

MEMORANDUM

Agenda Item No. 7(D)

(Second Reading 5-7-24)

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

DATE: March 19, 2024

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; exempting from
committee review certain
property or right-of-way
conveyance items; making
technical and conforming
changes

Ordinance No. 24-43

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.


Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: May 7, 2024

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 Relating to Rules of Procedure of the Board of County Commissioners, Exempting Committee Review of Property or Right-of-Way Conveyance Items

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

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

Jimmy Morales
Chief Operations Officer

Memorandum



Date: May 7, 2024

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Social Equity Statement for Ordinance Relating to Rules of Procedure of the Board of County Commissioners, Exempting Committee Review of Property or Right-of-Way Conveyance Items

The proposed ordinance amends the Rules of Procedure of the County Commission set forth in Section 2-1 of the Miami-Dade County Code to exempt from committee review items approving or accepting the conveyance of property or right-of-way for a right-of-way purpose. The amendment seeks to expedite the acceptance process for the conveyance of property to the County for road right-of-way purposes by streamlining internal County procedures.

The administration of this process is conducted by the Right-of-Way and Stormwater Design Division (Division) of the Department of Transportation and Public Works. The Division routinely receives conveyances of property in conjunction with the issuance of building permits per County Code requirements. Generally, such conveyances are processed monthly by the Division and must be accepted by the County Commission. After acceptance, the conveyances are recorded in the County's public records, a requirement for legal validity. However, before being placed on a Commission agenda for acceptance, each of these monthly conveyance packages must first be scheduled for a committee meeting, i.e., the Transportation, Mobility, and Planning Committee (TMPC), to receive a recommendation for approval. The proposed ordinance would eliminate that requirement, lessening the administrative burden, optimizing resources, and reducing delays in the approval process for the conveyance of property to the County for road right-of-way purposes.

A handwritten signature in blue ink, reading "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: May 7, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(D)

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(D)
5-7-24

ORDINANCE NO. 24-43

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; EXEMPTING FROM COMMITTEE REVIEW CERTAIN PROPERTY OR RIGHT-OF-WAY CONVEYANCE ITEMS; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

WHEREAS, the Board recognizes the need for expediency in the approval and acceptance process for the conveyance of property or right-of-way to Miami-Dade County for right-of-way purposes to prevent delays; and

WHEREAS, the current committee review process for such conveyances may introduce unnecessary hurdles; and

WHEREAS, the Board seeks to enhance efficiency by streamlining procedures related to property conveyances and right-of-way acquisitions, thereby optimizing resources and reducing administrative burden; and

WHEREAS, expediting the approval process for conveyance of property or right-of-way aligns with broader County objectives to enhance public infrastructure; and

WHEREAS, to facilitate the progress of certain roadway and other construction projects, this Board wishes to amend the Rules of Procedure to exempt from committee review items approving or accepting the conveyance of property or right-of-way to Miami-Dade County for a right-of-way purpose,

**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 4. COMMITTEES

Rule 4.01 Committees.

* * *

(j) *Exceptions to Committee Requirement.*

- (1) An item that has not been considered by a committee may be placed on the agenda of the county commission if the chairperson of the committee to which the item has been referred requests a waiver in writing and the commission chairperson concurs.
- (2) >>The following items shall not require committee review and shall be heard directly by the county commission:
 - 1.<< Quasi-judicial items,
 - >>2.<< special taxing ~~[[districts]]~~ >>district items<<,
 - >>3.<< ordinances for first reading,
 - >>4.<< consent agenda items, other than items related to certificates of transportation,
 - >>5.<< district office fund allocations,
 - >>6.<< special presentations,
 - >>7.<< namings, renamings or codesignations of County roads, facilities>>1.<< or properties,
 - >>8.<< approvals of namings, renamings or codesignations of federal, state or municipal roads, facilities or properties,
 - >>9.<< citizens' presentations,
 - >>10.<< bid protests,
 - >>11.<< settlements,
 - >>12.<< options to renew contracts,

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.

- >>13<< selection and appointment of persons to serve as members of the Public Health Trust Board of Trustees and the Jackson Health System General Obligation Bond Citizens' Advisory Committee,
- >>14<< non-impasse Public Health Trust Collective Bargaining Agreements,
- >>15<< resolutions recommending the acceleration and deceleration of Building Better Communities General Obligation Bond Program funding of projects using unspent bond proceeds, including interest earnings and premium funds,
- >>16<< ~~[[notwithstanding Rule 4.01(d)(6),]]~~ordinances >>or resolutions<< related to debt obligations, ~~[[resolutions related to debt obligations,]]~~
- >>17<< resolutions urging an entity or person to take stated action,
- >>18<< resolutions taking a position or seeking direction from the Board on legislation or administrative action at the federal, state>>,<< or local level,
- >>19<< resolutions related to contract lobbyist conflict waiver requests ~~[[and]]~~>>,
- 20<< resolutions expressing intent ~~[[shall be heard directly by the county commission]]~~,
- >>21. items approving or accepting the conveyance of property or right-of-way to Miami-Dade County for a right-of-way purpose, and
- 22<< items awarding, granting, amending>>,<< or relating to an award or grant of Targeted Jobs Incentive Fund, Qualified Targeted Industry Business incentives, property or utility tax exemptions in enterprise zones, or Brownfield Economic Development Initiative Loan Funds or similar incentives and tax exemption programs; provided, however, any such item relating to an award of Community Redevelopment Agency funding or Community Development Block Grant funding or other funding administered by the Public Housing and Community Development department, or successor department, shall not be excepted from committee review by this subsection (j)(2).

On >>any<< such items >>excepted from committee review<<, the public shall have the same rights to participate and be heard at the county commission as they would have received had the item been heard in committee.

* * *

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:

May 7, 2024

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:



Annery Pulgar Alfonso
Lauren E. Morse

Prime Sponsor: Commissioner Eileen Higgins