



MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

Board of County Commissioners
Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, FL 33128

Monday, May 3, 2010
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Diane Collins, Acting, Director
Clerk of the Board Division

Jovel Shaw, Commission Reporter, (305) 375-1289



FINAL OFFICIAL

Members Present: Bruno Barreiro; Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez; Sally A. Heyman; Barbara J. Jordan; Joe A. Martinez; Dennis C. Moss; Dorrin Rolle; Natacha Seijas; Katy Sorenson; Rebeca Sosa; Javier D. Souto

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: Jovel Shaw, Commission Reporter, (305) 375-1289

1A ROLL CALL

Report: *The following staff members were present: County Attorney Robert Cuevas, First Assistant County Attorney Abigail Price-Williams; County Mayor Carlos Alvarez; County Manager George Burgess; Special Assistant to the County Manager and Office of Strategic Business Management Director Jennifer Glazer-Moon; and Deputy Clerks Diane Collins and Jovel Shaw.*

Chairman Moss called the meeting to order at 1:21 p.m.

1B MOMENT OF SILENCE

Report:

The Board convened in a moment of silence, followed by the Pledge of Allegiance.

1C PLEDGE OF ALLEGIANCE

1D DISCUSSION ITEMS

1D1

101127 Discussion Item

DISCUSSION ITEM RELATING TO PROPOSED CHARTER AMENDMENT REGARDING CHANGING STRONG MAYOR FORM OF GOVERNMENT *Presented*

Report: Discussion on the foregoing item was presented on May 4, 2010, during the Special Board of County Commissioners Carryover meeting.

Commissioner Gimenez noted extensive discussion occurred at the April 13, 2010, Government Operations Committee meeting, regarding changing the Strong Mayor form of government that would be presented to the electors through a countywide special election, returning to the County Commission and the County Manager certain powers and responsibilities previously transferred to the County Mayor.

Commissioner Sosa suggested a meeting be scheduled to seek the community's input on the foregoing issue.

Commissioner Jordan expressed the community and the Board's concern since the inception of the Strong Mayor form of government, particularly during the budgetary process, and stressed the need for the County Commission to have staff's support in its decision-making in order for Commissioner's to provide appropriate leadership to the community.

Commissioner Gimenez noted the difference between the two proposals was that one sponsored by Commissioner Jordan called for an effective date in November 2012, and the other proposal that he sponsored, would become effective immediately.

Commissioner Diaz suggested further discussion was needed to address the issues related to accountability and the balance of power between the County Mayor, the County Manager, and the County Commission.

Commissioner Barreiro stated that the County Manager should be responsible for administering county government and having the ability to appoint department directors, subject to Commission approval or disapproval.

Commissioner Rolle spoke in support of Commissioner Jordan's proposal that called for an effective date in November 2012, and the return to the County Commission and the County Manager of certain powers and responsibilities previously transferred to the County Mayor.

Chairman Moss stated that he opposed the Strong Mayor form of government and indicated the Board would have further discussion on this issue later. He spoke in support of an effective date in November 2012 and the return to the County Commission and the County Manager certain powers and responsibilities previously transferred to the County Mayor.

Commissioner Gimenez asked County Attorney Robert Cuevas to draft a ballot question of whether to amend the Home Rule Charter to eliminate the Office of the County Manager.

Commissioner Jordan stated that she would present an item before the Board regarding the special election to return to the County Commission and the County Manager, as of November 2012, certain powers and responsibilities previously transferred to the Mayor.

1D2

101128 Discussion Item

**DISCUSSION ITEM RELATING TO PROPOSED CHARTER
AMENDMENT REGARDING FRANCHISE AGREEMENTS**

Presented

Report: On May 3, 2010, the Board proceeded to consider Special Item No. 1D2, Legislative File No. 101127.

Chairman Moss stated that based upon the Home Rule Charter, Section 1.01(a) (14) (a), which reads as follows: "(a) Franchises under this subsection could only be granted by a two-thirds vote of the members of the Board present and approved by a majority vote of those qualified electors voting at either a special or general election." He explained the franchise agreement with Florida Power and Light or any other entity would take a two-thirds vote by the Board of County Commissioners (BCC) followed by a submittal to the electors for their approval. Chairman Moss noted that other municipalities performed this by ordinances, and felt the election was an unnecessary step. He noted that process might have been feasible when this provision was put in place in the Home Rule Charter in 1956.

County Manager George Burgess stated that Miami-Dade County was the only county in the State of Florida that had a referendum requirement for franchises. He noted other franchises and franchise agreements were amended and/or approved in other jurisdictions whether they were located in or outside this County and/or at the county or municipal level. Mr. Burgess stated it was an excessive requirement and indicated that the County Administration would like to be able to present items to the BCC similar to other municipal boards for consideration.

Chairman Moss stated that the County Attorney would prepare the appropriate item and present it at the May 20, 2010, BCC meeting. Therefore, he added, the item coming forth could meet the requirement to be placed on the ballot for August 24, 2010.

Commissioner Barreiro requested clarification on whether, at the time the County Mayor or County Manager negotiated the franchise agreement, they would request that the BCC approve the points to negotiate prior to the Administration presenting an item to the BCC, or have the Administration negotiate the agreement and then present the item for the BCC consideration.

In response to Commissioner Barreiro's comments, County Manager Burgess stated there were two separate issues; one was whether the BCC should approve a franchise, which was a basic business concept similar to other cities; and secondly, whether the Administration prior to entering into negotiations would have dialogue with the Board to gain an understanding of the items to negotiate.

Chairman Moss stated that an item would be presented at the May 20, 2010, BCC meeting.

County Attorney Robert Cuevas stated that there would be a request for waiver of committee review and the item would be presented to the full BCC.

Chairman Moss announced that today's (5/3) Special Meeting would recess and resume on Tuesday, May 4, 2010 at 3:00 p.m.

Assistant County Attorney Oren Rosenthal stated that if the Board desired to place an item on the ballot, it would need to adopt a resolution calling for a special election between now and June 25, 2010. He specifically advised that the June 3, 2010, BCC meeting would be the target date in the event of a Mayoral veto.

The Board recessed today's (5/3) Special Meeting at 5:30 p.m.

On May 4, 2010, the Board reconvened the Special Meeting at 3:32 p.m.

ORDINANCES FOR FIRST READING

Special Item No. 1

100960	Ordinance	County Commission
	<p>ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COMMISSION TO TAKE ASSISTIVE MEASURES IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR, INCLUDING IMPOSING MANAGEMENT WATCH, REQUIRING RECOVERY PLAN, AUTHORIZING COUNTY COMMISSION VETO OF ACTIONS TAKEN BY THE PUBLIC HEALTH TRUST, AUTHORIZING AUDIT, PROVIDING TECHNICAL ASSISTANCE AND FORMATION OF AN OVERSIGHT BOARD; WAIVING THE PROCEDURES FOR CREATION AND REVIEW OF COUNTY BOARDS OF ARTICLE IB OF THE CODE FOR ANY OVERSIGHT BOARD ESTABLISHED UNDER AUTHORITY OF THIS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p>	<p><i>Amended</i></p>

Report: See Special Item No. 1 Amended, Legislative File No. 101235 for the amended version.

- 4/8/2010 *Developed as a result of a series of motions taken by the Board of County Commissioners to the Board of County Commissioners*
- 4/8/2010 *Continued by the Board of County Commissioners*
- 4/20/2010 *Deferred by the Board of County Commissioners*
- 4/20/2010 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners*

Special Item No. 1 AMENDED

101235

Ordinance

County Commission

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COMMISSION TO TAKE ASSISTIVE MEASURES IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR, INCLUDING IMPOSING MANAGEMENT WATCH, REQUIRING RECOVERY PLAN, AUTHORIZING COUNTY COMMISSION VETO OF ACTIONS TAKEN BY THE PUBLIC HEALTH TRUST, AUTHORIZING AUDIT, PROVIDING TECHNICAL ASSISTANCE AND FORMATION OF AN OVERSIGHT BOARD; WAIVING THE PROCEDURES FOR CREATION AND REVIEW OF COUNTY BOARDS OF ARTICLE IB OF THE CODE FOR ANY OVERSIGHT BOARD ESTABLISHED UNDER AUTHORITY OF THIS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 100960)

Adopted on first reading as amended

Public Hearing: May 18, 2010

Mover: Barbara J. Jordan

Seconder: Carlos A. Gimenez

Vote: 6-2

No: Barreiro, Sorenson

Absent: Heyman, Sosa, Souto, Martinez, Diaz

Report: On May 3, 2010, County Attorney Robert Cuevas announced that today's (5/3) Special Meeting of the Board of County Commissioners (BCC) was called pursuant to Section 2-1, Rule 3.02(a) of the Code of Miami-Dade County, Florida. He stated in today's meeting, the Board would:

- consider any matters pertaining to the structure and details of the various proposed assistive measures (including any proposed oversight board) that may be taken in response to the existence of financial exigencies at the Public Health Trust, including the continued first reading of items 4(A) through 4(E) from the April 20, 2010, regular BCC meeting; and
- discuss proposals to call one or more County-wide special elections for the purpose of submitting to the voters questions whether to amend Home Rule Charter provisions, including but not limited to, proposals pertaining to: i) the powers and responsibilities of the County Commission, Mayor and County Manager; and, ii) the salary County Commissioners shall receive and any matters related thereto such as term limits and outside employment. The Commission may approve motions, resolutions and other documents related to the foregoing matters at this special meeting.

It was moved by Commissioner Jordan that the Board accept today's (5/3) agenda as read by County Attorney Cuevas. This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 9-0 (Commissioners Barreiro, Edmonson, Rolle and Vice Chairman Diaz were absent).

Commissioner Heyman thanked Chairman Moss and the Miami-Dade County's family for their great wishes for speedy recovery following her surgery. She noted the healthcare at Jackson Memorial Hospital was superb and the care was exceptional.

County Attorney Cuevas advised the Board members of the addition of Special Item No. 7 regarding term limits and commission salaries to today's (5/3) Board's agenda.

Chairman Moss reminded the Board members of the straw votes taken at the April 8, 2010, BCC Carryover Meeting. He provided the parameters on how the Board would proceed with today's (5/3) meeting. He stated he would allow each member of the Board to present his/her proposal, followed by discussion among the Board members on the proposals and, subsequently, the Board would determine how to proceed.

SPECIAL ITEM No. 2, Legislative File No. 100933

Commissioner Gimenez presented the foregoing proposed ordinance for first reading that: 1) added provisions making management watch an additional Assistive Measure; (2) established an Oversight Board to make recommendations to the BCC rather than act independently; and (3) provides options for the BCC appointments to the 7-member Oversight Board.

In response to Chairman Moss' question to Commissioner Gimenez regarding his recommendation for a 7-member Oversight Board, Commissioner Gimenez explained his rationale for having 7-members instead of 17-members. He outlined the appointment process along with the composition and organization of the Oversight Board.

A discussion ensued between Chairman Moss and Commissioner Gimenez

regarding the City of Miami's Financial Emergency Oversight Board that was appointed by the State of Florida former Governor Lawton Chiles; the role and the responsibility of the Oversight Board; the life of the Oversight Board for four (4) years (1997-2001); and that the Oversight Board did not replace the City Commission, but worked with the City Commission to address its budget deficit with city officials, because the board did not have the power to overrule the City Commission.

Chairman Moss questioned Commissioner Gimenez on his viewpoint on the BCC temporarily serving as the Oversight Board until an Oversight Board was established and members appointed.

Commissioner Gimenez stated that the BCC would have to rely on the County Mayor and the Manager for reporting to the BCC. He indicated that if the BCC became the Oversight Board it would depend on how long the BCC intends to serve as an Oversight Board. He noted it would be difficult for the BCC to focus on the operations of the Public Health Trust (PHT).

SPECIAL ITEM NO. 3, Legislative File No. 100664

Commissioner Jordan presented her proposal that authorized the BCC to take action if specified conditions pertaining to the financial status of the PHT have occurred or would likely occur, including assignment of technical experts and formation of a board with specified powers to oversee the PHT. She outlined the Oversight Board's powers pursuant to Chapter 218 of the Florida Statutes, including:

- (1) to approve and disapprove all budgets and budget amendments;
- (2) to establish an Estimated Conference process for determining and monitoring revenues, expenditures, cash flow and deficit;
- (3) to establish a Fiscal Sufficiency Advisory Board;
- (4) to make recommendations to the BCC of any actions they may take to resolve financial emergency;
- (5) to perform all duties assigned by the BCC; and
- (6) to enter into an Intergovernmental Cooperative Agreement as described in this proposal.

