MEMORANDUM

HPSI
Agenda Item No. 2H

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

DATE: June 10, 2010

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

SUBJECT: Resolution directing the Mayor, the Public Health Trust, and the County Attorney's Office to assess the operational, financial, and contractual relationship between the PHT and the Jackson Memorial Foundation, Inc., and urging the PHT to suspend payment to the Jackson Memorial Foundation, Inc., and the Foundation Health Services, Inc., pending reports to the Commission

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No.

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 _____

Agenda Item No.
6-3-10

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE, THE PUBLIC HEALTH TRUST, AND THE COUNTY ATTORNEY'S OFFICE, TO ASSESS THE OPERATIONAL, FINANCIAL, AND CONTRACTUAL RELATIONSHIP BETWEEN THE PUBLIC HEALTH TRUST AND THE JACKSON MEMORIAL FOUNDATION, INC. AND THE FOUNDATION HEALTH SERVICES, INC. AND URGING THE PUBLIC HEALTH TRUST TO SUSPEND PAYMENT TO THE JACKSON MEMORIAL FOUNDATION, INC., AND THE FOUNDATION HEALTH SERVICES, INC., PENDING REPORTS TO THE COMMISSION

WHEREAS, the Public Health Trust (the "PHT") is an agency and instrumentality of Miami-Dade County that operates Jackson Health System, including Jackson Memorial Hospital and multiple other designated facilities providing health care services to all segments of the Miami-Dade County community; and

WHEREAS, pursuant to Resolution R-323-10, the Mayor of Miami-Dade County has placed the PHT under management watch; and

WHEREAS, the PHT serves thousands of Miami-Dade County residents each day, including Medicaid beneficiaries and the indigent, by furnishing health care services, such as primary care, hospital care and specialty care services, including but not limited to organ transplants, trauma resuscitation, and burn management; and

WHEREAS, the PHT is currently facing one of the most serious financial crisis in its history, has projected a deficit exceeding $200 million this fiscal year; and has previously advised the County of a cash flow shortfall which could impede the delivery of health care services; and

WHEREAS, the PHT is therefore faced with the challenge of continuing to furnish health care services to its thousands of residents despite the fiscal crisis and budget shortfall it is encountering; and

WHEREAS, the PHT has been providing millions of dollars in funding annually to the Jackson Memorial Foundation, Inc. and the Foundation Health Services, Inc.; and

WHEREAS, as a result of the serious fiscal crisis the PHT is facing, it must carefully examine the prudence of continuing to allocate funding to the Jackson Memorial Foundation, Inc. and the Foundation Health Services, Inc.,

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

Section 1. Directs the County Attorney's Office to review any existing PHT contracts with the Jackson Memorial Foundation, Inc. and the Foundation Health Services, Inc. and to report to the Board of County Commissioners within the next thirty (30) days on the PHT's rights and responsibilities under contract including, but not limited to, payment obligations and termination provisions.

Section 2. Directs the Mayor or Mayor's designee, pursuant to Resolution R-323-10 placing the PHT on management watch, to review the prudence and feasibility from an operational and financial perspective of continuing the relationship between the PHT and the Jackson Memorial Foundation, Inc. and the Foundation Health Services, Inc. or terminating, amending, or suspending any contracts with, or funding to, such entities. Directs the Mayor or Mayor's designee to report to the Board of County Commissioners within the next thirty (30) days on this matter.

Section 3. Urges the PHT to immediately suspend funding to the Jackson Memorial Foundation, Inc. and the Foundation Health Services, Inc. In the event, the PHT fails to suspend such funding within the next thirty (30) days, the Chairman and CEO of the PHT shall report in Chambers at the next regularly scheduled Commission meeting the reasons and rationale for such failure.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. ES

Eugene Shy, Jr.
Laura M. Llorente

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