

MEMORANDUM

Agenda Item No. 7(B)

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

DATE: (Second Reading: 6-4-24)
April 2, 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; allowing the prime
sponsor(s) of a commission item
to withdraw that item without
Board action

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



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: June 4, 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 withdrawal of an item without Board action – 240591

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: June 4, 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 withdrawal of an item without Board action – 240591

The proposed Ordinance amends the Board of County Commissioners' Rules of Procedure, Rule 5.05 (e) of the Code of Miami-Dade County, regarding the withdrawal of items under certain circumstances.

The item would allow the prime sponsor(s) of an item to withdraw the item from consideration by a Commission committee or the full Board at any time prior to the item being called for consideration by providing written notification to the Chairperson of the Board, the agenda coordinator, and the County Attorney. Additionally, the prime sponsor(s) may withdraw the item verbally at any publicly-noticed meeting.

This item streamlines the withdrawal process for County Commissioner sponsored items and is silent on providing the same process for administrative items, therefore, administrative items would continue to require Board action in order to be withdrawn. To reduce public confusion and increase public awareness, providing adequate notification to stakeholders prior to withdrawing a legislative item from committee or full board agendas is encouraged. No additional social equity benefit or burden can be determined at this time.

A handwritten signature in blue ink that reads "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

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

DATE: June 4, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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(B)
6-4-24

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; ALLOWING THE PRIME SPONSOR(S) OF A COMMISSION ITEM TO WITHDRAW THAT ITEM WITHOUT BOARD ACTION; 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, the Board's Rules of Procedure set forth certain procedures and requirements relating to the Board's agendas and the conduct of meetings; and

WHEREAS, this Board wishes to amend Rule 5.05(e) of its Rules of Procedure so that the prime sponsor(s) of any commission item may, without Board action, withdraw the item from consideration by a Commission committee or the full Board under certain circumstances,

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 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

* * *

(e) ~~[[REMOVAL]]~~ >>WITHDRAWAL<< OF ~~[[PUBLIC HEARING]]~~ ITEMS ~~[[FROM THE AGENDA]]~~. The >>prime<< sponsor>>(s)<< of an item ~~[[scheduled for public hearing]]~~ shall be able to withdraw ~~[[that]]~~>>the<< item from >>consideration by a<< ~~[[the]]~~ Commission >>committee or the full Board<< ~~[[agenda]]~~ at any time prior to >>the item being called for consideration<< ~~[[the commencement of the public hearing]]~~ by >>providing<< written notification to the >>Chairperson of the Board, the<< agenda coordinator>>, and the County Attorney. In addition, the prime sponsor(s) may withdraw the item verbally at any publicly-noticed meeting<<.

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:



Prepared by:



Marlon D. Moffett

Prime Sponsor: Chairman Oliver G. Gilbert, III