In addition, Commissioner Jordan noted the PHT's role as follows:

- (1) to have all budgets approved by the Oversight Board, and cease spending funds not in accordance with the budget;
 - (2) to place all pledged revenues in principals and interest payments for all debts with a third party trustee who will be approved by the Oversight Board;
 - (3) to submit all financial plans and other documents to the Oversight Board;
 - (4) to cooperate with inspections of records and timely respond to requests;
- and
- (5) to obtain approval of the Oversight Board before the issuance of any form of debt or prior to borrowing.

Commissioner Jordan presented an overview of her proposal regarding the roles and responsibilities of the Oversight Board and the BCC.

A discussion ensued between Chairman Moss and Commissioner Jordan regarding the appointment process based on the criteria set forth and approved by the BCC for Oversight Board members.

In response to Chairman Moss' question regarding the BCC serving as the

Oversight Board, Commissioner Jordan reiterated her comments regarding the time commitment the Board would need to make to fully address the PHT financial issues and still take care of the County's business.

SPECIAL ITEM NO. 4, Legislative File No. 100888

Commissioner Martinez questioned the County Attorney regarding how the current PHT Board members were appointed.

In response to Commissioner Martinez' question, Assistant County Attorney Valda Christian explained the current criteria and process for appointment of PHT Board members.

Commissioner Martinez noted the current process and the BCC's role in PHT Board appointments in terms of philosophical differences versus politics. He stated that the BCC should remain as the governing board and should not be involved in the day-to-day operations.

A discussion ensued between Chairman Moss and Commissioner Martinez regarding the BCC being the governing board for the PHT.

SPECIAL ITEM NO. 5, Legislative File No. 100678

Commissioner Seijas noted her proposal recommended that nine (9) members serve on the Oversight Board in lieu of the other proposals on today's (5/3) agenda. She provided an overview of the composition and the organization of a Transition Board.

A discussion ensued between Chairman Moss and Commissioner Seijas regarding the current PHT Board versus a new board.

Commissioner Souto noted his experience with the PHT and emphasized the need to televise and record the PHT meetings. He stated that the current organization does not need to be demolished, but should be modified to achieve the desired outcomes.

Commissioner Rolle stressed the need to obtain information requested from the PHT in a timely manner. He referenced his request from the Administration and advised that no response had been provided for the following information:

- (1) who made the decision for closure of three clinics in Commission District 2 located in Liberty Square, Juanita Mann and in the North Miami area;
- (2) who or what other entity in those communities absorbed those services due to the closure;
- (3) what the status was for the accounts receivable; and
- (4) the status of job loss and bumping rights.

Commissioner Sosa noted her request to hear from the PHT administration prior to taking any steps regarding an Oversight Board, which she supported.

Commissioner Edmonson spoke in support of Special Item No. 1 and stressed the need for the BCC's approval of any action recommended by an Oversight Board.

Commissioner Sorenson noted the proposal sponsored by Commissioner Martinez (Special Item No. 4) addressed the critical issues with the PHT.

Commissioner Heyman spoke in support of management watch and an opportunity for the PHT to address and take corrective measures to resolve the current state of financial affairs. She indicated she would not support removal of the PHT. She stated the BCC should have powers since it was ultimately responsible for the PHT.

Commissioner Heyman stated that even though the County had a Strong Mayor form of government, the BCC would have input on the selection of individuals who would serve on the Oversight Board. She stated the BCC should not have only veto powers, but the ability for the Mayor and the BCC to put forth nominees to serve on the Oversight Board. She also pointed out that someone from the hospital association should serve on the Oversight Board.

Commissioner Diaz did not support having an Oversight Board and expressed his position that the current PHT Board should not be eliminated.

In response to Commissioner Diaz' request to the County Mayor on his point of view from Administration, County Mayor Carlos Alvarez noted the BCC expressed a desire to implement an Oversight Board. He noted an Oversight Board should be ready to step in as needed to protect the BCC and for the BCC to have veto power on any actions taken by the Oversight Board.

A discussion ensued among the BCC members regarding the Oversight Board's membership.

It was moved by Commissioner Seijas that the BCC establish an Oversight Board. Commissioner Jordan seconded this motion for discussion.

A discussion ensued among the BCC members regarding the name of the Oversight or a Recovery Board; the potential impact of the name on future bond ratings; the current PHT Board serving as the Oversight Board; the modification of the current PHT Board's powers and duties versus the creation of an Oversight Board.

The Board proceeded with the following series of motions with discussion prior to the roll call vote on each motion as follows:

Motion No. 1

It was moved by Commissioner Seijas that the BCC establish a Financial Recovery Board, if needed. This motion was seconded by Commissioner Jordan, and upon being put to a roll call vote, passed by a vote of 8-5 (Commissioners Edmonson, Gimenez, Heyman, Jordan, Seijas, Sosa, Vice Chairman Diaz and Chairman Moss voted "Yes"; Commissioners Barreiro, Martinez, Rolle, Sorenson and Souto voted "No").

Motion No. 2

It was moved by Commissioner Gimenez that the BCC have veto authority over the Oversight Board. This motion was seconded by Commissioner Seijas, and upon being put to a roll call vote, passed by a vote of 10-2 (Commissioners Edmonson, Gimenez, Heyman, Jordan, Rolle, Seijas, Sosa, Barreiro, Vice Chairman Diaz and Chairman Moss voted "Yes"; Commissioners Sorenson and Souto voted "No" and Commissioner Martinez was absent).

It was moved by Commissioner Seijas that the Oversight Board be comprised of seven (7) members. Commissioner Edmonson seconded this motion for

discussion.

Motion No. 3

It was moved by Commissioner Seijas that the Oversight Board be comprised of seven (7) members. This motion was seconded by Commissioner Edmonson, and upon being put to a roll call vote, passed by a vote of 9-3 (Commissioners Edmonson, Gimenez, Heyman, Jordan, Rolle, Seijas, Sosa, Vice Chairman Diaz and Chairman Moss voted "Yes"; Commissioners Barreiro, Sorenson and Souto voted "No"; and Commissioner Martinez was absent).

A discussion ensued among the Board members regarding the composition the 7-member oversight board.

It was moved by Commissioner Heyman that the BCC designate the following categories for the seven (7) Oversight Board members to be appointed as follows: one (1) by the County Mayor, one (1) by the Miami-Dade Legislative Delegation, one (1) by the President of the South Florida AFL-CIO, and four (4) by the Board of County Commissioners. Vice Chairman Diaz seconded this motion.

Further discussion ensued among the Board members, County Manager George Burgess and County Attorney Cuevas regarding the categories for the seven (7) Oversight Board members.

It was moved by Commissioner Gimenez that the AFL-CIO designate a member to the Oversight Board. Commissioner Heyman seconded this motion.

Chairman Moss announced the withdrawal of the motion made by Commissioner Gimenez because a motion was already on the floor by Commissioner Heyman.

A discussion ensued among County Attorney Cuevas, Chairman Moss and Commissioner Heyman regarding categories for the one appointment by the Miami-Dade Legislative Delegation, and the President of the South Florida AFL-CIO.

Motion No. 4

It was moved by Commissioner Heyman that the BCC designate the following categories for the seven (7) Oversight Board members to be appointed as follows: one (1) by the County Mayor, one (1) by the Miami-Dade Legislative Delegation, one (1) by the President of the South Florida AFL-CIO, and four (4) by the Board of County Commissioners. This motion was seconded by Vice Chairman Diaz, and upon being put to a roll call vote, passed by a vote of 6-4 (Commissioners Gimenez, Heyman, Sorenson, Sosa, Vice Chairman Diaz and Chairman Moss voted "Yes"; Commissioners Edmonson, Jordan, Rolle and Seijas voted "No"; and Commissioners Barreiro, Martinez and Souto were absent).

It was moved by Commissioner Edmonson that a nominating committee select the four (4) BCC appointees. Vice Chairman Diaz seconded this motion.

Following a brief discussion on this motion by Board members, Commissioner Edmonson withdrew her motion.

Motion No. 5

It was Commissioner Seijas that the four (4) members of the Oversight Board appointed by the County Commission be from a ballot vote of persons

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nominated by each Commission member that receive the greatest number of votes; and providing that current members of the PHT would not be precluded from serving on the Oversight Board. This motion was seconded by Vice Chairman Diaz, and upon being put to a roll call vote, passed by a vote of 8-0 (Commissioners Edmonson, Gimenez, Jordan, Rolle, Seijas, Sosa, Vice Chairman Diaz and Chairman Moss voted "Yes"; Commissioners Barreiro, Heyman, Martinez, Sorenson and Souto were absent).

It was moved by Commissioner Gimenez that the Oversight Board be empowered to appoint, and evaluate the Chief Executive Office (CEO) of the PHT. Commissioner Jordan seconded this motion for discussion.

Commissioner Seijas offered an amendment to the motion to include the Chief Financial Officer (CFO) of the PHT.

Commissioner Jordan offered an amendment to the motion to also empower the Oversight Board to suspend the CEO and CFO of the PHT.

Chairman Moss clarified the motion to empower the Oversight Board to appoint, evaluate, suspend and terminate the CEO and the CFO of the PHT.

Commissioner Sosa questioned the termination with or without cause and stressed the need to outline the causes for termination.

Commissioner Gimenez agreed with Commissioner Sosa on the need to list the causes for termination.

A discussion ensued among Board members and County Attorney Cuevas regarding the contract between the PHT and CEO and/or CFO.

Commissioner Gimenez stated that his motion would exclude the CFO for the PHT.

Motion No. 6

It was moved by Commissioner Gimenez that the Oversight Board be empowered to appoint, evaluate, suspend and terminate the Chief Executive Office (CEO) of the PHT. This motion was seconded by Commissioner Jordan, and upon being put to a roll call vote, passed by a vote of 7-2 (Commissioner Barreiro, Edmonson, Gimenez, Jordan, Seijas, Vice Chairman Diaz and Chairman Moss voted "Yes"; Commissioners Rolle and Sosa voted "No"; and Commissioners Heyman, Martinez, Sorenson and Souto were absent).

A discussion ensued among the Board members regarding the duties of the Oversight Board.

Commissioner Jordan reminded the Board members of her comments made earlier regarding the duties of the Oversight Board as follows:

- 1) to approve or disapprove all budgets and budget amendments;*
- 2) to establish an Estimated Conference process for determining and monitoring revenues, expenditures, cash flow and deficits;*
- 3) to establish a Fiscal Sufficiency Advisory Board that would make recommendations to the BCC on any action that they may take to resolve financial emergency;*
- 4) to perform other duties as assigned by the BCC; and*
- 5) to enter into an Intergovernmental Cooperative Agreement with the PHT and the BCC.*

A discussion ensued among the Board members and County Mayor Alvarez regarding the motion made by Commissioner Gimenez that when the Oversight Board was established, the PHT would be temporarily dissolved until the Oversight Board's work was completed. Commissioner Seijas seconded this motion.

Commissioner Jordan stated that not only the PHT Board of Trustees be addressed, but the PHT committees and subcommittees as well. She noted those committees and subcommittees addressed certain areas and aspects of the operations at Jackson Health System that were not financial. Commissioner Jordan stated that the PHT Board of Trustees should remain in place to handle the day-to-day business at Jackson Health System.

Commissioner Gimenez stated that the PHT Board of Trustees would be dissolved only if the PHT failed to perform its duties.

Motion No. 7

It was moved by Commissioner Gimenez that when the Oversight Board was established, the PHT would be temporarily dissolved until the Oversight Board's work was completed. This motion was seconded by Commissioner Seijas, and upon being put to a roll call vote, passed by a vote of 5-3 (Commissioners Barreiro, Gimenez, Seijas, Vice Chairman Diaz and Chairman Moss voted "Yes"; Commissioners Edmonson, Jordan and Rolle voted "No"; and Commissioners Heyman, Martinez, Sorenson, Sosa and Souto were absent).

Motion No. 8

It was moved by Commissioner Gimenez that all of the existing PHT powers as outlined in Chapter 25A of the Miami-Dade Code be transferred to the Oversight Board when established. This motion was seconded by Vice Chairman Diaz, and upon being put to a roll call vote, passed by a vote of 7-1 (Commissioners Barreiro, Edmonson, Gimenez, Jordan, Seijas, Vice Chairman Diaz and Chairman Moss voted "Yes"; Commissioner Rolle voted "No"; and Commissioners Heyman, Martinez, Sorenson, Sosa and Souto were absent).

Motion No. 9

It was moved by Commissioner Jordan that the Oversight Board also have the power to: approve or disapprove all budgets and budget amendments; establish an Estimated Conference Process for determining and monitoring revenues, expenditures, cash flow and deficit; establish a Fiscal Sufficiency Advisory Board; make recommendations to the BCC on any actions that they may take to resolve a financial emergency, and perform other duties assigned by the BCC. This motion was seconded by Commissioner Gimenez, and upon being put to a roll call vote, passed by a vote of 7-1 (Commissioners Barreiro, Edmonson, Gimenez, Jordan, Seijas, Vice Chairman Diaz and Chairman Moss voted "Yes"; Commissioner Rolle voted "No"; and Commissioners Heyman, Martinez, Sorenson, Sosa and Souto were absent).

