FINAL OFFICIAL
MEETING MINUTES
CHARTER REVIEW TASK FORCE

Board of County Commissioners
Stephen P. Clark Center
Conference Rooms 18-3 and 4
111 N.W. 1 Street
Miami, Florida 33128

May 23, 2012
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

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Clerk of the Board Division

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CLERK'S SUMMARY AND OFFICIAL MINUTES
MIAMI-DADE COUNTY CHARTER REVIEW TASK FORCE
MAY 23, 2012

The Miami-Dade County Charter Review Task Force (the Task Force) convened the public hearing meeting on May 23, 2012, at 9:00 a.m., at the Stephen P. Clark Center, Conference Rooms 18-3 and 18-4, 111 N. W. First Street, Miami, Florida. There being present Chairman Rene Garcia, Vice-Chairwoman Evelyn Langlieb Greer, Ms. Yolanda Aguilar, Mr. Armando Bucelo, City of Hialeah Councilman Luis Gonzalez, Mr. Carlos Manrique, Mr. Louis Martinez, Mr. Terry Murphy, Mr. Lawrence Percival, Ms. Pamela Perry, and Reverend Dr. Walter Richardson (Mr. Joe Arriola and City of Hialeah Councilwoman Isis Garcia-Martinez were late; City of Doral Mayor Juan Carlos Bermudez, Mr. Hans Ottinot, Representative John Patrick Julien, Mr. Donald Slesnick, Professor H. T. Smith, and Representative Carlos Trujillo were absent).

In addition to the members of the Task Force, the following staff members were present: Assistant County Attorneys Oren Rosenthal, Cynthia Johnson-Stacks, Eugene Shy and Jeff McCarty; Ms. Inson Kim, Ms. Lorna Mejia, Mr. Les Pantin, Mr. Jeve Clayton, and Deputy Clerk Flora Real.

Chairman Rene Garcia called the meeting to order at approximately 9:26 a.m. and welcomed the Task Force members and all others present.

APPROVAL OF MINUTES

- May 17, 2012 – Charter Review Task Force Meeting

The Clerk's Summary and Official Minutes for the May 17, 2012, Charter Review Task Force meeting were not considered due to a lack of a quorum.

CHAIRMAN'S ITEMS

Pursuant to Ms. Evelyn Greer's request, Chairman Rene Garcia asked that Ms. Inson Kim contact Task Force members absent at today's meeting to ask them to provide advance notification of their absence for future Task Force meetings; and that those members be asked if they wished to continue participating in future Task Force meetings in order to ensure a quorum at future meetings.

Chairman Garcia noted Mr. Percival had asked that the issue of a combination of single and at-large County Commission Districts be reviewed.

COUNTY ATTORNEY'S REPORTS

- Recommended Technical Amendments to Charter – Not presented

CRTF ISSUES OF STUDY

- Incorporation/Annexation – Not presented
- Governance of Jackson Memorial Hospital

Assistant County Attorney Eugene Shy explained the history of Jackson Memorial Hospital (JMH), noting in 1949 the City of Miami conveyed the governance of JMH to Miami-Dade County. In 1973, the Board of County Commissioners (BCC) created the Public Health Trust (PHT), with a 17 member Board of Trustees, as the governing body of JMH. He further explained that in 2011, in the midst of financial crisis, the Board of County Commissioner's replaced the PHT Board of Trustees with the Financial Recovery Board (FRB) consisting of 7 members.

Assistant County Attorney Shy noted, as a result of a scathing Grand Jury report, the BCC created the Miami-Dade County Hospital Governance Task Force (HGT) in 2011, which was part of the package being considered by this task force. He noted the purpose of the HGT was to consider various governing structures to operate JMH, and Jackson Health System (JHS) operated its own health plan, which comprised JMH, Jackson North, and Jackson South. The governance of JHS included all of the various components previously mentioned, including nursing homes and inmate health care, Mr. Shy explained. He said the HGT members had their first meeting on March 28, 2011, and they submitted a report with 18 recommendations to the BCC on May 12, 2011.

Assistant County Attorney Shy noted the primary recommendation was to create a not-for-profit corporation, which would be charged with operating JHS. The governing body of the proposed not-for-profit corporation would be comprised of nine members: Five appointed by the Mayor and four by the BCC. He noted once the members' terms of office expired, the governing body would appoint its members without involvement from the Mayor or BCC, which would result in the creation of an independent, self-sustaining, non-profit organization. He also noted that among the 18 recommendations submitted by the HGT, they proposed a heightened sense of conflict of interest, whereby vendors, stakeholders, and any person, company, or entity that had contracts with Jackson or the Jackson system, could not serve as a member of the recommended board.

Pursuant to an inquiry by Chairman Garcia regarding whether or not any of the 18 recommendations were implemented, Assistant County Attorney Shy noted the only action taken by the BCC was to create the FRB in response to the fiscal crisis faced by JMH.

At this time, Chairman Garcia opened the floor for discussion.

Vice Chairwoman Greer asked Assistant County Attorney Shy to explain the interaction between the Charter and Jackson and the regulatory framework.

Mr. Shy responded that the BCC was concerned with the operation of Jackson pursuant to the Charter, which charged Jackson with providing hospitals and other health care programs to the citizens of this County and pursuant to Chapter 25A of the Code, which charged the PHT with the operation, maintenance, and governance of the Jackson Health System.

In response to an inquiry by Mr. Percival regarding the ramifications if Task Force members supporting the recommendation to transfer the governance of JMH to a not-for-profit entity, Mr. Shy explained that the Florida Statutes relating to surtax specifically states that those funds must

go to the County General Hospital and that funding could possibly be jeopardized if Jackson was operated as a not-for-profit entity. He also indicated that HGT members discussed whether sovereign immunity would flow to the new not-for-profit entity. In conclusion, Assistant County Attorney Shy explained that the ramifications were uncertain and should this Task Force support the HGT's recommendation, further review would be necessary.

Chairman Garcia asked for clarification on the relationship between the BCC, Jackson, and the oversight board.

Assistant County Attorney Shy explained that the FRB was the new governing body and, under Chapter 25A, the BCC retains the power and jurisdiction over labor contracts, buying or selling real estate, and ground leases. He also noted the BCC had the authority to issue directives to the PHT.

With regards to Jackson labor contracts, Assistant County Attorney Shy explained that those matters were first approved by the FRB then presented to the Public Safety and Healthcare Administration Committee for review and recommendation to the BCC.

Ms. Aguilar questioned the impact of transferring the governance of Jackson to a not-for-profit entity on the powers and authority of the County Commission, Assistant County Attorney Shy said all powers and authority delegated in the County Commission would be transferred to the not-for-profit entity, with the exception of property ownership and bond issuance.

Ms. Aguilar questioned whether any models existed to suggest that JMH would function better under the oversight of a not-for-profit entity and its impact on funding for JMH.

Assistant County Attorney Shy said he was unaware of any such models. He noted questions/concerns regarding the Surtax funds should be directed to the County Administration.

