

MEMORANDUM

CPC
Agenda Item No. 1(G)2


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

DATE: October 10, 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; creating procedures for the
submittal and distribution of
amendments to agenda items
under certain circumstances

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

MDC001



MEMORANDUM
(Revised)

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

DATE: September 19, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(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. 4(D)
9-19-23

ORDINANCE NO. _____

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; CREATING PROCEDURES FOR THE SUBMITTAL AND DISTRIBUTION OF AMENDMENTS TO AGENDA ITEMS UNDER CERTAIN CIRCUMSTANCES; PROVIDING EXCEPTIONS; 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’s Rules set forth certain procedures and requirements relating to the conduct of meetings and the agenda process; and

WHEREAS, this Board wishes to amend its Rules of Procedure to require certain amendments to agenda items to be submitted in advance and distributed to Board or committee members at the start of the applicable meeting under certain circumstances; and

WHEREAS, requiring amendments to agenda items to be submitted in advance and distributed to Board and committee members in this manner will provide greater opportunity for such members to review and understand amendments, which are oftentimes complex and lengthy, prior to the Board or committee considering and taking action upon the amendments and the agenda items to which they relate; and

WHEREAS, amending the Board’s Rules of Procedure in this manner is in furtherance of transparency and serves the public interest,

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

* * *

>>(x) AMENDMENTS AT COMMITTEE MEETINGS; EXCEPTIONS.

- (1) No amendment to any item appearing on a committee agenda shall be considered unless the amendment is reduced to writing and submitted by the Commissioner introducing the amendment, or his or her staff, to the Clerk of the Board, with a copy to the county attorney, at least 30 minutes prior to the noticed committee meeting time.
- (2) At the time that the committee meeting is noticed to commence if a quorum exists or as soon thereafter as a quorum is achieved, the Clerk of the Board shall: (i) announce any amendments submitted in accordance with subparagraph (1) and the agenda items to which they pertain; and (ii) distribute any such amendments to each committee member and Commissioner in attendance, the County Mayor, the county attorney, and the agenda coordinator, or their respective designees.
- (3) A separate motion and vote shall be required to introduce any amendment that is not submitted in accordance with subparagraph (1), and such amendment shall only be considered if two-thirds of those committee members present vote in favor of hearing the amendment. If such motion is

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.

approved, the committee may take a separate vote on the amendment before voting on the agenda item to which it pertains, and the amendment shall be approved if a majority of committee members present vote in favor. If the motion to hear the amendment fails to receive the necessary two-thirds vote, it shall not preclude the committee from taking action on an item without the amendment in accordance with these rules.

- (4) This subsection (x) shall not apply to the correction of scrivener’s errors or proposed amendments to any items on a final committee agenda that were added after the printing of the preliminary committee agenda.<<

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

Rule 5.06 ORDINANCES, RESOLUTIONS, MOTIONS, CONTRACTS.

* * *

>>(1) AMENDMENTS AT COMMISSION MEETINGS; EXCEPTIONS.

- (1) No amendment to any item appearing on a commission agenda shall be considered unless the amendment is reduced to writing and submitted by the Commissioner introducing the amendment, or his or her staff, to the Clerk of the Board, with a copy to the county attorney, at least 30 minutes prior to the noticed commission meeting time.

- (2) At the time that the commission meeting is noticed to commence if a quorum exists or as soon thereafter as a quorum is achieved, the Clerk of the Board shall: (i) announce any amendments submitted in accordance with subparagraph (1) and the agenda items to which they relate; and (ii) distribute any such amendments to each Commissioner in attendance, the County Mayor, the county attorney, and the agenda coordinator, or their respective designees.

- (3) A separate motion and vote shall be required to introduce any amendment that is not submitted in accordance with subparagraph (1), and such amendment shall only be considered if two-thirds of those Commissioners present vote in favor of hearing the amendment. If such motion is approved, the Commission may take a separate vote on the amendment before voting on the agenda item to which it pertains, and the amendment shall be approved if a majority of Commissioners present vote in favor. If the motion to hear the amendment fails to receive the necessary two-thirds vote, it shall not preclude the Commission from taking action on an item without the amendment in accordance with these rules.
- (4) This subsection (1) shall not apply to the correction of scrivener's errors or proposed amendments to: (i) any items on a final commission agenda that were added after the printing of the preliminary commission agenda; (ii) truth-in-millage resolutions, budget ordinances, and resolutions adopting non-ad valorem assessment rolls; and (iii) quasi-judicial matters.<<

* * *

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:

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:



James Eddie Kirtley

Prime Sponsor: Senator René García