

MEMORANDUM

Agenda Item No. 11(A)(14)

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

DATE: July 2, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution regarding legal advice provided to and legal duties performed for the Board of County Commissioners, the County Mayor, and all County Departments, Offices, and agencies; reaffirming County policy set forth in section 5.06 of the Home Rule Charter that such legal advice and duties only be provided and performed by the County Attorney's Office except in cases of conflict; and directing the County Mayor to take all steps necessary to implement such policy and to provide a report

Resolution No. R-633-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

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

DATE: July 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(14)

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. 11(A)(14)
7-2-24

RESOLUTION NO. _____ R-633-24

RESOLUTION REGARDING LEGAL ADVICE PROVIDED TO AND LEGAL DUTIES PERFORMED FOR THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY MAYOR, AND ALL COUNTY DEPARTMENTS, OFFICES, AND AGENCIES; REAFFIRMING COUNTY POLICY SET FORTH IN SECTION 5.06 OF THE HOME RULE CHARTER THAT SUCH LEGAL ADVICE AND DUTIES ONLY BE PROVIDED AND PERFORMED BY THE COUNTY ATTORNEY'S OFFICE EXCEPT IN CASES OF CONFLICT; AND DIRECTING THE COUNTY MAYOR TO TAKE ALL STEPS NECESSARY TO IMPLEMENT SUCH POLICY AND TO PROVIDE A REPORT

WHEREAS, when the voters of Miami-Dade County adopted their initial Home Rule Charter on May 21, 1957, they elected to establish a single department of law that would serve all of County government; and

WHEREAS, section 5.06 of the Home Rule Charter of Miami-Dade County provides that there shall be a County Attorney who shall head the County's department of law, serve as legal counsel to the Board, County Mayor, and all county departments, offices, and agencies, and perform such other legal duties as may be assigned to him or her; and

WHEREAS, this Board desires to reaffirm, as county policy, that legal advice and legal duties for the Board, County Mayor, administrative departments, officers, and agencies should be provided and performed by the County Attorney's Office except in cases of conflict; and

WHEREAS, this Board believes that it is in the best interest of Miami-Dade County that no individual provide legal advice or perform legal duties for the County Commission, County Mayor, administrative departments, County agencies, County boards, or County officers unless under the direction and supervision of the County Attorney, except in cases of conflict,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. In accordance with section 5.06 of the Home Rule Charter, this Board reaffirms as County policy that no individual shall provide legal advice or perform legal duties for the County Commission, County Mayor, administrative departments, County agencies, County boards, or County officers unless under the direction and supervision of the County Attorney. Accordingly, County employees outside of the County Attorney's Office shall only relay advice on legal issues, law, and policies or provide paralegal assistance to departmental personnel after consultation with the County Attorney's Office and consistent with the advice and counsel provided by the County Attorney's Office.

Section 2. The County Attorney is directed to, as appropriate, provide standard operating procedures to County employees outside of the County Attorney's Office who may, as part of their duties, relay advice on legal issues, law, and policies or provide paralegal assistance to departmental personnel on how to conduct their day-to-day operations in accordance with this County policy. Notwithstanding the foregoing, the policy established in Section 1 shall not apply in the limited circumstance where the County Attorney has determined that specific duties should be performed by an individual or office outside of the County Attorney's Office for the avoidance of conflicts and such duties are performed after consultation and in accordance with the standard operating procedures approved by the County Attorney.

Section 3. The County Mayor or County Mayor's designee is hereby directed to take all necessary steps to ensure compliance with and implement the policy described in Sections 1 and 2, including, but not limited to, directing all employees under the County Mayor's purview that no employee shall relay advice on legal issues, law, and policies or provide paralegal

assistance to departmental personnel unless following consultation with the County Attorney's Office and consistent with the advice and counsel provided by the County Attorney's Office . In the case of those administrative departments of the County under the purview of the County Mayor, the County Mayor and those assisting the County Mayor in the management of such departments (including any Chiefs and department directors) shall comply with the requirements of this resolution. The County Mayor or County Mayor's designee is further directed to prepare a report within 15 days listing any current job positions under the County Mayor's purview that include any of the following:

- (a) require a law degree or that the employee be a licensed attorney as a minimum qualification for the position; and
- (b) have a job title or job description that includes the term "legal," "counsel," "paralegal," "attorney," or any other term connoting the providing of legal advice or legal support services.

For each job position listed, the County Mayor is directed to include an explanation as to the non-legal duties performed by such position and the basis for having this position under a County department rather than the County Attorney's Office. Such report shall not include any positions within offices that do not fall under the County Mayor's purview, such as the Property Appraiser, Office of Inspector General, and Commission on Ethics and Public Trust, and shall be placed on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	absent
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of July, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MBV

Michael B. Valdes