appointed to the Auditor Screening Committee by the Board, and those members are to include members of the public with accounting, financial, executive, or non-profit experience and expertise; and

WHEREAS, because the Commission Auditor serves the Board and provides valuable assistance to it, County Commissioners should have a more active role in the initial interviewing and selection process of Commission Auditor candidates; and

WHEREAS, accordingly, the County Code should be amended so that the Auditor Screening Committee is comprised of five members of the Board; and

WHEREAS, because the Chairperson of the Board is responsible for a variety of administrative functions relating to the Board as a whole, including designating and supervising all persons who serve as employees of the entire Board, the Chairperson should have the responsibility of selecting and appointing members to the Auditor Screening Committee; and

WHEREAS, this Board wishes to amend section 2-473 of the Code regarding the selection process for the Commission Auditor; and

WHEREAS, this Board also desires to amend section 2-474 of the Code regarding the minimum qualifications for the Commission Auditor,

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

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

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Chapter 2 - ADMINISTRATION

* * *

ARTICLE XLVII. COMMISSION AUDITOR

* * *

Sec. 2-473. – Auditor selection process.

The selection process shall be open and competitive and shall include, at a minimum, the following:

1. Establishment of an Ad Hoc Auditor Screening Committee (“Auditor Screening Committee”), appointed by the >>Chairperson of the<< Commission and responsible for the screening and preliminary interviewing of candidates. The Auditor Screening Committee shall be composed of five members >>of the Board of County Commissioners<< appointed by the >>Chairperson of the<< Commission. ~~[[and selected as follows:~~

~~a. Two members, preferably certified public accountants, from either a private sector accounting firm or other governmental agency with experience in accounting and financial management operations.~~

~~b. Two members from either private sector or non-profit organizations with executive experience and a background in program evaluation; and~~

~~c. One member who is not an elected official.]]~~

2. The Miami-Dade County ~~[[Employee—Relations Department]]~~>>Human Resources Department, or successor department<< shall advertise the availability of the position of Commission Auditor and shall provide the Auditor Screening Committee with a list of qualified candidates.

3. The Auditor Screening Committee shall screen, interview and evaluate applicants for the position of Commission Auditor, and propose a slate of the top ~~[[five]]~~>>three<< candidates for the Commission’s consideration. The Auditor Screening Committee shall be staffed by the ~~[[Employee—Relations Department.]]~~>>Human Resources Department, or successor department.<<

4. The Commission shall interview and select the Commission Auditor from the slate presented by the Auditor Screening Committee.

Sec. 2-474. – Minimum Qualifications.

The Commission Auditor shall possess a ~~[[State of Florida]]~~ Certified Public Accountant license, and have at least five years of ~~[[progressive]]~~ managerial experience in the field of ~~[[government]]~~ accounting, auditing >>, legislative analysis or<< ~~[[and]]~~ program evaluation.

Sec. 2-475. – Term of office.

The Commission Auditor may be removed from office by a vote of at least two-thirds of the entire Commission. The Commission Auditor shall maintain an active ~~[[State of Florida]]~~ Certified Public Accountant license while serving in this position.

* * *

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

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: July 6, 2017

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Gerald K. Sanchez



Prime Sponsor: Chairman Esteban L. Bovo, Jr.