

## MEMORANDUM

Agenda Item No. 7(D)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 30, 2015

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

**SUBJECT:** Ordinance related to approval of the County Budget; amending Section 2-1795 of the Code to revise the duties of the Commission Auditor and the roles and timing of Commission Committees related to the Budget

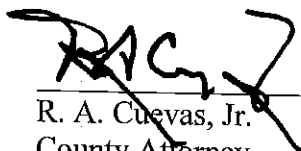
Ordinance No. 15-58

This item was amended at the 6-9-15 Strategic Planning & Government Operations Committee to:

(a) include a requirement that a Committee of the Whole be held prior to the first budget hearing to discuss the Mayor's proposed budget and any amendments to the proposed budget set forth in the Mayor's memorandum related to information for the first budget hearing; and

(b) to incorporate amendments to Section 2-1795 of the County Code enacted by the Board at its June 2<sup>nd</sup> meeting requiring that the commission committee with jurisdiction over budgetary matters meet prior to the Committee of the Whole to review and discuss any new fees, rates or charges or adjustments to existing fees, rates or charges set forth in the Mayor's proposed budget, and to forward its recommendation to the County Commission. Minor amendments were made to the language approved by the Board at its June 2<sup>nd</sup> meeting to conform the language to this item.

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Chairman Jean Monestime and Commissioner Juan C. Zapata.

  
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R. A. Cuevas, Jr.  
County Attorney

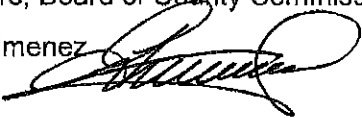
RAC/lmp

# Memorandum



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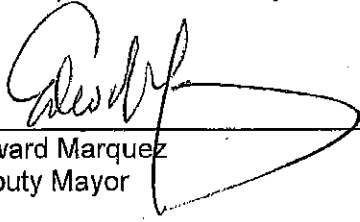
To: Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

From: Carlos A. Gimenez  
Mayor 

Subject: Ordinance Related to Approval of The County Budget

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The proposed Ordinance relating to the approval of the County Budget amends Section 2-1795 of the Code and revises the duties of the Commission Auditor and the roles and timing of the Commission Committees related to the Budget. Implementation of this ordinance should not create an additional fiscal impact to the County.

  
Edward Marquez  
Deputy Mayor

Fis05415



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 30, 2015

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

**SUBJECT:** Agenda Item No. 7(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
- 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



~~referenced in Section 5.03(B) of the Home Rule Charter shall be made available to the Commission Auditor on the same date as such budget is presented by the Mayor or his or her designee to the Board of County Commissioners. The Commission Auditor shall then commence an in-depth review and analysis of such budget giving full consideration to the County Commission's adopted policy directives, including specifically, an in-depth review and analysis of the proposed budget of the Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the Board of County Commissioners' fund.]]~~

>>2. Prior to the first budget hearing, a Committee of the Whole shall meet to review and discuss the Mayor's proposed budget and any proposed amendments to such budget set forth in the Mayor's memoranda related to information for the first budget hearing. The Mayor or the Mayor's designee will present the Mayor's proposed budget and any proposed amendments to such budget set forth in the Mayor's memoranda related to information for the first budget hearing and shall include as part of such presentation, at a minimum, the information required by Section 2-1800.

3. The commission committee having jurisdiction over budgetary matters shall meet prior to the meeting of the Committee of the Whole held prior to the first budget hearing to review and discuss all new fees, rates or charges and adjustments to any existing fees, rates or charges included in the Mayor's proposed budget, and to forward any recommendations to the County Commission regarding such fees, rates and charges. The Mayor or the Mayor's designee will present a report detailing such new fees, rates and charges or adjustments to existing fees, rates and charges at the committee meeting and shall include as part of such presentation, at a minimum, the reason for the proposed new fees, rates or charges or the proposed adjustments, as well as information regarding additional anticipated increases over the ensuing five fiscal years and the assumptions used to forecast such anticipated increases. The Chair of the committee having jurisdiction over

budgetary matters shall present any approved committee recommendations regarding the fees, rates and charges included in the Mayor's proposed budget at the Committee of the Whole held prior to the first budget hearing.<<<sup>2</sup>

~~[[In addition to the foregoing, the Commission Auditor, in consultation with the Chair of the committee having jurisdiction over budgetary matters and the Mayor's designee from the Office of Management and Budget (or its successor department), shall prepare a separate budget for the Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, the Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the Board of County Commissioners' fund.]]~~

~~[[Prior to the first meeting of the Committee of the Whole, the Commission Auditor shall present same to the Committee of the Whole. Between August 15th and the first budget hearing, a Committee of the Whole shall meet to review and discuss the Mayor's proposed budget and the Commission Auditor's proposed budgets for the Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, the Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the Board of County Commissioners' fund, and the findings, results and recommendations of the Commission Auditor. Prior to the first meeting of the Committee of the Whole, the Commission Auditor shall provide to the Commission a report by department to reflect each line item set forth in Section 2-1795. Such report shall be as of June 30th of the current fiscal year and shall include the prior fiscal year's budgeted and actual expenditures, the current year's budgeted expenditures and unaudited actual amounts as of June 30th, and the amounts included in the proposed budget. The report shall be filed with the Clerk of the Board and shall be posted on the County's website so it may be available to the general public. In addition, the]]~~

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<sup>2</sup> 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.

