

MEMORANDUM

Agenda Item No. 5(D)

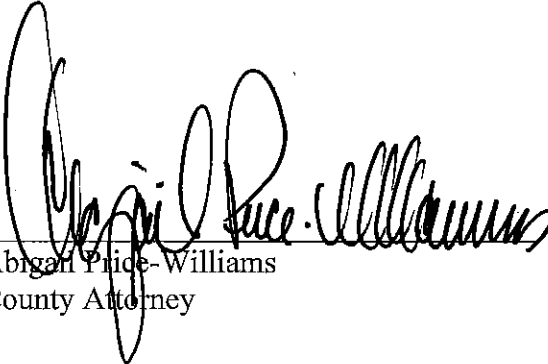
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance amending sections
25A-4 and 25A-5 of the Code;
amending provisions related to
Public Health Trust Compliance
with health care policies
established by the Board of
County Commissioners; and
amending provisions related to
net income of the Public Health
Trust

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

APW/cp

Memorandum



Date: June 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style with a large, sweeping flourish at the end.

Subject: Fiscal Impact Statement for Ordinance Relating to Public Health Trust Compliance
with Health Care Policies

The proposed ordinance related to the Public Health Trust (Trust) amends the Code of Miami-Dade County Section 25A-4, related compliance with health care policies established by the Board of County Commissioners and Section 25A-5, related net income of the Trust.

It is anticipated that the implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Alina T. Hudak". The signature is written in a cursive style with a large, sweeping flourish at the end.

Alina T. Hudak
Deputy Mayor

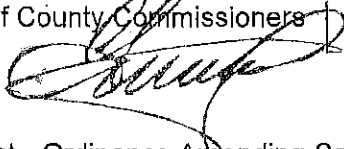
Fis05216 160657

Memorandum



Date: June 7, 2016

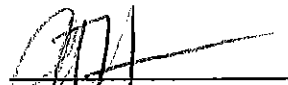
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement - Ordinance Amending Sections 25A-4 and 25A-5 of the Code; Amending Provisions related to Public Health Trust Compliance with Health Care Policies established by the Board of County Commissioners; and Amending Provisions Related to Net Income of the Public Health Trust

The proposed ordinance amends sections 25A-4 and 25A-5 of the Code of Miami-Dade County relating to Public Health Trust compliance with health care policies established by the Board of County Commissioners and the net income of the Public Health Trust.

These amendments to the Code have the potential to continue improving Jackson Health System's ability to comply with the hospital's mission of building the health of the community by providing a single, high standard of quality care for the residents and visitors of Miami-Dade County by building its cash reserves and potentially investing funds into innovative health programming.


Alina T. Hudak
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(D)

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
- Statement of social equity 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. 5(D)
6-7-16

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 25A-4 AND 25A-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING PROVISIONS RELATED TO PUBLIC HEALTH TRUST COMPLIANCE WITH HEALTH CARE POLICIES ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS; AND AMENDING PROVISIONS RELATED TO NET INCOME OF THE PUBLIC HEALTH TRUST; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

WHEREAS, the Trust provides health care services to all segments of the Miami-Dade County community regardless of ability to pay; and

WHEREAS, in 2011, the Trust faced one of the most serious financial crises in its history, which resulted in this Board establishing the Financial Recovery Board as an assistive measure under authority of Section 25A-9(c)(5) of the Code to help resolve financial sustainability conditions threatening the Trust; and

WHEREAS, Section 25A-4(b)(4) of the Code provides that this Board may establish and change health care policies that will impact the Trust and for a mechanism for funding of such policies to avoid unfunded mandates to the Trust; and

WHEREAS, Section 25A-5(c) of the Code empowers this Board to appropriate Trust net income into the County’s general revenues at any time; and

WHEREAS, since 2011, the Financial Recovery Board, the Board of Trustees and the Trust's executive management team have stabilized the finances of the Jackson Health System and have laid the best foundation possible for the Trust to continue on the path of fiscal success; and

WHEREAS, this Board seeks to amend Section 25A-4(b)(4) of the Code to protect and preserve the fiscal health, viability and strength of the Trust by providing County funding of this Board's policies and directives which will result in unfunded mandates impacting the Trust; and

