

# MEMORANDUM

PSHC  
Agenda Item No. 1G2

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

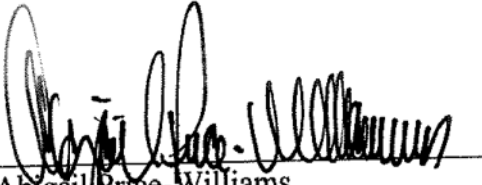
**DATE:** October 18, 2018

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to the  
Independent Review Panel;  
amending Article IC of Chapter 2  
of the Code; changing the name  
of the Independent Review Panel  
to the Independent Community  
Panel; amending the  
composition, authority, powers,  
and staffing of the Independent  
Review Panel

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

  
Abigail Price-Williams  
County Attorney

APW/lmp

# Memorandum



**Date:** November 8, 2018

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

**Subject:** Fiscal Impact Statement for Ordinance relating to the Independent Review Panel  
and the respective changes to the Code of Miami-Dade County

The implementation of the ordinance to reinstate the Independent Review Panel (IRP) as the Independent Community Panel (ICP or Panel) will have a fiscal impact to the County. It is expected that the Office of Community Advocacy will provide the Board of County Commissioners (Board) with the necessary staff support needed to manage the selection and appointment process for the members of the ICP. This support, along with that of other departments as needed, will be provided from existing County resources until the time that the ICP appoints an Executive Director. When the ICP was last funded in FY 2008-09, it had five (5) full-time employees and was supported by the countywide general fund (\$599,000). At the second budget hearing on September 20, 2018, \$450,000 was allocated to the ICP for FY 2018-19 within the Future Services Reserve.

The five-year impact attached assumes that the ICP is funded to support the same staffing levels as in FY 2008-09 with the specific positions outlined in Sec.2-11.51 of the proposed ordinance. The analysis also assumes that the ICP begins its operations during the third quarter of FY 2018-19 and includes one-time capital expenditures for startup costs, including office setup, computers and other equipment that may be needed to operate the new office. The balance of the \$450,000 has been allocated as a reserve line item in the event that the renovation or reconfiguration of office space is necessary. None of the resources necessary to reinstate the ICP, other than the in-kind staff support to manage the selection and appointment process mentioned earlier, are currently in place as the ICP would be a new County agency.

For FY 2019-20, the costs would grow to \$491,382, assuming a five percent growth in personnel expenses and three percent growth in operating expenses, every year thereafter.

Attachment

A handwritten signature in black ink, appearing to read "M. Kemp", written over the name "Maurice Kemp" in the signature line.  
\_\_\_\_\_  
Maurice Kemp  
Deputy Mayor

# Ordinance Relating to the Independent Review Panel (181599)

## Fiscal Impact Table

Use Existing  
Resources

Revenue Category	Value	Year 1 FY 2018-19	Future Year 1 FY 2019-20	Future Year 2 FY 2020-21	Future Year 3 FY 2021-22	Future Year 4 FY 2022-23	Future Year 5 FY 2023-24	Yes	No
General Fund	\$ 450,000	\$ 450,000	\$ 491,382	\$ 514,420	\$ 538,564	\$ 563,869	\$ 590,389	X	
Proprietary									
Federal Funds									
State Funds									
Interagency Transfers									
<b>Subtotal</b>	<b>\$ 450,000</b>	<b>\$ 450,000</b>	<b>\$ 491,382</b>	<b>\$ 514,420</b>	<b>\$ 538,564</b>	<b>\$ 563,869</b>	<b>\$ 590,389</b>		
<b>Expenditure Category</b>									
Operating									
Salary	\$ 158,036	\$ 158,036	\$ 331,875	\$ 348,468	\$ 365,892	\$ 384,186	\$ 403,396		X
Fringes	\$ 39,509	\$ 39,509	\$ 82,969	\$ 87,117	\$ 91,473	\$ 96,047	\$ 100,849		X
Court Costs									
Contractual Services									
Charges for County Services									
Other Operating	\$ 76,538	\$ 76,538	\$ 76,538	\$ 78,835	\$ 81,200	\$ 83,636	\$ 86,145		X
Grants to Outside Organizations									
Capital	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -		X
<b>Subtotal</b>	<b>\$ 324,083</b>	<b>\$ 324,083</b>	<b>\$ 491,382</b>	<b>\$ 514,420</b>	<b>\$ 538,564</b>	<b>\$ 563,869</b>	<b>\$ 590,389</b>		
Non-Operating									
Debt Services									
Distribution of Funds In Trust									
Transfers									
Reserve	\$ 125,917	\$ 125,917							X
<b>Subtotal</b>	<b>\$ 125,917</b>	<b>\$ 125,917</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>		
<b>Grand Total</b>	<b>\$ 450,000</b>	<b>\$ 450,000</b>	<b>\$ 491,382</b>	<b>\$ 514,420</b>	<b>\$ 538,564</b>	<b>\$ 563,869</b>	<b>\$ 590,389</b>		

