

# MEMORANDUM

Agenda Item No. 7(C)

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

**DATE:** (Second Reading: 12-1-21)

June 2, 2021

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance relating to the Rules of Procedure of the Board of County Commissioners; amending section 2-1 of the Code; revising rule 5.05 of the Board's rules; requiring a written statement of cause for any ordinance, resolution, or report to be placed on a County Commission or Commission committee agenda after the preliminary agenda has printed; providing that such an item may be placed on an agenda by the Chairperson only if accompanied by such statement of cause; providing that the statement of cause shall be placed on the agenda as a supplement; providing statement of purpose and intent; providing exceptions

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator René García and Co-Sponsor Commissioner Joe A. Martinez.



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Geri Bonzon-Keenan  
County Attorney

GBK/smm

# Memorandum



**Date:** December 1, 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 Requiring a Statement of Cause for Item Placement  
After the Preliminary Agenda has Printed #211298

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The implementation of this ordinance will not have a fiscal impact to Miami-Dade County, as the proposed changes are procedural.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".


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Jimmy Morales  
Chief Operations Officer

FIS04221 211298

**Date:** December 1, 2021

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

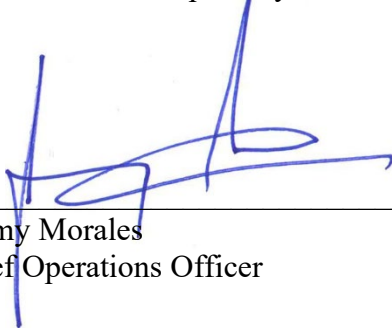
**From:** Daniella Levine Cava   
Mayor

**Subject:** Social Equity Statement for Ordinance Requiring a Statement of Cause for Item Placement After the Preliminary Agenda has Printed #211298

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The proposed ordinance amends the Rules of Procedure to require, subject to certain exceptions, a statement of cause for any ordinance, resolution, or report to be placed on an agenda after the preliminary agenda has printed and provides that the item may be placed on an agenda, at the discretion of the Chairperson, only if accompanied by a statement of cause. The ordinance further requires that the statement of cause appear on the agenda as a supplement alongside the late item for the benefit of the public and Board members in furthering transparency.

Currently, when a request is made to place an item onto an agenda after the print date, a memorandum including the reason for placement is provided to the Office of the Chairperson. The Chairperson has the discretion to place the item on an agenda. The proposed legislation would codify this process for all Administrative and Commissioner sponsored ordinances, resolutions, and reports and make the memorandums public by adding the statements to the agenda as a supplemental item. The proposed item will have a social benefit of providing additional transparency to items placed late on the agenda.



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Jimmy Morales  
Chief Operations Officer

211298



**MEMORANDUM**  
(Revised)

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

**DATE:** December 1, 2021

**FROM:**   
Gen Bonzon-Keenan  
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
- 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(C)  
12-1-21

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; REVISING RULE 5.05 OF THE BOARD'S RULES; REQUIRING A WRITTEN STATEMENT OF CAUSE FOR ANY ORDINANCE, RESOLUTION, OR REPORT TO BE PLACED ON A COUNTY COMMISSION OR COMMISSION COMMITTEE AGENDA AFTER THE PRELIMINARY AGENDA HAS PRINTED; PROVIDING THAT SUCH AN ITEM MAY BE PLACED ON AN AGENDA BY THE CHAIRPERSON ONLY IF ACCOMPANIED BY SUCH STATEMENT OF CAUSE; PROVIDING THAT THE STATEMENT OF CAUSE SHALL BE PLACED ON THE AGENDA AS A SUPPLEMENT; PROVIDING STATEMENT OF PURPOSE AND INTENT; PROVIDING EXCEPTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, frequently, ordinances and resolutions are placed on the official agenda for a regular Board meeting after the preliminary agenda for such meeting has printed and, sometimes, even as late as the morning of the meeting; and

**WHEREAS**, there is often cause for placing an item on the official agenda for a meeting after the preliminary agenda has printed, because the item relates to a matter that is time-sensitive or it concerns a true emergency that must be addressed immediately; and

**WHEREAS**, however, sometimes an item submitted late is neither truly time-sensitive nor an emergency; and

**WHEREAS**, when an item is placed on an agenda late in the process, neither the general public nor Board members may have adequate time to study the item and prepare before the item is considered at a regular County Commission or Commission committee meeting; and

