


MEMORANDUM

Agenda Item No. 5(F)

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	DATE:	(Public Hearing: 11-6-24) October 16, 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; providing that, subject to notice and other legal requirements, certain items considered at committee shall be placed on the agenda of the next regularly scheduled meeting of the Board; providing that these items are not subject to the 4-day rule; making technical and conforming changes

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



Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001

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". The signature is written in a cursive style.

Subject: Fiscal Impact Statement for Ordinance Relating to Certain Items Considered at Committee to be Placed on next Miami-Dade County Board of County Commissioners (Board) Agenda

It is anticipated that 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". The signature is written in a cursive style.

Jimmy Morales
Chief Operating 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". The signature is written in a cursive style.

Subject: Social Equity Statement for Ordinance Relating to Certain Items Considered at Committee to be Placed on next Miami-Dade County Board of County Commissioners (Board) Agenda

The proposed ordinance will amend Section 2-1 of the Code of Miami-Dade County and will allow certain items that have undergone committee review to be placed on the agenda for the next regularly scheduled meeting of the full Board, thus allowing these items to bypass the four-day notice requirement. This change aims to streamline the legislative process, making it more efficient and responsive to community needs. By ensuring that committee-reviewed items are promptly placed on the agenda for the next regular meeting, this amendment facilitates a more transparent and efficient legislative process, which is crucial for fostering community engagement and trust in local governance.

A handwritten signature in blue ink, appearing to be "Jimmy Morales". The signature is written in a cursive style.

Jimmy Morales
Chief Operating Officer



MEMORANDUM
(Revised)

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

DATE: November 6, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(F)

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. 5(F)
11-6-24

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; PROVIDING THAT, SUBJECT TO NOTICE AND OTHER LEGAL REQUIREMENTS, CERTAIN ITEMS CONSIDERED AT COMMITTEE SHALL BE PLACED ON THE AGENDA OF THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THAT THESE ITEMS ARE NOT SUBJECT TO THE 4-DAY RULE; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County is committed to maintaining a legislative process that emphasizes both transparency and efficiency; and

WHEREAS, the offices of the County Attorney, Clerk of the Board, and Agenda Coordination have consistently demonstrated diligence in meeting advertising deadlines for legislative items and ensuring that the public is informed about upcoming legislation in a timely manner; and

WHEREAS, Miami-Dade residents actively participate in committee meetings to provide valuable input on items under review, enabling Board members to consider their feedback and address their concerns in decision-making; and

WHEREAS, legislative items that undergo committee review are typically scheduled for the Board's agenda that follows the next legally available opportunity; and

WHEREAS, this scheduling practice often results in significantly longer agendas for the first Board meeting of the month compared to the second meeting, which can impact the efficiency of the legislative process; and

WHEREAS, by the time committee-reviewed items reach the full Board for final consideration, they have already benefited from public input and detailed examination; and

WHEREAS, the Rules of Procedure include a provision allowing procurement items that have undergone committee review to be placed on the agenda of the next regularly scheduled Board meeting; and

WHEREAS, this aligns with Miami-Dade County's goal of maintaining a legislative process that is both transparent and agile, ultimately benefiting residents by ensuring that legislative actions are taken in a timely manner; and

WHEREAS, prioritizing the timely final approval of committee-reviewed items, when appropriate and legally permissible, serves the best interests of both the public and the Board, and aligns with the goal of an efficient legislative process; and

WHEREAS, this Board wishes to amend its Rules of Procedure to provide that an item that has been considered by the committee(s) to which it has been referred and forwarded to the full Board of County Commissioners shall be placed on the agenda of the next regularly scheduled meeting of the full Board and shall not be subject to the 4-day rule,

**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

- (u) >>ITEMS CONSIDERED AT COMMITTEE<< ~~[[PROCUREMENT—ITEMS]].~~ Provided public notice, public hearing and other legal requirements can be met, and notwithstanding and prevailing over any provision to the contrary, >>an item that has been considered by the committee(s) to which the item has been referred and forwarded to the full Board of County Commissioners<< ~~[[all items approved at committee meetings recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services,]]~~ shall be placed on the agenda of the next regularly scheduled Board of County Commissioners meeting, unless placed on the agenda of a special meeting held sooner than the next regularly scheduled Board of County Commissioners meeting or unless the chairperson of the commission deems it necessary to place the items on another agenda.

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

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.

Rule 5.05 AGENDA

- (c) 4-DAY RULE. A copy of each agenda item shall be furnished to the members of the commission not later than four (4) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the board takes action on the resolution, ordinance, motion or other item in question. The provisions of the rule may not be waived under Rule 7.01(o); however, this rule is not applicable to special or emergency meetings called pursuant to Rule 3.02, items related to the County's legislative package, items that both urge the codesignation of a road and approve a codesignation of the same or an adjacent segment of the road, 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, >>an item that has been considered by the committee(s) to which the item has been referred and forwarded to the full Board of County Commissioners,<< ~~[[items approved at a committee meeting recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services,]]~~ resolutions related to debt obligations that do not require a public hearing, resolutions or motions directing the Mayor or his or her designee to prepare an item for consideration by the Commission, and emergency matters, matters during declared states of emergency, and time sensitive matters, as set forth in rule 4.01(k).

* * *

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 re-lettered 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 10 days after the date of enactment unless vetoed by the County 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:

MAG for GBK

Prepared by:

CL

Cynji A. Lee

Prime Sponsor: Commissioner Eileen Higgins
Co-Sponsor: Senator René García