

MEMORANDUM

CPC
Agenda Item No. 2H

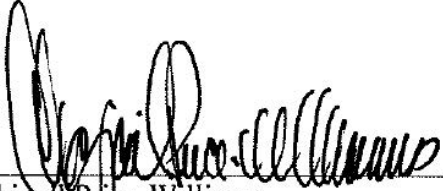
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: April 20, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County
Mayor to require concessionaires
at Miami International Airport
receiving certain economic relief
as a result of the coronavirus
disease 2019 (COVID-19) to
continue to provide health care
coverage to their employees

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins, and Co-sponsors Commissioner Daniella Levine Cava and Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

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

DATE: May 5, 2020

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 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.
5-5-20

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO REQUIRE CONCESSIONAIRES AT MIAMI INTERNATIONAL AIRPORT RECEIVING CERTAIN ECONOMIC RELIEF AS A RESULT OF THE CORONAVIRUS DISEASE 2019 (COVID-19) TO CONTINUE TO PROVIDE HEALTH CARE COVERAGE TO THEIR EMPLOYEES

WHEREAS, in December 2019, a novel coronavirus causing an infectious disease, named coronavirus disease 2019 (COVID-19) emerged; and

WHEREAS, with the illness quickly spreading around the world, on January 30, 2020, the World Health Organization (WHO) declared the outbreak a global health emergency and later declared it a pandemic; and

WHEREAS, the numbers of infected persons and deaths grow each day; and

WHEREAS, according to WHO's daily COVID-19 situation reports, as of March 25, 2020, there were 414,179 people infected with the novel virus and 18,440 deaths; and

WHEREAS, of that amount, 51,914 confirmed cases and 673 deaths were in the United States; and

WHEREAS, in response to this, President Donald J. Trump declared a national emergency on March 13, 2020 and imposed travel restrictions between the United States and several countries around the world; and

WHEREAS, some states and local jurisdictions, including Miami-Dade, have also issued restrictions—some requiring individuals to remain home, except for healthcare workers and other essential employees, like those who work in airports; and

WHEREAS, these restrictions along with the general public’s adherence to the Center for Disease Control and Prevention’s guidelines on social distancing have resulted in a great reduction in passenger travel to and through Miami International Airport (“MIA”); and

WHEREAS, many concessionaires at MIA have requested reductions in their Minimum Annual Guarantee (“MAG”) payments and other rental payments and fees; and

WHEREAS, if provided, such reduction would stretch beyond the scope of any current force majeure provision in concessionaire agreements at MIA, which provide that concessionaires are only excused from timely performance of their obligations under the contract in the event of, among other things, acts of God, labor disruptions, and work stoppages or slowdowns; and

WHEREAS, the employees of many of these concessionaires are facing layoffs or furloughs, the potential loss of medical coverage, and economic uncertainty, on top of the threat posed by COVID-19 itself as such employees face high exposure to the virus as a result of their day to day encounters with hundreds and sometimes thousands of passengers; and

WHEREAS, employees who lose medical coverage, or are unable to purchase medical coverage themselves, are more likely to burden the public health system which already faces the prospect of severe overload due to COVID-19; and

WHEREAS, employees without medical coverage, or who are unable to purchase medical coverage for themselves, are less likely to receive timely testing for COVID-19, and less likely to receive proper care in the event they contract the virus; and

WHEREAS, this Board finds that any reduction in MAG or other concession rental payments or fees must be tied to a provision that requires concessionaires to continue to provide medical coverage to their employees or provide those employees with additional cash payments that will allow them to purchase medical insurance themselves while continuing to meet their other economic needs,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Mayor or County Mayor's designee to require concessionaires at Miami International Airport receiving certain economic relief as a result of the coronavirus disease 2019 (COVID-19) to continue to provide health care coverage to their employees. Specifically, should any lease and concession agreement or other contract or subcontract be 1) amended or entered into by a concessionaire and Miami-Dade County on or after the effective date of this Resolution, and 2) provide for a reduction of the Minimum Annual Guarantee (MAG), percentage fee, rental payment, or other fee as a result of COVID-19, such agreement shall, at a minimum, include certain provisions that would remain in effect until the end of the reduction in MAG, percentage fee, rental payment, or other fee. At a minimum, such provisions shall include:

- (a) Continuation of Healthcare Coverage Contributions or In-Lieu Payment. Such condition must require the concessionaire to either:
 - i. Continue to pay for or contribute toward healthcare coverage to their employees in the same dollar amounts as were paid as of February 1, 2020; or
 - ii. Pay an equivalent amount to each employee as a cash payment, which payment shall be made bi-weekly.

- (b) Hourly Contribution. Such provision shall include that, if contributions toward health care coverage for an employee as of February 1, 2020 took the form of hourly contributions toward healthcare coverage, the concessionaire shall base its continued coverage or cash contributions on the average number of hours worked by the employee during the month of January 2020, or, if the employee was on leave or vacation during January 2020 or any

part of it, based on the last month during which the employee did not take leave or vacation, or, if no such month exists, on the average hours worked by all other employees in the same classification for whom health benefits were provided during the month of January 2020.

(c) Employee. Such provision shall define an employee for purposes of this relief and provide that an employee is an individual employed by the concessionaire, whether on a full-time or part-time basis, and a) still working, whether physically or remotely, as of the effective date of this Resolution; or b) unable to work (or telework) as a result of COVID-19.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins, and the Co-Sponsors are Commissioner Daniella Levine Cava and Commissioner Sally A. Heyman. 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.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of May, 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.



Altanese Phenelus