Following a discussion among Task Force members regarding the creation of the HGT in response to the Grand Jury report, Mr. Manrique noted the Grand Jury report referenced several counties in Florida that had systems similar or identical to Miami-Dade County's. He questioned how those systems were managing.

Assistant County Attorney Shy stated he would review the Grand Jury report and report back to the Task Force. He noted Broward County's healthcare system was funded through special taxing districts.

Mr. Percival questioned whether the CRTF could seek additional information needed to make an informed decision as to whether or not to support the proposal to transfer the governance of JMH to a not-for-profit entity.

Chairman Garcia stressed the importance for this group to address the issues responsibly. He asked Assistant County Attorney Shy to research to determine whether or not any other public hospitals in the nation had transferred governance to a not-for-profit entity and report back the Task Force.

Mr. Murphy noted the HGT report did not contain any recommendation to revise the Charter as it pertains to the operations at Jackson. He suggested Task Force members be mindful of any notion to change the Charter to transfer the governance of Jackson away from the County and/or including any provisions in the Charter that would deny the citizens of the this community the benefit of a public hospital.

Chairman Garcia commented that giving more autonomy to the governance of Jackson and removing the politics would prove instrumental in making JMH a viable institution.

Ms. Perry stressed the importance for this group to gather additional information before proposing any revisions to the County Charter as it pertains to the governance of Jackson.

Ms. Greer spoke about her experience with the creation of Our Kids, a private/public not-for-profit organization that handled all foster care responsibilities in Miami-Dade County. She noted an oversight board was created and the not-for-profit organization channeled both state and local public funding to service organizations. In addition, she pointed out that all business was conducted pursuant to Government in the Sunshine; that all meetings were public, and all documents were available to the public. Vice Chairwoman Greer suggested the CRTF look at that model when gathering information.

Ms. Martha Baker, RN, Jackson Memorial Hospital, noted in her capacity as president of SEIU Local 1991, she sent a letter to the Grand Jury requesting an investigation at JMH due to the looming financial crisis and operational deficit. She expressed concern that the sustainability of JMH was in jeopardy due to incompetence at the higher levels. She suggested the ability of a hospital to operate efficiently was largely dependent on the competencies of the Chief Executive Officer and other top executives, and not the structure of the hospital.

Ms. Baker emphasized the importance for Task Force members to demonstrate due diligence in determining whether or not to maintain sovereign immunity and to ensure that JMH continues to operate in the Sunshine should any structural changes occur. She also expressed concern that JMH never sought CMS funding due to the lack of strategic planning and that those types of funding sources for public hospitals would be lost if the hospital was privatized.

Mr. Manrique noted, since the property ownership and bond issuance authority would remain with the County Commission in the event that governance was transferred to a not-for-profit entity, and the relationship between JMH and the Miami-Dade County would be public/private. He pointed out that a proposal to privatize JMH had not been presented.

Mr. Percival noted, for the record, the former HGT Chairman requested this Task Force support their recommendation that JMH be a not-for-profit/public entity. He stressed the importance for the County Attorneys to provide the information requested by Task Force member in a timely manner so that they can review it before making any recommendations.

Mr. Manrique commented that Ms. Baker had legitimate concerns that should be addressed and based on the information provided thus far Task Force members should refrain from making any recommendation at this point.

Ms. Perry expressed concern with the lack of accountability, noting Task Force members did not have adequate information to make such decisions.

Chairman Garcia noted he concurred with Ms. Perry. He stressed the importance of reviewing all issues before making any recommendations, and asked Assistant County Attorney Shy to report back to the CRTF on his findings.

A discussion ensued regarding the ineffectiveness of previous administrators at JMH during which it was noted that JMH would possibly be bankrupt today if Ms. Baker, on behalf of the SEIU Local 1991, had not initiated the Grand Jury investigation. It was also noted the system of appointing administrators under the previous governance structure was largely unsuccessful thus far and many people believed the appointment process for the CEO had become highly political.

Ms. Baker expressed concern that none of the current board members had any medical expertise.

Chairman Garcia commented on the politics involved in the appointment of the CEO at Jackson and the need to remove the politics.

Mr. Murphy noted the Public Health Trust was delegated the authority to appoint its CEO in 1973, pursuant to the Miami-Dade County Code.

Chairman Garcia expressed concern regarding the County Commission's involvement in the appointment of the CEO, and stressed the importance of ensuring that they were not involved this process in the future.

Upon inquiry by Councilman Gonzalez regarding the PHT membership, Assistant County Attorney Shy noted the FRB, which was previously the PHT, was comprised of seven members: One of whom was appointed by the labor union, one by the Dade Delegation, one by the County Mayor, and four by the County Commission.

Vice Chairwoman Greer urged each Task Force member to carefully review the HGT and Grand Jury reports.

Ms. Baker thanked the CRTF for the opportunity to present her concerns. She noted a representative(s) from JMH was not included in the membership of the HGT and thus, the HGT recommendations did not benefit from information from anyone who worked at JMH or associated with it. Ms. Baker asked Task Force members to review the HGT recommendations carefully, and maintained that operational changes were needed at JMH.

Vice Chairwoman Greer asked Ms. Baker to submit the SEIU Local 1991 Union's recommendations for changes to the governance/structure of JMH for review by the Task Force.

Mr. Manrique asked Assistant County Attorney Eugene Shy to determine whether or not sovereign immunity and CMS funds or other types of grants would be permissible under a public/private partnership.

Chairman Garcia noted, for the record, JMH contributed approximately 60% to 70% of the Intergovernmental Transfers (IGT's) to Tallahassee that in turn went to Washington, and then came back to Miami-Dade County to fund the public healthcare system in this community.

- Salaries/Outside Employment (Executive Benefits Presentation)

Chairman Rene Garcia introduced Ms. Mary Lou Rizzo, noting she would present the executive benefits package for County Commissioners.

Ms. Mary Lou Rizzo, Assistant Director, Miami-Dade County Internal Services Department, presented a report on the Summary of Compensation and Benefits for Miami-Dade County Commissioners. She advised that the members of the County Commission were the recipients of the following compensation and executive benefits:

- an annual salary of $6,000 as established by the Home Ruled Charter;
- an annual Executive Group 1 Allowance in the amount of $10,000 as part of the Miami-Dade County Executive Benefits Program, which could be used for post-tax purposes or taken as taxable expenditures;
- an annual Basic Life Insurance policy for $100,000;
- an annual maximum car allowance in the amount of up to $9,600;
- an annual expense allowance in the amount of $24,000 for any expenses incurred in the course of performing the elected office duties;
- an annual 401(a) Retirement contribution in the amount of $11,500 to supplement the Florida Retirement System (FRS) benefit for the $6,000;
- an annual County paid physical examination as part of the Comprehensive Executive Benefits Program, with services provided through the contractual arrangement between the Public Health Trust (PHT) and Miami-Dade County;
- a County paid Retiree Health Insurance Coverage established in 1992 as part of the Elected Officials Retirement Health Insurance Program for County
- the continuation of healthcare insurance up to a maximum of 15 years or until age 65, whichever occurred first for commissioners who served at least five years;
- an Elected Officials Retirement Health Insurance Program for elected officials who served 16 years or more and were eligible to receive County provided coverage under a program offered to supplement Medicare at the time the elected office became Medicare eligible as established in October 1992;
- eligible to participate in additional optional benefits at the elected officials' expense such as purchasing optional life insurance coverage of $100,000 and basic life insurance coverage in the amount of $100,000 if at least one four-year term had been completed;
- eligible to purchase executive long-term disability insurance in the amount of $7,000 per month while serving his/her term; and

- a newly elected County Commissioner would be eligible to participate in a Tax Return Pickup Plan within six month of assuming office to allow the elected official to permanently elect to designate 3%, 6%, or 10% of gross salary.

