

MEMORANDUM

Agenda Item No. 7(I)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 1, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to the Rules
of Procedure of the Board of
County Commissioners;
amending Section 2-1 of the
Code to require that reports
prepared at the request of the
Board of County Commissioners
be presented to the Board and
reports prepared at the request of
a committee of the Board be
provided to such committee
Ordinance No. 14-65

This item was amended at the 6-12-14 Economic Development and Port Miami Committee. This item clarifies that reports requested by a committee or the Board are to be placed on a committee and/or Board agenda, not merely submitted to individual Commissioners.

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: July 1, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Ordinance relating to the Rules of Procedure of the Board of County Commissioners; amending section 2-1 of the code of Miami-Dade County to require that reports prepared at the request of the Board of County Commissioners be presented to the Board and reports prepared at the request of a Committee of the Board be provided to such Committee

The proposed ordinance relates to the Rules of Procedure of the Board of County Commissioners (Board) and amends Section 2-1 of the Code of Miami-Dade County, requiring that reports prepared at the request of the Board of County Commissioners be presented to the Board and reports prepared at the request of a Committee of the Board be provided to such Committee. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Inson Kim".

Inson Kim
Director of Policy and Legislative Affairs

fis6314



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 1, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(I)

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
- 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 ____, 3/5's ____, unanimous ____) 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. 7(I)
7-1-14

ORDINANCE NO. 14-65

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY TO REQUIRE THAT REPORTS PREPARED AT THE REQUEST OF THE BOARD OF COUNTY COMMISSIONERS BE PRESENTED TO THE BOARD AND REPORTS PREPARED AT THE REQUEST OF A COMMITTEE OF THE BOARD BE PROVIDED TO SUCH COMMITTEE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

THEREFORE, 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:¹

Sec. 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION.

* * *

Part 4. COMMITTEES.

* * *

Rule 4.01. COMMITTEES.

* * *

>>(u) Upon completion of any report prepared pursuant to a<< ~~[[resolution,]]~~² >>motion or other action of a committee of the Board of County Commissioners, such report shall be<< >>placed on an agenda for review by the requesting<< ~~[[presented to the]]~~

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.

² Committee amendments are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

>>committee and the Board of County Commissioners<< [[for review]] >>, notwithstanding any statement to the contrary in the<< [[resolution,]] >>motion or other action of the committee. For purposes of this 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 a committee of the Board of County Commissioners. This 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. Section 2-1 of the Code of Miami-Dade County, Florida is hereby amended to read as:

Sec. 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION.

* * *

Part 5. CONDUCT OF MEETINGS; AGENDA

* * *

Rule 5.06. ORDINANCES, RESOLUTIONS, MOTIONS, CONTRACTS.

* * *

>>(j) 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<< [[presented to]] >>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 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 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 3. 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 4. 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 5. 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: July 1, 2014

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Cynthia Johnson-Stacks

Prime Sponsor: Commissioner Dennis C. Moss
Co-Sponsor: Commissioner Sally A. Heyman