

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

**Jackson Memorial Hospital**  
Ira C. Clark Diagnostic Treatment Center  
West Wing Board Room  
1080 N.W. 19<sup>th</sup> Street  
Miami, Florida 33136

September 12, 2013  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Christopher Agrippa, Director  
Clerk of the Board Division

Maryse Fontus, Commission Reporter  
(305) 375-4906



**CLERK'S SUMMARY OF MEETING AND OFFICIAL MINUTES  
PUBLIC HEALTH TRUST NOMINATING COUNCIL  
September 12, 2013**

The Public Health Trust Nominating Council (Nominating Council) convened a meeting at 11:30 a.m., in the West Wing Board Room of the Ira C. Clark Diagnostic Treatment Center, Jackson Memorial Hospital, 1080 NW 19<sup>th</sup> Street, Miami, Florida. The following Nominating Council members were present: Chairman Darryl Sharpton, Mr. Mario Artecona, Representative Jeanette Nuñez and Ms. Mojdeh Khaghan; (Commissioner Audrey Edmonson, Mr. Joe Arriola, Representative Michael Bileca, Mr. Marcos Lapciuc, and Mr. Andy Madtes were absent).

The following staff members were also present: Assistant County Attorneys Valda Clark-Christian and Jeffrey Poppel; Assistant to Deputy Mayor Alina Hudak, Christina Crespi; and Deputy Clerk Maryse Fontus.

**I. Welcome**

Chairman Sharpton called the meeting of the Nominating Council to order at 12:25 p.m. He noted at 11:45 a.m., he acknowledged that the meeting of the Public Health Trust Board was running late, and inquired about beginning the interviews. However, because the Nominating Council did not have a quorum at that time, it was decided that the interviews would be deferred as the Public Health Trust Board needed to deal with some time-sensitive contracts that had to be approved.

Following the roll call, it was determined that four Nominating Council members were present, and that the Nominating Council did not have a quorum.

Chairman Sharpton acknowledged that prior to the meeting being called to order it was questionable whether the Nominating Council would have a quorum. He asked Assistant County Attorney Valda Christian what were the Council's options.

Assistant County Attorney Christian noted pursuant to Chapter 25A of the Miami-Dade County Code “the presence of five Council members shall be necessary and sufficient to constitute a quorum for the transaction of business at all meetings of the Nominating Council.” She advised that as the Nominating Council did not have five members present, it could receive reports, but was unable to take action; therefore, the members present at this time would not be able to conduct interviews. She noted the Nominating Council members present could discuss how they wished to proceed.

Representative Nuñez inquired whether the members of the Public Health Trust Board could be substituted for the Nominating Council members for the purpose of attaining a quorum at the present meeting.

Chairman Sharpton said that Mr. Bileca only told him a few minutes prior to the beginning of the Nominating Council meeting that he would have to leave. He suggested that the Nominating Council take a very short recess, to ascertain whether it would be possible to contact one of the absent members.

At 12:43 p.m., Chairman Sharpton reconvened the meeting of the Nominating Council, and said that he had been unable to contact the members who were absent. He noted he inquired if it would be possible for a Nominating Council member to be substituted, but he was uncomfortable with advice being given on an ad hoc basis; therefore, in order to preserve the integrity of the process, he said that he preferred not to appoint someone as a substitute. He apologized to the candidates who had come for the interviews, noting he had attempted to advance the process.

## **II. Selection Process for the Members of the PHT Board of Trustees**

Chairman Sharpton noted he would like at this time to make a couple of comments directed to all of the Nominating Council members and the candidates. He said that he wanted to bring to the attention of the Nominating Council members that as of June 2014, the Public Health Trust (PHT) Board of Trustees would potentially lose three members. He pointed

out that the PHT Board of Trustees currently had a vacancy, which was for a six-month term.

Assistant County Attorney Christian clarified that this vacancy was slotted as a one-year term, which began on June 1<sup>st</sup>, 2013.

Chairman Sharpton noted according to his records the PHT Board of Trustees had two additional terms that would expire next summer.

Assistant County Attorney Christian clarified that the current vacancy was for one of the terms that would expire on May 31<sup>st</sup>, 2014; and that by June 1<sup>st</sup>, 2014, the Nominating Council would have to fill two slots.

Chairman Sharpton pointed out that the PHT Board of Trustees would potentially be losing four members in less than a year, noting the PHT Board recently lost two members, and would have two terms expiring next year. He said that he wanted to raise this as a concern because the PHT Board needed a degree of continuity and consistency to operate; and it would be necessary to think about an orderly transition as those vacancies were being filled. Chairman Sharpton said that as the Nominating Council embarked on a selection process, it would be necessary for the Council members to agree on some form of criteria to sustain the momentum that the PHT Board of Trustees had worked diligently to attain over the last two years. He reiterated that it was important for the Nominating Council members to agree on such criteria, because the PHT Board had operated with six people for the past two years, and had experienced a high turnover.