**Note: Fiscal impact narrative (paragraph above the table) should contain the following, if applicable:**

1. Description of the anticipated increase or decrease of expenditures listed above and current and subsequent fiscal years, if any,
2. Description of projected dollar value of anticipated expenditures that will be absorbed within existing resources within the current fiscal year;
3. Description of subsequent governmental action that will be required in order to determine anticipated revenues and expenditures, including new revenues (federal, state, or the need to increase existing fees)
4. Any long-term fiscal implications as a result of the implementation of the proposed legislation, if any, in cases where risk factors or other variables that may impact future revenues or expenditures are uncertain, volatile, or difficult to project, a description of risk factors or variables and estimate or projection of anticipated or projected impacts to revenues and expenditures
5. Description of all assumptions used to project the fiscal impact of the proposed legislation and include estimate anticipated revenues and expenditures
6. In the cases where the Mayor has determined a "no fiscal impact", a description of the assumptions and analysis used to reach that conclusion

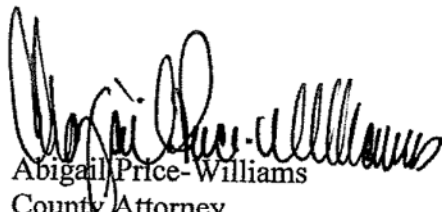


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** September 5, 2018

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 4(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
- ☒ Statement of social equity 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. 4(E)  
9-5-18

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO THE INDEPENDENT REVIEW PANEL; AMENDING ARTICLE IC OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CHANGING THE NAME OF THE INDEPENDENT REVIEW PANEL TO THE INDEPENDENT COMMUNITY PANEL; AMENDING THE COMPOSITION, AUTHORITY, POWERS, AND STAFFING OF THE INDEPENDENT REVIEW PANEL; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, the Independent Review Panel (“IRP”) was created in 1980 after substantial unrest in the community; and

**WHEREAS**, the IRP is empowered to hold public hearings, prepare reports and propose recommendations regarding serious complaints or grievances made against employees, agencies or instrumentalities of Miami-Dade County; and

**WHEREAS**, the IRP was last funded during the 2008-2009 fiscal year; and

**WHEREAS**, in 2009, the County Commission did not provide funding for the IRP because of the economic downturn, and its funding has not since been recommenced; and

**WHEREAS**, on November 1, 2016, this Board adopted Resolution No. R-1075-16, which created the Miami-Dade County Independent Review Panel Working Group (“Working Group”) and charged it with 1) reviewing Article IC – Independent Review Panel - of the Code of Miami-Dade County; 2) analyzing the history and effectiveness of the Independent Review Panel; 3) reviewing and analyzing similar entities from other jurisdictions; 4) obtaining input from the community; 5)

reviewing relevant literature relating to citizens review panels, such as the Independent Review Panel; and 6) providing the Board with a list of recommendations for proposed amendments to IRP ordinance; and

**WHEREAS**, on July 6, 2017, the Working Group presented its initial report to this Board and its findings therein were adopted; and

**WHEREAS**, thereafter, on October 17, 2017, the Working Group presented its final report, which was, likewise, adopted by the Board; and

**WHEREAS**, in consideration of recommendations made by the Working Group and statements made at recent meetings during which the amendments to the Independent Review Panel ordinance were discussed, this Board wishes to amend the ordinance establishing the Independent Review Panel,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Article IC of Chapter 2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**ARTICLE IC – INDEPENDENT ~~[[REVIEW]]~~  
>>COMMUNITY<< PANEL**

**Sec. 2-11.41. - Legislative intent and purpose; liberal construction.**

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<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.

The purpose of this article is to create a mechanism for external community fact-finding and dispute resolution. It is the intent of the Board of County Commissioners that the impartial review panel created by this article conduct independent reviews and hold public hearings concerning ~~[[serious]]~~ complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. It is also the intent of the Board of County Commissioners that the Independent ~~[[Review]]~~ >>Community<< Panel conduct ~~[[hearings]]~~ >>hearings<< as provided in Chapter 2, Article LXXI of the Code where there is a complaint of retaliation for the disclosure of specific information. The provisions of this article shall be liberally construed to accomplish these legislative objectives.