Pursuant to Chairman Garcia's inquiry, Ms. Rizzo noted the Executive Benefits Program was a Countywide program established in the early 1980s for executives under the mayoral and non-mayoral purview; but the program was eliminated for executives under Mayor's purview effective May 28, 2012. However, this program remains in place for commissioners and other departmental executives not under the Mayor's purview, such as the Inspector General.

Mr. Percival requested that Ms. Mary Lou Rizzo provide him with a summary report outlining the total annual cost for all executive physical examinations performed and for all other executive benefits.

In response to Mr. Percival's inquiry, Ms. Rizzo clarified that the $7,000 a month benefit for the Executive Long-Term Disability Insurance had a cost of approximately $45 a month and a cost of $17 per month for $100,000 coverage in life insurance for elected officials.

Ms. Rizzo clarified that the County's health insurance program was available to all employees including the commissioners for the cost of single coverage, with the exception of the point of service plan, which includes a monthly charge. She noted the County contributed towards the healthcare insurance policy; and if single coverage was selected under the point of service plan, the commissioner would also pay the premium. If family coverage was selected, the commissioner would pay the same contribution as any other County employee.

Mr. Terry Murphy asked that the focus of this presentation remain on the Home Rule Charter, and noted his intent to present a proposal on commissioners' salaries later. He. asked that the Task Force members consider the formula he had developed to establish the County Commissioners' salary, which he noted was a local formula that divided the value of the Countywide property tax base by the total population as published by the United States Census Bureau (the Census Bureau), effective November 2016; the salary would be calculated every five years, and projected an annual salary of $76,000. The projected salary would be $72,000 for 2015 based on the population projections, which were published by the Census Bureau every five years as well as the actual population figures, which were published every ten years, Mr. Murphy noted. He said he used the proposed formula to calculate that commissioners' salaries would have been $2,900 or around $6,000 in 1957. Mr. Murphy said he believed that a salary in the $70,000 range would be reasonable for commissioners based on the calculations, and he was hopeful that his proposal would be presented to the voters.

In response to Chairman Garcia's question, Mr. Murphy advised that the Office of Budget and Management had reviewed the formula and verified the calculations; and his formula represented a local application of two simple variables, which would place the salary recommendation below the state formula. He advised that it was a salary recommendation put forth in the past as a step down from that proposed in the State formula, and the salary increase would be available for individuals elected in 2014 and 2016. Mr. Murphy clarified that incumbent office holders would not recieve a salary increase.

In response to Mr. Percival's inquiry regarding parliamentary procedure, Chairman Garcia noted the proposal was introduced for discussion only.

Mr. Percival noted pursuant to the parliamentary procedure, all motions must be made and seconded and the floor must be opened for discussion.

Mr. Murphy clarified that the proposed formula was presented as an idea for discussion, and a motion was not on the floor at this time.

In response to Dr. Richardson's question, Mr. Murphy clarified that his proposal only addressed base salary because he did not wish to further limit compensation since many of these executive benefits such as car allowance were justifiable. Therefore, the question on executive benefits would remain under the purview of the County Commission and the Mayor, and should be addressed as a budgetary issue.

Mr. Murphy noted he agreed with Dr. Richardson that commissioners' salaries and benefits could be over $100,000 annually, based on his proposal.

In response to Ms. Pamela Perry's inquiry, Mr. Murphy advised that the formula would not be affected by any action of the County Commission since the calculations were based on the Property Appraiser's assessments of property in Miami-Dade County. He stated that the County Commission determined the millage rate based on the cumulative value of all properties, which was currently $192 billion, and the Commission could not influence the result of the formula.

In response to Ms. Perry's inquiry regarding a significant increase in the property values, Mr. Murphy noted the other variable was population.

Discussion ensued regarding the formula proposed by Mr. Murphy.

In response to Ms. Yolanda Aguilar's inquiry as to whether the proposal was linked to full-time employment, Mr. Murphy clarified that his proposal did not address that issue and noted he believed full-time employment was a separate discussion. However, he noted the County's Conflict of Interest provisions should be included in the Charter, and the powers and authority of the Ethics Commission should be strengthened to provide its members with the tools to address the perception of impropriety resulting from the outside employment of elected officials. Mr. Murphy pointed out that outside employment would only become an issue when elected officials were actually employed by a company doing business with the County.

Chairman Garcia asked that the record reflect that Mr. Joe Arriola was present.

Discussion ensued regarding the appropriate salary compensation for County Commissioners.

Mr. Percival suggested that commissioners should receive a full-time salary if they performed the work of a full-time commissioner. He indicated that the established salary be performance driven, noting a certain percentage of the salary should be deducted whenever a County

Commissioner failed to perform a County-related function associated with the office, which would be a trade-off in the event a commissioner received a higher compensation from outside employment.

In response to Mr. Percival's question as to whether the County Attorney's Office had an opportunity to research the Task Force's ability to establish commissioners' salaries, Assistant County Attorney Oren Rosenthal advised that the Task Force members could choose to propose a salary for commissioners at their discretion.

Mr. Percival stated that he wished to hear the Task Force members' sentiment on this issue.

Chairman Garcia noted the residents from communities he represented, which were the areas of Northwest Dade and the City of Hialeah, opposed outside employment. He noted the proposed salary formula was fair; but in his opinion, the annual salary range from $73,000 to $76,000 was too high for this community because the income level was much lower. He asked that the Task Force members carefully review the issues on outside employment and executive benefits.

Councilman Luis Gonzalez noted he was comfortable with supporting outside employment under normal circumstances; but he believed that the voters would support commissioners' compensation only if outside employment was prohibited. He said he agreed with Mr. Murphy's the proposed formula, but he believed that the projected salary was too high.

Mr. Joe Arriola expressed concern that annual salary of under $72,000 and a prohibition on outside employment may be unattractive to professionals, and noted if would be difficult to define outside employment.

Following a discussion regarding whether outside employment should be prohibited, Ms. Perry noted a prohibition on outside employment would limit the pool of candidates.

Ms. Aguilar noted there was a general consensus in the community that some of the commissioners were not performing well. She stated that the proposed formula was an excellent idea to arrive at a salary that corresponds to the type of work commissioners performed. She stated that some communities had a high voter turn-out, and the voters had clearly sent a message that they did not want commissioners to earn substantial salaries.

