



MEMORANDUM
Harvey Ruvin
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PSHA
Agenda Item No. 6(A)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Public Safety and Healthcare
Administration Committee

DATE: May 10, 2011

FROM: Christopher Agrippa
Transitional Division Chief, Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Public Safety and Healthcare Administration Committee:

February 8, 2011

DC/cgw
Attachment



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes

Public Safety & Healthcare Admin Cmte

Jose "Pepe" Diaz (12) Chair; Sally A. Heyman (4) Vice Chair; Commissioners Lynda Bell (8), Audrey M. Edmonson (3), Barbara J. Jordan (1), and Javier D. Souto (10)

Tuesday, February 8, 2011

10:00 AM

COMMISSION CHAMBERS

Members Present: Lynda Bell, Jose "Pepe" Diaz, Audrey M. Edmonson, Sally A. Heyman, Javier D. Souto.

Members Absent: None.

Members Late: None.

Members Excused: Barbara J. Jordan.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Cynthia White, Commission Reporter*
305-375-5189.

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

Report: *The Committee convened in a moment of silence followed by the Pledge of Allegiance. Chairman Diaz asked that everyone keep Commissioner Jordan's mother in their prayers.*

1C **ROLL CALL**

Report: *The following staff members were present:
Assistant County Attorneys Gerald Sanchez and
Valda Clark Christian; Assistant County Manager
Alina Hudak, and Deputy Clerks Doris Dickens
and Cynthia White.*

Chairman Diaz called the meeting to order.

*Commissioner Heyman announced today was the
groundbreaking for the Child's Unified Family
Courthouse and thanked Board of County
Commissioners Chairman Martinez for appointing
her to the Public Health Trust (PHT) committee.*

*Assistant County Attorney Gerald Sanchez noted
there were no changes to today's agenda.*

*It was moved by Commissioner Heyman that the
Committee approve the agenda as presented. This
motion was seconded by Commissioner Bell, and
upon being put to a vote, passed by a vote of 5-0,
(Commissioner Jordan was excused)*

1D **SERVICE AWARDS**

SERVICE AWARD PRESENTATIONS:

1D1

110206	Service Awards	Joe A. Martinez
	EVELYN H. HOLLINGSHEAD - CORRECTIONS - 35 YEARS	<i>Presented</i>

Report: *Chairman Diaz presented a service award to Ms.
Hollingshead for her 35 years of service with the
Department of Corrections.*

1E **PUBLIC HEARING**

2 **COUNTY COMMISSION**

2A

110239 Resolution**Jose "Pepe" Diaz***Amended*

RESOLUTION AUTHORIZING THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY TO: (1) INCORPORATE A NEW, PRIVATE, NOT-FOR-PROFIT FLORIDA CORPORATION EMPOWERED TO PROVIDE CERTAIN ADMINISTRATIVE AND MANAGEMENT SERVICES TO THE TRUST FOR THE OPERATION OF THE JMH INTERNATIONAL PROGRAM IN LIEU OF THE FOUNDATION HEALTH SERVICES, INC.; AND (2) NEGOTIATE WITH FOUNDATION HEALTH SERVICES AND ITS SOLE OWNER, JACKSON MEMORIAL FOUNDATION, INC. FOR THE TRANSFER INTO THE NEW CORPORATION OF FOUNDATION HEALTH SERVICES' ASSETS AND LIABILITIES, EXCLUDING ANY LIABILITIES RELATED TO THE CONSULTANT ACTING AS CEO OF FOUNDATION HEALTH SERVICES UNDER THE MANAGEMENT SERVICES AGREEMENT DATED OCTOBER 1, 2006 AND DURING THE TIME FRAME OF OCTOBER 1, 2006 THROUGH JANUARY 31, 2011

Report: *See Agenda Item 2A Amended, Legislative File Number 110429 for the amended version.*

2A AMENDED

110429 Resolution**Jose "Pepe" Diaz**

RESOLUTION AUTHORIZING THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY TO: (1) INCORPORATE A NEW, PRIVATE, NOT-FOR-PROFIT FLORIDA CORPORATION EMPOWERED TO PROVIDE CERTAIN ADMINISTRATIVE AND MANAGEMENT SERVICES TO THE TRUST FOR THE OPERATION OF THE JMH INTERNATIONAL PROGRAM IN LIEU OF THE FOUNDATION HEALTH SERVICES, INC.; AND (2) NEGOTIATE WITH FOUNDATION HEALTH SERVICES AND ITS SOLE OWNER, JACKSON MEMORIAL FOUNDATION, INC. FOR THE TRANSFER INTO THE NEW CORPORATION OF FOUNDATION HEALTH SERVICES' ASSETS AND LIABILITIES, EXCLUDING ANY LIABILITIES RELATED TO THE CONSULTANT ACTING AS CEO OF FOUNDATION HEALTH SERVICES UNDER THE MANAGEMENT SERVICES AGREEMENT DATED OCTOBER 1, 2006 AND DURING THE TIME FRAME OF OCTOBER 1, 2006 THROUGH JANUARY 31, 2011 (SEE ORIGINAL ITEM UNDER FILE NO. 110239)

