

AGENDA
LIVING WAGE ADVISORY BOARD MEETING
August 1, 2018 - 11:00 a.m.
Room 302

- I. Call to Order and roll call.
- II. Introductions as necessary.
- III. Approval of June 6, 2018 minutes.
- IV. Staff updates to report.
- V. Updates from Board members on meetings with Commissioners regarding the Living Wage.
- VI. Discussion and instruction to staff.
- VII. Adjourn.

MINUTES
LIVING WAGE ADVISORY BOARD MEETING
Wednesday, June 6, 2018 - 11:00 a.m.

Living Wage Advisory Board Members Present:

Zac Cassidy, Chair
Mark Klein, Board Member
Frank De Risi, Board Member
Chester Just, Board Member

Living Wage Advisory Board Members Absent:

James Ryan, Vice Chair
Mike D. Payne, Board Member

County Staff Present:

Glenn Marcos, Assistant Director, Purchasing Division
Connie Mangan, Purchasing Manager, Purchasing Division
Fernando Amuchastegui, Assistant County Attorney, Office of the County Attorney
Lucy Garcia, Minutes Coordinator, Purchasing Division
Clay Miller, County Commission Aide, Mayor Furr

- I. The Chair called the meeting to order at 11:06 a.m. Roll call was conducted by Lucy Garcia and it was noted a quorum was present.
- II. Clay Miller, Commission Aide attended the meeting on behalf of Broward County Mayor Beam Furr. A copy of the agenda and minutes were provided to the attendee.
- III. **A motion was made by Mark Klein, seconded by Chester Just and unanimously passed to accept the February 7, 2018 minutes. There were no minutes for the April 4, 2018 meeting due to lack of quorum.**
- IV. Staff Updates:
 - A. Connie Mangan briefly discussed the Living Wage Contracts Reports for the February, 2018 – May, 2018 reporting period. There were nine living wage contracts awarded in February, 2018 – May, 2018.
 - B. The report provided by HR, will be addressed at the next meeting, if applicable.
- V. Updates from Board members on meetings with Commissioners regarding the Living Wage:
 - A. There were no updates provided.
- VI. Discussion:
 - A. Clay Miller, Commission Aide to Mayor Furr, apologized to the Advisory Board Members since the Mayor was not able to attend this meeting due to the opening of the new Broward Addiction Recovery Center which was rescheduled to allow all Commissioners to attend. Clay Miller briefly discussed the vacancies on the Advisory Board and asked if anyone needed a list of those vacancies. Staff advised him that we keep a list of the LWAB members, and any vacancies and it is posted on our external website in the Living Wage section. The Office of Intergovernmental Affairs and Professional Standards is currently addressing those vacancies as part of the Sunset Review meeting and through a categorical draw. This categorical draw is scheduled to be presented at an upcoming board meeting in August or September. Clay Miller also suggested that the Advisory Board members can reach out to their respective Commissioners for these vacancies. He discussed the approach for requesting one-on-one meetings with the Commissioners. He provided information regarding the upcoming Master Plans that the Commissioners will be reviewing and that this would be a good opportunity to incorporate the living wage into these master plans.

The Advisory Board members discussed reaching out to the Commissioners regarding the vacancies. Zac Cassidy asked Staff if they had a list of potential candidates for the vacancies. Staff responded that they do not have a list of potential candidates. This will be done through the categorical draw. Mark Klein volunteered to reach out to the three Commissioners with vacancies. Frank De Risi will try to reschedule and have Mayor Furr attend another scheduled Living Wage Advisory Board meeting. Clay Miller suggested that the Advisory Board members could perhaps meet with the Mayor individually or collectively in his office, if it does not violate the sunshine law, but the Advisory Board members agreed they would rather have the Mayor attend an upcoming Advisory Board meeting. The next scheduled meetings are August 1 and October 3rd.

- B. Glenn Marcos provided a summary on the solicitation process regarding Living Wage and a list of the covered services under a solicitation. Frank De Risi had a question regarding the report provided to the Advisory Board members on contracts with living Wage. He asked Staff for clarification to ensure that none of the contracts in the report were influenced by Living Wage. Connie Mangan affirmed that information was correct and also briefly discussed the vendor questionnaire, which is in the solicitation, and allows the vendor an opportunity to provide any living wage rates that are applicable to that solicitation. Glenn Marcos provided a brief list of the Airport covered services for living wage.
- C. Chester Just requested a copy of the living wage ordinance or resolution that provides a description of the jurisdiction and function of the Living Wage Advisory Board. Connie Mangan and Glenn Marcos provided a brief summary of the current language included in the ordinance; a copy of the ordinance will be provided in the agenda package for the next scheduled meeting.
- D. The Advisory Board members had a discussion regarding the living wage rates in the airports and the disparity between Broward and Miami-Dade County. Clay Miller shared with the Advisory Board members that summer is the game planning season, for the Commissioners and staff, to review budget priorities and new legislations; he asked the Board members if they could discuss with the Mayor one or two actionable items, what would those two items be for discussion. Zac Cassidy suggested the first thing would be the loophole for the higher insurance (Cadillac Plan). Mark Klein suggested the second thing would be the gap in the living wage rates between Broward and Miami Dade County.

Glenn Marcos provided an update on the disparity of the living wage rate between Broward County and Miami, as well as letting the Advisory Board members know that staff has conducted analyses in the past in reference to the living wage rates. He briefly reviewed the fact that Miami-Dade went forward with increasing their living wage rates in 2008, even though we were experiencing a recession. Broward County instead chose to act fiscally responsible and not increase the living wage rates at that time. Broward County also put a policy in place that the County would pay the 3% or the CPI whichever is less. These two premises are considered to be the reasons for the disparity of the living wage rates. The County has analyzed three different plans Gold, Platinum and Bronze and the analyses has shown that even at the current rate an employee can afford a health insurance plan, available under the affordable healthcare act. Mark Klein also discussed that the City of West Palm Beach will be implementing their living wage rate, for the first time, in October and it will be \$15 which is similar to Miami-Dade. Glenn Marcos provided that the County of Palm Beach has a living wage but it acts more like a prevailing wage rate; a flat rate. A good perspective of where Broward County is situated between the tri-county areas as related to living wage rates; the County currently sits right in the middle.

