

# MEMORANDUM

Agenda Item No. 7(E)

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** April 10, 2018

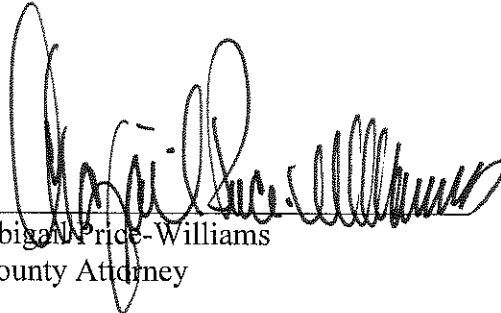
**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance pertaining to leases of County property for private use; amending section 2-1701 of the Code; requiring that certain County lessees utilize the Community Workforce Program when engaging in construction projects above a certain value; providing exceptions

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**This item was amended at the 3-13-18 Government Operations Committee to remove language in original item which created an exemption for certain aviation tenants.**

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

  
Abigail Price-Williams  
County Attorney

APW/lmp

# Memorandum



**Date:** April 10, 2018

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

**Subject:** Fiscal Impact for Ordinance Pertaining to Leases of County Property for Private Use;  
Community Workforce Program

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Implementation of this ordinance will have an indeterminate fiscal impact to Miami-Dade County. It will not result in additional staffing. However, there may be an impact in relation to attracting fewer future lessees for County property and a potential decrease in future rental rates.

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Edward Marquez  
Deputy Mayor

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# Memorandum



**Date:** April 10, 2018

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From" field.

**Subject:** Social Equity Statement for Ordinance Relating to the Community Workforce Program,  
Amending Section 2-1701 of the County Code to Require Certain County Lessees  
Utilize the Community Workforce Program

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The proposed ordinance amends Section 2-1701 of the County Code to require that certain County lessees utilize the Community Workforce Program when engaging in construction projects valued at more than \$200,000, occurring on any leasehold occupied by a lessee, and offer goods and services for sale to the public. The proposed legislation provides an exception to aviation activities as defined in FAA Advisory Circular 150/5190-6 Appendix 1 Section 1.1(c) (January 4, 2007).

This ordinance intends to benefit County residents by providing potential employment opportunities for qualified individuals, both men and women, by requiring that a percentage of the workforce performing construction trades work and labor be residents of Designated Target Areas. The goal of the Community Workforce Program is an attempt to improve the economic conditions of communities traditionally in underserved areas and ensure that public funding for capital projects also benefits residents of affected communities. However, the cost of compliance will be borne by the party(ies) responsible for such construction projects. Community Based Organizations are one of the many types of organizations that provide assistance to disadvantaged groups that may be financially impacted, if required to comply with the proposed legislation.

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Edward Marquez  
Deputy Mayor

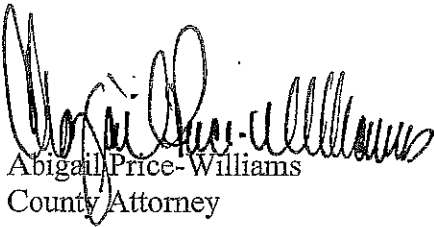


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** April 10, 2018

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

**SUBJECT:** Agenda Item No. 7(E)

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. 7(E)  
4-10-18

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

ORDINANCE PERTAINING TO LEASES OF COUNTY PROPERTY FOR PRIVATE USE; AMENDING SECTION 2-1701 OF THE CODE OF MIAMI DADE COUNTY; REQUIRING THAT CERTAIN COUNTY LESSEES UTILIZE THE COMMUNITY WORKFORCE PROGRAM WHEN ENGAGING IN CONSTRUCTION PROJECTS ABOVE A CERTAIN VALUE; PROVIDING EXCEPTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Section 2-1701 of the Code of Miami-Dade County established the Community Workforce Program applicable to capital construction projects located in traditionally economically underserved areas; and

**WHEREAS**, the objective of the ordinance is to increase employment opportunities in geographic areas of Miami-Dade County designated as Empowerment and Enterprise Zones, Targeted Urban Areas, Community Development Block Grant Eligible Block Groups and Focus Areas, collectively known as “Designated Target Areas”; and

**WHEREAS**, the Community Workforce Program establishes a Local Workforce Goal requiring that a percentage of the workforce performing construction trades work and labor under a Capital Construction Contract or Work Orders be residents of Designated Target Areas; and

**WHEREAS**, the Community Workforce Program seeks to provide employment opportunities to residents of Designated Targeted Areas; and

**WHEREAS**, the County often leases valuable County owned land or property inside Designated Target Areas to private developers for private economic activity; and

**WHEREAS**, private construction on County owned land and property should be used to promote employment opportunities inside Designated Target Areas; and

**WHEREAS**, the decision to lease property is a discretionary function of the County which the County exercises in its proprietary capacity,

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

**Section 1.** The above whereas clauses are deemed findings of fact and are incorporated herein.

**Section 2.** Section 2-1701 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 2-1701. Community Workforce Program.**

- 1) *Definitions.* For purposes of this section the following definitions shall be effective:
  - A. *Capital Construction Contract* means the building and or improvement of a specific fixed asset as approved in the Capital Budget, or for the purpose of this Ordinance, open contract infrastructure work where the individual work orders are distributed throughout the County. >>A Capital Construction Contract shall also mean construction of any kind, if valued at more than \$200,000, occurring on any leasehold occupied by a lessee offering goods or services for sale to the public pursuant to a lease of County owned land or property.<<

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<sup>1</sup> 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.

