

MEMORANDUM

Amended
Agenda Item No. 5(B)

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

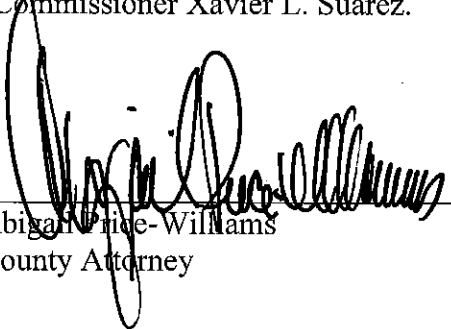
DATE: (Public Hearing 7-24-18)
July 10, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to
concessions at Miami
International Airport;
amending section 2-8.9
of the Code; requiring the
payment of living wage by
certain concessionaires

Ordinance No. 18-78

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Barbara J. Jordan, Commissioner Jose "Pepe" Diaz, Commissioner Daniella Levine Cava, Vice Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Eileen Higgins, Commissioner Jean Monestime, Commissioner Dennis C. Moss and Commissioner Rebeca Sosa, and Co-Sponsor Commissioner Xavier L. Suarez.

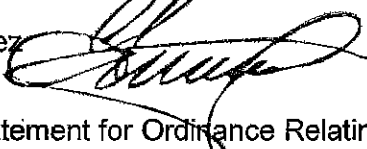


Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: July 24, 2018
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Fiscal Impact Statement for Ordinance Relating to Concessions at Miami
International Airport

The implementation of the proposed ordinance will not have a fiscal impact on Miami-Dade County as it will not result in additional staffing needs or future operational costs. Activities relating to the implementation of the ordinance would be absorbed as part of ongoing activities.



Jack Osterholt
Deputy Mayor

FIS7018 181726

Memorandum



Date: July 24, 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". The signature is written in a cursive style and is positioned to the right of the "From:" field.

Subject: Social Equity Statement for Ordinance Amending Section 2-8.9 of the Code of Miami-Dade County, Florida requiring the payment of living wage by certain concessionaires at Miami International Airport (MIA)

The proposed ordinance amends Section 2-8.9 of the Code of Miami-Dade County, which is related to the Living Wage Ordinance for County service contracts and County employees. This ordinance will update the living wage requirement to include all services of all employees at Miami International Airport (MIA) employed by a concessionaire and subcontractors of such concessionaire.

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 the increased amount.

A handwritten signature in black ink, appearing to read "Jack Osterholt". The signature is written in a cursive style and is positioned above a horizontal line.

Jack Osterholt
Deputy Mayor

181726



MEMORANDUM

(Revised)

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

DATE: July 24, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Amended
Agenda Item No. 5(B)

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 _____

Amended
Agenda Item No. 5(B)
7-24-18

ORDINANCE NO. 18-78

ORDINANCE RELATING TO CONCESSIONS AT MIAMI INTERNATIONAL AIRPORT; AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING THE PAYMENT OF LIVING WAGE BY CERTAIN CONCESSIONAIRES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, employees earning the State of Florida 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 government 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 Miami-Dade Aviation Department leases property to concessionaires, who sell goods and services to travelers; and

WHEREAS, the sale of such goods and services is for the benefit of the County, as travelers expect goods and services, inclusive of food and beverages, to be available while traveling; and

WHEREAS, the decision to contract with a concessionaire is a discretionary function of the County which the County exercises in its proprietary capacity; and

WHEREAS, concessionaires at Miami International Airport earn substantial returns, given their ability to sell to travelers,

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;

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.

- (v) Transportation and parking services including airport and seaport services;
 - (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 tip related 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) Concessionaires at Miami International Airport. All services of all employees employed at Miami-International Airport by a concessionaire, and all services of all subcontractors of such concessionaire providing services at Miami International Airport. For the purposes of this section, a concessionaire shall mean an entity that is authorized by contract, permit, lease, or other legal instrument supported by mutual consideration to offer goods, food, beverages, or services for sale to ticketed passengers inside Miami International Airport concourses or terminals. Notwithstanding the preceding, this subsection does not apply to employees of any airline or any entity that is exempt from the requirements of this subsection pursuant to state or federal law. A concessionaire who is otherwise exempt under this subsection may still be required to provide a living wage to its employees if it engages in activities covered in sections 2-8.9(F)(1) and 2-8.9(F)(2).<<

[[~~(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.

Living Wage.

(A) *Living wage paid.*

- (1) *Service contractors.* All service contractors as defined by this Chapter, performing covered services shall pay to all of its employees providing covered services, the current Living Wage rate of \$12.63 per hour with a qualifying Health Benefit Plan valued at no less than \$2.89 per hour per employee and \$15.52 per hour if no qualifying Health Benefit Plan is provided by the Service Contractor, applicable to the time when the covered service is performed as that rate is adjusted each fiscal year in the manner provided for herein for the adjustment of the Living Wage rate. >>An employee of a Concessionaire who receives some portion of their wages in the form of tips or gratuities may be paid a wage less than the Living Wage specified herein, so long as the combination of direct wages paid to such employee plus tips or gratuities equals or exceeds, the Living Wage provided for herein. For purposes of evaluating the wage paid to tipped employees, the terms employer, employee, direct wage, tips and gratuity shall have the same meaning as in the Federal Fair Labor Standards Act and its implementing regulations.<<

* * *

Section 3. This ordinance shall not apply to concession agreements entered into prior to its effective date, and nothing herein shall limit the authority of the County Mayor or the County Mayor's designee with respect to any options to renew incorporated into any agreement currently in effect. The County Mayor or County Mayor's designee shall not recommend to this Board any additional time extension for any existing concession agreement except in accordance with Resolution No. R-391-17.


Section 4. 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 5. 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 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: July 24, 2018

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



David M. Murray

Co-Prime Sponsors: Commissioner Barbara J. Jordan
Commissioner Jose "Pepe" Diaz
Commissioner Daniella Levine Cava
Vice Chairwoman Audrey M. Edmonson
Commissioner Sally A. Heyman
Commissioner Eileen Higgins
Commissioner Jean Monestime
Commissioner Dennis C. Moss
Commissioner Rebeca Sosa
Co-Sponsor: Commissioner Xavier L. Suarez