

**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Public Health Trust Nominating Council**

Board of County Commissioners
Stephen P. Clark Government Center
2nd Floor Commission Conference Room
111 NW 1st Street
Miami, Florida 33128

February 22, 2013
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Christopher Agrippa, Division Chief
Clerk of the Board Division

Maryse Fontus, Commission Reporter
(305) 375-4906



**CLERK'S SUMMARY OF MEETING AND OFFICIAL MINUTES
PUBLIC HEALTH TRUST NOMINATING COUNCIL
FEBRUARY 22, 2013**

The Public Health Trust Nominating Council (Council) convened at 8:32 a.m., in the Second Floor Conference Room of the Stephen P. Clark Center, 111 Northwest First Street, Miami, Florida. The following Council members were present: Chairman Marcos Lapciuc; Commissioner Audrey Edmonson; Miami-Dade Legislative Delegation designee Jeanette Nuñez; Deputy Mayor Alina Hudak; Public Health Trust Financial Recovery Board appointees Joe Arriola, Mojdeh Khaghan, Stephen Nuell, and Darryl Sharpton; and South Florida AFL-CIO designee Andy Madtes.

The following staff members were also present: Assistant County Attorneys Eugene Shy, and Valerie Clark-Christian; and Deputy Clerks Karen Harrison and Maryse Fontus.

Also in attendance was Mr. Matt Pinzur.

I. Welcome and Introductions

Chairman Marcos Lapciuc said that he would like to welcome everyone to today's (2/22) meeting, especially Commissioner Edmonson, Representative Nuñez, as well as other dignitaries and colleagues.

II. Explanation of Transition, Appointments, Staggering of Terms, and Timeline

Mr. Lapciuc noted the By-Laws of Chapter 25A of Miami-Dade County's Code were amended to ensure that the transition between the Financial Recovery Board and the Board of Trustees of the Public Health Trust (PHT) would be seamless, and that the May 31st, 2013 sunset deadline would be met. He explained that the second overriding policy consideration was that the Board of Trustees' membership should have some continuity, as it was important to maintain the Board members' wealth of knowledge and experience. The third overriding consideration was that as the Board began its work the terms of its members should be staggered, so that every Board member would not leave at the same time, leaving the Board of Trustees without officers, said Mr. Lapciuc. He stated that he also asked Mr. Carlos Migoya to assist him by meeting with Board members individually to ascertain the terms that they wanted to serve.

Assistant County Attorney Eugene Shy stated that on December 18, 2012, the County Commission members adopted Ordinance No. 12-113 amending Chapter 25A, to reduce the Board of Trustees' membership from 17 to 7, as the Financial Recovery Board (FRB),

with a life of two years and seven members, was more nimble. The Ordinance also provided that the current seven-member FRB would be the first Board of Trustees during the transition. Assistant County Attorney Shy explained that the County Commission also provided for a method of transition by mandating that members be assigned to staggered terms. It also changed the structure of the PHT Nominating Council, and made it a nine-member body.

Assistant County Attorney Shy noted the purposes of today's (2/22) meeting were to approve a timeline, and to consider the staggering of terms. He explained that four members' positions, as well as the AFL-CIO position, which was vacant, needed to be slotted into the available terms. He indicated that one member would be allotted a four-year term; two members would be allotted three-year terms; and two members would be allotted one-year terms; the members who would need to be slotted into these positions included the Chair, Mr. Sharpton, Mr. Arriola, Mr. Nuell, and the AFL-CIO appointee. Assistant County Attorney Shy stressed that this appointment would need to occur soon because the FRB would cease to exist on May 31st. the Board of Trustees would be established on June 1st, and the Board of Trustees did not have an AFL-CIO position.

Mr. Lapciuc pointed out that other than Mrs. Khaghan there would be four PHT-FRB members serving on the voting Committee. He noted Ms. Khaghan was both a member of the Nominating Council and already a sitting PHT-FRB member, as per the appointment of the Mayor. He said that she would not be taking part in today's (2/22) vote and asked whether the other PHT-FRB members should recuse themselves during the votes for the staggered terms.

