

MEMORANDUM

Agenda Item No. 11(A)(1)

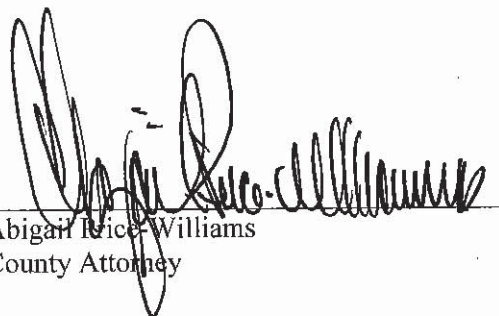
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 3, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution condemning the legislation recently enacted by the Mississippi State Legislature and the North Carolina General Assembly, and any other similar legislation that discriminates against the lesbian, gay, bisexual, or transgender community; directing the County Mayor in coordination with the Beacon Council and the Greater Miami Convention and Visitors Bureau, to develop a plan to recruit businesses and individuals that have boycotted doing business in, or traveling to, states that have adopted such discriminatory laws; urging The Beacon Council and the Greater Miami Convention and visitors bureau to coordinate with the County Mayor; directing the County Mayor to examine the feasibility and advisability of instituting a ban on County and Public Health Trust ("PHT") employee travel for official County or PHT business to Mississippi or North Carolina; and further directing the County Mayor to place a report regarding the plan and feasibility study on an agenda of the Board

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/cp

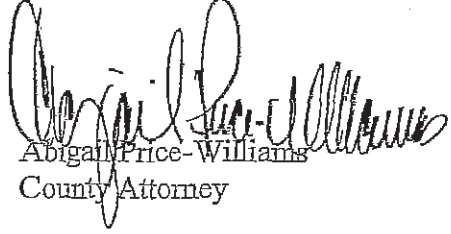


MEMORANDUM

(Revised)

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

DATE: May 3, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(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
- Statement of social equity 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. 11(A)(1)
5-3-16

RESOLUTION NO. _____

RESOLUTION CONDEMNING THE LEGISLATION RECENTLY ENACTED BY THE MISSISSIPPI STATE LEGISLATURE AND THE NORTH CAROLINA GENERAL ASSEMBLY, AND ANY OTHER SIMILAR LEGISLATION THAT DISCRIMINATES AGAINST THE LESBIAN, GAY, BISEXUAL, OR TRANSGENDER COMMUNITY; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, IN COORDINATION WITH THE BEACON COUNCIL AND THE GREATER MIAMI CONVENTION AND VISITORS BUREAU, TO DEVELOP A PLAN TO RECRUIT BUSINESSES AND INDIVIDUALS THAT HAVE BOYCOTTED DOING BUSINESS IN, OR TRAVELING TO, STATES THAT HAVE ADOPTED SUCH DISCRIMINATORY LAWS; URGING THE BEACON COUNCIL AND THE GREATER MIAMI CONVENTION AND VISITORS BUREAU TO COORDINATE WITH THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXAMINE THE FEASIBILITY AND ADVISABILITY OF INSTITUTING A BAN ON COUNTY AND PUBLIC HEALTH TRUST ("PHT") EMPLOYEE TRAVEL FOR OFFICIAL COUNTY OR PHT BUSINESS TO MISSISSIPPI OR NORTH CAROLINA; AND FURTHER DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PLACE A REPORT REGARDING THE PLAN AND FEASIBILITY STUDY ON AN AGENDA OF THE BOARD

WHEREAS, this County prides itself on being a diverse and inclusive community and has demonstrated a long history of opposing discrimination on the basis of, among other things, sexual orientation and gender identity or expression; and

WHEREAS, for example, the Miami-Dade Human Rights Ordinance, codified at Chapter 11A of the County Code, currently prohibits discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations on the basis of, among other things, a person's sexual orientation and gender identity or expression; and

WHEREAS, 84 percent of the nation's largest companies, many of which do business in Florida, have adopted comprehensive anti-discrimination policies that offer protections to persons who are lesbian, gay, bisexual, or transgender ("LGBT"); and

WHEREAS, recently, some state legislatures have passed legislation that weakens the civil rights of the LGBT community; and

