

**MEMORANDUM**

Agenda Item No. 11(A) (16)

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

**DATE:** April 4, 2011

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

**SUBJECT:** Resolution opposing SB 1352,  
HB 923 or similar legislation that  
would preempt Miami-Dade  
County's responsible wages and  
community workforce programs,  
as well as preempt Miami-Dade  
County's debarment, suspension  
and responsibility determination  
procedures

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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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

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A) (16)

Veto \_\_\_\_\_

4-4-11

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OPPOSING SB 1352, HB 923 OR SIMILAR LEGISLATION THAT WOULD PREEMPT MIAMI-DADE COUNTY'S RESPONSIBLE WAGES AND COMMUNITY WORKFORCE PROGRAMS, AS WELL AS PREEMPT MIAMI-DADE COUNTY'S DEBARMENT, SUSPENSION AND RESPONSIBILITY DETERMINATION PROCEDURES

**WHEREAS**, bills have been filed for consideration during the 2011 legislative session, SB 1352 by Senator Alan Hays (R – Umatilla) and HB 923 by Representative Charles Van Zant (R – Palatka) that would prohibit the state or any local government from requiring a contractor, subcontractor, material supplier or carrier engaged in construction, maintenance, repair or improvement of public works (collectively a “contractor”) to:

1. Pay employees a predetermined amount of wages or wage rate;
2. Recruit, train or hire employees from a designated single source; or
3. Designate any particular assignment of work for employees; and

**WHEREAS**, SB 1352 and HB 923 also would preempt the state or any local government from prohibiting a contractor who is qualified, licensed, or certified to do work from submitting bids, being awarded any bid or contract, or performing work on a public works project; and

**WHEREAS**, prohibiting a local government from requiring a contractor to pay employees a predetermined amount of wages or wage rate could have the affect of preempting Miami-Dade County's Responsible Wages program; and

**WHEREAS**, prohibiting a local government from requiring a contractor to recruit, train or hire employees from a designated single source could have the affect of preempting Miami-Dade County's Community Workforce program; and

**WHEREAS**, preempting a local government from prohibiting any contractor who is qualified, licensed, or certified to do work from submitting bids, being awarded any bid or contract, or performing work on a public works project could have the affect of preempting Miami-Dade County's debarment, suspension and responsibility determination procedures; and

**WHEREAS**, Miami-Dade County's Responsible Wages Program ensures that laborers and mechanics working on construction projects are paid hourly wages and benefits at an appropriate amount based on the particular trade; and

**WHEREAS**, through Miami-Dade County's Community Workforce Program, the Miami-Dade County Department of Small Business Development ("SBD") reviews capital construction contracts and work orders for public improvements to determine the appropriateness of applying local workforce goals that require a minimum of ten percent (10%) of persons doing construction trades and labor work to reside in designated target areas; and

**WHEREAS**, Miami-Dade County's debarment, suspension and responsibility determination procedures ensure that responsible firms are retained to perform work on public projects and further ensure that taxpayer dollars are used efficiently and effectively; and

**WHEREAS**, SB 1352 and HB 923 would preempt these important programs; and

WHEREAS, this Board desires to express its opposition to these bills,

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

**Section 1.** Opposes SB 1352, HB 923 or similar legislation that would preempt Miami-Dade County's responsible wages and community workforce programs, as well as preempt Miami-Dade County's debarment, suspension and responsibility determination procedures.

**Section 2.** Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, Senator Alan Hays and Representative Charles Van Zant.

**Section 3.** Directs the County's state lobbyists to advocate against the bills identified in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2011 and 2012 state legislative packages.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime. 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
Rebeca Sosa	Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of April, 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.

Jess M. McCarty