**WHEREAS**, this Board's Rules of Procedure should require that a written statement of cause accompany any ordinance, resolution, or report that is placed on a regular County Commission or Commission committee agenda after the preliminary agenda has printed; and

**WHEREAS**, this statement of cause should set forth the reasons why the item is late and why it is necessary that it be placed on the subject agenda rather than the next agenda; and

**WHEREAS**, the item should be placed on a regular County Commission or Commission committee agenda by the Commission Chairperson or Commission committee chairperson, respectively, only if accompanied by the required statement of cause; and

**WHEREAS**, in such instances, the statement of cause should appear on the agenda as a supplement alongside the late item for the benefit of the general public and Board members; and

**WHEREAS**, even if accompanied by the required statement, however, an item may be placed on the subject agenda only if all other rules and procedures relating to the agenda process have also been followed and satisfied; and

**WHEREAS**, for example, if the item is being waived from committee in order to be placed on the subject County Commission agenda, then in addition to submitting a statement of cause, rule 4.01(j)(1) would also require the chairperson of the committee to which the item has been referred to request a waiver in writing and the Commission Chairperson to concur in such waiver request; and

**WHEREAS**, accordingly, this Board wishes to amend the Rules of Procedure to require, subject to certain exceptions, a statement of cause for any ordinance, resolution, or report to be placed on an agenda after the preliminary agenda has printed, and to provide that such items may be placed on an agenda, in the Chairperson's discretion, only if accompanied by such statement of cause,

**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:<sup>1</sup>

**Sec. 2-1. Rules of Procedure of County Commission.**

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**PART 5. CONDUCT OF MEETINGS; AGENDA**

\* \* \*

**Rule 5.05 AGENDA**

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>>(i) LATE AGENDA ITEMS; STATEMENT OF CAUSE.

(a) Purpose and intent. The purpose and intent of this rule is to further transparency in the Commission's agenda process and to require, for the benefit of the general public and County Commissioners, a statement of cause to support and accompany any late agenda items.

(b) Late items; statement of cause required. If an ordinance, resolution, or report does not appear on the preliminary agenda for a regular County Commission or Commission committee meeting, the item shall be deemed late and must be accompanied by a written statement of cause.

(c) Agenda items; applicable deadlines. To ensure that an item sponsored by a County Commissioner is placed on a particular preliminary agenda, the item must be submitted in final form to the County Attorney's Office prior to the deadline for submission of items for that particular agenda, as set forth in the

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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.

County Attorney's Office schedule of deadlines. To ensure that an item originating with the administration (including any such item that requires Commissioner sponsorship) is placed on a particular preliminary agenda, the item must be submitted in final form to the Agenda Coordinator prior to the deadline for submission of items for that particular agenda, as set forth in the Agenda Coordinator's schedule of deadlines. For any item submitted after such deadline that does not appear on the preliminary agenda, a statement of cause shall be prepared and submitted in accordance with this rule.

(d) *Statement of cause; preparation.* The statement of cause shall be prepared by the sponsor of the item; provided, however, that for any item originating with the administration that requires Commissioner sponsorship, the statement shall be prepared by the County Mayor or designee, unless the sponsoring Commissioner, in his or her discretion, elects to prepare such statement instead of the County Mayor or designee.

(e) *Statement of cause; contents.* The statement of cause shall explain the reasons: (1) why the item is late; and (2) why it is necessary that the item be placed on the subject County Commission or Commission committee agenda rather than the next such agenda.

(f) *Late items; placement on an agenda.* A late item may be placed on the official agenda for a regular County Commission meeting by the Commission chairperson, in his or her sole discretion, only if accompanied by the above-referenced statement of cause. A late item may be placed on the official agenda for a regular Commission committee meeting by the chairperson of the Commission committee to which the item has been referred, in his or her sole discretion, only if accompanied by the above-referenced statement of cause and the Commission Chairperson concurs. In each such instance, the statement of cause shall appear as a supplement to the item on the agenda.



(g) Other rules and procedures; compliance required.  
This rule shall be in addition to other all rules and procedures relating to the agenda process, and compliance with this rule alone may not ensure that an item will be placed on a particular agenda.

(h) Exceptions. This rule shall not apply to quasi-judicial items; or items that state law, the Home Rule Charter, or the County Code require to be placed on a particular agenda.<<

**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:



James Eddie Kirtley

Prime Sponsor: Senator René García  
Co-Sponsor: Commissioner Joe A. Martinez