



**MEMORANDUM**

Agenda Item No. 7(A)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:**

(Second Reading 3-2-10)  
January 21, 2010

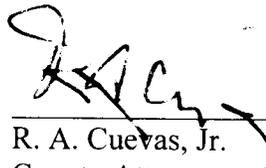
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:**

Ordinance relating to Rules of Procedure; amending Section 2-1 of the Code to provide that resolutions taking a position or seeking direction from the Board on legislation or administrative action at the federal, state or local level are exempt from committee review

**Ordinance No. 10-17**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Senator Javier D. Souto.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** March 2, 2010

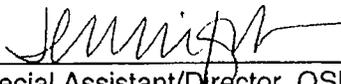
**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**From:** George M. Ruess  
County Manager

**Subject:** Ordinance amending Section 2-1 of the Code pertaining to rules of procedure for the Board of County Commissioners

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The proposed legislation amending rules of procedure of the Board of County Commissioners by providing that resolutions taking a position or seeking direction from the Board on legislation or administrative action at the federal, state or local level are exempt from committee review will not result in a fiscal impact to Miami-Dade County.

  
\_\_\_\_\_  
Special Assistant/Director, OSBM

fis03210



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners      **DATE:** March 2, 2010

**FROM:** R. A. Cuevas, Jr.  
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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(A)  
3-2-10

ORDINANCE NO. 10-17

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT RESOLUTIONS TAKING A POSITION OR SEEKING DIRECTION FROM THE BOARD ON LEGISLATION OR ADMINISTRATIVE ACTION AT THE FEDERAL, STATE OR LOCAL LEVEL ARE EXEMPT FROM COMMITTEE REVIEW; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

**CHAPTER 2. ADMINISTRATION**

**ARTICLE I. IN GENERAL**

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

\* \* \*

**PART 4. COMMITTEES**

*Rule 4.01 Committees.*

\* \* \*

**(j) EXCEPTIONS TO COMMITTEE REQUIREMENT.**

<sup>1</sup> 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.

- (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, district office fund allocations, special presentations, road codesignations, citizens' presentations, bid protests, settlements, options to renew contracts, resolutions recommending the acceleration and deceleration of Building Better Communities General Obligation Bond Program funding of projects using unspent bond proceeds, including interest earnings and premium funds, resolutions urging an entity or person to take stated action>>, resolutions taking a position or seeking direction from the Board on legislation or administrative action at the federal, state or local level<<, resolutions related to contract lobbyist conflict waiver requests and resolutions expressing intent shall be heard directly by the county commission. 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 County Manager 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.

\* \* \*

**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: **March 2, 2010**

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Jess M. McCarty

Prime Sponsor: Commissioner Rebeca Sosa  
Co-Sponsor: Senator Javier D. Souto