

Clerk of the Board
Date and Time Recorder Stamp

**OFFICE OF THE MAYOR
MIAMI-DADE COUNTY, FLORIDA**

VETO AND VETO MESSAGE

CLERK OF THE BOARD
2018 MAY 23 PM 1:14
CLERK OF CIRCUIT & COUNTY CLERK
MIAMI-DADE COUNTY, FLA.

To: Honorable Chairman Esteban L. Bovo, Jr. and
Members of the Board of County Commissioners
Miami-Dade County, Florida

From: Carlos A. Giménez, Mayor
Miami-Dade County, Florida



Pursuant to the authority vested in me under the provisions of Section 2.02.D of the Miami-Dade County Home Rule Charter, I hereby veto Ordinance No. 18-56, which was adopted at the May 15, 2018 Board of County Commissioners meeting:

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.

VETO MESSAGE

On May 15, 2018, the Board of County Commissioners (Board) adopted Ordinance No. 18-56, requiring that lessees on County property offering goods and services for sale to the public pay certain hourly employees the living wage. I am vetoing this legislation because it is simply bad policy. While a short-term benefit to our local workforce in terms of increased wages could be realized by enactment of this ordinance, the long-term consequences – particularly relating to the potential loss of jobs and revenue -- greatly outweigh any potential short-term gains.

Like most large urban governments, the focus of economic development in Miami-Dade County is job creation. Based on a preliminary review conducted by the County's Department of Regulatory and Economic Resources (see attached), this newly-enacted legislation would have a negative fiscal impact on multiple County projects and job opportunities associated with these projects.

Miami International Airport Concessions

There are currently four new Miami International Airport (MIA) concessionaire projects that are being prepared for Board approval and could be negatively impacted by this legislation: Exactta Sim Cards, Jackson Soul Foods, Starbucks, and Airport Parking Management. These new or expanding concessions are estimated to employ 143 Miami-Dade residents. MIA is also in the planning stages of the redevelopment of the Central and South Terminals that would employ another 841 Miami-Dade County residents.

Other Real Estate Projects on Miami-Dade Aviation Department (MDAD) Locations

- A new site for Bascon is being prepared after moving from existing location in the "crash zone" at MIA.
- A new retail development at Tamiami is being prepared for Commission review.
- Embassair is planning to develop an extensive new private hanger at Miami-Opa Locka Executive Airport.
- The three hanger expansion/update for Aerothrust and Miami Tech at MIA.
- The expansion and updating of three hangers for Amerijet MIA.
- The renovation and the expansion of Leon Medical and Tamiami Air, Inc. at Miami-Opa Locka Executive Airport.
- The development of a new maintenance hanger for Bombardier as part of the AA Acquisitions property at Miami-Opa Locka Executive Airport.

For projects that are the responsibility of MDAD alone, the potential job loss as a result of this legislation is more than 2,700 jobs and the potential loss of lease revenue is estimated at more than \$25 million.

Other Potential Projects That Could Be Negatively Affected By This Legislation

- The proposed development of the Landmark site (13 Pista). Although the project has been approved by the Board, no lease has yet to be executed and thus become effective.
- The proposed increased development at Zoo Miami (Miami Wilds), which would increase the number of visitors to the zoo.
- The sub-lessees of ongoing Frankie Shannon Rolle Community Resource Center and proposed Wynwood Community Resource Center development partners could be adversely impacted.

- We have been discussing a very interesting project that a developer wants to locate in Doral on 36th Street. It is temporarily titled MicroSat, and the developer will produce low-orbit small communication satellites.
- The development of Lot 45 in Overtown.
- The new Courthouse/Justice Facility is still in the design phase, with selection of a site still pending.
- A series of proposed residential and non-residential projects in the SMART Plan corridors.
- Any private-sector development in the Miami Intermodal Center. Currently, a conference center and hotel are being discussed.
- The development of the South Dade Cultural Arts Village.
- Several non-residential sites within the Liberty Square redevelopment, such as the food market and the athletic facility, who would be subtenants in the Liberty Square redevelopment.
- Lastly, I would like to point out that we would likely not have been awarded the Amazon fulfillment center in Opa Locka, which is bringing 1,000 jobs to our community, if this ordinance had been in place. As it was, Amazon did not qualify for Targeted Job Incentive Funds (TJIF) because not all of their employees in Miami-Dade County are being paid the living wage, which is a requirement of TJIF.

CLOSING

As mentioned earlier, job creation and the County's ability to collect revenues from future economic development projects may be jeopardized as a result of this newly-passed legislation. Simply put, with enactment of this ordinance, Miami-Dade County would be at a long-term competitive disadvantage with neighboring counties like Broward and Palm Beach that do not subject lessees to the living wage. Implementation of this ordinance may also deter businesses from setting up shop in Miami-Dade County and cause others to relocate operations to more cost-effective locations. Specifically, increasing wages may cause production costs to rise, making Miami-Dade County a less desirable place to do business. Moreover, higher costs may ultimately be passed down to our residents. In closing, this legislation sets a bad precedent, and my Administration and I stand ready to continue to work with the Board as we strive to make the right decisions entrusted to us by the residents of Miami-Dade County.

