

MEMORANDUM

Agenda Item No. 7(A)

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

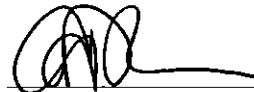
DATE: May 15, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance pertaining to leases of County property for private use; amending section 2-8.9 of the Code; providing for payment of living wage to certain hourly employees of certain County lessees; providing exceptions; superseding and repealing Resolution No. R-148-07

This item was amended at the 4-17-18 Government Operations Committee in that it (a) creates exemptions for lessees at the Public Health Trust and also for lessees which are Community Based Organizations and (b) deletes all references to Resolution No. R-148-07 and Labor Peace."

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

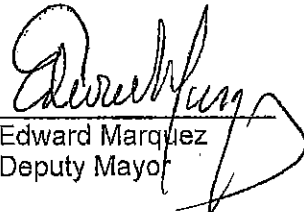
APW/lmp

Memorandum



Date: May 15, 2018
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Fiscal Impact for Ordinance Pertaining to Leases of County Property for Private Use;
Living Wage Ordinance

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.


Edward Marquez
Deputy Mayor

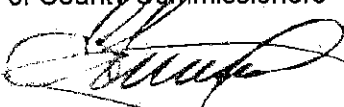
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Memorandum



Date: May 15, 2018

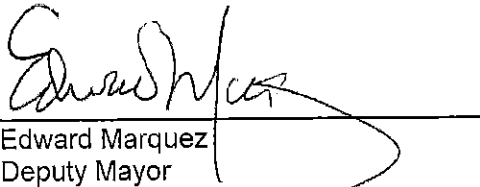
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Relating to the Living Wage Ordinance,
Amending Section 2-8.9 of the County Code

The proposed ordinance amends Section 2-8.9 of the County Code relating to County service contracts and County employees. The proposed ordinance provides for payment of living wage to certain hourly employees of County lessees providing goods and services to the public. The proposed legislation does not apply to leases between the County and (1) airlines offering passenger or cargo transportation services, (2) cruise and cargo lines, (3) any lease appurtenant to any contract with a contractor providing goods and services to the County, (4) any lease to an architect/engineer appurtenant to any ongoing County construction contract, (5) any lease to a construction contractor pursuant to any ongoing County construction contract, (6) any lease to a state or federal entity, (7) a lessee leasing any property owned or operated by the Public Health Trust, (8) a Community Based Organization, or (9) lessee who is exempt from this requirement pursuant to federal or Florida law.

The proposed legislation has a direct social impact, as applying the applicable Living Wage rate could benefit eligible employees by providing them with increased wages/benefits. However, such benefit to the employees could impact their employers who will be required to comply with any increased amount.


Edward Marquez
Deputy Mayor

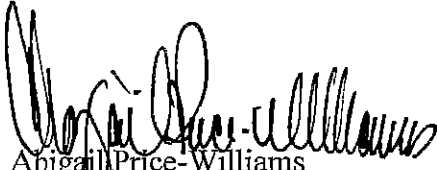


MEMORANDUM

(Revised)

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

DATE: May 15, 2018

FROM: 
Abigail Price-Williams
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
- 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(A)
5-15-18

ORDINANCE NO. _____

ORDINANCE PERTAINING TO LEASES OF COUNTY PROPERTY FOR PRIVATE USE; AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR PAYMENT OF LIVING WAGE TO CERTAIN HOURLY EMPLOYEES OF CERTAIN COUNTY LESSEES; PROVIDING EXCEPTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the County often leases valuable County owned land or property to private developers for private economic activity; 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, employees who make the state minimum wage are more likely to need governmental assistance and to make use of government services; and

WHEREAS, County owned land and property should be used to promote business activities that drive broad based prosperity throughout all communities of the County; and

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

WHEREAS, a lease is a written agreement between the County and a lessee supported by valuable consideration, and for the mutual benefit of both parties,

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

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

* * *

- (F) Covered services are any one (1) of the following:
 - (1) County service contracts. Contracts awarded by the County that involve a total contract value of over one hundred thousand dollars (\$100,000.00) per year for the following services:
 - (i) Food preparation and/or distribution;
 - (ii) Security services;
 - (iii) Routine maintenance services such as custodial, cleaning, refuse removal, repair, refinishing, and recycling;
 - (iv) Clerical or other non-supervisory office work, whether temporary or permanent;
 - (v) Transportation and parking services including airport and seaport services;

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.

