

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: (Second Reading 9-1-15)
May 19, 2015

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

SUBJECT: Ordinance amending Article XXXI of the Code to locally adopt the spirit underlying the principles of the Convention on the Elimination of All Forms of Discrimination Against Women, an international treaty; amending section 2-477 of the Code to authorize the Commission Auditor to gather data regarding economic development, health and safety, and education of women in Miami-Dade County; amending section 2-269 of the Code to authorize the Miami-Dade County Commission for Women to analyze such data and to report to this Board

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava, and Co-Sponsors Commissioner Bruno A. Barreiro, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Rebeca Sosa and Commissioner Xavier L. Suarez.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: September 1, 2015

To: Honorable Chairman Jean Moneasime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Code to Locally Adopt the Spirit Underlying the Principles of the Convention on the Elimination of all Forms of Discrimination Against Women Authorizing the Commission Auditor to Gather Data Regarding Economic Development, Health and Safety, and Education of Women in the County; and Authorizing the County's Commission for Women to Analyze Such Data and to Report to the Board

The proposed ordinance amends Article XXXI and Sections 2-477 and 2-269 of the Code of Miami Dade County to include the spirit underlying the principle of Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). It would authorize the Commission Auditor to gather gender equity data in the areas of economic development, health and safety, and education and report such data to the Board of County Commissioners (Board). In addition, it would require the Commission for Women to analyze the data on an annual basis and provide recommendations to the Board.

Florida International University's Metropolitan Center provided a proposal of \$18,270 to gather the research data needed to prepare the required report(s). However, if it is the Board's desire to collect this research data with existing resources, current priorities within the Office of the Commission Auditor may be rearranged to accomplish this task. The analysis and preparation of the report(s) and recommendations will be absorbed by existing staff that currently provides support to the Commission for Women.

A handwritten signature in cursive script, appearing to read "Edward Marquez".

Edward Marquez
Deputy Mayor

fis06615



MEMORANDUM

(Revised)

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

DATE: September 1, 2015

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

SUBJECT: Agenda Item No. 7(A)

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. 7(A)
9-1-15

ORDINANCE NO. _____

ORDINANCE AMENDING ARTICLE XXXI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO LOCALLY ADOPT THE SPIRIT UNDERLYING THE PRINCIPLES OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, AN INTERNATIONAL TREATY; AMENDING SECTION 2-477 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO AUTHORIZE THE COMMISSION AUDITOR TO GATHER DATA REGARDING ECONOMIC DEVELOPMENT, HEALTH AND SAFETY, AND EDUCATION OF WOMEN IN MIAMI-DADE COUNTY; AMENDING SECTION 2-269 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO AUTHORIZE THE MIAMI-DADE COUNTY COMMISSION FOR WOMEN TO ANALYZE SUCH DATA AND TO REPORT TO THIS BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Convention on the Elimination of All Forms of Discrimination Against Women (“Convention”), a human rights treaty promoting gender equity, was adopted by the United Nations General Assembly in 1979; and

WHEREAS, the Convention requires member parties to undertake to eliminate discrimination against women in all its forms, including but not limited to in the areas of economic development, health and safety, and education; and

WHEREAS, more than 140 countries are party to the Convention, including Canada, Australia, Azerbaijan, Bangladesh, Mexico, Mongolia, China and the United Kingdom; and

WHEREAS, the United States Senate Foreign Relations Committee voted in July 2002 to recommend ratification of the Convention, but the Convention has never come before the full Senate for a vote; and

WHEREAS, the United States Census indicates a persistent wage gap between men and women, and a perpetual difference not only between the wages women are paid compared to

those of men, but also the wages that women of different races are paid compared to their white, male counterparts; and

WHEREAS, the United States Census reports that white women are paid 78 cents to every dollar white males make, and Hispanic women are paid 56 cents for every dollar their white, male counterparts make; and

WHEREAS, a number of cities in the United States have adopted local legislation reflecting the principles underlying the Convention to better inform local policy and empower communities to make the policy changes necessary to lift more women out of poverty and violence; and

WHEREAS, pursuant to Section 11A-1 of the Code of Miami-Dade County, it is the policy of Miami-Dade County “to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations” because of various statuses, including but not limited to sex, pregnancy, marital status, and familial status; and

WHEREAS, this Board has passed a number of ad-hoc resolutions over the years addressing the status of women, including Resolution No. 998-14, directing the County Mayor or Mayor’s designee to conduct a complete and thorough analysis of payroll data for Miami-Dade County government employees to identify whether there are any pay disparities within any employee classification for which no explanation exists other than differences in employee gender; and

WHEREAS, this proposed ordinance monitors comprehensively the status of women and girls in health, education and economic development, providing an annual analysis that compares growth, advancement, and amelioration; and

WHEREAS, comparing data and indicators year-by-year will enable this Board to better gauge whether current legislation relating to or having an impact on gender equity is effective and whether more needs to be done in any area; and

WHEREAS, pursuant to Section 2-477(5) of the Code of Miami-Dade County, the Commission Auditor is empowered to provide information to the Board of County Commissioners “whenever required regarding any subject relating to the affairs of the County;” and

WHEREAS, pursuant to Section 2-269 of the Code of Miami-Dade County, the Commission for Women is empowered to make a “continuing study of all existing” County institutions and programs dealing with or affecting women, as well as to make studies and have studies made regarding discrimination against women employees “and attributable changes towards women in the community[;]” and

WHEREAS, pursuant to Section 2-269(a) of the Code of Miami-Dade County, the Miami-Dade County Commission for Women (“Commission for Women”) serves “in an advisory capacity to the County Commission, the County administration, the community, and all agencies and persons in Miami-Dade County, Florida, in respect to all matters pertaining to the status of women, including but not limited to discrimination against women, employment of women, [and] education of women[;]” and

WHEREAS, this Board desires that the Commission Auditor shall annually gather and provide to the Commission for Women data regarding the status of women in Miami-Dade County in the areas of economic development, health and safety, and education; and

WHEREAS, this Board desires that the Commission for Women shall study the data and annually report on its analysis and recommendations based on the data to this Board and to the County Mayor, as well as make its report available to the public,

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

Section 1. Article XXXI, Section 2-271 of the Code of Miami-Dade County, Florida,
is hereby amended as follows:¹

**>>ARTICLE XXXI. CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN.**

Sec. 2-271. Policy.