Ms. Khaghan asked how early the Nominating Council could begin the process to fill the vacancies on the PHT Board of Trustees.

Assistant County Attorney Christian noted while there was no official limit regarding how early the process could begin, the suggested timeline was three months, as this gave sufficient time for advertisements, and Board of County Commissioners' (BCC) Committee review. She reiterated that the terms that were of concern would expire on May 31<sup>st</sup>, 2014.

Ms. Khaghan pointed out that normally the Nominating Council waited until there was a vacancy to try to fill it, and suggested that the Council begin the process as soon as a vacancy was anticipated.

Chairman Sharpton noted he concurred, and said that by January 2014 he would like to begin the process to fill the vacancies whose terms were scheduled to begin on June 1<sup>st</sup>, 2014. He pointed out that this was a very time-consuming process, and he had aggressively pushed for the Nominating Council members to fulfill the task at hand, because it could easily take longer than three months. He said that he was not interested in going through a process simply to fill vacancies for the sake of having a certain number of members; rather, he wanted to ensure that the PHT Board of Trustees would be able to sustain its accomplishments.

Assistant County Attorney Christian noted the County Attorneys' Office and the Mayor's Office were designated to support the Nominating Council, and they would provide as much assistance to the members as necessary. She indicated that she had informed some PHT Board of Trustees' members that Chapter 25A was not completely synchronized with the new structure, as it charged the Nominating Council with submitting to the BCC, prior to September 1<sup>st</sup> of each year, a list of nominees for vacancies. She said that this was in conformity with prior language anticipating that Board service would begin in October of each year. However, she noted, because of the transition from the Financial Recovery Board, the terms would now begin in June of each year. She advised that by February 1<sup>st</sup>, the Nominating Council should begin the process to fill the vacancies whose terms were scheduled to begin on June 1<sup>st</sup>, 2014; although the members could choose to begin the process earlier.

Ms. Khaghan asked whether the slot being filled was the AFL-CIO appointee's seat.

Assistant County Attorney Christian clarified that when transitioning from the Financial Recovery Board to the re-established PHT Board of Trustees, Chapter 25 A was modified to ensure continuity, and provided that all

members of the Financial Recovery Board would become the initial members of the re-established PHT Board of Trustees, effective June 1, 2013. She stated that during the process for the BCC to formally appoint the members of the PHT Board of Trustees, a member who had been appointed by a commissioner resigned, and that was the vacancy which the Nominating Council was seeking to fill. In addition, Dr. Lipoff's seat would also become vacant by May 31<sup>st</sup> 2014, and she was an AFL-CIO appointee to the Financial Recovery Board, noted Assistant County Attorney Christian.

Chairman Sharpton stated that as he had done consistently in the prior two meetings, he would yield to the wishes of the Nominating Council members. He reiterated that there had been a high turn-over, and he needed the members' help to sustain the momentum of the work accomplished thus far. He noted this was the third meeting in which he mentioned the importance of agreeing on criteria to select the candidates.

Ms. Khaghan asked whether the Nominating Council would have to submit the names of nine candidates if it had three slots to fill.

Assistant County Attorney Christian clarified that the Nominating Council was required to submit one name for each vacancy, plus two alternate names; therefore, if there was one vacancy, the Nominating Council would submit three names, and if there were two vacancies, the Nominating Council would submit four names.

Chairman Sharpton said that it was his understanding that the names that the Nominating Council submitted were not ranked, noting the commissioners had the ability to choose from the slate.

Assistant County Attorney Christian said although this was correct, the Nominating Council could give the commissioners guidance.

Pursuant to Chairman Sharpton's comments, Mr. Artecona said that since he had not participated in the previous meetings, he would follow the

Chair's lead; however, he noted, he would make himself available for any future meetings.

Representative Nuñez said that Chairman Sharpton's points were well taken, and that she agreed with him wholeheartedly that continuity of the membership was important to sustain the momentum of the work carried out thus far.

Ms. Khaghan thanked Chairman Sharpton for his leadership, and for his vision of maintaining continuity in the membership.

Chairman Sharpton reiterated that the PHT Board of Trustees had accomplished a great deal, and said that he would like to reconvene the Nominating Council sooner rather than later to sustain this momentum. Subsequently, noted Chairman Sharpton, it would be appropriate to establish a new timeline, which would most likely include beginning the selection process in February 2014 for the two slots to be filled by June 1<sup>st</sup>.

