

MEMORANDUM

Agenda Item No. 5(A)


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

DATE: (Public Hearing: 10-18-22)
September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the Rules
of Procedure of the Board;
amending section 2-1 of the
Code; amending the Board's
rules regarding acceptance and
rejection of certain reports;
making technical and conforming
changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: October 18, 2022

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to the Acceptance and Rejection of Certain Reports – 221870

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

A handwritten signature in blue ink that reads "Edward Marquez".

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 the Rules of Procedure of the Board related to acceptance and rejection of certain reports – 221870

The proposed Ordinance amends the Board of County Commissioners' Rules of Procedure, Section 2-1 of the Code of Miami-Dade County, regarding the acceptance and rejection of certain reports.

When a report appears on an agenda of the full Board of County Commissioners (Board), the Board may accept or reject the report. Acceptance of a report acknowledges that the report communicates the information presented, but does not, without additional action by the Board, authorize the implementation of any recommendations contained in the report, establish policy, or amend any policies established by the County Commission.

The item clarifies the Code, by expressing what the acceptance of a report by the Board means, 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(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)
10-18-22

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 REGARDING ACCEPTANCE AND REJECTION OF CERTAIN REPORTS; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board wishes to amend its Rules of Procedure regarding acceptance and rejection of certain reports,

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,
>>REPORTS<< MOTIONS, CONTRACTS**

* * *

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.

(j) >>REPORTS

(1)<< 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 Board of County Commissioners for 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 >>report<< 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]]~~.

>>(2) When a report appears on an agenda of the full Board of County Commissioners, the Board may accept or reject the report. Acceptance of a report acknowledges that the report communicates the information presented, but does not, without additional action by the County Commission: authorize the implementation of any recommendations contained in the report; establish policy; or amend any policies established by the County Commission.

(3)<< ~~[[This]]~~ >>Subparagraph (j)(1) above<< ~~[[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

Prime Sponsor: Chairman Jose "Pepe" Diaz