

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: February 15, 2011

☐ Consent ☒ Regular  
☐ Public Hearing

Department: Administration

Submitted By: Administration

Submitted For: Administration

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve on preliminary reading and advertise for public hearing on March 15, 2011 at 9:30 AM: an Ordinance of the Board of County Commissioners of Palm Beach County, amending Ordinance 2003-004, as amended by Ordinance 2004-002, the Palm Beach County Living Wage Ordinance; amending Section 3 Living Wage; providing for captions; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for effective date.

**Summary:** This amendment to the Palm Beach County Living Wage Ordinance provides for the living wage rate to be maintained at the current hourly rate through September 30, 2013, and for the current hourly rate to be used as the basis for calculating the living wage rate adjustment effective October 1, 2013. **Countywide (EC)**

**Background and Policy Issues:** The Palm Beach County Living Wage Ordinance, first enacted by the Board in 2003, establishes a living wage rate that must be paid to all County employees and all employees of contractors and subcontractors working on County contracts for construction related services. Since its enactment, the living wage rate has been raised from \$9.57/hr. to the current rate of \$11.40/hr. in accordance with the annual rate adjustment determined by inflation. The calculation for October 1, 2011, calls for a rate of \$11.64/hr., an increase from the current rate of \$11.40/hr. This amendment will freeze the hourly rate at \$11.40/hr. for a two year period beginning October 1, 2011, through September 30, 2013. The reasons for the "freeze" in the living wage rate is based upon the fact that County employees have not received and are unlikely to receive wage increases in the near future, the County is looking to minimize construction costs for County projects, and it is widely perceived that wage increases have not been prevalent in the private sector. At the end of the freeze period, the current rate of \$11.40/hr. will become the basis for calculating living wage rate adjustment effective October 1, 2013.

**Attachments:**

1. Rate history.
2. Proposed ordinance amending the Palm Beach County Living Wage Ordinance.

Recommended by: \_\_\_\_\_  
Department Director Date

Approved By: \_\_\_\_\_  
County Administration Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	20 <u>11</u>	20 _____	20 _____	20 _____	20 _____
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
 NET FISCAL IMPACT	<u>  X  </u>	_____	_____	_____	_____
 No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
 Object \_\_\_\_\_ Reporting Category \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

*No fiscal impact.*

*Elizabeth Blasen*  
 OFMB  
*SN 2/10/11 PM 2-10-11*

*Dr. J. Jacoby* *2/10/11*  
 Contract Dev. and Control

### B. Legal Sufficiency:

*ETWC*  
 Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
 Department Director

REVISED 9/03

ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

**LIVING WAGE HISTORY**

<b><u>Date</u></b>	<b><u>% increase/decrease</u></b>	<b><u>Adjusted hourly rate</u></b>
10/01/2003	first implemented	\$ 9.57 / hr.
10/01/2004	2.217 % increase	\$ 9.78 / hr.
10/01/2005	2.614 % increase	\$10.04 / hr.
10/01/2006	3.523 % increase	\$10.39 / hr.
10/01/2007	3.194 % increase	\$10.72 / hr.
10/01/2008	2.875 % increase	\$11.03 / hr.
10/01/2009	4.086 % increase	\$11.48 / hr.
10/01/2010	0.674 % decrease	\$11.40 / hr.
10/01/2011	2.069 % increase	\$11.64 / hr. (projected)

ORDINANCE NO. 2011-\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 2003-004, AS AMENDED BY ORDINANCE 2004-002, THE PALM BEACH COUNTY LIVING WAGE ORDINANCE; AMENDING SECTION 3 LIVING WAGE; PROVIDING FOR CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Palm Beach County Living Wage Ordinance was first enacted in 2003 and became effective on October 1<sup>st</sup> of that year; and

WHEREAS, the living wage has been adjusted according to inflation every October 1<sup>st</sup> since 2003, as required by the Living Wage Ordinance; and

WHEREAS, the present state of the economy is such that it has become increasingly difficult for Palm Beach County and its construction contractors and subcontractors to meet rising labor costs and stay within the budgetary constraints of construction contracts covered by the Living Wage Ordinance; and

WHEREAS, employee wage increases for Palm Beach County employees in particular, and the public and private sector in general, have been severely curtailed in recent years due to the economy; and

WHEREAS, keeping the living wage at its current level and not adjusting it again until October 1, 2013, serves a public purpose by aiding Palm Beach County to minimize its construction and labor costs, and also aiding its construction contractors and subcontractors by temporarily stabilizing the living wage; and

WHEREAS, the Board of County Commissioners now desires to amend the Palm Beach County Living Wage Ordinance by adding a provision that stabilizes the living wage at its current level through September 30, 2013, and not adjusting it again until October 1, 2013, using the current living wage as the basis for adjustment; and thereafter resuming annual adjustments as provided for in the Living Wage Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

**Part 1. Ordinance 2003-004, as amended by 2004-002, Section 3. LIVING WAGE, is hereby amended by adding the following provision:**

(G) Notwithstanding anything in this ordinance to the contrary, the Palm Beach County living wage effective on October 1, 2010, shall remain in effect, unchanged and unadjusted, through September 30, 2013. Annual adjustment of the living wage as provided for in this ordinance shall resume on October 1, 2013. The basis for the living wage adjustment effective October 1, 2013, shall be the living wage effective on October 1, 2010, through September 30, 2013.

**Part 2. CAPTIONS.**

The captions, part headings, and part designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

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2 **Part 3. REPEAL OF LAWS IN CONFLICT.**

3 All Palm Beach County ordinances in conflict with any provision of this ordinance are  
4 hereby repealed to the extent of any conflict.  
5

6 **Part 4. SEVERABILITY.**

7 If any part, subpart, section, subsection, paragraph, sentence, clause, phrase, word or  
8 provision of this ordinance is for any reason held by the court to be unconstitutional,  
9 inoperative or void, such holding shall not affect the remainder of this ordinance.  
10

11 **Part 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

12 The provisions of this ordinance shall become and be made a part of the Code of Laws and  
13 Ordinances of Palm Beach County, Florida. The sections of this ordinance may be  
14 renumbered or relettered to accomplish such, and the word "ordinance" may be changed to  
15 "section," "article," or other appropriate word.  
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17 **Part 6. EFFECTIVE DATE.**

18 The provisions of this ordinance shall become effective upon filing with the Florida  
19 Department of State.  
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2 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County,  
3 Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
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6 ATTEST:

7 SHARON R. BOCK, Clerk & Comptroller  
8  
9

10 By: \_\_\_\_\_  
11 Deputy Clerk  
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14 PALM BEACH COUNTY, FLORIDA,  
15 BY ITS BOARD OF COUNTY COMMISSIONERS  
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19 By: \_\_\_\_\_  
20 Karen T. Marcus, Chair  
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23 APPROVED AS TO FORM AND  
24 LEGAL SUFFICIENCY  
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28 By: \_\_\_\_\_  
29 County Attorney  
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32 EFFECTIVE DATE:

33 Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
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