**Sec. 2-11.42. - Created, established.**

There is hereby created and established an Independent ~~[[Review]]~~ >>Community<< Panel (hereinafter referred to as the "Panel") pursuant to Section 5.08(a) of the Miami-Dade County Home Rule Charter.

**Sec. 2-11.43. - Composition; appointment and terms of office; compensation; oath; attendance at meetings, vacancies.**

~~[[A]]~~ >>(a)<< The Panel shall consist of ~~[[nine-(9)]]~~ >>13<< members, each of whom is a qualified elector of Miami-Dade County and possesses a reputation for civic pride, integrity, responsibility and has demonstrated an active interest in public affairs and service. >>Each member of the Board of County Commissioners shall appoint one person to serve on the Panel whose name shall be read into the record of any regularly scheduled Board of County Commissioners meeting after compliance with Ordinance No. 13-29 and Resolution No. R-636-14. Panel members should have diverse professional backgrounds. However, it is recommended that consideration be given to appointing a retired member of the judiciary, judge or magistrate, and retired or active professionals in the following fields: (1) human resources; (2) clergy; and (3) social work.<<

~~[[1]]~~—Members:

(a) ~~[[In order to secure representative membership on the Panel, each of the following five (5) community groups or organizations shall submit a list containing the names of three (3) qualified persons the Board of County Commissioners shall select one (1) panel member from each of the five lists:~~

(i) ~~The Community Relations Board.~~

(ii) ~~The Community Action Agency.~~

(iii) ~~The Miami Dade County League of Women Voters.~~

(iv) ~~The Miami Dade County Bar Association.~~

(v) ~~The Miami Dade County Association of Chiefs of Police Chiefs' Association. Each nominee by the Miami Dade Police Chiefs' Association shall be an Association member.]] In the event the Panel is investigating an incident involving the jurisdiction employing this appointee, the Miami Dade County Association of Chiefs of Police Chiefs' Association shall submit the names of three (3) different members for an appointment as a substitute until the conclusion of the investigation. In the event that none of the three (3) nominees meets with County Commission approval, the nominating entity shall submit another and entirely different list for Commission consideration. This process shall continue until a member has been appointed.~~



~~(b) In addition to the five (5) Panel members selected in accordance with the preceding subparagraph (a) of paragraph (1) of this subsection, four (4) members shall be appointed by the Panel based on consensus of integrity and community representation, considering ethnocultural and gender balance.~~

~~The foregoing appointments shall constitute the membership of the Panel, and e]] >>E<<each member shall serve for a period of three [(3)] years. The Board of County Commissioners may extend this term if necessary to complete any pending investigation(s).~~

[[B]] >>(b)<< Members of the Panel shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties as shall be determined and approved by the Board of County Commissioners. Before entering upon the duties of office, each member shall submit written acceptance of appointment and subscribe to the oath of office prescribed by law, which shall be filed in the Office of the Clerk of the County Commission.

[[C]] >>(c)<< Any Panel member shall be automatically removed if absent for three [(3)] consecutive meetings without a satisfactory excuse or if absent from more than one-half of the Panel's meetings during his or her term of office. A Panel member shall be deemed absent from a meeting when not present at the meeting at least [[seventy-five-(1)] 75[(1)]] percent of the time. The provisions of this section may be waived by a two-thirds vote of the members of the full Board of County Commissioners. Any vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for three [(3)] years from the date of appointment.

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**Sec. 2-11.45. - Authority and powers generally.**

- (a) The Panel may hold public hearings, >>conduct mediations or other forms of dispute resolution,<< make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to ~~[[serious]]~~ complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. The Panel may also hold hearings, render findings of fact and conclusions of law and issue recommendations, as provided in Chapter 2, Article LXXI of the Code. The Panel shall have the authority and responsibility to determine whether >>sufficient merit has been established for<< complaints or grievances ~~[[sufficiently-serious]]~~ to institute a review process.
- (b) The Panel may adopt, promulgate, amend and rescind such rules of procedure as may be necessary to exercise its authority; provided, however, that no rules shall conflict with the provisions of this article.
- (c) The Panel may demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes, as may be amended from time to time.
- (d) ~~[[The Panel may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.]]~~
- ~~[[e]]~~ The Panel may request any person ~~[[, including the supervisor of the Internal Review Section of the Miami-Dade Police Department]]~~ to give sworn testimony or to produce documentary or other evidence >>to the extent permitted by applicable law<<.
- ~~[[f]]~~>>e<< The Panel may conduct or participate in conferences, inquiries, meetings or studies.