Instruction to Staff:

- A. The Advisory Board members requested a copy of the Living Wage ordinance and any resolutions that are related to the implementation of the Living Wage.

VII. There being no further business before the Board, the meeting adjourned at 11:55 a.m.

This meeting was recorded on CD 18-SC-63 (Sony IC Recorder).

Hand-Outs at the 6/6/18 Meeting:

1. Updated Living Wage Contracts Report.
2. Attendance Record.
3. Schedule of Living Wage Advisory Board Meetings for 2018.

Garcia, Lucy

From: Garcia, Lucy
Sent: Thursday, July 12, 2018 4:54 PM
To: 'zaccassidy'; 'miked1526@hotmail.com'; 'frankderisi@hotmail.com'; 'ryan0727@comcast.net'; 'LegalMr@aol.com'; 'Mark Klein'
Cc: Kelleher, Kevin; Billingsley, Brenda; Marcos, Glenn; Mangan, Constance; Mcdonald, Mary; Miller, Glenn; Amuchastegui, Fernando; Cuervo, Mary; Louis, Obed; Garrick, Antonia; McClain, Takai; Johnson, Rose; Matthew, Hazel Mae; Mahabeer, Marlyn
Subject: Living Wage Advisory Board (LWAB)
Attachments: Living Wage Ordinance 6-2018.pdf; Adopted Living Wage Advisory Board By-Laws.pdf

In follow-up to the Living Wage Advisory Board meeting on June 6, 2018, below are the requested items:

1. Living Wage Ordinance (attached) and is also available on the Purchasing Division website ([hyperlink here](#)). Please note, the two areas requested for review are highlighted and include:
 - a. Applies to **20 hours** or more employees - Sec. 26-101. – Definitions, (e) Covered Employee: An individual employed by a service contractor for a minimum of twenty (20) hours per week who, during the employment, is or was involved in providing services pursuant to the service contractor's contract with the County...
And
An individual employed by an airline service provider who, during the employment, is or was involved in providing covered airport services pursuant to Section 26-101(j).
 - b. **Responsibility of LWAB** – Section 26-105. - Living wage advisory board created; composition, terms; duties; and organization.
(d) The Living Wage Advisory Board shall review the implementation and effectiveness of this article and advise the Board of County Commissioners of the same, together with any recommendations for amendments hereto.
2. In addition, attached is a copy of the Adopted Living Wage Advisory Board By-Laws.

Please note, the Living Wage ordinance references the new appointment method for the LWAB (categorical draw). Below is a written description of the process. We have also received clarification from the Intergovernmental Affairs/Boards Section that any new appointments will occur after the initial categorical draw (August / September). We will advise once the agenda has been printed for the categorical drawing.

Description of the Categorical Draw Process: Each Commissioner will draw one "position" out of the envelope containing slips of paper that will indicate the category, current appointee's name (where applicable), and appointing commissioner (where applicable), date the current appointee's term expires (if applicable) or simply "Vacant." Each commissioner will write his or her name on the slips drawn to assign the position to the appropriate Commission District. Staff will thereafter announce the categorical selection publicly and the Board will vote to accept the categorical draw. After the draw is concluded, staff will prepare and deliver a chart containing the final results of the categorical draw. Consistent with the Commission's policy, categories drawn by each Commissioner will be permanently assigned to the Commission District for future appointments until the Commission holds a new categorical draw for the Advisory Board. Once categories are selected, appointments to fill those positions will be handled in the same manner as other board appointments.

This information will also be provided as part of your agenda package for the next scheduled meeting.



Lucy Garcia
Administrative Coordinator
Broward County Purchasing Division
115 S. Andrews Avenue, Fort Lauderdale, FL 33301
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www.broward.org/purchasing



Customer care is my priority. How am I doing? Please contact my Director, Brenda J. Billingsley, at bbillingsley@broward.org with feedback.

ARTICLE VII. - LIVING WAGE

Sec. 26-100. - Title.

Sections 26-100 through 26-105 of Article VII of Chapter 26, Broward County Code, may be cited as the "Broward County Living Wage Ordinance."

(Ord. No. 2002-45, § 1, 10-8-02; Ord. No. 2008-45, § 1, 10-7-08)

Sec. 26-101. - Definitions.

As used in this article, reference to one gender shall include the other; use of the plural shall include the singular; and use of the singular shall include the plural. The following definitions apply unless the context in which the word or phrase is used requires a different meaning:

- (a) *Airport* means the Fort Lauderdale-Hollywood International Airport.
- (b) *Air Carrier* means a certificated commercial air carrier that has authority from the appropriate regulatory department of the United States of America, or any other competent authority, to operate in and out of the Airport.
- (c) *Airline service provider* means any for profit individual, business entity, corporation, partnership, limited liability company, joint venture, or similar entity that provides covered airport services as authorized by an airline service provider agreement, and any subcontractor of any such individual or entity with regard to the subcontractor's provision of covered airport services.
- (d) *County* means the government of Broward County, its departments, divisions, and boards.
- (e) ***Covered employee* means:**
 - (1) **An individual employed by a service contractor for a minimum of twenty (20) hours per week who, during the employment, is or was involved in providing services pursuant to the service contractor's contract with the County, except where the individual's primary compensation is composed of gratuities;**
 - (2) **An individual employed by an airline service provider who, during the employment, is or was involved in providing covered airport services pursuant to Section 26-101(j). Individuals employed by an airline service**

provider whose primary compensation is composed of gratuities are not covered employees, except for wheelchair attendants as described in Section 26-101(j)(6); or

