

MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: (Second Reading: 12-12-23)
September 6, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the Rules
of Procedure of the Board;
amending section 2-1 of the
Code; revising Rule 5.05 of the
Board's Rules; requiring the
County Mayor to prepare a
written statement to accompany
certain items originating with the
County Mayor's administration
that are submitted after the
applicable agenda deadline

Ordinance No. 23-109

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/gh

Memorandum



Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
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 Requiring Written a Statement to Accompany Certain
Items Submitted After the Applicable Agenda Deadline – 230589

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

A handwritten signature in blue ink, appearing to be "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Memorandum



Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

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

Subject: Social Equity Statement – Ordinance Requiring Written a Statement to Accompany Certain Items Submitted After the Applicable Agenda Deadline – 230589

The proposed ordinance related to the Board of County Commissioners' Rules of Procedure, amends section 2-1 of the Code and revises rule 5.05. Currently, the process for the placement of administrative agenda items after an applicable agenda deadline has passed, requires that such item be accompanied by a written request indicating why the item is time sensitive when submitted to the Chairperson for agenda placement.

The proposed legislation would codify this longstanding practice and require that a written statement be included as part of, or attached to, the County Mayor's memorandum for such items. The provisions of the rule shall not apply to quasi-judicial items; or items that the Home Rule Charter, the County Code, or state or federal law require to be placed on a particular agenda.

The ordinance seeks to encourage greater transparency with members of the Board and the public with important information regarding certain items that are submitted late within the agenda process, and may delegate additional duties to the Office of Agenda Coordination. No other benefits or burdens can be determined at this time.

A handwritten signature in blue ink, appearing to be "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(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 _____

Agenda Item No. 7(E)
12-12-23

ORDINANCE NO. 23-109

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; REVISING RULE 5.05 OF THE BOARD'S RULES; REQUIRING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A WRITTEN STATEMENT TO ACCOMPANY CERTAIN ITEMS ORIGINATING WITH THE COUNTY MAYOR'S ADMINISTRATION THAT ARE SUBMITTED AFTER THE APPLICABLE AGENDA DEADLINE; PROVIDING EXCEPTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, frequently, ordinances and resolutions are placed on the official agenda for a regular Board or committee meeting after the preliminary agenda for such meeting has printed and, sometimes, even as late as the day of the meeting; and

WHEREAS, items are often placed on the official agenda for a meeting after the preliminary agenda has printed because the items are time-sensitive or pertain to a true emergency and thus must be addressed immediately; and

WHEREAS, for a number of years, Chairpersons of this Board have required items originating with the County Mayor's administration that are submitted after the applicable deadline for a particular agenda to be accompanied by a written request indicating why the item is time sensitive; and

WHEREAS, while various Chairpersons have instituted this procedure via memorandum and it has become an established practice over the years, it is not formally required by this Board's Rules of Procedure; and

WHEREAS, this Board's Rules of Procedure should be amended to reflect this longstanding practice and require the administration to provide a written statement for items that are submitted after the deadline for a particular agenda, explaining why the item is late and time sensitive; and

WHEREAS, this amendment to the Board's Rules of Procedure is intended to further transparency in the agenda process and to provide members of this Board and the public with important information regarding certain items that are submitted late in the agenda process,

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

* * *

Rule 5.05 AGENDA

* * *

>>(j) WRITTEN STATEMENT REQUIRED FOR COUNTY MAYOR ADMINISTRATION ITEMS SUBMITTED AFTER THE APPLICABLE DEADLINE; EXCEPTIONS. For any item originating with the County Mayor's administration (including any such item sponsored by a Commissioner) that is submitted after the deadline for a particular agenda, as set forth in the Agenda Coordinator's schedule of deadlines, the County Mayor

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.

or County Mayor's designee shall prepare a written statement explaining: (i) why the item is late; and (ii) why it is necessary for the item to be placed on the subject County Commission or Commission committee agenda rather than the next such meeting agenda. The written statement shall be included as part of, or attached to, the County Mayor's memorandum for the particular agenda item when it is submitted to the Office of the Agenda Coordinator. No such administration item shall be placed on an agenda if the written statement required by this rule is not submitted with the item. The provisions of this rule shall not apply to quasi-judicial items; or items that the Home Rule Charter, the County Code, or state or federal law require to be placed on a particular agenda.<<

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:

December 12, 2023

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

James Eddie Kirtley

Prime Sponsor: Senator René García