

MEMORANDUM

Agenda Item No. 7(C)

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


DATE: September 21, 2010

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

SUBJECT: Ordinance amending Chapter 25A of the Code reducing voting membership of the Board of Trustees of the Public Health Trust (PHT), implementing procedure, removing provisions regarding PHT nominating council and requiring the PHT to comply with directives to the Trust

At the July 15, 2010 Health, Public Safety & Intergovernmental Committee this item was amended by preserving intact only Section 3 which mandates the Public Health Trust to comply with Commission directives, but not preserving amendments to Chapter 25A set forth in Sections 1 and 2 regarding the reduction in voting membership and disbanding the Public Health Nominating Council, respectively.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez and Co-Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

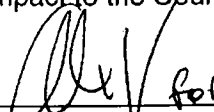
RAC/up

Memorandum



Date: September 21, 2010
To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
From: George M. Burgess
County Manager
Subject: Ordinance amending Chapter 25A of the Code relating to the Public Health Trust

The ordinance amending Chapter 25A of the Code, regarding the Public Health Trust will have no fiscal impact to the County.



Alma Hudak
Assistant County Manager

Fis07210



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** September 21, 2010
and Members, Board of County Commissioners

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

SUBJECT: Agenda Item No. 7(C)

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. 7(C)
9-21-10

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REDUCING VOTING MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST; PROVIDING IMPLEMENTING PROCEDURE; REMOVING PROVISIONS REGARDING PUBLIC HEALTH TRUST NOMINATING COUNCIL; AND REQUIRING THE PUBLIC HEALTH TRUST TO COMPLY WITH DIRECTIVES TO THE TRUST SET FORTH FROM TIME TO TIME IN RESOLUTIONS OF THE COUNTY COMMISSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 25A-3(a) of the Code of Miami-Dade County, Florida, is hereby amended 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)² voting members none of whom shall be employees of the Trust. The voting membership shall include a member of the University of Miami 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

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.

² The Committee amended the item by eliminating the amendments proposed to Chapter 25A set forth in Sections 1 and 2 regarding the reduction in voting membership and disbanding the Public Health Nominating Council, respectively.

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).

* * *

Section 2. Section 25A-3(d) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 25A-3. Governing body.

* * *

(d) *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.

A Trustee may be removed by a majority vote of the Board of County Commissioners for cause.

* * *

Section 3. Section 25A-4(j) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

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

* * *

(j) *Compliance with law >>and Commission directives<<*. The Trust shall comply with all laws and regulations of the United States, the State of Florida, and Miami-Dade County, including but not limited to the laws relating to the expenditure of funds and the keeping of records and inventories and the operation and governance of health care facilities. >>The Trust shall also comply with any Commission directive to the Trust, as set forth from time to time by resolution of the Commission.<<

* * *

Section 4. This ordinance shall supersede those provisions of any existing ordinance, resolution or policy in conflict herewith.


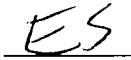
Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance 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 7. 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 Joe A. Martinez
Co-Sponsor: Commissioner Sally A. Heyman