Chairman Moss stated that the BCC should determine what Management Watch should entail.

Mayor Alvarez reminded the BCC members of the previous discussion regarding Management Watch with County Departments versus the PHT. He noted that Chapter 25A of the Miami-Dade Code governed the PHT role and the PHT's CEO.

Commissioner Jordan questioned if the PHT followed the County's policy for bumping rights. She noted the initial response to her question was that the PHT did follow the County's policy and was now being informed that the PHT currently was not following the County's policy.

Commissioner Jordan suggested that, once the entity was placed on Management Watch, it would become part of the County in terms of appointing or removing the PHT Chief Executive Office (CEO), if the BCC wanted Management Watch to work. She indicated Chapter 25A might be amended to include authorization for the removal, suspension or replacement of the leadership during Management Watch until the Oversight Board was in place.

A discussion ensued among the BCC members regarding the role and authority of the County Mayor during the Management Watch.

Motion No. 10

It was moved by Commissioner Jordan that Chapter 25A of the Miami-Dade Code be amended to provide that when the PHT was under Management Watch, the Mayor would have the authority to recommend to the BCC the suspension, termination, evaluation and replacement of the PHT CEO. This motion was seconded by Commissioner Seijas, and upon being put to a roll call vote, failed by a tie vote of 4-4 (Commissioners Gimenez, Jordan, Seijas and Chairman Moss voted "Yes"; Commissioners Barreiro, Edmonson, Rolle and Sorenson voted "No"; and Commissioners Heyman, Martinez, Sosa, Souto and Vice Chairman Diaz were absent).

Motion No. 11

It was moved by Commissioner Gimenez that Management Watch be defined to direct the Mayor or the Mayor's designee to place the PHT on management watch on such terms and conditions as the Mayor, or the Mayor's designee, deemed appropriate, including the authority to assign support personnel and staffing to the PHT as needed. The BCC intends that the more stringent review and oversight of the PHT by the Mayor or Mayor's designee would improve the functioning of the PHT, promote necessary planning, assessment and monitoring of the PHT's financial health, and ensure essential management to advance the PHT's financial sustainability. The Commission may direct the Mayor or the Mayor's designee to periodically report to the BCC on the PHT's compliance with the terms conditions of said management watch and the Trust's progress toward resolving the conditions specified herein. The PHT shall remain under management watch for such period of time as determined by resolution of the BCC. This motion was seconded by Chairman Moss, and upon being put to a roll call vote, passed by a vote of 7-1 (Commissioners Barreiro, Edmonson, Gimenez, Jordan, Seijas, Sorenson and Chairman Moss voted "Yes"; Commissioner Rolle voted "No"; and Commissioners Heyman, Martinez, Sosa, Souto and Vice Chairman Diaz were absent).

Motion No. 12

It was moved by Commissioner Gimenez that the BCC require that a recovery plan, containing certain contracts, be prepared by the PHT, and brought back to this Board within 60 days; and in the event the Oversight Board was created, the recovery plan would be prepared in consultation with the Oversight Board. This motion was seconded by Commissioner Jordan, and upon being put to a roll call vote, passed by a vote of 8-1 (Commissioners Barreiro, Edmonson, Gimenez, Jordan, Rolle, Seijas, Sorenson and Chairman

Moss voted "Yes" Commissioner Souto voted "No"; and Commissioners Heyman, Martinez, Sosa and Vice Chairman Diaz were absent).

Motion No. 13

It was moved by Commissioner Souto that the Commission Auditor or an external auditor be directed to perform an audit within sixty (60) days and the PHT be required cooperate with the Commission Auditor, or the County's external auditor. This motion was seconded by Commissioner Rolle, and upon being put to a roll call vote, passed by a vote of 9-0 (Commissioners Barreiro, Edmonson, Gimenez, Jordan, Rolle, Seijas, Sorenson, Souto and Chairman Moss voted "Yes"; and Commissioners Heyman, Martinez, Sosa and Vice Chairman Diaz were absent).

Motion No. 14

It was moved by Commissioner Seijas that the BCC shall direct the Mayor or his designee to place at the PHT such technical experts and/or County staff to support the Oversight Board and address those managerial and fiscal factors giving rise to the conditions. This motion was seconded by Commissioner Souto, and upon being put to a roll call vote, passed by a vote of 9-0 (Commissioners Barreiro, Edmonson, Gimenez, Jordan, Rolle, Seijas, Sorenson, Souto and Chairman Moss voted "Yes"; and Commissioners Heyman, Martinez, Sosa and Vice Chairman Diaz were absent).

Motion No. 15

It was moved by Commissioner Jordan that the Oversight Board shall report to the BCC monthly or as deemed necessary by the BCC. This motion was seconded by Commissioner Souto, and upon being put to a roll call vote, passed by a vote of 8-0 (Commissioners Barreiro, Edmonson, Gimenez, Jordan, Rolle, Seijas, Souto and Chairman Moss voted "Yes"; and Commissioners Heyman, Martinez, Sorenson, Sosa and Vice Chairman Diaz were absent).

In response to Chairman Moss' question regarding how to proceed following the series of motions taken at today's (5/3) meeting, County Attorney Cuevas suggested that the BCC adopt Special Item No. 1 as amended by the series of motions taken today (5/3) on first reading, followed by a public hearing and second reading for final adoption.

Motion No. 16

It was moved by Commissioner Seijas that the BCC adopt Special Item No. 1, a proposed ordinance on first reading, as amended to incorporate the series of motions taken today (5/3) by the BCC. This motion was seconded by Commissioner Jordan, and upon being put to a roll call vote, passed by a vote of 6-2 (Commissioners Edmonson, Gimenez, Jordan, Rolle, Seijas and Chairman Moss voted "Yes"; Commissioners Barreiro and Sorenson voted "No"; and Commissioners Heyman, Martinez, Sosa, Souto and Vice Chairman Diaz were absent).

Motion No. 17

It was moved by Commissioner Jordan that the public hearing on the proposed ordinance be held before the Board of County Commissioners on May 20, 2010. This motion was seconded by Commissioner Gimenez, and upon being put to a roll call vote, passed by a vote of 6-2 (Commissioners Edmonson, Gimenez, Jordan, Rolle, Seijas and Chairman Moss voted "Yes"; Commissioners Barreiro and Sorenson voted "No"; and Commissioners Heyman, Martinez, Sosa, Souto and Vice Chairman Diaz were absent).

FINAL OFFICIAL

It was moved by Commissioner Gimenez that the Special Item Nos. 2, 3, 4 and 5 be withdrawn. This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 8-0 (Commissioners Heyman, Martinez, Sosa, Souto and Vice Chairman Diaz were absent).

During the Board's Regular meeting on May 4, 2010, there being no objection, and upon the advice of County Attorney, the Board publicly announced the public hearing for the foregoing proposed ordinance as amended would be held before the Board of County Commissioners on May 18, 2010 at 9:30 a.m.

Special Item No. 2

100933

Ordinance

Carlos A. Gimenez

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING COMMISSION ACTIONS IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR, INCLUDING MANAGEMENT WATCH; FORMATION OF A FINANCIAL OVERSIGHT BOARD WITH SPECIFIED POWERS TO ACT AS THE GOVERNING BODY OF THE PUBLIC HEALTH TRUST SUBJECT TO COMMISSION AUTHORITY FOR UP TO TWENTY FOUR MONTHS UNLESS SHORTENED OR LENGTHENED BY RESOLUTION OF THE COUNTY COMMISSION; WAIVING THE PROCEDURES FOR CREATION AND REVIEW OF COUNTY BOARDS OF ARTICLE IB OF THE CODE FOR ANY OVERSIGHT BOARD ESTABLISHED UNDER AUTHORITY OF THIS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NOS. 100640, 100902)

Withdrawn

Mover: Carlos A. Gimenez

Seconder: Katy Sorenson

Vote: 8- 0

Absent: Heyman, Sosa, Souto, Martinez, Diaz

Report: See Report under Special Item No. 1 Amended, Legislative File No. 101235.

4/8/2010 Continued by the Board of County Commissioners

4/20/2010 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Health, Public Safety & Intergovernmental Cmte

4/20/2010 Deferred by the Board of County Commissioners

Special Item No. 3

100664

Ordinance

Barbara J. Jordan

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COMMISSION TO TAKE ACTION IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR, INCLUDING ASSIGNMENT OF TECHNICAL EXPERTS AND FORMATION OF A BOARD WITH SPECIFIED POWERS TO OVERSEE THE PUBLIC HEALTH TRUST FOR UP TO TWENTY-FOUR (24) MONTHS UNLESS SHORTENED OR LENGTHENED BY RESOLUTION OF THE COMMISSION; WAIVING THE PROCEDURES FOR CREATION AND REVIEW OF COUNTY BOARDS OF ARTICLE IB OF THE CODE FOR ANY OVERSIGHT BOARD ESTABLISHED UNDER AUTHORITY OF THIS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Withdrawn

Mover: Carlos A. Gimenez

Seconder: Katy Sorenson

Vote: 8- 0

Absent: Heyman, Sosa, Souto, Martinez, Diaz

Report: See Report under Special Item No. 1 Amended, Legislative File No. 101235.

- 3/16/2010 Scheduled for a public hearing by the Board of County Commissioners before the Health, Public Safety & Intergovernmental Cmte
- 3/16/2010 4 Day Rule Invoked by the Board of County Commissioners
- 3/18/2010 Deferred by the Board of County Commissioners
- 4/6/2010 Carried over by the Board of County Commissioners
- 4/6/2010 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Health, Public Safety & Intergovernmental Cmte
- 4/8/2010 Continued by the Board of County Commissioners
- 4/20/2010 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Health, Public Safety & Intergovernmental Cmte
- 4/20/2010 Deferred by the Board of County Commissioners

Special Item No. 4

100888 **Ordinance** **Joe A. Martinez**

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE COUNTY COMMISSION MAY EXERCISE VETO AUTHORITY OVER ACTIONS OF THE PUBLIC HEALTH TRUST UPON NOTIFICATION THAT CERTAIN CONDITIONS AFFECTING THE TRUST'S FINANCIAL STATUS HAVE OCCURRED OR WILL LIKELY OCCUR; PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

Withdrawn
Mover: Carlos A. Gimenez
Seconder: Katy Sorenson
Vote: 8- 0
Absent: Heyman, Sosa, Souto, Martinez, Diaz

Report: See Report under Special Item No. 1 Amended, Legislative File No. 101235.

- 4/6/2010** Carried over by the Board of County Commissioners
- 4/6/2010** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Health, Public Safety & Intergovernmental Cmte
- 4/8/2010** Continued by the Board of County Commissioners
- 4/20/2010** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Health, Public Safety & Intergovernmental Cmte
- 4/20/2010** Deferred by the Board of County Commissioners

Special Item No. 5

100678 **Ordinance** **Natacha Seijas**

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING MAYOR TO TAKE ACTIONS IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR, INCLUDING FORMATION OF A TRANSITION BOARD WITH SPECIFIED POWERS TO ACT AS THE GOVERNING BODY OF THE PUBLIC HEALTH TRUST FOR UP TO TWO YEARS UNLESS SHORTENED OR LENGTHENED BY RESOLUTION OF THE COUNTY COMMISSION; WAIVING THE PROCEDURES FOR CREATION AND REVIEW OF COUNTY BOARDS OF ARTICLE IB OF THE CODE FOR ANY TRANSITION BOARD ESTABLISHED UNDER AUTHORITY OF THIS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Withdrawn
Mover: Carlos A. Gimenez
Seconder: Katy Sorenson
Vote: 8- 0
Absent: Heyman, Sosa, Souto, Martinez, Diaz

Report: See Report under Special Item No. 1 Amended, Legislative File No. 101235.

- 3/18/2010** Deferred by the Board of County Commissioners
- 4/6/2010** Carried over by the Board of County Commissioners
- 4/6/2010** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Health, Public Safety & Intergovernmental Cmte
- 4/8/2010** Continued by the Board of County Commissioners
- 4/20/2010** Deferred by the Board of County Commissioners
- 4/20/2010** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Health, Public Safety & Intergovernmental Cmte

RESOLUTION(S)

Special Item No. 6

101000**Resolution****Government Operations
Committee**

RESOLUTION CALLING A COUNTYWIDE SPECIAL
ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN
CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD
ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF
SUBMITTING TO THE ELECTORS OF MIAMI DADE
COUNTY THE QUESTION OF WHETHER TO AMEND THE
HOME RULE CHARTER TO PROVIDE A METHOD FOR
DETERMINING A GREATER SALARY AND ESTABLISHING
TERM LIMITS FOR COUNTY COMMISSIONERS

Amended

Report: See Special Item No. 6 Amended, Legislative File No. 101190 for the amended version.

