

MEMORANDUM

Agenda Item No. 7(F)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Second Reading: 7-8-21)
May 4, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the
Domestic Violence Oversight
Board; amending section 2-892
of the Code to change the
quorum requirement, provide
for removal of absent members,
change membership
requirements, and remove
the term limit for members;
amending section 2-893 of
the Code to require periodic
reporting on the use of food
and beverage tax proceeds

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



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: July 8, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Domestic Violence Oversight Board;
Amending Section 2-892, File #210991

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. The proposed ordinance restructures the governing body of the Domestic Violence Oversight Board and requires a report every six months.

A handwritten signature in blue ink that reads "Morris Copeland".

Morris Copeland
Chief Community Services Officer

FIS03921 210991

Memorandum



Date: July 8, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Social Equity Statement for Ordinance Amending Section 2-892 and 2-893 of the
Code of Miami-Dade, File #210991

The proposed ordinance amending Section 2-892 of the Code of Miami-Dade County provides for a change of the quorum requirements, removal of absent members, change in membership requirements and removal of the term limit for members. It also proposes amending section 2-893 of the Code to require periodic reporting of the use of food and beverage tax proceeds.

The proposed ordinance will benefit the community by strengthening the Domestic Violence Oversight Board to effectively conduct its business, which includes conducting annual reviews, providing recommendations for amending the comprehensive plan, advising the Miami-Dade County Board of County Commissioners on issues affecting or related to domestic violence, and providing oversight of use of the portion of food and beverage tax proceeds for the use of constructing and operating domestic violence shelters. Additionally, the ordinance aligns with the opinion of the Miami-Dade Commission on Ethics and Public Trust regarding County employees' involvement on the Board, specifically when the employees work in a County department that is administering services to domestic violence survivors through the use of food and beverage tax proceeds.

A handwritten signature in blue ink, appearing to read "Morris Copeland".

Morris Copeland
Chief Community Services Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 8, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(F)

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(F)
7-8-21

ORDINANCE NO. _____

ORDINANCE RELATING TO THE DOMESTIC VIOLENCE OVERSIGHT BOARD; AMENDING SECTION 2-892 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO CHANGE THE QUORUM REQUIREMENT, PROVIDE FOR REMOVAL OF ABSENT MEMBERS, CHANGE MEMBERSHIP REQUIREMENTS, AND REMOVE THE TERM LIMIT FOR MEMBERS; AMENDING SECTION 2-893 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO REQUIRE PERIODIC REPORTING ON THE USE OF FOOD AND BEVERAGE TAX PROCEEDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Domestic Violence Oversight Board (“DVOB”) is a County advisory board charged with, among other things, advising the Board of County Commissioners (“Board”) as to all issues that affect or relate to domestic violence; and

WHEREAS, the responsibilities of the DVOB, which is made up of 15 members, include submitting to this Board a comprehensive plan, budget and specific recommendations for use of the portion of food and beverage tax proceeds collected in accordance with section 212.0306, Florida Statutes, and dedicated to the construction and operation of domestic violence centers; and

WHEREAS, the DVOB is further tasked with annually reviewing the comprehensive plan and recommending to this Board any needed amendments, deletions or modifications to the plan; reporting to this Board on the programs and services undertaken by the DVOB during the previous fiscal year; and advising this Board on all issues affecting or relating to domestic violence; and

WHEREAS, in order for the DVOB to fulfill these important responsibilities and to adequately advise this Board as to domestic violence issues, the DVOB needs to meet regularly and to take swift action to respond to issues as they arise; and

WHEREAS, the DVOB's work has been hampered by continued absences from meetings by certain DVOB members which impacts the DVOB's ability to achieve quorum; and

WHEREAS, because the DVOB has been unable to achieve quorum, the DVOB's executive committee has been required to meet more often to conduct the business of the DVOB; and

WHEREAS, in order for the DVOB to be more effective, this Board desires to reduce the number of members needed for quorum; and

WHEREAS, in order to ensure the membership of the DVOB consists of active, engaged, and committed members, this Board further desires to provide for the removal of repeatedly absent members; and

WHEREAS, this Board further desires to have more frequent reporting from the DVOB on the use of the food and beverage tax proceeds the DVOB is tasked with overseeing; and

WHEREAS, because the DVOB is tasked with providing oversight of the use of the food and beverage tax proceeds by County departments in service of domestic violence survivors, this Board also desires to limit the involvement of County employees as members of the DVOB,

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

Section 1. Section 2-892 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-892. - Governing body.

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.

* * *

- (b) *Composition.* The voting membership of the board >>shall consist of persons who are not County employees.<< shall be ethnically, racially and gender balanced and shall be composed of at least one person from each of the following categories:

* * *

- (d) *Tenure and removal of board members.* Each board member shall be appointed to a term of four (4) years, which shall end concurrently with the last day of the term of the County Mayor, County Commissioner or State Attorney who appointed the board member. However, each board member shall continue to serve on the board until the board member's successor has been duly qualified and appointed to the board. ~~[[No board member shall be permitted to serve more than two (2) consecutive and complete terms of four (4) years unless so authorized by two thirds (2/3) vote of the members present of the Board of County Commissioners. Nothing set forth in this subsection shall prohibit any individual from being reappointed to the board after a hiatus of two (2) years.]]~~ Board members may be removed in accordance with the provisions of Section 2-11.38 of the Code of Miami-Dade County. >>In addition to the attendance requirements provided in Section 2-11.39 of the Code of Miami-Dade County, any board member who is absent from four (4) noticed meetings during any fiscal year, regardless of the reason for the absence, shall be automatically removed from the board.<<

* * *

- (f) *Organization and procedure.*

* * *

- (2) *Meetings.* The board shall hold regular meetings and such other meetings as it deems necessary. ~~[[A majority of the]]~~ >>Notwithstanding any other section of the Code, including, but not limited to, section 2-11.39.1, five << members of the board shall constitute a quorum. Minutes shall be kept of all meetings of the board and all meetings shall be public.
- (3) *Committees.* The board shall appoint any committees it deems necessary.

* * *

Section 2. Section 2-893 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-893. - Powers and duties.

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

* * *

- >>(5) To submit every six months to the Board of County Commissioners a report detailing the use of the food and beverage tax proceeds overseen by the board, including, but not limited to, the use of funds for the development of new domestic violence centers. The completed report shall be placed on an agenda of the Board of County Commissioners in accordance with Ordinance No. 14-65.<<

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 section 1 of this ordinance 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:

Brenda Kuhns Neuman

Prime Sponsor: Commissioner Rebeca Sosa

Handwritten initials in blue ink: "GBK" on the top line and "BKW" on the bottom line, which is underlined.