OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 5(A)

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

DATE: May 15, 2012

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

SUBJECT: Ordinance amending the Code, relating to military affairs; creating Miami-Dade County Military Affairs Board

Ordinance No. 12-37

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Jose "Pepe" Diaz, Commissioner Lynda Bell, Commissioner Barbara J. Jordan, Chairman Joe A. Martinez, Commissioner Dennis C. Moss and Co-Sponsors Commissioner Bruno A. Barreiro, Commissioner Esteban L. Bovo, Jr., Vice Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Jean Monestime, Commissioner Rebeca Sosa, Senator Javier D. Souto and Commissioner Xavier L. Suarez.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: May 15, 2012

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

From: Carlos A. Gimenez
County Mayor

Subject: County Mayor's Report Regarding the Ordinance Creating the Military Affairs Board

---

In accordance with Section 2-11.37 of the Miami-Dade County Code, the following information is provided regarding the proposed creation of the Miami-Dade County Military Affairs Board.

1. Whether the establishment of the board will create sufficient betterment to the community to justify the Board of County Commissioners' delegation of a portion of its authority.
2. Whether another board or agency, either public or private, which is already in existence, could serve the same purpose.
3. The costs, both direct and indirect, of establishing and maintaining the board.
4. Whether the board is necessary to enable the County to obtain State or federal grants or other financing.
5. Whether the board should have bonding authority.
6. Whether the board should have final authority to enter into contracts and spend County funds, or whether its contracts and expenditures must be ratified by the Board of County Commissioners.
7. Whether the creation of a new board is the best method of achieving the benefit desired.

The overall mission of this new board is to work with all the branches of the Armed Forces to help improve the lives of active, reserve, retired, and disabled military personnel and their families in Miami-Dade County by promoting outreach services to assist with veteran affairs, housing, healthcare, education, pension and unemployment benefits, and financial services; in addition to working on maintaining a strong relationship with the U.S. Department of Defense, Homeland Security, Veterans Affairs, the Red Cross, and any other entity that interacts with the Armed Forces. The Military Affairs Board would also be responsible for the Medal of Valor Program which is currently supported by the Office of the Chair Protocol Division and coordinate County activities regarding Veteran's Day, Memorial Day, and Independence Day.

Presently, no other Miami-Dade County board or agency serves this same purpose therefore creation of the Military Affairs Board is the best method for achieving the desired results. However, any services provided by the Military Affairs Board will help supplement veteran services currently provided by the Community Action and Human Services Department Veteran Services Division which acts as a liaison between Miami-Dade County veterans and the U.S. Veterans Administration Office assisting with filing of benefit claims as well as minimal social service case management.

Costs to establish and support the Military Affairs Board may be absorbed by existing County staff resources and members will serve without compensation. However, given the scope, additional funding may be required and requested to staff this Board. The Military Affairs Board will not have bonding authority; cannot enter into contracts; expend County funds or, incur any financial obligations.

Genaro "Chip" Iglesias
Deputy Mayor / Chief of Staff

mayor10812

Memorandum

MIAMI-DADE COUNTY

Date: May 15, 2012

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance amending the Code of Miami-Dade County to create the Military Affairs Board

---

The proposed ordinance amends the Code of Miami-Dade County to create a Military Affairs Board. The ordinance directs the Mayor to, as part of the annual budgetary process, include funding for administrative and support staff costs necessary to ensure the Board is able to perform its powers and duties. In addition, the Medal of Valor which is currently managed and funded by the Office of the Chair Protocol Division would be transferred to the newly created board.

It is recommended that the Community Advocacy Division of the Board of County Commissioners provide administrative support to the Military Affairs Board. However, due to budget reductions over the past two years, the Office would not be able to absorb the additional workload with existing staff. In order to meet the requirements specified in the ordinance a new position and operating costs would need to be added to the Community Advocacy Division at a recurring cost of approximately $74,000.

