

MEMORANDUM

Agenda Item No. 5(A)

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

DATE: (Public Hearing: 5-3-22)
March 1, 2022

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 5.06 of the Board's rules; requiring additional municipal notification under certain circumstances for certain ordinances that directly affect municipalities; making technical changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Gerí Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: May 3, 2022


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

From: Daniella Levine Cava
Mayor 

Subject: Fiscal Impact Statement for Ordinance Relating to Additional Municipal Notification – 220312

The proposed ordinance relating to the Rules of Procedure of the Board of County Commissioners; amending section 2-1 of the Code and revising rule 5.06 of the Board's rules requiring addition municipal notification under certain circumstances for certain ordinances that directly affect municipalities will have no fiscal impact on the Office of Agenda Coordination.

Although the implementation of this ordinance may result in additional workload within the Office of Agenda Coordination, it is assumed that the Office can perform these duties with existing staff.


Edward Marquez
Chief Financial Officer

Memorandum



Date: May 3, 2022


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

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement – Ordinance Relating to Additional Municipal Notification- 220312

The proposed ordinance related to the Board of County Commissioners' Rules of Procedure, amends section 2-1 of the Code and revises rule 5.06. Currently, when the Board of County Commissioners are considering any ordinance directly affecting a municipality, Rule 5.06 provides that the ordinance shall be scheduled for public hearing no sooner than six weeks after its passage on first reading, and that the County must send a copy of the proposed ordinance to each affected city clerk, city attorney, and city manager, as well as the Executive Director of the Miami-Dade League of Cities, at least four weeks prior to the scheduled public hearing. However, in many cases, ordinances under consideration evolve during the legislative process, with a substitute or an alternate item at/before committee or final adoption, where committee review is waived or not required. Under these circumstances, the proposed item would require The Office of Agenda Coordination to email an additional communication to the above-referenced municipal officials within 24 hours following the first publication of each substitute, alternate, or amended ordinance on an agenda.

The proposed legislation improves communication and encourages greater transparency and cooperation between Miami-Dade County and municipalities within the County. The item also delegates additional duties to the Office of Agenda Coordination. No other benefits or burdens can be determined at this time.


Edward Marquez
Chief Financial Officer



MEMORANDUM
(Revised)

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

DATE: May 3, 2022

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)
5-3-22

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 5.06 OF THE BOARD'S RULES; REQUIRING ADDITIONAL MUNICIPAL NOTIFICATION UNDER CERTAIN CIRCUMSTANCES FOR CERTAIN ORDINANCES THAT DIRECTLY AFFECT MUNICIPALITIES; MAKING TECHNICAL 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 conduct of meetings and the agenda process; and

WHEREAS, when the Board is considering any ordinance directly affecting a municipality, rule 5.06 provides that the ordinance shall be scheduled for public hearing no sooner than six weeks after its passage on first reading, and that the County must send a copy of the proposed ordinance to each affected city clerk, city attorney, and city manager, as well as the Executive Director of the Miami-Dade League of Cities, at least four weeks prior to the scheduled public hearing; and

WHEREAS, oftentimes, ordinances under consideration evolve during the legislative process, with substitute or alternate items being offered at or before committee or final adoption, where committee review is waived or not required; and

WHEREAS, when this occurs, the Board's rules do not currently provide for any additional notification to municipalities directly affected by such an ordinance; and

WHEREAS, consequently, affected municipalities may not be aware that a different version of the ordinance has been proposed; and

WHEREAS, in furtherance of transparency and cooperation with the municipalities within Miami-Dade County, this Board wishes to amend its rules of procedure to provide for additional municipal notification under certain circumstances as ordinances move through the legislative process,

**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:¹

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

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

**Rule 5.06 ORDINANCES, RESOLUTIONS, MOTIONS,
CONTRACTS**

* * *

(f) ORDINANCES DIRECTLY AFFECTING
MUNICIPALITIES.

>>(1)<< Any proposed county ordinances that would directly affect the jurisdiction or the duties of municipalities or their officers, or any proposed ordinances that may have a direct fiscal impact upon municipal governments in

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.

Miami-Dade County, shall be scheduled for public hearing no sooner than six ~~[(6)]~~ weeks after its passage on first reading.

>>(2)<< At least four ~~[(4)]~~ weeks prior to the scheduled public hearing, the >>Office of Agenda Coordination<< ~~[[County Manager]]~~ is directed to mail or e-mail a copy of >>, or electronic link to,<< the proposed ordinance to each city clerk, city attorney, >>and<< city >>mayor or<< manager>>,<< and the Executive Director of the Miami-Dade League of Cities, Inc.

>>(3)<< The >>Office of Agenda Coordination's<< ~~[[County Manager's]]~~ communication shall include>>:

- a.<< the date of the scheduled public hearing>>;
- b. a statement<< ~~[[and shall state]]~~ that the proposed ordinance may have an impact upon municipalities>>;
- c. a statement that the proposed ordinance may be replaced with a substitute or alternate ordinance or amended by a committee or the Board during the legislative process; and
- d. a reference to a website or other resource to track the ordinance throughout the legislative process<<.

>>(4) The Office of Agenda Coordination shall e-mail an additional communication to the above-referenced municipal officials within 24 hours following the first publication of each substitute, alternate, or amended ordinance on an agenda. This additional communication shall provide a link to, or copy of, the proposed substitute, alternate, or amended ordinance and indicate the date and time of the meeting where such ordinance appears on the agenda. In the event that the additional communication is sent after committee consideration of the proposed substitute, alternate, or amended ordinance, the additional communication shall advise of the date and time of the meeting where the ordinance is expected to appear on an agenda for final adoption by the full Board.

(5)<< This subsection >>(f)<< shall be construed as directory only, and failure to comply with the provisions hereof shall not affect the validity of any ordinance.

* * *

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 Sally A. Heyman