

MEMORANDUM

Agenda Item No. 4(H)

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

DATE: October 5, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the South Dade Black History Center Advisory Board at the Larcenia Bullard Plaza; amending sections 2-432 and 2-433 of the Code; creating sections 2-438 and 2-439 of the Code; revising number of board members; revising requirements for quorum of the board; transferring staff and support for the board from under the purview of the County Mayor to the Chairperson of the Board of County Commissioners; transferring certain responsibilities of the County Mayor with respect to the board to the Chairperson; eliminating certain responsibilities of County Mayor with respect to the board; providing for method of appointment, duties, and supervision of executive director; providing that the chairperson of the board shall have responsibility for fiscal review and managerial and operational oversight of the board

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM
(Revised)

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

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Gen Bonzon-Keenan
County Attorney

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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. 4(H)
10-5-21

ORDINANCE NO. _____

ORDINANCE RELATING TO THE SOUTH DADE BLACK HISTORY CENTER ADVISORY BOARD AT THE LARCENIA BULLARD PLAZA; AMENDING SECTIONS 2-432 AND 2-433 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTIONS 2-438 AND 2-439 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING NUMBER OF BOARD MEMBERS; REVISING REQUIREMENTS FOR QUORUM OF THE BOARD; TRANSFERRING STAFF AND SUPPORT FOR THE BOARD FROM UNDER THE PURVIEW OF THE COUNTY MAYOR TO THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS; TRANSFERRING CERTAIN RESPONSIBILITIES OF THE COUNTY MAYOR WITH RESPECT TO THE BOARD TO THE CHAIRPERSON; ELIMINATING CERTAIN RESPONSIBILITIES OF COUNTY MAYOR WITH RESPECT TO THE BOARD; PROVIDING FOR METHOD OF APPOINTMENT, DUTIES, AND SUPERVISION OF EXECUTIVE DIRECTOR; PROVIDING THAT THE CHAIRPERSON OF THE BOARD SHALL HAVE RESPONSIBILITY FOR FISCAL REVIEW AND MANAGERIAL AND OPERATIONAL OVERSIGHT OF THE BOARD; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on June 3, 2014, this Board approved Resolution No. R-487-14, which renamed the Richmond Heights Shopping Center located on Lincoln Boulevard and Carter Drive in Richmond Heights, Florida in honor of the late Senator Larcenia J. Bullard; and

WHEREAS, the Larcenia Bullard Shopping Plaza (“Plaza”) is intended to be a multi-purpose facility to:

- (1) be a catalyst for civic events;
- (2) showcase the history of South Miami-Dade County’s Black communities;

(3) serve as an arts and cultural center; and

(4) provide the community with retail and commercial rental spaces; and

WHEREAS, the Plaza will house the South Dade Black History Center (“Black History Center”) in a space where residents of, and visitors to, the area may visit and learn about the history of South Miami-Dade County’s Black communities and the contributions of Black people to the development of South Miami-Dade County; and

WHEREAS, on June 2, 2021, this Board approved Ordinance No. 21-46 which created the South Dade Black History Center Advisory Board; and

WHEREAS, among other things, the South Dade Black History Center Advisory Board is charged with:

(1) providing this Board with information pertaining to the Black History Center and advising the Board on matters of interest to the Black communities in South Miami-Dade County;

(2) supporting the Black History Center in carrying out its purpose;

(3) assisting with fundraising efforts to support the administration and operation of the Black History Center and related efforts; and

(4) developing policies, activities, or programming related to collections, conservation, exhibitions, and education at the Black History Center; and

WHEREAS, the Black History Center will serve as an educational resource to visitors and provide them with information about the history of South Miami-Dade County’s Black communities,

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

Section 1. Section 2-432 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

**ARTICLE XLVI. SOUTH DADE BLACK HISTORY CENTER
ADVISORY BOARD.**

* * *

Sec. 2-432. Composition; membership.

- (a) *Composition.* The SDAB shall be comprised of a total of ~~[[five]]~~ >>nine<< voting members. Each member of the SDAB shall be appointed by the sitting County Commissioner of District 9, where the Black History Center is housed and where the vast majority of South Miami-Dade County's Black communities are located.

* * *

Section 2. Section 2-433 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-433. Organization.

* * *

- (c) ~~[[*Staff support.*—The Mayor or the Mayor's designee, County Attorney, and the Clerk of the Board shall provide appropriate support to the SDAB.~~

- (i) ~~The Mayor or the Mayor's designee shall provide adequate staff and support services to the SDAB to enable it to carry out its duties and responsibilities. Among such other duties and responsibilities, the Mayor or Mayor's designee shall assign staff to:~~

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. The remaining provisions are now in effect and remain unchanged.