- (3) A County employee who is in a part-time or full-time benefit-eligible position, as provided in Section 14.7 of the Broward County Administrative Code.
- (f) *Covered employer* means all service contractors and all airline service providers.
- (g) *Service contractor* means any for profit individual, business entity, corporation, partnership, limited liability company, joint venture, or similar entity that:
 - (1) Is paid in whole, whether directly or indirectly, from one (1) or more of the County's general fund, enterprise funds, capital project funds, or any other funds to provide covered services to the County pursuant to a service contract; or
 - (2) Contracts with a service contractor as described in Section 26-101(g)(1) to provide some of the covered services included in the service contract between that service contractor and the County.
- (h) *County service contracts* or *service contracts* means:
 - (1) Contracts awarded by the County pursuant to the County's Procurement Code or entered into after a waiver of the Procurement Code that are for covered services and where the average annual contract amount exceeds One Hundred Thousand Dollars (\$100,000.00) based on the applicable procurement solicitation document; or
 - (2) Contracts entered into by airline service providers to perform covered airport services.
- (i) *Covered services* means the following services purchased by the County:
 - (1) Food preparation or distribution;
 - (2) Security services;
 - (3)

Routine maintenance services, such as janitorial, cleaning, refuse removal, recycling collections, and other similar services that are needed or that are anticipated to be needed for normal upkeep of facilities during the term of the serviced contract. Construction and roofing services shall not be considered routine maintenance services;

- (4) Repair or refinishing services for furniture, fixtures, vehicles, machinery, or equipment, including preventative maintenance replacement of parts, and other activities needed to preserve the asset. Construction and roofing services shall not be considered repair or refinishing services;
 - (5) Clerical or other nonsupervisory office work, whether by temporary or permanent personnel. Such work includes secretarial, typing, data entry, filing, transcription, specialized billing, sorting or completion of forms, and word, data, and information processing;
 - (6) Passenger transportation and automobile parking services. Such services, when provided by or through government entities, other than the County, shall not be included in this category;
 - (7) Printing and reproduction services; and
 - (8) Landscaping, lawn, or agricultural services.
- (j) *Covered airport services* means the following services:
- (1) *Ground Handling or Ramp Services for Air Carrier* . To guide aircraft to a parking position for purposes of loading and unloading passengers, baggage, mail, or cargo from aircraft with required equipment to designated locations on the Airport; accept and process inbound and outbound shipments at designated cargo handling building; and provide lavatory waste services and provisioning of water service for aircraft;
 - (2) *Ground Equipment Provisioning and Maintenance for Air Carrier* . To repair, maintain, and refuel all ground equipment whether owned or leased that is used by an airline service provider or Air Carrier, including, but not limited to, tugs, carts, belt-loaders, aircraft starters, aircraft loading stairs, and air-conditioning units. Such ground equipment shall not include automobiles, trucks, or other vehicles designed for use on public streets, either on or off of the Airport;
 - (3) *Maintenance for Air Carrier* . To provide maintenance to an Air Carrier

on the aircraft parking aprons located at the terminal buildings;

- (4) *In-To-Plane Fuel Service for Air Carrier*. To transfer fuel from the Airport's fuel farm to an Air Carrier, and to uplift fuel into the proper locations on the aircraft;
- (5) *Passenger Service for Air Carrier*. To provide all documents for Air Carrier passengers, cargo, and baggage as may be required by applicable governmental agencies; to provide and handle passenger ticketing and baggage check-in; to furnish linguists for the assistance of passengers speaking a foreign language; to provide assistance for mishandled luggage; and to provide passenger assistance functions in concourses and customs facilities, including, but not limited to, unaccompanied minor services;
- (6) *Porter Service for Air Carrier*. To handle and transport passenger baggage and other articles of personal property through the terminal buildings and areas, including the United States Federal Inspections areas and Transportation Security Administration areas. Such service includes, but is not limited to, skycaps, wheelchair attendants, luggage runners, and electric cart drivers. An airline service provider is not required to pay a living wage to a skycap who handles luggage, performs curb side check-in, and works primarily for gratuities;
- (7) *Janitorial Service for Air Carrier*. To provide personnel, equipment, and material to clean the interior areas of the terminal buildings;
- (8) *Security Service for Air Carrier*. Security service includes document checkers at security check points, aircraft security, catering security, and private screening of goods and passengers. Security service does not include service provided by the federal government or pursuant to a federal government contract;
- (9) *Baggage Delivery Service for Air Carrier*. To handle and transport from the Airport misplaced or misrouted baggage or other articles belonging to passengers;
- (10) *Aircraft Cleaning For Air Carrier*. To clean aircraft interiors and exteriors; and
- (11)

Operating Private Club for Air Carrier. To operate a private club in a terminal building exclusively for an Air Carrier's passengers which may serve snacks and beverages and provide other related services.

- (k) *Health care benefits* shall, at a minimum, mean health insurance coverage which consists of wellness and preventative care, including maternity, and that provides the services described in Sections 408.9091(4)(6) and (7), Florida Statutes.
- (l) *Living wage* means the hourly rate of pay required by this Ordinance.

(Ord. No. 2002-45, § 2, 10-8-02; Ord. No. 2008-45, § 1, 10-7-08; Ord. No. 2015-41, § 1, 10-13-15)

Sec. 26-102. - Living wage.

(a) *Living wage requirement*.