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Diaz

Seconder: Edmonson

Vote: 4-1

No: Souto

Absent: Jordan

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Chairman Diaz noted this resolution was prepared in response to the thirty day extension granted to the Public Health Trust (PHT) by the Board of County Commissioners (BCC) on January 20, 2011. He further noted the resolution provided for the establishment of a 501c3 corporation to provide certain administrative and management services to the PHT and the corporation would consist of three individuals; the Director of JMH, Mr. Ted Shaw of Jackson Health System, and the Director of the International Health Services Committee.

Chairman Diaz urged that this matter move forward due to the time constraints and the need for continued funding of Jackson Memorial Hospital (JMH) and stressed the need for additional accountability at JMH. He also noted the PSHAC Committee's function on this issue was to work along side the partners at JMH to help ensure the hospital was being properly managed.

BCC Chairman Joe Martinez appeared before the Committee and noted, when the county commission instructed the PHT to stop all funding to the International Foundation, he opined the PHT had three courses of action they could have taken; to absorb those employees into the

department, to discontinue marketing the International Program, and to consider other viable options in addition to creation of a 501c3. He noted his concerns regarding the PHT's delayed response, discrepancies in the composition of the proposed 501c3, and recommended the PSHAC committee proceed cautiously on this matter.

Chairman Diaz concurred with BCC Chairman Martinez, however indicated it was his understanding that the 501c3 was needed as an immediate remedy to the financial crisis facing JMH. He also noted fundraising was a key component to ensure the hospital's future.

Mr. Ted Shaw, Chief Transition Officer, Jackson Health System, appeared before the Committee and clarified the intent of the proposed 501c3 company was to discontinue any relations with the previous company and it's Board and to focus on the continued operation of the International Program at JMH. Thereafter, he suggested that the 501c3 company and the Ad Hoc International Health Services Committee work in unison to review the governing board's composition. He noted a majority of the new organization's members would continue to be under the PHT and agreed to observe the Sunshine laws. He further noted within thirty days following the creation of the 501c3, they would appoint an Executive Director.

Mr. Christopher Mazzella, Inspector General, appeared before the Committee noting his office addressed this matter and their prepared report suggested changes in the governing structure which was not addressed in this resolution. He commented on the need for the governing board of the new 501c3 corporation to be members of the PHT since they had a vested interest in the operations at JMH and stressed the importance of the governing structure being secure and accountable.

Chairman Diaz assured that there would be constant monitoring of the process and asked that the Inspector General's office keep the PSHAC committee apprised of any concerns they deemed important to address. He also noted any monies generated through the system would be placed into a separate account to enable further accountability.

Mr. Shaw indicated, during phase two, billing and

collections would be restructured to accomplish the goal of separating those monies.

Commissioner Heyman spoke about the lack of accountability at JMHI in the past and noted she had not had an opportunity to review the Inspector General's recent report. She stressed the importance of maintaining the continuity of the hospital's operations and funding.

In response to an inquiry by Commissioner Heyman regarding a proposed bonus for Mr. Rodriguez of Florida Health Services (FHS) that was contained in the details of the transfer, Mr. Shaw noted the bonus was included in the list of liabilities and had not yet been approved by the Board of Trustees. He further noted, he recommended no discretionary bonuses be approved and, should this resolution be adopted, the 501c3 members would address the matter further.

Assistant County Attorney Valda Clark Christian clarified that this resolution, as drafted, provided for the transfer of assets and liabilities, excluding certain liabilities related to Mr. Rodriguez, and the proposed 501c3 corporation would be subjected to all applicable corporation and sunshine laws.

Mr. Shaw responded to Commissioner Heyman's concerns regarding outstanding liabilities and noted he was unable to conduct negotiations until the 501c3 corporation was created.

Commissioner Bell expressed her support for this resolution, however expressed concern that a business plan had not yet been submitted by Mr. Shaw and requested he provide her with one as soon as possible.

A brief discussion ensued regarding the Inspector General's recommendation to utilize an RFP or RFQ process to search for other viable marketing services as opposed to creating a 501c3 corporation.

Inspector General Mazzella opined that a 501c3 had no advantage over other types of funding mechanisms and expressed concern with the proposed reorganization plan that alluded to the selection of a new Board of Directors. He asked that the BCC take appropriate measures to ensure the new governing board was held accountable.

