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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(C)

(Second Reading 6-2-15)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: February 18, 2015

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

SUBJECT: Ordinance relating to the Rules of Procedure of the Board of County Commissioners; amending Section 2-1 of the Code; requiring a separate vote on certain amendments to the Mayor's proposed County budget at public budget hearings; establishing County policy to require distribution of Mayor's changes memoranda no later than 48 hours prior to the first and second budget hearings

Ordinance No. 15-44

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: June 2, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance relating to Rules of Procedure of the Board of County Commissioners; amending Section 2-1 of the Code to require a separate vote in certain amendments to the Mayor's proposed County budget at public budget hearings; establishing County policy to require distribution of Mayor's changes memoranda no later than 48 hours prior to the first and second budget hearings

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The proposed ordinance amends Section 2-1 of the Code of Miami Dade County to allow at the first and second budget hearing a separate motion and vote on certain amendments to the Mayor's proposed budget, and to require the distribution of changes memoranda no later than 48 hours prior to the first and second budget hearings by both the Administration and the Commissioner Auditor. Implementation of this ordinance will not have a fiscal impact to the County.

Edward Marquez
Deputy Mayor

Fis03515

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 2, 2015

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
Veto _____
Override _____

Agenda Item No. 7(C)
6-2-15

ORDINANCE NO. 15-44

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; REQUIRING A SEPARATE VOTE ON CERTAIN AMENDMENTS TO THE MAYOR'S PROPOSED COUNTY BUDGET AT PUBLIC BUDGET HEARINGS; ESTABLISHING COUNTY POLICY TO REQUIRE DISTRIBUTION OF MAYOR'S CHANGES MEMORANDA NO LATER THAN 48 HOURS PRIOR TO THE FIRST AND SECOND BUDGET HEARINGS; 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 2-1 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 9. ADDITIONAL ORDINANCES PRESCRIBING COUNTY COMMISSION PROCEDURE

Rule 9.01. ANNUAL BUDGET.

(a) The mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall be prepared after consulting with the budget director and shall set forth the mayor's funding priorities for the county.

[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.

By July 15, the mayor shall prepare and submit a proposed budget in a line item format pursuant to Section 2-1800 containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. Other formats, such as narrative, pie charts and graphs may also be used to supplement the line item format. The budget prepared and recommended by the mayor shall be presented by the mayor or his or her designee to the commission in a line item format pursuant to Section 2-1800 on or before the board adopts tentative millage rates for the ensuing fiscal year. A summary of the budget shall be published and the board shall hold hearings on and adopt a budget on or before the dates required by law.

(b) The Board shall adopt its proposed millage rates for use in the preparation of the truth in millage (TRIM) notice of proposed property taxes by separate resolution for each of the following rates:

(1) Countywide General Fund;
(2) Unincorporated Municipal Service Area;
(3) Miami-Dade Fire and Rescue Service District for operating purposes;
(4) Miami-Dade Library System for operating purposes;
(5) Countywide bonded debt service; and
(6) Miami-Dade Fire and Rescue Service District bonded debt service.

The date, time, and place at which the annual public hearings are scheduled shall be approved by motion or set forth in a separate resolution adopted by the Board.

(c) The Board shall adopt millage rates at the first and second budget hearing by a separate vote for each millage rate. The Board's adoption of each proposed millage rate at the first budget hearing and each final millage rate at the second budget hearing shall be by separate ordinance for each of the following millage rates:

(1) Countywide General Fund;
(2) Unincorporated Municipal Service Area;
(3) Miami-Dade Fire and Rescue Service District millage for operating purposes;
(4) Miami-Dade Library System millage for operating purposes;
(5) Countywide bonded debt service; and
(6) Miami-Dade Fire and Rescue Service District bonded debt service.

>>(d) At the first budget hearing, a separate motion and vote on any part of the proposed budget shall be held upon the request of any Commissioner. In addition, a separate motion and vote shall be held on any amendment to the Mayor's proposed budget that:

(1) Addresses an issue raised by a Commissioner at a Committee of the Whole meeting held in conjunction with the budget approval process, including a request by a Commissioner to propose or

recommend funding alternatives for the Board's consideration;

(2) Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program or matter; or

(3) Proposes or provides for increased or decreased funding for a countywide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.

If any of the foregoing amendments are recommended or provided by the County Mayor, such amendments shall be set forth in detail in a separate section of the Mayor's memorandum relating to information for the first budget hearing (the "First Changes Memorandum").

The Commission Auditor shall prepare and maintain a list of all issues raised in conjunction with the budget approval process as set forth in subsection (d)(1) above. The Commission Auditor shall distribute such list to each member of the Board no later than forty-eight (48) hours prior to the scheduled commencement of the first budget hearing.

After a separate vote on each proposed amendment but before the Board's adoption of each ordinance adopting a tentative millage rate, the Mayor or the Mayor's designee shall, for each such ordinance, recompute the tentative millage rate, and publicly announce the name of the taxing authority, the rolled back rate, the percent, if any, by which the recomputed tentative millage rate exceeds the rolled-back rate, and the tentative millage rate to be levied. The tentative budget ordinances shall be adopted by separate vote after the tentative millage rate ordinances are adopted.

(e) At the second budget hearing, a separate motion and vote on any part of the proposed budget shall be held upon the request of any Commissioner. In addition, a separate motion and vote shall be held on any amendment to the Mayor's proposed budget that:

(1) Addresses an issue raised by a Commissioner at a Committee of the Whole meeting held in conjunction with the budget approval process, including a request by a Commissioner to propose or recommend funding alternatives for the Board's consideration;

(2) Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program or matter; or

(3) Proposes or provides for increased or decreased funding for a countywide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.

If any of the foregoing amendments are recommended or provided by the County Mayor, such amendments shall be set forth in detail in a separate section of the Mayor's memorandum relating to information for the second budget hearing (the "Second Changes Memorandum").

The Commission Auditor shall prepare and maintain a list of all issues raised in conjunction with the budget approval process as set forth in subsection in subsection (e)(1) above. The Commission Auditor shall distribute such list to each member of the Board no later than forty-eight (48) hours prior to the scheduled commencement of the second budget hearing.

After a separate vote on each proposed amendment but before the Board's adoption of each ordinance adopting a final millage rate, the Mayor or the Mayor's designee shall, for each such ordinance, recompute the final millage rate, and publicly announce the name of the taxing authority, the rolled back rate, the percent, if any, by which the recomputed final millage rate exceeds the rolled-back rate, and the final millage rate to be levied. The final budget ordinances shall be adopted by separate vote after the final millage rate ordinances are adopted.

(f) The Mayor shall distribute the First Changes Memorandum and the Second Changes Memorandum to each member of the Board and shall post a copy thereof on the County's website no later than forty-eight (48) hours prior to the scheduled commencement of the first and second budget hearings, respectively.

(g) This ordinance shall be construed as directory only, and failure to comply with the provisions of this ordinance shall not affect the validity of any ordinance, resolution or action of the Board in whole or in part.<<

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: June 2, 2015

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

Prepared by: GBK

Geri Bonzon-Keenan

Prime Sponsor: Commissioner Juan C. Zapata