

MEMORANDUM

Agenda Item No. 11(A)(18)

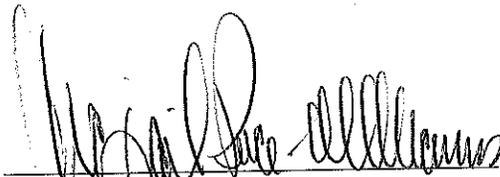
TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 18, 2012

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

SUBJECT: Resolution extending an assistive
measure, pursuant to Section
25A-9(c)(5) of the Code of
Miami-Dade County, in the form
of extending the term of the
Financial Recovery Board

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM

(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 18, 2012

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R. A. Cuevas, Jr.
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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 Mayor'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. 11(A)(18)
12-18-12

RESOLUTION NO. _____

RESOLUTION EXTENDING AN ASSISTIVE MEASURE, PURSUANT TO SECTION 25A-9(C)(5) OF THE CODE OF MIAMI-DADE COUNTY, IN THE FORM OF EXTENDING THE TERM OF THE FINANCIAL RECOVERY BOARD TO HELP RESOLVE THE FINANCIAL SUSTAINABILITY CONDITIONS THREATENING THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY

WHEREAS, pursuant to Chapter 25A of the Code of Miami-Dade County, Florida (“Chapter 25A”), the Public Health Trust of Miami-Dade County (the “PHT”) was created as an agency and instrumentality of Miami-Dade County responsible for the governance, operation and maintenance of Jackson Memorial Hospital and other Designated Facilities (as such term is defined in Chapter 25A); and

WHEREAS, the PHT provides health care services to all segments of the Miami-Dade County community; and

WHEREAS, in the Spring of 2011, the Commission found that the PHT was facing one of the most serious financial crises in its history and had projected a deficit of approximately \$90 million that fiscal year, following a deficit exceeding \$200 million in the immediate prior fiscal year; and

WHEREAS, the PHT has not shown a true surplus since 2006 and has lost \$430 million since 2007; and

WHEREAS, at the May 3, 2011, meeting of the Board of County Commissioners, the Commission adopted, as amended, a resolution establishing a Financial Recovery Board (“Recovery Board”) to help resolve the financial sustainability conditions threatening the PHT; and

WHEREAS, the resolution establishing the Recovery Board set a twenty-four (24) consecutive month term extending from date of establishment of the Recovery Board, unless earlier dismantled by subsequent Commission resolution; and

WHEREAS, during the 2012 fiscal year, while under the governance of the Recovery Board, the PHT earned a surplus of nearly \$1.5 million; and

WHEREAS, the PHT achieved this surplus, for the first time in six years, while facing declining patient volumes as well as reductions to Medicaid rates and Low-Income Pool funds which negatively impacted the PHT's revenue stream in an amount exceeding \$100 million; and

WHEREAS, despite its recent success achieving a surplus while confronting challenging financial trends, the PHT continues to face financial obstacles including far-reaching health care reform at the state and federal levels; and

WHEREAS, the current financial condition of the PHT evidences ongoing risk of financial failure and the need for intervention to ensure that the PHT continues to meet the County's health care delivery goals and requirements; and

WHEREAS, the Commission has determined that the PHT needs continued Recovery Board assistance to address and resolve the financial challenges facing it and threatening operations; and

WHEREAS, Section 25A-9 of the Code of Miami-Dade County ("County Code") allows the Commission to implement assistive measures to preserve a fully functioning and sustainable PHT; and

WHEREAS, pursuant to Section 25A-9(c)(5)(ii)(D) of the County Code, the Financial Recovery Board shall serve for twenty-four (24) months or a longer period of time as determined by resolution of the Commission; and

WHEREAS, the Commission now finds that extending the term of the Financial Recovery Board until May 1, 2015, will provide needed assistance to the PHT in order to resolve the PHT's continuing financial challenges and thereby will promote, protect, maintain and improve the health and safety of all Miami-Dade County residents and visitors served by the PHT,

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

Section 1. In accordance with Section 25A-9(c)(5) of the County Code, effective immediately extends implementation of an assistive measure to address the Public Health Trust's financial sustainability concerns, specifically by extending the term of the incumbent Financial Recovery Board until May 1, 2015.

Section 2. Requires the Mayor or Mayor's designee to continue to report periodically to the Commission on the Public Health Trust's progress resolving the current financial crisis.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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:

Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	Juan C. Zapata

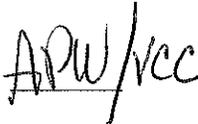
The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of December, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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.



Valda Clark Christian