Ms. Aguilar recommended that the current salary be incrementally increased every two years, effective on the election date. She also recommended the Task Force propose a modest professional salary package with no prohibition on outside employment.

Ms. Aguilar advised that even though she liked the proposed formula, it would be punitive to incumbent commissioners if the salary increase was implemented in 2014 and 2016. She noted she would like to have the Task Force's recommendations embraced by the County Commission and the community. She noted commissioners spent a substantial amount of time carrying out the duties and functions of the County Commissioners; however, the public was not necessarily aware of this. Therefore, she suggested a mid-range salary of $40,000 to $50,000 would be fair to the commissioners and acceptable to the public.

Mr. Murphy noted like the Strong Mayor form of government, which was approved by the voters but did not become effective until a later date, he was proposing that the voters be allowed to vote on the proposed commissioners' compensation and that the actual salary increases become effective in November 2016. He noted every time the voters were asked whether commissioners should receive a salary, the newspaper editorials reported that this would represent a raise for commissioners. Mr. Murphy explained that he was suggesting that commissioners' compensation become effective after the November 2016 Election so that it would not be perceived as a raise for any commissioner. He stated that the new salary provision would establish a higher compensation for elected offices beginning in November 2016.

Chairman Garcia asked that the record reflect that Councilwoman Isis Garcia-Martinez was present.

In response to Mr. Percival's question as to whether the public would be more likely to support salary increases for commissioners if they were attendance-driven, Mr. Arriola recommended that the Task Force members determine a modest salary amount with a later effective date.

Councilman Gonzalez recommended the Task Force propose prohibitions on outside employment and company associations as well as salary increases for commissioners.

Chairman Garcia noted he concurred with Mr. Murphy that the County's Conflict of Interest provisions should be included in the Charter and that the powers and authority of the Ethics Commission should be strengthened.

Mr. Murphy suggested that the Task Force recommend prohibitions on outside employment and that commissioners be prohibited from owning a company doing direct business the County be proposed.

Mr. Percival noted 14 members of the Task Force were present at today's meeting which meant this recommendation could be approved on a two-thirds vote.

Chairman Garcia noted Task Force members had not reached a consensus on the formula and a salary recommendation(s). He clarified that only 13 Task Force members were present today.

Mr. Martinez concurred with the Chair that the Task Force had not yet reached a consensus on the formula.

Ms. Greer advised that a salary proposal based on a formula would be a complicated question for the voters because most voters did not understand the concept of property tax base. She commented that the salary increase proposal was likely to be unsuccessful due to the anger felt towards the members of the Board; however, she pointed out that the voters of the City of Hialeah had approved a salary increase for their council members because the voters in that area liked them. Ms. Greer recommended a salary level be proposed which represented the median income in the County.

Mr. Carlos Manrique proposed a salary range between $40,000 to $50,000 or the State formula minus fifty percent (50%).

In response to Mr. Manrique's inquiry, Mr. Murphy clarified that his proposal should also be effective in November 2016.

Mr. Percival suggested that the issues of the salary increase and outside employment be presented to the voters as separate ballot questions in order to increase the chances of approval.

Ms. Perry expressed support for presenting to the voters both issues on only one ballot question, because the issues were linked as a commissioner who only had his job for the County should earn more than a commissioner who was allowed to have another job.

Mr. Martinez expressed support for presenting to the voters a specific salary amount in order to make simplify the question.

Mr. Arriola expressed support for Ms. Greer's recommendation to propose to the voters a specific salary amount reflecting the median income in Miami-Dade County, and he recommended the ballot question language be kept simple.

Councilwoman Garcia-Martinez suggested that the ballot question language should be clear and simple, and she also suggested that the issues of executive benefits and salaries be presented to the voters as two separate ballot questions.

Mr. Armando Bucelo suggested that a separate ballot question be proposed for each issue, and he also suggested that a salary range from $40,000 to $45,000 be proposed with no prohibition on outside employment. He noted the executive benefits package should remain within the purview of the County Commission, and the Task Force's recommendation should focus on the salary level.

Mr. Murphy recommended that the salary not be established as a specific amount because it would remain unchanged for decades as in the past. He asked that the Task Force identify a formula that would establish a salary appropriate for the governing body of Miami-Dade County, which was responsible for a $7 or $8 billion budget. He commented that County Commissioners should be compensated with a fair salary that would allow them to make a living; and hopefully, it would increase the probability that expense accounts would be eliminated by the County Commission because the expense account was created due to the voters' refusal to increase salaries.

Chairman Garcia observed that there was consensus among Task Force members for Mr. Murphy's proposal, but the concern was whether the voters would approve his proposal as well.

Mr. Arriola commented that the Task Force needed to determine what would be acceptable to the voters and had a likelihood of passing. He commented that simple questions had a higher chance of receiving the voters' approval and that a salary formula had less likelihood of being passed by the voters.

Ms. Greer expressed the belief that the voters would not approve a salary formula.

Upon conclusion of the foregoing discussion it was moved by Ms. Evelyn Greer that the Task Force direct the County Attorney to draft a proposed amendment to the Charter to increase the Board of County Commissioners' annual salary from $6,000 to the median income in Miami-Dade County effective November 2016, and to request that the County Attorney also draft a proposed Charter amendment providing: "that anyone elected to the Board of County Commissioners could not be an employee, owner, consultant, or receive compensation from any firm doing business with the County or any subdivision, department, or other entity managed by the County." This motion was seconded by Councilwoman Isis Garcia-Martinez.

Chairman Garcia opened the floor for discussion.

Ms. Perry suggested that the motion be linked to the Code of Ethics.

In response to Ms. Aguilar's inquiry, Mr. Murphy advised that the expense account was a budget line item, and it could be changed by the County Commission.

Mr. Percival advised that the Kendall Federation of Homeowner Associations (KFHA) had submitted specific proposals at the South Dade public hearing for the Task Force's consideration regarding a formula for incremental salary increases. He suggested that the Task Force pay attention to their recommendations since that association served a population representing 25% of the voters in Miami-Dade County.

Mr. Murphy recommended that the salaries of County Commissioners be increased higher than the median income in Miami-Dade County, and that the Task Force consider a formula to compensate County Commissioners with a fair salary. He noted the recommendation to increase the salary was a reasonable question for the voters. He asked that his proposed formula be considered in order to have the County Commissioners' salary increased to the mid $70,000.

Dr. Richardson recommended that Mr. Arriola's suggestion to increase the salary to $58,000 be considered since the City of Miami had already increased its commissioners' salaries to an equal amount.

Dr. Richardson amended the motion to increase County Commissioners' salary to at least $58,000. He commented that the $48,000 salary recommendation was a disservice, but the $76,000 salary recommendation would not be successful with the voters.

Ms. Aguilar inquired if the City of Miami Commissioners had the same executive benefits package as the County Commissioners.

Mr. Arriola advised that the City Commissioners had expense accounts, but the fringe benefits package was not as extensive. He noted the expense account was a budget item and had to come before the citizens of Miami every year. He noted the City of Miami voters were only asked to approve the $58,000 salary question.

