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

MEMORANDUM

Agenda Item No. 7(B)

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

DATE: April 4, 2011

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

SUBJECT: Ordinance relating to Rules of Procedure; amending Sec. 2-1 of the Code, to specify circumstances when items considered at a committee meeting are laid on the table and preclude reconsideration of such items

Ordinance No. 11-16

This ordinance was amended by the Internal Management and Fiscal Responsibility Committee. The item differs from the original in that it provides that (a) if at least a majority plus one of the committee members are present, and (b) a majority of those committee members present vote against a motion, then the item will be laid on the table. The original item did not require that a majority plus one of the committee membership be present; a majority vote of the members present was sufficient to deem the item laid on the table.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/up

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, relating to the Rules of Procedures of the Board of County Commissioners

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The proposed ordinance specifying circumstances when items considered at committee meetings are laid on the table and preclude reconsideration of such items will not have a fiscal impact to the County.

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: Agenda Item No. 7(B)

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(B)
4-4-11

ORDINANCE NO. 11-16

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO SPECIFY CIRCUMSTANCES WHEN ITEMS CONSIDERED AT A COMMITTEE MEETING ARE LAID ON THE TABLE AND PRECLUDE RECONSIDERATION OF SUCH ITEMS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

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

* * *

PART 4. COMMITTEES

Rule 4.01. COMMITTEES.

* * *

(h) COMMITTEE DELIBERATIONS. A commission committee may take one of the following actions with respect to each matter referred to the committee for action:

[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.

(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;

(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~~]] >>or take no action on<<[2] 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~~]] >>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 [[~~action cannot be taken because~~]] >>: (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<< [[~~the~~]] >>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 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<< >>.<<

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(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

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[2] Committee amendments are indicated as follows words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

motion to reconsider an item >>which has been laid on the table as set forth in Rule 4.01(h)(5) and (6)<< [[~~resulting in a tie vote~~]] 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.

* * *

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:

Geri Bonzon-Keenan

Prime Sponsor: Commissioner Bruno A. Barreiro