



776 N.E. 125 Street, North Miami, Florida 33161

## Council Report

To: The Honorable Mayor and Council Members

From: Alberto Destrade, Purchasing Director 

Date: March 22, 2016

RE: **PROPOSED ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 7, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "FINANCE", BY AMENDING ARTICLE III ENTITLED "PROCUREMENT CODE" SPECIFICALLY AT SECTION 7-151 ENTITLED "PROCEDURE TO PROVIDE PREFERENCE TO LOCAL BUSINESS IN CITY CONTRACTS" TO REQUIRE THE SUBMISSION OF A COMMUNITY BENEFITS PLAN AND LOCAL HIRING INITIATIVES IN BID PROPOSALS FOR CITY-FUNDED PROJECTS EXCEEDING TWO HUNDRED FIFTY THOUSAND (\$250,000.00); PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

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### **RECOMMENDATION**

That the Mayor and City Council approve the proposed Ordinance amending Chapter 7 of the City of North Miami (City) Code of Ordinances entitled "Finance" by amending Article 3, titled Procurement Code, to require the submittal of a Community Benefits Plan and Local Hiring Initiatives as part of proposals received by the City for contracts exceeding \$250,000.

### **BACKGROUND**

This is the second reading of a proposed ordinance sponsored by Vice Mayor Alix Desulme, amending Section 7-151 of the City Code of Ordinances (referred to as the Local Preference Plan) and establishing a requirement for companies interested in doing business with the City to include as part of their proposals a Community Benefits Plan and Local Hiring Initiative for contracts with a cost of more than \$250,000. The primary goal of this ordinance is self-evident: to promote further economic opportunities for the City's residents and to re-emphasize the City Council's commitment to improving the overall quality of life in our community.

Specifically, the new ordinance will require that companies must include as part of their proposals for contracts that meet the minimum threshold a Community Benefits Plan which contains identifiable and observable benefits to our community. In particular, the community benefits proposal shall contain, but not be limited to, a local hiring plan. The hiring plan must be approved by the City Manager and shall outline the company's strategy

to create and accomplish employment opportunities for City residents. Moreover, the plan must clearly identify how the company intends to partner with local hiring agencies to target and promote job opportunities within our community, as well as to provide the necessary training for residents hired through this initiative.

Staff shall be responsible for reviewing and evaluating the proposed Community Benefits Plan to ensure that it includes local workforce and training initiatives, as well as for monitoring and enforcing compliance throughout the life of the contract.

**ATTACHMENTS**

Proposed Ordinance  
Resolution 2015-R-84 Local Preference Jobs Initiative

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 7 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "FINANCE", BY AMENDING ARTICLE III, ENTITLED "PROCUREMENT CODE", SPECIFICALLY AT SECTION 7-151, ENTITLED "PROCEDURE TO PROVIDE PREFERENCE TO LOCAL BUSINESS IN CITY CONTRACTS" TO REQUIRE THE SUBMISSION OF A COMMUNITY BENEFITS PLAN AND LOCAL HIRING INITIATIVES IN BID PROPOSALS FOR CITY-FUNDED PROJECTS EXCEEDING TWO HUNDRED FIFTY THOUSAND (\$250,000.00); PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of North Miami ("City") believes in doing business with persons and business entities which adhere to corporate principles confirming a commitment for being good corporate citizens and which value the goals and importance of community goodwill by providing tangible benefits back to the community in which they do business; and

**WHEREAS**, the City is a diverse and talented community of skilled workers, crafts persons and laborers available for work in the various trades; and

**WHEREAS**, the City annually expends a considerable amount of public funds on capital projects which regularly exceed several million dollars in cost and the expenditure of those funds could create jobs for qualified City residents; thereby, enhancing the local workforce and improve the economic conditions in the City; and

**WHEREAS**, the purpose of this Ordinance is to encourage the hiring of city residents for city-funded capital projects for which more than Two Hundred Fifty Thousand Dollars (\$250,000.00) of public funds are expended; and

**WHEREAS**, persons and business entities seeking City-funded contracts or grants are also encouraged to identify, develop and furnish benefits back to the local community in the form of a Community Benefit Plan; and

**WHEREAS**, the Mayor and City Council find that the proposed ordinance, will serve the best interests of all City residents by promoting employment opportunities within the community.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:**

**Section 1.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 7 of the City of North Miami Code of Ordinances, entitled “Finance”, by amending Article 3, entitled “Procurement Code”, specifically at section 7-151, entitled “Procedure to provide preference to local business in city contracts” as follows:

CHAPTER 7. FINANCE

\* \* \* \* \*

ARTICLE 3. PROCUREMENT CODE

\* \* \* \* \*

Sec. 7-151. - ~~Procedure to provide preference to~~ Local business preference and local hiring requirements in city contracts.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the following meanings, except where the context clearly indicates a different meaning:

*Business location* means a permanent office or other site where the local business conducts, engages in, or carries on all or a portion of its business. A post office box or a location at a postal service center shall not constitute a business location.

*Community Benefits Plan* means a proposed plan that demonstrates identifiable and observable benefits to the city. Said plan shall include but not be limited to specific community benefits to ensure that contractors awarded for bids exceeding two hundred fifty thousand (\$250,000.00) dollars create employment opportunities for local North Miami residents.

*Local business* means the offeror, supplier, or contractor: (1) has a business located in the city with a current city business tax receipt issued prior to the city's issuance of the solicitation for supplies or services;(2) has at least ten (10) percent of its total workforce residing in the city prior to the city's issuance of the solicitation for supplies or services; and/or (3) subcontracts at least ten (10) percent of the contractual amount of a city project with subcontractors who are physically located within the city. The offeror, supplier, or contractor seeking the local business preference has the burden to show that it qualifies for the preference, to the satisfaction of the city.