(([[g]]>>f<<)) The >>Panel may request the<< County Attorney to [[shall]] render opinions relating to >>the Panel's<< [[its]] duties, jurisdiction or power [[and such opinions shall be binding upon and adhered to by the Panel]].

(([[h]]>>g<<)) The Panel shall not interfere with any ongoing criminal investigation of the State Attorney.

>>(h) The Panel shall not act on matters that fall within the jurisdiction of the Miami-Dade County Office of Inspector General or Miami-Dade County Commission on Ethics and Public Trust.

(i) The Panel shall be empowered to subpoena witnesses and documents for all matters within its jurisdiction, except for County employees who are law enforcement or correctional officers as defined in the Police Officers' Bill of Rights, part VI of chapter 125, Florida Statutes, as such may be amended from time to time.<<

#### **Sec. 2-11.46. - Panel proceedings.**

Panel members shall meet with staff from time to time:

- (1) To consider the County's complaint review processes and investigatory activities designed to serve the public; and
- (2) To consider whether >>sufficient merit has been established for<< any complaint or grievance filed with the Panel [[is sufficiently serious]] to >>warrant<< [[merit]] review by the full Panel.

Full panel meetings shall be scheduled monthly and with appropriate notice given to the public.

\* \* \*

**Sec. 2-11.48. - Final reports on matters reviewed; referral for further proceedings.**

The Panel shall publish a final report with regard to each matter reviewed. Said final report shall be transmitted simultaneously to the Board of County Commissioners, the County ~~[[Manager]]~~ >>Mayor or County Mayor's designee<< and the director of the concerned County department. >>Within 45 days of receipt of the Panel's final report, the County Mayor or County Mayor's designee shall transmit a report to the Board of County Commissioners and the Panel, which shall provide all actions taken in response to the Panels final report and any recommendations made therein and the County Mayor or County Mayor's designee shall place such report on an agenda of the Board pursuant to Ordinance No. 14-65.<< If the Panel has reason to believe that any public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities.

\* \* \*

**Sec. 2-11.51. – Physical facilities and staff.**

- (a) Office space, etc.; auditorium. The County shall provide the Panel with appropriately located office space and auditorium facilities together with necessary office supplies, equipment and furnishings.
- (b) Executive Director. The ~~[[Board of County Commissioners shall appoint an Executive Director from 3 nominees provided by the]]~~ Independent ~~[[Review]]~~ >>Community<< Panel >>shall be empowered to appoint an Executive Director<<. The Independent ~~[[Review]]~~ >>Community<< Panel shall utilize ~~[[a]]~~ >>an open<< competitive selection process when selecting ~~[[nominees for]]~~ >>candidates who may be considered for appointment to serve as the<< Executive Director. The Executive Director shall only be removed by the Independent ~~[[Review]]~~ >>Community<< Panel. Such removal shall be for good cause upon a majority vote. The Independent ~~[[Review]]~~

>>Community<< Panel shall establish the rate of remuneration of the Executive Director in conjunction, concurrence and consensus with the County ~~[[Manager]]~~ >>Mayor or County Mayor's designee. The rate of remuneration shall be consistent with established Miami-Dade County Human Resources policies and salary ranges<<.

- (c) Staff. The Executive Director may hire and administer the necessary staff ~~[[,subject to budgetary allocation by the Board]]~~. >>At a minimum, subject to budgetary allocation by the Board, staff shall consist of the following positions:

- (1) Senior investigator/mediator.
- (2) Mediator.
- (3) Office Administrator.
- (4) Professional Auditor.<<

- (d) Legal counsel. The County Attorney shall provide the Panel with necessary legal counsel.

- (e) Research >>personnel<<, investigative personnel >>and independent counsel<<. The Panel may request the Board to provide such other fact-finding >>personnel,<< ~~[[and]]~~ research personnel >>and independent counsel<< as it may determine are necessary from time to time.

\* \* \*

**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:

Approved by County Attorney as  
to form and legal sufficiency:

APW  
SG

Prepared by:

Shanika A. Graves

Prime Sponsor: Commissioner Barbara J. Jordan