>>4.<< >>The<< County Mayor or the Mayor's designee shall post on the County's website the proposed budget in a line item format by program.

>>5.<< ~~[[2]]~~ >>Commencing in calendar year 2016, no later than April 1st of each year, the Commission Auditor shall provide to the Commission a written report detailing, as of the commencement of the fiscal year, for each department, office, division or other unit of County government the services provided to the community, the resources allocated for the delivery of such services, and the achievement of performance measures with respect to the delivery of services. The report shall include the Commission Auditor's recommendations regarding adjustments to resource allocations to yield desired service delivery results. Each commission committee shall meet no later than May 1st of each year to: review and discuss the Commission Auditor's report; identify new service delivery priorities for the ensuing fiscal year for those services under the commission committee's jurisdiction; approve by motion new service delivery priorities for the ensuing fiscal year; and forward its recommended priorities to the Commission. No later than June 1st of each year, the committee with jurisdiction over budgetary matters shall meet to: review and discuss the commission committees' recommended new service delivery priorities for the ensuing fiscal year; identify revenues and resources necessary to fund such priorities; and no later than June 15<sup>th</sup>, forward its findings to the Commission for its consideration at its regularly scheduled meeting immediately following June 15<sup>th</sup> or a special meeting called for such purpose. At such meeting, the Commission shall, by motion, approve those new service delivery priorities it wishes to implement in the ensuing fiscal year's County budget.<<

>>6.<< ~~[[3]]~~ >>The committee with jurisdiction over budgetary matters<< ~~[[Each commission committee]]~~ shall meet ~~[[between the first meeting of the Committee of the Whole and]]~~ >>immediately prior to<< the first >>and second<< budget >>hearings<< ~~[[hearing]]~~ to review and discuss the Mayor's proposed line item budget >>and any proposed amendments to such budget set forth in the Mayor's memoranda related to information for the first budget hearing and second budget hearing, respectively<<

~~[[for each administrative department within the committee's jurisdiction]], and to forward any recommendations to the Board regarding such proposed budget. The Mayor or the Mayor's designee will present [[each departmental]] >>the Mayor's proposed budget and any proposed amendments to such budget set forth in the Mayor's memoranda related to information for the first budget hearing and second budget hearing, respectively<< at the [[appropriate]] committee >>meetings<< [[meeting]] and shall include as part of such presentation, at a minimum, the information required by Section 2-1800. [[Each]] >>The chair of the committee with jurisdiction over budgetary matters<< [[committee chair]] shall present any approved committee recommendations regarding the Mayor's proposed budget >>and the Mayor's proposed amendments as set forth in the Mayor's memoranda<< at the >>first and second budget hearings<< [[second Committee of the Whole]].~~

~~[[Prior to the first budget hearing and after consultation with the Commission Chair and the Chair of the committee having jurisdiction over budgetary matters, the Commission Auditor, in cooperation with the Mayor or his/her designee, shall prepare and issue any recommended written changes to the Mayor's proposed budget and shall present same together with proposed budget amendments to the County Commission at the first budget hearing. A Committee of the Whole shall meet between the first and second budget hearings to discuss any proposed changes and recommendations which may result from the first budget hearing. At the second budget hearing, after consultation with the Chair of the Commission and the Chair of the committee having jurisdiction over budgetary matters and in cooperation with the Mayor or his/her designee, the Commission Auditor shall issue any final recommended written changes to the tentative budget and then present implementing amendments thereto to the County Commission.]]~~

~~[[In addition, the Commission Auditor shall review and analyze any midyear and year-end budget amendments proposed by the Mayor or his/her designee giving full consideration to the County Commission's policy directives. The Commission Auditor shall issue any final recommended written changes to the Mayor's proposed midyear and year-end budget amendments and present~~



~~same to the County Commission prior to its consideration of such proposed budget amendments.]]~~

>>7<< ~~[[4.]]~~ This >>section<< ~~[[subsection]]~~ is not intended to be construed in any way as a limitation on the Mayor's right to participate in the budget process as set forth in the Home Rule Charter, including specifically the right to attend and be heard at the budget hearings to express a difference of opinion with >>any<< ~~[[the Commission Auditor's]]~~ recommendations and proposed changes~~[[, or the Commission Auditor's proposed budgets for the Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the Board of County Commissioners' fund]]~~. The responsibilities assigned by this section to the Commission Auditor shall be deemed a permanent element of the Commission Auditor's annual work program for each ensuing fiscal year without need for further Commission approval.

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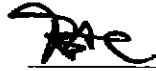
**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**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: June 30, 2015

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Geri Bonzon-Keenan

Co-Prime Sponsors: Chairman Jean Monestime  
Commissioner Juan C. Zapata