- (1) *New contracts; renewal and extension*. All service contractors and airline service providers entering into, renewing, or extending a service contract shall pay all of their covered employees a living wage of no less than Nine Dollars Fifty-Seven Cents (\$9.57) per hour, as adjusted, in addition to health care benefits as hereinafter described, or otherwise Ten Dollars Eighty-Two Cents (\$10.82) per hour, as adjusted. The living wage shall not be paid as a pass-through amount by the County unless clearly disclosed to and expressly approved by the Board of County Commissioners. The living wage shall be adjusted annually in accordance with Section 26-102(c) below.
- (2) *Existing contracts*. Service contractors and airline service providers providing covered services or performing covered airport services pursuant to a contract executed prior to the effective date of this section (or, as applicable, prior to the effective date of the Ordinance expanding the Living Wage Ordinance to include covered airport services) shall not be required to pay the living wage established in Section 26-102(a)(1) until the contract is renewed or extended for an additional period of time or an airline service provider enters into an airline service provider agreement pursuant to Section 26-103(b). A service contractor or airline service provider covered under this paragraph shall be required to comply with the provisions of this section beginning the effective date of the renewal or extension period of the contract or the effective date of an airline service provider agreement. This

paragraph does not apply to existing contracts that are extended on a month-to-month basis or extended for a limited period of time while the County is soliciting or considering soliciting for a replacement contract, or is negotiating or considering negotiating with another contractor.

- (3) *County employees*. For part-time or full-time benefit-eligible County employees under the County pay plan, the County will begin to pay wages consistent with this article beginning in the 2003-04 County fiscal year. Thereafter, the wages to be paid by the County to its employees shall not be subject to the indexing under subsection (c) below and instead will be subject to negotiation within the collective bargaining structure.
 - (4) *Airport Terminal Complex and Car Rental Center*. Notwithstanding any limiting definition contained in Section 26-101 above, the following concessionaires who conduct business with Broward County and are awarded a contract at the Airport Terminal Complex or Car Rental Center pursuant to Chapter 26, "Operational Policy, Aviation," Parts I and II ("Concession Policy"), of the Broward County Administrative Code, or pursuant to a waiver of the Concession Policy, are required to comply with the Broward County Living Wage Ordinance, regardless of the contract value: Duty Free Shop, Food and Beverage, and News-General Merchandise-Book Store-Specialty Retail Shops.
 - a. Airport Terminal Complex means all passenger terminal buildings located at the Airport, whether now existing or developed in the future.
 - b. Car Rental Center means the facility located within the Airport terminal roadway system designated for rental car concession operations and for pick-up and delivery of customers by nonconcessionaire rental car companies and by Airport users, including any future modifications to this facility.
- (b) *Health care benefits*.
- (1) For a covered employer or the County to comply with the living wage requirement by choosing to pay the lower wage scale when health care benefits are provided, the health care benefits shall consist of payment by the covered employer or the County, as applicable, of at least One Dollar Twenty-Five Cents (\$1.25) per hour, as adjusted, towards the provision of health care

benefits for covered employees and their dependents. The health care benefits amount shall be adjusted annually in accordance with Section 26-102

(c) below.

- (2) The minimum contribution by a covered employer or the County for health care benefits on a per-hour basis shall be calculated based on a 40-hour work week (2,080 annual hours). Hours worked in excess of forty (40) hours per week shall not require additional payments towards the provision of health care benefits. If the covered employer or the County, as applicable, contributes less than the required amount for its covered employee's health care benefits, such covered employer or the County may comply with the living wage requirements by paying the covered employee an additional amount as an hourly wage equal to the difference between the calculated hourly contribution it makes for health care benefits for the covered employee and the minimum hourly contribution amount required by this Ordinance for health care benefits.
- (3) If the health care benefits plan provided by a covered employer or the County requires an initial period of employment before a new covered employee becomes eligible for the health care benefits (eligibility period), the covered employer or the County shall pay the Ten Dollars Eighty-two Cents (\$10.82) per hour wage scale, as adjusted, during a new covered employee's initial eligibility period. When the new covered employee is provided health care benefits upon completion of the eligibility period, the covered employer or the County may qualify to pay the living wage rate applicable for covered employees that are provided health care benefits. If the covered employee declines the health care benefits, the covered employer may qualify to pay the living wage rate applicable for covered employees that are provided health benefits if the covered employer provides to the County written proof of the covered employee's declination.
- (4) A notarized compliance affidavit shall serve as proof of the provision of health care benefits and must be submitted by the covered employer to the County to qualify for the living wage rate for covered employees with health care benefits.

(c)

Indexing. The living wage and health care benefits payment shall be annually indexed to inflation using the Miami PMSA Consumer Price Index for all Urban Consumers (CPI-U), calculated by the United States Department of Commerce; however, no annual increase shall exceed three percent (3%) and in no event shall the increase exceed the compensation increase provided to unrepresented County employees.

- (d) *Certification required before payment*. Any and all contracts for covered services shall be void, and no funds may be released unless, prior to entering any contract with the County for a service contract, the covered employer certifies to the County that it will pay each of its covered employees no less than the living wage described in subsection (a). The certificate, at a minimum, must include the following:
- (1) The name, address, and telephone number of the covered employer, a local contact person, and the specific project for which the service contract is sought;
 - (2) The amount of the contract and the applicable County department the contract will serve;
 - (3) A brief description of the project or service provided;
 - (4) A statement of the wage levels for all covered employees; and
 - (5) A commitment to pay all covered employees a living wage, as described in subsection (a).
- (e) *Observance of other laws*. Every covered employee shall be paid at least biweekly, and without subsequent deduction or rebate of any account (except for such payroll deductions as are directed or permitted by law or a collective bargaining agreement). The covered employer shall, at a minimum, pay covered employees the living wage rates required by this article and shall also comply with federal and all other applicable laws and ordinances, such as overtime and other wage laws and ordinances.
- (f) *Posting*. A copy of the living wage rate shall be posted by the covered employer at the site of the work in a prominent place where it can easily be seen by covered employees and shall be furnished to a covered employee within a reasonable time after a request to do so. A copy of the living wage rate shall be posted by the covered employer's subcontractors in a prominent place at the subcontractor's premises where paychecks are distributed and shall also be furnished to a covered

employee upon request within a reasonable time after the request is made. Additionally, service contractors shall forward a copy of the requirements of this article to any individual and any entity submitting a bid for a subcontract on any County service contract covered by this article. A covered employer shall also provide the following statement to each covered employee with the employee's first paycheck and every six (6) months thereafter: "You are required by Broward County ordinance to be paid at least [insert applicable rate pursuant to this article] dollars an hour. If you are not paid this hourly rate, contact your supervisor or a lawyer." All notices required by this paragraph shall be printed in English, Spanish, and Creole. The statements shall be provided in the manner set forth below:

- (1) By printing or stamping the statements on the front of the covered employee's first paycheck or, if the covered employee has direct deposit of his or her pay, the covered employer may print or stamp the statements on the inside or outside of the covered employee's first direct receipt; or
 - (2) By attaching or endorsing the printed or stamped statements with the covered employee's first paycheck or direct deposit receipt and subsequently providing a notarized compliance affidavit from the covered employer to the County acknowledging that the statements were provided to the covered employee with his or her first paycheck.
- (g) *Collective bargaining*. Nothing in this article shall be construed to require or authorize any covered employer to reduce wages set by a collective bargaining agreement or as required under any prevailing wage law.

(Ord. No. 2002-45, § 3, 10-8-02; Ord. No. 2008-45, § 1, 10-7-08; Ord. No. 2014-35, § 1, 10-14-14; Ord. No. 2015-41, § 2, 10-13-15)

Sec. 26-103. - Implementation.

- (a) *Procurement specifications*.
 - (1) Payment of the living wage shall be required by the procurement specifications for all County service contracts for covered services on which bids or proposals shall be solicited on or after the effective date of this article. Such procurement specifications shall also require each firm that utilizes a subcontractor to inform each subcontractor, prior to the time the subcontractor offers its price to such firm, of its obligation to pay a living wage to its covered employees. The procurement specifications for applicable

contracts shall include a requirement that service contractors agree to produce all documents and records relating to payroll and that service contractors agree to comply with the obligation to maintain payroll records for covered employees for at least three (3) years from the date of termination of the service contract and to produce such records for inspection and copying upon request from the applicable contract administrator ("contract administrator" shall have the same meaning as set forth in the Broward County Procurement Code) or the County Administrator.

- (2) By submitting a bid or proposal in response to a County Procurement solicitation and accepting a contract that requires compliance with this article, each service contractor agrees to and shall be bound by the determinations made in accordance with the rules and procedures established pursuant to Section 26-104 hereof if a person or subcontractor submits a dispute for determination in accordance with such section. Each such service contractor expressly agrees to be bound by the provisions and procedures set forth and by any sanctions and remedies imposed pursuant to this article.

(b) *Airline service provider agreements*.

- (1) Airline service provider agreements authorize airline service providers to perform covered airport services. These agreements shall contain provisions requiring the airline service providers to agree to the following:
 - a. To pay a living wage;
 - b. To inform each subcontractor of its obligation to pay a living wage to its covered employees, and ensure that each applicable subcontract contains language requiring that this obligation be met;
 - c. To produce all documents and records relating to payroll and agree to comply with the obligation to maintain payroll records for covered employees for at least three (3) years from the date of termination of the service contract; and
 - d. To produce such records for inspection and copying upon request from the Aviation Department, County Administrator, or the Office of the Broward County Auditor.

- (2)

By entering into a contract to provide covered airport services, an airline service provider agrees to and shall be bound by the provisions and procedures set forth and by any sanctions and remedies imposed pursuant to this article, including determinations pursuant to Section 26-104 if a dispute for determination in accordance with such section is submitted.

- (3) All airline service providers performing covered airport services at the Airport on or after January 1, 2016, must enter into an airline service provider agreement pursuant to this Ordinance.
- (c) *Information distributed*. All requests for bids, requests for proposals, or requests for letters of interest for service contracts, whether advertised or informally solicited, shall include appropriate information about the requirements of this article and a form which vendors may request an exemption from reporting requirements pursuant to Section 26-103(e).
- (d) *Maintenance of payroll records*. Each covered employer shall maintain payroll records for all covered employees and shall preserve them for a period of three (3) years from the date of termination of any County service contract. The records shall contain:
 - (1) The name and address of each covered employee;
 - (2) The job title and classification;
 - (3) The number of hours worked each day;
 - (4) The gross wages earned and deductions made;
 - (5) Annual wages paid;
 - (6) A copy of the covered employer's social security returns and evidence of payment thereof;
 - (7) A record of fringe benefit payments, including covered employee and covered employer contributions to employer-approved plans; and
 - (8) Any other data or information the County Administrator may require from time to time.
- (e) *Reporting payroll*. Every six (6) months, the covered employer shall file with the contract administrator a complete payroll showing the covered employer's payroll records for each covered employee working on the contract(s) for covered services and for covered airport services for at least one (1) payroll period. Upon request, the covered employer shall produce for inspection and copying its payroll records

for any or all of its covered employees for the prior three (3) year period. A covered employer is exempt from this reporting requirement if the term of the contract for covered services or for covered airport services is six (6) months or less.