Assistant County Attorney Christian advised that since it was not possible for the Nominating Council to take action without a quorum, the Administration would proceed to re-convene another meeting for the interviews.

Chairman Sharpton said that, to the extent allowed by statute, he would not be opposed to exempting the short-listed candidates from undergoing the formal application process once more.

Assistant County Attorney Christian explained that while the applications were not time-sensitive, the background checks were; however, she said that she would verify whether it was possible to exempt the short-listed candidates from undergoing the entire application process.

Chairman Sharpton apologized to the candidates, encouraged them to stay involved in the process, and said that he looked forward to conducting their interviews in the future.

### III. Adjournment

There being no other business to come before the Public Health Trust Nominating Council, the meeting adjourned at 1:06 p.m.



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Chairman Darryl Sharpton  
Public Health Trust Nominating Council



**Public Health Trust  
Nominating Council  
September 12, 2013**

Prepared by: Maryse Fontus

**EXHIBITS LIST**

| <b>NO.</b> | <b>DATE</b> | <b>ITEM #</b> | <b>DESCRIPTION</b>  |
|------------|-------------|---------------|---|
| 1          | 9/12/13     |               | Agenda  |
| 2          | 9/12/13     |               | Roll call sheet   |
| 3          | 9/12/13     |               | Minutes of August 30, 2013 Meeting  |
| 4          | 9/12/13     |               | 2013 Public Health Trust Nominating Council Timeline  |
| 5          | 9/12/13     |               | Questionnaire for candidates for nomination to serve on the Public Health Trust Board of Trustees |
| 6          | 9/12/13     |               | Letter from Jose R. Mas   |
| 7          |             |               |   |
| 8          |             |               |   |
| 9          |             |               |   |
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| 19         |             |               |   |



# **PUBLIC HEALTH TRUST NOMINATING COUNCIL**

## **AGENDA**

**September 12, 2013**

**11:30 a.m.**

**Jackson Memorial Hospital  
West Wing Board Room**

**Welcome**

**Chairman Darryl Sharpton  
PHT Nominating Council**

**Status of Background Checks**

**Christina Crespi  
Mayor's Office**

**Review of Interview Questionnaire**

**Chairman Darryl Sharpton  
PHT Nominating Council**

**Interviews with Finalists**

**11:30 am**

**Robin Reiter-Faragalli**

**12:00 pm**

**Daniel Kavanaugh**

**12:30 pm**

**Dr. Calixto Garcia**

**Chairman Darryl Sharpton  
PHT Nominating Council**

**Selection of Finalists**

**Chairman Darryl Sharpton  
PHT Nominating Council**

**Approval of the August 30 Meeting Minutes**

**Chairman Darryl Sharpton  
PHT Nominating Council**

**Adjournment**

**Chairman Darryl Sharpton  
PHT Nominating Council**

**Attachments:**

- August 30th Nominating Council Meeting Minutes
- Interview Questionnaire

**PUBLIC HEALTH TRUST NOMINATING COUNCIL**

Roll Call Sheet for September 12, 2013

| <b>MEMBER</b>   | <b>PRESENT</b> | <b>LATE</b> | <b>ABSENT</b> |
|---|----------------|-------------|---------------|
| Arriola, Joe<br><i>Public Health Trust Financial Recovery Board</i>   |                |             |               |
| Artecona, Mario J.<br><i>Miami-County Mayor or his/her Designee</i>   | ✓              |             |               |
| Bileca, Michael<br><i>Public Health Trust Financial Recovery Board</i>                                      | ✓              |             |               |
| Cmr. Audrey Edmonson<br><i>Miami-Dade County Commission Chair or a Commissioner designated by the Chair</i> |                |             |               |
| Khaghan, Mojdeh<br><i>Public Health Trust Financial Recovery Board</i>                                      | ✓              |             |               |
| Lapciuc, Marcos<br><i>Public Health Trust Financial Recovery Board</i>                                      |                |             |               |
| Madtes, Andy<br><i>South Florida AFL-CIO President or Designee</i>  |                |             |               |
| Nunez, Jeanette<br><i>Miami-Dade Legislative Delegation Chairperson or his/her Designee</i>                 | ✓              |             |               |
| <b>Chair Sharpton, Darryl K.</b><br><i>Public Health Trust Financial Recovery Board</i>                     | ✓              |             |               |
| <b>Staff:</b>   |                |             |               |
|   |                |             |               |
| <b>Assistant County Attorney Eugene Shy</b>   |                |             |               |
| <b>Assistant County Attorney Valda Christian</b>  | ✓              |             |               |
| <b>Assistant County Attorney Jeffrey Poppel</b>   | ✓              |             |               |

