



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

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

July 24, 2013  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Christopher Agrippa, Division Chief  
Clerk of the Board Division

Alan Eisenberg, Commission Reporter  
(305) 375-2510



**CLERK'S SUMMARY OF MEETING AND OFFICIAL MINUTES  
PUBLIC HEATH TRUST NOMINATING COUNCIL  
July 24, 2013**

The Public Health Trust (PHT) Nominating Council convened a meeting on August 7, 2013 at 1:32 p.m. at the Stephen P. Clark Center, 111 N.W. 1<sup>st</sup> Street, 2nd Floor Conference Room, Miami, FL 33128.

The following Board members were present: Chairman Darryl Sharpton, Joe Arriola, Commissioner Audrey Edmonson, Deputy Mayor Alina Hudak, and Marcos Lapciuc.

The following Board members were absent: Michael Bileca, Mojdeh Khaghan, Andy Madtes, and Jeanette Nunez.

The following staff members were present: Christina Crespi, Office of the Mayor; Assistant County Attorneys Valda Christian and Eugene Shy; Tracie Auguste, Commission District 3; and Deputy Clerk Alan Eisenberg.

**1. Welcome and Introductions**

Chairman Sharpton welcomed PHT Nominating Council members and staff to today's (7/24) meeting and proceeded to ask all the members present to introduce themselves for the record.

**2. Explanation of Nominating Process and Review of Existing Vacancy**

Chairman Sharpton recalled that an overview of the role of this body was discussed at the previous meeting. He stated that the purpose of today's (7/24) meeting was to establish a selection process and timeframe to fill the PHT vacancy.

Assistant County Attorney Eugene Shy explained that this meeting was a special meeting to fill the PHT vacancy due to the resignation of Mr. Stephen Nuell and was not considered the annual appointment process. He noted the following items needed to be approved: the PHT Nominating Council Timeline; the Advertisement to Solicit Interested Candidates; and the Application for Nomination to serve on the PHT Board of Trustees.

Assistant County Attorney Shy pointed out that in accordance with Sec. 25A-3 (d) (1), "the sole function of the Nominating Council shall be to solicit, screen (including, but not limited to, reference review and background screening of each nominee), interview and recommend for appointment the best qualified candidate for each vacancy on the Trust Board. He also pointed out that "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".

Assistant County Attorney Shy advised that the PHT Nominating Council would submit the recommendation of one nominee for the vacancy plus two additional nominees to the Board of County Commissioners (BCC), and the BCC would then select and appoint the voting member of the Board of Trustees from that list of three recommendations.

Assistant County Attorney Shy said that the term of the position to be filled would end on May 31, 2014, noting that all Board of Trustees' terms were staggered and expired on May 31 of the applicable year of expiration. He pointed out that this appointment was only for the balance of the existing one-year term which expires on May 31, 2014. Assistant County Attorney Shy noted the term for Ms. Irene Lipoff would also expire on May 31, 2014.

### **3. Review and Approve Proposed Timeline, Advertisement and Application**

Chairman Sharpton noted the application, advertisement process, and timeframe were reviewed at the previous meeting. He stated that he subsequently received a template from staff, which would be used to summarize the applicants' qualifications. Chairman Sharpton pointed out that the PHT Nominating Council previously agreed that the same interview questions would be presented to all candidates.

Commissioner Edmonson inquired and it was confirmed that the proposed application was the same application used for previous PHT Trustee nominations.

Assistant County Attorney Shy mentioned that the process was largely the same as previously used.

Mr. Arriola noted he believed that previous interviews were not conducted by a committee.

Deputy Mayor Hudak clarified that the PHT Nominating Council always conducted interviews, noting the Council membership was governed by the County Code and the Council did not consist of the entire PHT membership.

Assistant County Attorney Shy clarified that the PHT Nominating Council consisted of the PHT Chair, the Vice Chair in the event the Chair was being nominated, three County Commissioners and the Chairperson of the Miami-Dade County Legislative Delegation.

Chairman Sharpton asked PHT Nominating Council members to review the PHT Nominating Council Timeline.

Deputy Mayor Hudak explained that the proposed timeline was created in order to meet the BCC Committee and BCC approval deadlines. She noted there was some flexibility in the scheduling; however, the deadline was September 5 - 6, 2013 in order to place the PHT Nominating Council's recommendations on the agenda.

In response to Chairman Sharpton's question regarding the scheduling, Ms. Christina Crespi confirmed that the dates were pushed back in order for the process to be completed by September.

Commissioner Edmonson and Mr. Marcos Lapciuc both expressed concern that there was only one week between the advertisement date and the deadline to submit applications.

Ms. Crespi suggested August 13, 2013 as the deadline to submit applications, noting the process was previously completed between one to two weeks.

Deputy Mayor Hudak stated that the response rate often varied and that she believed staff could send PHT Nominating Council members the applications and summarized matrix by August 20, 2013; however, this could be impacted by the number of applications received.

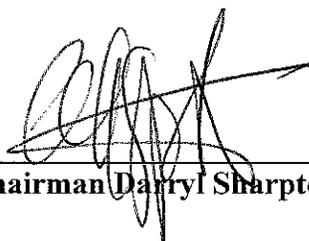
It was moved by Commissioner Audrey Edmonson that the application submission deadline date as listed in the timeline be amended from August 6, 2013 to August 13, 2013. This motion was seconded by Mr. Marcos Lapciuc and upon being put to a vote, passed by a vote of 5-0.

Chairman Sharpton inquired whether there were any questions about the proposed advertisement sources as listed in the timeline, to which there were none.

It was moved by Mr. Marcos Lapciuc that the PHT Nominating Council Timeline as amended; the Advertisement to Solicit Interested Candidates; and the Application for Nomination to serve on the PHT Board of Trustees be approved. This motion was seconded by Commissioner Audrey Edmonson and upon being put to a vote, passed by a vote of 5-0.

#### **4. Adjournment**

There being no further business, the PHT Nominating Council meeting adjourned at 1:49 p.m.

  
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Chairman Darryl Sharpton



Public Health Trust Nominating Council  
July 24, 2013

Prepared by: (Type Name Here)

**EXHIBITS LIST**

NO.	DATE	ITEM #	DESCRIPTION
1	07/24		Meeting Agenda
2	07/24		Chapter 25A Miami-Dade County, Florida, Code of Ordinances
3	07/24		Resolution approving and ratifying staggered initial terms for members of the reestablished Board of Trustees of the Public Health Trust
4	07/24		2013 Public Health Trust Nominating Council Timeline
5	07/24		2013 Calendar of the Miami-Dade County Board of County Commissioners
6	07/24		2013 Deadlines to submit agenda items for committee meetings
7	07/24		2013 Deadlines for BCC items not requiring committee review
8	07/24		Proposed Advertisement: Opening for the Board of Trustees of the Public Health Trust
9	07/24		2013 Application for nomination to serve on the Board of Trustees of the Public Health Trust of Miami-Dade County
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## **PUBLIC HEALTH TRUST NOMINATING COUNCIL**

### **AGENDA**

**July 24, 2013**

**1:30 p.m.**

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

**Welcome and Introductions**

**Chairman Darryl Sharpton  
PHT Nominating Council**

**Explanation of Nominating Process and  
Review of Existing Vacancy**

**Eugene Shy Jr.  
County Attorney**

**Review and Approve Proposed Timeline,  
Advertisement and Application**

**Chairman Darryl Sharpton  
PHT Nominating Council**

**Adjournment**

**Chairman Darryl Sharpton  
PHT Nominating Council**

#### **Attachments:**

**Chapter 25A  
Resolution – Terms of current PHT members  
Proposed Timeline  
Commission Calendar and deadlines  
Proposed Advertisement  
Proposed Application**

Miami - Dade County, Florida, Code of Ordinances >> PART III - CODE OF ORDINANCES >> Chapter  
25A - PUBLIC HEALTH TRUST >>

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**Chapter 25A - PUBLIC HEALTH TRUST <sup>MI</sup>**

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- Sec. 25A-1. - Creation of Trust.
- Sec. 25A-2. - Designated facilities and transfer of property in trust.
- Sec. 25A-3. - Governing body.
- Sec. 25A-4. - Powers and duties of the Trust.
- Sec. 25A-5. - Financial support for the Public Health Trust.
- Sec. 25A-6. - Supporting services.
- Sec. 25A-7. - General provisions of the Trust.
- Sec. 25A-8. - [Hospital exception.]
- Sec. 25A-9. - Financial Sustainability.

**Sec. 25A-1. - Creation of Trust.**

There is hereby created and established by authority of Chapter 73-102, Laws of Florida 1973, as an agency and instrumentality of Miami-Dade County, a revocable statutory trust the terms of which may be modified by Miami-Dade County, which Trust shall be named and known as the "Public Health Trust of Miami-Dade County, Florida" (hereinafter also referred to as the "Trust"). The Trust shall be a public body corporate and politic which, through its governing body, may exercise all those powers either specifically granted herein or necessary in the exercise of those powers herein enumerated.

(Ord. No. 73-69, § 1, 7-30-73; Ord. No. 91-63, § 1, 6-18-91)

**Sec. 25A-2. - Designated facilities and transfer of property in trust.**

- (a) *Designated facilities.* The Trust, acting through its governing body as hereinafter defined, shall be responsible for the operation, maintenance and governance of the following facilities which are hereby declared to be "designated facilities" as that term is defined and used in Chapter 73-102, Laws of Florida 1973:

Jackson Memorial Hospital and all related facilities and real and personal property used in connection therewith either presently existing or which may come into existence in which Miami-Dade County has a legal interest and which are located within the area bounded by NW 15 Avenue on the west, NW 20 Street on the north, NW 7 Avenue on the east, and NW 14 Street on the south; and all facilities and real and personal property which the Trust may acquire pursuant to the terms of this chapter.

By resolution, the Board of County Commissioners may designate additional facilities or declassify and remove from the jurisdiction of the Trust facilities which have previously been designated.

- (b) *Transfer of property in trust.* Pursuant to the provisions of this chapter, the Trust shall have possession and operating control of, but not title to, all real property within the meaning of "designated facilities," as that term is defined by this chapter. Title to all items of personal property within the meaning of "designated facilities," as that term is defined by this chapter, shall be transferred to the Trust to be held in trust pursuant to the provisions of this chapter,

provided however, that the Trust shall be empowered to sell or otherwise lawfully dispose of such personal property.

