

MEMORANDUM

Amended
Agenda Item No. 7(A)

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

DATE: March 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to Rules
of Procedure of the Board
of County Commissioners;
amending section 2-1 of the
Code; amending provisions
relating to the placement of
items on an agenda; providing
a process when more than one
County Commissioner requests
the preparation of the same or
substantially similar ordinance
or resolution for placement on
an agenda

Ordinance No. 22-29

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor
Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: March 15, 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". The signature is written in a cursive style and is positioned to the right of the printed name.

Subject: Fiscal Impact Statement for Ordinance Relating to the Placement of Items on an Agenda

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County, this item only amends procedures.

A handwritten signature in blue ink that reads "Edward Marquez". The signature is written in a cursive style and is positioned above the printed name.

Edward Marquez
Chief Financial Officer

Memorandum



Date: March 15, 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". The signature is written in a cursive style and is positioned to the right of the printed name.

Subject: Social Equity Statement – Ordinance amending provisions relating to the placement of items on an agenda - 220131

The proposed Ordinance amends the Board of County Commissioners' Rules of Procedure, Section 2-1 of the Code of Miami-Dade County, regarding the placement of items on an agenda. The legislation provides for a process when more than one County Commissioner requests the preparation of the same or substantially similar ordinance or resolution for placement on an agenda. The item requires, that if the same or substantially similar requests are made the first requesting commissioner shall be entitled to a 180-day pendency period. During the pendency period, the county attorney shall not prepare the same or substantially similar ordinance or resolution for another Commissioner until the County Attorney receives from the Commissioner who first made the Legislative Request, an approval of the requested ordinance or resolution for submittal to the Chairperson of the County Commission for placement on an appropriate agenda or a withdrawal of the Legislative Request. Upon the occurrence of a submittal, withdrawal, or the expiration of the 180-day period, the county attorney shall then prepare any other Legislative Request for the same or substantially similar ordinance or resolution for any other Commissioner.

The implementation of a pendency period may accelerate the submission of certain ordinances and resolutions to the Office of the Chairperson for agenda placement and may complicate items that take longer than 180 days to develop. No other social benefit or burden can be determined at this time.

A handwritten signature in blue ink that reads "Edward Marquez". The signature is written in a cursive style and is positioned above the printed name.


Edward Marquez
Chief Financial Officer



MEMORANDUM
(Revised)

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

DATE: March 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
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 Amended
Veto _____ Agenda Item No. 7(A)
Override _____ 3-15-22

ORDINANCE NO. **O-22-29**

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING PROVISIONS RELATING TO THE PLACEMENT OF ITEMS ON AN AGENDA; PROVIDING A PROCESS WHEN MORE THAN ONE COUNTY COMMISSIONER REQUESTS THE PREPARATION OF THE SAME OR SUBSTANTIALLY SIMILAR ORDINANCE OR RESOLUTION FOR PLACEMENT ON AN AGENDA; AND PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to amend its Rules of Procedure related to the preparation of ordinances and resolutions to revise the process when more than one County Commissioner requests the preparation of the same or substantially similar ordinance or resolution for placement on an appropriate agenda,

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

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

Sec. 2-1. Rules of Procedure of County Commission.

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

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.

Rule 5.06 **ORDINANCES, RESOLUTIONS, MOTIONS, CONTRACTS.**

(a) PREPARATION AND ENACTMENT OF ORDINANCES
>>AND RESOLUTIONS<<. The county attorney, when
requested, shall prepare ordinances and resolutions >>in
accordance with the process outlined herein.

(1) DEFINITION. For purposes of this subparagraph
(a), “Legislative Request” means the county
attorney’s receipt of a written request or written or
recorded confirmation of a verbal request for
preparation of an ordinance or resolution by a
Commissioner or his or her staff.

(2) APPROVAL PERIOD. If there is no pending
Legislative Request for the same or substantially
similar item from another Commissioner, upon
receipt of a Legislative Request, the county attorney
shall prepare the ordinance or resolution for the
requesting Commissioner. Such Commissioner shall
have 90 days from the date of this initial request, as
may be extended pursuant to subparagraphs (a)(3)
and (4) below, within which to approve the ordinance
or resolution for submittal to the Chairperson of the
County Commission for placement on an appropriate
agenda.

