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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 7(C)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: December 1, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Ordinance establishing the Miami-Dade Compensation and Benefits Review Committee

Ordinance No. 09-109

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Natacha Seijas and Co-Sponsors Vice-Chairman Jose "Pepe" Diaz, Commissioner Barbara J. Jordan and Chairman Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: November 9, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Report Regarding Item 3B: Ordinance Establishing a Miami-Dade County Compensation and Benefits Review Committee

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This report provides information regarding Item 3B: Ordinance Establishing the Miami-Dade County Compensation and Benefits Review Committee. According to Section 2-11.37(b) of the Miami-Dade County Code, the following information is required to be provided to the Board of County Commissioners (BCC) when the BCC proposes a new board.

1. Will the establishment of the board create sufficient betterment to the community to justify the BCC's delegation of a portion of its authority?

   The proposed Committee is advisory in nature and therefore does not require a delegation of authority from the BCC.

2. Is there another board or agency, either public or private, which is already in existence that could serve the same purpose?

   No. There is no other County board or agency that could serve the same purpose as that of the proposed Committee.

3. The costs, both direct and indirect of establishing and maintaining the board.

   There is no cost for staff to support the Committee. Staff support will be provided by the County Manager's and County Attorney's staff.

4. Is it necessary for the board to enable the County to obtain State or Federal grants or other financing?

   No. As proposed, the Committee is not being created to enable the County to seek State or Federal grants or other financing.

5. Should the board have bonding authority?

   Based on the duties of the proposed Committee, the Committee does not need to have bonding authority.

6. Explain whether the board should have final authority to enter into contracts and spend County funds, or whether its contracts and expenditures must be ratified by the BCC.

   The Committee as proposed would not have the final authority to enter into contracts. Any contracts or expenditures should be ratified by the BCC and should follow the County's established procurement procedures.

7. Is the creation of a new board the best method of achieving the benefit desired?

While the tasks assigned to the proposed Committee could be completed by County staff, the creation of the Compensation and Benefits Review Committee can contribute significantly to the development of recommendations regarding County compensation and benefit issues, policies and future procedures.

Assistant County Manager

Memorandum

MIAMI-DADE COUNTY

Date: December 1, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance establishing the Miami-Dade County Compensation and Benefits Review Committee

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The ordinance establishing the Miami-Dade County Compensation and Benefits Review Committee will not have a fiscal impact to Miami-Dade County.

Special Assistant

fis00110

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: December 1, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Amended Agenda Item No. 7(C)

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**

✓ **Ordinance creating a new board requires detailed County Manager'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. 7(C)
12-1-09

ORDINANCE NO. 09-109

ORDINANCE ESTABLISHING THE MIAMI-DADE COUNTY COMPENSATION AND BENEFITS REVIEW COMMITTEE FOR THE PURPOSE OF ADVISING THE MAYOR AND THE BOARD OF COUNTY COMMISSIONERS ON MATTERS RELATING TO THE GROWTH FACTORS ASSOCIATED WITH PERSONNEL COSTS; CREATING COMMITTEE MEMBERSHIP; CREATING A NOMINATING COUNCIL; PROVIDING DUTIES AND STAFFING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the global economic decline has negatively impacted every revenue stream available to fund the operations of Miami-Dade County government; and

WHEREAS, the Proposed Budget for 2009-2010 was developed relying on an across-the-board wage cut of 5% for every employee of the County; and

WHEREAS, the Proposed Budget for 2009-2010 also relied on savings derived from a temporary freeze on all merit pay increases, longevity bonuses, and other discretionary compensation for employees of the County; and

WHEREAS, numerous inquiries of the Administration have been made regarding the costs of various benefits contained in the Pay Plan of the County; and

WHEREAS, the County desires to conduct a comprehensive evaluation of the standing personnel policies of the County; and

WHEREAS, the County wishes to develop policies to better manage the growth of personnel costs while continuing to provide fair and competitive wages, salaries and benefits,

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

Section 1. Chapter 2 of the Code of Miami-Dade County, Florida shall be amended to include a new Article entitled "Compensation and Benefits Review Committee" that will read as follows:

Compensation and Benefits Review Committee

Sec. 1. Authority and Purpose,

There is created and established pursuant to the Home Rule Amendment and Charter of Miami-Dade County, as amended, an advisory committee of Miami-Dade County to be known as the Compensation and Benefits Review Committee ("Review Committee"). The Review Committee is established solely for the purpose of advising the Mayor and the Board of County Commissioners ("Commission") regarding the compensation and benefits of County employees. The Review Committee may exercise only those duties specifically granted in this Article or necessary in the exercise of the duties enumerated in this Article.

Sec. 2. Review Committee

(a) Membership. The Review Committee shall be comprised of nine (9) members.

(b) Qualifications. Each member shall be a resident of Miami-Dade County; shall possess an outstanding reputation for civic pride, integrity, responsibility and business or professional ability; and shall have no financial interest, direct or indirect, in the compensation paid to County employees. The membership of the Compensation and Benefits Review Committee should be representative of the community at large and should have a demonstrated expertise in human resources, organizational design, public management, or other related topics to be considered.

(c) Term. Members of the Review Committee shall serve for a three-year term. All such members may be re-appointed or may continue to serve until resignation or their successors have been appointed.