**NOTE: Five (5) members constitute a quorum**



**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

August 30, 2013  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Christopher Agrippa, Division Chief  
Clerk of the Board Division

Maryse Fontus, Commission Reporter  
(305) 375-4906



**CLERK'S SUMMARY OF MEETING AND OFFICIAL MINUTES  
PUBLIC HEALTH TRUST NOMINATING COUNCIL  
August 30, 2013**

The Public Health Trust Nominating Council (Nominating Council) convened at 2:00 p.m., in the Second Floor Conference Room of the Stephen P. Clark Center, 111 Northwest First Street, Miami, Florida. The following Nominating Council members were present: Chairman Darryl Sharpton, Joe Arriola, Michael Bileca, Marcos Lapciuc, and Andy Madtes; Commissioner Audrey Edmonson, Representative Jeanette Nuñez and Mojdeh Khaghan were late; (Mr. Mario Artecona was absent).

The following staff members were also present: Assistant County Attorneys Eugene Shy, and Valda Clark-Christian; Assistant to the Deputy Mayor Christina Crespi; and Deputy Clerks Maryse Fontus and Tawana Parker.

**I. Welcome and Introductions**

Chairman Darryl Sharpton welcomed everyone to today's (8/30) meeting. He said that he had circulated the biographies of the applicants for the vacancy on the Public Health Trust (PHT) Board of Trustees prior to the meeting, and had asked the PHT Nominating Council members to familiarize themselves with the material in the packet before coming to the meeting.

**II. Approval of July 24 Meeting Minutes**

Chairman Sharpton noted the first item on the agenda was the approval of the minutes of the July 24, 2013 meeting. He said that at this time he would entertain a motion to approve these minutes.

It was moved by Mr. Joe Arriola that the PHT Nominating Council members approve the minutes of the July 24, 2013 meeting. This motion was seconded by Mr. Michael Bileca, and upon being put to a vote, passed by a unanimous vote of those members present; (Commissioner Audrey Edmonson, Representative Jeanette Nuñez, Mr. Mario Artecona and Ms. Mojdeh Khaghan were absent).

### **III. Process for Selection of Nominees**

Chairman Sharpton asked Assistant County Attorney Eugene Shy to provide a third overview of the process for the selection of the nominees.

Assistant County Attorney Shy said that as he mentioned before, at the conclusion of this entire process, the Board of County Commissioners (BCC) would fill the vacancy left by Mr. Stephen Nuell on the Board of Trustees. He noted at the conclusion of the Nominating Council process, the members would submit three names to the BCC to make a determination. He explained that, under Chapter 25A of Miami-Dade County's Code, the Nominating Council was charged with soliciting, screening, interviewing and making recommendations to the BCC. He noted the solicitation process had already been completed. Assistant County Attorney Shy stated that the purpose of today's (8/30) meeting was for the Nominating Council members to use the matrix prepared by staff, to decide who they wanted to interview. He noted it was the prerogative of the Nominating Council members to determine how to narrow down the list of nine applicants to three. Based upon who would be on the short list, staff would obtain background checks for those candidates so that at the next meeting, the Nominating Council members would have all of the information required for the interviews, noted Assistant County Attorney Shy.

Mr. Arriola inquired whether the Nominating Council was legally required to select three applicants. He also asked about the duration of the term for this vacancy.

Assistant County Attorney Shy confirmed that the Code required that the Nominating Council submit the name of one applicant for each vacancy, plus two additional names. He clarified that this particular slot was for one year, but as the terms for the Board of Trustees began on June 1<sup>st</sup>, 2013, the candidate would have to complete the year. He noted early next year, the Nominating Council would have to fill this particular slot again, plus another slot.

In response to Mr. Arriola's question, Assistant County Attorney Shy confirmed that the successful applicant could re-apply.

Chairman Sharpton clarified that the Nominating Council members would not be selecting the person to fill the vacancy, but would agree on a short list of candidates to interview.

Mr. Lapciuc asked whether today (8/30) the Nominating Council members were expected to eliminate six of the nine applicants; and by default, the other three would be on the short list.

Assistant County Attorney Shy clarified that if after interviewing the three applicants short listed today (8/30) the Nominating Council members decided to interview any of the other six applicants, they were free to do so.

Mr. Lapciuc noted therefore this was not a process to select the candidates whose names would be forwarded to the BCC; rather, this was a process to select who the Nominating Council members wished to interview.