4/13/2010 Developed as a result of a series of motions taken by the Government Operations Committee

Special Item No. 6 AMENDED

101190

Resolution

Government Operations
Committee

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE COUNTY COMMISSIONERS SHALL NO LONGER RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY STATE STATUTORY FORMULA, ADJUSTED ANNUALLY BASED ON THE COUNTY'S POPULATION (CURRENTLY APPROXIMATELY \$92,000) (SEE ORIGINAL ITEM UNDER FILE NO. 101000)

Adopted as amended

Mover: Barbara J. Jordan.

Seconder: Sally A. Heyman

Vote: 8-4

No: Sosa, Gimenez, Souto, Seijas

Absent: Sorenson

Report: *At the Board's Special Carryover meeting on May 4, 2010, the Board adopted the foregoing proposed resolution as amended.*

Assistant County Attorney Oren Rosenthal read the foregoing proposed resolution and Special Item No. 7, Legislative File No. 101153, into the record.

Commissioner Jordan stated that a commissioner's annual salary should be approximately \$75,000 versus the State formula, and the term limits should be twelve (12) years and not eight (8) years versus sixteen (16) years. She expressed her preference for having no term limits.

Commissioner Edmonson stated she agreed with the state formula and supported the proposed three (3) year consecutive terms for a total of twelve (12) years.

Commissioner Barreiro supported the state formula for commissioner's salary and no outside appointment. He stated that a maximum of sixteen (16) years for commissioners' terms was appropriate. He further stated the prohibition of outside employment should be imposed if the annual salary for commissioners was increased.

Commissioner Sorenson supported the State formula as the annual salary for commissioners and no outside employment.

Commissioner Martinez spoke in support of State formula.

Commissioner Gimenez stated he would support the Charter Review Task Force's recommendation on commissioner's salary, term limits and outside employment. He stated that if the commissioner had the option to select, if salaried, they should abide by the same rules for outside employment as County employees.

Commissioner Sosa spoke in support in the State formula and twelve (12) years for term limits, and she did not support the option that required no outside employment.

Commissioner Diaz spoke in support of the commissioner's salary remaining at \$6,000 annually.

Commissioner Heyman spoke in support of the State formula and suggested that Palm Beach County be included, along with Broward County in the language regarding used by other Florida counties in the ballot question. She also suggested that "and hold no other employment" be deleted from the ballot language. She spoke in opposition to the term limits.

Commissioner Souto spoke in opposition to the foregoing proposed resolution and Special Item No. 7, Legislative File No. 101153).

Commissioner Rolle spoke in support of term limits for twelve (12) years equal to three (3) four-year terms. He spoke in opposition to the State formula.

Chairman Moss spoke in support of the State formula and spoke in opposition to term limits, and preferred no restriction on outside employment.

Motion No. 1

It was moved by Commissioner Heyman that the salary for County

FINAL OFFICIAL

Commissioners be provided by State Statutory formula. This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 8-4 (Commissioners Barreiro, Edmonson, Gimenez, Heyman, Jordan, Sorenson, Sosa and Chairman Moss voted "Yes"; Commissioners Martinez, Rolle, Souto and Vice Chairman Diaz voted "No" and Commissioner Seijas was absent).

Commissioner Gimenez moved that the County Commissioners serve for only two consecutive 4-year terms. This motion died due to the lack of a second.

Motion No. 2

It was moved by Commissioner Martinez that no term limits be established for County Commissioners. This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed by a vote of 9-4 (Commissioners Barreiro, Heyman, Jordan, Martinez, Rolle, Seijas, Sorenson, Vice Chairman Diaz and Chairman Moss voted "Yes"; and Commissioners Edmonson, Gimenez, Sosa and Souto voted "No").

Motion No. 3

It was moved by Commissioner Martinez that the ballot question be silent on outside employment. This motion was seconded Commissioner Jordan, and upon being put to a vote, failed by a vote of 6-7 (Commissioners Edmonson, Jordan, Martinez, Rolle, Vice Chairman Diaz and Chairman Moss voted "Yes"; and Commissioners Barreiro, Gimenez, Heyman, Seijas, Sorenson, Sosa and Souto voted "No").

NOTE: This motion failed and subsequently it was reconsidered, see Motion No. 4.

It was moved by Commissioner Heyman that language be added to the ballot question before or after the portion of the question regarding salary, stating, "...to devote full-time service to Office of Commissioner." Commissioner Jordan seconded this motion for discussion.

Assistant County Attorney Rosenthal stated that adding the language suggested by Commissioner Heyman would cause an issue of confusion for ballot question unless a discussion occurred on no outside employment or add language to allow outside employment.

A discussion ensued among the Board members, County Attorney Cuevas and County Mayor Carlos Alvarez regarding full-time service to the Office of County Commissioner, outside employment and the appropriate language for the ballot question.

Chairman Moss asked for copies of the City of Miami ballot question that was similar to this proposed resolution regarding commissioner's salaries.

Commissioner Heyman withdrew her motion.

It was moved by Commissioner Barreiro that the County Commissioner be given an option to accept the State formulated salary with full-time employment and with no outside employment, and if the County Commissioner desired to keep outside employment, the Commissioner should forgo the State formulated salary. This motion died due to the lack of a second.

It was moved by Commissioner Gimenez that the Board reconsider the motion regarding that the ballot question be silent on outside employment.

FINAL OFFICIAL

Commissioner Martinez seconded this motion, and upon being put to a vote, passed by a vote of 11-1 (Commissioner Seijas voted "No").

Motion No. 4

It was moved by Commissioner Martinez that the ballot question be silent on outside on employment. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed by a vote of 7-6 (Commissioners Edmonson, Heyman, Jordan, Martinez, Rolle, Vice Chairman Diaz and Chairman Moss voted "Yes" and Commissioners Barreiro, Gimenez, Seijas, Sorenson, Sosa and Souto voted "No").

Chairman Moss asked if the foregoing proposed resolution, as amended, be presented and amended further at the May 18, 2010, BCC meeting.

In response to Chairman Moss' question, County Attorney Cuevas advised that the Board could adopt this proposed resolution today (5/4) or wait to adopt it on the May 18, 2010. He stated an instruction could be given to prepare an item for the May 18, 2010, meeting and the Board could vote on this item.

A discussion ensued among the Board members regarding the Office of County Commissioner salary.

Following the series of motions taken by the Board, the Board adopted the foregoing proposed resolution as amended.

Motion No. 5

It was moved by Commissioner Jordan that the Board adopt a resolution calling for a special election on August 24, 2010, before the voters of Miami-Dade County, for the following ballot question:

"Whereas, the members of the BCC devote full time service to the office of County Commission, shall the Charter be amended to provide that commissioners shall no longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by State statutory formula adjusted annually by the County's population (approximately \$92,000), used by other Florida counties including Broward County."

This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed by a vote of 8-4 (Commissioners Barreiro, Edmonson, Jordan, Heyman, Martinez, Rolle, Vice Chairman Diaz and Chairman Moss voted "Yes"; Commissioners Gimenez, Seijas, Sosa and Souto voted "No", and Commissioner Sorenson was absent).

The amended version was assigned Resolution No. R-557-10.

NOTE: At the Board of County Commissioners' meeting of May 18, 2010, the foregoing resolution was reconsidered, and subsequent motions to adopt the item failed to carry.

See the May 18, 2010, Legistar Meeting Key No. 2912, Non-Agenda Item Report-Agenda Item 16D1, Legislative File No. 101274.

Special Item No. 7

101153

Resolution

Carlos A. Gimenez

No Action Taken

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT EACH COUNTY COMMISSIONER: SHALL DEVOTE FULL-TIME SERVICE TO THE OFFICE OF COUNTY COMMISSIONER AND HOLD NO OTHER EMPLOYMENT; SHALL NO LONGER RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY STATE STATUTORY FORMULA, ADJUSTED ANNUALLY BASED ON THE COUNTY'S POPULATION (CURRENTLY APPROXIMATELY \$92,097), AND USED BY OTHER FLORIDA COUNTIES, INCLUDING BROWARD COUNTY; AND SHALL SERVE NO MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS IN OFFICE

Report: See Report under Special Item No. 6 Amended, Legislative File No. 101190.

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ADJOURNMENT

Report: There being no further business to come before the Board, the meeting adjourned at 5:43 p.m.



Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: Diane Collins, Acting, Deputy Clerk



SPECIAL MEETING
Board of County Commissioners
May 3-4, 2010

Prepared by: Jovel Shaw

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	05/03/2010	-	COB Motion Tally Sheet of May 3, 2010
2	05/04/2010	-	COB Motion Tally Sheet of May 4, 2010
3	05/03/2010	Special Item No. 1	Ordinance amending Chapter 25A of the Code; authorizing the Commission to take assistive measures if specified conditions pertained to the financial status of the PHT have occurred or will likely occur, including imposing Management Watch, requiring recovery plan, authorizing County Commission veto of actions taken by the PHT
4	05/03/2010	Special Item No. 2	Ordinance amending Chapter 25A of the Code, authorizing Commission actions if specified conditions pertaining to the financial status of the PHT have occurred or will likely occur, including formation of a Financial Oversight Board with specified powers to act as the governing body of the PHT
5	05/03/2010	Special Item No. 3	Ordinance amending Chapter 25A of the Code; authorizing the Commission to take action if specified conditions pertaining to the financial status of the PHT have occurred or will likely occur, including assignment of technical experts and formation of a Board with specified powers to oversee the PHT
7	05/03/2010	Special Item No. 4	Ordinance amending Chapter 25A of the Code to provide County Commission may exercise veto authority over actions of the PHT upon notification that certain conditions affecting the Trust's financial status have occurred or will likely occur
8	05/03/2010	Special Item No. 5	Ordinance amending Chapter 25A of the Code; authorizing Mayor to take actions if specified conditions pertaining to the financial status of the PHT have occurred or will likely occur, including formation of a Transition Board with specified powers to act as the governing body of the PHT
9	05/03/2010	Special Item No. 6	Resolution calling a Countywide Special Election in Miami-Dade County, Florida, for the purpose of submitting the question of whether to amend the Home Rule Charter to provide a method for determining a greater salary and establishing term limits for County Commissioners

SPECIAL BCC REGARDING THE PUBLIC HEALTH TRUST OF MAY 3, 2010



MEMORANDUM

Harvey Ruvin
 Clerk of the Circuit and County Courts
 Clerk of the Board of County Commissioners
 (305) 375-5126
 (305) 375-2484 FAX
 www.miami-dadeclerk.com

DATE: 5/3/2010

MOTION NO. 1 ✓

MOTION: that the BCC to establish a Financial Recovery Board, if needed.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro			X	
Edmonson		X		
Gimenez		X		
Heyman		X		
Jordan	S	X		
Martinez			X	
Rolle			X	
Seijas	M	X		
Sorenson			X	
Sosa		X		
Souto			X	
Vice Chairman Diaz		X		
Chairman Moss		X		
TOTAL		8	5	0

DATE: 5/3/2010

MOTION NO. 3 ✓

MOTION: that the Oversight Board be comprised of seven (7) members.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro			X	
Edmonson	S	X		
Gimenez		X		
Heyman		X		
Jordan		X		
Martinez				X
Rolle		X		
Seijas	M	X		
Sorenson			X	
Sosa		X		
Souto			X	
Vice Chairman Diaz		X		
Chairman Moss		X		
TOTAL		9	3	1

DATE: 5/3/2010

MOTION NO. 2 ✓

MOTION: that the BCC have veto authority over the Oversight Board.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez	M	X		
Heyman		X		
Jordan		X		
Martinez				X
Rolle		X		
Seijas	S	X		
Sorenson			X	
Sosa		X		
Souto			X	
Vice Chairman Diaz		X		
Chairman Moss		X		
TOTAL		10	2	1

DATE: 5/3/2010

MOTION NO. 4 ✓

MOTION: that the BCC designate the following categories for the seven (7) Oversight Board members to be appointed as follows: one (1) by the County Mayor, one (1) by the Miami-Dade Legislative Delegation, one (1) by the President of the South Florida AFL-CIO, and four (4) by the Board of County Commissioners.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Edmonson			X	
Gimenez		X		
Heyman	M	X		
Jordan			X	
Martinez				X
Rolle			X	
Seijas			X	
Sorenson		X		
Sosa		X		
Souto				X
Vice Chairman Diaz	S	X		
Chairman Moss		X		
TOTAL		6	4	3

DATE: 5/3/2010

SPECIAL BCC REGARDING THE PUBLIC HEALTH TRUST OF MAY 3, 2010



MEMORANDUM

Harvey Ruvin
 Clerk of the Circuit and County Courts
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MOTION NO. 5

