Agenda Item No. 11(A)(4)

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

DATE: November 16, 2010

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

SUBJECT: Resolution directing the Public Health Trust in accordance with Chapter 25A of the Code to cease, terminate and discontinue its formation of any auxiliary organization (task force) regarding governance models for Jackson Health System

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM
(Revised)

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

DATE: November 16, 2010

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

SUBJECT: 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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)
11-16-10

RESOLUTION NO. _____

RESOLUTION DIRECTING THE PUBLIC HEALTH TRUST IN ACCORDANCE WITH CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY TO CEASE, TERMINATE AND DISCONTINUE ITS FORMATION OF ANY AUXILIARY ORGANIZATION (TASK FORCE) REGARDING GOVERNANCE MODELS FOR JACKSON HEALTH SYSTEM

WHEREAS, on March 18, 2010, the Board of County Commissioners (the "Board") adopted Resolution No. R-323-10, directing the Mayor to place the Public Health Trust (the "Trust") on management watch on such terms and conditions as the Mayor deemed appropriate and to periodically report to the Board concerning the Trust's progress resolving the financial crisis the Trust was facing at the time and that presently persists; and

WHEREAS, on September 21, 2010, the Board adopted Ordinance No. 10-54, requiring the Trust to comply with directives of the Board as set forth in resolutions; and

WHEREAS, at the Board's October 5, 2010 meeting, the County Manager gave the Mayor's periodic report concerning the status of the management watch of the Trust as required by Resolution No. R-323-10, during which the County Manager expressed serious concern on the misguided direction of the Board of Trustees of the Trust based on events observed by management watch staff and that occurred at the Board of Trustees' Retreat held on October 3 and 4, 2010; and

WHEREAS, at the Retreat, the Board of Trustees considered, and it is anticipated will further consider at a regular or special meeting, an initiative to create an auxiliary organization

(task force) to consider and recommend to the Board of Trustees funding sources and governance models for governing Jackson Health System; and

WHEREAS, the Board is concerned about the continued progress that has been made at the Trust since the Board's imposition of management watch and the positive financial momentum generated, which may be lost to the fiscal detriment of the Trust and the County, but, more importantly and significantly, to the detriment of the health and welfare of the residents of Miami-Dade County, unless the Trust is directed to refocus it substantial energy and intellect to the challenge of avoidance of erosion of Trust's finances and to the attainment of a successful fiscal turnaround; and

WHEREAS, governance of the Public Health Trust and the designated facilities are matters within the jurisdiction of the Board of County Commissioners as the legislative and governing body of Miami-Dade County,

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

Section 1. The Board of County Commissioners hereby directs the Trust to cease, terminate and discontinue its consideration of formation or creation of any auxiliary organization (task force) regarding governance. If any action to approve the formation of such an auxiliary organization (task force) shall have occurred prior to the adoption of this resolution, then the Trust is further directed to immediately disband the same.

Section 2. The Mayor during his periodic management watch reports as required by Resolution No. R-323-10 shall report on the Trust's compliance with the directives set forth in this resolution.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss. 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 16th day of November, 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. RTC for ES

Eugene Shy, Jr.