(f) *Exemption* . A covered employer who routinely pays the living wage to all of its covered employees that work a minimum of twenty (20) hours per week in a covered services category or for covered airport services may obtain an exemption from the requirement under Section 26-103(d) to report and file payroll records every six (6) months in the manner set forth below. If requested by a covered employer on a form available from the County's Purchasing Division and if the covered employer provides a notarized compliance affidavit attesting that its wages for covered employees are at least equal to the amount of the living wage, the County's Purchasing Division Director is authorized to grant, in writing, a whole or partial exemption from the requirement to report and file payroll records every six (6) months with the contract administrator as follows:

- (1) An exemption shall be granted where the covered employer demonstrates that its covered employees have been continuously paid the applicable living wage or a higher wage for at least one (1) year prior to entering into the service contract. The covered employer may demonstrate that its covered employees have been paid the applicable living wage by submitting payroll records or pay scale records (by job classification); or
- (2) An exemption shall be granted where the covered employer demonstrates to the satisfaction of the County's Purchasing Division Director that the amounts paid to its covered employees are required by law or are required pursuant to a contractual obligation, such as a collective bargaining agreement.
- (3) When granted, the covered employer shall not acquire a property right or property interest in continuing the exception, and the County shall have the absolute right to cancel the exemption at any time upon notice to the covered employer. An exemption may be canceled at any time by the County's Purchasing Division Director by giving the covered employer written notice of such cancellation.
- (4)

If an exemption is granted under this subsection, the exemption shall not affect the covered employer's obligation to produce its payroll records for any or all of its covered employees for inspection and copying for any three-year period permitted by Section 26-103(d) when requested by the County's authorized employees, agents, and representatives.

- (5) By requesting and receiving an exemption, a covered employer acknowledges and agrees that its failure to pay its covered employees the living wage or its failure to otherwise comply with any remaining nonexempt obligation to its service contract or this article shall constitute a default under, and a breach of, the service contract for which the exemption was granted.

(Ord. No. 2002-45, § 4, 10-8-02; Ord. No. 2008-45, § 1, 10-7-08; Ord. No. 2015-41, § 3, 10-13-15)

Sec. 26-104. - Compliance and enforcement.

- (a) *Service contractor to cooperate.* A service contractor shall permit County employees, agents, or representatives to observe work being performed at, in, or on the project or matter for which the service contractor has a contract. The County employees, agents, or representatives may examine the books and records of the service contractor relating to employment and payroll to determine whether the service contractor is in compliance with the provisions of this article.
- (b) *Complaint procedures and sanctions.* A covered employee or subcontractor of a service contractor who believes that this article applies or applied to him, her, or it, and who also believes the responsible service contractor is not or was not complying with requirements of this article that would benefit him, her, or it, has a right to complain by filing a written complaint. The County Administrator shall establish by Administrative Rule the procedures and requirements for filing a complaint and for the processing and resolution of complaints under this section, including the sanctions to be imposed for violations of this section.
- (c) *Private right of action against service contractors.* Any covered employee or subcontractor of a service contractor, or any person or subcontractor who was formerly a covered employee or subcontractor of a service contractor, may, instead of the County procedure set forth in subsection (b), but not in addition to such procedure, bring an action by filing suit against the covered employer in a court of competent jurisdiction to enforce the provisions of this article, and may be awarded back pay, benefits, attorney's fees, and costs. The applicable statute of

limitations for such a claim will be two (2) years as provided in Subsection 95.11(4) (c), Florida Statutes, as may be amended from time to time, in an action for payment of wages. The court may also impose sanctions on the covered employer, including those persons or entities aiding or abetting the covered employer, to include wage restitution to the affected employee and damages payable to the affected employee in the sum of up to Five Hundred Dollars (\$500.00) a day but not to exceed One Thousand Dollars (\$1,000.00) for each week each covered employer is found to have violated this article.

- (d) *Sanctions against service contractors.* For violations of this article as determined by the procedures set forth by Administrative Rule, the County may sanction a service contractor by requiring the service contractor to pay wage restitution to the affected employee or subcontractor. The County may also sanction the service contractor in at least one (1) of the following additional ways:
- (1) Damages payable to the County in the sum of up to Five Hundred Dollars (\$500.00) a day but not exceed One Thousand Dollars (\$1,000.00) for each week for each covered employee or subcontractor found to have not been paid in accordance with this article;
 - (2) The County may suspend or terminate payment under the subject contract or terminate the contract with the service contractor;
 - (3) The County may declare the service contractor ineligible for future service contracts for five (5) years or until all damages and restitution have been paid in full, whichever is longer. In addition, any employer shall be ineligible for County service contracts where a principal officer of such employer was a principal officer of a service contractor who has been declared ineligible under this article; and
 - (4) All such sanctions recommended or imposed shall be a matter of public record.
- (e) *Retaliation and discrimination barred.* An employer shall not discharge, reduce the compensation of, or otherwise discriminate against any employee or subcontractor for filing a complaint in accordance with this article or for otherwise asserting his, her, or its rights under this article. Allegations of retaliation or discrimination, if found to be true by the County Administrator, pursuant to the procedures established by Administrative Rule, or by a court of competent jurisdiction under subsection (c), shall result in an order of restitution and

reinstatement of a discharged employee with back pay to the date of the violation, or such other relief as deemed appropriate. In addition, the County Administrator or the court may impose an additional sanction of up to Five Hundred Dollars (\$500.00) a day but not to exceed One Thousand Dollars (\$1,000.00) for each week since the covered employee or subcontractor was discharged or terminated, the compensation was reduced, or other discrimination occurred as a result of retaliation prohibited by this article.

- (f) *Remedies herein non-exclusive.* Except as provided in Subsection 26-104(c) no remedy set forth in this article is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any right under this article in a court of law.

(Ord. No. 2002-45, § 5, 10-8-02; Ord. No. 2008-45, § 1, 10-7-08)

Section 26-105. - Living wage advisory board created; composition, terms; duties; and organization.

- (a) There is hereby created the Living Wage Advisory Board which shall be composed of nine (9) members appointed by the Board of County Commissioners.
- (b) Each County Commissioner shall nominate one (1) member to the Living Wage Advisory Board using the categorical draw method established by the Intergovernmental Affairs/Boards Section, which nominations are subject to appointment by the Board of County Commissioners. The required membership categories are as follows:
- (1) No more than four (4) members shall be representatives of the business community.
 - (2) Of the members representing the business community, at least two (2) members shall be representatives of service contractors, with at least one (1) such service contractor also being a covered employee.