MOTION: that the four (4) members of the Oversight Board appointed by the County Commission be from a ballot vote of persons nominated by each Commission member that receive the greatest number of votes; and providing that current members of the PHT would not be precluded from serving on the Oversight Board.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Edmonson		X		
Gimenez		X		
Heyman				X
Jordan		X		
Martinez				X
Rolle		X		
Seijas	M	X		
Sorenson				X
Sosa		X		
Souto				X
Vice Chairman Diaz	S	X		
Chairman Moss		X		
TOTAL		8	0	5

DATE: 5/3/2010

MOTION NO. 7

MOTION: that when the Oversight Board was established the PHT would be temporarily dissolved until the Oversight Board's work was completed.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson			X	
Gimenez	M	X		
Heyman				X
Jordan			X	
Martinez				X
Rolle			X	
Seijas	S	X		
Sorenson				X
Sosa				X
Souto				X
Vice Chairman Diaz		X		
Chairman Moss		X		
TOTAL		5	3	5

DATE: 5/3/2010

MOTION NO. 6

MOTION: that the Oversight Board be empowered to appoint, evaluate, suspend and terminate the CEO of the PHT.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez	M	X		
Heyman				X
Jordan	S	X		
Martinez				X
Rolle			X	
Seijas		X		
Sorenson				X
Sosa			X	
Souto				X
Vice Chairman Diaz		X		
Chairman Moss		X		
TOTAL		7	2	4

DATE: 5/3/2010

MOTION NO. 8

MOTION: that all of the existing PHT powers as outlined in Chapter 25A of the Miami-Dade Code be transferred to the Oversight Board when established.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez	M	X		
Heyman				X
Jordan		X		
Martinez				X
Rolle			X	
Seijas		X		
Sorenson				X
Sosa				X
Souto				X
Vice Chairman Diaz	S	X		
Chairman Moss		X		
TOTAL		7	1	5

SPECIAL BCC REGARDING THE PUBLIC HEALTH TRUST OF MAY 3, 2010



MEMORANDUM

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DATE: 5/3/2010

MOTION NO. 9 ✓

MOTION: that the Oversight Board also have the power to approve or disapprove all budgets, and budget amendments; and establish an Estimated Conference process for determining and monitoring revenues, expenditures, cash flow and deficit; establish a Fiscal Sufficiency Advisory Board; and make recommendations to the BCC on any actions that they may take to resolve a financial emergency, and perform other duties assigned by the BCC.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez	S	X		
Heyman				X
Jordan	M	X		
Martinez				X
Rolle			X	
Seijas		X		
Sorenson				X
Sosa				X
Souto				X
Vice Chairman Diaz		X		
Chairman Moss		X		
TOTAL		7	1	5

DATE: 5/3/2010 ✓

MOTION NO. 10

MOTION: that Chapter 25A of the Miami-Dade Code be amended to provide when the PHT was under Management Watch the Mayor has the authority to recommend to the BCC the suspension, termination, evaluation and replacement of the PHT CEO.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro			X	
Edmonson			X	
Gimenez		X		
Heyman				X
Jordan	M	X		
Martinez				X
Rolle			X	
Seijas	S	X		
Sorenson			X	
Sosa				X
Souto				X
Vice Chairman Diaz				X
Chairman Moss		X		
TOTAL		4	4	5
MOTION FAILS				

SPECIAL BCC REGARDING THE PUBLIC HEALTH TRUST OF MAY 3, 2010

MEMORANDUM

Harvey Ruvin
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 Clerk of the Board of County Commissioners
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DATE: 5/3/2010

MOTION NO. 11

MOTION: that Management Watch be defined to direct the Mayor or the Mayor's designee to place the PHT on management watch on such terms and conditions as the Mayor, or the Mayor's designee, deems appropriate, including the authority to assign support personnel and staffing to the PHT as needed. The BCC intends that the more stringent review and oversight of the PHT by the Mayor or Mayor's designee would improve the functioning of the PHT, promote necessary planning, assessment and monitoring of the PHT financial health, and ensure essential management to advance the PHT financial sustainability. The Commission may direct the Mayor or the Mayor's designee to periodically report to the BCC on the PHT compliance with the terms conditions of said management watch and the Trust's progress toward resolving the conditions specified herein. The PHT shall remain under management watch for such period of time as determined by resolution of the BCC.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez	M	X		
Heyman				X
Jordan		X		
Martinez				X
Rolle			X	
Seijas		X		
Sorenson		X		
Sosa				X
Souto				X
Vice Chairman Diaz				X
Chairman Moss	S	X		
TOTAL		7	1	5

DATE: 5/3/2010

MOTION NO. 12

MOTION: that requires that a recovery plan, containing certain contracts, be prepared by the PHT, and brought back to this Board within 60 days; and in the event the Oversight Board was created, the recovery plan would be prepared in consultation with the Oversight Board.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez	M	X		
Heyman				X
Jordan	S	X		
Martinez				X
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa				X
Souto			X	
Vice Chairman Diaz				X
Chairman Moss		X		
TOTAL		8	1	4

SPECIAL BCC REGARDING THE PUBLIC HEALTH TRUST OF MAY 3, 2010



MEMORANDUM

Harvey Ruvin
 Clerk of the Circuit and County Courts
 Clerk of the Board of County Commissioners
 (305) 375-5126
 (305) 375-2484 FAX
 www.miami-dadeclerk.com

DATE: 5/3/2010

MOTION NO. 13

MOTION: that the Commission Auditor or an external auditor be directed to perform an audit within sixty (60) days and the PHT was required cooperate with the Commission Auditor, or the County's external auditor.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez		X		
Heyman				X
Jordan		X		
Martinez				X
Rolle	S	X		
Seijas		X		
Sorenson		X		
Sosa				X
Souto	M	X		
Vice Chairman Diaz				X
Chairman Moss		X		
TOTAL		9	0	4

DATE: 5/3/2010

MOTION NO. 15

MOTION: that the Oversight Board shall report to the BCC monthly or as deemed necessary by the BCC.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez		X		
Heyman				X
Jordan	M	X		
Martinez				X
Rolle		X		
Seijas		X		
Sorenson				X
Sosa				X
Souto	S	X		
Vice Chairman Diaz				X
Chairman Moss		X		
TOTAL		8	0	5

DATE: 5/3/2010

MOTION NO. 14

MOTION: that the BCC shall direct the Mayor or his designee to place at the PHT such technical experts and/or County staff to support the Oversight Board and address those managerial and fiscal factors giving rise to the conditions.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez		X		
Heyman				X
Jordan		X		
Martinez				X
Rolle		X		
Seijas	M	X		
Sorenson		X		
Sosa				X
Souto	S	X		
Vice Chairman Diaz				X
Chairman Moss		X		
TOTAL		9	0	4

DATE: 5/3/2010

MOTION NO. 16

MOTION: that the BCC adopt Special Item No. 1a proposed ordinance on first reading as amended to incorporate the series of motions taken today (5/3) by the BCC.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro			X	
Edmonson		X		
Gimenez		X		
Heyman				X
Jordan	S	X		
Martinez				X
Rolle		X		
Seijas	M	X		
Sorenson			X	
Sosa				X
Souto				X
Vice Chairman Diaz				X
Chairman Moss		X		
TOTAL		6	2	5

SPECIAL BCC REGARDING THE PUBLIC HEALTH TRUST OF MAY 3, 2010



MEMORANDUM

Harvey Ruvin
 Clerk of the Circuit and County Courts
 Clerk of the Board of County Commissioners
 (305) 375-5126
 (305) 375-2484 FAX
 www.miami-dadeclerk.com

DATE: 5/3/2010

MOTION NO. 17

MOTION: that the public hearing on the proposed ordinance be held before the Board of County Commissioners on May 20, 2010.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro			X	
Edmonson		X		
Gimenez	S	X		
Heyman				X
Jordan	M	X		
Martinez				X
Rolle		X		
Seijas		X		
Sorenson			X	
Sosa				X
Souto				X
Vice Chairman Diaz				X
Chairman Moss		X		
TOTAL		6	2	5

SPECIAL BCC CARRYOVER MEETING OF MAY 4, 2010

MEMORANDUM

Harvey Ruvin
 Clerk of the Circuit and County Courts
 Clerk of the Board of County Commissioners
 (305) 375-5126
 (305) 375-2484 FAX
 www.miami-dadeclerk.com



DATE: 5/4/2010

MOTION NO. 1 ✓

MOTION: that the salary for County Commissioners be provided by State Statutory formula.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez		X		
Heyman	M	X		
Jordan		X		
Martinez			X	
Rolle			X	
Seijas				X
Sorenson	S	X		
Sosa		X		
Souto			X	
Vice Chairman Diaz			X	
Chairman Moss		X		
TOTAL		8	4	1

DATE: 5/4/2010

MOTION NO. 3 ✓

MOTION: that the ballot question be silent on outside employment.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro			X	
Edmonson		X		
Gimenez			X	
Heyman			X	
Jordan	S	X		
Martinez	M	X		
Rolle		X		
Seijas			X	
Sorenson			X	
Sosa			X	
Souto			X	
Vice Chairman Diaz		X		
Chairman Moss		X		
TOTAL		6	7	0

*NOTE: This motion fails and is subsequently reconsidered.
 (See Motion No. 4)

DATE: 5/4/2010

MOTION NO. 2. ✓

MOTION: that no term limits be established for County Commissioners.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson			X	
Gimenez			X	
Heyman	S	X		
Jordan		X		
Martinez	M	X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa			X	
Souto			X	
Vice Chairman Diaz		X		
Chairman Moss		X		
TOTAL		9	4	0

DATE: 5/4/2010

MOTION NO. 4

MOTION: that the ballot question be silent on outside employment.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro			X	
Edmonson	S	X		
Gimenez			X	
Heyman		X		
Jordan		X		
Martinez	M	X		
Rolle		X		
Seijas			X	
Sorenson			X	
Sosa			X	
Souto			X	
Vice Chairman Diaz		X		
Chairman Moss		X		
TOTAL		7	6	0

SPECIAL BCC CARRYOVER MEETING OF MAY 4, 2010

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: 5/4/2010

MOTION NO. 5

MOTION: that the Board adopt a resolution calling a special election for August 24, 2010, before the voters of Miami-Dade County for the following ballot question:

“Whereas, the members of the BCC devote full time service to the office of County Commission, shall the Charter be amended to provide that commissioners shall no longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by State statutory formula adjusted annually by the County’s population (approximately \$92,000), used by other Florida counties including Broward County.”

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson		X		
Gimenez			X	
Heyman	S	X		
Jordan	M	X		
Martinez		X		
Rolle		X		
Seijas			X	
Sorenson				X
Sosa			X	
Souto			X	
Vice Chairman Diaz		X		
Chairman Moss		X		
TOTAL		8	4	1

MEMORANDUM

Special Item No. 1

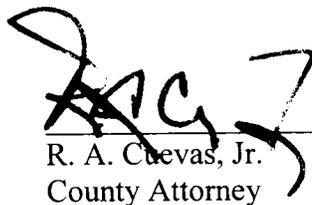
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 3, 2010

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

SUBJECT: Ordinance amending Chapter 25A of the Code; authorizing the Commission to take assistive measures if specified conditions pertaining to the financial status of the Public Health Trust have occurred or will likely occur, including imposing Management Watch, requiring recovery plan, authorizing County Commission veto of actions taken by the Public Health Trust

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor the Board of County Commissioners.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 3, 2010

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

SUBJECT: Special Item No. 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 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

Special Item No. 1
5-3-10

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COMMISSION TO TAKE ASSISTIVE MEASURES IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR, INCLUDING IMPOSING MANAGEMENT WATCH, REQUIRING RECOVERY PLAN, AUTHORIZING COUNTY COMMISSION VETO OF ACTIONS TAKEN BY THE PUBLIC HEALTH TRUST, AUTHORIZING AUDIT, PROVIDING TECHNICAL ASSISTANCE AND FORMATION OF AN OVERSIGHT BOARD; WAIVING THE PROCEDURES FOR CREATION AND REVIEW OF COUNTY BOARDS OF ARTICLE IB OF THE CODE FOR ANY OVERSIGHT BOARD ESTABLISHED UNDER AUTHORITY OF THIS ORDINANCE; 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. Chapter 25A of the Code of Miami-Dade County, Florida, is hereby amended by adding Section 25A-9 to read as follows:¹

* * *

>>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.

(a) Conditions. The Commission finds that it is in the best interest of the public it serves to take action to preserve the Trust and to ensure its financial sustainability by requiring the Trust to notify

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.

the Commission, the Mayor and the Commission Auditor when any one of the following conditions occurs:

(1) Trust failure to, within the same fiscal year in which due, timely make any applicable debt payments as a result of a lack of funds.

(2) Trust failure to pay uncontested claims from creditors within ninety (90) days after the claim is presented, as a result of a lack of funds.

