

MEMORANDUM

Agenda Item No. 7(C)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 5, 2013

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

SUBJECT: Ordinance regarding Rules of
Procedure; amending
Section 2-1 of the Code;
amending County Ordinance No.
12-92; defining consent agenda
items
Ordinance No. 13-23

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 2-14-13 Economic Development & Port Miami Committee. This substitute item differs from the original in that the item changes the numbering associated with consent agenda items, so that Commission items will be numbered 3(a) and departmental items will be 3(b).

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa and Co-Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum



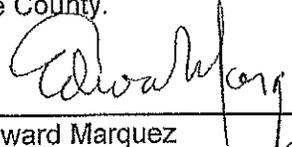
Date: March 5, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Regarding Rules of Procedure Amending Section 2-1 of the Code;
Amending County Ordinance No. 12-92; Defining Consent Agenda Items

The proposed ordinance defines consent agenda items, re-establishes a consent agenda section on the County Commission meeting agenda, establishes an exception to committee review for certain consent agenda items, and creates section 16 of the Board agenda pertaining to items to be heard at Thursday County Commission meetings. Implementation of this ordinance will have no fiscal impact to the County.


Edward Marquez
Deputy Mayor 

fis3613



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 5, 2013

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

SUBJECT: Agenda Item No. 7(C)

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 Mayor'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

Agenda Item No. 7(C)

Veto _____

3-5-13

Override _____

ORDINANCE NO. 13-23

ORDINANCE REGARDING RULES OF PROCEDURE OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 2-1 OF THE CODE; AMENDING COUNTY ORDINANCE NO. 12-92; DEFINING CONSENT AGENDA ITEMS; RE-ESTABLISHING A CONSENT AGENDA SECTION OF THE COUNTY COMMISSION AGENDA; ESTABLISHING AN EXCEPTION TO COMMITTEE REVIEW FOR CERTAIN CONSENT AGENDA ITEMS; CREATING SECTION 16 OF THE BOARD AGENDA PERTAINING TO ITEMS TO BE HEARD AT THURSDAY COUNTY COMMISSION MEETINGS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in accordance with the Rules of Procedure of the Board of County Commissioners (the "Rules"), the official agenda is divided into several sections; and

WHEREAS, on October 23, 2012, the Board of County Commissioners (the "Board") adopted Ordinance No. 12-92 amending the Rules to delete the consent agenda section of the Board's agenda, adding an exception to the committee review requirement for items approving or ratifying submittal of grant applications, and deleting the exception to the committee review requirement for consent agenda items; and

WHEREAS, an alternative way of accomplishing an efficient agenda process is to maintain the consent agenda portion of the Board's agenda, while defining the Board's expectations as to what items should be considered consent agenda items and are not subject to committee review; and

WHEREAS, re-establishing the consent agenda section will allow the Board to predetermine the categories of items it deems to be non-controversial, so that these items (1) will not be subject to committee review (except for certificates of transportation which have their public hearings at committee) and (2) can be segregated from the remainder of a possibly lengthy

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Board agenda and, thus, readily identified as being non-controversial and handled quicker and more efficiently at the beginning of a Board meeting, along with non-pull list items; and

WHEREAS, additionally, the rules need to be updated to conform to present practice by providing for a Section 16 in the Board agenda for items which are to be considered on Thursdays,

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.

PART 4. COMMITTEES.

* * *

Rule 4.01. Committees.

* * *

(j) EXCEPTIONS TO COMMITTEE REQUIREMENT.

(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, ~~[[items approving or ratifying submittal of grant applications and acceptance of grant awards]]~~ >>consent agenda items, other than items related to certificates of transportation<< district office fund allocations, special presentations, namings, renamings or codesignations of County

¹ Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< shall be added. Remaining provisions are now in effect and remain unchanged.

roads, facilities or properties, approvals of namings, renamings or codesignations of federal, state or municipal roads, facilities or properties, 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, items awarding, granting, amending or relating to an award or grant of Targeted Jobs Incentive Fund, Qualified Targeted Industry Business incentives, property or utility tax exemptions in enterprise zones, or Brownfield Economic Development Initiative Loan Funds or similar incentives and tax exemption programs; provided, however, any such item relating to an award of Community Redevelopment Agency funding or Community Development Block Grant funding or other funding administered by the Public Housing and Community Development department, or successor department, shall not be excepted from committee review by this subsection (j)(2). 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.

