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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 7(A)

(Public Hearing 4-4-11)

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

DATE: February 1, 2011

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

SUBJECT: Ordinance relating to Rules of Procedure; amending Sec. 2-1 of the Code, relating to authority to sponsor or present items on commission agenda

Ordinance No. 11-15

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Bruno A. Barreiro and Senator Javier D. Souto, and Co-Sponsors Commissioner Jose "Pepe" Diaz and Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: April 4, 2011

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

From: George M. Burgess
County Manager

Subject: Ordinance amending Section 2-1 of the Code, regarding rules of procedures of the Board, relating to authority to sponsor or present items on commission agenda

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The proposed ordinance removes the authority of the Mayor or his designee to sponsor items on the agenda except for: (1) reports which do not amend any policy established by the County Commission; (2) mayoral appointments; (3) contract and contract solicitations for the purchase of goods and services; (4) quasi-judicial items; and (5) other matters where the presentation or sponsorship by the Mayor is required by the Home Rule Charter or state or federal law. In addition, implementing orders included as part of the budget ordinances do not require commission sponsorship. There will be no fiscal impact to the County, provided the Administration does not encounter delays in placing items on an agenda.

Jennifer Glazer-Moon, Special Assistant/Director
Office of Strategic Business Management

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MEMORANDUM
(Revised)

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

DATE: April 4, 2011

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

SUBJECT: Amended 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 _____

Amended
Agenda Item No. 7(A)
4-4-11

ORDINANCE NO. **11-15**

ORDINANCE REGARDING RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO AUTHORITY TO SPONSOR OR PRESENT ITEMS ON COMMISSION AGENDA; 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:[1]

CHAPTER 2. ADMINISTRATION

ARTICLE I. IN GENERAL

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

* * *

Rule 5.05. AGENDA.

* * *

(b) AUTHORITY TO SPONSOR OR PRESENT ITEMS ON AGENDA.

(1) >>Anything to the contrary notwithstanding,<< [[~~M~~]]>>m<<atters may >>only<< be presented or sponsored by a[[~~ny~~]] county commissioner, a commission committee, [[~~the~~

[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.

~~county mayor~~]], the county attorney and the clerk of the commission[[~~. The mayor's authority to sponsor a matter shall be limited to departmental items and shall be non-delegable. The Board will not consider any such recommendation unless such recommendation has been approved in writing by the mayor. If, however, the mayor shall be incapacitated for a period in excess of 14 days, his or her authority to sponsor a departmental item shall be vested in the manager until the incapacity is removed. Notwithstanding the foregoing, the~~]] >>, 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 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) quasi-judicial items; and (14) other matters where the presentation or sponsorship by the Mayor is required by the Home Rule Charter or state or federal law.<< [[~~Mayor shall recommend directly to the Board the waiver of competitive bidding as provided in Section 5.03 (D) of the Charter or quasi-judicial items.~~]]

* * *

Rule 5.06. ORDINANCES, RESOLUTIONS, MOTIONS, CONTRACTS.

* * *

(c) [[~~*Introduction and*~~]] >>S<<[[~~s~~]]*ponsorship.* [[~~Ordinances, resolutions and other matters and subjects requiring action by the Commission must be introduced and sponsored by a member of the commission, except that either the Manager or the County Attorney may present ordinances, resolutions and other matters or subjects to the Commission for consideration, and a~~]]>>A<<ny Commissioner may assume sponsorship [[~~thereof~~]] >>of any ordinance, resolution, report or other matter.<< [[~~by moving that such ordinance, resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered.~~]]

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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: April 4, 2011

Approved by County Attorney as to form and legal sufficiency:

Prepared by: GKS

Gerald K. Sanchez

Co-Prime Sponsors: Commissioner Bruno A. Barreiro
Senator Javier D. Souto

Co-Sponsors: Commissioner Jose "Pepe" Diaz
Commissioner Rebeca Sosa