WHEREAS, this Board seeks to amend Section 25A-5(c) of the Code to further protect and preserve the fiscal health, viability and strength of the Trust by leaving the Trust's net income with the Trust and providing that the net income not be appropriated to County general revenues; and

WHEREAS, this Board further seeks to amend Section 25A-5(c) of the Code to maintain the Trust's financial health, viability and strength by measurement of its cash reserves attaining that level sufficient to maintain the Trust's operations for a year, and, in such event, that the Trust provide for the expansion of high-quality health care services to all segments of Miami-Dade County through innovative means to improve health care access, quality and outcomes; and

WHEREAS, at its meeting of February 26, 2016, the Board of Trustees of the Trust adopted Resolution No. PHT 02/16-010 urging this Board to amend Section 25A-(5)(c) of the Code as set forth in these recitals,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 25A-4 of the Code is hereby amended to read as follows:¹

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.

(a) Power to act. The Trust shall be empowered to sue and be sued, to plead and be impleaded, to contract and be contracted with, and to have an official seal and alter the same. This provision shall not be construed to in any way affect the laws relating to governmental immunity.

(b) Health care delivery policies.

(1) Planning for designated facilities. The Trust shall annually develop and recommend to the County Commission policies for the admission of hospital patients, the determination of the indigent status of patients and health care delivery in the designated facilities of the Trust, including primary, secondary and tertiary health care. The Trust shall also develop and recommend to the County Commission long range plans in five-year intervals for the delivery of health care services in designated facilities of the Trust.

* * *

(3) Submittal of planning recommendations for designated facilities. The Trust shall formally present its annual recommendations for health care delivery in the designated facilities at an annual, joint meeting to be called by the Chairperson of the Board of County Commissioners and to be held between the Commission and the Trust no later than July 1st of each year.

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.

(4) Compliance >>with policies and directives; avoidance of unfunded mandates impacting Trust.<< The Trust shall comply with the health care policies >>and directives<< established by the Board of County Commissioners. >>If any such policy or directive will result in a financial impact to the Trust, then the Commission shall provide County funding to the Trust for implementation of and compliance with the policy or directive for the period of time necessary for implementation or compliance<<. [~~When the Commission establishes or changes policies relating to hospital admissions or medical indigency, it shall, in order to avoid the promulgation of unfunded mandates, through the County Manager and Chief Executive Officer of the Trust, identify in consultation with the Trust, an appropriate source of funding necessary to carry out such policies.~~]

* * *

Section 2. Section 25A-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 25A-5. Financial support for the Public Health Trust.

* * *

(c) *General financial provisions.* The County shall convey to the Trust all accounts receivable pertaining to the designated facilities, and the Trust shall be subject to, assume the liability for, and be authorized to pay all accounts payable pertaining to the designated facilities. The Trust shall have the authority to establish necessary banking accounts in its own name and to make cash disbursements. The Trust shall make an annual report and an audited accounting to Miami-Dade County for all receipts and disbursements of money during each fiscal year, which accounting shall be submitted to the Board of County Commissioners no later than ninety (90) days subsequent to the close of such fiscal year and which accounting shall be in a manner consistent with and in a format pursuant to that prescribed by the County Manager.

* * *

The Board of County Commissioners shall, after examining the Trust's annual report and accounting, determine whether there is net income, exclusive of County payments for services rendered, at the end of the fiscal year. The Board of County Commissioners >>shall<< ~~[[may then appropriate such net income into the County's general revenues or]]~~ leave such net income with the Trust for continued use in effecting the public purposes of the Trust; provided, however, in the event the >>Trust's cash reserves attain and are maintained at a level sufficient to sustain the Trust's operations for a year, then the Trust shall dedicate any additional surplus in excess of such cash reserves that has been contributed by the County through maintenance of effort, as set forth under Section 212.055(5)(d), Fla. Stat., as such may be amended from time to time, to increase the provision of high-quality health care services in other segments of the County through innovative means to improve health care access, quality and outcomes and to report such innovations at the annual joint meeting called by the Chairperson of the Commission under Section 25A-4(b)(3).<< ~~[[Commissioners decide to leave such income with the Trust, the Commissioners may shall still retain the right to withdraw such income at any future time.]]~~

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 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:

ADW
ES/CK

Prepared by:

Eugene Shy, Jr.
Christopher C. Kokoruda

Prime Sponsor: Commissioner Audrey M. Edmonson