

MEMORANDUM

Amended
Agenda Item No. 11(A)(1)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 21, 2013

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

SUBJECT: Resolution approving and
ratifying staggered initial terms
for the members of the
reestablished Board of Trustees
of the Public Health Trust which
terms shall commence on June 1,
2013 upon the expiration of the
tenure of the Financial Recovery
Board
Resolution No. R-400-13

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 21, 2013

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

SUBJECT: Amended
Agenda Item No. 11(A)(1).

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 _____

Amended
Agenda Item No. 11(A)(1)
5-21-13

RESOLUTION NO. R-400-13

RESOLUTION APPROVING AND RATIFYING STAGGERED INITIAL TERMS FOR THE MEMBERS OF THE REESTABLISHED BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST WHICH TERMS SHALL COMMENCE ON JUNE 1, 2013 UPON THE EXPIRATION OF THE TENURE OF THE FINANCIAL RECOVERY BOARD

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, in May 2011, the Board of County Commissioners adopted Resolution No. R-392-11 to establish for a tenure of two (2) years the seven-member Financial Recovery Board as an assistive measure to help resolve the financial sustainability conditions threatening the Public Health Trust; and

WHEREAS, the tenure of the Financial Recovery Board will expire May 31, 2013, at which time the Board of Trustees will be reestablish as provided in Chapter 25A of the Code (“Chapter 25A”), and the initial members of the reestablished Board of Trustees will be the members of the expiring Financial Recovery Board; and

WHEREAS, in accordance with Ordinance No. 12-113 which was adopted by this Board on December 18, 2012, the Public Health Trust Nominating Council has met and approved staggered initial terms of the members of the Financial Recovery Board as those members transition to become the initial members of the reestablished Board of Trustees of the Public Health Trust,

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

Section 1. This Board hereby approves and ratifies the staggered initial term appointments of the members of the reestablished Board of Trustees of the Public Health Trust, except as provided in Section 2 hereof, as set forth herein below. The initial terms of the members of the reestablished Board of Trustees shall commence on June 1, 2013 upon the expiration of the tenure of the Financial Recovery Board of the Public Health Trust.

<u>Trustee</u>	<u>Initial Term</u>	<u>Commencing</u>	<u>Ending</u>
Vacancy	1 year	June 1, 2013	May 31, 2014
AFL-CIO vacancy	1 year	June 1, 2013	May 31, 2014
Marcos Jose Lapciuc	3 years	June 1, 2013	May 31, 2016
Darryl K. Sharpton	3 years	June 1, 2013	May 31, 2016
Joe Arriola	4 years	June 1, 2013	May 31, 2017

Section 2. In accordance with Ordinance No. 12-113, this Board ratifies the staggered initial term appointments of the members who are designated by the Mayor and Chairman of the Miami-Dade Legislative Delegation, who shall have two (2) year terms, as follows:

<u>Trustee</u>	<u>Initial Term</u>	<u>Commencing</u>	<u>Ending</u>
Mojdeh L. Khaghan (designated by the Mayor)	2 years	June 1, 2013	May 31, 2015
Rep. Michael Bileca (designated by the Chairman, Miami-Dade Legislative Delegation)	2 years	June 1, 2013	May 31, 2015

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson.

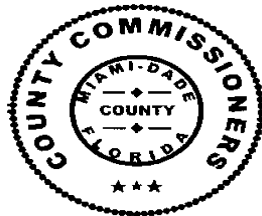
It was offered by Commissioner **Audrey Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of May, 2013. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eugene Shy, Jr.

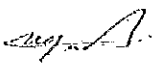


Miracles made daily.

MEMORANDUM

Date: March 20, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Marcos Jose Lapciuc 
Chairman, Public Health Trust Nominating Council

Subject: Resolution approving and ratifying Public Health Trust Nominating Council
Recommendations for staggering of initial terms of the members of the
reestablished Board of Trustees of the Public Health Trust

Recommendation

It is recommended that the Board of County Commissioners approve and ratify the staggered initial terms of the members of the expiring Financial Recovery Board who will transition to become the initial members of the reestablished Board of Trustees of the Public Health Trust.

