

# MEMORANDUM

Agenda Item No. 5(D)

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<b>TO:</b>	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	<b>DATE:</b>	(Public Hearing 9-1-21) July 20, 2021
<b>FROM:</b>	Geri Bonzon-Keenan County Attorney	<b>SUBJECT:</b>	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; providing that agenda items relating to the disposition of County-owned real property may only be sponsored by a County Commissioner in whose district such property is located; providing exceptions; making technical and conforming changes

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon and Co-Sponsors Kionne L. McGhee and Commissioner Rebeca Sosa.



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Geri Bonzon-Keenan  
County Attorney

GBK/smm



## MEMORANDUM

(Revised)

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

**DATE:** September 1, 2021

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

**SUBJECT:** Agenda Item No. 5(D)

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. 5(D)  
9-1-21

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; PROVIDING THAT AGENDA ITEMS RELATING TO THE DISPOSITION OF COUNTY-OWNED REAL PROPERTY MAY ONLY BE SPONSORED BY A COUNTY COMMISSIONER IN WHOSE DISTRICT SUCH PROPERTY IS LOCATED; PROVIDING EXCEPTIONS; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, the Board's Rules of Procedure are codified in section 2-1 of the Code of Miami-Dade County; and

**WHEREAS**, the Board's rules set forth certain procedures and requirements relating to the authority to sponsor or present items on an agenda; and

**WHEREAS**, some of this Board's rules and policies provide for deference to the County Commissioner of the district that is primarily affected by a particular matter, by requiring that Commissioner's sponsorship of certain items or consent as a precondition to Board action; and

**WHEREAS**, for example, rule 9.02 provides that "[r]esolutions regarding proposed naming, renaming or codesignation of Miami-Dade County roads, facilities or property shall be sponsored by the district commissioner where the property is located"; and

**WHEREAS**, rule 4.01(j)(3) also provides that "[w]henever the committee of jurisdiction considers a proposed road closing in a commission district where the district commissioner is not a member of the committee of jurisdiction, the Mayor shall notify the commissioner prior to the

meeting,” and “the committee may only lay the item on the table if the district commissioner attends the commission meeting and states that he or she supports laying the matter on the table”; and

**WHEREAS**, rule 5.06(k) further provides that “[f]or a matter that originates with the administration and predominantly relates to a particular commission district, the Mayor or Mayor’s designee shall provide written notification to the applicable district commissioner prior to the matter’s placement on the appropriate agenda”; and

**WHEREAS**, Resolution No. R-380-17 also requires the Mayor or Mayor’s designee to provide written notice to the County Commissioner of the district in which County-owned real property lies no less than four weeks prior to the placement of an item on an agenda requesting the approval of the sale, lease, or surplus of such property; and

**WHEREAS**, however, the Board’s rules also provide for an exception to the requirement of district Commissioner sponsorship for agenda items relating to leases and licenses of County-owned property; and

**WHEREAS**, specifically, rule 5.05(b) provides that the County Mayor may sponsor and present “leases and licenses of County-owned property and amendments thereto if the Mayor first provides written notification to the Commissioner of the District wherein the County-owned property that is to be leased or licensed is located of the matter and the District Commissioner does not agree to present or sponsor such lease or license or amendment thereto within ten (10) days of the written notification”; and

**WHEREAS**, consistent with other rules and policies of this Board providing for deference to the County Commissioner of the district primarily affected by Board action, agenda items relating to the disposition of County-owned real property should require the sponsorship of the

County Commissioner in whose district such property is located or, where such agenda items concern real property located in more than one Commission district, the sponsorship of any of the County Commissioners in whose district some portion of the real property is located; and

**WHEREAS**, accordingly, this Board wishes to amend the Rules of Procedure to require County Commissioner sponsorship of such items under certain circumstances and subject to certain exceptions,

**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**

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**Rule 5.05 AGENDA**

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**(b) AUTHORITY TO SPONSOR OR PRESENT ITEMS  
ON AN AGENDA.**

- (1) Anything to the contrary notwithstanding and subject to the following paragraph related to quasi-judicial matters and certain CDMP applications, matters may only be presented or sponsored by a county commissioner, a commission committee, the county attorney and

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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 clerk of the commission, except that the Mayor shall be able to present or sponsor: (1) reports which do not amend any policy established by the County Commission; (2) mayoral appointments; (3) solicitations for the purchase of goods and services, leases, construction contracts and debt obligations>>, except as provided in rule 5.05(b)(2)<<; (4) contracts for the purchase of goods and services and amendments thereto; (5) grant applications, grants and sub-grants; (6) leases of non-County owned property and amendments thereto; (7) debt obligations and amendments thereto; (8) construction contracts and amendments thereto; (9) labor agreements and amendments thereto; (10) special taxing districts initiated by petition; (11) certificates of public convenience and necessity; (12) certificates of transportation; >>and<< (13) other matters where the presentation or sponsorship by the Mayor is required by the Home Rule Charter or state or federal law[~~]; and (14) leases and licenses of County owned property and amendments thereto if the Mayor first provides written notification to the Commissioner of the District wherein the County owned property that is to be leased or licensed is located of the matter and the District Commissioner does not agree to present or sponsor such lease or license or amendment thereto within ten (10) days of the written notification~~]]. Any Commissioner or commission committee may present or sponsor any item which the Mayor is authorized to present or sponsor pursuant to the preceding sentence, except as provided otherwise in the Home Rule Charter, or state or federal law. Additionally, the committee chairperson of jurisdiction may, upon the written request of the Mayor or his or her designee, submit an item for placement on a committee or Commission agenda. Such an item shall, if requested by the committee chairperson of jurisdiction, be placed on the appropriate agenda, in accordance with the applicable rules of procedure, as an item sponsored by the committee of jurisdiction.

(2) >>Any agenda item that: (i) authorizes or provides for the sale, lease, or licensing of County-owned real property, including any amendments thereto; (ii) declares as surplus such real property; or (iii) approves of an operating agreement, management agreement, or other contractual arrangement granting a third-party management, control, operating, or oversight responsibilities over such real property, including any amendments thereto, may only be presented or sponsored by the County Commissioner in whose district the real property is located. In the event that the agenda item concerns real property located in more than one Commission district, it may be presented or sponsored by any County Commissioner in whose district a portion of the real property is located. In the event that there is no such County Commissioner in office to sponsor such agenda item due to vacancy, the above-referenced items may only be presented or sponsored by the Chairperson of the County Commission. For purposes of this rule, the term “County-owned real property” shall not include property located at Miami International Airport, PortMiami, or any other property designated as a terminal or Facility of Countywide Significance. Agenda items involving those properties may be sponsored by any County Commissioner or, where otherwise permitted by the rules, the County Mayor.

(3)<< Proposed agenda items not delivered in accordance with subsection (c) hereof, or which have not been considered by any committee, (except for alternates, substitutes and items not subject to committee review) shall not be placed on the agenda unless the chairperson of the committee which has jurisdiction over the item, if any, and the chairperson of the commission concur in writing.

**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:	Commissioner Keon Hardemon
Co-Sponsor:	Commissioner Kionne L. McGhee
	Commissioner Rebeca Sosa