

MEMORANDUM

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	DATE:	Agenda Item No. 7(A) (Second Reading: 11-6-24) September 17, 2024
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 provisions related to ordinances directly affecting municipalities; providing for priority notification to municipalities when such ordinances are to be heard on an expedited basis

Ordinance No. 24-126

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon and Co-Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: November 6, 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 – Ordinance amending the Rules of Procedure of the Board related to Public Hearing Notice Requirements for Ordinances Affecting Municipalities - 241600

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

A handwritten signature in blue ink, appearing to read "Carladenise Edwards".

Carladenise Edwards
Chief Administrative Officer

Memorandum



Date: November 6, 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: Social Equity Statement – Ordinance amending the Rules of Procedure of the Board related to Public Hearing Notice Requirements for Ordinances Affecting Municipalities - 241600

The proposed Ordinance amends the Board of County Commissioners' Rules of Procedure, Rule 5.06 (f) of the Code of Miami-Dade County, to provide that, in the event the six-week public hearing or the four-week notice requirement for any proposed county ordinance, that would directly affect municipalities in Miami-Dade County is waived, the Office of Agenda Coordination shall provide municipalities with priority notice of the proposed ordinance to be heard by the Board on an expedited basis.

More specifically, the item would provide that the Office of Agenda Coordination e-mail a priority communication to municipal officers and officials within 48 hours following the Board's waiver of a proposed ordinance to be heard on an expedited basis.

Currently, rule 5.06(f) provides that at least four weeks prior to the scheduled public hearing of the proposed ordinance, each city clerk, city attorney, and city mayor or manager be provided with notification. This legislation would accelerate notice for municipalities and provide stakeholders with added time to review potential impacts of proposed County ordinances, thus providing a social benefit to municipal leadership and residents. This item may reduce the current timeframe for notice issuance and management for the Office of Agenda Coordination, while seeking to codify current operational practices.

A handwritten signature in blue ink that reads "Carladenise Edwards".

Carladenise Edwards
Chief Administrative Officer



MEMORANDUM

(Revised)

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

DATE: November 6, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: 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 ____, majority plus one ____, 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) ____, 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(A)
11-6-24

ORDINANCE NO. 24-126

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 PROVISIONS RELATED TO
ORDINANCES DIRECTLY AFFECTING MUNICIPALITIES;
PROVIDING FOR PRIORITY NOTIFICATION TO
MUNICIPALITIES WHEN SUCH ORDINANCES ARE TO BE
HEARD ON AN EXPEDITED BASIS; 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, Florida; and

WHEREAS, Rule 5.06(f) provides in part that any proposed county ordinances that would
directly affect municipalities in Miami-Dade County be scheduled for public hearing no sooner
than six weeks after passage on first reading; and

WHEREAS, Rule 5.06(f) also provides in part that at least four weeks prior to the
scheduled public hearing, the proposed ordinance be provided to each city clerk, city attorney, and
city mayor or manager; and

WHEREAS, this Board wishes to amend Rule 5.06(f) to provide that, in the event the four-
week and six-week notices referenced above are waived by the Board, the Office of Agenda
Coordination shall provide municipalities with priority notice of the proposed ordinance to be
heard by the Board on an expedited basis,

**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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PART 5. CONDUCT OF MEETINGS; AGENDA

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Rule 5.06 ORDINANCES, RESOLUTIONS, REPORTS, MOTIONS, CONTRACTS

* * *

(f) ORDINANCES DIRECTLY AFFECTING MUNICIPALITIES.

- (1) Any proposed county ordinances that would directly affect the jurisdiction or the duties of municipalities or their officers, or any proposed ordinances that may have a direct fiscal impact upon municipal governments in Miami-Dade County, shall be scheduled for public hearing no sooner than six weeks after its passage on first reading.
- (2) At least four weeks prior to the scheduled public hearing, the Office of Agenda Coordination is directed to mail or e-mail a copy of, or electronic link to, the proposed ordinance to each city clerk, city attorney, and city mayor or manager, and the Executive Director of the Miami-Dade League of Cities, Inc.
- (3) The Office of Agenda Coordination's communication shall include:
 - a. the date of the scheduled public hearing;
 - b. a statement that the proposed ordinance may have an impact upon municipalities;

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.

- c. a statement that the proposed ordinance may be replaced with a substitute or alternate ordinance or amended by a committee or the Board during the legislative process; and
 - d. a reference to a website or other resource to track the ordinance throughout the legislative process.
- (4) The Office of Agenda Coordination shall e-mail an additional communication to the above-referenced municipal officials within 48 hours following the first publication of each substitute, alternate, or amended ordinance on an agenda. This additional communication shall provide a link to, or copy of, the proposed substitute, alternate, or amended ordinance on an agenda. In the event that the additional communication is sent after committee consideration of the proposed substitute, alternate, or amended ordinance, the additional communication shall advise of the date and time of the meeting where the ordinance is expected to appear on an agenda for final adoption by the full Board.
- (5) >> In the event the provisions set forth in paragraphs (1) and (2) above are waived by the Board to allow for a proposed ordinance to be heard on an expedited basis, the Office of Agenda Coordination shall e-mail a priority communication to the above referenced municipal officers and officials within 48 hours following the Board's waiver of such provisions. The priority communication shall include a link to, or copy of, the proposed ordinance and the information required by paragraph (3) above.
- (6) << This subsection (f) shall be construed as directory only, and failure to comply with the provisions hereof shall not affect the validity of any ordinance.

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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:

November 6, 2024

Approved by County Attorney as
to form and legal sufficiency:

MAG for GBK

Prepared by:

CL

Cynji A. Lee

Prime Sponsor: Commissioner Keon Hardemon

Co-Sponsor: Senator René García