Scope

Ordinance No. 12-113 adopted by the Commission on December 18, 2012 (the "Ordinance"), changed the composition of the Public Health Trust Nominating Council and increased the Nominating Council membership from five (5) members to nine (9) members. The current members of the Nominating Council are: Chairman Marcos Jose Lapciuc, Commissioner Audrey M. Edmonson, Representative Jeanette M. Nunez, South Florida AFL-CIO President Andy Madtes, Deputy Mayor Alina T. Hudak, Stephen S. Nuell, Joe Arriola, Darryl K. Sharpton and Mojdeh L. Khaghan. Pursuant to the Ordinance, the Nominating Council's sole task, with respect to transitioning from the expiring Financial Recovery Board to the reestablished Board of Trustees, is to set the staggered initial terms for the initial members of the reestablished Board of Trustees.

Fiscal Impact

This action has no fiscal impact to the County as the members of the Board of Trustees serve without compensation. Trust members are entitled to reimbursement for necessary expenses, including the expense of the bond required for the faithful performance of the duties of office. These expenses are funded by the Public Health Trust.

Track Record/Monitor

The Nominating Council has been dormant for the past two years due to the Commission establishing the Financial Recovery Board as the governing board for the Trust. Prior to the establishment of the Financial Recovery Board, the Nominating Council annually would recommend a slate of candidates to the Commission after having solicited, screened and interviewed candidates. During the transition from the expiring Financial Recovery Board to the reestablished Board of Trustees, the Nominating Council will only approve staggered terms but not solicit, screen or interview candidates.

Background

In May, 2011, the Commission established the Financial Recovery Board as an assistive measure to address and help resolve the financial sustainability conditions threatening the Public Health Trust. The tenure of the Financial Recovery Board is a two-year period expiring on May 31, 2013. Upon expiration of the tenure of the Financial Recovery Board, the Board of Trustees will be reestablished as the governing board for the Public Health Trust. The initial members of the reestablished Board of Trustees will be the current Financial Recovery Board members. Pursuant to the Ordinance, the Nominating Council met on February 22, 2012 to transition the Financial Recovery Board members to the Board of Trustees by staggering the terms of the members other than the two members appointed by the Mayor and the Chairman of the Miami-Dade Legislative Delegation. The Nominating Council approved and now seeks Commission ratification of the staggered initial terms of the members as follows:

<u>Trustee</u>	<u>Initial Term</u>	<u>Commencing</u>	<u>Ending</u>
Marcos Jose Lapciuc	1 year	June 1, 2013	May 31, 2014
*AFL-CIO vacancy	1 year	June 1, 2013	May 31, 2014
Stephen S. Nuell	3 years	June 1, 2013	May 31, 2016
Darryl K. Sharpton	3 years	June 1, 2013	May 31, 2016
Joe Arriola	4 years	June 1, 2013	May 31, 2017

*Please note that the AFL-CIO position is vacant due to the February 11, 2013 resignation of Joaquin del Cueto from the Financial Recovery Board. The AFL-CIO will not have a designated slot on the reestablished Board of Trustees; however, the Ordinance provides that all members of the expiring Financial Recovery Board shall become the initial members of the reestablished Board of Trustees. During the Nominating Council meeting, Andy Madtes, President of the South Florida AFL-CIO expressed his intent to fill the vacancy prior to the expiration of the Financial Recovery Board.

The Nominating Council is not tasked by the Ordinance to stagger the terms of the two (2) voting members designated by the Mayor or Miami-Dade Legislative Delegation. These two members shall have two (2) year terms as set forth in the Ordinance. Those two members and their terms are as follows:

<u>Trustee</u>	<u>Initial Term</u>	<u>Commencing</u>	<u>Ending</u>
Mojdeh L. Khaghan (designated by the Mayor)	2 years	June 1, 2013	May 31, 2015
Rep. Michael Bileca (designated by the Chairman, Miami-Dade Legislative Delegation)	2 years	June 1, 2013	May 31, 2015