Dr. Richardson reiterated that his amendment was to set the salaries at $58,000 like the City of Miami Commissioners currently receive.

Discussion ensued regarding the median income in Miami-Dade County.

Upon putting Dr. Richardson's amendment to a vote, it failed by a vote of 2-11 (Ms. Aguilar, Mr. Arriola, Mr. Bucelo, Councilwoman Garcia-Martinez, Councilman Gonzalez, Mr. Manrique, Mr. Martinez, Mr. Murphy, Mr. Percival, Ms. Perry, and Vice Chairwoman Greer voted no); (Mayor Juan Carlos Bermudez, Mr. Ottinot, Representative Julien, Mr. Slesnick, Professor Smith, and Representative Trujillo were absent).

Ms. Perry proposed a friendly amendment to include language addressing conflicting employment.

Ms. Greer did not accept the friendly amendment because it would not be approved by the voters.

Ms. Yolanda Aguilar proposed a friendly amendment to the motion to have the County Commissioners' salary calculated based on the annual Consumer Price Index (CPI) published by the Department of Labor.

Mr. Percival expressed his support for the amendment.

Ms. Greer expressed her disagreement with the friendly amendment, noting it would not be approved by the voters.

Mr. Arriola commented on the poll taken by the City of Miami for the City Commissioners' cost of living salary increase, noting the voters rejected the proposal.

Following a discussion on the friendly amendment, Ms. Aguilar withdrew her amendment.

Assistant County Attorney Oren Rosenthal stated that the Task Force members were making two separate recommendations, one recommendation on the salary increase and the second recommendation on the outside employment restrictions, which were both contained in one motion.

Assistant County Attorney Oren Rosenthal advised that the second issue was the manner in which the motion was phrased directing the County Attorneys to draft language for that recommendation. He stated that all the Task Force members needed to do was to direct that this recommendation be included in the final report; then, the County Attorney's Office would provide assistance in drafting the language for that specific recommendation to ensure the motion was encompassed.

Ms. Greer advised that the enabling ordinance allowed this body to transmit to the Board of County Commissioners a fully drafted proposed amendment; therefore, she wished to present the recommendation to the Board in the form of a motion.

Upon conclusion of the foregoing discussion, it was moved by Ms. Evelyn Greer that the Task Force direct the County Attorney to prepare a Charter amendment to increase the salaries of the members of the Board of County Commissioners from $6,000 to the median income of Miami-Dade County, which was currently $36,000, effective November 2016; and that the County Attorney also draft an additional independent Charter amendment providing: "that an elected person taking office as a County Commissioner could not be employed by a firm doing business with the County or any subdivision, department, or entity managed by the County, to include in the definition of employment consultants and ownership." This motion was seconded by Councilwoman Isis Garcia-Martinez; and upon being put to a vote, passed by a vote of 12-1 (Mr. Percival voted no); (Mayor Bermudez, Representative Julien, Mr. Ottinot, Mr. Slesnick, Professor Smith, and Representative Trujillo were absent.)

Mr. Percival explained that he voted no because he was not given the opportunity to add anything to the proposal.

- Requested Information – Not presented
- Petition Process – Not Presented
- Mayoral Vacancy – Instant Run-Off Elections

Mr. Terry Murphy stated that currently there was no provision in the Charter addressing a vacancy in the Mayor's Office, and the Charter was essentially silent as to who assumed the powers of the Mayor during a vacancy created by his absence. He noted there was a need to decide who should be vested with the necessary limited powers to address a state of emergency during a vacancy period. He also noted the Charter currently provided either that an appointment be made or a special election be held within 45 days of the vacancy; however, that timeframe failed to meet the State law requirements in terms of absentee balloting oversees, he added. Therefore, the required timeframe to call for a special election needed to be extended to a 75-day period.

Mr. Murphy introduced Ms. Christina White, Deputy Supervisor of Elections, Miami-Dade County Elections Department. He stated that he had asked Ms. White to study the feasibility of using an instant run-off ballot election whereby voters stated their candidate preferences in the same ballot if their first candidate was not elected to calculate the final votes. He also stated that he believed the issue of instant run-off ballots was beyond the scope of this Task Force, and he withdrew the instant run-off ballot recommendation.

Mr. Murphy stated that the County needed to consider who should be designated to carry out the responsibilities of the Mayor in a state of emergency or if the vacancy occurred between June 1st and July 15th when the budget needed to be presented to the County Commission. He stated the mayoral powers should be vested during that period of time until the special election was held; Mr. Murphy stated that the Task Force needed to consider who should be designated to carry out the responsibilities of the Mayor in a state of emergency or if the vacancy occurred between June

1st and July 15th when the budget needed to be presented to the County Commission. He stated the mayoral powers should be vested during that period of time until the special election was held, and he recommended the Clerk of Courts, who was the only Countywide elected official with fiduciary affiliation with the County. He noted the Clerk of Courts also had the audit and treasury responsibilities of the County.

Mr. Lawrence Percival commented that the Mayor had five deputy mayors under his purview, and he believed a senior deputy mayor would be the most appropriate person to assume those responsibilities because that individual had significant institutional knowledge to act as interim mayor in the absence of the Mayor.

Mr. Joe Arriola recommended the Mayor's powers be transferred to the Chairman of the Board of County Commissioners since those powers should be transferred to an elected official.

Councilwoman Isis Garcia-Martinez concurred with Mr. Arriola.

Mr. Louis Martinez also concurred with Mr. Arriola's suggestion to delegate the Mayor's powers to the Chairman of the Board.

Mr. Arriola suggested that the Chairman of the Board should fill the vacancy with the requirement that the Chair not be a candidate for the Office of Mayor. He noted the power and fundraising advantage that individual would have for the timeframe of the vacancy would give him an unfair advantage. He also suggested that, in the event the Chairman of the Board was a candidate, the Vice-Chairperson should assume the mayoral powers.

Ms. Yolanda Aguilar concurred with Mr. Arriola's recommendation, noting he or she should perform the Mayor's duties until the next regular election. She also suggested that the Chair should be allowed to return to his or her County Commission seat to complete his or her unexpired term.

In response to Chairman Rene Garcia's question, Ms. Aguilar clarified that the maximum time the person performing the Mayor's duties could serve was two years.

Discussion ensued regarding the timeframe required to call a special election in the City of Hialeah.

Assistant County Attorney Oren Rosenthal asked if the Task Force members expected the Chairman of the Board to hold his or her current powers while exercising the powers of the Mayor. He also asked if the Chair would only exercise the powers of the Mayor and not the powers of a County Commissioner; and if so, would the vacancy created in the County Commission seat be filled through an election or appointment.

Ms. Aguilar suggested that the vacancy in the County Commission seat be filled through an appointment.

