MEMORANDUM

Agenda Item No. 11(A)(29)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution supporting the Miami-Dade Clerk of Courts request for the Florida Legislature to allocate $4.2 million to meet collective bargaining agreements

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: February 1, 2011

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(29)

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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(29)
2-1-11

RESOLUTION NO. _____

RESOLUTION SUPPORTING THE MIAMI-DADE CLERK OF COURTS' REQUEST FOR THE FLORIDA LEGISLATURE TO ALLOCATE $4.2 MILLION TO MEET COLLECTIVE BARGAINING AGREEMENTS AND AVOID CRIPPLING LAYOFFS AND DISTRICT OFFICE CLOSINGS

WHEREAS, the Miami-Dade County Board of County Commissioners in adopting the County's Fiscal Year 2010-11 budget funded certain provisions of collective bargaining agreements for county employees; and

WHEREAS, the Miami-Dade Clerk of Courts is obligated to comply with said agreements resulting in a $4.2 million budget increase over prior year expenditures; and

WHEREAS, as a result of prior revisions to Article V of the Florida Constitution, the State of Florida, not Miami-Dade County became the primary funding source for the Clerk of Courts court-related duties; and

WHEREAS, the Clerk has specifically requested that the Florida Legislature allocate the needed funding as set forth in the attached Exhibit A for reasons stated therein so as to prevent additional projected personnel layoffs and office closures; and

WHEREAS, Section 28.36 (6), Florida Statutes, provides that increases in expenditures over prior-year totals are fully justified if they are prescribed to fund "collective bargaining agreements, county civil service agreements, and the number and distribution of courthouses served by the Clerk"; and

WHEREAS, this Board desires to support the purposes outlined in Exhibit A, seeking the Legislature's allocation of the requested funds; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to grant a specific increase of $4.2 million to the Miami-Dade County Clerk of Courts to fund collective bargaining agreements.

Section 2. Directs the County's Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for passage of the legislation identified in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2011 state legislative package.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of February, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty

EXHIBIT "A"

TO: Rep. Carlos Lopez-Cantera,
Chair of Miami-Dade Florida
Legislative Delegation

FROM: Harvey Ruvin
Miami-Dade Clerk of Courts

DATE: January 26, 2011

SUBJECT: Request for $4.2 million critically needed to meet collective bargaining agreements and avoid crippling layoffs and district office closings.

Recognizing that the FY 2011-12 State Budget presents major challenges and that there will be fiscal stress at all levels; I am seeking your support for a critically needed allocation without which it will be near impossible to continue to provide the level of access to court related services that our mutual constituency demands and has a right to expect.

Please know that we've taken a number of severe steps including layoffs, and hiring and purchasing freezes. Our total FTE's have significantly been reduced from 1,330 in FY 08/09 to our current census of 1,133 (some 16% reduction). These steps have come at a time of escalating workload.

Nevertheless, factors beyond our control have dictated a $4.2 million increase for our State Fiscal Year 2011-12 budget request over State Fiscal Year 2010-11 allocation of $70.4 million. This is due to Miami-Dade County's compliance with its collective bargaining agreements mandating a reinstatement of benefits and a cost of living increase that had been suspended for one year during the previous fiscal cycle. My office is contractually obligated to comply.

FS Chapter 28.36(6) provides that increases in expenditures over prior-year totals are fully justified if they meet the prescribed basis in the law:

> *"Justification for higher expenditures may include, but is not limited to, collective bargaining agreements, county civil service agreements, and the number and distribution of courthouses served by clerk".*

In addition, there is ample precedent for this years Legislature to follow in granting the requested, justified allocation. In FY 04-05, implementing Article V Constitutional Revision, the Legislature recognized a very similar situation in Miami-Dade, where the prior-year funding needed to be augmented due to collective bargaining agreements and the Legislature acted to grant a specific increase of $3,817,115 to the Miami-Dade Clerk of Courts budget accordingly.

Should we be denied this specific increase, we would nevertheless be obligated to comply with the collective bargaining agreement and would be forced to take harsh and draconian measures to fund the requisite $4.2 million. Such measures would seriously impact both constitutionally required access to the courts as well as our ability to maintain maximum revenue collection. We will have to layoff perhaps another 75-100 needed employees as well as close several of our 7 district courthouses (See again FS Chapter 28-36(6)) now serving our greatly dispersed and diverse population of some 2.4 million citizens.

It is important to note, in closing, that our projected FY 2011/12 revenue of $76,800,000 is still well over $2 million more than the total $74,635,000 we would be allocated should the Legislature grant us the increase needed to meet our obligations. This $2.165 million (left on the table) would of course still go to the Trust Fund controlled by the Legislature.

We have no issue with being a donor Clerk's office, however, fairness dictates that we be allowed to utilize the ample revenue raised in Miami-Dade to meet our own mandated needs first.