MEMORANDUM

Agenda Item No. 7(E)

(Second Reading 7-7-11)

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

DATE: May 3, 2011

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

SUBJECT: Ordinance amending Chapter 25A of the Code; requiring two-thirds (2/3) vote of the Commission to override action of the Board of Trustees 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/jls

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 in regards to the Public Health Trust

---

The proposed ordinance amends Chapter 25A of the Code to include that a two-thirds vote be required to adopt a directive that undoes or modifies an action of the Board of Trustees of the Public Health Trust (PHT) and the Financial Recovery Board, or to veto an action of the Financial Recovery Board. This modification will not have a fiscal impact to the County.

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

Fis3711

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(E)

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(E)
7-7-11

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING TWO-THIRDS (2/3) VOTE FOR ADOPTION OF DIRECTIVE UNDOING OR MODIFYING ACTION OF THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST; REQUIRING FINANCIAL RECOVERY BOARD'S COMPLIANCE WITH COMMISSION DIRECTIVES; REQUIRING TWO-THIRDS (2/3) VOTE FOR ADOPTION OF DIRECTIVE UNDOING OR MODIFYING ACTION OF THE FINANCIAL RECOVERY BOARD; REQUIRING TWO-THIRDS (2/3) VOTE TO VETO ACTION OF FINANCIAL RECOVERY BOARD; 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-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. >>A resolution adopting a directive that undoes or modifies action of the Board of Trustees or any of its committees shall require an affirmative vote of two-thirds (2/3) of those Commissioners then in office.<<

* * *

Section 2. Section 25A-9(c)(5) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 25A-9. Financial Sustainability.

* * *

(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.~~]] >>an affirmative vote of two-thirds (2/3) of those Commissioners then in office.<< A County Commission veto of any action taken by the Recovery Board shall be final and determinative.

Notwithstanding any provision of the Code to the contrary, the Recovery Board shall be authorized and empowered to serve as the governing body of the Trust effective upon appointment of at least four (4) members and subject to Commission veto authority all as provided herein. The Mayor and the

County Attorney shall provide support to the Recovery Board.

>>Additionally, the Recovery Board shall comply with any Commission directive to the Recovery Board, as set forth from time to time by resolution of the Commission. A resolution adopting a directive that undoes or modifies action of the Recovery Board or any of its committees shall require an affirmative vote of two-thirds (2/3) of those Commissioners then in office.<<

* * *

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 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: RAC

Prepared by: ES

Eugene Shy, Jr.

Prime Sponsor: Chairman Joe A. Martinez