

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: February 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to
membership on County boards;
amending section 2-11.38 of
the Code; authorizing waiver
of the restriction that prohibits
individuals serving on certain
County boards from
simultaneously serving
on another County board;
making technical changes

Ordinance No. 22-11

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: February 1, 2022

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Membership on County Board

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

A handwritten signature in blue ink that reads "Edward Marquez".

Edward Marquez
Chief Financial Officer

Memorandum



Date: February 1, 2022

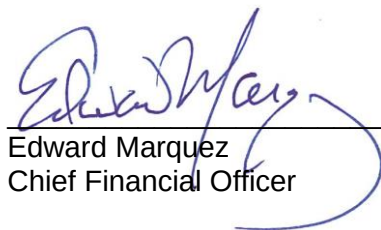
To: Honorable Chairman Jose "Pepe" Diaz
And Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance relating to membership on County boards - 212434

The proposed ordinance amends Section 2-11.38 of the Code of Miami-Dade County (Code) related to membership on County boards. The legislation provides that a person serving on a Community Council, Community Zoning Appeals Board, Planning Advisory Board, The Citizens' Independent Transportation Trust, Housing Finance Authority, Independent Civilian Panel, Industrial Development Authority, Health Facilities Authority, Educational Facilities Authority, Commission on Ethics and Public Trust, Environmental Quality Control Board, The Children's Trust, and the Public Health Trust shall not serve on any other County board simultaneously unless the Board of County Commissioners (Board), by a two-thirds vote of members present, provides a waiver of this restriction.

Currently section 2-11.38 of the Code states that no person shall serve on more than two County boards simultaneously, unless approved unanimously by the Board. This section of the Code also identifies certain County boards whose members are prohibited from serving on any other County board simultaneously, except as provided by ordinance. The establishment of a waiver process would permit civically active members of our community an avenue to potentially expand the number of ways that they can provide a service to the community. Allowing the Board an opportunity to decide on a case-by-case basis if certain candidates should be granted an exception to the rule regarding simultaneous service will provide protection against potential conflicts and provide that any such waiver is presented to the public.


Edward Marquez
Chief Financial Officer

212434



MEMORANDUM

(Revised)

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

DATE: February 1, 2022

FROM: 
Gen Bonzon-Keenan
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)
2-1-22

ORDINANCE NO. 22-11

ORDINANCE RELATING TO MEMBERSHIP ON COUNTY BOARDS; AMENDING SECTION 2-11.38 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING WAIVER OF THE RESTRICTION THAT PROHIBITS INDIVIDUALS SERVING ON CERTAIN COUNTY BOARDS FROM SIMULTANEOUSLY SERVING ON ANOTHER COUNTY BOARD; MAKING TECHNICAL CHANGES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, section 2-11.38 of the Code of Miami-Dade County, Florida (“Code”) provides for membership on County boards; and

WHEREAS, pursuant to said provision of the Code, “no person shall serve on more than two County boards simultaneously,” unless approved by a unanimous vote of this Board; and

WHEREAS, section 2-11.38 also identifies certain County boards whose members are prohibited from serving on any other County board simultaneously, except as provided by ordinance; and

WHEREAS, specifically, such boards are the Community Council, Community Zoning Appeals Board, Planning Advisory Board, Citizens’ Independent Transportation Trust, Housing Finance Authority, Independent Civilian Panel, Industrial Development Authority, Health Facilities Authority, Educational Facilities Authority, Commission on Ethics and Public Trust, Environmental Quality Control Board, The Children’s Trust, and the Public Health Trust; and

WHEREAS, this Board wishes to amend section 2-11.38 to authorize waiver, by a two-thirds vote of the members present, of the restriction prohibiting simultaneous service on the above-referenced boards,

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

Section 1. Section 2-11.38 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-11.38. - Membership on boards.

* * *

No member of any County board shall become a candidate for elective political office during his or her term. Should any member of a County board qualify as a candidate for elective political office, such qualification shall be deemed a tender of resignation from such board. No person shall serve on more than two ~~[(2)]~~ County boards simultaneously, unless the ~~>>Board of County Commissioners<< [[Commission]]~~ has by unanimous vote approved the appointment after being advised of all other County board(s) upon which the person sits, provided, however, a person serving on any one of the following boards shall not serve on any other County board simultaneously except as provided by ordinance~~>> or unless the Board of County Commissioners, by a two-thirds vote of members present, waives this restriction<<~~: Community Council; Community Zoning Appeals Board; Planning Advisory Board; Citizens' Independent Transportation Trust; Housing Finance Authority; Independent ~~[[Review]]~~ ~~>>Civilian<<~~ Panel; Industrial Development Authority; Health Facilities Authority; Educational Facilities Authority; Commission on Ethics and Public Trust; Environmental Quality Control Board; The Children's Trust; and the Public Health Trust. Notwithstanding the foregoing, a person is prohibited from serving

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.

on a County board where such service would violate federal or state law, the Miami-Dade County Home Rule Charter or county ordinance.

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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:

February 1, 2022

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Leigh C. Kobrinski
Shanika A. Graves

Prime Sponsor: Senator René García