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~~[[Notwithstanding the foregoing, a lessee engaged in aviation activities as defined in FAA Advisory Circular 150/5190-6 Appendix 1 Section 1.1(e) (January 4<sup>th</sup>, 2007) shall be exempt from the requirements of this section, but only with respect to those areas of the leasehold used for or directly supporting such activity, and only if no County funds are allocated to construction on the leasehold pursuant the Capital Budget, and the County otherwise does not fund construction on the leasehold either directly or through the issuance of rental credits]]<sup>2</sup>~~

- B. *Construction Trade Work* means skilled laborers.
- C. *Contract* means a contract for Capital Construction.
- D. *Department* means department or agency administering a Capital Construction Contract to which a local *workforce* goal has been applied.
- E. *Designated Target Area (DTA)* means any geographic area of Miami-Dade County designated as an Empowerment/Enterprise Zone, any geographic area of Miami-Dade County designated by the Board of County Commissioners as a Targeted Urban Area (TUA), *Community* Development Block Grant (CDBG) Eligible Block Group or Focus Area.
- F. *Enterprise Zone* means a geographic area of Miami-Dade County designated as an Enterprise Zone or a Satellite Enterprise Zone pursuant to the Florida Enterprise Zone Act of 1994, as amended.
- G. *Empowerment Zone* means a geographical area of Miami-Dade County designated by the federal government as an empowerment zone.
- H. *CDBG Eligible Block Group* means a geographical area whose residents are lower to moderate income.

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<sup>2</sup> Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

- I. *Focus Area* means a geographical area slated for economic revitalization.
- J. *Job* means a specific trade such as painting, electrical, plumbing, etc., in which a person hired by the contractor or subcontractor as part of the *workforce* used towards a *workforce* goal compliance and which the length of the job may aggregate to less than 120 days due to the nature of  
  
the job. Jobs that will be less than 30 days for completion may not be considered towards compliance with a *workforce* goal.
- K. *Labor Force* means individuals (the *workforce*) that may count towards compliance to a *workforce* goal.
- L. *Labor Work* means unskilled construction work.
- M. *Local Workforce Goal* means a requirement that a percentage of the *workforce* performing construction trades work and labor under a Capital Construction Contract/Work Orders be residents of a Designated Target Area.
- N. *New Hire* means any individual meeting the requirements of resident as defined below, employed by the contractor or subcontractor and on the contractor's or subcontractor's payroll, pursuant to the County's approval of the *Workforce* Plan by the contractor (or subcontractor to perform any construction trades work or labor under a contract to which a local *workforce* goal has been applied, and who remains employed by the contractor/subcontractor and performs the job as listed and approved on the contractor's or subcontractor's *workforce* plan to include any approved revisions to the *workforce* plan, for a minimum duration of one hundred twenty (120) days or the length of the job whichever is less.
- O. *Resident*. Resident means a person who has resided in Miami-Dade County in any designated target area for the past year (12 months).



- P. *Review Committee or RC* means the committee established by the Mayor or the Mayor's Designee to review proposed contracts for the application of local *workforce* goals.
- Q. *Scope of Services or Scope of Work* means the work to be performed under a Contract.
- R. *Subcontractor* means any person, firm, entity, or organization at any tier, other than the employees of the contractor, performing construction trade work and labor under a contract to which a local *workforce* goal has been applied pursuant to this ordinance. This term shall include employment agency furnishing personnel to a contractor or subcontractor.
- S. *Targeted Urban Area* means a geographical area of Miami-Dade County that has been designated by the County Commission as a Targeted Urban Area under Section 30A-129 of the Code.
- T. *Work* means the construction and services required by the contract including all labor, materials, equipment and services to be provided by the contractor to fulfill the contractor's obligations. The work may constitute the whole or a part of the contract.
- U. *Workforce Plan or Plan* means a plan delineating the number and category of administrative, construction trades and labor personnel necessary to perform the work under a Capital Construction Contract to which a local *workforce* goal has been applied, and the proposed steps that will be taken to meet the goal. The Plan shall be organized by trade and indicate the number and category of positions already filled and the number and category of positions that require recruitment; the anticipated date that the hiring process will be initiated; the deadline for referrals; the anticipated position commencement date; and the duration of the position.

V. *Workforce Development Organization or WDO* means an organization providing construction trades skills training or providing skills training that are recognized and accepted by all federation members of the respective trade, who are instrumental in its design and provides certification after participation or apprenticeship training or any construction related training. The firm must be registered with the Department of Small Business Development (SBD).

W. *Workforce Recruitment/Referral Organization or WRO* means an organization providing qualified construction employment recruitment/referral

services and employability skills training, including application process, interviewing, and appropriate attire. The organization must be registered with SBD.

X. *Worker Training Program or WTP* is a certified training program, technical school, apprenticeship program or other such construction industry related training program.

Y. *Work Order* means issuance of specific work based on an open work contract with fixed unit prices.

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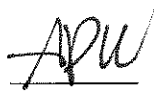
**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**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.

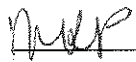
**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

A handwritten signature in dark ink, appearing to be 'APW', written over a horizontal line.

Prepared by:

A handwritten signature in dark ink, appearing to be 'DM', written over a horizontal line.

David M. Murray

Prime Sponsor: Commissioner Barbara J. Jordan