Assistant County Attorney Shy advised that the County Commission members had already determined that the PHT-FRB members could remain in their positions, they did not have to leave the room and could vote with respect to the staggering of the terms. However, he noted, next time vacancies arose, the members applying for these positions, would be unable to vote.

Mr. Madtes inquired about a timeframe for the appointment of the AFL-CIO member.

Assistant County Attorney Shy noted during today's (2/22) deliberations, the AFL-CIO position would have to be slotted, so that once the position was filled, the appointee would be assigned that slot.

Ms. Nuñez clarified that four current members of the FRB (Lapciuc, Sharpton, Arriola and Nuell), as well as the AFL-CIO appointee would have to be slotted: one would have a four-year term; two would have three-year terms; and two would have one-year terms.

Assistant County Attorney Shy indicated that the Mayor's designee and the Miami-Dade Legislative Delegation representative would have two-year terms.

Mr. Lapciuc asked whether they had been appointed.

Assistant County Attorney Shy said that it was not necessary for the Mayor to send a letter confirming their appointment, because Chapter 25A provided that the current members would be appointed to the Board of Trustees.

Ms. Khaghan pointed out that the date when the new members were supposed to be presented to the Health and Social Services Committee was April 8th, and hopefully the AFL-CIO member would have been appointed by then.

Mr. Madtes indicated that the AFL-CIO appointment would likely be finalized within the next week.

Mr. Nuell asked whether the Board of Trustees would have a one-year slot.

Assistant County Attorney Shy said that the Board would have two one-year slots.

Assistant County Attorney Valerie Clark-Christian explained that these slots would be filled by one of the FRB members, Mr. Lapciuc, thus leaving another one to be filled.

Mr. Nuell observed that the Board of Trustees would have two one-year slots; one four-year slot; two three-year slots; and asked whether there would be no two-year slots.

Assistant County Attorney Shy clarified that the Board would have two two-year slots, but they would be filled by the members from the Miami-Dade Legislative Delegation and the Mayor's office.

Mr. Lapciuc asked whether it would be necessary to vote for every member individually or whether they could consider the four PHT-FRB members in one timeline, and discuss the AFL-CIO member in another timeline.

Assistant County Attorney Shy advised that they did not have to vote for each member individually, as someone could make a general motion regarding the slotting of the members into the Board of Trustees' positions.

Mr. Lapciuc noted all members involved were present. He said that if this was not their preference, they were not forced to serve on this Board; however, if this was their preference, he would entertain a motion for the following members with the corresponding time slots: Joe Arriola for a four-year term; Stephen Nuell for a three-year term; Darryl Sharpton for a three-year term; and Marcos Lapciuc for a one-year term.

Assistant County Attorney Shy advised that the AFL-CIO member would serve for a one-year term.

Mr. Madtes asked Mr. Lapciuc to explain why the AFL-CIO member would serve only for one year.

Mr. Lapciuc noted the following slots were available: one four-year slot; two two-year slots; two three-year slots; and two one-year slots. He said that the members had to vote on this proposal of staggered terms: if everyone agreed to this proposal, the AFL-CIO member would have a one-year term.

Mr. Madtes said that he would like to object to the proposed one-year term for the AFL-CIO member.

Mr. Sharpton said that it would be preferable for the members to move for the proposal to be adopted, open the discussion, and then Mr. Madtes could object, if he wished.

It was moved by Ms. Nuñez that the slots of staggered terms presented by Mr. Lapciuc be adopted. This motion was seconded by Mr. Sharpton, followed by discussion.

Mr. Madtes said that he had lengthy discussions with the organizations that he represented, and he believed that a one-year term was very short for the AFL-CIO member considering that he represented thousands of workers. He pointed out that the learning curve for a new appointee to this Board was steep, and it was very important that the AFL-CIO be represented on this body. He noted over the years, the employees of Jackson Memorial Hospital had made great sacrifices to ensure that the hospital would prosper; they were hoping that the AFL-CIO member would have at least a three-year term because the decisions that would be made by this Board would greatly affect the employees. He stressed that a one-year term seemed a very short period for the AFL-CIO member to fully master all of the issues.

