

MEMORANDUM

Agenda Item No. 5(A)

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

DATE: October 19, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the South Dade Black History Center Advisory Board at the Larcenia Bullard Plaza ("Board"); amending articles XLVI and CLXVI of the Code; revising number of board members; revising requirements for quorum of the board and responsibilities of the board; eliminating certain responsibilities of County Mayor with respect to the board; providing that the board shall receive administrative support from the Office of Community Advocacy; providing for appointment and removal of the board's staff support; approving and adopting Fiscal Year 2021-22 mid-year supplemental budget adjustment and amendment

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

DATE: October 19, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(A)

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(A)
10-19-21

ORDINANCE NO. _____

ORDINANCE RELATING TO THE SOUTH DADE BLACK HISTORY CENTER ADVISORY BOARD AT THE LARCENIA BULLARD PLAZA (“BOARD”); AMENDING ARTICLES XLVI AND CLXVI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING NUMBER OF BOARD MEMBERS; REVISING REQUIREMENTS FOR QUORUM OF THE BOARD AND RESPONSIBILITIES OF THE BOARD; ELIMINATING CERTAIN RESPONSIBILITIES OF COUNTY MAYOR WITH RESPECT TO THE BOARD; PROVIDING THAT THE BOARD SHALL RECEIVE ADMINISTRATIVE SUPPORT FROM THE OFFICE OF COMMUNITY ADVOCACY; PROVIDING FOR APPOINTMENT AND REMOVAL OF THE BOARD’S STAFF SUPPORT; APPROVING AND ADOPTING FISCAL YEAR 2021-22 MID-YEAR SUPPLEMENTAL BUDGET ADJUSTMENT AND AMENDMENT; AND PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM 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 (“SDAB”); and

WHEREAS, among other things, the SDAB 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; and

WHEREAS, the Fiscal Year 2021-22 proposed County budget included \$258,000.00 and one staff position within the Department of Cultural Affairs to support the SDAB; and

WHEREAS, on September 28, 2021, at the Second Budget Hearing, the Board approved a motion to amend the Fiscal Year 2021-22 proposed County budget to (1) move the staff position assigned to SDAB from the Department of Cultural Affairs to the Office of Community

Advocacy under the Office of the Chair, (2) add an additional position for the SDAB in the Office of Community Advocacy under the Office of the Chair, (3) revise the table of organization to reflect the two positions added for the SDAB, and (4) transfer \$158,000.00 out of the funds budgeted to the Department of Cultural Affairs for the SDAB to support staff salaries to the Black Affairs Advisory Board through the Office of Community Advocacy; and

WHEREAS, this Board wishes to enact conforming amendments to the Code to reflect that SDAB shall receive administrative support from the Office of Community Advocacy, like the Black Affairs Advisory Board and nine other County advisory boards; and

WHEREAS, this Board desires to amend sections of the Code related to the SDAB; and

WHEREAS, this Board also desires to amend the County's Fiscal Year 2021-22 Adopted Budget to transfer the remaining \$100,000.00 from the Department of Cultural Affairs to the SBAD Trust Fund to be used in accordance with the purposes and provisions of the ordinance governing the SBAD,

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

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

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

* * *

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.

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.

* * *

Sec. 2-433. **Organization.**

* * *

- (c) *Staff support.* ~~[[The Mayor or the Mayor's designee,]]~~ >>The Office of Community Advocacy or its successor office.<< County Attorney, and the Clerk of the Board shall provide appropriate support to the SDAB. >>There shall be a program officer within the Office of Community Advocacy dedicated solely to supporting the activities of the SDAB. The Office of Policy and Budgetary Affairs shall, on a monthly basis, provide the SDAB with an accounting of available funds in the SDAB Trust Fund.<<

- ~~[[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:~~

~~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.

(e) *Committees.* The SDAB may appoint committees and subcommittees to accomplish its tasks.

* * *

Sec. 2-435. Duties; powers; responsibilities.

The SDAB shall have the following duties, powers and responsibilities:

(a) The SDAB shall provide this Board with information pertaining to the Black History Center and advise the Board on matters of interest to the Black communities in South Miami-Dade County.

(b) The SDAB shall support the Black History Center in carrying out its purpose.

(c) The SDAB shall assist in raising funds to support the administration and operation of the Black History Center and related efforts.

- (d) The SDAB shall develop policies, activities or programming related to collections, conservation, exhibitions, and education at the Black History Center.
- (e) Notwithstanding any provision in the Code to the contrary, the SDAB shall be authorized to accept and solicit gifts of money or services for the public purposes provided for in this article.
- (f) >>The SDAB shall prepare, on an annual basis, the SDAB's budget request so as to be considered as part of the annual budget process, including the amount of funds that are needed for deposit into the SDAB Trust Fund for programming at the Black History Center.
- ~~(g)~~<< The SDAB shall expend funds for the purposes provided in this article. The SDAB shall only be authorized to expend funds deposited in the SDAB Trust Fund. ~~[[The Mayor or the Mayor's designee shall, on a monthly basis, provide the SDAB with an accounting of available funds.]]~~ All expenditures of the SDAB shall be subject to a county audit.
- ~~[[g]]~~>>(h)<< The SDAB shall assist in the solicitation and approval of grant agreements for the public purposes provided for in this article. >>The SDAB shall assist in the application for grants to the SDAB for the public purposes provided in this article and may recommend to the Board, for its approval, all such grant agreements for the County's receipt of funds.<< All funds received pursuant to grant agreements shall be deposited in the SDAB Trust Fund.
- >>(i) The SDAB may recommend to the Board, for the Board's approval, contracts with agencies, corporations, persons or other entities, including but not limited to grant agreements, in amounts within the SDAB Trust Fund.<< The SDAB shall only ~~[[approve]]~~>>recommend<< grant agreements distributing funds to a third-party to the extent that funds are currently available in the SDAB Trust Fund.
- >>(j) The SDAB shall monitor the performance and enforcement of all SDAB contracts approved by the Board.

