

MEMORANDUM

Amended
Agenda Item No. 5(E)

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

DATE: September 1, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the
Independent Civilian Panel
("Panel"); amending section
2-11.43 of the Code; revising
requirements for representation
on the Panel; making conforming
amendments to Resolution No.
R-1045-20 and Implementing
Order 2-14

Ordinance No. 21-83

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: September 1, 2021

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, appearing to read "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Independent Civilian Panel Amend Article IC

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County, as the proposed changes are procedural.

A handwritten signature in blue ink, appearing to read "J.D. Patterson".

J.D. Patterson
Chief Public Safety Officer

FIS05121 211518

Date: September 1, 2021

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

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Related to the Independent Civilian Panel
#211518

The proposed ordinance seeks to amend Section 2-11.43 of the Code of Miami-Dade County, Florida, relating to the Independent Civilian Panel (ICP).

The ICP, created by Ordinance No. 20-80, is an impartial review panel created to conduct independent investigations and reviews, and hold public hearings concerning complaints or grievances made against certain sworn officers. Additionally, the ICP provides a mechanism for external community fact-finding and dispute resolution of matters involving said sworn law enforcement officers. However, the ICP has not yet been fully empaneled, due to several members of this Board encountering challenges when making direct appointments. Specifically, Section 2-11.43 of the County Code limits representation on the ICP to no more than two individuals with the same or similar professions or backgrounds. It is believed that the amended County Code would result in more flexibility for the appointment of members to the ICP and a means for its full empanelment. The community cannot benefit from an independent review process until the ICP is fully empaneled.


JD Patterson
Chief Public Safety Officer



MEMORANDUM (Revised)

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

DATE: September 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 5(E)

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 _____

Amended
Agenda Item No. 5(E)
9-1-21

ORDINANCE NO. **O-21-83**

ORDINANCE RELATING TO THE INDEPENDENT CIVILIAN PANEL (“PANEL”); AMENDING SECTION 2-11.43 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REQUIREMENTS FOR REPRESENTATION ON THE PANEL; MAKING CONFORMING AMENDMENTS TO RESOLUTION NO. R-1045-20 AND IMPLEMENTING ORDER 2-14; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Independent Civilian Panel (“ICP”) is an impartial review panel created to conduct independent investigations and reviews, and hold public hearings concerning complaints or grievances made against certain sworn officers of (i) the Miami-Dade Police Department or any successor agency, (ii) any other law enforcement agency established by this Board of County Commissioners (“Board”), or (iii) any municipality that opts to utilize the panel; and

WHEREAS, additionally, the ICP provides a mechanism for external community fact-finding and dispute resolution of matters involving said sworn law enforcement officers; and

WHEREAS, the ICP was established in 2020 after the Independent Review Panel, which was created in 1980, was reconstituted and renamed; and

WHEREAS, like the Independent Review Panel, the ICP was restructured after substantial unrest in the community; and

WHEREAS, although this Board approved Ordinance No. 20-80 on August 31, 2020, which, among other things, amended the ICP’s composition, authority, powers, and staffing, the ICP’s initial panel has not yet been empaneled; and

WHEREAS, additionally, several members of this Board have encountered challenges when making direct appointments to the ICP; and

WHEREAS, specifically, because the ICP limits representation on the panel to no more than two individuals with the same or similar professions or backgrounds, several individuals that members of this Board would like to appoint to serve on the panel may be prohibited from serving because they have the same or similar professions or backgrounds even if the actual work they engage in is distinct; and

WHEREAS, this Board wants to streamline the process for Commissioners to appoint members to the ICP,

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

Section 1. Section 2-11.43 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

ARTICLE IC. – INDEPENDENT CIVILIAN PANEL

* * *

Sec. 2-11.43. - Composition; appointment and terms of office; compensation; oath; attendance at meetings, vacancies.

* * *

(b) Appointments.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. The remaining provisions are now in effect and remain unchanged.

