

MEMORANDUM

Agenda Item No. 4(E)

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: Ordinance amending Chapter 25A of the Code providing that any resolution adopting a directive to the Public Health Trust to undo or modify Public Health Trust action regarding the outsourcing or privation of clinical services to other parties shall be adopted upon majority vote of those Commissioners

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

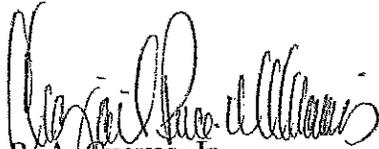
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(Revised)

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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. 4(E)
12-18-12

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PROVIDING THAT ANY RESOLUTION ADOPTING A DIRECTIVE TO THE PUBLIC HEALTH TRUST TO UNDO OR MODIFY PUBLIC HEALTH TRUST ACTION REGARDING THE OUTSOURCING OR PRIVATIZATION OF CLINICAL SERVICES TO OTHER PARTIES SHALL BE ADOPTED UPON MAJORITY VOTE OF THOSE COMMISSIONERS THEN IN OFFICE; 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 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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

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.

office.>>Notwithstanding the foregoing, the Commission may adopt a resolution that undoes or modifies action of the Board of Trustees or any of its committees by majority vote of those Commissioners then in office if such action by the Board of Trustees or its committees concerns the outsourcing or privatization of clinical services to another party.<<

Section 2. Section 25A-9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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 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. >>Notwithstanding the foregoing, the Commission may adopt a resolution that undoes or modifies action of the Recovery Board or any of its committees by majority vote of those Commissioners then in office if such action by the Recovery Board or its committees concerns the outsourcing or privatization of clinical services to another party.<<

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.

Prime Sponsor: Commissioner Barbara J. Jordan