

MEMORANDUM

Agenda Item No. 5(E)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Public Hearing 10-18-22)

September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the Living Wage; amending section 2-8.9 of the Code; requiring the payment of living wage to certain employees of County service contractors involved in providing certain professional healthcare services

Ordinance No. 22-135

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 18, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(E)

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(E)
10-18-22

ORDINANCE NO. 22-135

ORDINANCE RELATING TO THE LIVING WAGE;
AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; REQUIRING THE PAYMENT OF
LIVING WAGE TO CERTAIN EMPLOYEES OF COUNTY
SERVICE CONTRACTORS INVOLVED IN PROVIDING
CERTAIN PROFESSIONAL HEALTHCARE SERVICES;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

WHEREAS, in 1999, this Board adopted Ordinance 99-44, creating the Living Wage Ordinance for County service contracts and County employees (“Living Wage Ordinance”), which is codified as section 2-8.9 of the Code of Miami-Dade County, recognizing a responsibility when spending public funds to set a community standard that permits full-time workers to live above the poverty line; and

WHEREAS, in adopting the Living Wage Ordinance, the County found that sub-poverty level wages do not serve the public purpose because such wages place an undue burden on taxpayers and the community to subsidize employers paying inadequate wages by providing their employees social services such as health care, housing, nutrition, and energy assistance; and

WHEREAS, on April 5, 2022, this Board simultaneously adopted two resolutions: (1) Resolution No. R-282-22, which rejected all bids received for Solicitation No. FB-01812 (Contract Healthcare Staffing Services) to obtain healthcare staff that would be assigned to various facilities throughout the County because the solicitation did not include a living wage provision as the services sought were not covered by the Living Wage Ordinance; and (2) Resolution No. R-283-22, which approved a competitive contract award, Contract No. FB-02113 (Healthcare Staffing

Services), for the purchase of professional healthcare staffing services for Miami-Dade Community Action and Human Services and Public Housing and Community Development Departments, which included language requiring healthcare staff to be paid wages equal to or greater than the County's living wage rate for services rendered under the contract; and

WHEREAS, given the incredible sacrifices healthcare workers have made over the past two years as a result of the coronavirus disease 2019 (COVID-19) pandemic, this Board desires to expand the Living Wage Ordinance to include healthcare professionals and healthcare-related professionals providing healthcare services such as those referenced in Resolution No. R-283-22 and Contract No. FB-02113, to ensure that employees providing these services continue to receive pay and benefits equal to or greater than the living wage rate as a condition of doing business with Miami-Dade County in the future; and

WHEREAS, furthermore, this Board desires to make the Living Wage Ordinance as inclusive as possible,

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

Section 1. 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.

Definitions

* * *

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.

(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;
 - (vi) Printing and reproduction services; ~~[[and,]]~~
 - (vii) Landscaping, lawn, and/or agricultural services~~[[,]]>>; and~~
 - (viii) Healthcare services performed by health care professionals and healthcare-related professionals (e.g., registered nurse, certified nursing assistant, nutritionist, medical doctor, social worker, or home care aide), including but not limited to substance abuse treatment, elderly transitional living, counseling, physician assistance, or social work. Service contracts that are awarded by the Public Health Trust for the healthcare services described in this subparagraph are specifically excluded from the requirements of this Ordinance.<<

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:

October 18, 2022

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Marlon D. Moffett

Prime Sponsor: Commissioner Eileen Higgins