Office of the Mayor

fis4912

MEMORANDUM

(Revised)

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

DATE: May 15, 2012

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

SUBJECT: Agenda Item No. 5(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. 5(A)
5-15-12

ORDINANCE NO. 12-37

ORDINANCE AMENDING CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO MILITARY AFFAIRS; CREATING MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD; PROVIDING FOR POWERS AND DUTIES, COMPOSITION AND APPOINTMENT OF BOARD, QUALIFICATIONS, ORGANIZATION, FINANCIAL SUPPORT, STAFF AND COUNSEL; 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. Chapter 2, Article CXXXX, of the Code of Miami-Dade County, Florida, is hereby created to read as follows:[1]

>>**Sec 2-2101. Creation of Military Affairs Board.**

There is hereby created and established pursuant to the Miami-Dade County Home Rule Charter, as amended, the Miami-Dade County Military Affairs Board (hereinafter the "Board").

Sec. 2-2102. Powers and Duties of Board.

The Board shall have the following powers and duties:

(a) Provide the Board of County Commissioners with recommendations regarding military affairs in Miami-Dade County involving the Marine Corps, Army, Navy, Air Force, National Guard and Coast Guard (collectively

[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.

5

"Armed Forces") and active, reserve, retired, disabled and deceased military personnel in Miami-Dade County (collectively "military personnel"); and

(b) Promote measures to enhance the quality of life for active, reserve, retired and disabled military personnel and their families, and families of deceased military personnel in Miami-Dade County; and

(c) Advocate on behalf of military personnel in Miami-Dade County regarding, among other matters: health care; housing; housing and business loans; pension benefits; education; employment; incarceration; reintegration; unemployment benefits; disability claims; vocational training; and insurance; and

(d) Administer the medal of valor program created by Ordinance No. 10-29; and

(e) Take steps to increase awareness and support for our military personnel from Miami-Dade County who are serving in the Armed Forces around the world; and

(f) Interface with local Reserve Officer Training Corps ("ROTC") programs at both the high school and collegiate levels; and

(g) Solicit input from and maintain a strong relationship with the United States Department of Defense, Department of Homeland Security, Department of Veterans Affairs, the Red Cross and any other entity which interacts with the Armed Forces regarding military affairs or military personnel regarding, among other things, military affairs impacting Miami-Dade County, military personnel in Miami-Dade County and ROTC; and

(h) Coordinate Miami-Dade County's activities regarding Veteran's Day, Memorial Day and the 4th of July; and

(i) Promote, attract and solicit military activities in Miami-Dade County from throughout the United States and within Miami-Dade County to the greatest extent feasible and strive to generate and further community support for the United States Armed Forces in the United States and abroad; and

(j) Form an independent 501(c)(3) corporation, approved by the Board of County Commissioners, which will raise private funds to assist military personnel and perform the other functions provided for herein; and

(k) To submit annually to the Board of County Commissioners a report summarizing and evaluating all programs and activities undertaken by the Board during the previous fiscal year; and

(l) Accept gifts of money or services for the public purposes provided for in this Ordinance; and

(m) Cooperate with any federal, state, county, or municipal government, agency or instrumentality; and

(n) Create a standing committee relating to the Base Realignment and Closure process ("BRAC") charged with the following responsibilities and duties:

(1) Working with other entities, such as federal and state agencies, to represent Miami-Dade County's interests by ensuring that local military bases remain open as part of the next BRAC round potentially scheduled for 2015; and

(2) Maximizing any opportunities for Miami-Dade County that may be realized from any potential realignment; and

(3) Minimizing any negative impacts to local communities; and

(4) Developing a comprehensive plan, approved by the Military Affairs Board, to be recommended to the Board of County Commissioners after evaluating infrastructure needs, land use needs, 21st century mission of the armed forces, and community support; and

(5) Working with military bases in South Florida in order to put together a vision for the future and a relevance plan; and

(6) Providing advice and recommendations, approved by the Military Affairs Board, to the Board of County Commissioners regarding any actions it may take to further Miami-Dade County's interests with relation to any future BRAC round.

