

MEMORANDUM

Agenda Item No. 7(I)

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

DATE: (Second Reading 5-5-20)

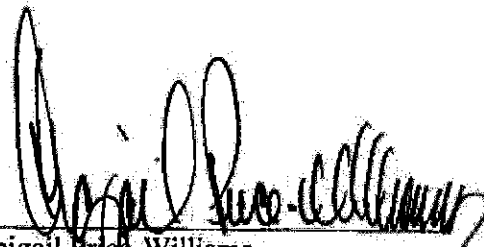
February 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to
Community Councils and Zoning
in the unincorporated area;
amending sections 20-43 and 33-
306 of the Code; providing that
Community Council and
Community Zoning Appeals
Board members shall be referred
to as board members and not
council members

Ordinance No. 20-41

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa and Co-Sponsors Chairwoman Audrey M. Edmonson and Commissioner Joe A. Martinez.



Abigail Price-Williams
County Attorney

APW/lmp

Memorandum



Date: May 5, 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 "Carlos A. Gimenez".

Subject: Fiscal Impact Statement for Ordinance Relating to Community Councils and Zoning in the Unincorporated Areas

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Jack Osterhoff".

Jack Osterhoff
Deputy Mayor


FIS03820 200262

Memorandum



Date: May 5, 2020

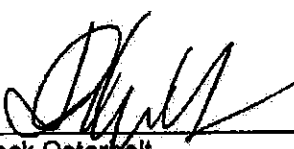
To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Community Councils and Zoning
Appeals Board Members

The proposed ordinance amends Sections 20-43 and 33-306 of the Code of Miami-Dade County (Code) providing that Community Council and Community Zoning Appeals Board members shall be referred to as board members and not council members.

The proposed ordinance does not have a measurable social equity benefit or burden that can be determined at this time.



Jack Osterholt
Deputy Mayor

200252



MEMORANDUM
(Revised)

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

DATE: May 5, 2020

FROM: Abigail Price-Williams
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
- 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(I)
5-5-20

ORDINANCE NO. 20-41

ORDINANCE RELATING TO COMMUNITY COUNCILS AND ZONING IN THE UNINCORPORATED AREA; AMENDING SECTIONS 20-43 AND 33-306 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT COMMUNITY COUNCIL AND COMMUNITY ZONING APPEALS BOARD MEMBERS SHALL BE REFERRED TO AS BOARD MEMBERS AND NOT COUNCIL MEMBERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Community Councils and Community Zoning Appeals Boards (CZABs) fulfill various planning and zoning functions in unincorporated Miami-Dade County; and

WHEREAS, each Community Council and CZAB for a given area is comprised of the same seven members; and

WHEREAS, some Community Council and CZAB members are sometimes referred to as “councilmen,” “councilwomen,” or “councilpersons”; and

WHEREAS, in some municipalities in Miami-Dade County and in other jurisdictions, the local governing body is referred to as a “council” and its members may also be sometimes called “councilmen,” “councilwomen,” or “councilpersons”; and

WHEREAS, to prevent public confusion and ensure that Community Council and CZAB members are not mistaken for members of a local governing body, such members should not be referred to as “councilmen,” “councilwomen,” or “councilpersons”; and

WHEREAS, instead, to further transparency and avoid confusion, Community Council and CZAB members should be referred to as “board members” only, just like members of other subsidiary County boards,

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

Section 1. Section 20-43 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-43. Community Councils; membership.

Except as provided in subsection (E), Community Councils shall have seven (7) members, six (6) of whom shall be elected at large within the council area and one (1) of whom shall be appointed by the Board of County Commissioners as follows:

(A) *Elected Council Members.*

* * *

>>(G) A Community Council member, whether elected or appointed, shall be referred to as a "board member." The terms "councilman," "councilwoman," and "councilperson" shall not be used in reference to such a board member.<<

Section 2. Section 33-306 of the Code of Miami-Dade County is hereby amended to read as follows:

**Sec. 33-306 Community Zoning Appeals Boards –
Establishment >>and membership<<**

(a) There are hereby established multiple Community Zoning Appeals Boards whose boundaries shall coincide with the boundaries of Community Councils established pursuant to the Code of Miami-Dade County. The Community Councils shall serve as Community Zoning Appeals Boards and shall have jurisdiction over zoning applications as provided in this chapter. Each member shall be a qualified elector of Miami-Dade County, with an outstanding reputation for civic interest, community welfare, integrity and responsibility; provided, no member shall be employed by Miami-Dade

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.

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County, or be a member of the County Commission. The seven (7) members of each Community Zoning Appeals Board shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval of the County Commission.

* * *

>>(c) A Community Zoning Appeals Board member, whether elected or appointed, shall be referred to as a "board member." The terms "councilman," "councilwoman," and "councilperson" shall not be used in reference to such a board member.<<

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:

Approved by County Attorney as
to form and legal sufficiency:

May 5, 2020

Prepared by:

James Eddie Kirtley

Prime Sponsor: Vice Chairwoman Rebeca Sosa
Co-Sponsors: Chairwoman Audrey M. Edmonson
Commissioner Joe A. Martinez