

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

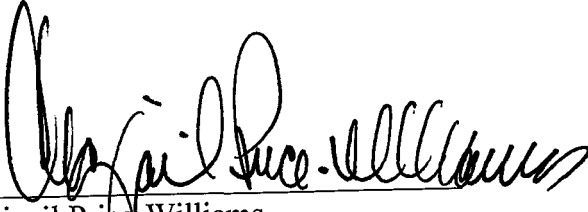
DATE: (Second Reading 4-7-20)
February 4, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance creating the Citizens
Redistricting Advisory Board;
creating Article CLXIII of
Chapter 2 of the Code; providing
for the composition and duties of
the Board and other related
matters waiving section 2-11.37(c)
of the Code as it relates to
requiring six weeks between first
reading of the ordinance and
public hearing

Ordinance No. 20-31

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor
Chairwoman Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

APW/lmp

Memorandum



Date: April 7, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Gimenez", written over a horizontal line.

Subject: Fiscal Impact Statement for Ordinance Creating the Citizens Redistricting Advisory Board

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. The proposed ordinance would not require additional staff resources as the Office of the Mayor or Mayor's Designee would staff and provide support services for the Advisory Board.

A handwritten signature in black ink, appearing to read "Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

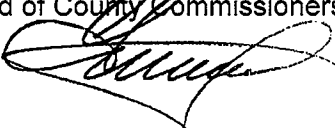
FIS03720 200162

Memorandum



Date: April 7, 2020

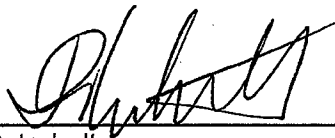
To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Creating the Citizens Redistricting Advisory Board

The proposed ordinance creates Article CLXIII of Chapter 2 of the Code of Miami-Dade County (Code) establishing the Citizens Redistricting Advisory Board and provides for the composition and duties of the Board.

The Citizens Redistricting Advisory Board will enhance public input in the redistricting process by eliciting comments from the public at their meetings, as well as public redistricting workshops, that will inform their recommendations to the Board of County Commissioners.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

200162

Memorandum



Date: April 7, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Report on the Creation of the Citizens Redistricting Advisory Board

The proposed ordinance creates Article CLXII of Chapter 2 of the Code of Miami-Dade County (Code) establishing the Citizens Redistricting Advisory Board and provides for the composition and duties of the Board. The below analysis is provided pursuant to Section 2-11.37 of the Code:

1. Board Resolution No. 511-04 requires a 13-member Citizens Redistricting Advisory Board to be empaneled in the year preceding the release of the federal decennial census. The release of the decennial census data is expected in March 2021. The proposed ordinance outlines the powers and duties of the Citizens Redistricting Advisory Board which includes assisting the Board of County Commissioners in drafting a redistricting plan that meets applicable federal, state and local redistricting criteria.
2. The Citizens Redistricting Advisory Board will be advisory to the Board of County Commissioners on the specific issue of commission redistricting. There are no other County boards that serve a similar function.
3. The Citizens Redistricting Advisory Board will be empaneled every 10 years in the year preceding the release of the federal decennial census and is scheduled to sunset upon adoption of a final redistricting plan, unless extended by ordinance. The cost to facilitate meetings of the Citizens Redistricting Advisory Board will be absorbed within the budget of the Department of Regulatory and Economic Resources.
4. The creation of the Citizens Redistricting Advisory Board would not enable the County to obtain state or federal grants, or other financing.
5. The Citizens Redistricting Advisory Board will not have bonding authority.
6. The Citizens Redistricting Advisory Board will be advisory to the Board of County Commissioners and will not have contracting authority.
7. The Citizens Redistricting Advisory Board will elicit comments from the public on the redistricting process at their meetings as well as public redistricting workshops to inform their recommendations to the Board of County Commissioners.


Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: April 7, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(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. 7(A)
4-7-20

ORDINANCE NO. 20-31

ORDINANCE CREATING THE CITIZENS REDISTRICTING ADVISORY BOARD; CREATING ARTICLE CLXIII OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE COMPOSITION AND DUTIES OF THE BOARD AND OTHER RELATED MATTERS; WAIVING SECTION 2-11.37(C) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AS IT RELATES TO REQUIRING SIX WEEKS BETWEEN FIRST READING OF THE ORDINANCE AND PUBLIC HEARING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, section 1.03(B) of the Home Rule Charter authorizes the Board of County Commissioners to redraw the County Commission election districts from time to time; and

WHEREAS, there are established legal criteria and traditional redistricting factors to be considered when redrawing election districts; and

WHEREAS, the Board desires to elicit public comments on the redrawing of election districts through a series of public workshops and a Citizens Redistricting Advisory Board,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Article CLXIII of Chapter 2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

ARTICLE CLXIII

**MIAMI-DADE COUNTY CITIZENS
REDISTRICTING ADVISORY BOARD**

Sec. 2-2410. Creation.

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There is hereby created and established the Miami-Dade County Citizens Redistricting Advisory Board.

Sec. 2-2411. Composition; membership.