(Ord. No. 73-69, § 2, 7-30-73; Ord. No. 91-63, § 1, 6-18-91)

### Sec. 25A-3. - Governing body.

- (a) *Composition.* The governing body of the Trust shall be a Board of Trustees composed of seven (7) 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 be selected in accordance with Section 25A-3 (d).
- (b) *Qualifications.* Each member of the Board of Trustees shall be a United States citizen and a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community. Before entering upon the duties of office, each appointee to voting membership on the Board of Trustees shall give bond in the amount of one hundred thousand dollars (\$100,000.00) to the Clerk of the Commission for the faithful performance of the duties of office and shall take the prescribed oath of office. Trustees shall serve without compensation but shall be entitled to reimbursement for necessary expenses, including the expense of performance bonds, incurred in the discharge of their duties.
- (c) *Modified applicability of Conflict of Interest and Code of Ethics Ordinance.* The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (hereinafter referred to as the "Conflict of Interest Ordinance"), Section 2-11.1. of the Code of Miami-Dade County, Florida, shall be applicable to the members of the Board of Trustees of the Public Health Trust only in the manner and to the extent hereinafter provided. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Trustees on the basis of interests relating to Miami-Dade County when such interests do not conflict with the Trust.

Wherever in the Conflict of Interest Ordinance reference is made to Miami-Dade County, that reference shall be deemed and construed to be a reference to the Public Health Trust; wherever in the Conflict of Interest Ordinance reference is made to the Board of County Commissioners, that reference shall be deemed and construed to be a reference to the Board of Trustees of the Public Health Trust; and wherever in the Conflict of Interest Ordinance reference is made to the Commissioners of the Board of County Commissioners, that reference shall be deemed to be a reference to the voting members of the Board of Trustees of the Public Health Trust.

- (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 (9) voting members: five (5) voting

Trustees 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 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. When being considered for reappointment 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. The 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.

- (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 any time 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.* Three (3) of the voting Trustees designated by the Nominating Council shall serve staggered terms of three (3) years each. Said voting Trustees shall be permitted to serve no more than two (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. The term of a designee of the Mayor shall be coterminous with the term of the appointing Mayor and until the successor Mayor replaces the 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.
- (f) *Organization, powers and duties of the Board of Trustees.* The Board of Trustees shall organize after the members thereof have qualified to serve and shall elect one (1) of its voting members as Chairperson and one (1) of its voting members as Vice-Chairperson and shall designate a Secretary who may or may not be a member of the Board, and such other officers as the Board of Trustees may determine to be necessary. In addition:
- (1) The Board of Trustees shall hold regular meetings in accordance with the bylaws of the Trust and the Board may hold such other meetings as it deems necessary. The Trust shall hold and televise regular meetings of the Board of Trustees in Commission chambers. The regular meetings shall not conflict with the meeting schedule for the Board of County Commissioners or its committees. At the discretion of the Trust, other meetings may be held and televised in the Commission chambers. The Trust shall request use of Commission chambers for regular or other meetings of the Board of Trustees through the Chairperson of the Board of County Commissioners. The Chairperson of the Board of County Commissioners shall have final authority to approve the scheduling of such regular or other meetings of the Board of Trustees in the Commission chambers. A copy of each agenda item for regular meetings of the Board of Trustees shall be furnished to the voting members of the Board of Trustees not later than four (4) working days before a vote may be called on the item. The provisions of this four (4) day requirement shall be deemed waived unless asserted by a voting member before the Board of Trustees takes action on the resolution, motion or other item in question. If any regular, special or other meeting of the Board of Trustees held in Commission chambers shall commence or continue past regular working hours of County staff whereby overtime charges or other expenses are incurred, then the Trust shall not be charged, billed or obligated to pay or reimburse the County for any such overtime charges or other expenses. Except as provided by

law, all meetings of the Board shall be public and audio recorded and written minutes of the proceedings thereof shall be maintained by the Office of Internal Audit, as such term is hereafter defined. All actions taken at the meetings of the Board shall be promptly and properly recorded. Copies of all minutes and resolutions of the Board shall be forwarded to the Clerk of the Board of County Commissioners no later than ten (10) days subsequent to any meeting of the Board of Trustees.

- (2) In exercising the powers and carrying out the duties otherwise provided by this chapter, the Board of Trustees shall have the powers, duties, and responsibilities customarily vested in Trustees and, to the extent not in conflict therewith, shall also have the powers, duties and responsibilities customarily vested in the Board of Directors of a private corporation.
- (3) As governing body of the Trust, the Board of Trustees shall exercise supervisory control over the operation, maintenance, and governance of all designated facilities and of all functions and activities taking place in connection with the operation of designated facilities.
- (4) The Board of Trustees shall make, adopt and amend bylaws and rules and regulations for the Board's governance and for the operation, governance, and maintenance of designated facilities. Such bylaws and amendments thereto shall not be valid until approved by the Board of County Commissioners and shall not, without approval of the Commission, be inconsistent with ordinances of the County. Unless otherwise provided in the bylaws approved by the Board of County Commissioners, no item shall be placed on an agenda of a regular meeting of the Board of Trustees or considered by the Board of Trustees, unless the item has been considered first by a committee of the Board of Trustees and forwarded after such consideration to the full Board of Trustees as hereinafter provided. A committee of the Board of Trustees may take one of the following actions with respect to each matter before the committee for action:
  - (i) Recommend favorably;
  - (ii) Recommend favorably with committee amendment(s);
  - (iii) Forward without recommendation, upon the unanimous vote of the members of the committee who are present;
  - (iv) Receive a report;
  - (v) Lay the matter on the table resulting in the matter not being placed on an agenda of the Board of Trustees; or
  - (vi) Defer or take no action on an item for a maximum of two consecutive committee meetings. Deferral of or failure to act on a matter beyond two consecutive meetings shall cause the matter to be laid on the table, as set forth in the preceding subparagraph. Notwithstanding any other provision of this section, whenever action can not be taken because the vote of the committee members on an item has resulted in a tie, and no other available motion on an item is made and approved before the next item is called for consideration or before a recess or adjournment is called, whichever occurs first, the item shall be deemed to be laid on the table, as set forth in the preceding subparagraph; such item shall be reintroduced only in accordance with the renewal provisions of subparagraph (x) of this section.
  - (vii) An item that has not been considered by a committee may be placed on the agenda of the Board of Trustees if the chairperson of the committee to which

- the item has been referred requests a waiver in writing and the Chairperson of the Board of Trustees concurs.
- (viii) A matter that has not been considered by a committee may be placed on the agenda of the Board of Trustees to meet a public emergency of the Public Health Trust as determined in writing by the Chairperson of the Board of Trustees. Time sensitive matters with little or no financial impact may be placed on an agenda of the Board of Trustees by the Chairperson of the Board of Trustees without having been considered by a committee.
  - (ix) Any committee action taken pursuant to subparagraph (i) through (vi) of this section may be reconsidered only at the same meeting at which the action was taken. A motion to reconsider an item resulting in a tie vote is out of order and no such motion may be reconsidered.
  - (x) Once an item is laid on the table in a committee, the proposed item may not be brought before that committee again during the three (3) month period following the date the item is laid on the table (subject to the provisions of subparagraph (ix) hereof), unless an application for renewal made by two-thirds (2/3) of the committee members is first submitted to the chairperson of the committee.
  - (xi) The following matters may be heard directly by the Board of Trustees: special or citizen's presentations; resolutions recommending to the Commission the naming or renaming of Trust designated facilities; settlements; resolutions related to contract lobbyist conflict waiver requests; and resolutions expressing intent. In addition, the Trust bylaws, adopted in accordance with this Chapter, may delineate additional matters that may be heard directly by the Board of Trustees without committee deliberation.
- (5) The Board of Trustees shall be empowered to appoint a Chief Executive Officer of the Trust and to remove such an appointee. There shall be a special Trust Compensation and Evaluation Committee which shall consist of seven (7) voting members including the Chairperson of the Public Health Trust, three (3) Trustees appointed by the Chairperson of the Public Health Trust, the Mayor or a Commissioner designated by the Mayor and the Chairperson of the Board of County Commissioners and a Commissioner designated by the Chairperson, or, alternatively, in the discretion of the Commission Chairperson, two (2) Commissioners designated by the chairperson of the Board of County Commissioners. The special Compensation and Evaluation Committee shall make recommendations to the Trust through the Trust Executive Committee regarding compensation for the Trust Chief Executive Officer. The Board of Trustees shall annually evaluate the performance of the Trust Chief Executive Officer and refer such evaluation to the special Trust Compensation and Evaluation Committee for the compensation recommendation it deems appropriate, based on the Board's performance evaluation of the Trust Chief Executive Officer.
- (6) There shall be a Trust/Medical Schools Annual Operating Agreement Negotiating Committee (the "Trust/Medical Schools AOA Committee"). The Trust Chief Executive Officer shall have responsibility to negotiate the Annual Operating Agreements with the University of Miami and Florida International University and shall submit their recommendations regarding the Annual Operating Agreements to the Trust/Medical Schools AOA Committee for its review and approval. The Trust/Medical Schools AOA Committee shall make recommendations regarding the Annual Operating Agreements to the Board of Trustees. The Trust/Medical Schools AOA Committee shall consist of seven (7) voting members including the Chairperson of the Public Health Trust, four

- (4) Trustees appointed by the Chairperson of the Public Health Trust, the Mayor or designee, and the Chairperson of the Board of County Commissioners or designee.
- (g) *Designation of office space and the hiring of staff.* It shall be within the discretion of the Trust to designate office space and to hire staff to direct and coordinate Trust activities.
- (h) *Protection from personal liability.* The Trustees shall be included as insured within the terms of the comprehensive general and professional liability insurance policies of the County for the protection of individual members of County boards while such members are acting within the scope of their duties. The Trustees shall while acting within the scope of their duties also be entitled to personal liability protection, to the same extent that members of other County boards have such protection, from funds set aside by the County to satisfy claims not payable from insurance proceeds by virtue of loss deductible clauses in liability insurance policies. The Board of Trustees shall be empowered to obtain such additional Trustees' liability insurance as the Board shall determine to be necessary, and the expense of such insurance shall be an expense of the Trust.

(Ord. No. 73-69, § 3, 7-30-73; Ord. No. 76-65, § 1, 7-6-76; Ord. No. 80-81, § 1, 7-15-80; Ord. No. 82-116, § 1, 12-21-82; Ord. No. 83-43, § 1, 6-21-83; Ord. No. 88-6, § 1, 2-2-88; Ord. No. 91-63, § 1, 6-18-91; Ord. No. 93-144, § 1, 12-14-93; Ord. No. 94-67, § 1, 5-3-94; Ord. No. 98-40, § 1, 3-31-98; Ord. No. 02-5, § 1, 1-29-02; Ord. No. 03-182, § 4, 9-9-03; Ord. No. 05-85, § 1, 5-3-05; Ord. No. 05-216, § 1, 12-6-05; Ord. No. 06-53, § 1, 4-25-06; Ord. No. 09-97, § 1, 11-3-09; Ord. No. 10-30, § 1, 5-4-10; Ord. No. 10-54, §§ 1, 2, 9-21-10; Ord. No. 10-55, § 1, 9-21-10; Ord. No. 10-57, § 1, 9-21-10; Ord. No. 11-25, § 1, 5-3-11; Ord. No. 11-29, § 1, 5-3-11; Ord. No. 11-40, § 2, 7-7-11; Ord. No. 12-113, § 1, 12-18-12)

**Annotations**—CAO's 76-26, 77-65, 77-68, 79-29, 80-28, 81-38.

#### **Sec. 25A-4. - Powers and duties of the Trust.**

In connection with its responsibilities for the operation, maintenance, and governance of designated facilities, the Trust, acting through its governing body, shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided.