It is the goal of Miami-Dade County to adopt the spirit underlying the principles of the Convention on the Elimination of All Forms of Discrimination Against Women (commonly referred to as "CEDAW" and hereinafter referred to as "Convention"). The Convention, a human rights treaty adopted by the United Nations General Assembly in 1979, aims to eliminate all discrimination against women around the world, including but not limited to in the areas of economic development, health and safety, and education. Miami-Dade County finds a need to gather data locally and provide analysis annually to study gender equity in Miami-Dade County. "Gender Equity Data" shall be defined as information collected to identify disparities existing between women and men throughout Miami-Dade County and shall include, to the extent permitted by law, information regarding sex, race, sexual orientation, immigration status, parental status, disability, and age.

Secs. 2-272—2-277. Reserved.<<

[[ARTICLE XXXI. RESERVED

Secs. 2-271—2-277. Reserved.]]

Section 2. Section 2-477 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-477. Scope of Authority.

¹ 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.

The Commission Auditor shall, to the extent provided for in the annual work program, perform the following functions and be charged with the following responsibilities on behalf of the Commission:

- * * *
10. To make periodic reports to the Commission which shall include, but not be limited to, the following:
 - a. To determine whether departments, agencies and entities of the County have complied with the fiscal and legislative policies of the Commission;
 - b. To provide information on proposals that could adversely affect the County including, but not limited to, the County's credit rating;
 - c. To report matters and make recommendations concerning the effectiveness and efficiency of programs and the operation of the County;
 - d. To be empowered to take exception to improper specific expenditures incurred by any County department, agency or entity; and

 - >>11. In furtherance of the Commission's policy set forth in Section 2-271 of the Code of Miami-Dade County, the Office of the Commission Auditor shall gather and provide Gender Equity Data, as such term is defined in Section 2-271 of the Code of Miami-Dade County, annually to the Miami-Dade County Commission for Women in the categories enumerated below.
 - a. Economic Development: As compared to men both within Miami-Dade County government and throughout Miami-Dade County, the numbers of women employed by industry, serving in high-level or executive positions, serving in low-wage positions, serving as heads-of-household, living in poverty; how salaries compare for men and women employed in the same or similar positions; gender balance on County advisory boards; and any other metrics or information deemed relevant and reasonably accessible by the Office of the Commission Auditor.

- b. Health and Safety: Infant mortality and birth rates in Miami-Dade County; as compared to men, the number of women and girls with health insurance, with health conditions such as hypertension, with life-threatening conditions such as heart disease; the number of women and girls falling victim to sexual exploitation and human trafficking; the number of reported instances of rape and sexual assault; the amount of money and the types of funding sources spent assisting domestic violence victims and trying to prevent instances of domestic violence; Miami-Dade County government resources directed specifically at women and girls; and any other metrics or information deemed relevant and reasonably accessible by the Office of the Commission Auditor.
- c. Education: As compared to men, the number of women dropping out of high school each year; the number of women with less than a high school education; with some college, with college degrees, with masters-level, doctorate and professional degrees; and any other metrics or information deemed relevant and reasonably accessible by the Office of the Commission Auditor.<<

~~[[14:]]~~ >>12.<< The Commission Auditor shall serve as a voting member of any competitive selection committee convened for the purpose of recommending an external auditor to the Mayor or the Mayor's designee. The Commission Auditor shall also be apprised by the Mayor or the Mayor's designee of the activities of the external auditor and may monitor the conduct of, and responses to, external financial statement audits, and the resolution of audit findings. The Commission Auditor shall also work toward the elimination of duplicative audit work through cooperation with state, federal and external auditors, and the Clerk of the Circuit and County Courts when the Clerk is performing as auditor under Article V, Section 16 of the Florida Constitution and general laws of the State of Florida.

Section 3. Section 2-269 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-269. Duties and powers of the Commission.

The Commission shall have the following duties, functions, powers and responsibilities:

* * *

(g) To report at least annually to the County Commission on the Commission for Women's accomplishments and priorities.

>>(h) To analyze Gender Equity Data provided annually by the Commission Auditor, pursuant to Section 2-477 of the Code of Miami-Dade County, regarding the economic development, health and safety, and education of women in Miami-Dade County and to report the Commission for Women's analysis and recommendations based on Gender Equity Data annually to the County Mayor and to the County Commission, and to make the Commission for Women's report available to the public.<<

[[~~(h)~~]] >>(i)<<To perform such other duties as may from time to time be assigned to it by resolution of the County Commission.

Section 4. 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 5. 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 6. 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:



Estephanie Resnik

Prime Sponsor: Commissioner Daniella Levine Cava
Co-Sponsors: Commissioner Bruno A. Barreiro
Commissioner Sally A. Heyman
Commissioner Barbara J. Jordan
Commissioner Rebeca Sosa
Commissioner Xavier L. Suarez