



MEMORANDUM

Agenda Item No. 7(F)

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

**DATE:** July 7, 2011

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

**SUBJECT:** Ordinance relating to the Rules  
of Procedure of the Board of  
County Commissioners to  
provide for public meetings  
on proposed amendments to  
the Miami-Dade Home rule  
Charter

Ordinance No. 11-44

The ordinance was amended at the Internal Management and Fiscal Responsibility Committee to indicate that the Mayor or the Mayor's designee shall schedule six public meetings on any charter resolution proposed by the Board following the Chairperson's assignment of the item to committee or committee waiver. Additionally, the amendment provided that failure to comply with the provisions of this ordinance will have no effect on any election called on a proposal to amend the County's Home Rule Charter or the timing of an initiative petition.

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

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/up

# Memorandum



**Date:** July 7, 2011

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

**From:** Alina T. Hudak  
County Manager

A handwritten signature in black ink, appearing to read "Alina T. Hudak".

**Subject:** Ordinance relating to the Rules of Procedure of the Board of County Commissioners to provide for public meetings on proposed amendments to the Miami-Dade Home Rule Charter

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The proposed ordinance requiring public meetings on proposed amendments to the Miami-Dade Home Rule Charter will not have a fiscal impact to the County. These meetings will be held in County-owned public facilities, such as libraries or park facilities, and are to be scheduled within 60 days after the date the Clerk approves the initiative as to form.

A handwritten signature in black ink, appearing to read "Jennifer Glazer-Moon".

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

Fis3511



# MEMORANDUM

(Revised)

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

**DATE:** July 7, 2011

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

**SUBJECT:** Agenda Item No. 7(F)

**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(F)  
7-7-11

ORDINANCE NO.      11-44

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 PROVIDE FOR PUBLIC MEETINGS ON PROPOSED AMENDMENTS TO THE MIAMI-DADE HOME RULE CHARTER; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Miami-Dade County Resolution No. R-1018-94 requires six public meetings to be conducted whenever the proposed budget or proposed budget ordinances provide for new or increased taxes or fees; and

**WHEREAS**, these meetings have yielded valuable public input into the annual county budgeting process; and

**WHEREAS**, there is even more reason to receive public input on proposed amendments to the Home Rule Charter, since the Charter, as authorized by the Florida Constitution, is the governing document that provides for home rule for the people of Miami-Dade County in local affairs; and

**WHEREAS**, proposed amendments to the Home Rule Charter should received sufficient public review and input prior to being presented to the electorate,

**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:<sup>1</sup>

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

\* \* \*

PART 9. ADDITIONAL ORDINANCES PRESCRIBING COUNTY COMMISSION PROCEDURE

\* \* \*

>>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.<<<sup>2</sup> >>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.

<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.

<sup>2</sup> 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.

(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<< [[~~or~~]] >>any initiative petition.<<

**Section 3.** 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 4.** 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 5.** 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 7, 2011

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Cynthia Johnson-Stacks

Prime Sponsor: Senator Javier D. Souto