

MEMORANDUM

PSHA
Agenda Item No. 1F2

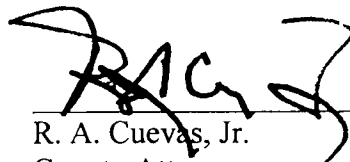
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 12, 2011

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

SUBJECT: Ordinance relating to
amending Chapter 25A of
the Code regarding powers
of the Public Health Trust

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



R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum



Date:

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

From: Alina Hudak
County Manager

A handwritten signature in black ink, appearing to read "Alina T. Hudak". The signature is written in a cursive, flowing style.

Subject: Ordinance amending Chapter 25A of the Code of Miami-Dade County regarding powers of the Public Health Trust

The proposed ordinance amending Chapter 25A mandates that in the event the Public Health Trust receives a proposal for purchase, acquisition, transfer, conveyance, assumption of operations, or mortgage of any portion of their facilities for the amount of \$15 million or more, they shall submit the proposal to the Board of County Commissioners for review. This ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jennifer Glazer-Moon". The signature is written in a cursive, flowing style.

Jennifer Glazer-Moon, Special Assistant/Director
Office of Strategic Business Management

Fis2711



MEMORANDUM

(Revised)

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

DATE: March 1, 2011

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

SUBJECT: Agenda Item No. 14(A)(1)

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. 14(A)(1)
3-1-11

ORDINANCE NO. _____

ORDINANCE RELATING TO THE PUBLIC HEALTH TRUST;
AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE
COUNTY REGARDING POWERS OF THE PUBLIC HEALTH
TRUST; AND PROVIDING FOR PENALTIES,
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

WHEREAS, the Public Health Trust of Miami-Dade County is a teaching hospital with a national and international reputation; the only full service Level I trauma center for Miami-Dade and Monroe Counties; the provider of other special medical services such as the treatment of new born infants with AIDS; and the largest provider of indigent care in Miami-Dade County; in short, the Public Health Trust is an asset to the people of Miami-Dade County whose value is immeasurable; and

WHEREAS, the challenge of funding a county general hospital like the Public Health Trust will always be formidable; and

WHEREAS, the Public Health Trust is currently facing a dire financial emergency; and

WHEREAS, the Trust is considering various methods to address the current financial emergency, including but not limited to exploring partnerships with private entities,

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

Section 1. That the above recitals of legislative intent and findings are fully incorporated herein as part of this ordinance.

Section 2. Chapter 25A of the Code of Miami-Dade County (“the Code”) is hereby amended to read as follows:¹

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

In connection with its responsibilities for the operation, maintenance, and governance of designated facilities, the Trust, acting through its governing body, shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided.

* * *

- (d) Property. The Trust shall have the authority to purchase or otherwise obtain title in its own name to personal property and shall be authorized to sell or otherwise lawfully dispose of personal property. The Trust shall subject to prior approval of the County Commission be authorized to purchase or otherwise obtain real property, the title to which shall be vested in Miami-Dade County and the possession and operating control of which shall be held in Trust for Miami-Dade County under the provisions of this chapter.

The Trust shall not be authorized to sell, convey, mortgage, or otherwise impair or encumber the title to real property, provided however, that the Trust shall be authorized to lease real property either as lessee or lessor for any number of years and upon any terms and conditions. The leasing of any real property by the Trust as lessor shall be in accordance with the requirements of Section 125.35, Florida Statutes.

>>Should the Trust receive a proposal, unsolicited or otherwise, for the purchase, acquisition, transfer, conveyance, assumption of operations, or mortgage of any portion of the Designated Facilities in the value of fifteen million dollars (\$15,000,000.00) or more, the Trust shall promptly submit said proposal to the County Commission for County review in accordance with the requirements of

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.

Section 2-8.1(k) of the County Code. Following submission of the proposal to the Commission, the Trust shall not, without having previously obtained the approval of the Commission, take any further action with respect to said proposal. In its sole discretion, the Commission may direct the Trust to provide assistance, including but not limited to submitting relevant documentation, for the County review of the proposal.<<

The Trust shall not, without having previously obtained the approval of the Commission, destroy, replace, or abandon real property. The Trust shall be authorized to maintain and repair designated facilities and may alter, modify, or made additions to designated facilities whenever such changes are necessary for the proper operation and maintenance of such facilities.

Section 3. This ordinance shall supersede those provisions of any existing ordinance, resolution or policy in conflict herewith.

Section 4. 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 5. 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 6. 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.
Valda Clark Christian

Prime Sponsor: Chairman Joe A. Martinez