Ms. Khaghan said that nothing would bar the AFL-CIO from re-appointing the same member to this body. She indicated that the By-Laws did not have term limits; therefore, the AFL-CIO would be able to re-appoint the same person.

Mr. Lapciuc clarified that the AFL-CIO member would be able to re-apply, and if successful, be one of three candidates recommended by the Commission.

Assistant County Attorney Clark-Christian advised that the Ordinance provided a certain limit as the individuals who were appointed to serve less than three years could serve three consecutive complete terms of two years; and members who were appointed for three years or more would be eligible to serve one additional term of three years.

Mr. Nuell asked, if the union slot was allotted a one-year position, whether the person who would be appointed to represent the AFL-CIO could be re-appointed as the union representative for an additional three to six years.

Assistant County Attorney Clark-Christian explained that this individual would not necessarily return as an AFL-CIO nominee, but would be eligible to apply for re-appointment, and could potentially serve for an additional three consecutive complete terms of two years.

Mr. Lapciuc clarified that this member would not be appointed under the auspices of the AFL-CIO; rather, this person would be a County Commission appointee and would have to answer to the BCC.

Mr. Nuell noted no impediment existed to the AFL-CIO representative serving more than one year; it just would not be automatic.

Mr. Lapciuc confirmed that no impediment existed to the AFL-CIO representative serving more than one year; but this member would be a BCC appointee.

It was moved by Ms. Nuñez that the slots of staggered terms presented by Mr. Lapciuc be adopted. This motion was seconded by Mr. Sharpton, and upon being put to a vote, passed by a vote of 8-1; (Mr. Madtes voted "No").

Ms. Alina Hudak noted the slate of new Board of Trustees' members would be presented to the Health and Social Services Committee on April 8th, and the Mayor's staff would work with the County Attorneys to draft the appropriate documentation. She indicated that the slate would be presented to the BCC on May 7th, and the terms of the new members would begin on June 1st.

Pursuant to Ms. Khaghan's question as to whether the Board of Trustees' members would need to be present on those dates, Mr. Lapciuc said this would not be necessary.

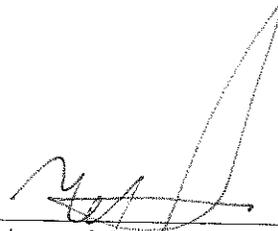
Assistant County Attorney Shy explained that on June 1st, the Board of Trustees of the Public Health Trust would be formally re-established.

Mr. Lapciuc stated that the ceremonial swearing-in could take place at the Committee meeting on April 8th.

It was moved by Mr. Nuell that the timeline be approved, as presented. This motion was seconded by Mr. Sharpton, and upon being put to a vote, passed by a unanimous vote of those members present.

III. Adjournment

There being no other business to come before the Public Health Trust Nominating Council, the meeting adjourned at 8:53 a.m.



Chairman Marcos Lapciuc
Public Health Trust Nominating Council

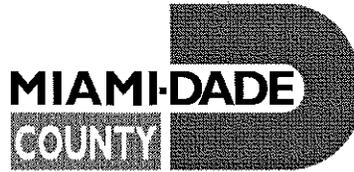


**Public Health Trust
Nominating Council
February 22, 2013**

Prepared by: Maryse Fontus

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	2/22/13		Agenda
2	2/22/13		Timeline
3	2/22/13		Ordinance 12-113
4			
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PUBLIC HEALTH TRUST NOMINATING COUNCIL

AGENDA

February 22, 2013

8:30 a.m.