In response to Ms. Greer's inquiry on the process to fill a County Commission seat vacancy, Assistant County Attorney Oren Rosenthal advised that Article 1.07 of the Charter, relating to procedures, provided the Board of County Commissioners with the alternative to make an appointment or call a special election in no later than 45 days. He advised that the vacancy created in the Mayor's Office was traded for the vacancy of the County Commission seat, and one of the issues which needed to be considered was the dual office holder prohibition. He suggested that less than the full powers of the Mayor be temporarily transferred to another office while bearing in mind the prohibition of creating a super office power. He noted the Task Force members were essentially recommending that the Chairman of the Board become the Mayor temporarily; and the vacant office of the Chairman of the Board would be filled by a similar process.

In response to Mr. Martinez' inquiry as to whether the Chairman of the Board had to resign as County Commissioner if he or she agreed to fill the Mayor's vacancy, Assistant County Attorney Oren Rosenthal advised that statutory and constitutional prohibitions existed in that respect. He advised that the Task Force members could create a system whereby a person would no longer be a County Commissioner, and the office would either be vacated for one year or would be filled. He stated that the individual filling the Mayor's vacancy would perform those duties for one year; and at the end of that year, the Charter would provide that the person be automatically reappointed to his or her County Commission seat.

Assistant County Attorney Oren Rosenthal noted the key concept the Task Force members needed to be mindful of was that holding dual offices was prohibited; however, an individual was allowed to exercise limited powers such as head for emergency management purposes until such time as the office of Mayor was filled. He stressed that the individual assuming limited powers could not become the Mayor.

Mr. Martinez suggested that specific powers be transferred for state of emergency situations.

Ms. Greer suggested the powers be transferred for 90 days.

Mr. Martinez suggested that the transfer of the Mayor's powers for state of emergency situations should be included in the Charter and those powers should be transferred to the Chairman of the Board for the period of the state of emergency to satisfy the constitutional prohibition of holding dual offices. He recommended that the special election be held within 90 or 120 days.

Mr. Percival suggested that the League of Cities should have a voice as to who should assume the Mayor's duties for states of emergency.

Mr. Martinez expressed his lack of support for Mr. Percival's recommendation.

Councilman Luis Gonzalez suggested that an internal process be established as opposed to going externally.

Mr. Murphy requested that the Task Force members consider his recommendation to transfer limited mayoral powers to the Clerk of Courts because under the State of Florida Constitution

the Clerk had a fiduciary responsibility to the County's budget and had audit powers over the County's budget. Therefore, the Clerk, as a Countywide elected official, should be considered to assume those responsibilities. He also pointed out that the Clerk knew the political environment of the County Commission, and that the Chairman of the Board was not a Countywide elected official.

Ms. Greer pointed out that the United States Constitution provided that the Vice-President and then the Speaker of the House would fill the presidential office in case of an unexpected vacancy. Ms. Greer noted the Speaker of the House was a Congressman elected by 300,000 people; and the fact that the Clerk was elected Countywide was significant.

Mr. Murphy noted most County Commissioners were probable candidates for the Office of Mayor and the Chairman of the Board was a likely candidate. He reiterated his wish to have his recommendation considered by the Task Force members; and he expressed his disagreement with the recommendation to transfer those powers automatically to the Chairman of the Board.

In response to Chairman Garcia's inquiry regarding whether the Clerk of Courts would hold two offices, Mr. Murphy advised that the Clerk's Office would be restructured for the limited powers that would be vested during the interim period.

In response to Chairman Garcia's question, Mr. Murphy clarified that the proposal was to transfer only limited powers to the Clerk of Courts as explained by Assistant County Attorney Oren Rosenthal.

Pursuant to Mr. Percival's question as to whether the Clerk's senior deputy clerk would be delegated the responsibilities of the Clerk, Mr. Murphy stated that the Clerk would continue to perform his responsibilities.

Responding to Mr. Garcia's inquiry, Mr. Murphy clarified that his recommendation only intended to transfer those powers needed to address state of emergency situations; but the County Attorney could recommend other powers that could be bestowed upon the designated person.

In response to Mr. Percival's question regarding whether the Clerk of Courts would be performing two roles or whether another individual would be delegated with the Clerk's responsibilities during the interim period, Mr. Murphy reiterated that the Clerk of Courts would continue to perform his duties as the Clerk's functions were operational. He clarified that the Clerk of Courts was only being asked to assume additional duties during a limited period of time while a special election was being held to elect a new strong mayor for Miami-Dade County.

Pursuant to Ms. Aguilar's question, Mr. Murphy clarified that if the Clerk of Courts believed it was too strenuous to carry out all of the mayoral duties during this interim period, he could assign additional duties to one of his deputy clerks.

In response to Ms. Pamela Perry's question whether the Clerk would have the ability to vote if the Mayor's powers were transferred to him, Mr. Murphy advised that his proposal intended to

transfer only those mayoral powers not associated with voting issues. He asked Mr. Rosenthal to explain the Mayor's powers under consideration.

Assistant County Attorney Oren Rosenthal explained the general powers provided to the Mayor by the Charter. He stated that the Mayor was the head of County government for administrative purposes; the main contact for emergency management purposes; had the sole authority to hire and fire department directors during that period of time; had the ability to veto legislation; presented a proposed budget to the Board of County Commissioners at a certain interval of time; and was the only person with the ability to recommend that the Board of County Commissioners make purchases out of the competitive process known as a bid waiver. He noted the Task Force members could consider whether to transfer some of these powers to another office.

Ms. Perry recommended that Chief Judge Brown or Mr. Harvey Ruvin be asked to testify before the Task Force members as the Clerk of Courts played a particularly neutral role in the court system, and the Task Force should not ask him to do anything inconsistent with his role. If the emergency involved law enforcement and/or massive bond hearings, as happened approximately 30 years ago, the Task Force should consider whether the Clerk of Courts would have sufficient time to take on this additional responsibility, she added.

In response to Chairman Garcia's question regarding what would be an appropriate timeframe to call for an election, Mr. Murphy recommended 90 days.

Chairman Garcia recommended that the Clerk of Courts be invited to attend the Task Force's next meeting to express his sentiments in this regard.

Mr. Murphy clarified that he did not intend to allow the officer assuming the mayoral duties to have the ability to veto legislation or appoint department directors; rather, he intended to allow the officer to declare a state of emergency and confront an emergency. He noted he believed the Charter allowed the Mayor, in consultation with School Board officials, to close schools and address several issues relating to state of emergency events.

In response to Chairman Garcia's inquiry on the rationale for not transferring those powers to the Chairman of the Board, Mr. Murphy advised that he did not strongly object to that, but he preferred the Clerk of Courts due to the likelihood of County Commissioners becoming candidates for the office of the Mayor and to avoid co-elections for County Commission seats. The process would be cleaner and simpler, he observed.

Chairman Garcia reiterated that the Clerk of Courts be invited to attend the Task Force's next meeting or send information to provide feedback on this recommendation. He also recommended that the Task Force obtain information regarding how other communities handled unexpected mayoral vacancies.

Mr. Martinez questioned whether the Clerk of Courts was included in the bureaucratic process and the briefings during a state of emergency, and if the Clerk of Courts would have the ability to address a state of emergency event and respond immediately.