- (a) *Power to act.* The Trust shall be empowered to sue and be sued, to plead and be impleaded, to contract and be contracted with, and to have an official seal and alter the same. This provision shall not be construed to in any way affect the laws relating to governmental immunity.
- (b) *Health care delivery policies.*
- (1) *Planning for designated facilities.* The Trust shall annually develop and recommend to the County Commission policies for the admission of hospital patients, the determination of the indigent status of patients and health care delivery in the designated facilities of the Trust, including primary, secondary and tertiary health care. The Trust shall also develop and recommend to the County Commission long range plans in five-year intervals for the delivery of health care services in designated facilities of the Trust.
  - (2) *Countywide planning.* The Trust shall have no responsibility for countywide healthcare planning and such planning shall be the responsibility and within the jurisdiction of the Miami-Dade County Office of Countywide Healthcare Planning, provided however that the operation, maintenance and governance of and planning for the Trust designated facilities wherever situated within Miami-Dade County shall be and remain the sole responsibility of the Trust, subject to the Board of County Commissioners' power to designate additional facilities or to declassify and remove from the jurisdiction of the Trust facilities which have previously been designated.

- (3) *Submittal of planning recommendations for designated facilities.* The Trust shall formally present its annual recommendations for health care delivery in its designated facilities at an annual, joint meeting to be called by the Chairperson of the Board of County Commissioners and to be held between the Commission and the Trust no later than July 1st of each year.
  - (4) *Compliance.* The Trust shall comply with the health care policies established by the Board of County Commissioners. When the Commission establishes or changes policies relating to hospital admissions or medical indigency, it shall, in order to avoid the promulgation of unfunded mandates, through the County Manager and Chief Executive Officer of the Trust, identify in consultation with the Trust, an appropriate source of funding necessary to carry out such policies.
- (c) *Contracts.* Except as otherwise provided by this chapter, the Trust, as an agent and instrumentality of Miami-Dade County, Florida, shall be authorized to act for Miami-Dade County in the performance and enforcement of all contracts pertaining to designated facilities and existing on the effective date of this chapter, such contracts as are properly within the powers and duties of the Trust.

The contractual powers of the Trust shall be subject to the following limitations:

- (1) The Trust shall not, without the prior approval of the Board of County Commissioners, enter into or amend any contract which shall require the expenditure of funds in excess of the amounts appropriate in the contractual services category of the section of the County budget pertaining to the operation of the Trust.
- (2) The Trust shall not, without prior approval of the County Commission, enter into or alter any contract the effect of which is to change the contractual relationship between Miami-Dade County and the University of Miami as set forth in the contract between the University and the County entered into on December 18, 1952, and as amended from time to time. The original Basic Affiliation Agreement between the Trust and Florida International University shall be ratified by the Board of County Commissioners. Subsequent to ratification, the Trust shall not, without prior approval of the County Commission, enter into or alter any contract the effect of which is to change the contractual relationship with Florida International University as set forth in the Basic Affiliation Agreement and as amended from time to time.
- (3) The Trust shall not, without prior approval of the County Commission, enter into or alter any contract the effect of which is to change substantially health care delivery policies established by the Board of County Commissioners.
- (4) The Trust shall not be authorized to enter into a contract with any labor union or other organization representing employees without first having obtained the approval of the Board of County Commissioners.

It is specifically provided that contracts and amendments thereto executed by the Trust, or other obligations incurred by the Trust, shall not be binding upon Miami-Dade County. In the event that the Trust shall be revoked, obligations of the Trust shall only be enforceable against Miami-Dade County to the extent that such obligations would have been enforceable with regard to personal property which was in the possession of the Trust and with regard to business income which would have come into the possession of the Trust had the Trust not been revoked.

The Trust shall comply with the formal bid requirements of Section 5.03(D) of the Charter of Miami-Dade County, Florida, and for such purpose the term "Board" as used in Section 5.03(D) shall be construed to be "Board of Trustees" and the term "manager" shall be construed to be "Chief Executive Officer of the Trust."

For all competitively bid contracts in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration, and/or repair, including painting or decorating of "designated facilities" that are public buildings or public works, the Trust shall comply with the provisions of Section 2-11.16 of the Code, as same may be amended from time to time, and the administrative procedures adopted pursuant thereto.

- (d) *Property.* The Trust shall have the authority to purchase or otherwise obtain title in its own name to personal property and shall be authorized to sell or otherwise lawfully dispose of personal property. The Trust shall subject to prior approval of the County Commission be authorized to purchase or otherwise obtain real property, the title to which shall be vested in Miami-Dade County and the possession and operating control of which shall be held in Trust for Miami-Dade County under the provisions of this chapter.

The Trust shall not be authorized to sell, convey, mortgage, or otherwise impair or encumber the title to real property, provided however, that the Trust shall be authorized to lease real property either as lessee or lessor for any number of years and upon any terms and conditions. The leasing of any real property by the Trust as lessor shall be in accordance with the requirements of Section 125.35, Florida Statutes.

The Trust shall not, without having previously obtained the approval of the Commission, destroy, replace, or abandon real property. The Trust shall be authorized to maintain and repair designated facilities and may alter, modify, or made additions to designated facilities whenever such changes are necessary for the proper operation and maintenance of such facilities.

- (e) *Personnel.* The Trust shall be empowered to appoint, remove, and suspend employees or agents of the Trust, to fix their compensation, and to adopt personnel and management policies, subject to Board of County Commissioners approval or disapproval. Absent any action by the Board of County Commissioners, personnel and management policies established by the Board of Trustees shall be considered final. Employees who were initially County employees and reclassified as Trust employees as the result of the original enactment of Chapter 25A shall be entitled to continue their participation in either the State and County Officers and Employees Retirement System or the Florida Retirement System or both such retirement systems. The Trust shall assure employees a process of appeal with regard to disciplinary or other official action.

[(1) *Reserved.*]

- (2) *Labor agreements.* The County Labor Relations Office and the County Personnel Department shall be permitted to participate in the negotiation of labor agreements with organizations representing Trust employees, however, the Board of Trustees and the management of designated facilities shall be authorized to assume the primary role in such negotiations.

- (3) *Classified service of the Public Health Trust; exceptions therefrom.* The classified service of the Trust shall comprise all positions in the Trust service existing on May 1, 1975, or thereafter established, except the following:

- (a) President, Senior Vice-Presidents, Division Directors, Administrative Director of Patient Care Services and their immediate assistants, and all secretaries to the foregoing.
- (b) Patients employed in designated facilities.
- (c) Persons employed in a professional or scientific capacity to make or conduct a temporary and specific inquiry, investigation or examination on behalf of or by the authority of the Trust.
- (d) Trust attorneys and assistants.
- (e) Persons who are jointly employed by the Trust and any institute of higher learning.
- (f) Residents, interns and students in designated facilities.
- (g) Employees of those programs or parts thereof which are supported or funded from federal, charitable or foundation sources and which are designated by resolution of the Board of Trustees on the recommendation of the Chief Executive Officer of the Trust.

Employment within the classified service category shall be based on standards and qualifications approved by appropriate Trust staff and the Chief Executive Officer of the Trust.

- (f) *Appointment of medical staff and approval of bylaws.* The Trust shall appoint the staff of physicians to practice in designated facilities and shall require that the bylaws, rules, and regulations of the medical staff of such facilities be submitted to the Board of Trustees for approval. Such bylaws, rules, and regulations shall be in accordance with the standards of all relevant accrediting organizations.
- (g) *Rates and charges.* The Trust, in compliance with applicable law, shall be empowered to establish rates and charges for those persons using the facilities of or receiving care or assistance from the Trust and to collect money pursuant to such rates and charges. Rates and charges shall be based upon the following factors: Costs of services and supplies rendered, the prevailing rates and charges of health care facilities in the community, the goal of minimizing the dependence upon tax revenues and maximizing the availability of health care provided by designated Trust facilities.
- (h) *Acceptance of gifts.* The Trust shall have the authority to accept gifts of money, services, or personal property. All such gifts may be subject to such rules, conditions and terms as the Trust may determine. Subject to the prior approval of the Commission, the Trust may accept gifts of real property, the title of which shall be in Miami-Dade County. All gifts shall be held in trust pursuant to the provisions of this chapter.

When accepting gifts of services and personal property that are "in kind," including for construction projects and related architectural, engineering, design and landscaping services, the Trust shall be exempt from all competitive bidding requirements and other programs otherwise mandated by the Code of Miami-Dade County for Public Health Trust contracts, provided additional costs, if any, are funded by a not-for-profit organization whose primary purpose is to support the activities of the Trust. An "in kind" donation is one in which the donor itself, or through an entity controlled by the donor, provides the personal property or performs the services.

In addition, in order to attract private funding for construction projects that are not in kind and that the Trust would either not otherwise undertake or would have to postpone, the Trust may accept from a not-for-profit organization whose primary

purpose is to support the activities of the Trust gifts of construction projects, including the building, renovating, retrofitting, restoration, painting, altering or repairing of any Trust facility, and all services and personal property related to such construction projects, provided that each donation of such a construction project shall not exceed five million dollars (\$5,000,000) and is fully funded by such not-for-profit organization. All gifts of such construction projects shall be exempt from all competitive bidding requirements and other programs otherwise mandated by the Code of Miami-Dade County for Public Health Trust contracts, provided that the not-for-profit and the contractors on the construction project agree to be bound by public records law to the same extent as a Trust contractor providing such personal property or services. The not-for-profit organization shall file a report with the Public Health Trust and Board of County Commissioners every six (6) months documenting its activities pursuant to this paragraph.

The Trust by rule or contract shall implement procedures to comply with state law requirements mandating competitive bidding for construction projects and assure that donations of specific construction projects meet all lawful requirements and Trust standards of responsibility.

- (i) *Intergovernmental cooperation.* The Trust shall have the authority to cooperate with and contract with any government agency or instrumentality, federal, state, county, or municipal. The operating relationship between the Trust and Miami-Dade County shall be set forth in an annual agreement the purpose of which shall be to implement applicable provisions of this chapter. The Chief Executive Officer of the Trust and the County Manager shall meet for the purpose of negotiating an annual operating agreement. Such negotiating shall take place prior to September 1 of each year so that the Board of Trustees and Board of County Commissioners may approve the agreement in September of the applicable year.