Mr. Arriola pointed out that the Nominating Council members did not wish to interview all nine applicants. He suggested that the members agree on four or five applicants to interview.

Chairman Sharpton indicated that he would defer to the wishes of the Nominating Council as to the number of applicants to interview, although he was hoping that the members could agree on five applicants. He said that in his view, he believed that the Nominating Council members received applications from nine capable individuals. Mr. Sharpton noted at the last meeting, he tried to identify the criteria that could be used to narrow the list down. He indicated that when he reviewed the applications he noticed that some of the applicants' qualifications duplicated the expertise of the Nominating Council members; therefore, it did not seem necessary to interview all nine applicants. He said that he also paid attention to the goals that the candidates indicated they wanted to achieve, and noticed that there were some distinguishing factors, because the objectives identified by some of the applicants were similar to those of the Nominating Council members.

Mr. Lapciuc asked whether it would be appropriate at this time for the Nominating Council members to vote on a number of applicants to interview.

Chairman Sharpton asked whether any Nominating Council member believed that all nine applicants should be interviewed based upon the information contained in the packet.

Since no Nominating Council member expressed the belief that all nine applicants should be interviewed, Chairman Sharpton said that he would entertain a motion regarding the number of applicants to be interviewed.

It was moved by Mr. Marcos Lapciuc that the Nominating Council members agree on five applicants to be interviewed. This motion was seconded by Mr. Andy Madtes, followed by discussion.

Mr. Arriola expressed disagreement with this large number. He noted it was a long process, and it would be too time consuming to interview five applicants, when in the end the Nominating Council members would only recommend one applicant. He put forth a friendly amendment that the Nominating Council members agree on three applicants to be interviewed.

Mr. Lapciuc noted he agreed with Mr. Arriola, and accepted his friendly amendment.

Representative Nuñez asked whether the three applicants who would be selected would also be the nominees to be forwarded to the BCC for its consideration.

Chairman Sharpton confirmed that the three applicants that would be selected would be forwarded to the BCC for the final determination.

It was moved by Mr. Marcos Lapciuc that the Nominating Council members agree on three applicants to be interviewed. This motion was seconded by Mr. Andy Madtes, and upon being put to a vote, passed by a unanimous vote of those members present; (Mr. Mario Artecona was absent).

#### **IV. Selection of Finalists for Interviews**

Chairman Sharpton noted he reviewed the applications, the matrix, and he ranked the candidates. He said that he was open to suggestions, based

upon the history of the Nominating Council, as to how to proceed with regard to ranking the candidates.

Assistant County Attorney Shy explained that in the past, after having reviewed the matrix and applications, the Chair would ask each member to rank the candidates; and at the end staff would add up the tally to select the successful candidates.

Chairman Sharpton asked the Nominating Council members to take five minutes to go through the applications and rank the top three applicants.

After a few minutes, Chairman Sharpton asked the members around the table to identify their top three applicants.

Mr. Arriola: 4 Mas; 3 Kavanaugh; 9 Pruitt

Ms. Khaghan: 4 Mas; 3 Kavanaugh; 6 Faragalli

Commissioner Edmonson: 3 Kavanaugh; 4 Mas; 6 Faragalli

Mr. Madtes: 2 Garcia; 3 Kavanaugh; 6 Faragalli

Mr. Lapciuc: 4 Mas; 5 Patel; 9 Pruitt

Mr. Bileca: 4 Mas; 3 Kavanaugh; 6 Faragalli

Representative Nuñez: 4 Mas; 2 Garcia; 9 Pruitt

Chairman Sharpton: 2 Garcia; 5 Patel; 4 Mas

Assistant County Attorney Shy announced that Mr. Mas had received 7 votes, Mr. Kavanaugh 5 votes, and Ms. Faragalli 4 votes.

Chairman Sharpton noted the above-named applicants represented the three applicants who would be interviewed by the Nominating Council members.

Assistant County Attorney Shy advised that a heightened conflict of interest standard applied to the members of the Board of Trustees. He noted some of the applicants had reported conflicts of interest, but during the interview process the Nominating Council members could supplement the list.

Chairman Sharpton said that for the benefit of the process, if there were any known conflicts, they should be made known to the Nominating Council members at this point.

Assistant County Attorney Shy noted candidate Mas' brother was on the Board of Miami Children's Hospital.

Chairman Sharpton asked whether this represented a conflict.

Assistant County Attorney Shy noted this should not necessarily stop the process, but it should be raised and addressed at some point in the future.

Chairman Sharpton said that today (8/30) would be the best time to address this issue if it represented a conflict.

Commissioner Edmonson inquired why this would represent a conflict of interest.