(3) EXTENSION OF APPROVAL PERIOD. On or
before the 90th day described above, the
Commissioner who first made the Legislative
Request may, in his or her discretion, extend the 90-
day approval period for an additional 30 days by
submitting written notification to the county attorney
indicating that the Commissioner has elected to
extend such period.

(4) ADDITIONAL EXTENSION OF APPROVAL
PERIOD. If the Commissioner who first made the
Legislative Request determines that the approval
period described above does not provide sufficient
time to approve the ordinance or resolution for
submittal to the Chairperson of the County
Commission for placement on an appropriate
agenda, such time may be extended, prior to its
expiration, by motion approved at any regular,
CDMP, or zoning meeting, as well as any special

meeting called for this purpose. At any such meeting held prior to the expiration of the approval period, the presiding officer shall recognize the Commissioner to make such motion to extend the time. If the motion is approved by a majority vote of the Commissioners present, the Commissioner shall have until the expiration of the additional time granted by the County Commission to approve the ordinance or resolution for submittal to the Chairperson of the County Commission for placement on an appropriate agenda. Notwithstanding any other rule, a motion to extend the approval period for an ordinance or resolution shall not: (i) be subject to the 4-day rule, as provided in rule 5.05(c); (ii) be deferred to a future meeting; (iii) require committee review; or (iv) be subject to a motion to reconsider, except at the same meeting. The Commissioner who first made the Legislative Request may request additional extensions of time, without limitation, in accordance with this subparagraph (a)(4).

- (5) PREPARATION. During the pendency of the 90-day period, as may be extended pursuant to subparagraphs (a)(3) and (4), the county attorney shall not prepare the same or substantially similar ordinance or resolution for another Commissioner until the county attorney receives from the Commissioner who first made the Legislative Request or his or her staff, in writing, one of the following: approval of the requested ordinance or resolution for submittal to the Chairperson of the County Commission for placement on an appropriate agenda; or withdrawal of all or a portion of the initial Legislative Request.
- (i) Upon approval of the requested ordinance or resolution for submittal to the Chairperson of the County Commission for placement on an appropriate agenda during such 90-day period, as may be extended, the county attorney shall prepare any other Legislative Request for a substantially similar item but not the same item for any other Commissioner.

(ii) In addition, during the pendency of the 90-day period, as may be extended, the county attorney shall prepare any other Legislative Request for the same or substantially similar ordinance or resolution for any other Commissioner upon withdrawal of the initial Legislative Request. In the event a portion of the initial Legislative Request is withdrawn, the county attorney shall prepare any other Legislative Request for the same or substantially similar ordinance or resolution for any other Commissioner for the withdrawn portion of the initial Legislative Request.

(iii) Further, after the expiration of the 90-day period, as may be extended, the county attorney shall prepare the item requested by the Commissioner who first made the Legislative Request, and the same or substantially similar item requested by any other Commissioner for placement on an appropriate agenda.

Each such ordinance or resolution prepared by the county attorney in accordance with this subparagraph (a) may be submitted to the Chairperson of the County Commission for placement on an appropriate agenda.

(6) EXCEPTIONS. Subparagraphs (a)(2), (3), (4), and (5) above shall not apply to a Legislative Request for an ordinance or resolution that is: (i) urging the Florida Legislature to take stated action; (ii) the subject of a report, a study, or recommendations requested by the County Commission prior to, on, or after the effective date of this ordinance; or (iii) the subject matter of a task force or county board or other entity created or requested by the County Commission prior to, on, or after the effective date of this ordinance. In such instances, the county attorney shall prepare the Legislative Request for a Commissioner irrespective of whether any other Commissioner has requested the same or substantially similar ordinance or resolution.<<

* * *

Section 2. (a) DEFINITIONS. For purposes of this section 2, “Legislative Request” means the county attorney’s receipt of a written request or written or recorded confirmation of a verbal request for preparation of an ordinance or resolution from a Commissioner or his or her staff; and “Existing Legislative Request” means a Legislative Request received prior to the effective date of this ordinance.

