

# MEMORANDUM

Agenda Item No. 7(G)

---

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

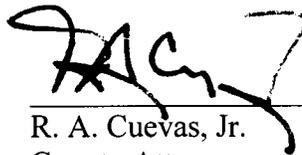
**DATE:** (Second Reading 8-2-11)  
June 21, 2011

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

**SUBJECT:** Ordinance amending Chapter  
25A of the Code; providing  
the Financial Recovery Board  
shall recommend to the  
County Commission proposed  
labor agreements negotiated  
with labor organizations  
representing Trust employees

---

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



---

R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** August 2, 2011

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

**From:** Alina T. Hudak  
County Manager 

**Subject:** Ordinance creating an amnesty period and a limited exception from civil penalties and liens for building code violations

---

The proposed ordinance amends Chapter 25A of the Code of Miami-Dade County to include that when the Financial Recovery Board presents to the Board of County Commissioners (BCC) proposed labor agreements negotiated with labor organizations representing Public Health Trust (PHT) employees, the BCC may approve or take other action regarding the agreements by a majority vote. In the case of disapproval or amendment, the Commission requires a two thirds (2/3) vote. This proposed amendment will not have a fiscal impact to the County.



Jennifer Glazer-Moon, Special Assistant/Director  
Office of Strategic Business Management

Fis4911



# MEMORANDUM

(Revised)

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

**DATE:** August 2, 2011

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

**SUBJECT:** Agenda Item No. 7(G)

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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(G)  
8-2-11

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THE FINANCIAL RECOVERY BOARD SHALL RECOMMEND TO THE COUNTY COMMISSION PROPOSED LABOR AGREEMENTS NEGOTIATED WITH LABOR ORGANIZATIONS REPRESENTING TRUST EMPLOYEES; PROVIDING COMMISSION MAY APPROVE OR TAKE OTHER ACTION REGARDING THE PROPOSED AGREEMENT BY A MAJORITY VOTE, EXCEPT THAT THE COMMISSION MAY ONLY DISAPPROVE OR AMEND THE PROPOSED AGREEMENT BY A TWO THIRDS (2/3) VOTE OF THOSE COMMISSIONERS THEN IN OFFICE; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 25A-9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 25A-9.**

**Financial Sustainability.**

\* \* \*

- (c) *Assistive measures.* Upon notification by the Trust or another party that one or more of the conditions in Subsection (a) have occurred or likely will occur, the Commission shall determine whether the Trust needs assistance to resolve or prevent the condition. If assistance is needed, the Commission may implement assistive measures which may include any one, or any combination of, the following:

---

<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.

\* \* \*

(5) *Financial Recovery Board.* The Commission may establish a Financial Recovery Board (“Recovery Board”). The County Commission’s determination to establish a Recovery Board shall be by adoption of a resolution setting forth the time period such Board shall be in existence and the types of Board action which may be vetoed by the Commission and the timetables and procedures for exercise of such veto authority. Actions of the Recovery Board subject to Commission veto shall be filed by the Recovery Board with the Clerk of the County Commission, who shall place same on the next regularly scheduled County Commission agenda for County Commission consideration without the requirement for committee review. Such actions of the Recovery Board shall become effective upon the adjournment of the next regularly scheduled County Commission meeting unless vetoed by a majority vote of the County Commission at such meeting. A County Commission veto of any action taken by the Recovery Board shall be final and determinative.

Notwithstanding any provision of the Code to the contrary, the Recovery Board shall be authorized and empowered to serve as the governing body of the Trust effective upon appointment of at least four (4) members and subject to Commission veto authority all as provided herein. The Mayor and the County Attorney shall provide support to the Recovery Board.

During the tenure of the Recovery Board, the governance powers of the currently sitting Trust Board of Trustees shall cease and the currently sitting Board of Trustees shall be dissolved and shall no longer serve as the governing body of the Trust. The terms of all currently sitting voting members of the Board of Trustees and ex-officio members shall automatically expire upon appointment of 4 members of the Recovery Board.

During the tenure of the Recovery Board, the provision of Sections 25A-3(d) [Appointment and removal of Trustees], and 25A-3(e), [Tenure of Trustees], herein shall not apply. The Application of Sections 25A-3(d), and 25A-3(e), herein shall commence on the conclusion of the tenure of the Recovery Board. The Nominating Council set forth in Section 25A-3(d), herein shall convene in accordance with such section not less than one hundred twenty (120) days prior to the conclusion of the tenure of the Recovery Board, for the purpose of selecting the voting members required by Section 25A-3(b), [Qualifications], herein.

- (i) *Powers and duties.* The Recovery Board shall hold regular meetings and record such meetings in accordance with the requirement for the Board of Trustees as described in Section 25A-3(f), [Organization, powers and duties of the Board of Trustees], herein. Except as specifically provided in Section 25A-9(c), [Assistive measures], herein, during its tenure, the Recovery Board shall have all of the powers, duties and responsibilities customarily vested in the Board of Trustees of the Trust and as provided for in Chapter 25A of the Code, except that those powers and duties shall be limited by the Commission's veto authority as provided herein.

The Recovery Board shall exercise supervisory control over the operation, maintenance, and governance of all designated facilities and of all functions and activities taking place in connection with the operation of designated facilities and shall be authorized to exercise such powers as provided for in Section 25A-4, [Powers and duties of the Trust], herein, except as modified hereinafter:

\* \* \*

- (E) Personnel. Any personnel actions or policies taken or issued by the

Recovery Board shall not be inconsistent with any applicable collective bargaining agreements, as amended. The Recovery Board shall recommend to the Commission policies for labor management and the negotiations of labor agreements with organizations representing Trust employees. >>Additionally, the Recovery Board shall recommend to the Commission proposed labor agreements negotiated with labor organizations representing Trust employees. Notwithstanding any other provision of Chapter 25A, the Commission may approve or take other action regarding the proposed agreement by a majority vote, except that the Commission may only disapprove or amend the proposed agreement by a two thirds (2/3) vote of those Commissioners then in office.<<

\* \* \*

**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 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:

DTC  
DTC in ES

Prepared by:

Eugene Shy, Jr.  
Valda Clark Christian

Prime Sponsor: Chairman Joe A. Martinez