

MEMORANDUM

Special Item No. 1

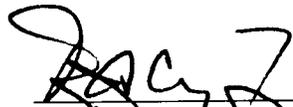
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 18, 2010

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

SUBJECT: Ordinance amending Chapter 25A of the Code, relating to the Public Health Trust; reducing number of Trustees from 17 to 15; providing for appointment by Commissioners and the Mayor; deleting provisions regarding Nominating Council

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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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

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 1
3-18-10

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE PUBLIC HEALTH TRUST; REDUCING NUMBER OF VOTING MEMBERS FROM 17 TO 15; PROVIDING FOR APPOINTMENT BY COMMISSIONERS AND THE MAYOR; DELETING PROVISIONS REGARDING NOMINATING COUNCIL; PROVIDING ADDITIONAL DUTIES TO THE PUBLIC HEALTH TRUST; AND PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

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

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

Sec. 25A-3. Governing body.

(a) *Composition.* The governing body of the Trust shall be a Board of Trustees composed of ~~[[seventeen (17)]]~~ >>fifteen (15)<< voting members none of whom shall be >>an<< employee[[s]] of the Trust. The voting membership shall include a member of the University of Miami Board of Trustees>> selected by the U.M. Board of Trustees<<. ~~[[In addition, the voting membership shall include the Chairperson of the Board of County Commissioners and a Commissioner designated by the Chairperson, or, alternatively, in his or her discretion, the Chairperson of the Board of County Commissioners may designate two (2) Commissioners to serve as voting members.]]~~ The remaining voting membership shall be ~~[[selected in accordance with Section 25A-3(d)]]~~>>appointed as follows: each County

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Commissioner shall appoint one (1) member to the Board of Trustees and the Mayor shall appoint one (1) member thereto. The terms of each member shall be coterminus with the term of the appointing County Commissioner or the term of the Mayor. The terms of all currently sitting voting members of the Board of Trustees shall automatically expire upon appointment of the complete 15 – member Board of Trustees, at which time the governance powers of the currently sitting Board of Trustees shall cease and that Board of Trustees shall no longer serve as the governing body of the Trust<<.

* * *

(d) >>Reserved.<< ~~[[Appointment and removal of Trustees. Voting Trustees shall be appointed by resolution of the Board of County Commissioners after having been selected by the Commission from persons nominated by a Nominating Council established and described herein. The Nominating Council, hereinafter known as the Public Health Trust Nominating Council, shall be comprised of the following five (5) voting members: the Chairperson of the Commission committee of jurisdiction for the Public Health Trust, or a Commissioner of that committee designated by the committee Chairperson; the Chairperson of the Public Health Trust; the Chairperson of the Board of County Commissioners or a Commissioner designated by the Chairperson; the Mayor or a Commissioner designated by the Mayor; and the Chairperson of the Miami Dade Legislative Delegation or another member of the delegation appointed by Chairperson of the Miami Dade Legislative Delegation. The Chairperson of the Trust shall not serve on the Nominating Council when being considered for reappointment and shall appoint a Trustee to replace him or her. The County Manager and the County Attorney shall provide appropriate staff support to the Council. The sole function of the Nominating Council shall be to solicit, screen, interview and recommend for appointment the best qualified candidate for each vacancy on the Trust Board. The membership of the Board of Trustees should be representative of the community at large and should reflect the racial, gender, ethnic and disabled make-up of the community. The Council should consider the most current demographic statistics from Miami Dade County. Said Council and the procedures under which it will operate shall be approved by the Board of County Commissioners. All meetings of the Nominating Council shall be audio recorded and minutes of the proceedings shall be transcribed and maintained by the Clerk of the Board of the County Commission. Prior to September 1st of each year, the Nominating Council shall submit to the Commission a list~~

~~of nominees containing a total number of names which is equal to one (1) nominee for each vacancy on the Trust Board plus two (2) additional nominees. The Commission shall select and appoint the voting trustees from the list of nominees submitted by the Nominating Council.~~

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

* * *

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

(f) *Organization, powers and duties of the Board of Trustees.* The Board of Trustees shall organize after the members thereof have qualified to serve and shall elect one (1) of its voting members as Chairperson and one (1) of its voting members as Vice-Chairperson and shall designate a Secretary who may or may not be a member of the Board, and such other officers as the Board of Trustees may determine to be necessary.

