

MEMORANDUM

Agenda Item No. 14(A)(1)


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

DATE: March 6, 2012

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

SUBJECT: Resolution directing the Mayor to evaluate alternative options, for the payout of accrued leave that provide the opportunity to the governmental entity and the retiring employee receiving the payout to maximize the benefits in a tax advantaged manner and to report back to the Board within 60 days

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/jls



MEMORANDUM

(Revised)

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

DATE: March 6, 2012

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

SUBJECT: Agenda Item No. 14(A)(1)

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. 14(A)(1)

Veto _____

3-6-12

Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR TO EVALUATE ALTERNATIVE OPTIONS, LIKE WHAT OTHER GOVERNMENT ENTITIES ACROSS THE COUNTRY HAVE ADOPTED, FOR THE PAYOUT OF ACCRUED LEAVE THAT PROVIDE THE OPPORTUNITY TO THE GOVERNMENTAL ENTITY (MIAMI-DADE COUNTY) AND THE RETIRING EMPLOYEE RECEIVING THE PAYOUT TO MAXIMIZE THE BENEFITS IN A TAX ADVANTAGED MANNER AND TO REPORT BACK TO THE BOARD WITHIN 60 DAYS

WHEREAS, County employees that separate from County service receive a payout of accrued leave as a lump sum which may create significant federal tax liability for employees in the year they separate from County service; and

WHEREAS, it appears that there are companies that provide plans for the payout of accrued leave that may reduce the federal tax liability of employees separating from County service and reduce the federal tax liability for the County as well; and

WHEREAS, a plan that converts accumulated leave to either a tax qualified retirement plan or a post retirement medical trust will benefit separating employees by deferring taxes or receiving the funds tax free in the case of the medical trust; and

WHEREAS, such a plan will also benefit the county by eliminating related payroll taxes to the county; and

WHEREAS, in light of the significant wage concessions made by County employees over the last few years, it is in the best interest of the County to mitigate such economic hardship on employees especially if it comes with significant savings to the County; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Mayor is hereby directed to evaluate alternative options for the payout of accrued leave for employees separating from County service that provide the opportunity to the governmental entity and the retiring employee receiving the payout to maximize the benefits in a tax advantaged manner and to report back to the Board within 60 days. The Mayor's report must include a recommendation for the best methodology and implementation schedule for the plan and the plan recommended must be at no cost to the County.

The Prime Sponsor of the foregoing resolution is Chairman Joe 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
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of March, 2012. 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.

ERIC A. RODRIGUEZ

Eric A. Rodriguez

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