In response to Ms. Aguilar's inquiry whether the Chair would have to vacate his or her County Commission seat to assume the temporary role or be allowed to assume additional responsibilities until the election was held, Mr. Rosenthal advised that the Chair would be able to assume additional duties such as the Mayor's duties, but he would not be able to become the Mayor.

Mr. Carlos Manrique recommended the Task Force invite the Chairman of the Board to its next meeting to provide feedback on this recommendation. He commented that whoever assumed the responsibilities would be performing dual roles. He noted he preferred delegating the Mayor's powers to the legislative body, but if the legislative body was not deemed appropriate, the Clerk of Courts was a good alternative.

Mr. Murphy commented that the Task Force members could propose a succession chain such as the Chair, Vice-Chair, and the Clerk in the event everyone became a candidate for the Office of Mayor.

Mr. Manrique recommended that the Chairman of the Board be prohibited from running for the Office of Mayor if he or she accepted to perform the Mayor's duties. He clarified if the Chairman of the Board wished to run for the Office of Mayor, then the Chair would return to his or her County Commissioner seat, and the Board of County Commissioners would select another Chair who could fill in for the Mayor.

Mr. Martinez suggested that the Task Force develop streamlined and clear immediate succession procedures for unforeseen and state of emergency situations. He also suggested that the individual performing the duties in a state of emergency be allowed to determine afterwards if he or she wished to run for the office, and, if so, he or she would be unable to continue filling in for the Mayor.

Ms. Greer asked that Assistant County Attorney Oren Rosenthal prepare language reflecting Mr. Murphy's recommendation for the Task Force's consideration at its next meeting.

Mr. Murphy pointed out that the Clerk of Courts was a possible office in the succession chain that the Task Force members might wish to deliberate on.

Chairman Garcia commented that the Task Force needed to present before the electorate a resolution concerning who should fill a mayoral vacancy in an emergency, whether it was deemed to be Clerk of Courts or the Chairman of the Board.

Chairman Garcia instructed Ms. Inson Kim and Assistant County Attorney Oren Rosenthal to prepare a report for the Task Force's next meeting on how other communities similar in size and governance to Miami-Dade County filled a mayoral vacancy in an emergency – the timeframe for special elections, and the succession plan.

Chairman Garcia asked that the Clerk's Office and the Chairman of the Board be invited to attend the Task Force's next meeting (5/30) to communicate their thoughts on the transfer of the mayoral powers.

Mr. Murphy noted he would also like to discuss, under the powers of the Mayor, the powers for intergovernmental representation for Miami-Dade County at the next Task Force meeting. He suggested that the Mayor of the County be designated as the individual to represent the County on state and federal intergovernmental issues.

Mr. Murphy also pointed out that according to the Charter, the individual elected as Mayor was also elected as Miami-Dade County's Sheriff, and then the Mayor delegated his sheriff's responsibilities to another individual. He suggested that the Charter be modified to provide that the Director of Miami-Dade Police Department was the Sheriff of Miami-Dade County.

OTHER BUSINESS

- Feedback received via the website and email – Not presented

NON-AGENDA ITEMS

Chairman Garcia asked that all CRTF members be contacted and reminded of the next meeting.

Vice-Chairwoman Greer asked that previously discussed issues be circulated early to provide each Task Force member adequate review time.

Ms. Aguilar noted she would not be able to attend the CRTF meetings of May 30, 2012, and June 6, 2012.

ADJOURNMENT

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting adjourned at 12:25 p.m.

_____
Chairman Rene Garcia
Miami-Dade County Charter Review Task Force

Board of County Commissioners
Charter Review Task Force – Public Hearing
May 23, 2012

Prepared by: Jovel Shaw

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	5/23/2012		2012 Charter Review Task Force First Meeting Sign-in Sheet
2	5/23/2012		Metro-Dade Firefighter Proposed Changes to the Miami-Dade County Charter dated May 17, 2012
3	5/23/2012		Outline of Incorporation Charter Amendment Proposal
4	5/23/2012		Resolution R-30-11
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2012 Charter Review Task Force

Meeting

Conference Rooms 18-3 & 18-4

May 23, 2012 at 9 a.m.

Name	Email	Telephone	Address
W.T. Richardson	OR	OR	OR (on Record)
H Daussh	hgrace@miamidade.gov		111 NW 1 St, #2540
Matthew Land	matthewland@me.com		
Mary Lou Rizzo		1589	
Gene Shy		5851313	CAO
Christina White		305-499-8453	Elections
Andrea Perez	ANDREA.MARIE.VALLE@GMAIL.COM		
Martha Baker R	Martha@SEMI1991.org		
Vivian Suarez	vivians@miami	5128	
Daniel Rassi	daniel.rassi@bellsouth.net	780-234-4489	10085 SW 143 Pl Mia, Fl 33186
Rigoberto Chirino			" "

Name	Email	Telephone	Address
Susie Castillo	susie.castillo@cityofdoral.com	3055936725	
Jennifer LaMont		3056205555	
Joe Oniola		305-934-6551	
[illegible]		3/202007	
Suzanne Lanton	sclanton@mdpd.com	(305)471-2555	

May 17, 2012

Metro-Dade Firefighters Proposed Changes to the Miami-Dade County Charter

Article 1 SECTION 1.05.

FORFEITURE OF OFFICE.

C. Any appointed official or employee of Miami-Dade County who qualifies as a candidate for election to any ~~federal, state or~~ municipal office within Miami-Dade County shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

Outline of Incorporation Charter Amendment Proposal

Concept:

Amend Section 6.05 to create 6.05(a) Incorporation by the Board and 6.05(b) Incorporation by Initiatory Petition. The initiatory provision incorporation process will be modeled after initiatory petition for ordinances and Charter Amendments.

Process:

I. Creation of Committee and Approval of Form of Petition

An incorporation committee organized by electors with a minimum of 5 electors from the proposed area of incorporation will initiate the process by filing with the Clerk of the Circuit Court an initiatory petition on a form prescribed by the Clerk for such purpose. The form shall at a minimum identify the names and addresses of the committeepersons and the area to be incorporated. The Supervisor of Elections will compute the total number of electors within the proposed incorporation area at the time of the submission of the form for approval. Within seven (7) days of receipt of the form, the Clerk shall approve the form of petition and provide the incorporation committee the number of required signatures which shall be equal to ten percent (10%) of the electors in the proposed incorporation area.

II. Circulation of Petition

The incorporation committee will have six (6) months to obtain signatures on a form provided by the Clerk equal to ten percent (10%) of the electors in the proposed incorporation area. The signatures shall include the name, address and signature of the elector but will not have to be notarized.

III. Canvass of Petitions

The signed petitions will be submitted to the Clerk who shall have thirty (30) days to canvass the signatures contained therein.

