MEMORANDUM

Agenda Item No. 7(B)

(Second Reading 7-7-11)

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

DATE: March 3, 2011

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

SUBJECT: Ordinance amending Chapter 25A of the Code to include a FIU trustee on the Public Health Trust Board of Trustees

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum

MIAMI-DADE COUNTY

Date: July 7, 2011

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

From: Alina T. Hudak
County Manager

Subject: Ordinance amending Chapter 25A of the Code of Miami-Dade County to include a Florida International University Trustee on the Public Health Trust Board

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The proposed ordinance establishes that a Florida International University (FIU) Trustee be included to the Public Health Trust (PHT) Board of Trustees. This modification will not have a fiscal impact to the County.

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

Fis3811

MEMORANDUM

(Revised)

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

DATE: July 7, 2011

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

SUBJECT: Agenda Item No. 7(B)

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(B)
7-7-11

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF CODE OF MIAMI-DADE COUNTY TO INCLUDE A FLORIDA INTERNATIONAL UNIVERSITY TRUSTEE ON THE PUBLIC HEALTH TRUST BOARD OF TRUSTEES, MODIFY THE TRUST/UM AOA NEGOTIATING COMMITTEE TO INCLUDE FLORIDA INTERNATIONAL UNIVERSITY AND TO RENAME COMMITTEE, REQUIRE APPROVAL FROM THE BOARD OF COUNTY COMMISSIONERS TO MODIFY BASIC AFFILIATION AGREEMENT WITH FLORIDA INTERNATIONAL UNIVERSITY, PROVIDING FOR PENALTIES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Public Health Trust of Miami-Dade County is an agency and instrumentality of Miami-Dade County created and established by the authority of Chapter 154, Part II of Florida Statutes as a revocable statutory trust; and

WHEREAS, the Public Health Trust of Miami-Dade County has Basic Affiliation Agreements with both the University of Miami and Florida International University; and

WHEREAS, this Board of County Commissioners believes it is in the best interest of the community to foster close ties with both universities; and

WHEREAS, Chapter 25A of the Code of Miami-Dade County provides for: the University of Miami to appoint one of its trustees to the Public Health Trust's Board of Trustees; the creation of a committee to oversee and approve of the Annual Operating Agreement with the University of Miami; and approval by the Board of County Commissioners of any changes to the Basic Affiliation with the University of Miami; and

WHEREAS, Chapter 25A of the Code of Miami-Dade County lacks similar provisions with regard to Florida International University,

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

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 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) 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 >>and a member of Florida International University 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).

* * *

(f) *Organization, powers and duties of the Board of Trustees.* The 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

[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.

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.

* * *

There shall be a Trust/>>Medical Schools<< [[~~of Miami~~]] Annual Operating Agreement Negotiating Committee (the "[[~~Trust/U.M.~~]] >>Trust/Medical Schools<< AOA Committee"). The Trust Chief Executive Officer [[~~and Chairperson~~]] shall have responsibility to negotiate the Annual Operating Agreement>>s<< with the University of Miami >>and Florida International University<< and shall submit their recommendations regarding the Annual Operating Agreement>>s<< to the [[~~Trust/U.M.~~]] >>Trust/Medical Schools AOA<< Committee for its review and approval. The [[~~Trust/U.M.~~]] >>Trust/Medical Schools AOA<< Committee shall make recommendations regarding the Annual Operating Agreements to the Board of Trustees. The [[~~Trust/U.M.~~]] >>Trust/Medical Schools AOA<< Committee shall consist of seven (7) voting members including the Chairperson of the Public Health Trust, [[~~the Chief Executive Officer of the Public Health Trust, three (3)~~]] >>four (4)<< Trustees appointed by the Chairperson of the Public Health Trust, the Mayor >>or designee<<, and the Chairperson of the Board of County Commissioners >>or designee<<.

* * *

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.

