

# MEMORANDUM

TTC  
Agenda Item No. 2(A)

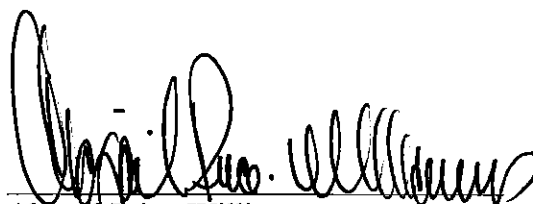
**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** November 10, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution establishing minimum wage requirements for Airport concession agreements; directing the County Mayor to execute amendments to concession agreements at Miami International Airport to include minimum wage requirements; directing the County Mayor to consider termination of such concessions for convenience in the event concessionaires are unwilling to execute such amendments; directing the County Mayor to include minimum wage requirements in all future Airport concession bids or proposals, or as a precondition of any extension of any existing concession agreement; and directing the County Mayor to report to the Board within 120 days as to any concession agreements which are unable to be amended

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.

  
Abigail Price-Williams  
County Attorney

APW/lmp



# MEMORANDUM

(Revised)

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

**DATE:** December 6, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No.

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 Agenda Item No.  
Veto \_\_\_\_\_ 12-6-16  
Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION ESTABLISHING MINIMUM WAGE REQUIREMENTS FOR AIRPORT CONCESSION AGREEMENTS; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO CONCESSION AGREEMENTS AT MIAMI INTERNATIONAL AIRPORT TO INCLUDE MINIMUM WAGE REQUIREMENTS; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONSIDER TERMINATION OF SUCH CONCESSIONS FOR CONVENIENCE IN THE EVENT CONCESSIONAIRES ARE UNWILLING TO EXECUTE SUCH AMENDMENTS; DIRECTING THE COUNTY MAYOR AND COUNTY MAYOR'S DESIGNEE TO INCLUDE MINIMUM WAGE REQUIREMENTS IN ALL FUTURE AIRPORT CONCESSION BIDS OR PROPOSALS, OR AS A PRECONDITION OF ANY EXTENSION OF ANY EXISTING CONCESSION AGREEMENT; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO REPORT TO THE BOARD WITHIN 120 DAYS AS TO ANY CONCESSION AGREEMENTS WHICH ARE UNABLE TO BE AMENDED

**WHEREAS**, Miami-Dade County (the "County") has entered into lease and concession agreements with numerous concessionaires at Miami International Airport ("the Airport"); and

**WHEREAS**, the County's Living Wage Ordinance does not apply to Airport concessionaires; and

**WHEREAS**, many concessionaires only pay their employees on site at the Airport the State minimum wage; and

**WHEREAS**, the employees of these concessionaires deserve higher wages; and

**WHEREAS**, employees making the State minimum wage are under tremendous financial pressure in Miami-Dade County; and

**WHEREAS**, employees making the State minimum wage are likely unable to afford to own a home, and are likely to spend a disproportionate share of their income on rent; and

**WHEREAS**, airports throughout the nation have required concessionaires to pay wage rates in excess of the minimum wage, with little or no impact on airport revenues; and

**WHEREAS**, employees who make more than the State minimum wage are more likely to stay with their employer, and are likely to provide better customer service; and

**WHEREAS**, it is a policy of this Board that public facilities such as the Airport be used as an engine to drive prosperity throughout the community, including to the employees of concessionaires; and

**WHEREAS**, future lease and concession agreements at the Airport should include requirements providing for payments of wages in excess of the State minimum wage; and

**WHEREAS**, to the maximum extent possible, existing lease and concession agreements at the Airport should be amended to include a requirement that Concessionaires pay their workers in excess of the State minimum wage; and

**WHEREAS**, certain lease and concession agreements at the Airport contain termination without cause provisions, which may be exercised in the event that a concessionaire refuses to amend a lease and concession agreement; and

**WHEREAS**, certain lease and concession agreements contain extension provisions or options to renew, which are discretionary on the part of the County, and which the County should not exercise in the event concessionaires have refused to amend their agreements,

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

**Section 1.** The foregoing recitals are incorporated in this resolution, are approved, and constitute factual findings of the Board of County Commissioners.

**Section 2.** This Board hereby defines the Airport concession minimum wage (“Airport Concession Minimum Wage”) as follows: a wage of no less than \$15.00 per hour. Compliance with this Airport Concession Minimum Wage requirement may be achieved by paying a combination of wages and qualifying health benefits (“Qualifying Health Benefits”) as that term is defined in Section 2-8.9 of the County Code. Employees performing work under the authority of Airport lease and concession agreements that qualify to be paid as tipped wage earners under the Florida Minimum Wage Act shall be paid a minimum wage that is 62.5 percent of the \$15.00 per hour minimum wage established by this resolution. Airport lease and concession agreements shall specify that this wage escalates by the same percentages and on the same schedule as the County’s Living Wage Ordinance, Section 2-8.9 of the Code of Miami-Dade County. Concessionaires shall be required to submit an affidavit under oath or affirmation certifying that they will comply with the Airport Concession Minimum Wage requirements of Airport lease and concession agreements during the term of such lease and concession agreements. Submission of such affidavit to the County shall be a condition of award or if applicable, to the extension of the term of an Airport lease and concession agreement. The County Mayor or County Mayor’s designee shall include language in the specifications of prospective solicitations for Airport lease and concession agreements to give effect to the intent of this resolution. The County Mayor or County Mayor’s designee is directed to develop standard form language to incorporate into Airport lease and concession agreements to provide for these requirements, and to provide for a contractual means of enforcing these requirements.

**Section 3.** The County Mayor or County Mayor's designee shall not issue any invitations to bid, requests for proposals, or requests for qualifications for any concession at the Airport unless that invitation or request complies with the requirements of Section 2 of this resolution. The County Mayor or County Mayor's designee shall not extend any existing lease and concession agreement unless the concessionaire has amended its lease and concession agreement to comply with the requirements of Section 2 of this resolution. The County Mayor or County Mayor's designee shall not provide any additional concession locations to any concessionaire, excluding those locations which were part of the original procurement for such concession, unless the concessionaire has amended its lease and concession agreement to comply with the provisions of Section 2 of this resolution.

**Section 4.** The County Mayor or County Mayor's designee is directed to negotiate with existing concessionaires to amend existing lease and concession agreements to include provisions which comply with the requirements of this resolution. Where a concessionaire refuses to amend its lease and concession agreement, and that lease and concession agreement provides for termination for convenience or termination without cause, the County Mayor or County Mayor's designee shall consider termination of such lease and concession agreement. In the event that the County Mayor or County Mayor's designee determines that amendment or termination of an existing concession is not in the best interest of Miami-Dade County, or if a concessionaire refuses to amend its existing lease and concession agreement and that concessionaire's agreement does not contain a termination for convenience or without cause provision, the County Mayor shall report such determination or result to the Board within 120 days of the effective date of this resolution.

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The Prime Sponsor of the foregoing resolution is Chairman Jean Monestime.

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 6<sup>th</sup> day of December, 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.



David M. Murray