

# MEMORANDUM

SPAGO  
Agenda Item No. 1G1

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** March 10, 2015

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

**SUBJECT:** Ordinance related to living wage; amending section 2-8.9 of the Code to provide an exemption for permittees at aviation facilities from living wage requirements where a collective bargaining agreement provides an express waiver applicable to the ordinance.

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 18, 2015

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

**SUBJECT:** Agenda Item No. 4(B)

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 Mayor'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. 4(B)  
2-18-15

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

ORDINANCE RELATED TO LIVING WAGE; AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY TO PROVIDE AN EXEMPTION FOR PERMITTEES AT AVIATION FACILITIES FROM LIVING WAGE REQUIREMENTS WHERE A COLLECTIVE BARGAINING AGREEMENT PROVIDES AN EXPRESS WAIVER APPLICABLE TO THE ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, in 1999, Miami-Dade County enacted Ordinance No. 99-44, which ordinance, as amended, is codified as Section 2-8.9 of the Code of Miami-Dade County, Florida (the "Miami-Dade Living Wage Ordinance"); and

**WHEREAS**, the Living Wage Ordinance is applicable in three categories of employees (1) employees providing specified services pursuant to contracts awarded by the County, (2) County employees; and (3) employees of private sector contractors providing specified general aeronautical services to private companies operating at Miami International Airport and other Miami-Dade Aviation Department facilities ("Aviation Department facilities"); and

**WHEREAS**, the third category of employees which are those that provide specified aeronautical services to private companies at Aviation Department facilities are often employees whose compensation and benefits are governed by collective bargaining agreements; and

**WHEREAS**, state and federal law support the enforceability of collective bargaining agreements; and

**WHEREAS**, in recognition of the value of the collective bargaining process, several local governments in the United States have provided for an exemption from their living wage requirements where employees covered by a bona fide collective bargaining agreement have

expressly waived the applicability of local living wage codes in the collective bargaining agreement; and

**WHEREAS**, it is in the best interest of the County to amend the Living Wage Ordinance to provide an exemption for private companies providing specified aeronautical services to private companies operating at Miami International Airport and other Aviation Department facilities if the employees of such companies have expressly waived application of local living wage laws in a bona fide collective bargaining agreement,

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

**Section 1.** Section 2-8.9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 2-8.9 Living Wage Ordinance for County service contracts and County employees.**

*Definitions.*

\* \* \*

(E) *Service contractor* is any individual, business entity, corporation (whether for profit or not for profit), partnership, limited liability company, joint venture, or similar business that is conducting business in Miami-Dade County or any immediately adjoining county and meets the following criteria:

\* \* \*

- (3) The service contractor is a General Aeronautical Service Permittee (GASP) or otherwise provides any of the Covered Services >>set forth in Section 2-8.9(F)(2) (and not including services set forth in 2-8.9(F)(1) or (F)(3))<<[[as defined herein]] at any Miami-Dade County Aviation Department facility including Miami International Airport pursuant to a permit, lease agreement or otherwise >>unless such service contractor and its employees are covered by, or subject to, a bona fide collective bargaining agreement which contains an express waiver of the application of the Miami-Dade Living Wage Ordinance or which contains an express waiver of the application of local living wage laws or ordinances that is sufficiently broad to apply to the Miami-Dade Living Wage Ordinance.<<

**Section 3.** 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 4.** 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 5.** 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:



Prepared by:



Eric A. Rodriguez

Prime Sponsor: Commissioner Barbara J. Jordan