For purposes of this subsection, "business community" shall not include a nonprofit entity that is recognized by the Federal Internal Revenue Service as exempt from payment of federal income taxes.

- (c) The provisions of Section 1-233, Broward County Code of Ordinances, shall apply to the Living Wage Advisory Board.
- (d) **The Living Wage Advisory Board shall review the implementation and effectiveness of this article and advise the Board of County Commissioners of the same, together with any recommendations for amendments hereto.**

(e) The Living Wage Advisory Board shall elect a Chair and Vice-Chair and promulgate rules necessary to conduct the business of the Living Wage Advisory Board.

(Ord. No. 2002-45, § 6, 10-8-02; Ord. No. 2008-45, § 1, 10-7-08; Ord. No. 2018-09, § 7, 2-6-18)

Secs. 26-106—26-120. - Reserved.

**BY-LAWS OF THE
BROWARD COUNTY LIVING WAGE ADVISORY BOARD**

ARTICLE I.

NAME, ESTABLISHMENT

- SECTION 1:** The name of the organization shall be "The Broward County Living Wage Advisory Board" (Board) or such successor name as shall be designated by the Broward County Board of County Commissioners.
- SECTION 2:** The governing body of Broward County is the Broward County Board of County Commissioners.
- SECTION 3:** The Board is established pursuant to Section 26-105, Broward County Code of Ordinances.

ARTICLE II.

PURPOSE, DUTIES

- SECTION 1:** The Board has as its purpose, pursuant to the implementing Ordinance cited above to oversee the implementation and effectiveness of the Broward County Living Wage Ordinance, Sections 26-101 et seq., Broward County Code of Ordinances.
- SECTION 2:** The Board has as its duties, pursuant to the implementing Ordinance cited above, to review the implementation and effectiveness of the Broward County Living Wage Ordinance and to advise the Board of County Commissioners of the same, together with any recommendation for amendments to the Ordinance.

ARTICLE III.

MEMBERSHIP

- SECTION 1:** (a) All members of the Broward County Living Wage Advisory Board shall be appointed by the Broward County Board of County Commissioners.
- (b) Each County Commissioner shall nominate one (1) member to the Board, provided that no more than four (4) members are representative of the business community. Two (2) members shall be representatives of service contractors, with at least one being a covered employee, and shall count against the maximum of four (4) members allowed as representatives of the business community. For purposes of this subsection, "business community" shall not

include a non-profit entity that is recognized by the federal Internal Revenue Service as exempt from payment of federal income taxes.

(c) No Broward County employees shall be members of the Board.

(d) All provisions of Section 1-233, Broward County Code of Ordinances, shall apply to members of the Board.

SECTION 2: The term of office for members shall be at the pleasure of the appointing Commissioner.

SECTION 3: (a) Removal for non-attendance shall be in accordance with Section 1-233, Broward County Code of Ordinances. The Board may recommend the reappointment of members whose absences were caused by extenuating circumstances.

(b) The Board may recommend to the Broward County Board of County Commissioners and to the Chair of the Board, respectively, that a member be terminated from service on the Board and any of its committees for refusing to cooperate in a conflict of interest review, or when it is determined that she/he knowingly took action(s) intended to influence the conduct of the Board in a manner defined in **ARTICLE VI. SECTION I** of these By-Laws.

ARTICLE IV.

OFFICERS

SECTION 1: The officers of the Board shall be members of the Board and shall be a Chair and Vice-Chair.

SECTION 2: Officers shall be elected by a majority vote of those members serving as members of the Board present and voting at the December regular meeting or at the next regular meeting if the December regular meeting is canceled. After being elected, the officers shall take office upon occurrence of the earlier of January 1, or the first regular or special meeting of the calendar year later than January 1. All officers shall serve a two-year term. No officers shall serve more than two consecutive terms in one office.

SECTION 3: The duties of the Officers are those which usually apply to such officers and in addition thereto, such other duties as may be designated from time to time by the Board.

SECTION 4: The Chair of the Board will serve as the official liaison of the Board with the Board of County Commissioners of Broward County and the County's designated administrative support agency.

ARTICLE V.

MEETINGS

SECTION 1: (a) The Board shall hold bi-monthly meetings unless cancelled. Special meetings may be called by the Chair or upon petition of one third of the membership of the Board. Written notice shall be given at least one week prior to a regular meeting.

(b) Special meetings of the Board may be called by the Chair or by five (5) or more members of the Board upon no less than forty-eight (48) hours notice. If, after reasonable diligence, it is impossible to give notice to each member of the Board, such failure shall not affect the legality of the meeting if a quorum is present. Notice to all members of a special meeting may be waived by a majority of the entire membership of the Board. If notice of a special meeting is not in writing or if the notice is given less than one week prior to the meeting, the minutes of the meeting shall show the manner and method by which notice of such special meeting was given to each member of the Board, or shall show a waiver of notice.

(c) Minutes shall be made of all regular and special meetings and such meetings shall be otherwise in accordance with the Florida Government-In-The-Sunshine law.

SECTION 2: A majority of the total appointed Board members shall constitute a quorum. A majority of those members present and voting at any meeting at which a quorum is present shall be sufficient to take action on behalf of the Board.

SECTION 3: Actions shall be taken only by a vote of a majority of the Board members present and eligible to vote.

SECTION 4: Only duly appointed members of the Board may vote, and each member shall have one vote. Voting privileges are non-transferable.

ARTICLE VI.

CONFLICT OF INTEREST

SECTION 1: Members of the Board and all committees established by the Board shall abide by the Florida Statutes and Broward County Ordinances, as may be amended from time to time, regarding conflicts of interest for public officials and government in the Sunshine Law. Copies of these documents shall be furnished to all Board members.