**Stephen P. Clark Center
2nd Floor Conference Room**

Welcome and Introductions

Chairman Marcos Lapciuc
Chair, PHT Nominating Council

**Explanation of Transition, Appointments,
Staggering of Terms, and Timeline**

Eugene Shy Jr.
Assistant County Attorney

**Approval of Appointments, Staggering of Terms,
and Timeline**

Chairman Marcos Lapciuc
Chair, PHT Nominating Council

Adjournment

Chairman Marcos Lapciuc
Chair, PHT Nominating Council

Attachments:

- Chapter 25A
- Proposed Timeline
- BCC Calendar

2013 Public Health Trust Nominating Council Timeline

Feb 22, 2013	PHT Nominating Council convenes Discuss transition and approve appointments, staggering of terms and timeline.
April 8, 2013 2:00pm	PHT Board of Trustees slate presented to the Health and Social Services Committee – Chaired by Audrey Edmonson Agenda item due to Mayor's Office by March 8 th
May 7, 2013 9:30am	PHT Board of Trustees slate presented to Board of County Commissioners
June 1, 2013	Commencement of Terms of the Re-established Public Health Trust Board of Trustees





MEMORANDUM

Amended

Agenda Item No. 7(C)

(Second Reading 12-18-12)

July 3, 2012

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE:

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT:

Ordinance amending Chapter
25A of the Code relating to
reducing voting membership
of the Board of Trustees of the
Public Health Trust from
seventeen (17) to seven (7)
members

ORD# 12-113

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez and Co-Sponsors Commissioner Lynda Bell, Commissioner Esteban L. Bovo, Jr., Commissioner Jose "Pepe" Diaz, Commissioner Barbara J. Jordan, and Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: December 18, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Reducing Voting Membership of the Board of Trustees of the Public Health Trust

The proposed ordinance amends Chapter 25A of the Code, reducing the voting membership of the Board of Trustees of the Public Health Trust (PHT) from seventeen (17) to seven (7) members, deleting the ex officio member classification, and provides for a transition process from the Financial Recovery Board to the reestablished Board of Trustees. The implementation of this ordinance will not have a fiscal impact to the County.



Alina T. Hudak
Deputy Mayor/County Manager

Fis8412



MEMORANDUM

(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 18, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

Amended
SUBJECT: Agenda Item No. 7(C)

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
- 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 _____
Override _____

Amended
Agenda Item No. 7(C)
12-18-12

ORDINANCE NO. 12-113

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO REDUCING VOTING MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST FROM SEVENTEEN (17) TO SEVEN (7) MEMBERS; DELETING EX OFFICIO MEMBER CLASSIFICATION; AND PROVIDING FOR TRANSITION FROM THE FINANCIAL RECOVERY BOARD TO THE REESTABLISHED BOARD OF TRUSTEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 25A-3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 25A-3. Governing body.

* * *

(a) *Composition.* The governing body of the Trust shall be a Board of Trustees composed of seven~~teen~~ ~~(17)~~ voting members none of whom shall be employees of the Trust. >>Provided further that, if required by applicable law, regulation, or accreditation body, the governing body shall include at least one (1) member who is a physician authorized to practice medicine in the State of Florida.<<~~[[The voting membership shall include a member of the University of Miami Board of Trustees and a member of Florida International University Board of Trustees. In addition, the voting membership shall include the Chairperson of the Board of County Commissioners and a Commissioner designated by the Chairperson, or, alternatively, in his or her~~

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.

~~discretion, the Chairperson of the Board of County Commissioners may designate two (2) Commissioners to serve as voting members.]] The [[remaining]] voting membership shall be selected in accordance with Section 25A-3(d).~~

~~[[Additionally, the following shall be non-voting, ex officio members of the Board of Trustees: the Director, Office of Countywide Healthcare Planning; the Senior Vice President of Medical Affairs; Dean, University of Miami School of Medicine; Dean, Florida International University School of Medicine; the Senior Vice President of Patient Care Services; Dean, University of Miami School of Nursing; the President of the Public Health Trust Medical Staff; and one of the Presidents from the local collective bargaining units representing employees of the Trust, who shall be selected by all such unit Presidents.]]~~

* * *

(d) *Appointment and removal of Trustees.* >>Five (5)
<<Voting Trustees shall be appointed by resolution of the Board of County Commissioners after having been selected by the Commission from persons nominated by a Nominating Council established and described herein. >>Prior to September 1st of each year, the Nominating Council shall submit to the Commission a list of nominees containing a total number of names which is equal to one (1) nominee for each vacancy on the Board of Trustees plus two (2) additional nominees. The Commission shall select and appoint the voting Trustees from the list of nominees submitted by the Nominating Council. The Nominating Council shall select each nominee by individual majority vote. In the event of a tie vote, the candidate shall not be designated as a nominee.