~~A. maintain and keep records of the SDAB, including ensuring the SDAB's roster is current;~~

~~B. prepare, in cooperation with the chairperson, the agenda for each meeting;~~

~~C. be responsible for the preparation of such reports, documents, resolutions, or correspondences as the SDAB may direct;~~

~~D. take minutes and make such minutes available on the Miami Dade County's website; and~~

~~E. generally administer the business and affairs of the SDAB, subject to budgetary limitations.~~

~~The Mayor or the Mayor's designee shall have the power to appoint, employ, remove, and supervise staff as deemed necessary to provide appropriate staff and support to the SDAB who shall serve at the will of the Mayor or Mayor's designee.~~

~~(ii) The County Attorney shall provide legal counsel to the SDAB.~~

~~(iii) The Clerk of the Board shall maintain a current roster of the SDAB's membership and maintain minutes of the SDAB's meetings.~~

~~(d)] Quorum. A quorum shall be required to transact any business or exercise any power vested in the SDAB. [[A]] >>Notwithstanding section 2-11.39.1 of the Code, a<< quorum for the SDAB shall consist of >>the lesser of four members or<< a majority of those persons duly appointed to the board, provided that at least half of the full board membership has been appointed. The SDAB shall not transact business or exercise its powers unless a majority of the quorum in attendance votes in favor of the activity.~~

~~>>(d)<<[[e)] Committees. The SDAB may appoint committees and subcommittees to accomplish its tasks.~~

* * *

Section 3. Section 2-438 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>Sec. 2-438. **Executive Director.**

- (a) Appointment of the executive director. The Chairperson of the County Commission shall appoint the executive director of the SDAB in accordance with the process below. The selection process shall be open and competitive and shall include, at a minimum, the following:
 - (i) Establishment of an Ad Hoc Executive Director Screening Committee (“Screening Committee”) responsible for the screening and preliminary interview of candidates. The Screening Committee shall be comprised of five members of the County Commission appointed by the Chairperson of the County Commission.
 - (ii) The County Human Resources Department, or its successor department, shall advertise the availability of the position of the executive director and shall provide the Screening Committee with a list of qualified candidates.
 - (iii) The Screening Committee shall screen, interview and evaluate applicants for the position of executive director and propose a slate of the top three candidates for the Chairperson of the County Commission’s consideration. The Screening Committee shall be staffed by the Human Resources Department, or successor department.
 - (iv) The Chairperson of the County Commission shall interview and select the executive director from the slate presented to the Screening Committee, subject to ratification by a majority vote of Board members present at the next regularly scheduled County Commission meeting after the selection.

- (b) Executive Director's duties and supervision. The executive director shall provide the SDAB with appropriate support to enable the SDAB to perform its duties, powers, and responsibilities. The executive director may be removed with or without cause by a vote of two-thirds of the full membership of the Board then in office. However, the Chairperson of the Board shall have the authority, on behalf of the Board, to counsel the executive director and, if applicable, impose appropriate disciplinary action up to and including dismissal after consultation with the County's Human Resources Department and the County Attorney's Office.
- (c) Initial executive director. The initial executive director of the SDAB shall be appointed by the District 9 County Commissioner. Any future executive director shall be appointed in accordance with the process set forth in section 2-438(a).<<

Section 4. Section 2-439 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>**Sec. 2-439. Supervision and Staff Support.**

- (a) The SDAB shall report to the County Commission. Notwithstanding that the SDAB shall report to the County Commission, the Chairperson of the County Commission shall be responsible, on behalf of the County Commission, for having fiscal review and managerial and operational oversight of the SDAB, including, but not limited to, the authority to establish workplace policies for the SDAB, conduct performance evaluations of the executive director, and monitor the administration of the affairs of the SDAB. The executive director shall respond to inquiries of the Chairperson of the County Commission as to the status and progress of tasks undertaken by the SDAB as well as all directives and mandates requested by the County Commission.

- (b) The Office of the Chairperson of the County Commission shall provide the SDAB with appropriate staff to support the SDAB's performance of its duties, powers, and responsibilities.
- (c) The County Attorney and the Clerk of the Board shall provide appropriate support to the SDAB.<<

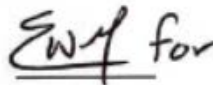
Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. 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 7. 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:



Shanika A. Graves

Prime Sponsor: Commissioner Kionne L. McGhee