WHEREAS, in March of 2016, the North Carolina General Assembly passed House Bill 2, the Public Facilities Privacy and Security Act ("HB 2"), (1) barring transgender individuals from restrooms and locker rooms that do not match the gender on their birth certificates, (2) preempting municipalities from enacting local antidiscrimination policies, (3) preempting local governments from raising minimum wage levels above the state level, and (4) preempting local governments from imposing antidiscrimination policies or additional labor requirements on their contractors; and

WHEREAS, HB 2 was signed into law by North Carolina Governor Pat McCrory the same day it was passed by the General Assembly; and

WHEREAS, three North Carolina residents, the American Civil Liberties Union ("ACLU"), the ACLU of North Carolina, Lambda Legal, and Equality North Carolina have filed a lawsuit challenging HB 2 as unconstitutional; and

WHEREAS, in April of 2016, Mississippi Governor Phil Bryant signed into law House Bill 1523, the Protecting Freedom of Conscience From Government Discrimination Act ("HB 1523"), that allows religious organizations and private businesses with religious objections to discriminate against LGBT individuals in the realms of employment, housing, child adoption services, foster care, psychological counseling, fertility services, marriage and wedding-related services, student dress codes, and access to restrooms; and

WHEREAS, the discriminatory laws passed by the North Carolina General Assembly and the Mississippi State Legislature threaten the health, safety, welfare, and human rights of the LGBT community; and

WHEREAS, in response, a number of states and cities have banned government-sponsored travel to North Carolina and Mississippi; and

WHEREAS, this year, Georgia Governor Nathan Deal vetoed House Bill 757 (“HB 757”) which would have given faith-based organizations in Georgia the option to deny services and jobs to gay, lesbian, bisexual, or transgender people; and

WHEREAS, in 2015, the Florida Legislature considered, but did not pass, Senate Bill 1464 (“SB 1464”) and House Bill 583 (“HB 583”), that would have made it illegal for any transgender person to use a single-sex restroom that does not match the gender on the person’s birth certificates; and

WHEREAS, HB 583 would have preempted the County’s ordinance that bans discrimination based on gender identity and expression in public restrooms throughout the county; and

WHEREAS, other states, such as South Carolina, are considering similar legislation that would discriminate against and disenfranchise the LGBT community; and

WHEREAS, this Board opposes any law that condones discrimination against members of the LGBT community, and encourages individuals and businesses that have denounced such discriminatory laws to visit and do business in our diverse and inclusive community,

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

Section 1. Condemns the Protecting Freedom of Conscience From Government Discrimination Act enacted by the Mississippi State Legislature, the Public Facilities Privacy and Security Act enacted by the North Carolina General Assembly, and any other similar legislation that discriminates against the lesbian, gay, bisexual, or transgender community.

Section 2. Directs the County Mayor or County Mayor's designee, in coordination with The Beacon Council and the Greater Miami Convention and Visitors Bureau, to develop a plan to attract and recruit to our county businesses, individuals, organizations, and tourists that have denounced or boycotted doing business in, or traveling to, states that have adopted such discriminatory laws. The recruitment initiative should showcase the County as a diverse, economically vibrant, and inclusive place to visit and do business.

Section 3. Urges The Beacon Council and the Greater Miami Convention and Visitors Bureau to coordinate with the County Mayor or County Mayor's designee to accomplish the initiatives described in Section 2 above.

Section 4. Directs the County Mayor or County Mayor's designee to examine the feasibility and advisability of instituting a ban on County and Public Health Trust ("PHT") employee travel for official County or PHT business to Mississippi or North Carolina. The report shall identify the number of times that County or PHT employees have traveled to Mississippi or North Carolina in the last two years on official County or PHT business and shall describe the purpose of the travel.

Section 5. Directs the County Mayor or County Mayor's designee to provide a report containing the plan identified in Section 2 and the findings and recommendations resulting from the study identified in Section 4 to this Board within 90 days of the effective date of this resolution, and to place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 6. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Chair of The Beacon Council and the President of the Greater Miami Convention and Visitors Bureau.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Annery Pulgar Alfonso