

MEMORANDUM

Agenda Item No. 5(J)

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

DATE: (Public Hearing 10-18-22)
October 6, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the
Rules of Procedure of the Board
of County Commissioners;
amending section 2-1 of the
Code; requiring supermajority
vote for placement of County
ballot questions related to Article
7 of the Home Rule Charter
titled Parks, Aquatic Reserves
and Preservation Lands; making
technical changes

Ordinance 22-139

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM (Revised)

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

DATE: October 18, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(J)

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. 5(J)
10-18-22

ORDINANCE NO. 22-139

ORDINANCE RELATING TO THE RULES OF PROCEDURE
OF THE BOARD OF COUNTY COMMISSIONERS;
AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; REQUIRING SUPERMAJORITY VOTE
FOR PLACEMENT OF COUNTY BALLOT QUESTIONS
RELATED TO ARTICLE 7 OF THE HOME RULE CHARTER
TITLED PARKS, AQUATIC RESERVES AND
PRESERVATION LANDS; MAKING TECHNICAL CHANGES;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

WHEREAS, this Board’s Rules of Procedure are codified in section 2-1 of the Code of
Miami-Dade County; and

WHEREAS, this Board’s rules set forth certain procedures and requirements relating to
the placement of County ballot questions, including home rule charter amendments and straw
ballot questions; and

WHEREAS, Article 7 of the County’s Home Rule Charter (“Article 7”) provides that
parks, aquatic preserves, and lands acquired by the County for preservation shall be held in trust
for the education, pleasure, and recreation of the public and they shall be used and maintained in
a manner which will leave them unimpaired for the enjoyment of future generations as a part of
the public’s irreplaceable heritage; and

WHEREAS, Article 7 also provides that parks, aquatic preserves, and lands acquired by
the County for preservation shall be protected from commercial development and exploitation and
their natural landscape, flora and fauna, and scenic beauties shall be preserved; and

WHEREAS, subject to limited exceptions, Article 7 provides that there cannot be permanent structures or private commercial advertising erected in a public park or private commercial use of a public park or renewals, expansions, or extensions of existing leases, licenses, or concessions to private parties of public park property, unless each such structure, lease, license, renewal, expansion, extension, concession or use is approved by a majority vote of the voters in a County-wide referendum; and

WHEREAS, currently the Board's Rules of Procedure provide that County referendum questions can be placed on an election ballot by a majority vote of the Board provided that there have been three or fewer County questions on any general election ballot; and

WHEREAS, this Board wishes to amend its Rules of Procedure to require a two-thirds vote of Commissioners present for the approval of a county ballot question related to Article 7; and

WHEREAS, this higher voting requirement will increase protections of Miami-Dade County parks, aquatic preserves, and lands acquired by the County for preservation,

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.

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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.

**PART 9. Additional Ordinances Prescribing County
Commission Procedure**

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**Rule 9.03.05 COUNTY BALLOT QUESTIONS,
INCLUDING HOME RULE CHARTER
AMENDMENTS AND STRAW BALLOT
QUESTIONS.**

- (a) The Board shall place no more than three (3) County questions on any general election ballot that includes a presidential election>>, except as otherwise provided herein.<<
- (b) All County questions shall be approved by the Board of County Commissioners no later than seventy-seven (77) days prior to the date of the election except for County questions placed on a general election ballot which shall be approved no later than the earlier of seventy-seven days prior to the general election or one week prior to the primary election.
- (c) >>All County questions related to Article 7 of the Home Rule Charter shall require an affirmative vote of two-thirds (2/3rds) of commissioners present for placement on any ballot.
- (d)<< For purposes of this section, “County questions” shall mean straw ballot questions, commissioner-sponsored proposed amendments to the Home Rule Charter and any other questions related to the County that are proposed by the Board. This ~~[[subsection]]~~>>section<<, shall not apply to amendments to the Home Rule Charter proposed by initiatory petition pursuant to section 9.07 of the Home Rule Charter. Once the Board has voted to place three (3) County questions on any general election ballot that includes a presidential election, each additional County questions may be placed on a ballot only with an affirmative vote of two-thirds (2/3rds) of those

commissioners present. >>County questions related to Article 7 of the Home Rule Charter shall count towards the total of the initial three (3) County questions outlined in this subsection.<< County questions may be approved after the time provided in this section only with an affirmative vote of two-thirds (2/3rds) of those commissioners present.

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.

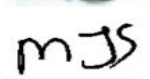
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered 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:

October 18, 2022

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Melanie J. Spencer

Prime Sponsor: Senator Javier D. Souto