(1) <<The Nominating Council, hereinafter known as the Public Health Trust Nominating Council, shall be comprised of the following >>nine<<[[five]] ([[5]])>>9<< voting members: ~~[[the Chairperson of the Commission committee of jurisdiction for the Public Health Trust, or a Commissioner of that committee designated by the committee Chairperson;]]~~ >>five (5) voting Trustees<< ~~[[the Chairperson]]~~ of the Public Health Trust>>as designated by the Chairperson of the Public Health Trust<<; >>the President of the South Florida AFL-CIO or his or her designee; <<the Chairperson of the Board of County Commissioners or a Commissioner designated by the Chairperson; the Mayor or his or her designee; and the Chairperson of the Miami-Dade Legislative Delegation or another member of the delegation appointed by

5

Chairperson of the Miami-Dade Legislative Delegation. The Chairperson of the Trust shall >>chair the Nominating Council. The presence of five (5) Council members shall be necessary and sufficient to constitute a quorum for the transaction of business at all meetings of the Nominating Council. ~~<< [[not serve on the Nominating Council-w]] >>~~ W~~<<~~hen being considered for reappointment~~>>~~,~~<< [[and shall appoint a]] >>~~ any voting~~<<~~Trustee >>under consideration shall absent himself or herself from the Nominating Council meetings during the discussions on the reappointment and shall not vote on, or participate in any way, in said matter~~<< [[to replace him or her]].~~ The ~~[[County Manager]]~~ >>Mayor~~<<~~ and the County Attorney shall provide appropriate staff support to the Council. The sole function of the Nominating Council shall be to solicit, screen >>(including, but not limited to, reference reviews and background screening of each nominee)~~<<~~, interview and recommend for appointment the best qualified candidate for each vacancy on the Trust Board. The membership of the Board of Trustees should be representative of the community at large and should reflect the racial, gender, ethnic and disabled make-up of the community. The Council should consider the most current demographic statistics from Miami-Dade County. Said Council and the procedures under which it will operate shall be approved by the Board of County Commissioners. All meetings of the Nominating Council shall be audio recorded and minutes of the proceedings shall be transcribed and maintained by the Clerk of the Board of the County Commission. ~~[[Prior to September 1st of each year, the Nominating Council shall submit to the Commission a list of nominees containing a total number of names which is equal to one (1) nominee for each vacancy on the Trust Board plus two (2) additional nominees. The Commission shall select and appoint the voting trustees from the list of nominees submitted by the Nominating Council.]]~~

>>(2) The Commission may ratify appointment of the remaining Voting Trustees as follows: One (1) member of the Trust Board shall be designated by the Mayor in writing, and a copy thereof shall be filed with the Clerk of the Commission; one (1) member of the Trust Board shall be designated by the Chairperson of the Miami-Dade Legislative Delegation in writing, and a copy thereof shall be filed with the Clerk of the Commission. Upon receipt of any written designation to fill a designated vacancy by the Mayor or the Chairperson of the Miami-Dade Legislative Delegation, the Clerk of the Commission shall serve copies on the Nominating Council. The Nominating Council shall conduct reference reviews

and background screening for each designee. Upon completion, the Council shall submit the results to the Clerk of the Commission. The Clerk shall serve copies of the written designations and the review and screening results to the Commission. The designations then shall be presented at the next regularly scheduled Commission meeting for review. Absent any disapproval at the next regularly scheduled Commission meeting, the designees shall be deemed ratified by the Commission and shall be deemed appointed to the Trust Board.

