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

MEMORANDUM

Agenda Item No. 7(E)

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

DATE: November 5, 2014

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

SUBJECT: Ordinance amending Sections 2-832, 2-833, 2-834, and 2-835 of the Code, pertaining to the Miami-Dade County Black Affairs Advisory Board's composition, membership, duties, and support
Ordinance No. 14-109

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 10-15-14 Health and Social Services Committee. This substitute differs from the original in that it:

(1) Provides that the nominating committee, proposed to be created for the purpose of nominating 13 of the 26 members of the Black Affairs Advisory Board, will be selected by the Black Affairs Advisory Board from its membership instead of by the Office of Community Advocacy; provides that the Black Affairs Advisory Board shall make such appointments, following required criminal background checks and research; provides that the Black Affairs Advisory Board shall develop nominating committee procedures; and eliminates the requirement that the thirteen members nominated by the nominating committee reside in each of the thirteen commission districts.

(2) Provides that after one year of not holding an elected office on the Black Affairs Advisory Board, a member may be elected to the same office he or she previously held for two consecutive years.

(3) Does not require the Clerk of the Board to record the minutes of board meetings but still requires the Clerk to maintain minutes of the board's meetings.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: November 5, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance amending sections 2-832, 2-833, 2-834, and 2-835 of the Code, pertaining to the Miami-Dade County Black Affairs Advisory Board

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The proposed ordinance amends sections 2-832, 2-833, 2-834, and 2-835 of the Code of Miami-Dade County, pertaining to the Miami-Dade County Black Affairs Advisory Board's composition, membership, duties, and support. Implementation of this ordinance will not have a fiscal impact to the County.

Inson Kim
Director of Policy and Legislative Affairs

Fis8114

MEMORANDUM
(Revised)

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

DATE: November 5, 2014

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

SUBJECT: Agenda Item No. 7(E)

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
Veto _____
Override _____

Agenda Item No. 7(E)
11-5-14

ORDINANCE NO. 14-109

ORDINANCE AMENDING SECTIONS 2-832, 2-833, 2-834, AND 2-835 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO THE MIAMI-DADE COUNTY BLACK AFFAIRS ADVISORY BOARD'S COMPOSITION, MEMBERSHIP, DUTIES, AND SUPPORT; 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 2-832 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 2-832. Composition.

The Miami-Dade County Black Affairs Advisory Board >>("the board"), in accordance with the provisions of Section 2-11.38 of the Code of Miami-Dade County as may be amended,<< shall be composed of [[~~thirteen (13)~~]] >>twenty-six (26)<< members who shall be permanent residents and electors of the County and who shall have a knowledge and interest in the County's Black community. Each County Commissioner shall appoint one member of the board. [[~~Appointments after the initial three-year term shall be for a term of three (3) years.~~]] [[~~One member residing in each of the thirteen (13) commission districts~~]][2] >>The other thirteen (13) members<< >>shall be<< [[~~selected~~]] >>nominated<< >>by a nominating committee<< [[~~,subject to approval by the Board of~~

[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.

[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.

~~County Commissioners~~]]. >>The nominating committee shall be [[~~constituted by the Office of Community Advocacy which shall~~]] >>comprised of existing members of the board. The board shall develop procedures for the creation of the nominating committee in its bylaws. The nominating committee shall recommend potential members for appointment by the Black Affairs Advisory Board, subject to compliance with the requirements of Section 2-11.38.1(b) of the Code of Miami-Dade County, as may be amended, including the requirement relating to criminal history background checks on potential advisory board members performed by the Office of the Inspector General and compliance with the requirements of Resolution No. R-636-14, as may be amended, pertaining to background research on potential advisory board members performed by the Office of the Commission Auditor. The board shall work with the Office of Community Advocacy or successor department to<< >>advertise vacancies occurring on the Black Affairs Advisory Board in publications of general circulation and maintain an online application to generate a pool of potential members for the nominating committee's consideration.<< [[~~The nominating committee shall recommend potential members for approval of the Board of County Commissioners in accordance with Section 2-11.38.1(b) of the Code of Miami-Dade County as may be amended.~~]]

>>Notwithstanding any other provision of the Code of Miami-Dade County, a board member shall be automatically removed if, in a given County fiscal year: the member is absent from two (2) consecutive meetings without an acceptable excuse or the member is absent from three (3) of the board's meetings without an acceptable excuse. An 'acceptable excuse' is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the board, by a two-thirds (2/3) vote of its membership, deems appropriate. If a member is absent with an acceptable excuse from three (3) or more meetings, the board may vote to remove the member from the board.

A member shall be considered absent from a meeting if the member is not physically present for at least seventy-five (75) percent of the meeting's duration. A member shall also be considered absent from a meeting if the member refrains from voting on any matter for which voting is conducted at the meeting, unless the member is prevented from voting by a conflict of interest. The provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, as may be amended, are applicable to this board.

All appointments shall be made for a term of four (4) years. This section shall apply to all board members, except that current board members shall be allowed to complete their current terms.<<

Notwithstanding Section 2-11.38.2(b) of the Miami-Dade County Code, a Commissioner may reappoint an existing member to serve in excess of the eight (8) year term limit, provided that said member has demonstrated exceptional dedication and service to the board and that the reappointment is presented to the Board of County Commissioners in the form of a resolution and approved by a two-thirds (2/3) vote of the full membership of the Board of County Commissioners.

Section 2. Section 2-833 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-833. Membership; officers; meetings.

The members of the board shall elect a chairperson and vice-chairperson, who shall serve >>one-year terms<< at the will of the board. >>No member shall remain in the same office for more than two (2) consecutive years.<< >>After one (1) year of not holding the office, a member may be elected to the same office that was previously held for up to two (2) consecutive years.<< >>Officer elections shall take place each November, with newly elected officers installed the following January.<<

A majority of the appointed members shall constitute a quorum to hold a meeting and take any action. All board action shall be by majority vote. Members shall serve without compensation. The chairperson or vice-chairperson may call meetings of the board. Meetings may also be called by written notice signed by a majority of members appointed. The board at any duly noticed meeting may fix and call a meeting on a future date. All meetings shall be public.

>>The Clerk of the Board of County Commissioners ("Clerk of the Board") shall maintain a current roster of the board's members<< [[~~and record~~]] >>and maintain minutes of the board's meetings.

The Office of Community Advocacy's duties shall include working with the Clerk of the Board to ensure the board's membership roster is current and posting minutes from the board's meetings online. In addition, the executive director of the Office of

Community Advocacy shall provide a report on the board every twelve months to the Board of County Commissioners.<<

Section 3. Section 2-834 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-834. Duties; powers and responsibilities.

The board shall have the following duties, powers and responsibilities:

* * *

(4) The board shall annually report to the Commission as to its >>accomplishments, priorities,<< findings and recommendations.

* * *

Section 4. Section 2-835 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-835. Supervision and Support.

The Office of the Chairperson of the County Commission, County Attorney and Clerk of the Board shall provide appropriate support for the Black Affairs Advisory Board. The Chairperson of the County Commission shall have the power to appoint, employ, remove and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to the Black Affairs Advisory Board, and such assistants, employees, and [[~~personnel~~]] >>personnel, including an executive director, collectively herein referred to as the Office of Community Advocacy,<< shall serve at the will of the Chairperson of the County Commission.

Section 5. 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 6. 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 7. 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: November 5, 2014

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

Prepared by:

Estephanie S. Resnik

Prime Sponsor: Chairwoman Rebeca Sosa