* * *

(c) *Contracts.* Except as otherwise provided by this chapter, the Trust, as an agent and instrumentality of Miami-Dade County, Florida, shall be authorized to act for Miami-Dade County in the performance and enforcement of all contracts pertaining to designated facilities and existing on the effective date of this chapter, such contracts as are properly within the powers and duties of the Trust.

The contractual powers of the Trust shall be subject to the following limitations:

* * *

(2) The Trust shall not, without prior approval of the County Commission, enter into or alter any contract the effect of which is to change the contractual relationship between Miami-Dade County and the University of Miami as set forth in the contract between the University and the County entered into on December 18, 1952, and as amended from time to time. >>The original Basic Affiliation Agreement between the Trust and Florida International University shall be ratified by the Board of County Commissioners. Subsequent to ratification, the Trust shall not, without prior approval of the County Commission, enter into or alter any contract the effect of which is to change the contractual relationship with Florida International University as set forth in the Basic Affiliation Agreement and as amended from time to time.<<

* * *

Sec. 25A-9. Financial Sustainability.

It is the intent of the Commission to promote, protect, maintain, and improve the health and safety of all residents and visitors of Miami-Dade County through a fully functioning and sustainable public health trust.

* * *

(c) Assistive measures. Upon notification by the Trust or another party that one or more of the conditions in Subsection (a) have occurred or likely will occur, the Commission shall determine whether the Trust needs assistance to resolve or prevent the condition. If assistance is needed, the Commission may implement assistive measures which may include any one, or any combination of, the following:

* * *

(5) *Financial Recovery Board.* The Commission may establish a Financial Recovery Board ("Recovery Board"). The County Commission's determination to establish a Recovery Board shall be by adoption of a resolution setting forth the time period

such Board shall be in existence and the types of Board action which may be vetoed by the Commission and the timetables and procedures for exercise of such veto authority. Actions of the Recovery Board subject to Commission veto shall be filed by the Recovery Board with the Clerk of the County Commission, who shall place same on the next regularly scheduled County Commission agenda for County Commission consideration without the requirement for committee review. Such actions of the Recovery Board shall become effective upon the adjournment of the next regularly scheduled County Commission meeting unless vetoed by a majority vote of the County Commission at such meeting. A County Commission veto of any action taken by the Recovery Board shall be final and determinative.

* * *

(i) *Powers and duties.* The Recovery Board shall hold regular meetings and record such meetings in accordance with the requirement for the Board of Trustees as described in Section 25A-3(f) (Organization, powers and duties of the Board of Trustees), herein. Except as specifically provided in Section 25A-9(c) (Assistive measures), herein, during its tenure, the Recovery Board shall have all of the powers, duties and responsibilities customarily vested in the Board of Trustees of the Trust and as provided for in Chapter 25A of the Code, except that those powers and duties shall be limited by the Commission's veto authority as provided herein.

The Recovery Board shall exercise supervisory control over the operation, maintenance, and governance of all designated facilities and of all functions and activities taking place in connection with the operation of designated facilities and shall be authorized to exercise such powers as provided for in Section 25A-4 (Powers and duties of the Trust), herein, except as modified hereinafter:

* * *

(G) [[~~Trust/UM~~]] >>Trust/Medical Schools<< Annual Operating Agreement >>Committee<<. During the tenure of the Recovery Board, the membership of the [[~~Trust/UM~~]] >>Trust/Medical Schools<< Committee as described in Section 25A-3(f) (Organization, powers and duties of the Board of Trustees), herein, shall consist solely of the Trust Chief Executive Officer and the Chairperson of the Recovery Board, or his or her

designee. The [[~~Trust/UM~~]] >>Trust/Medical Schools<< Committee shall have responsibility to negotiate the Annual Operating Agreements with the University of Miami >>and Florida International University<< and shall submit their recommendations regarding the Annual Operating Agreements to the Recovery Board for its review and approval.

* * *

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, except as otherwise stated herein, 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:

Karon M. Coleman

Prime Sponsor: Commissioner Barbara J. Jordan