(3) At anytime that the Commission has established a Financial Recovery Board under Section 25A-9(c)(5) herein, then upon expiration thereof, the members of the Recovery Board shall become the Voting Trustees of the reestablished Board of Trustees. The Nominating Council shall convene not less than ninety (90) days prior to the conclusion of the tenure of Financial Recovery Board for the purpose of assigning the members of the expiring Recovery Board to staggered initial terms as voting members of the reestablished Board of Trustees and submitting said assignments to the Commission for ratification and appointment by resolution. The Nominating Council shall stagger the initial terms for the voting members of the reestablished Board of Trustees as follows: (i) one (1) voting member designated by the Nominating Council shall serve an initial term of four (4) years; (ii) two (2) voting members designated by the Nominating Council shall serve an initial term of three (3) years; (iii) two (2) voting members designated by the Nominating Council shall serve an initial term of one (1) year; and (iv) the two (2) voting members designated by the Mayor or Miami-Dade Legislative Delegation shall serve an initial term of two (2) years each. Voting members appointed to the reestablished Board of Trustees for a term of less than three (3) years shall remain eligible to serve three (3) consecutive and complete terms of two (2) years. Voting members appointed to an initial term of three (3) or more years shall be eligible to serve one (1) additional term of three (3) years.<<

In the event of a vacancy during the term of a voting Trustee, the Trust shall notify the Commission of the vacancy and shall request that it be filled as part of the annual appointment process or by special convening of the Public Health Trust Nominating Council.

A Trustee may be removed by a majority vote of the Board of County Commissioners for cause.

(e) *Tenure of Trustees.* ~~[[The]]>>Three (3) of the<< voting Trustees >>designated by the Nominating Council<< shall serve staggered terms of three (3) years each. [[No]]>>Said<< voting Trustee>>s<< shall be permitted to serve >>no<< more than ~~[[three]]>>two<< ([[3]]>>2<<)~~ consecutive and complete terms of three (3) years each. >>The remaining voting Trustees shall serve staggered terms of two (2) years each. Said voting Trustees shall be permitted to serve no more than three (3) consecutive and complete terms of two (2) years each.<< ~~[[Subsequent to September 1, 2003, no voting Trustee shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each, provided however, that this six year term limitation shall not apply to incumbent voting Trustees appointed prior to September 1, 2003. The Board of County Commissioners, by a two-thirds (2/3) vote of its members, then in office, may waive this term limitation requirement.]]~~ The term of a ~~[[Commissioner]]>>designee of the Mayor<< shall be coterminous with the term of the appointing [[Commission Chairperson]] >>Mayor<< and until the successor [[Commission Chairperson]]>>Mayor<< replaces the~~ [[Commissioner]]>>designee. The term of a designee of the Miami-Dade Legislative Delegation shall be coterminous with the term of the appointing Chairperson of the Miami-Dade Legislative Delegation and until the successor Chairperson replaces the designee<<.~~

* * *

Section 2. Section 25A-9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 25A-9. - Financial Sustainability.

It is the intent of the Commission to promote, protect, maintain, and improve the health and safety of all residents and visitors of Miami-Dade County through a fully functioning and sustainable public health trust.

* * *

(c) *Assistive measures.* Upon notification by the Trust or another party that one or more of the conditions in Subsection (a) have occurred or likely will occur, the Commission shall determine whether the Trust needs assistance to resolve or prevent the

condition. If assistance is needed, the Commission may implement assistive measures which may include any one, or any combination of, the following:

* * *

(5) *Financial Recovery Board.* The Commission may establish a Financial Recovery Board ("Recovery Board"). The County Commission's determination to establish a Recovery Board shall be by adoption of a resolution setting forth the time period such Board shall be in existence and the types of Board action which may be vetoed by the Commission and the timetables and procedures for exercise of such veto authority. Actions of the Recovery Board subject to Commission veto shall be filed by the Recovery Board with the Clerk of the County Commission, who shall place same on the next regularly scheduled County Commission agenda for County Commission consideration without the requirement for committee review. Such actions of the Recovery Board shall become effective upon the adjournment of the next regularly scheduled County Commission meeting unless vetoed by an affirmative vote of two-thirds (2/3) of those Commissioners then in office. A County Commission veto of any action taken by the Recovery Board shall be final and determinative.

