

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: April 7, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution waiving, by a two-thirds vote of the full membership of the Board, the residency requirement of section 2-11.38 of the Code for Arthur Rosenberg, Board member of the Miami-Dade County Living Wage Commission

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



Abigail Price-Williams
County Attorney



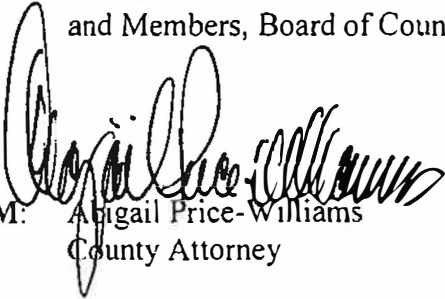
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MEMORANDUM
(Revised)

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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 present ____, 2/3 membership , 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)
4-7-20

RESOLUTION NO. _____

RESOLUTION WAIVING, BY A TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE BOARD, THE RESIDENCY REQUIREMENT OF SECTION 2-11.38 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, FOR ARTHUR ROSENBERG, BOARD MEMBER OF THE MIAMI-DADE COUNTY LIVING WAGE COMMISSION

WHEREAS, this Board established the Living Wage Commission to review the effectiveness of the Living Wage Ordinance, review certifications submitted by covered employers, review complaints filed by employees and make recommendations to this Board, the County Mayor and County departments; and

WHEREAS, the Living Wage Commission is a County board as provided by section 2-11.36.1 of the County Code; and

WHEREAS, pursuant to section 2-11.38 of the County Code, all members of County boards shall be permanent residents and electors of Miami-Dade County unless this Board, by a two-thirds vote of its full membership, waives this requirement; and

WHEREAS, this Board would like to waive such residency requirement for Arthur Rosenberg, who will be moving from Miami-Dade to Broward County; and

WHEREAS, an engaged member of the community, Mr. Rosenberg currently serves as the chair of the Living Wage Commission and has been a member of the Commission for the past 17 years; and

WHEREAS, Mr. Rosenberg possesses the knowledge and skills that have allowed and will continue to allow him to contribute to the Living Wage Commission; and

WHEREAS, Mr. Rosenberg is a senior attorney at Florida Legal Services where he practices law reform litigation in the areas of homelessness, consumer law, employment, and housing; and

WHEREAS, a copy of Mr. Rosenberg’s resume is attached hereto as Attachment A; and

WHEREAS, this Board desires to waive the residency requirement of section 2-11.38 of the Code of Miami-Dade County, Florida for Arthur Rosenberg, board member of the Miami-Dade County Living Wage Commission, until the end of his term in November 2022,

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

Section 1. Ratifies and adopts the matters set forth in the foregoing recitals.

Section 2. By a two-thirds vote of its full membership, pursuant to section 2-11.38 of the Code of Miami-Dade County, waives the residency requirement for Arthur Rosenberg, board member of the Miami-Dade County Living Wage Commission, until the end of his term in November 2022.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. 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:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose “Pepe” Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of April, 2020. 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.



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ARTHUR J. ROSENBERG

3550 Galt Ocean Drive
Apt. 901
Ft. Lauderdale, FL 33308
tacajr@bellsouth.net
786-269-6749

Member Florida, California, New Jersey, Pennsylvania, Massachusetts and New York Bars
United States Supreme Court

LEGAL EMPLOYMENT

Present Provide legislative training, advice and assistance to non-profits

**January 1996-
April 2018** Senior Attorney, Florida Legal Services, Miami, FL
Administrative and legislative advocacy, and law reform litigation in areas of homelessness, consumer law, employment, and housing.

**April 1992-
December 1996** Senior Attorney, Legal Services of Greater Miami, Miami, FL
Establish and direct the Homeless Legal Unit, identify systemic problems and engage in law reform in issues affecting large numbers of homeless individuals and families; engage in legislative and public policy issues.

**May 1989-
December 1991** Senior Attorney, Protection and Advocacy, Inc., Sacramento, CA
Represent persons identified as mentally ill in impact litigation and other law reform; direct investigations of abuse and neglect of mentally disabled patients.

**July 1986-
April 1989** Deputy Director, Division of Mental Health Advocacy, New Jersey Department of the Public Advocate, Trenton, NJ
Assist director in administration of Division, personnel, directing litigation, supervising attorneys and paralegals in trial and appellate matters.

**August 1979-
July 1986** Managing and staff attorney, Division of Mental Health Advocacy, Department of the Public Advocate, Trenton, NJ
Manage legal office and provide representation to persons in matters relating to their commitment to and confinement in psychiatric institutions.

Sept. 1978-
August 1979 Staff Attorney, Southeastern Pennsylvania Legal Services for the Deaf, Philadelphia, PA
Legal counsel and advocate for the deaf community of southeastern Pennsylvania including civil litigation, criminal defense and community education.

SIGNIFICANT CASES/ISSUES

1992-present **Pottinger v. City of Miami**, 810 F. Supp. 1551 (S.D Fla. 1992)

Co-counsel in federal lawsuit on behalf of homeless persons whose civil rights were violated based upon their homeless status. Settlement agreement established police protocols, procedures, training, and compensation to plaintiffs.

2006 **Living Wage Ordinance, City of Miami**

Drafted and secured the passage of city ordinance requiring that all city employees and the employees of service contractors be paid a living wage, including health benefits, to be indexed annually.

2002 **Living Wage Ordinance, Broward County**

Following the lead of Miami-Dade County, secured the passage of a living wage ordinance in Broward County.

2001 **Living Wage Ordinance, City of Miami Beach**

Drafted and secured the passage of a living wage ordinance for all city employees and the employees of contractors performing services for the city.

1999 **Living Wage Ordinance, Miami-Dade County**

Drafted and secured the passage of a county living wage ordinance, the first such ordinance in the southeastern United States.

1995 **Labor Pool Act. Florida Statutes Sec. 448.20**

Drafted and secured the passage of a law assuring that persons who work at day labor pools have adequate health and safety protections, and are not subject to wage exploitation.

1991-1993 **Crawford v. Gould**, 56 F.3d 1162 (9th Cir.1995)

Class action case which enjoined California's practice of withdrawing Social Security benefits from institutionalized patients' hospital accounts without their consent.

1985-1988 **Woodall v. Bartolino**, 700 F. Supp. 221(D.N.J. 1988)

Federal lawsuit which enjoined state practice of securing ex parte orders requiring payment of patients' Social Security benefits for state imposed psychiatric hospitalizations, and prohibited the entry of court orders requiring payment from non-social security money without a court hearing.

1978-1981 **Strathie v. PA Department of Transportation**, 716 F.2d277 (3d Cir. 1983)

Federal lawsuit which enjoined state regulatory scheme which prohibited the issuance of a school bus driver's license to individuals who wear hearing aids.

MEMBERSHIP-BOARDS AND COUNCILS

Miami-Dade County Living Wage Commission-Chair
Governor's Appointee to Statewide Council on Homelessness
Community Coalition for a Living Wage-Founder and past Chair
Miami Coalition for the Homeless-Past President

EDUCATION

LEGAL: University of Miami School of Law, Coral Gables, FL
J.D. May 1978, Cum Laude

COLLEGE: New York University, New York, NY
B.A. May 1972