Chairman Diaz reiterated the need to move forward due to time constraints and the immediate needs at JMH and expressed his respect for Inspector General Mazzella's report and comments. He reaffirmed that, throughout the process, accountability would be maintained at every level.

Commissioner Bell asked Assistant County Attorney Gerald Sanchez to provide detailed information on the proposed private not-for-profit 501c3 corporation to include a business plan; how the numbers were quantified; and specifics on the International plan.

Commissioner Souto spoke in support of the Inspector General's recommendations and commented on JMH's history of problems.

Upon concerns expressed by Commissioner Souto regarding the recent treatment of a specific foreign individual at JMH, Chairman Diaz asked Assistant County Attorney Valda Clark Christian to obtain any available information, within the guidelines of Federal HIPAA Laws (Health Information Portability and Accountability Act) and Florida Statute 395.3025, that addressed how Dr. Rena Perez, a Cuban citizen and wife of a Cuban government official, managed to arrive in South Florida and receive treatment at the Ryder Trauma Center. He asked that the information be presented at the next PSHAC committee meeting.

Chairman Diaz asked that the foregoing proposed resolution be amended to include compliance with the county's Conflict of Interest and Code of Ethics ordinance.

Assistant County Attorney Clark Christian stated the resolution would be amended to include the following language: "That the non profit corporation shall comply with the Miami-Dade County Conflict of Interest and Code of Ethics ordinance. The Ethics Commission shall have authority to review the non profit cooperation's compliance with the Miami-Dade County Conflict of Interest and Code of Ethics ordinance."

There being no further questions or comments, the Committee proceeded to vote to forward the foregoing proposed resolution to the Board of County Commissioners (BCC) with a favorable recommendation with the Committee amendment.

2B

110135 Resolution Joe A. Martinez,
 Lynda Bell, Jose "Pepe" Diaz, Audrey M. Edmonson, Sally
 A. Heyman, Sen. Javier D. Souto, Carlos A. Gimenez
 RESOLUTION PROCLAIMING THE THIRD WEEK OF
 THE MONTH OF APRIL OF EACH PUBLIC SCHOOL
 ACADEMIC SCHOOL YEAR "ANTI-BULLYING WEEK"
 IN MIAMI-DADE COUNTY

*Forwarded to BCC with a favorable
 recommendation
 Mover: Heyman
 Seconder: Bell
 Vote: 5-0
 Absent: Jordan*

Report: *Assistant County Attorney Gerald Sanchez read
 the foregoing proposed resolution into the record.*

*Chairman Diaz and Commissioner's Bell,
 Heyman, Edmondson, and Souto asked that they
 be listed as co-sponsor's of the foregoing
 proposed resolution.*

*Hearing no questions or comments, the Committee
 proceeded to vote on this proposed resolution as
 presented.*

3 DEPARTMENT

3A

110186 Resolution
 RESOLUTION AUTHORIZING THE WAIVER OF
 ADMINISTRATIVE ORDER 7-1 TO ALLOW
 FIREFIGHTERS AND THEIR DEPENDENTS TO BENEFIT
 FROM A PRIVATE SCHOLARSHIP FUND AT FLORIDA
 INTERNATIONAL UNIVERSITY (FIU) (Miami-Dade Fire
 and Rescue Department)

*Forwarded to BCC with a favorable
 recommendation
 Mover: Heyman
 Seconder: Bell
 Vote: 5-0
 Absent: Jordan*

Report: *Assistant County Attorney Gerald Sanchez read
 the foregoing proposed resolution into the record.*

*Hearing no questions or comments, the Committee
 proceeded to vote on this proposed resolution as
 presented.*

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

110212 Report

CLERK'S SUMMARY OF MEETING MINUTES FOR THE
JANUARY 11, 2011 PUBLIC SAFETY AND HEALTH
CARE ADMINISTRATION COMMITTEE MEETING
(Clerk of the Board)

Presented
Mover: Heyman
Seconder: Bell
Vote: 5-0
Absent: Jordan

Report: *Assistant County Attorney Jess McCarty read the
foregoing report into the record.*

*Hearing no questions or comments, the Committee
proceeded to vote.*

7 REPORT

7A

110197 Report

DIAL-A-LIFE ADVISORY AND OVERSIGHT BOARD
SEMI-ANNUAL STATUS REPORT AND DIAL-A-LIFE
PROGRAM SURPLUS CELLULAR TELEPHONES
REPORT (County Manager)

Accepted
Mover: Heyman
Seconder: Bell
Vote: 5-0
Absent: Jordan

Report: *Assistant County Attorney Jess McCarty read the
foregoing report into the record.*

*Hearing no questions or comments, the Committee
proceeded to vote.*

8 ADJOURNMENT

Report: *There being no further business to come before the
Public Safety & Healthcare Administration
Committee, the meeting was adjourned at 11:38
a.m.*