Assistant County Attorney Shy explained that when the Financial Recovery Board (FRB) was established, at the urging of the Hospital Governance Task Force, the County Commission adopted resolution R-1020-11, which imposed a heightened conflict of interest standard on the FRB. Assistant County Attorney Shy said that the Commission did not want anyone on the FRB to have any conflicts; the Financial Recovery Board amended its By-laws as a result, and the Board of Trustees did the same.

Commissioner Edmonson noted she recalled that the conflict had to apply to the individual, but Assistant County Attorney Shy clarified that it applied to the individual's family members, as well.

Mr. Arriola noted he agreed with Commissioner Edmonson that if an applicant's brother served on another board, this should not constitute a

conflict; however, if it represented a conflict, it was advisable to address it now.

Mr. Lapciuc noted he wanted to add some perspective since he was heavily involved in adopting the heightened conflict of interest standard. He recalled that the concern had to do with a member of the Board of Trustees or a relative of a member of the Board contracting with the Trust. He said he did not believe that, if in fact Mr. Mas' brother served on the Board of Miami Children's Hospital, this constituted a conflict.

Assistant County Attorney Shy stated that the provision in the By-laws, which was carried over from the FRB to the Board of Trustees provided as follows: "The immediate family of the member of the Board shall not be employed as senior management, or have control of, or have a material interest in an organization that competes with the Jackson Health System."

Chairman Sharpton urged the Nominating Council members to try to resolve this issue. He asked Assistant County Attorney Shy whether he considered the first criteria, which pertained to a "material interest", to be applicable to Mr. Mas. He requested that Assistant County Attorney Shy provide him with an example as to how that would constitute a conflict.

Mr. Madtes pointed out that it would be helpful to know in what capacity Mr. Mas' brother served on the Board of Miami Children's Hospital.

Mr. Arriola said that he was no longer the Chair of the Board.

Representative Nuñez asked whether he was on the Board of the Hospital or the Foundation.

Chairman Sharpton noted Miami Children's Hospital had a holding company by the name of the Children's Health System, and Mr. Mas' brother was on the Board of this company and was probably its Chair.

Ms. Crespi said that she looked it up and that Mr. Mas' brother was on the Board of Directors of Miami Children's Hospital.

Assistant County Attorney Shy stated that what had been done in the past, and was provided for in the By-laws of the Nominating Council, was to request an opinion from the Commission on Ethics and Public Trust.

Representative Nuñez suggested that in the interest of time, the Nominating Council members should add, as an alternate, the applicant who had received the most number of votes after the first three applicants.

Chairman Sharpton noted he agreed with Representative Nuñez' suggestion.

Commissioner Edmonson pointed out that two applicants had received three votes each. She suggested that the Nominating Council members vote on these two applicants to identify an alternate applicant.

It was moved by Commissioner Edmonson that the Nominating Council members vote on the two applicants who had received three votes each to identify an alternate applicant. This motion was seconded by Representative Nuñez, and upon being put to a vote, passed by a unanimous vote of those members present; (Mr. Mario Artecona was absent).

Following a roll call, it was determined that Mr. Calixto Garcia would be the fourth applicant to be interviewed as an alternate applicant, in case it was decided, upon receipt of the Commission on Ethics and Public Trust's opinion, that Mr. Mas had a conflict of interest.

Mr. Lapciuc inquired about the procedure before the Commission on Ethics and Public Trust. He pointed out that it would be unfair to ask Mr. Mas to be interviewed until this issue had been resolved. He noted the importance of encouraging good applicants, and expressed concern about casting such a wide net with regard to potential conflicts of interest.

Assistant County Attorney Shy stated that upon conclusion of this meeting, he would contact the Commission on Ethics and Public Trust to request an opinion on this matter urgently. He noted it was the prerogative of Director Joseph Centerino to decide how quickly to issue the opinion; however, in

the past, when requested, the Ethics Commission had issued its opinions prior to the interviews.

Mr. Lapciuc stressed that he did not believe that this was the intent of the heightened conflict of interest standard, noting Assistant County Attorney Shy's interpretation might be overly cautious.

Chairman Sharpton acknowledged that there might be an apparent conflict of interest; however, he inquired what would be the likelihood of that conflict manifesting itself. He asked whether, from a procedural standpoint, a resolution was in order.

Assistant County Attorney Shy advised that a motion was needed to approve the four applicants to be interviewed: Mr. Jose Ramon Mas, Mr. Daniel Kavanaugh, Ms. Robin Reiter-Faragalli, and Mr. Calixto Garcia.