*Local Hiring Plan* is the plan presented by the Contractor and approved by the city manager outlining strategies to partner with local hiring agencies to promote job vacancy and marketing job availability.

Local Resident means an individual whose primary residence is within the City of North Miami city limits.

(b) *Preference to local business.* Except where federal or state law mandates to the contrary, in the purchase of supplies or services in which objective factors used to evaluate the submittals received from offerors are assigned point totals, a preference of ten (10) percent of the total evaluation points, or ten (10) percent of the total price, shall be given to a local business.

(c) *Comparison of qualifications.* The preferences established in no way prohibit the right of the city to compare quality of supplies or services proposed for purchase and to compare qualifications, character, responsibility and fitness of all persons, firms or corporations submitting bids or proposals. Further, the preferences established in no way prohibit the right of the city from giving any other preference permitted by law instead of the preferences granted, nor prohibit the city to select the bid or proposal which is the most responsible and in the best interests of the city.

(d) Local hiring requirements. The following local hiring requirements shall be obtained for city-funded projects exceeding two hundred fifty thousand (\$250,000.00).

- (1) The purchasing agent or other city manager designee, working with contractors, shall make every effort to provide significant job opportunities for local residents, including marketing job vacancies with local employment agencies.
- (2) Contractors must detail proposed local hiring and training efforts as part of the bid proposal.
- (3) Contractors are required to submit Community Benefit Plan, which may incorporate local workforce initiatives, as part of their bid proposal.
- (4) The purchasing agent or other city manager designee will monitor and enforce compliance with this chapter.

\* \* \* \* \*

**Section 2.**     **Repeal.** All ordinances or parts of ordinances in conflict herewith are repealed.

**Section 3.**     **Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

**Section 4.**     **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall

remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.** **Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

**Section 6.** **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
ROLAND C. GALDOS  
INTERIM CITY ATTORNEY

SPONSORED BY: VICE MAYOR ALIX DESULME

Moved by: \_\_\_\_\_

Sponsored by: \_\_\_\_\_

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.	_____ (Yes)_____ (No)
Vice Mayor Alix Desulme	_____ (Yes)_____ (No)
Councilman Scott Galvin	_____ (Yes)_____ (No)
Councilwoman Carol Keys, Esq.	_____ (Yes)_____ (No)
Councilman Philippe Bien-Aime	_____ (Yes)_____ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.

RESOLUTION NO. 2015-R-84

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ESTABLISHING A LOCAL PREFERENCE JOB PLAN AND ASSOCIATED JOB REGISTRY TO ENCOURAGE GREATER JOB OPPORTUNITIES FOR NORTH MIAMI RESIDENTS AS A BI-PRODUCT OF PROJECTS RECEIVING CITY FUNDED AWARDS, GRANTS AND SUBSIDIES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, the unemployment rate in the City of North Miami ("City") is extremely high; and

**WHEREAS**, the City awards a substantial amount of dollars in contracts for goods and services each year, and provides substantial funding to support local businesses through various grants and subsidies which results in the creation of a variety of employment opportunities; and

**WHEREAS**, these contracts are funded for with taxpayer dollars and should be performance based in order to promote jobs that will increase consumer income, decrease levels of poverty, invigorate neighborhood businesses and reduce the need for taxpayer-funded social service programs; and

**WHEREAS**, the City desires to build upon its existing local preference initiative found in Section 7-151 of the City Code of Ordinances by developing criteria through the creation of a Local Preference Plan, to encourage the hiring of qualified North Miami residents for City funded projects receiving award or grant subsidies for (but not limited to) capital projects, business recruitment and façade programs; and

**WHEREAS**, the City seeks to establish a Local Preference Job Plan which outlines specific performance based criteria to encourage contractors or companies receiving City funds to set aside a percentage of available jobs for North Miami residents; and

**WHEREAS**, in an effort to implement the goals and objectives of said plan, the City seeks to identify a qualified employment referral agency to assist with the creation of a job registry, program administration, employee training, and matching of local residents with available vacant jobs.

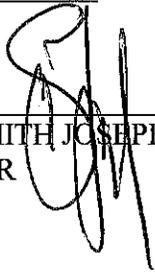
**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Authorization to create a Local Preference Job Plan.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager or his designee to prepare a Local Preference Job Plan.

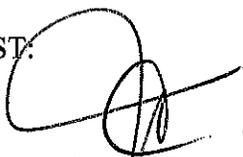
**Section 2. Authorization to establish Job Registry and identify referral agency.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to identify a qualified employment agency to assist with the creation and administration of said job registry.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

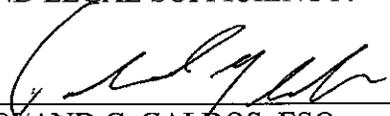
**PASSED AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 8th day of September, 2015.

  
\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
ROLAND C. GALDOS, ESQ.  
CITY ATTORNEY

SPONSORED BY: COUNCILMAN ALIX DESULME

Moved by: Galvin

Seconded by: Desulme

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Carol Keys, Esq.  
Councilman Scott Galvin  
Councilman Philippe Bien-Aime  
Councilman Alix Desulme

<u>X</u>	(Yes)	<u>        </u>	(No)
<u>X</u>	(Yes)	<u>        </u>	(No)
<u>X</u>	(Yes)	<u>        </u>	(No)
<u>X</u>	(Yes)	<u>        </u>	(No)
<u>X</u>	(Yes)	<u>        </u>	(No)