The Board of Trustees shall hold regular meetings in accordance with the bylaws of the Trust and the Board may hold such other meetings as it deems necessary. The Trust shall hold and televise regular meetings of the Board of Trustees >>which meetings shall not be held<< at the designated facilities of the Trust, provided, however, that annually the Board of Trustees shall hold and televise at least one (1) of its regular meetings in Commission chambers. The Board of Trustees shall have discretion in determining which of its regular meetings are held and televised in

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Commission chambers. The regular meetings shall not conflict with the meeting schedule for the Board of County Commissioners or its committees. At the discretion of the Trust, other meetings may be held and televised in the Commission chambers. Except as provided by law, all meetings of the Board shall be public and audio recorded and written minutes of the proceedings thereof shall be maintained by the Office of Internal Audit, as such term is hereafter defined. All actions taken at the meetings of the Board shall be promptly and properly recorded. Copies of all minutes and resolutions of the Board shall be forwarded to the Clerk of the Board of County Commissioners no later than ten (10) days subsequent to any meeting of the Board of Trustees.

* * *

(g) *Designation of office space and the hiring of staff.* It shall be within the discretion of the Trust to designate office space and to hire staff to direct and coordinate Trust activities. >>Such office space shall not be located on the designated facilities.<<

* * *

Section 2. Section 25A-4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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

* * *

>>n. *Miscellaneous Duties.* In addition to the foregoing, the Trust, in collaboration with the Office of Countywide Healthcare Planning, shall also have the following duties:

(1) Advising the Board of County Commissioners, and County administration on matters pertaining to the provision of countywide health care services, and contingent upon funding, implement and monitor programs that improve access to health care;

(2) Administering innovative insurance plans;

(3) Facilitating cooperation among health care providers to foster mutually beneficial agreements that enhance the accessibility, efficiency and quality of health care delivery and programs affecting all residents of Miami-Dade County, especially the indigent and medically indigent populations;

(4) Planning for and, with the approval of the Board of County Commissioners, implementation of system wide cost efficiency measures including monitoring and evaluation of health care programs;

(5) Establishing a standard expenditure reporting framework;

(6) Reviewing and analyzing the expenditure for publicly funded health care programs;

(7) Making recommendations to the Board of County Commissioners on the allocation of Public Health Trust and other health care dollars and resources for the purposes of indigent health care delivery;

(8) The Trust shall also address:

(i) Quality, availability and accessibility of health care services for the indigent and medically indigent Miami-Dade County residents;

(ii) Cost efficiency of health care services, including but not limited to: (A) The development of innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding, and (B) System-wide administrative and operational cost-efficiency measures which contain the cost of health care services for Miami-Dade County residents;

(iii) Legislative proposals to enhance patient access, increase grant funding and better address the unmet health care needs of specific population groups;

(iv) Coordination among health care providers, consumers, human service organizations, foundations, and philanthropists to fund a national and state lobbying effort to promote County health care issues and advocate for policy changes to increase coverage of uninsured Miami-Dade County residents;

(v) Exploration of innovative public-private partnerships that benefit both public and private providers; and foster communication and negotiations with private and public providers for contractual arrangements for health care services;

(vi) Recommendations to the Board of County Commissioners on incentive programs to encourage providers to

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provide uncompensated health care services to the indigent residents of Miami-Dade County residents;

(vii) Coordination and development of an educational network to provide and disseminate information on preventative health measures and on the appropriate utilization of the health care system for the community;

(viii) Other functions necessary for the implementation of the purposes outlined herein and based upon community based participatory planning processes.<<

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

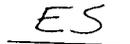
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Eugene Shy, Jr.

Prime Sponsor: Commissioner Bruno A. Barreiro

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