Date: May 21, 2018

To: Carlos A. Gimenez
Mayor

From: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

and

Leland Salomon, Deputy Director
Department of Regulatory and Economic Resources

Subject: Proposed Projects Impacted by the Living Wage Ordinance

At your request, we have been researching the extent to which the newly-adopted changes to our living wage ordinance will affect our County economic development efforts. Listed below is our best estimation of leases that may be negatively impacted, and in some cases, show the potential number of jobs and lease revenue that may be lost.

Miami International Airport Concessions

There are currently four new Miami International Airport (MIA) concessionaire projects that are being prepared for Board approval and could be negatively impacted by this legislation: Exacta Sim Cards, Jackson Soul Foods, Starbucks, and Airport Parking Management. These new or expanding concessions are estimated to employ 143 Miami-Dade residents. MIA is also in the planning stages of the redevelopment of the Central and South Terminals that would employ another 841 Miami-Dade County residents.

Other Real Estate Projects on Miami-Dade Aviation Department (MDAD) Locations

- A new site for Bascon is being prepared after moving from existing location in the "crash zone" at MIA.
- A new retail development at Tamiami is being prepared for Commission review.
- Embassair is planning to develop an extensive new private hanger at Miami-Opa Locka Executive Airport.
- The three hanger expansion/update for Aerothrust and Miami Tech at MIA.
- The expansion and updating of three hangers for Amerijet MIA.
- The renovation and the expansion of Leon Medical and Tamiami Air, Inc. at Miami-Opa Locka Executive Airport.
- The development of a new maintenance hanger for Bombardier as part of the AA Acquisitions property at Miami-Opa Locka Executive Airport.

For projects that are the responsibility of MDAD alone, the potential job loss as a result of this legislation is more than 2,700 jobs and the potential loss of lease revenue is estimated at more than \$25 million.

Other Potential Projects That Could Be Negatively Affected By This Legislation

- The proposed development of the Landmark site (13 Pista). Although the project has been approved by the Board, no lease has yet to be executed and thus become effective.
- The proposed increased development at Zoo Miami (Miami Wilds), which would increase the number of visitors to the zoo.
- The sub-lessees of ongoing Frankie Shannon Rolle Community Resource Center and proposed Wynwood Community Resource Center development partners could be adversely impacted.
- We have been discussing a very interesting project that the developer wants to locate in Doral on 36th Street. It is temporarily titled MicroSat, and the developer will produce low-orbit small communication satellites.
- The development of Lot 45 in Overtown.
- The new Courthouse/Justice Facility is still in the design phase, with selection of a site still pending.
- A series of proposed residential and non-residential projects in the SMART Plan corridors.
- Any private-sector development in the Miami Intermodal Center. Currently, a conference center and hotel are being discussed.
- The development of the South Dade Cultural Arts Village.
- Several non-residential sites within the Liberty Square redevelopment, such as the food market and the athletic facility, would be subtenants in the Liberty Square redevelopment.
- Lastly, I would like to point out that we would likely not have the Amazon fulfillment center in Opa-Locka, which is bringing 1,000 jobs to our community, if this ordinance had been in place. As it was, Amazon did not qualify for Targeted Job Incentive Funds (TJIF) because not all of their employees in Miami-Dade County are being paid the living wage, which is a requirement of TJIF.

MEMORANDUM

Amended
Agenda Item No. 7(A)

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

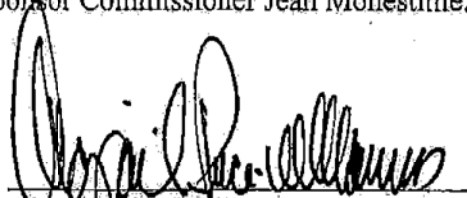
DATE: May 15, 2018

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

Ordinance No. 18-56

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Jean Monestime.




Abigail Price-Williams
County Attorney

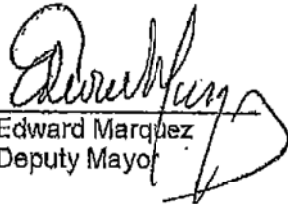
APW/smm

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

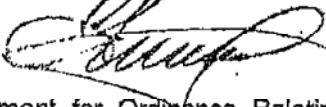
Fis04218 180300

Memorandum



Date: May 15, 2018

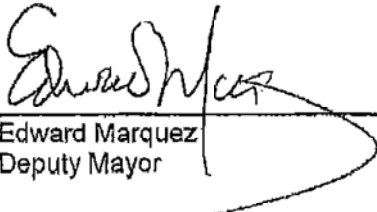
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

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: Amended
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 5-23-18
Override _____

Amended
Agenda Item No. 7(A)
5-15-18

ORDINANCE NO. 18-56

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.

- (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, or any contractor or subcontractor of such 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 sub-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) lessee who is exempt from this requirement pursuant to federal or Florida law. A lessee 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)

- (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.

Section 5. 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: May 15, 2018

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

DM

David M. Murray

Prime Sponsor: Commissioner Barbara J. Jordan

Co-Sponsor: Commissioner Jean Monestime