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- (vi) Printing and reproduction services; and,
 - (vii) Landscaping, lawn, and/or agricultural services.
- (2) Service Contractors at Aviation Department Facilities. Any service that is provided by a Service Contractor at a Miami-Dade County Aviation Department Facility is a covered service without reference to any contract value:
- (A) Ramp Service: Guiding aircraft in and out of Airport; aircraft loading and unloading positions, designated by the Aviation Department; placing in position and operating passenger, baggage and cargo loading and unloading devices, as required for the safe and efficient loading and unloading of passengers, baggage and cargo to and from aircraft; performing such loading and unloading; providing aircraft utility services, such as air start and cabin air; fueling; catering; towing aircraft; cleaning of aircraft; delivering cargo, baggage and mail to and from aircraft to and from locations at any Miami-Dade County Aviation Department facility; and providing such other ramp services approved in writing by the Aviation Department;
 - (B) Porter Assistance Services: Handling and transportation through the use of porters, or other means, of baggage and other articles of the passengers of contracting air carriers or aircraft operators, upon request of the passenger, in public access areas of the Airport Terminal Complex. The Living Wage shall not apply to employees performing tiprelated porter assistance services, including curbside check-in;

- (C) Passenger Services: Preparing such clearance documents for the baggage and cargo of aircraft passengers, as may be required by all governmental agencies; furnishing linguists for the assistance of foreign-speaking passengers; passenger information assistance; arranging in-flight meals for departing aircraft with persons or companies authorized by the Department to provide such meals; and providing assistance to handicapped passengers;
- (D) Dispatching and Communications Services: Providing ground to aircraft radio communication service; issuing flight clearances; sending and receiving standard arrival, departure and flight plan messages with appropriate distribution of received messages; providing standby radio flight watch for aircraft in flight; and calculation of fuel loads and take-off and landing weights for aircraft;
- (E) Meteorological Navigation Services: Providing information based on the analysis and interpretation of weather charts; planning aircraft flights in accordance with the latest accepted techniques; providing appropriate prognostic weather charts; and generally providing information appropriate for enroute aerial navigation;
- (F) Ticket Counter and Operations Space Service: The operation of ticket counter and airlines' operations space; ticket checking, sales and processing; weighing of baggage; operation of an information, general traffic operations and communications office for air carriers and aircraft operators with whom the Service Contractor has contracted to supply such services;

- (G) Janitorial Services;
- (H) Delayed Baggage Services;
- (I) Security Services unless provided by federal government or pursuant to a federal government contract; and,
- (J) Any other type of service that a GASP permittee is authorized to perform at any Miami-Dade County Aviation Department Facility will be considered a Covered Service, regardless of whether the service is performed by a GASP permittee or other Service Contractor.
- (K) In-warehouse cargo handling.

>>(3) Services Performed by Employees of County Lessees on County Property

Services of hourly employees of any lessee offering goods or services for sale to the public pursuant to any lease of County owned property, but only to the extent such employees are actually employed at the location of such lease. For purposes of this section, an employee shall be considered "actually employed" at such location if that employee spends more than half of their working hours onsite at the location of the lease, or if the employee must physically report to the location of the lease at the beginning or end of the working day or both. This section does not apply to leases between the County and (1) any airline offering passenger or cargo transportation services, (2) any maritime passenger cruise line, (2) any maritime cargo line, (3) any lease appurtenant to any contract with a contractor providing goods and services to the County; (4) any lease to an architect/engineer appurtenant to any ongoing County construction project, (5) any lease to a construction contractor pursuant to any ongoing County construction contract, (6) any lease to a state or federal entity, << >>(7) a lessee leasing any property owned or operated by the Public Health Trust, (8) a Community Based Organization, or

(9)<<² >>lessee who is exempt from this requirement pursuant to federal or Florida law.<<

[[~~(3)~~]]>>(4)<<Services performed by county employees. Should any services that are being performed by County employees at the time the ordinance from which this section derives was enacted be solicited in the future by the County to be performed by a service contractor, such services shall be covered services subject to this section regardless of the value of the contract.

* * *

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.

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

~~[[Section 5. This Ordinance supersedes and repeals Resolution No. R-148-07.]]~~

Section 5 >>5<< **[[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:

GBK
for

Prepared by:

DA

David M. Murray

Prime Sponsor: Commissioner Barbara J. Jordan