(d) Appointment of Members. Members of the Review Committee shall be appointed by resolution of the Board of County Commissioners after having been selected by the Commission from persons nominated by a Nominating Council established and

described herein. The Nominating Council, hereinafter known as the Compensation and Benefits Review Nominating Council, shall be comprised of the following five (5) voting members: three (3) County Commissioners, the Chair of the Social and Economic Development Council, and one representative of a County Collective Bargaining Union. The Members of the Nominating Council shall be appointed by the Chairman of the Board of County Commissioners, who shall designate a Chairperson of the Nominating Council. The County Manager and the County Attorney shall provide appropriate staff support to the Council. The sole function of the Nominating Council shall be to solicit, screen, interview and recommend for appointment the best qualified candidate for each vacancy on the Compensation and Benefits Review Committee. All meetings of the Nominating Council shall be audio recorded and minutes of the proceedings shall be transcribed and maintained by the Clerk of the Board of the County Commission. The Nominating Council shall submit to the Commission a list of nominees containing a total number of names which is equal to one (1) nominee for each vacancy on the CBR Committee plus one (1) alternate nominee. The Commission shall select and appoint the voting members from the list of nominees submitted by the Nominating Council.

(e) Modified applicability of Conflict of Interest and Code of Ethics Ordinance. The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), Section 2-11.1 of the Code of Miami-Dade County, Florida, shall be applicable to the members of the Review Committee only in the manner and to the extent provided in the next sentence. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Review Committee members on the basis of interests relating to Miami-Dade County when such interests do not conflict, directly or indirectly, with their responsibilities on the Review Committee.

(f) Organization and Procedure. The members of the Review Committee shall elect a chairperson and a vice-chairperson and both shall serve a term of three (3) years. The chairperson

may organize the membership of the Review Committee as deemed necessary to conduct its business.

The Review Committee shall hold regular meetings no less than four (4) times a year and such other meetings, as it deems necessary. A majority of the members of the board of directors shall constitute a quorum. All meetings of the Review Committee shall be public and the Review Committee shall maintain written minutes of all proceedings that shall be promptly prepared and recorded. Copies of all minutes and resolutions of the Review Committee shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Review Committee.

(g) Compensation. Members of the Review Committee shall serve without compensation.

(h) Any member shall be automatically removed if, in a given calendar year; (i) he/she is absent from three (3) consecutive meetings or, (ii) he/she is absent from more than 50% of all the committee meetings held during a year. A member shall be deemed absent when he/she is not present at the meeting for at least 75% of its duration.

Sec. 3. Duties of the Review Committee

The Review Committee shall have the following duties, responsibilities, and functions.

(a) To review and make recommendations concerning County personnel costs. The Review Committee shall conduct a comprehensive study of all employee compensation policies, and provide recommendations regarding salaries, wages and benefits. In making such recommendations, the Review Committee shall consider such factors as:

(1) The current County pay structure as set forth in the adopted County Pay Plan

(2) The obligations and commitments adopted in the County's collective bargaining agreements.

(3) The span-of-control ratios for managers and subordinates within the various service areas.

(4) The preferences and desires of County employees as expressed through their collective bargaining representatives.

(5) Comparison of the compensation paid to County employees with the compensation paid to employees of other public employers in the local area.

(6) Comparison of the compensation paid to County employees with the compensation paid to private sector employees in the local area performing similar duties under similar conditions.

(7) The County's fiscal condition and capacity to meet future personnel obligations.

(8) The County's need to attract and retain qualified employees in order to provide efficient service to the public.

(9) Policies governing the hiring of individuals separated pursuant to the Deferred Retirement Option Program.

(10) Salary compression between supervisors and subordinates

(11) The County's classified civil service rules and other laws and rules designed to protect the rights of its employees.

(12) Policies that govern continuing employment opportunities for civil service employees during periods of a reduction in force.

(b) To periodically advise the Mayor and the County Commission regarding the appropriate compensation policies to meet the needs of the County, its employees and the public.

(c) To submit a report in May 2010 and an annual report in February of each year thereafter to the Mayor and the

County Commission recommending the appropriate compensation policies for County employees.

(d) To promulgate rules consistent with this Ordinance for the conduct of its meetings and the discharge of its responsibilities.

(e) To comply with all laws and regulations of the United States, the State of Florida, and Miami-Dade County, including, but not limited to, the laws relating to the keeping of records including the preservation of all audit rights.

Sec. 4. Modifications and Term

It is the intent of the Board of County Commissioners to create by this article and for the purposes set forth in this article, a Review Committee that may be modified or revoked in whole or in part by duly enacted ordinance of the Commission. This Ordinance shall expire three years from its effective date.

Sec. 5. Staff and Counsel.

The County Manager and the County Attorney shall provide such staff support to the Advisory Committee as may be necessary to accomplish its purpose. The Review Committee shall be provided meeting facilities and pre-approved expense reimbursement as the Commission or the County Manager may deem necessary to accomplish the Committee's purposes.

Section 2. 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 3. 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 4. 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: December 1, 2009

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Lee Kraftchick

Prime Sponsor:	Commissioner Natacha Seijas
Co-Sponsor:	Vice-Chairman Jose "Pepe" Diaz
Co-Sponsor:	Commissioner Barbara J. Jordan
Co-Sponsor:	Chairman Dennis C. Moss