It was moved by Mr. Marcos Lapciuc that the four applicants, Mr. Jose Ramon Mas, Mr. Daniel Kavanaugh, Ms. Robin Reiter-Faragalli, and Mr. Calixto Garcia, be interviewed. However, if it was determined, pursuant to the opinion of the Commission on Ethics and Public Trust, that Mr. Mas had no conflict of interest, only the original three applicants selected would be interviewed. This motion was seconded by Mr. Michael Bileca, and upon being put to a vote, passed by a unanimous vote of those members present; (Mr. Mario Artecona was absent).

In response to Chairman Sharpton's request, Ms. Crespi announced that the four interviews could be held on the 5<sup>th</sup> or 6<sup>th</sup> of September, or on the 11<sup>th</sup> and 12<sup>th</sup> of September.

Mr. Madtes indicated that he would be out of town and Ms. Khaghan stated that the 5<sup>th</sup> and 6<sup>th</sup> of September were Jewish holidays.

Responding to Mr. Bileca's question, Ms. Crespi confirmed that all of the applicants would be interviewed on the same day.

Chairman Sharpton noted the deadline for submittal of the names of the applicants to the County was the 13<sup>th</sup> of September, if the Nominating Committee wanted to place this item on the BCC October agenda. He said

it appeared that most members were available on the 12<sup>th</sup> of September and asked whether Mr. Madtes could participate in the interviews by phone.

Assistant County Attorney Shy confirmed that Mr. Madtes could listen in on the interviews on the phone.

Responding to Chairman Sharpton's question as to whether there was a vehicle that would allow Mr. Madtes to submit a question in writing, Assistant County Attorney Shy noted the questions that had usually been asked were in the packet that was distributed at the meeting.

Chairman Sharpton said that he would like to give Mr. Madtes the opportunity to ask his questions. He announced that the Committee meeting would begin at 9 a.m., and would be followed by the interviews at approximately 11:00 or 11:30 a.m.

Responding to Mr. Arriola's question as to whether Mr. Madtes could vote by proxy, Assistant County Attorney Shy advised that this was not possible.

Chairman Sharpton noted additional questions should be submitted to the Chair and copied to Ms. Crespi. He indicated that they should be received by Friday, 6<sup>th</sup> September.

## **V. Adjournment**

There being no other business to come before the Public Health Trust Nominating Council, the meeting adjourned at 2:59 p.m.

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Chairman Darryl Sharpton  
Public Health Trust Nominating Council

## 2013 Public Health Trust Nominating Council Timeline

|   |  |
|---|--|
| <p><b>July 24, 2013</b></p>   | <p><b>Nominating Council convenes</b><br/> Review nominating process for 2013 vacancy<br/> Approve advertisement, timeline, and application<br/> Set next meeting date</p>   |
| <p><b>July 30, 2013</b></p>   | <p>Advertisement runs in The Miami Herald, El Nuevo Herald, Miami Times, Haite en Marche, Diario de las Americas, Miami Daily Business Review, community periodicals and the County's website</p>  |
| <p><b>August 13, 2013</b></p>   | <p><b>Application submission deadline to the Clerk's Office (by 4pm)</b></p>   |
| <p><b>August 20, 2013</b></p>   | <p>Send Applications and E-mail summarized application matrix to Council members</p>   |
| <p><b>August 30, 2013</b></p>   | <p><b>Nominating Council convenes</b><br/> Review summarized application matrix<br/> Select finalists for interview<br/> Review Questionnaire in prep for interviews<br/> Select dates for interviews</p> <p>Staff will notify finalists (via phone call and written letters from Chairman)<br/> Staff will request background screening for finalists from HR</p>                                   |
| <p><b>September 12<br/> 11:30am<br/> At Jackson</b></p>   | <p><b>Nominating Council Convenes</b><br/> Interview Finalists:</p> <ul style="list-style-type: none"> <li>• 11:30 am - Robin Reiter-Faragalli</li> <li>• 12:00 pm - Daniel Kavanaugh</li> <li>• 12:30 pm - Dr. Calixto Garcia (Alternate pending Mas' outcome)</li> <li>• 1:00 pm - Jose Mas (pending Ethics Commission Opinion)</li> </ul> <p>Select slate of nominees for presentation to BCC</p> |
| <p><b>October 7, 2013</b><br/> *Deadline is Sept 13<br/> Could request waiver out of Committee and go directly to BCC</p> | <p><b>Final nominees presented to the Health and Social Services Committee</b><br/> *There are no Committee meetings in September</p>  |
| <p><b>October 22, 2013</b></p>  | <p><b>Final nominees presented to the BCC for approval</b><br/> * Will request waiver to Oct 22, 2013 BCC</p>  |

