

# MEMORANDUM

Agenda Item No. 5(D)  
(Public Hearing: 10-18-22)  
September 1, 2022


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

**DATE:**

**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; amending the Board's rules to require that certain reports be placed on an agenda of the full Board without committee review; providing an exception; making technical and conforming changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.

 For  
\_\_\_\_\_  
Geri Bonzon-Keenan  
County Attorney

GBK/smm

# Memorandum



**Date:** October 18, 2022


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

**From:** Daniella Levine Cava   
Mayor

**Subject:** Fiscal Impact Statement – Ordinance amending rules related to agenda placement of certain reports - 221768


---

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County, as this item only makes technical changes.

  
Edward Marquez  
Chief Financial Officer

**Date:** October 18, 2022

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

**From:** Daniella Levine Cava   
Mayor


**Subject:** Social Equity Statement – Ordinance amending rules related to agenda placement of certain reports - 221768

---

The proposed Ordinance amends the Board of County Commissioners’ Rules of Procedure, Section 2-1 of the Code of Miami-Dade County, related to the agenda placement of certain reports before the full Board of County Commissioners (Board).

Upon completion of any report prepared pursuant to a resolution, motion or other action of the Board, such report shall be placed on an agenda of the full Board, without committee review, unless the resolution, motion, or other action directing preparation of the report expressly provides that the report shall be subject to committee review.

The item provides for a technical change to the Code that will reduce the timeframe for placement of certain reports on a full Board agenda, no social equity benefit or burden 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:** October 18, 2022

**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)  
10-18-22

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; AMENDING THE BOARD’S RULES TO REQUIRE THAT CERTAIN REPORTS BE PLACED ON AN AGENDA OF THE FULL BOARD WITHOUT COMMITTEE REVIEW; PROVIDING AN EXCEPTION; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, this Board wishes to require that reports prepared at the request of the Board of County Commissioners (“Board”) and pursuant to its Rules of Procedure be placed on an agenda of the Board without committee review, unless otherwise stated by the sponsor; and

**WHEREAS**, Ordinance No. 14-65 amended section 2-1 of the Code of Miami-Dade County, Florida to require that reports prepared at the request of the Board be presented to the Board and reports prepared at the request of a committee of the Board be provided to such committee; and

**WHEREAS**, through Ordinance No. 14-65, the Board made a distinction between committee reports and reports requested by a member of the Board, but it did not clarify that the reports requested by the Board should bypass committee review; and

**WHEREAS**, placing reports directly on an agenda of the Board would expedite the approval of reports and ensure that they are accepted and implemented in a timely and efficient manner; and

**WHEREAS**, reports are distributed by the County Mayor or Mayor’s designee ahead of their placement on an agenda, giving Commissioners and staff time to review said reports; and

WHEREAS, requiring such reports to be placed directly on an agenda of the Board without committee review will facilitate the efficient and expeditious consideration of such reports and related matters,

**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.**

\* \* \*

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

\* \* \*

**Rule 5.06 ORDINANCES, RESOLUTIONS,  
>>REPORTS<< MOTIONS, CONTRACTS**

\* \* \*

- (j) >>Reports<< Upon completion of any report prepared pursuant to a resolution, motion or other action of the Board of County Commissioners, such report shall be placed on an agenda of the >>full<< Board of County Commissioners ~~[[for]]~~ >>without committee<< review, >>unless the resolution, motion, or other action directing preparation of the report expressly provides that the report shall be subject to committee review<< ~~[[notwithstanding any provision to the contrary or any statement to the contrary in any resolution, motion or other action of the Board of County Commissioners]]~~. For purposes of this >>subparagraph (j)<< ~~[[ordinance]]~~, a report is deemed to include any oral or written document of any kind, including a feasibility study, that is intended to communicate information requested by resolution, motion or other action of the Board of County Commissioners. This >>subparagraph (j)<<

<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.

[[~~ordinance~~]] shall not apply to reports provided pursuant to requests for information made by individual County Commissioners or memoranda from the Office of the County Attorney.

\* \* \*

**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 County 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:

EWJ for

Prepared by:

CL

Cynji A. Lee  
James Eddie Kirtley

Prime Sponsor: Commissioner Eileen Higgins