(3) Trust failure to transfer at the appropriate time, due to a lack of funds:

(i) taxes withheld on the income of employees; or

(ii) employer and employee contributions for either federal social security or any pension, retirement, or benefit plan of an employee.

(4) Trust failure to pay for one pay period, due to a lack of funds:

(i) Wages and salaries owed to employees; or

(ii) Retirement benefits owed to former employees.

(5) An unreserved or total fund balance or retained earnings deficit, or unrestricted or total net assets deficit, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, for which sufficient resources of the Trust, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, are not available to cover the deficit. Resources available to cover reported deficits include net assets that are not otherwise restricted by federal, state, or local laws, bond covenants, contractual agreements, or other legal constraints. Fixed or capital assets, the disposal of which would impair the ability of the Trust to carry out its functions, are not considered resources available to cover reported deficits.

(6) An advance of any County funds to the Trust, due to a lack of Trust funds to address operational needs, to support operational needs and expenses.

(b) Notice. *

***The Commission needs to determine the specifics pertaining to notice.**

(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:

- (1) Management Watch. *
- (2) Recovery Plan. *
- (3) County Commission Veto Authority. *
- (4) Audit. *
- (5) Technical Assistance. *
- (6) Oversight Board. <<*

***The Commission needs to determine the specifics of each assistive measure.**

+The Commission needs to determine the status of the currently sitting Board of Trustees in relation to any proposed Oversight Board. Additionally, the Commission needs to determine power and authority of the Oversight Board and its organizational details such as:

(i) the Oversight Board's powers and duties.

(A) appointment and evaluation of the Chief Executive Officer.

(B) health care delivery policies.

(C) intergovernmental Cooperation.

(D) contracts.

(E) personnel.

(F) issuance of bonds and ability to borrow money.

(G) Trust/UM annual operating agreement.

(H) reporting.

(ii) Appointment, composition, organization (by-laws, officers, meetings), bond, term, and filling vacancies of the Oversight Board.

Section 2. The standards and procedures for creation and review of County Boards provided in Article IB, Sections. 2-11.36 through 2-11.40, shall not apply to any Oversight Board established under authority of this ordinance.

Section 3. This ordinance shall supersede those provisions of any existing ordinance, resolution or policy in conflict herewith.

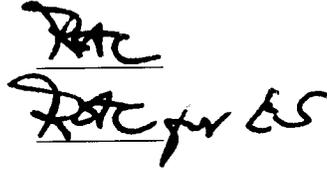
Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance 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:

Handwritten signature of the County Attorney, appearing to be "RAC" with a horizontal line underneath, followed by "RAC for CS".

Prepared by:

Eugene Shy, Jr.
Valda Clark Christian

Prime Sponsor: Board of County Commissioners

MEMORANDUM

Special Item No. 2

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

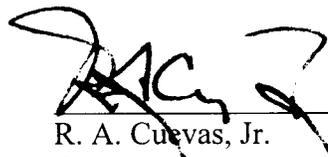
DATE: May 3, 2010

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

SUBJECT: Ordinance amending Chapter 25A of the Code; authorizing Commission actions if specified conditions pertaining to the financial status of the Public Health Trust have occurred or will likely occur, including formation of a Financial Oversight Board with specified powers to act as the governing body of the Public Health Trust

Substitute No. 2 differs from Substitute No. 1 in that it: (i) adds provisions making management watch an additional Assistive Measure; (ii) makes the Oversight Board one that makes recommendations to the Commission rather than being empowered to act independently; and (iii) provides options for the Commission's appointments of the 7-member Oversight Board.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez .



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 3, 2010

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

SUBJECT: Special Item No. 2

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 _____

Special Item No. 2
5-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING COMMISSION ACTIONS IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR, INCLUDING MANAGEMENT WATCH; FORMATION OF A FINANCIAL OVERSIGHT BOARD WITH SPECIFIED POWERS TO ACT AS THE GOVERNING BODY OF THE PUBLIC HEALTH TRUST SUBJECT TO COMMISSION AUTHORITY FOR UP TO TWENTY FOUR MONTHS UNLESS SHORTENED OR LENGTHENED BY RESOLUTION OF THE COUNTY COMMISSION; WAIVING THE PROCEDURES FOR CREATION AND REVIEW OF COUNTY BOARDS OF ARTICLE IB OF THE CODE FOR ANY OVERSIGHT BOARD ESTABLISHED UNDER AUTHORITY OF THIS ORDINANCE; 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. Chapter 25A of the Code of Miami-Dade County, Florida, is hereby amended by adding Section 25A-9 to read as follows:¹

* * *

>>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.

(a) Conditions. The Commission finds that it is in the best interest of the public it serves to take action to preserve the Trust and to ensure its financial sustainability by requiring the Trust to notify

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.

the Commission, the Mayor and the Commission Auditor when any one of the following conditions occurs:

- (1) Trust failure to, within the same fiscal year in which due, timely make any applicable debt payments as a result of a lack of funds.
- (2) Trust failure to pay uncontested claims from creditors within ninety (90) days after the claim is presented, as a result of a lack of funds.
- (3) Trust failure to transfer at the appropriate time, due to a lack of funds:
 - (i) taxes withheld on the income of employees; or
 - (ii) employer and employee contributions for either federal social security or any pension, retirement, or benefit plan of an employee.
- (4) Trust failure to pay for one pay period, due to a lack of funds:
 - (i) Wages and salaries owed to employees; or
 - (ii) Retirement benefits owed to former employees.
- (5) An unreserved or total fund balance or retained earnings deficit, or unrestricted or total net assets deficit, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, for which sufficient resources of the Trust, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, are not available to cover the deficit. Resources available to cover reported deficits include net assets that are not otherwise restricted by federal, state, or local laws, bond covenants, contractual agreements, or other legal constraints. Fixed or capital assets, the disposal of which would impair the ability of the Trust to carry out its functions, are not considered resources available to cover reported deficits. <<

>>(6) An advance of any County funds to the Trust, due to a lack of Trust funds to address operational needs, to support operational needs and expenses.<<²

>>(b) Notice. When one or more of the conditions specified in Subsection (a) have occurred, or likely will occur within one hundred twenty (120) days, the Trust shall submit written notice to the Mayor, Chairperson and members of the Commission, and the Commission Auditor. Upon receipt of such notice, the Chairperson of the Commission shall place the item on the agenda for consideration at the next regularly scheduled Commission meeting, or a special meeting may be called in accordance with Commission rules in order to address the item.

(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 measures to assist the Trust in resolving the condition. Such assistive measures may include, but are not limited to <<>>placing the Trust on management watch,<< [[formation of]] >>forming<<>> a financial oversight board, directing an audit, providing technical assistance, and/or requiring a recovery plan as detailed below<<>>. After initial implementation of any assistive measure, upon a determination that additional or alternative measures are necessary to address the Trust's condition, the Commission may change or add assistive measures.

(1) Management Watch. The Commission may direct the Mayor or the Mayor's designee to place the Trust on management watch on such terms and conditions as the Mayor, or the Mayor's designee, deems appropriate, including the authority to assign support personnel and staffing to the Trust as needed. The Commission intends that the more stringent review and oversight of the Trust by the Mayor or the Mayor's designee would improve the functioning of the Trust and promote necessary planning, assessment and monitoring of the Trust's financial health and ensure essential management to advance the Trust's financial sustainability. The Commission may direct the Mayor or the Mayor's designee to periodically report to the Commission on the Trust's compliance with the terms and

² The differences between the 2nd substitute and the 1st substitute item 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.

5

conditions of said management watch and the Trust's progress toward resolving the conditions specified in Subsection (a). The Trust shall remain under management watch for such period of time as determined by resolution of the Commission.

(2) <<>>Financial Oversight Board. The Commission may establish a specially empowered financial oversight Board of Trustees ("Oversight Board") that shall oversee the operation, maintenance and governance of the Trust during its tenure. Notwithstanding any provision of the Code to the contrary, the Oversight Board shall be authorized and empowered to serve as the governing body of the Trust effective upon appointment of all members of the Oversight Board <<>>and subject to Commission authority<<.

>>(i) Oversight Board Authority. During its tenure, the Oversight Board shall be responsible for<<>> recommending actions to the Commission regarding<<>> the operation, maintenance and governance of Trust designated facilities, as that term is defined and used in Section 25A-2(a), << [[Designated Facilities]] >>herein. During the tenure of the Oversight Board, the governance powers of the currently sitting Trust Board of Trustees shall<< [[suspend]]<<cease<<>>, and<< [[that]] >>the current sitting<<>>Board of Trustees shall<< [[not]]>>be dissolved and shall no longer<<>> serve as governing body of the Trust. The Mayor and the County Attorney shall provide appropriate support to the Oversight Board.<<

~~[[The currently sitting Board of Trustees shall serve as an advisory board committee to the Oversight Board. Upon termination of the Oversight Board, the Board of Trustees shall resume governance powers of the Trust and designated facilities. The terms of all currently sitting voting members of the Board of Trustees and ex officio members shall continue through expiration as provided for in Section 25A-3(e), [Tenure of Trustees] herein, and in accord with their original appointment to the Board of Trustees. During the tenure of the Oversight Board, the provisions of Sections 25A-3(d), [Appointment and removal of Trustees], and 25A-3(e), [Tenure of Trustees] herein, shall apply solely to the currently sitting Board of Trustees serving as an advisory board~~

~~committee to the Oversight Board. A currently sitting Trustee may be removed by a majority vote of the Board of County Commissioners for cause.]]~~

>> (ii) Oversight Board Term. The Oversight Board shall serve for no longer than twenty four (24) months, or such shorter or longer period of time as determined by resolution of the Commission. The Oversight Board may recommend shortening or lengthening its tenure by submitting to the Commission a duly enacted resolution of the Oversight Board. The Commission shall consider any such resolution, however, the Commission shall be under no obligation to take affirmative action upon the recommendation. The Commission may consider, among other factors, whether the conditions specified in Subsection (a) have resolved, or are likely to resolve promptly, when determining whether to shorten or lengthen the Oversight Board's term. <<>> Upon conclusion of the term of the Oversight Board, the Board of Trustees shall be reestablished in accordance with the nominating process set forth in Section 25A-3(d). <<

>> (iii) Composition and Organization. The Oversight Board shall be composed of seven (7) voting members, none of whom shall be an employee of the Trust. <<>> The Commission may appoint members of the Oversight Board by appointing:

- (A) Seven (7) voting members by resolution after selecting the members from a list of person nominated by the Mayor, or
- (B) <<[[~~Four (4)~~]]>> Appointing three (3) <<>> of the seven (7) members of the Oversight Board <<[[~~shall be appointed by resolution of the Commission. Those Oversight Board members shall be appointed~~]]>> by resolution of the Commission after having been selected from a list of persons nominated by each Commission member <<>> and ratifying the remaining voting members as follows:<<>> One (1) member of the Oversight Board shall be appointed by the Mayor in writing, and a copy thereof shall be filed with the Clerk of the Commission. One (1)

member of the Oversight Board shall be appointed by the Chairperson of the Miami-Dade County Legislative Delegation in writing, and a copy thereof shall be filed with the Clerk of the Commission. One (1) member of the Oversight Board shall be appointed by the Governor in writing, and a copy thereof shall be filed with the Clerk of the Commission.<< >>One (1) member of the Oversight Board shall be appointed by the President of the South Florida AFL-CIO in writing, and a copy thereof shall be filed with the Clerk of the Commission. Upon receipt of any initial or vacancy appointment filing by the Mayor, Governor, President of the South Florida AFL-CIO or the Chairperson of the Miami-Dade County Legislative Delegation, the Clerk of the Commission shall serve copies on each member of the Commission. Any Commissioner may request that the appointments be presented at the next regularly scheduled Commission meeting for review. Such request shall not be subject to the four-day rule. Absent any such action at the next regularly scheduled Commission meeting, the appointments shall be deemed ratified.<<

>>Upon any vacancy occurring on the Oversight Board, the Oversight Board shall notify the Chairperson of the Commission and shall request that the vacancy be filled by appointment by the Commission, Mayor, <<>> President of the South Florida AFL-CIO,<<>> Chairperson of the Miami-Dade County Legislative Delegation, or Governor as appropriate. [[=]]>>, or<<

>>(C) Appointing three (3) members from the current members of the Board of Trustees. One or more of the seven (7) voting members of the Oversight Board may be County Commissioners. Each of the seven (7) members of the Oversight Board shall be nominated by the Mayor and accepted or rejected by the County Commission. The Mayor may, with the concurrence of the County Commission, remove any Oversight Board member for cause. The Mayor shall nominate and the County Commission shall accept or reject a person to fill any vacancy

occurring on the Oversight Board. Each member of the Oversight Board shall be a United States citizen and a permanent resident and duly qualified elector of Miami-Dade County, unless the Mayor waives the residency requirement in his or her sole discretion. Each member of the Oversight Board shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community.<<

>>Each member of the Oversight Board shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community. Each member shall have experience in hospital operations, management, finance, business or other experience relevant to the Oversight Board's duties and responsibilities. No member of the Oversight Board shall be an employee of the Trust or County or an elected official. No member of the Oversight Board shall have any conflict of interest, as defined in the Conflict of Interest Ordinance, with the Trust or its Designated Facilities. Each member of the Oversight Board shall be a United States citizen and a permanent resident and duly qualified elector of Miami-Dade County, unless the Commission waives the residency requirement by a two-thirds vote of its membership. A member of the Oversight Board may be removed for cause by a majority vote of the Board of County Commissioners.