- (a) *Composition.* In the year preceding the release of each federal decennial census, a 13-member Citizens Redistricting Advisory Board shall be empaneled. Each member of the Board of County Commissioners shall appoint one member to the Citizens Redistricting Advisory Board and shall file notice of the appointment with the Clerk.
- (b) *Qualifications.* Each member of the Citizens Redistricting Advisory Board shall be a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds (2/3) vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community. No member of the Board of County Commissioners may serve on the Citizens Redistricting Advisory Board. Unless the Board of County Commissioners by two-thirds (2/3) vote of its membership waives the residency requirement, any member of the Citizens Redistricting Advisory Board who ceases to be a resident of Miami-Dade County during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners. Upon being advised by the Clerk of such circumstances, the position shall be deemed vacant.
- (c) *Compensation.* Citizens Redistricting Advisory Board members shall serve without compensation.
- (d) *Vacancies.* Vacancies shall be filled in the same manner by which the original members were appointed.
- (e) *Tenure and Removal.* The Citizens Redistricting Advisory Board shall serve until the Board of County Commissioners adopts a final redistricting plan. Any Commissioner who has nominated a citizen to the Citizens Redistricting Advisory Board may at any

time, with or without cause, remove said board member from his or her position on the Citizens Redistricting Advisory Board by filing a notice with the Clerk and appoint a different person to fill the position.

- (f) *Attendance.* Attendance requirements for members shall be in accordance with section 2-11.39 of the Code.

Sec. 2-2412. Organization.

- (a) *Bylaws, Rules, and Regulations.* The Citizens Redistricting Advisory Board shall establish, adopt, and amend bylaws, rules, and regulations for its own governance. In the event that the Citizens Redistricting Advisory Board does not adopt rules or policies, or its adopted rules or policies do not address a particular situation, then the applicable provisions of the Board of County Commissioners' Rules of Procedure, as such may be amended from time to time, shall apply.
- (b) *Officers.* The Citizens Redistricting Advisory Board shall elect a chairperson and a vice-chairperson from among its members, who shall serve at the will of the Citizens Redistricting Advisory Board. The chairperson shall preside at all meetings at which they are present. The vice-chairperson shall act as chairperson in the absence of the chairperson.
- (c) *Staff Support.* The Citizens Redistricting Advisory Board shall be staffed by the County Mayor or the County Mayor's designee, the County Attorney, the County Clerk, and any redistricting expert selected by the Board of County Commissioners.
- (d) *Quorum.* A quorum shall be required to transact any business or exercise any power vested in the Citizens Redistricting Advisory Board. A quorum for the Citizens Redistricting Advisory Board shall consist of a majority of those persons duly appointed to the board, provided that at least half of the full board membership has been appointed.

Sec. 2-2413. Meetings.

The Citizens Redistricting Advisory Board shall hold meetings as it deems necessary. A special meeting may be called by the chairperson or by a written request from a majority of those persons duly appointed to the board.

Sec. 2-2414. Powers and duties.

The Citizens Redistricting Advisory Board shall have the following powers, duties, functions, and responsibilities:

- (a) The Citizens Redistricting Advisory Board shall assist the Board of County Commissioners in drafting a redistricting plan that meets the redistricting criteria and factors outlined in section 1 of Resolution No. R-511-04 and any other criteria required by law. The Citizens Redistricting Advisory Board shall work with any redistricting experts designated by the Board of County Commissioners, the County Attorney's Office, and such other staff as may be appointed by the County Mayor to accomplish this task.
- (b) After the initial release of the federal census data, public redistricting workshops shall be commenced at various locations throughout the county to inform and elicit comments from the public concerning the redistricting process. The members of the Citizens Redistricting Advisory Board shall attend all such public workshops. Failure to attend a public workshop shall serve as an absence for purposes of the attendance requirement under section 2-11.39 of the Code.
- (c) Within 20 days from the last public workshop, the Citizens Redistricting Advisory Board shall receive any redistricting plans or reports proposed by the redistricting expert. Within 20 days from the receipt of any such plans or reports, the Citizens Redistricting Advisory Board shall submit to the Board of County Commissioners a written report containing its recommendations and comments on each plan and/or report proposed by the expert. The

recommendations and comments of the Citizens Redistricting Advisory Board must be based upon the redistricting criteria and factors contained in section 1 of Resolution No. R-511-04 and any other criteria required by law. Any such recommendation(s) must receive at least a majority vote of approval from the duly appointed members of the Citizens Redistricting Advisory Board. The written report of the Citizens Redistricting Advisory Board should endeavor to explain the extent to which the proposed plans or reports comport with the criteria and factors contained in section 1 of Resolution No. R-511-04 and any other criteria required by law. Such report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-85.

- (d) The Citizens Redistricting Advisory Board shall perform any other responsibilities or duties as directed by action of the Board of County Commissioners.

Sec. 2-2415. Applicability of County rules and procedures.

All proceedings of the Citizens Redistricting Advisory Board shall be conducted in accordance with Florida's open government laws, including, but not limited to, the Government in the Sunshine Law and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter. Members of the public shall be given a reasonable opportunity to be heard on any proposition before the Citizens Redistricting Advisory Board. Additionally, the Citizens Redistricting Advisory Board shall be deemed an "agency" for the purposes of the state's public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of the Code of Miami-Dade County.

Sec. 2-2416. Sunset.

The Citizens Redistricting Advisory Board empaneled for each federal decennial census shall sunset and stand dissolved upon adoption by the Board of County Commissioners of a final redistricting plan, unless it is extended by an ordinance duly adopted by the Board.

Sec. 2-2417 – 2-2419. Reserved.

Section 2. This Board waives the requirements of Section 2-11.37(c) of the Code Miami-Dade County, Florida, which require that the public hearing for this ordinance be held no earlier than six weeks after passage of this ordinance on first reading.

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:

April 7, 2020

Approved by County Attorney as
to form and legal sufficiency:

AW

Prepared by:

MBV

Michael B. Valdes

Prime Sponsor: Chairwoman Audrey M. Edmonson