~~(k)~~<<[[~~(h)~~]] The SDAB shall act as an advisor to the Board on all other policy matters pertaining to Black History in South Miami-Dade County, as may be requested by the Board.

[[~~(h)~~]]>>(l)<< The SDAB shall report at least annually to the Board as to its activities, recommendations, and other relevant issues and shall appear as needed before the Board to present any matters pertinent to the SDAB. The completed reports required by this section shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Sec. 2-436. Financial Support for the SDAB.

There is hereby created the South Dade Black History Center Advisory Board Trust Fund for the public purposes provided for in this article. The Finance Director is hereby authorized and directed to establish the South Dade Black History Center Advisory Board Trust Fund and disburse monies in accordance with the provisions of this article. >>Funds deposited into the Trust Fund may be used to support activities and programing at the Black History Center as well as conferences, projects, and special events, including the purchase of food, which further the purposes of the SDAB.<<

* * *

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

ARTICLE CLXVI. - OFFICE OF COMMUNITY ADVOCACY

Sec. 2-2427. - Creation and Functions.

The Office of Community Advocacy is hereby established. The Office of Community Advocacy shall provide administrative support to those advisory boards established by the County Commission as set forth in this section and perform any other functions established by the County Commission. The following advisory boards shall receive administrative support from the Office of Community Advocacy:

- (a) Community Relations Board;
- (b) Miami-Dade County Interfaith Advisory Board;
- (c) Commission for Women;
- (d) Miami-Dade County Hispanic Affairs Advisory Board;
- (e) Miami-Dade County Black Affairs Advisory Board;
- (f) Miami-Dade County Domestic Violence Oversight Board;
- (g) Miami-Dade County Asian-American Advisory Board;
- (h) Elder Affairs Advisory Board;
- (i) Miami-Dade County Lesbian, Gay, Bisexual, Transgender, Queer ("LGBTQ") Advisory Board; ~~[[and]]~~
- (j) The Dr. Antonio Jorge Social and Economic Development Council for Miami-Dade County~~[[:-]]>>; and~~
- (k) South Dade Black History Center Advisory Board.<<

Sec. 2-2428. - Director.

The Office of Community Advocacy shall be headed by an executive director, who shall be appointed by the Chairperson of the County Commission in accordance with the following process. The selection process shall be open and competitive and shall include, at a minimum, the following:

1. Establishment of an Ad Hoc Executive Director Screening Committee ("Screening Committee") responsible for the screening and preliminary interviewing of candidates. The Screening Committee shall be comprised of five members of the County Commission appointed by the Chairperson of the County Commission.
2. 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.

3. 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.
4. The Chairperson of the County Commission shall interview and select the executive director from the slate presented by the Screening Committee, subject to ratification by a majority vote of the County Commission members present at the next regularly scheduled County Commission meeting after the selection.

The executive director shall have the power to appoint, employ, remove, and supervise such assistants, employees, and personnel, including program ~~[[directors]]~~>>officers<< for the advisory boards that the Office of Community Advocacy supports, as deemed necessary to provide appropriate support for the functions of the Office of Community Advocacy.

>>However, the power to appoint and remove the program officer and other staff support for the South Dade Black History Center Advisory Board shall be delegated to the sitting County Commissioner of District 9, where the South Dade Black History Center is housed and where the vast majority of South Miami-Dade County's Black communities are located.<< The executive director may be removed at any time with or without cause by a two-thirds vote of the full membership of the County Commission then in office. However, the Chairperson of the County Commission shall have the authority, on behalf of the County Commission, 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.

* * *

Section 3. In compliance with the provisions of section 1.02(A) of the Miami-Dade County Home Rule Charter and section 129.06, Florida Statutes, a mid-year supplemental budget adjustment and amendment to the County's Fiscal Year 2021-22 Adopted Budget to transfer \$100,000.00 from the revenues and expenditures in the Department of Cultural Affairs' budget to the Office of Community Advocacy under the Office of the Chair is hereby approved. Once the program officer and additional support staff for the South Dade Black History Center Advisory Board are hired, all funds remaining from the \$100,000.00 transfer that are not otherwise needed for salaries or benefits of the program officer and additional support staff for the South Dade Black History Center Advisory Board, shall be deposited into the South Dade Black History Center Advisory Board Trust Fund. The County Mayor or Mayor's designee is directed to make any conforming changes to the County's Fiscal Year 2021-22 Adopted Budget to effectuate the transfer of funds in accordance with this section 3.

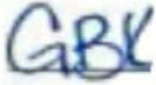
Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. 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 but excluding section 3, 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 6. 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