(b) APPROVAL PERIOD. If there is no pending Existing Legislative Request for the same or substantially similar item from another Commissioner, the county attorney shall prepare the ordinance or resolution for the Commissioner who made the Existing Legislative Request. Such Commissioner shall have 90 days from the effective date of this ordinance, as may be extended as provided in subparagraphs (c) and (d) below, within which to approve the ordinance or resolution for submittal to the Chairperson of the County Commission for placement on an appropriate agenda.

(c) EXTENSION OF APPROVAL PERIOD. On or before the 90th day described above, the Commissioner who first made the Existing Legislative Request may, in his or her discretion, extend the 90-day approval period for an additional 30 days by submitting written notification to the county attorney indicating that the Commissioner has elected to extend such period.

(d) ADDITIONAL EXTENSION OF APPROVAL PERIOD. If the Commissioner who first made the Existing Legislative Request determines that the approval period described above does not provide sufficient time to approve the ordinance or resolution for submittal to the Chairperson of the County Commission for placement on an appropriate agenda, such time may be extended, prior to its expiration, by motion approved at any regular, CDMP, or zoning meeting, as well as any special meeting called for this purpose. At any such meeting held prior to the

expiration of the approval period, the presiding officer shall recognize the Commissioner to make such motion to extend the time. If the motion is approved by a majority vote of the Commissioners present, the Commissioner shall have until the expiration of the additional time granted by the County Commission to approve the ordinance or resolution for submittal to the Chairperson of the County Commission for placement on an appropriate agenda. Notwithstanding any other rule, a motion to extend the approval period for an ordinance or resolution shall not: (i) be subject to the 4-day rule, as provided in rule 5.05(c); (ii) be deferred to a future meeting; (iii) require committee review; or (iv) be subject to a motion to reconsider, except at the same meeting. The Commissioner who first made the Existing Legislative Request may request additional extensions of time, without limitation, in accordance with this section 2.

(e) PREPARATION. During the pendency of the 90-day period, as may be extended, the county attorney shall not prepare the same or substantially similar ordinance or resolution for another Commissioner until the county attorney receives from the Commissioner who first made the Existing Legislative Request or his or her staff, in writing, one of the following: approval of the requested ordinance or resolution for submittal to the Chairperson of the County Commission for placement on an appropriate agenda; or withdrawal of all or a portion of the initial Existing Legislative Request.

(i) Upon approval of the requested ordinance or resolution for submittal to the Chairperson of the County Commission for placement on an appropriate agenda during such 90-day period, as may be extended, the county attorney shall prepare any other Existing Legislative Request or Legislative Request for a substantially similar item but not the same item for any other Commissioner.

(ii) In addition, during the pendency of the 90-day period, as may be extended, the county attorney shall prepare any other Existing Legislative Request or Legislative Request for the same or substantially similar ordinance or resolution for any other Commissioner upon withdrawal of the initial Existing Legislative Request. In the event a portion of the initial Existing Legislative Request is withdrawn, the county attorney shall prepare any other Existing Legislative Request or Legislative Request for the same or substantially similar item ordinance or resolution for any other Commissioner for the withdrawn portion of the initial Existing Legislative Request.

(iii) Further, after the expiration of the 90-day period, as may be extended, the county attorney shall prepare the item requested by the Commissioner who first made the Existing Legislative Request, and the same or substantially similar item requested by any other Commissioner for placement on an appropriate agenda.

Each ordinance or resolution prepared by the county attorney in accordance with the process set forth in this section 2 may be submitted to the Chairperson of the County Commission for placement on an appropriate agenda.

(f) EXCEPTIONS. Subparagraphs (b), (c), (d), and (e) shall not apply to an Existing Legislative Request for an ordinance or resolution that is: (i) urging the Florida Legislature to take stated action; (ii) the subject of a report, a study, or recommendations requested by the County Commission prior to, on, or after the effective date of this ordinance; or (iii) the subject matter of a task force or county board or other entity created or requested by the County Commission prior to, on, or after the effective date of this ordinance. In such instances, the county attorney shall prepare the Legislative Request for a Commissioner irrespective of whether any other Commissioner has requested the same or substantially similar ordinance or resolution.

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 section 1 this ordinance 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:

March 15, 2022

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Shanika A. Graves
James Eddie Kirtley

Prime Sponsor: Commissioner Kionne L. McGhee