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

Rule 5.05. AGENDA.

(a) ORDER OF BUSINESS.

(1) There shall be an official agenda for every meeting of the commission which shall determine the order of business conducted at the meeting. The order of business for Tuesday meetings shall be as follows:

1. invocation, as provided in Rule 5.05(g)
roll call
pledge of allegiance

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special presentations
citizen's presentations
reports of official county boards
motion to set agenda
commission auditor
office of intergovernmental affairs

2. mayoral vetoes
mayoral reports

~~[[3. consent agenda - commissioner items~~

~~3(a). consent agenda items - departmental items]]²~~

>> 3(a) Consent Agenda - commissioner items

3(b) Consent Agenda - departmental items<<

~~[[3. summer recess items]]~~

4. ordinances for first reading
5. public hearings, which shall be scheduled for 9:30 a.m.
- 6(a). chairperson of the board of county commissioners
- 6(b). policy matters for discussion by the board
7. ordinances for second reading
8. departments
9. additional departmental items
10. authorities, boards, councils and trusts
11. county commissioners
12. county mayor

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

- 13. county attorney
- 14. items subject to "4-day rule"
- 15. clerk of the board
- >>16. items scheduled for Thursday
- 17. summer recess items

The following items shall be considered consent agenda items and placed in section << [[3-0#]]>>3(a)<< >>or 3(b)<< >>of the agenda, as appropriate:

- 1. Items approving or ratifying the submittal of grant applications and acceptance of grant awards, as long as required matching funds are appropriated in the County budget, as determined by the Office of Management and Budget
- 2. Resolutions ratifying contracts executed by the Mayor, as allowed by law or previous action of the Board (non-summer recess items)
- 3. Resolutions approving in-kind contributions
- 4. Resolutions making district office fund allocations
- 5. Resolutions approving namings, renamings or codesignations of federal, state or municipal roads, facilities or properties
- 6. Items awarding, granting, amending or relating to an award or grant of Targeted Jobs Incentive Fund, Qualified Targeted Industry Business incentives and tax exemption programs
- 7. Resolutions approving donations of surplus County property, except those donations made for emergency purposes and to foreign governmental entities
- 8. Resolutions approving the issuance or transfer of certificates of transportation for passenger motor carriers

Notwithstanding any provision herein to the contrary, first or second reading items, public hearing items, quasi-judicial items, and items requiring a supermajority vote of the board shall not be placed in the consent agenda section of the agenda.<<

Items shall be considered in the order in which they are placed on the agenda unless a majority of the commissioners determines to deviate from the printed agenda or in the discretion of the chairperson, certain matters should be taken out of order to help eliminate logistical concerns or exigent circumstances which would impede the proper functioning of the commission. During a commission meeting, commissioners may identify certain items for individual consideration (i.e., the "pull list"). Agenda items >>,including consent agenda items,<< not selected for individual consideration may be approved in a single vote.

The commission shall not take action upon any matter when it is first presented to the commission in a report or reports made by the County Commissioners.

(2) At Thursday meetings the following items of business shall be conducted in the following order:

1. special presentations and proclamations

2. >>items scheduled for Thursday<<

[[2]]>>3.<< policy matters for discussion by the board

[[3]]>>4.<< zoning

[[4]]>>5.<< metropolitan planning organization (MPO)

[[5]]>>6.<< workshops

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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: March 5, 2013

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Cynthia Johnson-Stacks

Prime Sponsor: Chairwoman Rebeca Sosa
Co-Sponsor: Commissioner Barbara J. Jordan