* * *

~~[(3) Representation on the Panel. The Panel shall be limited to two members with the same or similar professions or backgrounds. During the initial appointment of the Panel, if more than two prospective Panel members have the same or similar professions or backgrounds, the Executive Director of the Office of Community Advocacy shall utilize a random selection process to identify two of the prospective applicants for consideration to be appointed to the Panel. If necessary, this process shall be repeated until a maximum of two members with the same or similar professions or backgrounds have been appointed to the Panel. Notwithstanding any language herein or in any resolution or implementing order to the contrary, more than two individuals with the same or similar professions or backgrounds who have the same professional license shall not be prohibited from serving on the Panel if such individuals work, are employed, or practice in distinct fields or areas.]]~~

* * *

- (g) Vacancies. In the event of a vacancy on the Panel, the Chair of the Panel shall appoint at least five Panel members to serve as a nominating committee. The nominating committee shall advertise the open seat on the Panel as provided in subsection (b)(2) above and interview candidates. Said advertisement shall include the professions or backgrounds of the existing Panel members~~[[and expressly provide that no more than two members with the same or similar professions or backgrounds may be appointed to the Panel]]~~. The Panel shall then submit the names of at least two applicants to the County Commissioner who appoints the open seat for selection and appointment to the Panel.

* * *

Section 2. This Board amends Resolution No. R-1045-20 to strike language in section 7 in its entirety and renumbers subsequent sections accordingly.

Section 3. This Board amends Implementing Order No. 2-14 to strike the language in the section entitled “Procedure for Empaneling New Members” as provided herein:

PROCEDURE FOR EMPANELING NEW MEMBERS:

After the appointment of the initial Panel, which shall be conducted as prescribed by this Board, vacant seats on the Panel shall be filled as provided herein. The Panel’s executive director shall contact any Commissioner whose seat on the Panel is vacant to ascertain whether the Commissioner would like the seat filled by a direct appointment or an appointee who has been vetted by a nominating committee empaneled by the chair of the Panel.

If the Commissioner would like to select a member that has been vetted by the nominating committee, the chair of the Panel shall appoint five members to serve as a nominating committee. The nominating committee shall advertise the open seat on the Panel and provide applications through public notices, which may be published on social media platforms, print media, and the County’s website. Said advertisement shall include the professions or backgrounds of the existing Panel members~~[[and expressly provide that no more than two members with the same or similar professions or backgrounds may be appointed to the Panel]]~~. The applications shall:

- (1) Conspicuously stipulate locations, physical or electronic, where applications may be submitted and the submission deadline;
- (2) Include the following link <https://www.miamidade.gov/commission> so that individuals will be able to identify their County Commissioner;

- (3) Conspicuously provide in bold and underlined lettering that members of the Miami-Dade County Board of Commissioners may opt to appoint members to the Panel outside of the application process; and
- (4) Request that applicants provide the following information:
- a. Biographical information;
 - b. Education and work history, profession, background, and experience, as applicable;
 - c. Miami-Dade County Commission District of their home residence;
 - d. Interest statement; and
 - e. Other pertinent information.

After interviewing and considering all applicants, the nominating committee shall review, consider, and discuss applications at a publicly noticed meeting or meetings and provide the appropriate County Commissioner with the names of no less than two applicants from his or her district. If there are more than two vacancies to be filled, the Panel's executive director shall send the applicant names concurrently to each Commissioner for the Commissioner's consideration for appointment to the Panel. In the event the nominating committee does not receive applications from at least two qualified candidates or upon any Commissioner's request, the nominating committee shall readvertise the open seat and repeat the process until the seat is filled.

~~[[In the event any Commissioner submits the name of a proposed appointee who has the same or similar profession or background of two other Panel members, the Panel's executive director shall advise the Commissioner that the Panel currently has two Panel members with the same or similar professions or backgrounds and determine whether the Commissioner would like to (1) appoint~~

~~another individual, (2) reconsider the other applicant(s) submitted to them for consideration by the nominating committee, or (3) have OCA reopen the application process and provide the names of new applicants.]]~~

Section 4. 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 5. 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 6. 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: September 1, 2021

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Shanika A. Graves

Prime Sponsor: Commissioner Sally A. Heyman