**QUESTIONNAIRE FOR CANDIDATES FOR NOMINATION TO SERVE ON THE  
PUBLIC HEALTH TRUST BOARD OF TRUSTEES**

**COUNCIL MEMBER/NUMBER** \_\_\_\_\_

**CANDIDATE'S NAME** \_\_\_\_\_

1. Why would you like to serve on the Public Health Trust Board? What special skills will you bring to the Trust?

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Comments: \_\_\_\_\_  
\_\_\_\_\_

1    2    3    4    5  
Poor    Fair    Good

**Score:** \_\_\_\_\_

2. Can you dedicate at least 40 hours a month to serving on the Trust? Do you have any schedule restrictions?

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Comments: \_\_\_\_\_  
\_\_\_\_\_

1    2    3    4    5  
Poor    Fair    Good

**Score:** \_\_\_\_\_

3. What do you know about the current challenges of the Trust and how would you go about addressing them?

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Comments: \_\_\_\_\_  
\_\_\_\_\_

1    2    3    4    5  
Poor    Fair    Good

**Score:** \_\_\_\_\_

4. What do you know about the vision of the Trust and the organization's plans for the future?

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Comments:

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1    2    3    4    5  
Poor    Fair    Good

Score: \_\_\_\_\_

5. What services need to be provided in order for the indigent of Miami-Dade to receive adequate healthcare?

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Comments:

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1    2    3    4    5  
Poor    Fair    Good

Score: \_\_\_\_\_

6. How would you meet those responsibilities and obligations given the current financial constraints of the Trust?

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Comments:

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1    2    3    4    5  
Poor    Fair    Good

Score: \_\_\_\_\_

7. How should the PHT be involved in addressing the JMHS operating deficit?

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Comments:

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1    2    3    4    5  
Poor    Fair    Good

Score: \_\_\_\_\_

8. Is there anything in your personal or professional background that could be a potential conflict of interest, including those arising from relationships in the healthcare industry or the Jackson Memorial Foundation?

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Comments:

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1   2   3   4   5  
Poor   Fair   Good

Score: \_\_\_\_\_

9. Is there anything in your personal or professional background that would be a concern to the County?

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Comments:

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1   2   3   4   5  
Poor   Fair   Good

Score: \_\_\_\_\_

10. What is your understanding of the following relationships:

- The Trust and the County?
- The Trust and the Jackson Health System administration?
- The Trust and the two major medical academic institutions, UM and FIU?

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Comments:

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1   2   3   4   5  
Poor   Fair   Good

Score: \_\_\_\_\_

11. What are your thoughts concerning the Grand Jury Report?

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Comments:

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1   2   3   4   5  
Poor   Fair   Good

Score: \_\_\_\_\_

12. What is your understanding of how Healthcare Reform will impact the Jackson Health System?

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Comments:

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1    2    3    4    5  
Poor    Fair    Good

Score: \_\_\_\_\_

13. Is there anything else you would like to tell us that you feel is relevant to you candidacy?

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Comments:

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1    2    3    4    5  
Poor    Fair    Good

Score: \_\_\_\_\_

**Total Score:** \_\_\_\_\_

Jose R. Mas

September 10, 2013

Darryl K. Sharpton  
Chairman  
Public Health Trust Nominating Council  
1611 NW 12<sup>th</sup> Avenue  
Miami, Fla. 33136

Dear Mr. Sharpton,

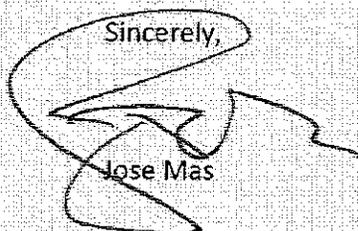
My family and I have a long, proud tradition of contributing to South Florida's civic community. It was in that spirit that I applied to join the Public Health Trust Board of Trustees and participate in Jackson Health System's ongoing improvement. I am honored to have been invited to interview with the Nominating Council.

Subsequent to my application, however, it was brought to my attention that my brother's similar involvement at another prominent hospital in Miami-Dade County could be considered a conflict under PHT rules. I personally reviewed those rules and concluded that my appointment to the PHT would clearly be a violation. My only alternative would be to ask my brother to terminate his own commitment to growing and improving healthcare in South Florida, which I cannot in good conscience do.

To that end, I regretfully must withdraw my name from consideration, effective immediately. Please know that I remain committed to Jackson's missions and will seek other avenues to support your exceptional progress. Should circumstances ever permit my reapplication in the future, I would certainly be pleased to resubmit my candidacy.

Thank you for understanding, and I wish you continued success at Jackson.

Sincerely,



Jose Mas