~~<<[[Upon receipt of any initial or vacancy appointment filing by the Mayor, Governor, President of the South Florida AFL-CIO or the Chairperson of the Miami-Dade County Legislative Delegation, the Clerk of the Commission shall serve copies on each member of the Commission. Any Commissioner may request that the appointments be presented at the next regularly scheduled Commission meeting for review. Such request shall not be subject to the four day rule. Absent any such action at the next regularly scheduled Commission meeting, the appointments shall be deemed ratified.]]>>~~

Before entering upon the duties of office, each appointee to the Oversight Board shall give bond in the amount of one hundred thousand dollars (\$100,000.00) to the Clerk of the Commission for the

faithful performance of the duties of office and shall take the prescribed oath of office. This bond also is required of currently sitting Trustees. Oversight Board Trustees shall serve without compensation but shall be entitled to reimbursement for necessary expenses, including the expense of performance bonds, incurred in the discharge of their duties.

The Oversight Board, by majority vote following nomination, shall elect its Chairperson and Vice-Chairperson. The Oversight Board may << [[, at its sole discretion,]] >> adopt, modify and amend the existing bylaws and rules and regulations of the Public Health Trust for the Oversight Board's governance and for the operation, governance, and maintenance of designated facilities. Such bylaws and amendments shall not be inconsistent with the ordinances of the County. The Oversight Board shall form subcommittees to assist in its work. The subcommittee membership shall not be limited to members of the Oversight Board. <<

~~[[The Oversight Board shall hold regular meetings and record such meetings in accordance with the requirements 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(e), [Assistive Measures], herein, during its tenure, the Oversight 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.]]>>~~

(iv) Power and duties. <<>>The Oversight Board shall hold regular meetings and record such meetings in accordance with the requirements 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 Oversight 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 review authority, and the Commission may

direct the Oversight Board to act or may veto actions taken by the Oversight Board.

The Commission's veto authority shall exist for such period of time as the Commission determines is necessary to resolve the Trust's financial conditions. The Commission's determination to exercise the grant of veto authority provided herein shall be filed with the Clerk of the Commission who shall place same on the next regularly scheduled Commission agenda for Commission consideration without the requirement for committee review. Actions of the Oversight Board shall become effective upon the adjournment of the next regularly schedule Commission meeting unless vetoed by the Commission at such meeting. A Commission veto of any action taken by the Oversight Board shall be final and determinative. <<[[As governing body of the Trust, €]]>> The Oversight 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:

(A) Appointment and Evaluation of the Chief Executive Officer. The Oversight Board <<[[, in its sole discretion,]]>> shall be empowered to evaluate, compensate, appoint, <<>suspend, <<> and remove a Chief Executive Officer of the Trust. The Oversight Board shall evaluate the Chief Executive Officer's performance and compensation periodically, at its discretion, but no less than annually. During the tenure of the Oversight Board, the Trust Compensation and Evaluation Committee as described in Section 25A-3(f), [Organization, powers and duties of the Board of Trustees], herein, shall cease to meet and make recommendations regarding compensation for the Trust Chief Executive Officer and any other Trust personnel.

(B) Health care delivery policies. The Oversight Board shall develop policies, procedures and practices to promote successful operation of the Trust and its designated facilities and to ensure

financial sustainability of the Trust. The Oversight Board shall recommend health care policies to be approved by the Commission relevant to the short and long term financial sustainability of the Trust and the designated facilities.

(C) Contracts. For purposes of compliance with the formal bid requirements of Section 5.03(D) of the Charter of Miami-Dade County, Florida, the term "Board" as used in Section 5.03(D) shall be construed to be "Oversight Board."

(D) Personnel. Any personnel actions and policies taken by the Oversight Board shall not be inconsistent with any applicable collective bargaining agreements, as amended. The Oversight Board shall recommend to the Commission policies for labor management and the negotiations of labor agreements with organizations representing Trust employees. Such recommendations may include, but are not limited to, recommendations regarding compensation policies, performance analyses and evaluation, pension liabilities and Trust pension obligations during a prospective fifteen (15) year period.

(E) Approval of medical staff bylaws. The medical staff of the designated facilities shall submit any recommended amendments to the bylaws, rules and regulations of the medical staff to the Oversight Board for approval. Any amendments shall be in accordance with the standards of all relevant accrediting organizations and all applicable laws.

(F) Intergovernmental Cooperation. The proposed annual operating agreement between the Trust and Miami-Dade County, as described in Section 25A-4(i), [Intergovernmental cooperation], herein shall be approved by the Oversight Board and then submitted to the Board of County Commissioners for approval in September of the applicable year. During the tenure of the Oversight Board, the Trust/County

Committee, as described in Section 25A-4(i), herein, shall cease to meet, review, approve, and make recommendations regarding the Annual Operating Agreement.

(v) Financial support for the Public Health Trust. The Oversight Board shall be empowered to enact resolutions requesting that the County Commission effectuate the issuance of bonds~~[[The Oversight Board shall be empowered to enact resolutions authorizing]]~~ and authorize~~[[The Oversight Board shall be empowered to enact resolutions authorizing]]~~ the Trust to borrow money.

(vi) Trust/University of Miami Annual Operating Agreement. During the tenure of the Oversight Board, the membership of the Trust/UM 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 Oversight Board, or his or her designee. The Trust/UM Committee shall have responsibility to negotiate the Annual Operating Agreement with the University of Miami and shall submit their recommendations regarding the Annual Operating Agreement to the Oversight Board for its review and approval.

(vii) Reporting. Upon appointment, the Oversight Board shall report to the Commission at each regularly scheduled Board of County Commissioners meeting, and at any special meeting, scheduled during the Oversight Board's tenure, unless otherwise required by the Commission. Such reporting shall replace the annual, joint meeting and reporting provided for in Section 25A-4(b)(3), [Submittal of planning recommendations for designated facilities], herein.

(~~2~~3) Audit. The Commission may direct the Commission Auditor, or the external auditor of the County to audit any or all records of the Trust in accordance with Section 25A-5(c), [General financial provisions], herein. The Commission Auditor or the County's external auditor shall consult with the Trust to identify any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with applicable law. The Commission Auditor or the County's external auditor shall report its preliminary findings to the Commission within sixty (60) days of audit commencement. The Trust and its internal

and external auditors shall cooperate fully with the Commission Auditor, or the County's external auditor.

(~~3~~) 4 Technical Assistance. The Commission may provide technical assistance to the Trust.

(4) 5 Recovery Plan. The Commission may require and approve a plan, to be prepared by the Trust in consultation with the Mayor, or his or her designee, and the Board of County Commissioners prescribing actions that will cause the Trust to no longer be subject to this section. However, if the Commission establishes an Oversight Board and requires preparation of a recovery plan, the Trust may prepare the recovery plan in consultation with the Oversight Board as well as the Mayor, his or her designee, or the Commission.

The plan shall be submitted to the Commission within sixty (60) days of the Commission's action requiring the plan, or such longer period of time as determined by the Commission. The Trust shall submit copies of the plan to the members of the Commission concurrently with submission to the Mayor. The plan must include but need not be limited to:

- (i) Provision for payment in full of obligations outlined in Subsection (a), designated as priority items, that are currently due or will come due.
- (ii) Establishment of priority budgeting or zero-based budgeting in order to eliminate items that are not affordable.
- (iii) The prohibition of a level of operations which can be sustained only with nonrecurring revenues.<<

Section 2. The standards and procedures for creation and review of County Boards provided in Article IB, Sections. 2-11.36 through 2-11.40, shall not apply to any Transition Board established under authority of this ordinance.

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 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.
Valda Clark Christian



Prime Sponsor: Commissioner Carlos A. Gimenez

MEMORANDUM

Special Item No. 3

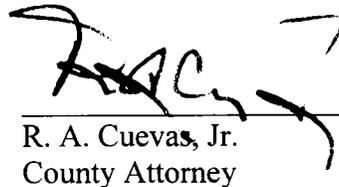
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 3, 2010

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

SUBJECT: Ordinance amending Chapter 25A of the Code; authorizing the Commission to take action if specified conditions pertaining to the financial status of the Public Health Trust have occurred or will likely occur, including assignment of technical experts and formation of a Board with specified powers to oversee the Public Health Trust

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/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 3, 2010

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

SUBJECT: Special Item No. 3

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 _____

Special Item No. 3
5-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COMMISSION TO TAKE ACTION IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR, INCLUDING ASSIGNMENT OF TECHNICAL EXPERTS AND FORMATION OF A BOARD WITH SPECIFIED POWERS TO OVERSEE THE PUBLIC HEALTH TRUST FOR UP TO TWENTY-FOUR (24) MONTHS UNLESS SHORTENED OR LENGTHENED BY RESOLUTION OF THE COMMISSION; WAIVING THE PROCEDURES FOR CREATION AND REVIEW OF COUNTY BOARDS OF ARTICLE IB OF THE CODE FOR ANY OVERSIGHT BOARD ESTABLISHED UNDER AUTHORITY OF THIS ORDINANCE; 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. Chapter 25A of the Code of Miami-Dade County, Florida, is hereby amended by adding Section 25A-9 to read as follows:¹

* * *

>>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.

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.

(a) Conditions. The Commission finds that it is in the best interest of the public it serves to take action to preserve the Trust and to ensure its financial sustainability by requiring the Trust to notify the Commission, the Mayor and the Commission Auditor when any one of the following conditions occurs:

(1) Trust failure to, within the same fiscal year in which due, timely make any applicable debt payments as a result of a lack of funds.

(2) Trust failure to pay uncontested claims from creditors within ninety (90) days after the claim is presented, as a result of a lack of funds.

(3) Trust failure to transfer at the appropriate time, due to a lack of funds:

(i) taxes withheld on the income of employees; or

(ii) employer and employee contributions for either federal social security or any pension, retirement, or benefit plan of an employee.

(4) Trust failure to pay for one pay period, due to a lack of funds:

(i) Wages and salaries owed to employees; or

(ii) Retirement benefits owed to former employees.

(5) An unreserved or total fund balance or retained earnings deficit, or unrestricted or total net assets deficit, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, for which sufficient resources of the Trust, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, are not available to cover the deficit. Resources available to cover reported deficits include net assets that are not otherwise restricted by federal, state, or local laws, bond covenants, contractual agreements, or other legal constraints. Fixed or capital assets, the disposal of which would impair the ability of the Trust to carry out its functions, are not considered resources available to cover reported deficits.

(6) An advance of any County funds to the Trust, due to a

lack of Trust funds to address operational needs, to support operational needs and expenses.

(b) Notice. When one or more of the conditions specified in Subsection (a) have occurred, or likely will occur within one hundred twenty (120) days, the Trust shall submit written notice to the Mayor, Chairperson and members of the Commission, and the Commission Auditor.

(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 assist the Trust by forming an oversight board and directing the Mayor to provide technical assistance to the Trust, as detailed below:

(1) Oversight Board. The Commission may establish a specially empowered Oversight Board of Trustees (“Oversight Board”) that shall oversee the currently sitting Board of Trustees during the Oversight Board’s tenure. The currently sitting Board of Trustees shall be responsible for the operation, maintenance, and governance of the Trust and its Designated Facilities, as that term is defined and used in Section 25A-2(a), [Designated Facilities] herein. However, during its tenure, the Oversight Board shall oversee the activities of the Trust and currently sitting Board of Trustees. The Oversight Board shall, within ten days of final Board of Trustees action by resolution, have veto authority over any such currently sitting Board of Trustee action. Any veto action by the Oversight Board shall be the final action on that resolution.

The Oversight Board shall serve for no longer than twenty four (24) months or such shorter or longer period of time as determined by resolution of the Commission. The Mayor and the County Attorney shall provide appropriate support to the Oversight Board.

During the tenure of the Oversight Board, the terms of all currently sitting voting members of the Board of Trustees and ex-officio members shall continue through expiration as provided for in Section 25A-3(e), [Tenure of Trustees] herein, and in accord with their original appointment to the Board of Trustees.