There shall be a Trust/Miami-Dade County Annual Operating Agreement Committee (the "Trust/County Committee"). The Trust's Chief Executive Officer shall submit his recommendations regarding the Annual Operating Agreement between the Trust and the County to the Trust/County Committee for its review and approval. The Trust/County Committee shall make recommendations regarding the Annual Operating Agreement to the Board of Trustees. The Trust/County Committee shall consist of seven (7) voting members including the Chairperson of the Public Health Trust, the Chief Executive Officer of the Public Health Trust, three (3) Trustees appointed by the Chairperson of the Public Health Trust, the Mayor, and the Chairperson of the Board of County Commissioners. The County Manager shall simultaneously submit the agreement to the Commission for its approval.

- (j) *Compliance with law and Commission directives.* The Trust shall comply with all laws and regulations of the United States, the State of Florida, and Miami-Dade County, including but not limited to the laws relating to the expenditure of funds and the keeping of records and inventories and the operation and governance of health care facilities. The Trust shall also comply with any Commission directive to the Trust, as set forth from time to time by resolution of the Commission. A resolution adopting a directive that undoes or modifies action of the Board of Trustees or any of its committees shall require an affirmative vote of two-thirds (2/3) of those Commissioners then in office.

- (k)

- Establishment of alternative health care delivery systems.* The Trust shall be empowered to establish, participate in and/or contract with alternative health care delivery systems, including but not limited to prepaid health care plans.
- (l) *Funding and support of primary health care facilities.* The trust shall establish criteria and standards for the provision of financial and programmatic support of primary health care facilities operating within Miami-Dade County. The trust shall also formulate criteria and standards for the establishment of new primary health care facilities within the County.
- (1) Any funding allocated to the primary health care facilities complying with the established criteria and standards shall be allocated regardless of whether the trust owns or controls the facilities.
- (2) Any funding by the trust for the purpose of capital expenditures shall be allocated from the trust's Funded Depreciation Account. Any funding by the trust for the purpose of operating expenditures shall be allocated from the trust's general operating funds.
- (3) Any primary health care facility which does not comply with the criteria and standards established by the trust shall not be eligible for any funding from the trust or Miami-Dade County.
- (m) *Office of Internal Auditor, Public Accountability and Information.* The Trust shall create an Office of Internal Auditor, Public Accountability and Information ("Office of Internal Audit"). The purpose of the Office of Internal Audit shall be to (i) provide internal auditing functions, (ii) act as the central depository for public information relating to public record requests, (iii) review and account for any and all relationships between the Public Health Trust and private entities, and (iv) interface and coordinate with and serve as the Trust's liaison to the Miami-Dade County Office of Inspector General. The Office of Internal Audit shall report directly to the Chairperson of the Trust. This Office through the Chief Executive Officer shall make monthly written reports to the Board of Trustees at its regular meetings. The written reports shall also be disseminated to the Mayor, Board of County Commissioners, County Manager, the Office of Countywide Healthcare Planning, the Commission Auditor, and Miami-Dade Office of Inspector General. The Chief Executive Officer of the Trust shall develop written policies and procedures for the organization and operation of the Office of Internal Audit and submit the same to the Board of Trustees for approval. Upon the Trust's creation of the Office of Internal Audit, the Trust shall do all things necessary or required to effectuate and merge all existing internal auditing functions into this Office and to provide sufficient funding and staffing.
- (n) *Trust Funding of Service Providers that are Foundations and Non-Profit Entities.* Except as otherwise provided by this Chapter, the Trust shall not pay or provide funding to foundations or non-profit entities unless such funding is provided or paid based on a cost reimbursement methodology. The contract between the Trust and the foundation or non-profit service provider shall obligate the foundation or non-profit to receive funding on the basis of cost reimbursement methodology, including proper submission of documentation to support reimbursement and appropriate use of public funds and further obligate the foundation or non-profit entity to segregate all funds received from the Trust to ensure that the funds at no time are commingled with the funds of the foundation or non-profit entity. Without limiting any other provisions of the Code, the Miami-Dade Office of Inspector General and the County shall at all times be empowered to conduct audits of any contract between the Trust and foundations or non-profit entities. The Trust shall submit quarterly reports to the Commission committee of jurisdiction for the Trust regarding the funds reimbursed as provided in this

section. Such quarterly reports shall include, but not limited to, the amount of expenditures reimbursed by the Trust for each foundation or non-profit entity for each month of the quarter reported, the categories of expenditures reimbursed, the balance of funding remaining under the contract, and such other matters as directed by the Chairperson of the Commission committee of jurisdiction to be included in the quarterly report.

(Ord. No. 73-69, § 4, 7-30-73; Ord. No. 75-103, § 1, 11-4-75; Ord. No. 77-84, § 1, 11-15-77; Ord. No. 82-67, § 3, 7-20-82; Ord. No. 84-65, § 2, 7-17-84; Ord. No. 85-67, § 1, 9-18-85; Ord. No. 89-90, § 1, 9-26-89; Ord. No. 91-63, § 1, 6-18-91; Ord. No. 92-45, § 6(b), 6-2-92; Ord. No. 92-76, § 1, 7-21-92; Ord. No. 93-41, § 1, 5-18-93; Ord. No. 94-197, § 1, 11-1-94; Ord. No. 94-210, § 1, 11-15-94; Ord. No. 95-151, § 1, 9-14-95; Ord. No. 98-40, § 1, 3-31-98; Ord. No. 03-182, § 4, 9-9-03; Ord. No. 07-166, § 1, 11-6-07; Ord. No. 10-28, § 1, 5-4-10; Ord. No. 10-54, § 3, 9-21-10; Ord. No. 11-29, § 2, 5-3-11; Ord. No. 11-40, § 2, 7-7-11; Ord. No. 11-43, § 1, 7-7-11)

### **Sec. 25A-5. - Financial support for the Public Health Trust.**

The Trust shall establish a fiscal year which coincides with that of Miami-Dade County, and the County shall provide the Trust with financial support pursuant to the official County budget. The Trust shall timely submit to the Board of County Commissioners a Trust budget request pertaining to operating and capital expenditures, which request shall not be implemented until approved by the Board of County Commissioners. The Board of Trustees shall consider and approve its budget request at special meeting of the Board of Trustees to be held in the Commission Chambers. At the special meeting, the only item to be considered shall be the Trust budget request contemplated by this section to be submitted to the Board of County Commissioners. At such special meeting, the Board of Trustees shall hold a public hearing on its budget request. The Board of Trustees shall adopt the budget request by a majority vote of the full Board of Trustees.

The Trust budget request shall be prepared on official County budget forms in a format prescribed by the County Manager, shall be reviewed in a manner similar to that in which requests of other County departments are reviewed, and shall be incorporated in the proposed budget and timely submitted to the Commission each year. The methods by which Miami-Dade County shall provide financial support to the Trust shall be as hereinafter described. Nothing contained herein shall be construed to prohibit the Trust from submitting to the Commission supplemental budget results which, if approved by the Commission, shall constitute amendments to the official County budget.

- (a) *Funding.* The Trust shall develop for each fiscal year accounting, budgeting, and financial management systems which will enable Miami-Dade County to provide the Trust, pursuant to the official County budget, with funding to be utilized for the cost of services and supplies provided to medically indigent persons as defined in the annual operating agreement between the Trust and Miami-Dade County.
- (b) *Spending of bond proceeds, issuance of new bonds, and borrowing of money.* The Trust shall not be empowered to make expenditures of any monies derived from the sale of bonds by Miami-Dade County unless the Trust shall have been specifically authorized by the Board of County Commissioners to make such expenditures. The Trust shall be permitted to request the County Commission to effectuate the issuance of bonds, and to permit the Trust to borrow money by submitting to the Commission a duly enacted resolution of the Board of Trustees. The Commission shall consider any such resolution requesting the issuance of bonds or for the Trust to borrow money, however, the Commission shall be under no obligation to take affirmative action upon such requests.
- (c) *General financial provisions.* The County shall convey to the Trust all accounts receivable pertaining to the designated facilities, and the Trust shall be subject to,

assume the liability for, and be authorized to pay all accounts payable pertaining to the designated facilities. The Trust shall have the authority to establish necessary banking accounts in its own name and to make cash disbursements. The Trust shall make an annual report and an audited accounting to Miami-Dade County for all receipts and disbursements of money during each fiscal year, which accounting shall be submitted to the Board of County Commissioners no later than ninety (90) days subsequent to the close of such fiscal year and which accounting shall be in a manner consistent with and in a format pursuant to that prescribed by the County Manager.

Upon request, the Trust shall within thirty (30) days submit to the Board of County Commissioners a full financial report, including but not limited to, operating statistics such as admissions, occupancy rate, revenue and expenses, and a narrative outlining the achievements and problems, if any, of the Trust during the preceding quarter. On a quarterly basis, the Trust through its Chief Financial Officer or designee shall collect and provide to the Board of County Commissioners for its analysis and approval specific patient and health service data elements including, but not limited to, data regarding (i) number of patients served, (ii) patient demographics and patient origin/zip code information, (iii) patient diagnosis, (iv) services rendered, (v) patient charges by service category, (vi) lengths of stay and patient visits, (vii) payment source, (viii) site of service and (ix) such other data elements requested by the Commission or agreed upon by the Trust and the Office of Countywide Healthcare Planning.

Prior to March 31st of each year, the Trust shall submit to the Board of County Commissioners via a special meeting of the Board of County Commissioners in chambers a report to the Board of County Commissioners and the public that reflects the results of its annual audit for the prior fiscal year performed by the Trust's external auditor. At least seven (7) days prior to the special meeting, the Trust shall hand deliver copies of the audit by the Trust's external auditor to the Mayor, Chairperson and members of the Board of County Commissioners, the County Manager, Office of Countywide Healthcare Planning and Office of Inspector General.

The Internal Auditor of Miami-Dade County shall at all times have the right to audit all records of the Trust, and the external auditor of the County, at the direction of the Board of County Commissioners, shall be empowered to audit all records of the Trust.

The Board of County Commissioners shall, after examining the Trust's annual report and accounting, determine whether there is net income, exclusive of County payments for services rendered, at the end of the fiscal year. The Board of County Commissioners may then appropriate such net income into the County's general revenues or leave such net income with the Trust for continued use in effecting the public purposes of the Trust; provided, however, in the event the Commissioners decide to leave such income with the Trust, the Commissioners shall still retain the right to withdraw such income at any future time.