* * *

During the tenure of the Recovery Board, the provision of Sections 25A-3(d) (Appointment and removal of Trustees), and 25A-3(e) (Tenure of Trustees), herein shall not apply. The Application of Sections 25A-3(d) and 25A-3(e), herein shall commence on the conclusion of the tenure of the Recovery Board. The Nominating Council set forth in Section 25A-3(d), herein shall convene in accordance with such section>>, except that the membership shall include five (5) members of the Financial Recovery Board in lieu of the voting Trustees of the Board of Trustees,<< not less than ~~[[one hundred twenty]]~~ >>ninety<< ([[12]]>>9<<0) days prior to the conclusion of the tenure of the Recovery Board for the purpose of ~~[[selecting the voting members required by Section 25A-3(b) (Qualifications), herein]]~~ >>assigning members of the expiring Recovery Board to staggered initial terms as voting members of the reestablished Board of Trustees and submitting said assignments to the Commission for ratification.<<

(ii) *Recovery Board structure.*

(A) Composition and Qualifications. The Recovery Board shall be composed of seven (7) voting members, none of whom shall be an employee of the Trust. Each member of the Recovery Board shall be a United States citizen and a permanent resident and duly qualified elector of Miami-Dade County, unless the Commission waives the residency requirement in its discretion. Each member of the Recovery Board shall be of an outstanding reputation of integrity, responsibility and commitment to serving the community.

Each member of the Recovery Board shall have experience in hospital operations, management, finance, business or other experience relevant to the Recovery Board's duties and responsibilities. No member of the Recovery Board shall have any conflict of interest, as defined in the Conflict of Interest Ordinance, with the Trust or its designated facilities. Members of the currently sitting Board of Trustees, or former Board of Trustees members, who meet the qualifications provided herein, may be nominated to serve on the Recovery Board. A member of the Recovery Board may be removed for cause by a majority vote of the Board of County Commissioners.

* * *

(D) Term. The Recovery Board shall serve for no longer than twenty-four (24) months, or such shorter or longer period of time as determined by resolution of the Commission. The Recovery Board may recommend shortening or lengthening its tenure by submitting to the Commission a duly enacted resolution of the Recovery Board. The Commission shall consider any such resolution, however, the Commission shall be under no obligation to take affirmative action upon the recommendation. The Commission may consider, among other factors, whether the conditions specified in Subsection (a) have resolved, or are likely to resolve promptly, when determining whether to shorten or lengthen the Recovery Board's term. Upon conclusion of the term of the Recovery Board, the Board of Trustees shall be reestablished. >>The initial appointments to the reestablished Board of Trustees shall include all members of the expiring Recovery Board. Each voting Trustee shall serve the terms they are appointed to in accordance with Section 25A-3(d) (Appointment and removal of Trustees). Following the reestablishment of the Board of Trustees, all subsequent vacancies shall be addressed<< in accordance with the nominating process set forth in Sections

25A-3(d) (Appointment and removal of Trustees) and 25A-9(c)(6)
(Financial sustainability), herein.

* * *

Section 3. This ordinance shall supersede those provisions of any existing ordinance, resolution or policy in conflict herewith.

Section 4. 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 5. 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 6. 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:

Approved by County Attorney as
to form and legal sufficiency:


RAC for VCC

Prepared by:
Eugene Shy, Jr.
Valda Clark Christian

Prime Sponsor: Chairman Joe A. Martinez
Co-Sponsors: Commissioner Lynda Bell
Commissioner Esteban L. Bovo, Jr.
Commissioner Jose "Pepe" Diaz
Commissioner Barbara J. Jordan
Commissioner Rebeca Sosa

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