SECTION 2: All Board members must identify conflicts of interest, and are encouraged to request a review of a potential conflict of interest of themselves or another member when deemed necessary.

SECTION 3: All concerns regarding conflict of interest shall be recorded in the Board's meeting minutes. The full Board shall take whatever actions it deems appropriate and are in compliance with Board policies.

SECTION 4: A member may be terminated from service on any Board committee(s) for refusing to cooperate in a conflict of interest review, or when it is determined by the Board that the member knowingly took action(s) intended to influence the conduct of the Board in the manner prohibited by **ARTICLE VI, SECTION 1**, of these By-Laws.

ARTICLE VII.

COMMITTEES

SECTION 1: The Board shall have committees as deemed necessary and established by the Chair.

ARTICLE VIII.

AMENDMENTS

SECTION 1: These By-Laws may be adopted, amended, or repealed by a majority vote of the Board.

SECTION 2: Notice of all proposed amendments, with amendments enclosed, and the date, time and place of the meeting at which the amendment will be considered for adoption shall be mailed or transmitted by facsimile to each Board member at least ten (10) days prior to the meeting at which such amendments are to be considered for adoption.

ARTICLE IX.

GENERAL PROVISIONS

SECTION 1: The fiscal year for the Board shall be the same as the fiscal year for the Board of County Commissioners of Broward County.

SECTION 2: When procedures are not covered by law or these By-Laws, the latest edition of "Robert's Rules of Order" shall prevail.

SECTION 3: Official policies adopted by the Board shall be set forth in a written volume or volumes, which shall be maintained by the County's designated administrative support agency.

ARTICLE X.

DATE OF EFFECTIVENESS

SECTION 1: Unless otherwise provided, these By-Laws and any amendments shall be effective immediately upon approval by the Board.

CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENT that the undersigned Chair of the Broward County Living Wage Advisory Board does hereby certify that the above and foregoing By-Laws were adopted by the Broward County Living Wage Advisory Board on the 5th day of August, 2009 and that they do now constitute the By-Laws of said Board.

Attest: James L. Leedy
Chair
08/24/09
Date

Adopted 8-05-09

Calendar

Broward County Commission Calendar

The Broward County Commission meets in formal session on most Tuesdays, as scheduled, at 10AM in room 422 of the Broward County Governmental Center, 115 S. Andrews Avenue in Fort Lauderdale. The meeting calendar is updated regularly to reflect workshops, holidays and winter/summer recess.

JUNE

June 5, 2018 Regular Commission Meeting
12:30 p.m. Budget Workshop or immediately following
Commission Meeting


FY19 Property Appraiser's Presentation

FY19 Port Everglades Presentation


Draft Responses to May 15th

June 12, 2018 Regular Commission Meeting

June 14, 2018 (Thursday) 10:00 a.m. – 5:00 p.m. Budget Workshop

 Broward County Aviation Department

 Transportation Capital Program

 General Fund Update Based on June 1st Preliminary
Tax Roll

June 26, 2018 No Meeting
FAC Annual Conference – June 26-29

JULY

July 3–August 7, 2018 Summer Recess
NACo Annual Conference July 13-16

AUGUST

August 14, 2018 Regular Commission Meeting

August 16, 2018
(Thursday)

12:30 p.m. – 5:00 p.m. Budget Workshop

August 21, 2018

10:00 a.m. – 5:00 p.m. Budget Workshop

August 28, 2018

No Meeting
Primary Elections

SEPTEMBER

September 4, 2018

No Meeting
(Labor Day 9/3)

September 13, 2018
(Thursday)

Regular Commission Meeting
5:01 p.m. Budget Hearing #1 (To be Confirmed)
Rosh Hashanah September 9-11
Yom Kippur September 18-19

September 25, 2018

Regular Commission Meeting
5:01 p.m. Budget Hearing #2 (To be Confirmed)

OCTOBER

October 9, 2018

Regular Commission Meeting

October 16, 2018

Hold for Workshop

October 23, 2018

Regular Commission Meeting

NOVEMBER

November 6, 2018

No Meeting (General Election)

November 13, 2018

Regular Commission Meeting
(Veteran's Day Observed November 12)

November 20, 2018

No Meeting
(Thanksgiving Holiday November 22-23)

November 27, 2018

Regular Commission Meeting (Reorganization)

DECEMBER

December 4, 2018

Regular Commission Meeting

December 11, 2018 Regular Commission Meeting

December 18-31, 2018 No Meeting – Winter Recess

Revised 12/12/17

Required Plug-ins:  Adobe® Reader®

REVISED AGENDA
LIVING WAGE ADVISORY BOARD MEETING
February 7, 2018 - 11:00 a.m.
Room 301

- I. Call to Order and roll call.
- II. Introductions as necessary.
- III. Approval of August 2, 2017 minutes; there are no minutes for the October 4, 2017 and December 6, 2017 meeting due to lack of quorum.
- IV. Staff updates to report.
- IV. Updates from Board members on meetings with Commissioners regarding the Living Wage.
- V. Election of New Chair & Vice Chair
- VI. Discussion and instruction to staff.
- VII. Adjourn.

2018
LIVING WAGE ADVISORY BOARD MEETINGS

(These are the bi-monthly meetings (First Wednesday of the month) for 2018)

FEBRUARY 7, 2018

APRIL 4, 2018

JUNE 6, 2018

AUGUST 1, 2018

OCTOBER 3, 2018

DECEMBER 5, 2018

2018
LIVING WAGE ADVISORY BOARD MEETINGS

(These are the bi-monthly meetings (First Wednesday of the month) for 2018)

FEBRUARY 7, 2018

APRIL 4, 2018

JUNE 6, 2018

AUGUST 1, 2018

OCTOBER 3, 2018

DECEMBER 5, 2018