*(Ord. No. 73-69, § 5, 7-30-73; Ord. No. 78-54, § 1, 7-18-78; Ord. No. 91-63, § 1, 6-18-91; Ord. No. 98-40, § 1, 3-31-98; Ord. No. 03-182, § 4, 9-9-03; Ord. No. 11-29, § 3, 5-3-11)*

#### **Sec. 25A-6. - Supporting services.**

Except as otherwise provided by this chapter, the Trust shall be authorized to develop and implement the supporting services systems necessary for carrying out the Trust's responsibilities. Such supporting systems shall include but shall not be limited to budgeting and accounting, liability coverage, quality assurance and utilization management, risk management functions related to care and safety of patients and all others within designated facilities, printing, delinquent account collections, information and computer services, architectural design and construction support services, security, physical maintenance, purchasing and materials management, and legal services. Supporting services may also be purchased from individuals or organizations or obtained from the County in a manner consistent with the method of County funding of the Trust. Before obtaining any supporting services from a source other than Miami-Dade County, the Trust shall determine the availability, cost advantage, and management advantage of obtaining such services from the County on a fee-for-service basis.

- (a) *Purchasing and materials management.* The Trust shall develop procedures for purchasing supplies, equipment and services and for managing materials and shall implement such procedures.
- (b) *Security and legal services.* From the effective date of this chapter, the Trust shall continue to utilize the services of the County with regard to security and legal services.

(Ord. No. 73-69, § 6, 7-30-73; Ord. No. 91-63, § 1, 6-18-91)

#### **Sec. 25A-7. - General provisions of the Trust.**

It is the intent of the Board of County Commissioners to create by this chapter and for the purposes set forth herein a Trust which may be modified or revoked in whole or in part by duly enacted ordinance of the Commission. The beneficiaries of that Trust shall be the people of Miami-Dade County who, with regard to the Trust, shall be represented only by the Board of County Commissioners.

The County Manager shall at all times be empowered to conduct an administrative audit of designated facilities. Legal opinions by the County Attorney's Office pertaining to this chapter and Trust and to Chapter 73-102, Laws of Florida, 1973, shall be binding upon the Trust.

The transfer of assets to the Trust constitutes a taking over in part of the function of the Board of County Commissioners by the Public Health Trust of Miami-Dade County, Florida. Pursuant to this chapter, the Trust is not to be restricted in the free use of the designated facilities and it is contemplated that the Trust will use the facilities to the extent of their useful lives. The Trust is not required to make any payments or give any consideration to Miami-Dade County, however, the Trust shall be required to properly maintain the designated facilities, and, except as otherwise provided by this chapter, may make necessary improvements to such facilities.

(Ord. No. 73-69, § 7, 7-30-73; Ord. No. 91-63, § 1, 6-18-91)

#### **Sec. 25A-8. - [Hospital exception.]**

Except where prohibited by state or federal law, any provision of the Code of Miami-Dade County, and any resolution or administrative order of the County requiring a contractor to execute or complete a form or affidavit as a condition of doing business with the Public Health Trust, shall not apply to the current, unexpired term of a contract that exists between a contractor and the Public Health Trust as a result of its acquisition of a new hospital.

(Ord. No. 01-106, § 1, 6-19-01)

### 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.

- (a) *Conditions.* The Commission finds that it is in the best interest of the public it serves to take action to preserve the Trust and to ensure its financial sustainability by requiring the Trust to notify the Commission, the Mayor and the Commission Auditor when any one of the following conditions occurs:
- (1) Trust failure to, within the same fiscal year in which due, timely make any applicable debt payments as a result of a lack of funds.
  - (2) Trust failure to pay uncontested claims from creditors within ninety (90) days after the claim is presented, as a result of a lack of funds.
  - (3) Trust failure to transfer at the appropriate time, due to a lack of funds:
    - (i) Taxes withheld on the income of employees; or
    - (ii) Employer and employee contributions for either federal social security or any pension, retirement, or benefit plan of an employee.
  - (4) Trust failure to pay for one pay period, due to a lack of funds:
    - (i) Wages and salaries owed to employees; or
    - (ii) Retirement benefits owed to former employees.
  - (5) An unreserved or total fund balance or retained earnings deficit, or unrestricted or total net assets deficit, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, for which sufficient resources of the Trust, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, are not available to cover the deficit. Resources available to cover reported deficits include net assets that are not otherwise restricted by federal, state, or local laws, bond covenants, contractual agreements, or other legal constraints. Fixed or capital assets, the disposal of which would impair the ability of the Trust to carry out its functions, are not considered resources available to cover reported deficits.
  - (6) An advance of any County funds to the Trust, due to a lack of Trust funds to address operational needs, to support operational needs and expenses.
  - (7) The Mayor reports that PHT management and/or the Board of Trustees are not making acceptable progress in developing and implementing a corrective action plan to address managerial and financial deficiencies in accordance with the letter agreement (dated March 23, 2010) entered into pursuant to Resolution No. R-323-10.
- (b) *Notice.* When one or more of the conditions specified in Subsection (a) have occurred, or likely will occur within one hundred twenty (120) days, the Trust shall submit written notice to the Mayor, Chairperson and members of the Commission, and the Commission Auditor. Upon receipt of such notice, the Chairperson of the Commission shall place the item on the agenda for consideration at the next regularly scheduled Commission meeting, or a special meeting may be called in accordance with Commission rules, in order to address the item.
- (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:

- (1) *Management watch.* The Commission may direct the Mayor or the Mayor's designee to place the Trust on management watch on such terms and conditions as the Mayor, or the Mayor's designee, deems appropriate, including the authority to assign support personnel and staffing to the Trust as needed. The Commission intends that the more stringent review and oversight of the Trust by the Mayor or the Mayor's designee would improve the functioning of the Trust and promote necessary planning, assessment and monitoring of the Trust's financial health, and ensure essential management to advance the Trust's financial sustainability. The Commission may direct the Mayor or the Mayor's designee to periodically report to the Commission on the Trust's compliance with the terms and condition of said management watch and the Trust's progress toward resolving the conditions specified in Subsection (a). The Trust shall remain under management watch for such period of time as determined by resolution of the Commission.
- (2) *Recovery plan.* The Commission may require and approve a plan, to be prepared by the Trust in consultation with the Mayor, or his or her designee, and the Board of County Commissioners prescribing actions that will cause the Trust to no longer be subject to this section. However, if the Commission establishes a Financial Recovery Board and requires preparation of a recovery plan, the Trust may prepare the recovery plan in consultation with the Financial Recovery Board as well as the Mayor, his or her designee, or the Commission. The plan shall be submitted to the Commission within sixty (60) days of the Commission's action requiring the plan, or such longer period of time as determined by the Commission. The Trust shall submit copies of the plan to the members of the Commission concurrently with submission to the Mayor. The plan must include, but need not be limited to:
  - (i) Provision for payment in full of obligations outlined in Subsection (a), designated as priority items, that are currently due or will come due.
  - (ii) Establishment of priority budgeting or zero-based budgeting in order to eliminate items that are not affordable.
  - (iii) The prohibition of a level of operations which can be sustained only with nonrecurring revenues.
- (3) *Audit.* The Commission may direct the Commission Auditor, or the external auditor of the County to audit any or all records of the Trust in accordance with Section 25A-5(c) (General financial provisions), herein. The Commission Auditor or the County's external auditor shall consult with the Trust to identify any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with applicable law. The Commission Auditor or the County external auditor shall report its preliminary findings to the Commission within sixty (60) days of audit commencement. The Trust and its internal and external auditors shall cooperate fully with the Commission Auditor, or the County's external auditor.
- (4)

*Technical Assistance.* The Commission may provide technical assistance to the Trust.

- (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.

Notwithstanding any provision of the Code to the contrary, the Recovery Board shall be authorized and empowered to serve as the governing body of the Trust effective upon appointment of at least four (4) members and subject to Commission veto authority all as provided herein. The Mayor and the County Attorney shall provide support to the Recovery Board.

Additionally, the Recovery Board shall comply with any Commission directive to the Recovery Board, as set forth from time to time by resolution of the Commission. A resolution adopting a directive that undoes or modifies action of the Recovery Board or any of its committees shall require an affirmative vote of two-thirds (2/3) of those Commissioners then in office.

During the tenure of the Recovery Board, the governance powers of the currently sitting Trust Board of Trustees shall cease and the currently sitting Board of Trustees shall be dissolved and shall no longer serve as the governing body of the Trust. The terms of all currently sitting voting members of the Board of Trustees and ex officio members shall automatically expire upon appointment of four (4) members of the Recovery Board.

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 ninety (90) days prior to the conclusion of the tenure of the Recovery Board for the purpose of 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.

- (i) *Powers and duties.* The Recovery Board shall hold regular meetings and record such meetings in accordance with the requirement for the Board of Trustees as described in Section 25A-3(f) (Organization, powers and duties of the Board of Trustees), herein. Except as specifically provided in Section 25A-9(c) (Assistive measures), herein, during its tenure, the

Recovery Board shall have all of the powers, duties and responsibilities customarily vested in the Board of Trustees of the Trust and as provided for in Chapter 25A of the Code, except that those powers and duties shall be limited by the Commission's veto authority as provided herein.

The Recovery Board shall exercise supervisory control over the operation, maintenance, and governance of all designated facilities and of all functions and activities taking place in connection with the operation of designated facilities and shall be authorized to exercise such powers as provided for in Section 25A-4 (Powers and duties of the Trust), herein, except as modified hereinafter:

- (A) Appointment and evaluation of the Chief Executive Officer. The Recovery Board shall be empowered to evaluate, appoint, suspend and remove a Chief Executive Officer of the Trust. The Recovery Board shall evaluate the Chief Executive Officer's performance periodically, at its discretion, but no less than annually. Any employment contract for a Chief Executive Officer appointed by the Recovery Board shall require prior County Commission approval before becoming effective.
- (B) Health care delivery policies. The Recovery Board shall develop policies, procedures and practices to promote successful operation of the Trust and its designated facilities and to ensure financial sustainability of the Trust. The Recovery Board shall recommend health care policies to be approved by the Commission relevant to the short and long term financial sustainability of the Trust and the designated facilities.
- (C) Intergovernmental cooperation. The proposed annual operating agreement between the Trust and Miami-Dade County, as described in Section 25A-4(i) (Intergovernmental cooperation), herein shall be approved by the Recovery Board and then submitted to the Board of County Commissioners for approval in September of the applicable year. During the tenure of the Recovery Board, the Trust/County Committee as described in Section 25A-4(i), herein, shall cease to meet, review, approve, and make recommendations regarding the Annual Operating Agreement.
- (D) Contracts. For purposes of compliance with the formal bid requirements of Section 5.03(D) of the Charter of Miami-Dade County, Florida, the term "Board" as used in Section 5.03(D) shall be construed to be "Recovery Board."
- (E) Personnel. Any personnel actions or policies taken or issued by the Recovery Board shall not be inconsistent with any applicable collective bargaining agreements, as amended. The Recovery Board shall recommend to the Commission policies for labor management and the negotiations of labor agreements with organizations representing Trust employees. Additionally, the Recovery Board shall recommend to the Commission proposed labor agreements negotiated with labor organizations representing Trust employees. Notwithstanding any other provision of Chapter 25A, the Commission may approve or take

