

MEMORANDUM

Agenda Item No. 7(B)

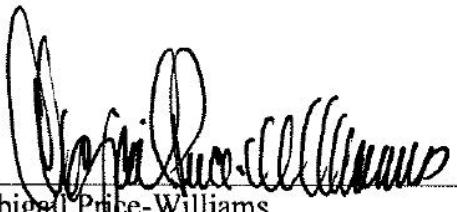
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: (Second Reading 10-6-20)
July 21, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to the Rules of Procedure of the Board of County Commissioners; amending section 2-1 of the Code; requiring that a person desiring to speak on a non-public hearing proposition register by no later than a certain time; requiring, for meetings held virtually during a state of emergency, that a person desiring to speak on a non-public hearing proposition join the meeting as a speaker by no later than a certain time and remain in the meeting until given the opportunity to speak; providing an exception

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Audrey M. Edmonson.


Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: October 6, 2020

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

From: Carlos A. Gimenez
Mayor

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

Subject: Fiscal Impact Statement for Ordinance Amending Section 2-1 of the Code Pertaining to Virtual Meetings and Non-Public Hearing Propositions Speakers Registration

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as it is establishing requirements for speakers wishing to address non-public hearing items and further defining these requirements for meetings held virtually during a state of emergency.

A handwritten signature in blue ink, appearing to read "Jennifer Moon", written over the name in the "From" field.

Jennifer Moon
Deputy Mayor

FIS06020 201420

Memorandum



Date: October 6, 2020

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

From: Carlos A. Gimenez
Mayor

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

Subject: Social Equity Statement for Ordinance Relating to the Rules of Procedure of the Board of County Commissioners Regarding Reasonable Opportunity for the Public to be Heard

The proposed ordinance amends Section 2-1 of the Miami-Dade County Code (Code) to require that a person desiring to speak on a non-public hearing proposition register by no later than the publicly noticed time for the meeting to begin and that, for meetings held virtually during a state of emergency, a person desiring to speak on a non-public hearing proposition join the meeting by no later than the publicly noticed time for the meeting to begin and remain in the meeting until given the opportunity to speak.

Requiring that individuals who desire to speak on non-public hearing items register to speak or join virtual meetings by no later than the publicly noticed time for the meeting to begin will make commission meetings and committee meetings more efficient while still granting individuals a reasonable opportunity to speak.

A handwritten signature in blue ink, appearing to read "Jennifer Moon".

Jennifer Moon
Deputy Mayor

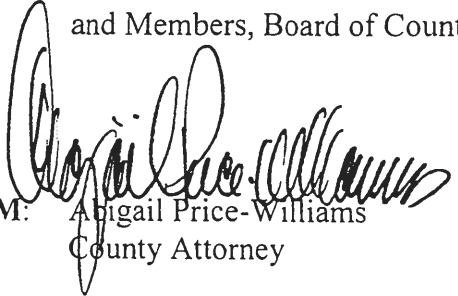


MEMORANDUM

(Revised)

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

DATE: October 6, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(B)

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(B)
10-6-20

ORDINANCE NO. _____

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 THAT A PERSON DESIRING TO SPEAK ON A NON-PUBLIC HEARING PROPOSITION REGISTER BY NO LATER THAN A CERTAIN TIME; REQUIRING, FOR MEETINGS HELD VIRTUALLY DURING A STATE OF EMERGENCY, THAT A PERSON DESIRING TO SPEAK ON A NON-PUBLIC HEARING PROPOSITION JOIN THE MEETING AS A SPEAKER BY NO LATER THAN A CERTAIN TIME AND REMAIN IN THE MEETING UNTIL GIVEN THE OPPORTUNITY TO SPEAK; PROVIDING AN EXCEPTION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, section 286.0114, Florida Statutes, provides that “[m]embers of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission” of a county; and

WHEREAS, section 286.0114, Florida Statutes, further provides that a board or commission may “[p]rescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard”; and

WHEREAS, subsection (e) of rule 6.06 of the Board’s Rules of Procedure currently provides, “[o]n the day of the [c]ommission or committee meeting and no less than one-half hour after the publicly noticed time for the meeting to begin, a person desiring to speak on a non-public hearing proposition shall register with the Office of Agenda Coordination in the lobby of the [c]ommission chambers and complete a registration card”; and

WHEREAS, this rule could potentially require the reasonable opportunity for the public to be heard on non-public hearing propositions to be reopened if, after the reasonable opportunity has been closed but still within one-half hour after the publicly noticed time for the meeting to begin, a person desires to register to speak on a non-public hearing proposition; and

WHEREAS, such a situation could create inefficiency in the conduct of the meeting, since the reasonable opportunity would have already been closed, and the commission or committee very likely would have already moved on to considering other items on the agenda; and

WHEREAS, requiring that people who desire to speak on a non-public hearing proposition register by no later than the publicly noticed time for the meeting to begin could prevent such a situation; and

WHEREAS, for virtual meetings held during a state of emergency, requiring that people who desire to speak on a non-public hearing proposition join the meeting as a speaker by no later than the publicly noticed time for the meeting to begin and remain in the meeting until given the opportunity to speak could also prevent such a situation; and

WHEREAS, such requirements could have the additional benefit of allowing the chair of the commission or a committee to better plan how the meeting will be conducted; and

WHEREAS, to make commission and committee meetings more efficient, this Board wishes to amend subsection (e) of rule 6.06 to require that: (1) a person desiring to speak on a non-public hearing proposition register by no later than the publicly noticed time for the meeting to begin; and (2) for meetings held virtually during a state of emergency, regardless of whether a person has registered to speak in advance, a person desiring to speak on a non-public hearing proposition join the meeting as a speaker by no later than the publicly noticed time for the meeting to begin and remain in the meeting until given the opportunity to speak,

**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 6. PUBLIC PARTICIPATION

* * *

*Rule 6.06. Reasonable opportunity for the public to be heard on
non-public hearing propositions.*

* * *

- (e) On the day of the Commission or committee meeting and
[[no less than one-half hour after]]>>by no later than<<
the publicly noticed time for the meeting to begin, a
person desiring to speak on a non-public hearing
proposition shall register with the Office of Agenda
Coordination in the lobby of the Commission chambers
and complete a registration card as set forth in (f) below.
>>For Commission or committee meetings held virtually
during a state of emergency, regardless of whether a
person has registered to speak in advance, a person
desiring to speak on a non-public hearing proposition
shall have joined the meeting as a speaker by no later
than the publicly noticed time for the meeting to begin
and shall remain in the meeting until given the
opportunity to speak, except as may be otherwise
provided by law.<<

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.

* * *

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:

Prepared by:

Christopher J. Wahl

Prime Sponsor: Chairwoman Audrey M. Edmonson

Handwritten signatures of APW and CJW.