Sect. 2-2103. Governing Board.

(a) ***Composition and appointment.*** The Military Affairs Board shall consist of twenty-four (24) voting members appointed as follows:

(1) Each member of the Board of County Commissioners shall designate one (1) member who shall be approved by the County Commission; and

(2) The Chairperson of the County Commission shall appoint one (1) member of the County Commission who shall be the Military Liaison of the County Commission; and

(3) The Mayor of Miami-Dade County shall appoint one (1) member of the Board; and

(4) The command staff of Southern Command shall appoint one (1) member; and

(5) The command staff at the United States Air Force Base in Homestead shall appoint one (1) member; and

(6) The command staff at the United States Coast Guard District 7 shall appoint one (1) member; and

(7) The command staff at the United States Army National Guard Reserve Station located in Miami shall appoint one (1) member; and

(8) The command staff of the United States Navy and Marine Corps Reserves located in Hialeah shall appoint two (2) members: one (1) member representing the United States Navy; and one (1) member representing the United States Marine Corps; and

(9) The Miami-Dade Defense Alliance shall appoint one (1) member; and

(10) The Greater Miami Chamber of Commerce shall appoint one (1) member; and

(11) The Red Cross shall appoint one (1) member.

When making a selection, each person or entity shall consider that the voting members should reflect the gender, racial ethnic or cultural make-up of the community.

(b) ***Qualifications.*** Each member of the Commission shall (i) be a United States citizen, a duly qualified elector of Miami-Dade County and (ii) shall comply with the requirements of Chapter 2-11-38 of the Code of Miami-Dade County. Additionally, each member shall be a person who has previously served or is currently serving in the Armed Forces, or has an interest in military affairs. Before taking any official action, each voting member shall take the prescribed oath of office.

(c) ***Term.*** Members of the Board shall serve terms of three (3) years each.

(d) ***Vacancies.*** Each person or entity shall appoint a new representative within one month when its appointee resigns or is removed.

(e) ***Applicability of Conflict of Interest and Code of Ethics Ordinance.*** The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), Section 2-11.1 of the Code of Miami-Dade County, Florida, shall be applicable to the members of the Board. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Board members on the basis of interests relating to Miami-Dade County when such interests do not conflict with the Board.

(f) ***Organization and Procedure.*** The Chairperson of the Board shall be the Military Liaison of the County

Commission selected by the Chairperson of the County Commission. The Board shall elect one (1) of its members as vice-chairperson and such other officers as the Board may determine to be necessary. The Board shall create by-laws and shall hold regular meetings in accordance with those by-laws. The Board may hold such other meetings as it deems necessary. A majority of the members of the Board shall constitute a quorum. All meetings of the Board shall be public and the Board shall maintain written minutes of all proceedings that shall be promptly prepared and recorded. Copies of all minutes and resolutions of the Board shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Board.

Sec. 2-2104. Financial Support for the Board.

Subject to Miami-Dade County's budgetary process and the availability of funds, the Mayor shall include in the County's annual budget, administrative costs and additional funds for the implementation of the Board's powers and duties.

Sec. 2-2105. Staff Support and Counsel.

The Mayor shall provide the Board with adequate staff to perform its powers and duties. The Board shall utilize the County Attorney's Office for legal services.<<

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: May 15, 2012

Approved by County Attorney as to form and legal sufficiency: _____

Prepared by: GKS

Gerald K. Sanchez

Co-Prime Sponsors: Commissioner Jose "Pepe" Diaz
Commissioner Lynda Bell
Commissioner Barbara J. Jordan
Chairman Joe A. Martinez
Commissioner Dennis C. Moss

Co-Sponsors: Commissioner Bruno A. Barreiro
Commissioner Esteban L. Bovo, Jr.
Vice Chairwoman Audrey M. Edmonson
Commissioner Sally A. Heyman
Commissioner Jean Monestime
Commissioner Rebeca Sosa
Senator Javier D. Souto
Commissioner Xavier L. Suarez