- other action regarding the proposed agreement by a majority vote, except that the Commission may only disapprove or amend the proposed agreement by a two-thirds (2/3) vote of those Commissioners then in office.
- (F) Issuance of bonds and ability to borrow money. The Recovery Board shall be empowered to enact resolutions requesting that the County Commission effectuate the issuance of bonds or authorizing the Trust to borrow money.
  - (G) UM Annual Operating Agreement Committee and FIU Annual Operating Agreement Committee. During the tenure of the Recovery Board, there shall be a UM Annual Operating Agreement Committee ("UM Committee") and a FIU Annual Operating Agreement Committee ("FIU Committee"). The Trust Chief Executive Officer shall negotiate the annual operating agreement with the University of Miami and shall submit his/her recommendations to the UM Committee. The Trust Chief Executive Officer shall also negotiate the annual operating agreement with Florida International University and shall submit his/her recommendations to the FIU Committee. The UM Committee and the FIU Committee shall make recommendation regarding the respective annual operating agreements to the Recovery Board. The UM Committee and the FIU Committee shall semi-annually review fiscal reconciliation reports of funds provided to UM and FIU respectively for services provided under the annual operating agreements, and shall report thereon to the Recovery Board. The UM Committee and the FIU Committee shall oversee the methods and manners by which the Trust holds the universities accountable for performing in accordance with the terms of the agreements and shall report thereon to the Recovery Board. The UM Committee and FIU Committee shall each consist of three (3) Recovery Board members as appointed by the Recovery Board Chairperson.
  - (H) Reporting. Upon appointment, the Recovery Board shall report to the Commission monthly at a Board of County Commissioners scheduled meeting, or as otherwise determined by the Commission.
  - (I) Additional powers. Upon appointment, the Recovery Board shall have the power to: approve or disapprove all budgets and budget amendments; establish an estimating conference process for determining and monitoring revenues, expenditures, cash flow and deficits; establish a fiscal sufficiency advisory board; make recommendations to the County Commission of any actions it may take to resolve the Trust financial condition; and perform other duties assigned by the County Commission.
- (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.

(B) Organization. The Recovery Board, by majority vote following nomination, shall elect its Chairperson and Vice-Chairperson. The Recovery Board may adopt, modify, and amend the existing bylaws and rules and regulation of the Public Health Trust for the Recovery Board's governance and for the operation, governance, and maintenance of designated facilities. Such bylaws and amendments shall not be inconsistent with the ordinances of the County. The Recovery Board shall form subcommittees to assist in its work. The subcommittee membership shall not be limited to members of the Recovery Board.

(C) Appointment. The Commission shall appoint four (4) members of the Recovery Board from a list of persons nominated by each Commission member. The Commission shall vote on all nominees. The four (4) nominees with the greatest number of votes shall be appointed as Recovery Board members.

The Commission may ratify appointment of the remaining voting members as follows: One (1) member of the Recovery 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 Recovery 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; one (1) member of the Recovery Board shall be designated by the President of the South Florida AFL-CIO in writing, and a copy thereof shall be filed with the Clerk of the Commission.

Upon receipt of any written designation to fill an initial or subsequent vacancy by the Mayor, the Chairperson of the Miami-Dade Legislative Delegation, or the President of the South Florida AFL-CIO, the Clerk of the Commission shall serve copies on each member of the Commission. Any Commissioner may request that the designations be presented at the next regularly scheduled Commission meeting for review. Such request shall not be subject to committee review or to the four-day rule. Absent any

disapproval at the next regularly scheduled Commission meeting, the designees shall be deemed ratified, and shall be deemed appointed to the Recovery Board.

Upon any vacancy occurring on the Recovery Board, the Recovery Board shall notify the Chairperson of the Commission and shall request that the vacancy be filled as provided herein.

- (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.
- (E) Bond. Before entering upon the duties of office, each appointee to the Recovery Board shall give bond in the amount of one hundred thousand dollars (\$100,000.00) to the Clerk of the Commission for the faithful performance of the duties of office and shall take the prescribed oath of office. This bond also is required of currently sitting Trustees. Recovery Board members shall serve without compensation but shall be entitled to reimbursement for necessary expenses, including the expense of performance bonds, incurred in the discharge of their duties.

(Ord. No. 10-32, § 1, 5-18-10; Ord. No. 11-40, § 2, 7-7-11; Ord. No. 11-43, § 2, 7-7-11; Ord. No. 11-63, § 1, 8-2-11; Ord. No. 12-04, § 2, 1-24-12; Ord. No. 12-113, § 2, 12-18-12)

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#### FOOTNOTE(S):

— (1) —

**Editor's note**—Section 9 of Ord. No. 73-69, adopted July 30, 1973, provided that said ordinance be included in this Code, but did not specify the manner of inclusion, hence codification of §§ 1—7 as Ch. 25A, §§ 25A-1—25A-7, was at the discretion of the editors. Sections 8 and 10 of said ordinance, severability and effective date provisions, were omitted from codification. [\(Back\)](#)

**Cross reference**—Public Health Department, § 2-74 et seq.; payment of costs of hospital care, treatment and maintenance, Ch. 25C. [\(Back\)](#)

**State Law reference**—Public health trusts, F.S. § 154.001 et seq. [\(Back\)](#)



Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(1)  
5-21-13

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AND RATIFYING STAGGERED INITIAL TERMS FOR THE MEMBERS OF THE REESTABLISHED BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST WHICH TERMS SHALL COMMENCE ON JUNE 1, 2013 UPON THE EXPIRATION OF THE TENURE OF THE FINANCIAL RECOVERY BOARD

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, in May 2011, the Board of County Commissioners adopted Resolution No. R-392-11 to establish for a tenure of two (2) years the seven-member Financial Recovery Board as an assistive measure to help resolve the financial sustainability conditions threatening the Public Health Trust; and

**WHEREAS**, the tenure of the Financial Recovery Board will expire May 31, 2013, at which time the Board of Trustees will be reestablish as provided in Chapter 25A of the Code ("Chapter 25A"), and the initial members of the reestablished Board of Trustees will be the members of the expiring Financial Recovery Board; and

**WHEREAS**, in accordance with Ordinance No. 12-113 which was adopted by this Board on December 18, 2012, the Public Health Trust Nominating Council has met and approved staggered initial terms of the members of the Financial Recovery Board as those members transition to become the initial members of the reestablished Board of Trustees of the Public Health Trust,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

**Section 1.** This Board hereby approves and ratifies the staggered initial term appointments of the members of the reestablished Board of Trustees of the Public Health Trust, except as provided in Section 2 hereof, as set forth herein below. The initial terms of the members of the reestablished Board of Trustees shall commence on June 1, 2013 upon the expiration of the tenure of the Financial Recovery Board of the Public Health Trust.

<u>Trustee</u>	<u>Initial Term</u>	<u>Commencing</u>	<u>Ending</u>
<del>[[Marcos Jose Lapciuc]]</del> >>Vacancy<< <sup>1</sup>	1 year	June 1, 2013	May 31, 2014
AFL-CIO vacancy	1 year	June 1, 2013	May 31, 2014
<del>[[Stephen S. Nuehl]]</del> >>Marcos Jose Lapciuc<<	3 years	June 1, 2013	May 31, 2016
Darryl K. Sharpton	3 years	June 1, 2013	May 31, 2016
Joe Arriola	4 years	June 1, 2013	May 31, 2017

**Section 2.** In accordance with Ordinance No. 12-113, this Board ratifies the staggered initial term appointments of the members who are designated by the Mayor and Chairman of the Miami-Dade Legislative Delegation, who shall have two (2) year terms, as follows:

<u>Trustee</u>	<u>Initial Term</u>	<u>Commencing</u>	<u>Ending</u>
Mojdeh L. Khaghan (designated by the Mayor)	2 years	June 1, 2013	May 31, 2015
Rep. Michael Bileca (designated by the Chairman, Miami-Dade Legislative Delegation)	2 years	June 1, 2013	May 31, 2015

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The

<sup>1</sup> Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

motion was seconded by Commissioner

and upon being put to a vote,

the vote was as follows:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of May, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency. \_\_\_\_\_

Eugene Shy, Jr.

DRAFT

## 2013 Public Health Trust Nominating Council Timeline

<b>July 24, 2013</b>	<b>Nominating Council convenes</b> Review nominating process for 2013 vacancy Approve advertisement, timeline, and application Set next meeting date
<b>July 30, 2013</b>	Advertisement runs in The Miami Herald, El Nuevo Herald, Miami Times, Haite en Marche, Diario de las Americas, Miami Daily Business Review, Periodicitos, and the County's website
<b>August 6, 2013</b>	<b>Application submission deadline to the Clerk's Office (by 4pm)</b>
<b>August 20, 2013</b>	Send Applications and E-mail summarized application matrix to Council members
<b>August 30, 2013</b>	<b>Nominating Council convenes</b> Review summarized application matrix Select finalists for interview Review Questionnaire in prep for interviews Select dates for interviews  Staff will notify finalists (via phone call and written letters from Chairman) Staff will request background screening for finalists from HR
<b>September 5 or 6, 2013</b>	<b>Nominating Council Convenes</b> Interview Finalists Select slate of nominees for presentation to BCC
<b>October 7, 2013</b> *Deadline is Sept 13	<b>Final nominees presented to the Health and Social Services Committee</b> *There are no Committee meetings in September
<b>October 22, 2013</b>	<b>Final nominees presented to the BCC for approval</b> * Will request waiver to Oct 22, 2013 BCC



## 2013 Calendar of the Miami-Dade County Board of County Commissioners

JANUARY						
SUN	MON	TUE	WED	THUR	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- 10 ZONING 9:30 AM
- 14 RTC 9:30 AM - RCAC 2:00 PM
- 15 PSHAC 9:30 AM - IMFRC 2:00 PM
- 16 EDSSC 9:30 AM - ILUC 2:00 PM
- 17 CDMP 9:30 AM
- 23 REGULAR 9:30 AM
- 24 REG Carry-over 9:30 AM (If needed)
- 31 MPO 2:00 PM / Cancelled

FEBRUARY						
SUN	MON	TUE	WED	THUR	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

- 5 REGULAR 9:30 AM
- 7 REG Carry-over 9:30 AM (If needed)
- 11 CRC 9:30 AM - HSSC 2:00 PM
- 12 FC 9:30 AM - ICIC 2:00 PM/Cancelled
- 13 PSASC 9:30 AM
- 14 LUDC 9:30 AM - EDPC 2:00 PM
- 15 TAC 9:00 AM
- 20 REGULAR 9:30 AM
- 21 REG Carry-over 9:30 AM (If needed)
- 21 ZONING 9:30 AM
- 21 CDMP 9:30 AM
- 21 MPO 2:00 PM