IV. Setting of Election and Study Process

Upon certification of the sufficiency of the signatures on the petition the Clerk shall present the petition to the Board of County Commissioners at their next regularly scheduled meeting at which time the Board shall call an election to authorize the creation of a municipality which shall occur no sooner than ninety (90) and no greater than one hundred twenty (120) days from the date the Clerk certifies the signatures. The election shall be held, whenever practicable, in conjunction with another election scheduled to occur within the proscribed time period. The election shall be determined by an affirmative vote of a majority of electors voting in the proposed new municipality. During the sixty (60) days following the certification of the petitions, the Board shall complete a budgetary analysis in cooperation with the incorporation committee of and on the proposed incorporation and schedule at least one public hearing prior to the incorporation election.

V. Post Election – Charter Creation

Within 30 days after certification of the election, the Board of County Commissioners shall appoint from a list proposed by the incorporation committee a five member Charter Committee which shall, within ninety (90) days after appointment, create a Charter for the newly incorporated area setting forth the form of government and governing body of the newly incorporated area. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by the County Home Rule Charter and the Constitution and general laws of the State of Florida. Upon completion, the proposed Charter will be submitted to the electors of the newly incorporated area no sooner than 60 days and no later than 120 days after it is completed. Upon an affirmative vote of a majority of those electors within the proposed municipality, the municipal charter shall become effective and the municipality shall be created at the time stated in the municipal charter.

Appendix A

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 11(A)(4)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	January 20, 2011
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution establishing the Miami-Dade County Hospital Governance Taskforce to study and report on alternative models for operating the Public Health Trust to ensure it has the governing and financial structure necessary to fulfill its crucial mission Resolution No. R-30-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: January 20, 2011

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

SUBJECT: Amended Agenda Item No. 11(A)(4)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

2

Appendix A

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(4)
1-20-11

RESOLUTION NO. R-30-11

RESOLUTION ESTABLISHING THE MIAMI-DADE COUNTY HOSPITAL GOVERNANCE TASKFORCE TO STUDY AND REPORT ON ALTERNATIVE MODELS FOR OPERATING THE PUBLIC HEALTH TRUST TO ENSURE IT HAS THE GOVERNING AND FINANCIAL STRUCTURE NECESSARY TO FULFILL ITS CRUCIAL MISSION

WHEREAS, the Public Health Trust is in the midst of an economic crisis that appears to be due in large part to its governing structure; and

WHEREAS, the Miami-Dade County Grand Jury in its report dated August 5th, 2010 specifically determined that the Public Health Trust's "governance must be changed," explaining "the path to survival requires a change in the governance model for JHS. Without that level of change, we are asking for this financial disaster to repeat itself, over and over again;" and

WHEREAS, other communities have changed the governing and financial structure of their public general hospitals from a government board to a private, not-for-profit 501(3) organization with a board of doctors, community leaders, and health care professionals, as was done, for example, with Tampa General Hospital; and

WHEREAS, still other communities have changed the governing and financial structure of their public general hospital from a county board to an independent tax district, as was done for the North and South Broward Hospital districts; and

WHEREAS, it will benefit members of the Board of County Commissioners and the people and communities of Miami-Dade County to understand the feasibility and benefits of

these and other models of governance as the Board and the community continue to address the economic crisis at the Public Health Trust; and

WHEREAS, the private hospitals in Miami-Dade County have an immense stake in the continued financial and economic success of the Public Health Trust because, if the Public Health Trust is forced to cutback on the number of indigent patients that it treats, a greater number of indigents will appear at the emergency rooms of the private hospitals and the private hospitals will be forced to provide more care to indigents from their own resources,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Miami-Dade County Hospital Governance Taskforce is hereby created:

Section 1. The Taskforce shall study possible models for the governance of the Public Health Trust, including but not limited to (a) operation of the Public Health Trust by a private, not-for-profit 501(c)(3) organization with a board of doctors, nurses, community leaders, and health care professionals, as was done, for example, with Tampa General Hospital; (b) operation of the Public Health Trust by an independent tax district, as was done for the North and South Broward Hospital districts; (c) other models, perhaps blending these models, as the Taskforce may decide; (d) and other recommendations regarding the governance and financing of the Public Health Trust, as the Taskforce may decide. In its deliberations and recommendations, the Taskforce shall at all times keep in mind the importance of protecting the interests of the taxpayers of our community. The Taskforce will complete its work and file an executive summary of its recommendations with the Clerk of the Board no later than 60 days from the first meeting of the Taskforce and will file a final report no later than 90 days from the

first meeting of the Taskforce. The Taskforce will cease to exist 100 days from the first meeting of the Taskforce.

Section 2. Staff for the Taskforce will be provided by the Commission Auditor and additional staff will be provided by the Mayor or Mayor's designee. In addition, the Mayor or Mayor's designee is requested and directed to provide the Taskforce any information or analysis it may request, including from sources such as the County Manager's Office and the Finance Department. The Mayor or Mayor's designee is directed to provide the Taskforce with meeting facilities and appropriate physical and technical support, including equipment necessary to comply with the Sunshine laws.

Section 3. The County Attorney's Office will provide legal advice and guidance to the Taskforce.

Section 4. The Taskforce shall consist of twenty (20) members as follows:

(1) The chief executive officer of Baptist Healthcare Systems, Inc. or a member of its executive management team chosen by the chief executive officer;

(2) The chief executive officer of Miami-Children's Hospital or a member of its executive management team chosen by the chief executive officer;

(3) The chief executive officer of HCA Kendall Regional Medical Center or a member of its executive management team chosen by the chief executive officer;

(4) A chief executive officer of either Hialeah, Northshore Medical Center and Palmetto General Hospital, or a member of their executive management teams chosen by the chief executive officer of Tenet Healthsystems Medical, Inc.;

(5) The chief executive officer of Mt. Sinai Medical Center or a member of its executive management team chosen by the chief executive officer;

(6) The chief executive officer of Mercy Hospital (or its successor hospital or a member of its executive management team chosen by the chief executive officer;

(7) The Administrator, or appointee, of the Florida Department of Health-Miami-Dade County Health Department;

(8) The State Attorney of Miami-Dade County, or designee;

(9) One person appointed by the Mayor;

(10) Five persons chosen by the Board of County Commissioners, including four persons with backgrounds in health care, finance, law, or procurement, including one person who is a current or former chief financial officer of a successful local hospital or hospital system; and a fifth person who is an academic or expert in the area of healthcare;

(11) One representative of the unions at the Public Health Trust chosen by the Board of County Commissioners;

(12) A physician who is a member of the medical executive committee of Jackson Memorial Hospital, chosen by the other members of the Taskforce;

(13) A representative, or designee, from the National Association of Public Hospitals and Health Systems ("NAPH") based in Washington, D.C., chosen by the NAPH;

(14) A representative of the Florida Nursing Association, chosen by the Florida Nursing Association;

(15) The chief executive officer of Health Foundation of South Florida or a member of its executive management team chosen by the chief executive officer; and

(16) The chief executive officer of South Florida Hospital & Healthcare Association or a member of its executive management team chosen by the chief executive officer.

Because of the vital importance of this project, the chief executive officers of the hospitals, foundations, and associations named above are strongly encouraged to serve personally on the committee. In the event that chief executive officers cannot serve personally,