

# MEMORANDUM

Agenda Item No. 7(I)

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**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** (Second Reading 5-5-20)

February 19, 2020

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

**SUBJECT:** Ordinance relating to  
Community Councils and Zoning  
in the unincorporated area;  
amending sections 20-43 and 33-  
306 of the Code; providing that  
Community Council and  
Community Zoning Appeals  
Board members shall be referred  
to as board members and not  
council members

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa and Co-Sponsors Chairwoman Audrey M. Edmonson and Commissioner Joe A. Martinez.

  
Abigail Price-Williams  
County Attorney

APW/lmp

# Memorandum



**Date:** May 5, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
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 a horizontal line.

**Subject:** Fiscal Impact Statement for Ordinance Relating to Community Councils and Zoning in the Unincorporated Areas

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The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Jack Osterhoff", written over a horizontal line.

Jack Osterhoff  
Deputy Mayor

FIS03820 200262

# Memorandum



**Date:** May 5, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Social Equity Statement for Ordinance Relating to Community Councils and Zoning Appeals Board Members

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The proposed ordinance amends Sections 20-43 and 33-306 of the Code of Miami-Dade County (Code) providing that Community Council and Community Zoning Appeals Board members shall be referred to as board members and not council members.

The proposed ordinance does not have a measurable social equity benefit or burden that can be determined at this time.

A handwritten signature in black ink, appearing to read "Jack Osterkolt".

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Jack Osterkolt  
Deputy Mayor

200252



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** May 5, 2020

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

**SUBJECT:** Agenda Item No. 7(I)

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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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(I)  
5-5-20

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

ORDINANCE RELATING TO COMMUNITY COUNCILS AND ZONING IN THE UNINCORPORATED AREA; AMENDING SECTIONS 20-43 AND 33-306 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT COMMUNITY COUNCIL AND COMMUNITY ZONING APPEALS BOARD MEMBERS SHALL BE REFERRED TO AS BOARD MEMBERS AND NOT COUNCIL MEMBERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, the Community Councils and Community Zoning Appeals Boards (CZABs) fulfill various planning and zoning functions in unincorporated Miami-Dade County; and

**WHEREAS**, each Community Council and CZAB for a given area is comprised of the same seven members; and

**WHEREAS**, some Community Council and CZAB members are sometimes referred to as “councilmen,” “councilwomen,” or “councilpersons”; and

**WHEREAS**, in some municipalities in Miami-Dade County and in other jurisdictions, the local governing body is referred to as a “council” and its members may also be sometimes called “councilmen,” “councilwomen,” or “councilpersons”; and

**WHEREAS**, to prevent public confusion and ensure that Community Council and CZAB members are not mistaken for members of a local governing body, such members should not be referred to as “councilmen,” “councilwomen,” or “councilpersons”; and

**WHEREAS**, instead, to further transparency and avoid confusion, Community Council and CZAB members should be referred to as “board members” only, just like members of other subsidiary County boards,

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

**Section 1.** Section 20-43 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 20-43. Community Councils; membership.**

Except as provided in subsection (E), Community Councils shall have seven (7) members, six (6) of whom shall be elected at large within the council area and one (1) of whom shall be appointed by the Board of County Commissioners as follows:

(A) *Elected Council Members.*

\* \* \*

>>(G) A Community Council member, whether elected or appointed, shall be referred to as a "board member." The terms "councilman," "councilwoman," and "councilperson" shall not be used in reference to such a board member.<<

**Section 2.** Section 33-306 of the Code of Miami-Dade County is hereby amended to read as follows:

**Sec. 33-306 Community Zoning Appeals Boards –  
Establishment >>and membership<<**

(a) There are hereby established multiple Community Zoning Appeals Boards whose boundaries shall coincide with the boundaries of Community Councils established pursuant to the Code of Miami-Dade County. The Community Councils shall serve as Community Zoning Appeals Boards and shall have jurisdiction over zoning applications as provided in this chapter. Each member shall be a qualified elector of Miami-Dade County, with an outstanding reputation for civic interest, community welfare, integrity and responsibility; provided, no member shall be employed by Miami-Dade

<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.

County, or be a member of the County Commission. The seven (7) members of each Community Zoning Appeals Board shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval of the County Commission.

\* \* \*

>>(c) A Community Zoning Appeals Board member, whether elected or appointed, shall be referred to as a "board member." The terms "councilman," "councilwoman," and "councilperson" shall not be used in reference to such a board member.<<

**Section 3.** 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 4.** 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 5.** 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:

Prepared by:

James Eddie Kirtley

Prime Sponsor: Vice Chairwoman Rebeca Sosa  
Co-Sponsors: Chairwoman Audrey M. Edmonson  
Commissioner Joe A. Martinez

