

# MEMORANDUM

Agenda Item No. 5(D)

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**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; revising circumstances  
under which a separate vote on  
any part of a proposed budget  
shall be held

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.

  
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Geri Bonzon-Keenan  
County Attorney

GBK/uw

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".

**Subject:** Fiscal Impact Statement for Ordinance Relating to Revising Separate Vote on Any Part of Proposed Budget

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It is anticipated that the implementation of this Ordinance will have no fiscal impact to Miami-Dade County.

A handwritten signature in blue ink that reads "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". The signature is written in a cursive, flowing style.

**Subject:** Social Equity Statement for Ordinance Relating to Revising Separate Vote on Any Part of Proposed Budget

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The proposed ordinance changes the Board of County Commissioners procedures for voting on the proposed budget.

With the implementation of the amendment to this Ordinance, a social benefit cannot be determined at this time.

A handwritten signature in blue ink that reads "Carladenise Edwards". The signature is written in a cursive, flowing style.

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:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 5(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 \_\_\_\_, 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(D)  
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; REVISING CIRCUMSTANCES UNDER WHICH A SEPARATE VOTE ON ANY PART OF A PROPOSED BUDGET SHALL BE HELD; 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 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 revise the circumstances under which a separate vote on any part of a proposed budget shall be held,

**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:<sup>1</sup>

**Sec. 2-1. Rules of Procedure of County Commission.**

\* \* \*

**PART 9. ADDITIONAL ORDINANCES PRESCRIBING COUNTY COMMISSION PROCEDURE**

**RULE 9.01 ANNUAL BUDGET**

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<sup>1</sup> 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.

- (d) At the first budget hearing, a separate motion and vote on any part of the proposed budget shall be held upon the request of any Commissioner >>with a conflict of interest. On all other matters, a separate motion and vote on any part of the proposed budget shall be held following a motion and an affirmative vote of a majority of the commissioners present at the meeting.<< In addition, a separate motion and vote shall be held on any amendment to the Mayor's proposed budget that:
- (1) Addresses an issue raised by a Commissioner at a meeting of Board or any of its committees, including a request by a Commissioner to proposed or recommend funding alternatives for the Board's consideration;
  - (2) Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program or matter; or
  - (3) Proposes or provides for increases or decreased funding for a county wide services or countywide program funded in the county wide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.

If any of the foregoing amendments are recommended or provided by the County Mayor, such amendments shall be set forth in detail in a separate section of the Mayor's memorandum relating to information for the first budget hearing (the "First Changes Memorandum").

The Commission Auditor shall prepare and maintain a list of all issues raised in conjunction with the budget approval process as set forth in subsection (d)(1) above. The Commission Auditor shall distribute such list to each member of the Board no later than forty-eight (48) hours prior to the scheduled commencement of the first budget hearing.

After a separate vote on each proposed amendment but before the Board's adoption of each ordinance adopting a tentative millage rate, the Mayor or the Mayor's designee shall, for each such ordinance, recompute the tentative millage rate, and publicly announce the name of the taxing authority, the rolled back rate, the percent, if any, by which the recomputed tentative millage rate exceeds the rolled-back rate, and the tentative millage rate to be levied. The tentative budget ordinances shall be adopted by separate vote after the tentative millage rate ordinances are adopted.

- (e) At the second budget hearing, a separate motion and vote on any part of the proposed budget shall be held upon the request of any Commissioner >>with a conflict of interest. On all other matters, a separate motion and vote on any part of the proposed budget shall be held following a motion and an affirmative vote of a majority of the commissioners present at the meeting.<< In addition, a separate motion and vote shall be held on any amendment to the Mayor's proposed budget that:
- (1) Addresses an issue raised by a Commissioner at a meeting of the Board or any of its committees, including a request by a Commissioner to proposed or recommend funding alternatives for the Board's consideration;
  - (2) Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program, or matter; or
  - (3) Proposes or provides for increased or decreased funding for a countywide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.

If any of the foregoing amendments are recommended or provided by the County Mayor, such amendments shall be set forth in detail in a separate section of the Mayor's memorandum relating to information for the second budget hearing (the "Second Changes Memorandum").

The Commission Auditor shall prepare and maintain a list of all issues raised in conjunction with the budget approval process as set forth in subsection (e)(1) above. The Commission Auditor shall distribute such list to each member of the Board no later than forty-eight (48) hours prior to the scheduled commencement of the second budget hearing.

After a separate vote on each proposed amendment but before the Board's adoption of each ordinance adopting a final millage rate, the Mayor or the Mayor's designee shall, for each such ordinance, recompute the final millage rate, and publicly announce the name of the taxing authority, the rolled back rate, the percent, if any, by which the recomputed final millage rate exceeds the rolled-back rate, and the final millage rate to be levied. The final budget ordinances shall be adopted by separate vote after the final millage rate ordinances are adopted.

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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:

Approved by County Attorney as  
to form and legal sufficiency:

EWJ for

Prepared by:

CL

Cynji A. Lee

Prime Sponsor: Commissioner Keon Hardemon