MARCH						
SUN	MON	TUE	WED	THUR	FRI	SAT
					1	2
3	4	5	6	7	8	9
# 11	12	13	14	15	16	
# 18	19	20	21	22	23	
# 25	26	27	28	29	30	
#						

- 5 REGULAR 9:30 AM
- 6 CDMP 9:30 AM
- 6 ZONING 9:30 AM/Deferred from 2/21/13
- 7 REG Carry-over 9:30 AM (If needed)
- 7 ZONING 9:30 AM/Cancelled
- 11 CRC 9:30 AM - HSSC 2:00 PM/Cancelled
- 12 FC 9:30 AM - ICIC 2:00 PM
- 13 PSASC 9:30 AM - TAC 2:00 PM
- 14 LUDC 9:30 AM - EDPC 12:00 PM
- 14 MPO 2:00 PM/Cancelled

APRIL						
SUN	MON	TUE	WED	THUR	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				
#						

- 2 REGULAR 9:30 AM
- 2 CDMP 9:30 AM
- 3 & 4 DADE DAYS IN TALLAHASSEE
- 4 REG Carry-Over 9:30 AM (If needed)
- 8 CRC 9:30 AM - HSSC 2:00 PM
- 9 FC 9:30 AM - ICIC 2:00 PM
- 10 PSASC 9:30 AM - TAC 2:00 PM/Cancelled
- 10 SPECIAL MEETING 12:00 PM
- 11 LUDC 9:30 AM - EDPC 2:00 PM
- 16 REGULAR 9:30 AM
- 18 REG Carry-Over 9:30 AM (If needed)
- 18 ZONING 9:30 AM
- 18 MPO 2:00 PM

MAY						
SUN	MON	TUE	WED	THUR	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- 2 LUDC SPECIAL WORKSHOP 9AM-5PM
- 7 REGULAR 9:30 AM
- 9 REG Carry-over 9:30 AM (If needed)
- 13 CRC 9:30 AM - HSSC 2:00 PM
- 14 FC 9:30 AM - ICIC 2:00 PM
- 15 PSASC 9:30 AM - TAC 2:00 PM/Cancelled
- 16 LUDC 9:30 AM - EDPC 2:00 PM
- 16 COMMITTEE OF THE WHOLE 11:30 AM
- 21 REGULAR 9:30 AM (OFF-SITE)
- 22 CDMP 9:30 AM
- 23 ZONING 9:30 AM
- 23 COMPENSATION & BENEFITS Workshop
- 23 MPO 2:00 PM

JUNE						
SUN	MON	TUE	WED	THUR	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

- 3 CRC 9:30 AM
- 4 REGULAR 9:30 AM
- 6 REG Carry-Over 9:30 AM (If needed)
- 10 HSSC 2:00 PM
- 11 FC 9:30 AM - ICIC 2:00 PM
- 12 PSASC 9:30 AM - TAC 2:00 PM
- 13 LUDC 9:30 AM - EDPC 2:00 PM
- 18 REGULAR 9:30 AM
- 20 REG Carry-Over 9:30 AM (If needed)
- 20 ZONING 9:30 AM
- 20 MPO 2:00 PM

JULY						
SUN	MON	TUE	WED	THUR	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
# 15	16	17	18	19	20	
# 22	23	24	25	26	27	
# 29	30	31				

- 2 REGULAR 9:30 AM
- 3 REG Carry-over 9:30 AM (If needed)
- 8 CRC 9:30 AM - HSSC 2:00 PM
- 9 FC 9:30 AM - ICIC 2:00 PM
- 10 PSASC 9:30 AM/Cancelled - TAC 2:00 PM
- 11 LUDC 9:30 AM - EDPC 2:00 PM
- 16 REGULAR 9:30 AM
- 16 CMTE. OF THE WHOLE 9:30 AM (Public Hearing)
- 18 REG Carry-over 9:30 AM (If needed)
- 18 ZONING 9:30 AM
- 18 JOINT MTG BCC/PHT-Conclusion of Zoning
- 18 MPO 2:00 PM
- 30 REG 9:30 AM (Millage Rates/If needed)

AUGUST						
SUN	MON	TUE	WED	THUR	FRI	SAT
					1	2
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- 26 1st BUDGET/CMTE. OF THE WHOLE 9:30 AM
- 26 CRC 9:30 AM - HSSC 2:00 PM
- 27 FC 9:30 AM - ICIC 2:00 PM
- 28 PSASC 9:30 AM - TAC 2:00 PM
- 29 REGULAR 9:30 AM (Union Impasse-Public Hearing)
- 29 LUDC 9:30 AM/Cancelled-EDPC 2:00 PM/Cancelled
- CMte. Mtgs. include budget issues per Ord. 12-46 (adopted on 7/13/12)
- (\*SEE REVERSE SIDE FOR LISTING OF SUNSHINE MTGS)
- ZONING, CDMP & MPO
- COMMITTEE/SUBCOMMITTEE (S) (SEE REVERSE SIDE)
- HOLIDAYS (SEE REVERSE SIDE)
- BCC RECESS / SUMMER BREAK

SEPTEMBER						
SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- 4 REGULAR 9:30 AM
- 10 REG Carry-Over 9:30 AM (If needed)
- 10 FIRST BUDGET HEARING 5:01 PM
- 17 REGULAR 9:30 AM
- 17 2nd BUDGET/CMTE. OF THE WHOLE 9:30 AM
- 19 REG Carry-Over 9:30 AM (If needed)
- 19 SECOND BUDGET HEARING 5:01 PM
- 24 EAR Map Workshop 9:30 AM
- 24 CMTE. OF THE WHOLE/After EAR Workshop
- 26 ZONING 9:30 AM
- 26 MPO 2:00 PM

OCTOBER						
SUN	MON	TUE	WED	THUR	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- 1 REGULAR 9:30 AM
- 2 CDMP 9:30 AM
- 3 REG Carry-Over 9:30 AM (If needed)
- 7 CRC 9:30 AM - HSSC 2:00 PM
- 8 FC 9:30 AM - ICIC 2:00 PM
- 9 PSASC 9:30 AM - TAC 2:00 PM
- 10 LUDC 9:30 AM - EDPC 2:00 PM
- 22 REGULAR 9:30 AM
- 24 REG Carry-Over 9:30 AM (If needed)
- 24 ZONING 9:30 AM
- 24 MPO 2:00 PM

NOVEMBER						
SUN	MON	TUE	WED	THUR	FRI	SAT
					1	2
3	4	5	6	7	8	9
# 11	12	13	14	15	16	
# 18	19	20	21	22	23	
# 25	26	27	28	29	30	

- 5 REGULAR 9:30 AM
- 7 REG Carry-Over 9:30 AM (If needed)
- 12 FC 9:30 AM - CRC 12:00 NOON
- 12 ICIC 2:00 PM
- 13 PSASC 9:30 AM - HSSC 12:00 NOON
- 13 TAC 2:00 PM
- 14 LUDC 9:30 AM - EDPC 2:00 PM
- 19 REGULAR 9:30 AM
- 20 CDMP 9:30 AM
- 21 REG Carry-Over 9:30 AM (If needed)
- 21 ZONING 9:30 AM

DECEMBER						
SUN	MON	TUE	WED	THUR	FRI	SAT
	1	2	3	4	5	6
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- 3 REGULAR 9:30 AM
- 5 REG Carry-Over 9:30 AM (If needed)
- 9 CRC 9:30 AM - HSSC 2:00 PM
- 10 FC 9:30 AM - ICIC 2:00 PM
- 11 PSASC 9:30 AM - TAC 2:00 PM
- 12 LUDC 9:30 AM - EDPC 12:00 PM
- 12 MPO 2:00 PM
- 17 REGULAR 9:30 AM
- 19 REG Carry-Over 9:30 AM (If needed)
- 19 ZONING 9:30 AM /Cancelled

## 2013 Calendar of the Miami-Dade County Board of County Commissioners

### COMMISSION COMMITTEES AND SUBCOMMITTEES

Monday 9:30 AM - Cultural Affairs & Recreation Committee (CARC)  
 Monday 2:00 PM - Health & Social Services Committee (HSSC)  
 Tuesday 9:30 AM - Finance Committee (FC)  
 Tuesday 2:00 PM - Infrastructure & Capital Improvements Committee (ICIC)  
 Wednesday 9:30 AM - Public Safety & Animal Services Committee (PSASC)  
 Wednesday 2:00 PM - Transportation & Aviation Committee (TAC)  
 Thursday 9:30 AM - Land Use & Development Committee (LUDC)  
 Thursday 2:00 PM - Economic Development & PortMiami Committee (EDPC)

### SUNSHINE MEETINGS

Apr. 17	Military Affairs Board Sunshine Meeting	3:30 to 4:30 PM
Apr. 24	Annexation and Incorporation Task Force Public Hearing/Public Meeting	6:00 PM
May 1	Annexation and Incorporation Task Force Public Hearing/Public Meeting	6:00 PM
May 8	Annexation and Incorporation Task Force Meeting	9:00 AM to 12:00 PM
May 8	Scrap Metal & Copper Wire Theft Task Force Meeting	10:00 AM
May 8	Military Affairs Board General Meeting/Cancelled	5:30 to 7:00 PM
May 15	Annexation and Incorporation Task Force Meeting	9:00 AM
May 16	Chief of Staff's Briefing regarding logistics of the Off-Site BCC Meeting	10:00 AM
May 20	Moss-Souto's staff relating to Street Renaming Ceremony for Ralph Sanchez	11:00 AM
May 22	Annexation and Incorporation Task Force Public Hearing/Public Meeting	6:00 PM
May 28	Souto-Monestime to discuss agriculture in Haiti	2:00 PM
May 29	Annexation and Incorporation Task Force Public Hearing/Public Meeting	6:00 PM
Jun 5	Annexation and Incorporation Task Force Public Hearing/Public Meeting	6:00 PM
Jun 10	Sosa-Barreiro to discuss closure of NW 28th Street	11:00 AM
Jun 13	Military Affairs Board Special Meeting/Cancelled	6:00 to 7:30 PM
Jun 19	Annexation and Incorporation Task Force Meeting	9:00 AM
Jun 19	Military Affairs Board Special Meeting/ Rescheduled from 6-13-13/ Cancelled	6:00 to 7:30 PM
Jun 20	Edmonson-Diaz relating to Road Impact Fees/Cancelled	Immediately following MPD or 3:30 PM
Jun 25-28	Florida Association of Counties 2013 Annual Conference and Educational Exposition in Tampa, FL	
Jun 26	Annexation and Incorporation Task Force Meeting	9:00 AM
Jun. 27	PHT nominating Council / CANCELLED	1:30 to 2:30pm
Jul 10	Annexation and Incorporation Task Force Meeting	9:00 AM
Jul 10	Mayor's Election Advisory Group Meeting	11:00 AM to 12:00 PM
Jul 10	Sunshine Meeting CBO Process / Programs	2:00 to 5:00PM
Jul 10	Military Affairs Board General Meeting	5:30 PM
Jul 15	Sunshine Meeting to discuss BCC Agenda 11A7	12:00 PM
Jul 17	Annexation and Incorporation Task Force Meeting	9:00 AM
Jul 24	Annexation and Incorporation Task Force Meeting	9:00 AM
Jul 24	Public Health Trust Nominating Council Meeting	1:30 to 2:30pm
Jul 31	Annexation and Incorporation Task Force Meeting	9:00 AM
Aug 7	Annexation and Incorporation Task Force Meeting	9:00 AM
Aug 14	Annexation and Incorporation Task Force Meeting	9:00 AM
Aug 21	Annexation and Incorporation Task Force Meeting	9:00 AM
Oct 7	Edmonson-Diaz Re: Road Impact Fees (immediately following HSSC Mtg. scheduled to begin @ 2PM)	

