



MEMORANDUM

Agenda Item No. 7(C)

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

**DATE:** January 24, 2012

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

**SUBJECT:** Ordinance amending Chapter 25  
of the Code; to delete the Financial  
Recovery Board Trust/Medical  
Schools Annual Operating Agreement  
Committee, to create the Financial  
Recovery Board's UM Annual  
Operating Agreement Committee  
and FIU Annual Operating  
Agreement Committee

Ordinance No. 12-04

This ordinance was amended by the Public Safety and Healthcare Administration Committee to provide language that requires the UM AOA Committee and FIU AOA Committee to (1) review fiscal reconciliation reports concerning funds the PHT provides the universities under their respective annual operating agreements, and (2) review the universities' performance in accordance with their respective annual operating agreements. The language further requires the Committees to report on their review to the Public Health Trust Financial Recovery Board.

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

RAC/up

# Memorandum



**Date:** January 24, 2012

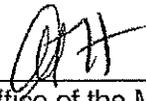
**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance amending Chapter 25A of the Code; regarding the Public Health Trust

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The proposed ordinance deletes the Financial Recovery Board Trust/Medical Schools Annual Operating Agreement Committee and creates the Financial Recovery Board's University of Miami (UM) Annual Operating Agreement Committee and the Florida International University (FIU) Annual Operating Agreement Committee. This proposed ordinance will not have a fiscal impact to the County.

  
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Office of the Mayor

Fis1512



# MEMORANDUM

(Revised)

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

**DATE:** January 24, 2012

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

**SUBJECT:** Agenda Item No. 7(C)

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(C)  
1-24-12

ORDINANCE NO. 12-04

ORDINANCE AMENDING CHAPTER 25A OF CODE OF MIAMI-DADE COUNTY REGARDING THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA TO DELETE THE FINANCIAL RECOVERY BOARD TRUST/MEDICAL SCHOOLS ANNUAL OPERATING AGREEMENT COMMITTEE, TO CREATE THE FINANCIAL RECOVERY BOARD'S UM ANNUAL OPERATING AGREEMENT COMMITTEE AND FIU ANNUAL OPERATING AGREEMENT COMMITTEE; DESCRIBING COMPOSITION OF SUCH COMMITTEES, PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, the Public Health Trust of Miami-Dade County is an agency and instrumentality of Miami-Dade County created and established by the authority of Chapter 154, Part II of Florida Statutes as a revocable statutory trust; and

**WHEREAS**, the Public Health Trust of Miami-Dade County has Basic Affiliation Agreements with both the University of Miami and Florida International University; and

**WHEREAS**, this Board of County Commissioners believes it is in the best interest of the community to foster close ties with both universities; and

**WHEREAS**, the Public Health Trust is currently governed by the Financial Recovery Board of the Public Health Trust pursuant to Section 25A-9 of the Code of Miami-Dade County and Resolution No. 392-11; and

**WHEREAS**, pursuant to 25A-9(5)(i)(G) of the Code of Miami-Dade County, the Financial Recovery Board is to have a Trust/Medical Schools Annual Operating Agreement

Committee with the Chairperson of the Financial Recovery Board and the Chief Executive Officer; and

**WHEREAS**, the Chairman of the Financial Recovery Board and the Chief Executive Officer of the Public Health Trust desire that there be two separate committees – one to oversee the annual operating agreement with the University of Miami and the other to oversee the annual operating agreement with Florida International University – and that the membership of each committee consist of Financial Recovery Board members,

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

**Section 1.** That the above recitals of legislative intent and findings are fully incorporated herein as part of this ordinance.

**Section 2.** Chapter 25A of the Code of Miami-Dade County is hereby amended as follows<sup>1</sup>:

\* \* \*

**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

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<sup>1</sup> 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.

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. A County Commission veto of any action taken by the Recovery Board shall be final and determinative.

\* \* \*

- (i) *Powers and duties.* The Recovery Board shall hold regular meetings and record such meetings in accordance with the requirement for the Board of Trustees as described in Section 25A-3(f) (Organization, powers and duties of the Board of Trustees), herein. Except as specifically provided in Section 25A-9(c) (Assistive measures), herein, during its tenure, the Recovery Board shall have all of the powers, duties and responsibilities customarily vested in the Board of Trustees of the Trust and as provided for in Chapter 25A of the Code, except that those powers and duties shall be limited by the Commission's veto authority as provided herein.

The Recovery Board shall exercise supervisory control over the operation, maintenance, and governance of all designated facilities and of all functions and activities

taking place in connection with the operation of designated facilities and shall be authorized to exercise such powers as provided for in Section 25A-4 (Powers and duties of the Trust), herein, except as modified hereinafter:

\* \* \*

(G) >>UM Annual Operating Agreement Committee and FIU Annual Operating Agreement Committee. During the tenure of the Recovery Board, there shall be a UM Annual Operating Agreement Committee (“UM Committee”) and a FIU Annual Operating Agreement Committee (“FIU Committee”). The Trust Chief Executive Officer shall negotiate the annual operating agreement with the University of Miami and shall submit his/her recommendations to the UM Committee. The Trust Chief Executive Officer shall also negotiate the annual operating agreement with Florida International University and shall submit his/her recommendations to the FIU Committee. The UM Committee and the FIU Committee shall make recommendation regarding the respective annual operating agreements to the Recovery Board.<< >>**The UM Committee and the FIU Committee shall semi-annually review fiscal reconciliation reports of funds provided to UM and FIU respectively for services provided under the annual operating agreements, and shall report thereon to the Recovery Board. The UM Committee and the FIU Committee shall oversee the methods and manners by which the Trust holds the universities accountable for performing in accordance with the terms of the agreements and shall report thereon to the Recovery Board.<<<sup>2</sup> >>**The UM Committee and the FIU Committee shall each consist of three (3) Recovery Board members as appointed by the Recovery Board Chairperson.<< ~~[[Trust/Medical Schools Annual Operating Agreement Committee. During the tenure of the Recovery Board, the membership of the Trust/Medical Schools Committee as described in Section 25A-3(f) (Organization, powers and duties of the Board of Trustees), herein, shall consist solely of the Trust Chief Executive Officer and the Chairperson of the Recovery Board, or his or her designee.~~

<sup>2</sup> Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

~~The Trust/Medical Schools Committee shall have responsibility to negotiate the Annual Operating Agreements with the University of Miami and Florida International University and shall submit their recommendations regarding the Annual Operating Agreements to the Recovery Board for its review and approval]].~~

\* \* \*

**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, except as otherwise stated herein, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: January 24, 2012

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Valda Clark Christian

Prime Sponsor: Commissioner Barbara J. Jordan