### LEGISLATIVE SESSIONS / BREAK RECESS

March 5 - May 3, 2013	Legislative Session
March 25 - 29, 2013	Spring Break
April 3 & 4, 2013	Dade Days in Tallahassee
July 22 - August 23, 2013	BCC Recess

### 2013 HOLIDAYS

Tuesday, January 1	New Year's Day (Observed) *
Monday, January 21	Martin L. King Birthday (Observed)
Monday, February 18	President's Day (Observed) *
Monday, March 25	Passover @ Sundown
Tuesday, March 26	Passover
Thursday, March 28	Holy Thursday
Friday, March 29	Good Friday
Sunday, March 31	Easter Sunday
Tuesday, April 2	Passover Ends
Monday, May 27	Memorial Day (Observed) *
Thursday, July 4	Independence Day (Observed) *
Monday, September 2	Labor Day (Observed) *
Wednesday, September 4	Rosh Hashana @ Sundown
Thursday, September 5	Rosh Hashana
Friday, September 13	Yom Kippur @ Sundown
Saturday, September 14	Yom Kippur
Monday, October 14	Columbus Day (Observed) *
Monday, November 11	Veterans Day (Observed) *
Wednesday, November 27	Chanukah begins @ Sundown
Thursday, November 28	Chanukah
Thursday, November 28	Thanksgiving (Observed) *
Friday, November 29	Day After Thanksgiving (Observed) *
Wednesday, December 25	Christmas Day (Observed) *

### \* HOLIDAYS OBSERVED BY THE COUNTY

### STATE AND MUNICIPAL ELECTION DATES

Tuesday, February 19	Tuesday, September 10
Tuesday, March 5	Tuesday, October 1
Tuesday, March 19	Tuesday, November 5
Tuesday, April 2	Tuesday, November 12
Tuesday, April 16	Tuesday, December 3
Tuesday, April 30	Tuesday, December 3
Tuesday, May 7	Tuesday, December 17
Tuesday, May 14	
Tuesday, May 21	
Tuesday, May 28	

**2013 DEADLINES TO SUBMIT AGENDA ITEMS FOR COMMITTEE MEETINGS**

Committee Cycle (CRC, EDPC, EC, HSSC, ICIC, LUDC, PSASC & TAC)	Department's Deadlines to Submit Items to DMs (12pm)	Deadline to Submit Items to Policy & Legislative Affairs (12pm)	DMs Deadlines to Submit Items to Agenda Office (12pm)
June Committee Cycle	Thursday, May 9, 2013	Thursday, May 16, 2013	Thursday, May 23, 2013
July Committee Cycle	Friday, June 7, 2013	Friday, June 14, 2013	Friday, June 21, 2013
August Committee Cycle	Friday, July 26, 2013	Friday, August 2, 2013	Friday, August 9, 2013
October Committee Cycle	Friday, September 6, 2013	Friday, September 13, 2013	Friday, September 20, 2013
November Committee Cycle	Friday, October 11, 2013	Friday, October 18, 2013	Friday, October 25, 2013
December Committee Cycle	Friday, November 8, 2013	Friday, November 15, 2013	Friday, November 22, 2013

**2013 DEADLINES FOR BCC ITEMS NOT REQUIRING COMMITTEE REVIEW**

BCC Meeting Dates	Dept's Deadline to Submit Items To DMs (12pm)	DMs Deadline to Submit Items to Policy & Legislation (12pm)	DMs Deadline to Submit Items to Agenda Office (12pm)	BCC Draft to Chairwoman (12pm)	BCC Print Date	Aides Briefing Date (22 <sup>nd</sup> Floor Conf. Room @9:30am)
Tuesday 6/18/13	Tues. 5/21/2013	Tues. 5/28/2013	Mon. 6/3/2013	Fri. 6/7/2013	Tues. 6/11/2013	Fri. 6/14/2013
Tuesday 7/2/13	Mon. 6/3/2013	Mon. 6/10/2013	Mon. 6/17/2013	Fri. 6/21/2013	Tues. 6/25/2013	Fri. 6/28/2013
Tuesday 7/16/13	Fri. 6/14/2013	Fri. 6/21/2013	Fri. 6/28/2013	Fri. 7/5/2013	Tues. 7/9/2013	Fri. 7/12/2013
Tuesday 7/30/13	Mon. 7/1/2013	Mon. 7/8/2013	Mon. 7/15/2013	Fri. 7/19/2013	Tues. 7/23/2013	N/A
Wednesday 9/4/13	Mon. 8/5/2013	Mon. 8/12/2013	Mon. 8/19/2013	Fri. 8/23/2013	Tues. 8/27/2013	Fri. 8/30/2013
Tuesday 9/17/13	Fri. 8/16/2013	Fri. 8/23/2013	Fri. 8/30/2013	Fri. 9/6/2013	Tues. 9/10/2013	Fri. 9/13/2013
Tuesday 10/1/13	Fri. 8/30/2013	Mon. 9/9/2013	Mon. 9/16/2013	Fri. 9/20/2013	Tues. 9/24/2013	Fri. 9/27/2013
Tuesday 10/22/13	Mon. 9/23/2013	Fri. 9/27/2013	Fri. 10/4/2013	Thurs. 10/10/2013	Tues. 10/15/2013	Fri. 10/18/2013
Tuesday 11/5/13	Tues. 10/8/2013	Tues. 10/15/2013	Mon. 10/21/2013	Fri. 10/25/2013	Tues. 10/29/2013	Fri. 11/1/2013
Tuesday 11/19/13	Fri. 10/18/2013	Fri. 10/25/2013	Fri. 11/1/2013	Thurs. 11/7/2013	Tues. 11/12/2013	Fri. 11/15/2013
Tuesday 12/3/13	Thurs. 10/31/2013	Thurs. 11/7/2013	Thurs. 11/14/2013	Wed. 11/20/2013	Fri. 11/22/2013	Mon. 12/2/2013
Tuesday 12/17/13	Mon. 11/18/2013	Mon. 11/25/2013	Mon. 12/2/2013	Fri. 12/6/2013	Tues. 12/10/2013	Fri. 12/13/2013

**Proposed Advertisement  
Public Health Trust  
2013**

**OPENING FOR THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST**

Applications are now being accepted for the Board of Trustees of the Public Health Trust of Miami-Dade County, the governing authority for Jackson Health System. There is one vacancy for the 2013 appointment process. The Trustee will serve without compensation for one year. The PHT Nominating Council will contact selected applicants for interviews and a background check. The Miami-Dade Board of County Commissioners, upon recommendation of the Nominating Council, will make the appointment to the Board of Trustees.

Application forms may be obtained from the County Executive Office, 111 NW 1<sup>st</sup> Street, Suite 2910, or online at [www.miamidade.gov](http://www.miamidade.gov). All applications must be submitted with a current resume or curriculum vitae and must be received by Diane Collins, Division Chief, Clerk of the Board, at 111 NW 1<sup>st</sup> Street, Suite 17-202, Miami, Florida 33128 no later than **by 4:00pm**. Emails or facsimiles of the application will be accepted and can be sent to [clerkbcc@miamidade.gov](mailto:clerkbcc@miamidade.gov) or faxed to 305-375-2484. It is the responsibility of the applicant to ensure electronic receipt of the application by calling the Clerk of the Board at 305-375-1652. For additional information regarding the application process, please call 305-375-5311.

**2013 APPLICATION FOR NOMINATION TO SERVE ON THE BOARD OF TRUSTEES  
OF THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY**

**Mission**

To provide a single high standard of health care,  
education and research

To improve patient and customer satisfaction,  
enhance professional fulfillment and provide  
public service

Chapter 25A of the Miami-Dade County Code states that the governing body of the Trust shall consist of 7 voting members, none of whom shall be employees of the Trust. Board members are appointed to the Trust during the annual appointment process or through a special convening of the Nominating Council. 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. Candidates will be screened for any potential conflict of interest with the responsibilities of a Board member.

Completed applications and resumes can be mailed or hand delivered to the address below by 4:00 p.m. Emails or facsimiles of the application and resume will be accepted and can be sent to [clerkbcc@miamidade.gov](mailto:clerkbcc@miamidade.gov) or faxed to 305-375-2484. It is the responsibility of the applicant to ensure electronic receipt of the application and resume by calling the Clerk of the Board at 305-375-1652.

**Clerk of the Board of County Commissioners**

**ATTENTION:**

**111 NW 1<sup>st</sup> Street, Suite 17-202**

**Miami, Florida 33128**

**(305)375-1652**

**ATTENTION APPLICANTS: BACKGROUND CHECKS WILL BE PERFORMED ON ALL APPLICANTS SELECTED FOR AN INTERVIEW. IF SELECTED, TRUSTEES WILL BE REQUIRED TO SUBMIT FINANCIAL DISCLOSURE FORMS.**



**Candidate for Nomination to Serve on the Board of Trustees  
Public Health Trust of Miami-Dade County**



**Previous Employment and Professional Background:**

Business Name	Position	Years

**EXPERIENCE AND/OR QUALIFICATIONS:**

Describe how your past experience and/or qualifications would benefit the Public Health Trust:

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**ORGANIZATIONS AND ACTIVITIES:**

List community, civic, professional and other organizations of which you are a member:

Organization

Position Held

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List any Public Office held (Elected or Appointed):

Office

Date

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**Affiliations with hospitals, nursing homes or other health related institutions:**

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**Activities reflecting community interest:**

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**List all potential conflicts of interest, including potential conflicts arising from your relationships or the relationships of any of your family members in the healthcare industry:**

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**References - Persons acquainted with candidate's activities/experience:**

Name	Title	Telephone
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**Please describe the goals and objectives you will seek to accomplish if you are selected as a Trustee:**

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