During the tenure of the Oversight Board, the provisions of Sections 25A-3(d), [Appointment and removal of Trustees], and 25A-3(e), [Tenure of Trustees] herein, shall apply solely to the currently sitting Board of Trustees. A currently sitting Trustee may be removed by a majority vote of the Board of County Commissioners for cause.

(i) Composition and Organization. The Oversight Board shall be composed of seven (7) voting members, none of whom shall be an employee of the Trust. The Oversight Board members shall be appointed by resolution of the Commission after having been selected from a list of persons nominated by the Mayor. The Commission may remove any Oversight Board Trustee for cause and shall have the power to fill any vacancy occurring on the Oversight Board. Each member of the Oversight Board shall be a United States citizen and a permanent resident and duly qualified elector of Miami-Dade County, unless the Commission waives the residency requirement. Each member of the Oversight Board shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community and a proven management and/or financial background.

Before entering upon the duties of office, each appointee to the Oversight Board shall give bond in the amount of one hundred thousand dollars (\$100,000.00) to the Clerk of the Commission for the faithful performance of the duties of office, however the Trust shall reimburse Oversight Board appointees for the expense of the performance bonds. Each appointee shall take the prescribed oath of office. Oversight Board Trustees shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

The Mayor shall nominate one (1) member of the Oversight Board to serve as Chairperson of the Board, and one (1) member to serve as its Vice-Chairperson. The Oversight Board, by majority vote following nomination, shall elect its Chairperson and Vice-Chairperson. The Oversight Board shall adopt such rules and bylaws as are necessary for conducting Oversight Board business.

The Oversight Board shall hold regular meetings and record such meetings in accordance with the requirements for the Board of Trustees as described in Section 25A-3(f), [Organization, powers and duties of the Board of Trustees], herein.

(ii) Power and duties. During the tenure of the Oversight Board, the Oversight Board shall be authorized to execute such powers as provided for in this Section 25A-9. During the tenure of the Oversight Board, the governance powers and all other powers and duties of the currently sitting Board of Trustees shall remain as provided for in Chapter 25A of the Code, except that those powers and duties shall be limited by the Oversight Board's veto authority and shall be modified as provided for hereinafter:

(A) Appointment and Evaluation of the Chief Executive Officer. The Oversight Board, in its sole discretion, shall be empowered to evaluate, compensate, appoint, suspend and/or remove a Chief Executive Officer of the Trust. The Oversight Board shall evaluate the Chief Executive Officer's performance and compensation periodically, at its discretion, but no less than annually. During the tenure of the Oversight Board, the Trust Compensation and Evaluation Committee as described in Section 25A-3(f), [Organization, powers and duties of the Board of Trustees], herein, shall cease to meet and make recommendations regarding compensation for the Trust Chief Executive Officer and any other Trust personnel.

(B) Health care delivery policies. The Oversight Board shall create a baseline budget for the Trust, develop policies, systems, procedures and practices to promote successful operation of the Trust and its Designated Facilities and to ensure financial sustainability of the Trust. The Oversight Board shall recommend health care policies to be approved by the Commission relevant to the short and long term financial sustainability of the Trust and the Designated

Facilities and, at conclusion of the Oversight Board's tenure, provide a Ten Year Financial Sustainability Exit Plan.

(C) Intergovernmental Cooperation. The proposed annual operating agreement between the Trust and Miami-Dade County, as described in Section 25A-4(i), [Intergovernmental cooperation], herein shall be approved by the Oversight Board and then submitted to the Board of County Commissioners for approval in September of the applicable year. During the tenure of the Oversight Board, the Trust/County Committee, as described in Section 25A-4(i), herein, shall cease to meet, review, approve, and make recommendations regarding the Annual Operating Agreement.

(D) Reviews. The Oversight Board may make such reviews of records, reports, and assets of the Trust and Designated Facilities as are needed. The Oversight Board may review the operations, functionality of information technology systems, accountability and billing practices, management, efficiency, productivity, and financing of functions and operations of the Trust and the Designated Facilities.

(E) Consultations. The Oversight Board shall contract with private consultants as needed, consult with officials and auditors of the Trust, and may consult with the appropriate officials and auditors of the County, regarding any steps necessary to bring the books of account, accounting systems, or financial procedures of the Trust into compliance with applicable accrediting, state and federal requirements.

(iii) Financial support for the Public Health Trust. The Oversight Board shall be empowered to enact resolutions requesting that the County Commission effectuate the issuance of bonds. The Oversight Board shall be empowered to enact resolutions authorizing the Trust to borrow money.

(iv) Trust/University of Miami Annual Operating Agreement. During the tenure of the Oversight Board, the

membership of the Trust/UM 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, the Chairperson of the currently sitting Board of Trustees, or his or her designee, and the Chairperson of the Oversight Board, or his or her designee. The Trust/UM Committee shall have responsibility to negotiate the Annual Operating Agreement with the University of Miami and shall submit their recommendations regarding the Annual Operating Agreement to the Oversight Board for its review and approval.

(v) Reporting. During its tenure, the Oversight Board shall report to the Commission at least monthly, unless otherwise required by the Commission.

(2) Technical Assistance. The Commission shall direct the Mayor or his designee to place at the Trust such technical experts and/or representatives of the County to staff and support the Oversight Board as needed, for such time as needed, to:

(i) address those managerial and fiscal factors giving rise to the applicable conditions of Subsection (a) herein, and

(ii) to support the Trust daily operations.<<

Section 2. The standards and procedures for creation and review of County Boards provided in Article IB, Sections. 2-11.36 through 2-11.40, shall not apply to any Oversight Board established under authority of this ordinance.

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 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.
Valda Clark Christian

Prime Sponsor: Commissioner Barbara J. Jordan

RAC
RAC for VCC

MEMORANDUM

Special Item No. 4

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 3, 2010

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

SUBJECT: Ordinance amending Chapter 25A of the Code to provide County Commission may exercise veto authority over actions of the Public Health Trust upon notification that certain conditions affecting the Trust's financial status have occurred or will likely occur

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 3, 2010

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

SUBJECT: Special Item No. 4

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 _____

Special Item No. 4
5-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE COUNTY COMMISSION MAY EXERCISE VETO AUTHORITY OVER ACTIONS OF THE PUBLIC HEALTH TRUST UPON NOTIFICATION THAT CERTAIN CONDITIONS AFFECTING THE TRUST'S FINANCIAL STATUS HAVE OCCURRED OR WILL LIKELY OCCUR; PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

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

Section 1. Chapter 25A of the Code of Miami-Dade County, Florida, is hereby amended by adding Section 25A-9 to read as follows:¹

* * *

>>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.

(a) Conditions. The Commission finds that it is in the best interest of the public it serves to take action to preserve the Trust and to ensure its financial sustainability by requiring the Trust to notify the Commission, the Mayor and the Commission Auditor when any one of the following conditions occurs:

- (1) Trust failure to, within the same fiscal year in which due, timely make any applicable debt payments as a result of a lack of funds.

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.

- (2) Trust failure to pay uncontested claims from creditors within ninety (90) days after the claim is presented, as a result of a lack of funds.
 - (3) Trust failure to transfer at the appropriate time, due to a lack of funds:
 - (i) taxes withheld on the income of employees;
or
 - (ii) employer and employee contributions for either federal social security or any pension, retirement, or benefit plan of an employee.
 - (4) Trust failure to pay for one pay period, due to a lack of funds:
 - (i) Wages and salaries owed to employees; or
 - (ii) Retirement benefits owed to former employees.
 - (5) An unreserved or total fund balance or retained earnings deficit, or unrestricted or total net assets deficit, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, for which sufficient resources of the Trust, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, are not available to cover the deficit. Resources available to cover reported deficits include net assets that are not otherwise restricted by federal, state, or local laws, bond covenants, contractual agreements, or other legal constraints. Fixed or capital assets, the disposal of which would impair the ability of the Trust to carry out its functions, are not considered resources available to cover reported deficits.
 - (6) An advance of any County funds to the Trust, due to a lack of Trust funds to address operational needs, to support operational needs and expenses.
- (b) Notice. When one or more of the conditions specified in Subsection (a) have occurred, or likely will occur within one hundred twenty (120) days, the Trust shall submit written notice to the Chairperson and members of the Commission, the Mayor and the Commission Auditor.

- (c) Commission Oversight. Notwithstanding any other provision of the County Code, the County Commission, upon notification as provided above, may determine to reserve to itself the authority to veto subsequent actions taken by the Public Health Trust. The veto authority shall exist for such period of time as the County Commission determines is necessary to resolve the financial conditions. The County Commission's determination to exercise the grant of veto authority provided herein shall be by adoption of a resolution setting forth the types of Trust action that may be vetoed and the timetables and procedures therefor. Actions of the Trust taken thereafter that are subject to Commission veto shall be filed 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 Trust shall become effective upon the adjournment of the next regularly scheduled County Commission meeting unless vetoed by the County Commission at such meeting. A County Commission veto of any action taken by the Trust shall be final and determinative.<<

Section 2. This ordinance shall supersede those provisions of any existing ordinance, resolution or policy in conflict herewith.

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 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.

MEMORANDUM

Special Item No. 5

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 3, 2010

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

SUBJECT: Ordinance amending Chapter 25A of the Code; authorizing Mayor to take actions if specified conditions pertaining to the financial status of the Public Health Trust have occurred or will likely occur, including formation of a Transition Board with specified powers to act as the governing body of the Public Health Trust

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Natacha Seijas.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 3, 2010

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

SUBJECT: Special Item No. 5

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 _____

Special Item No. 5
5-3-10

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING MAYOR TO TAKE ACTIONS IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR, INCLUDING FORMATION OF A TRANSITION BOARD WITH SPECIFIED POWERS TO ACT AS THE GOVERNING BODY OF THE PUBLIC HEALTH TRUST FOR UP TO TWO YEARS UNLESS SHORTENED OR LENGTHENED BY RESOLUTION OF THE COUNTY COMMISSION; WAIVING THE PROCEDURES FOR CREATION AND REVIEW OF COUNTY BOARDS OF ARTICLE IB OF THE CODE FOR ANY TRANSITION BOARD ESTABLISHED UNDER AUTHORITY OF THIS ORDINANCE; 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. Chapter 25A of the Code of Miami-Dade County, Florida, is hereby amended by adding Section 25A-9 to read as follows:¹

>>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.

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.

- (a) Conditions. The Commission finds that it is in the best interest of the public it serves to take action to preserve the Trust and to ensure its financial sustainability by requiring the Trust to notify the Commission, the Mayor and the Commission Auditor when any one of the following conditions occurs:
- (1) Trust failure to, within the same fiscal year in which due, timely make any applicable debt payments as a result of a lack of funds.
 - (2) Trust failure to pay uncontested claims from creditors within ninety (90) days after the claim is presented, as a result of a lack of funds.
 - (3) Trust failure to transfer at the appropriate time, due to a lack of funds:
 - (i) taxes withheld on the income of employees;
or
 - (ii) employer and employee contributions for either federal social security or any pension, retirement, or benefit plan of an employee.
 - (4) Trust failure to pay for one pay period, due to a lack of funds:
 - (i) Wages and salaries owed to employees; or
 - (ii) Retirement benefits owed to former employees.
 - (5) An unreserved or total fund balance or retained earnings deficit, or unrestricted or total net assets deficit, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, for which sufficient resources of the Trust, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, are not available to cover the deficit. Resources available to cover reported deficits include net assets that are not otherwise restricted by federal, state, or local laws, bond covenants, contractual agreements, or other legal

constraints. Fixed or capital assets, the disposal of which would impair the ability of the Trust to carry out its functions, are not considered resources available to cover reported deficits.

(b) Notice. When one or more of the conditions specified in Subsection (a) have occurred, or likely will occur within one hundred twenty (120) days, the Trust shall submit written notice to the Mayor, Chairperson and members of the Commission, and the Commission Auditor.

(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 Mayor shall determine whether the Trust needs assistance to resolve or prevent the condition. If assistance is needed, the Mayor may implement measures to assist the Trust in resolving the condition. Such assistive measures may include, but are not limited to formation of a transition board, directing an audit, providing technical assistance, and/or requiring a recovery plan as detailed below:

(1) Transition Board. Establishing a specially empowered transitional Board of Trustees ("Transition Board") that shall oversee the operation, maintenance and governance of the Trust during its tenure. Notwithstanding any provision of the Code to the contrary, the Transition Board shall be authorized and empowered to serve as the governing body of the Trust effective upon appointment of all members of the Transition Board.

(i) Transition Board Authority. During its tenure, the Transition Board shall be responsible for the operation, maintenance and governance of Trust designated facilities, as that term is defined and used in Section 25A-2(a), [Designated Facilities]. During the tenure of the Transition Board, the governance powers of the currently sitting Trust Board of Trustees shall cease and that Board of Trustees shall no longer serve as governing body of the Trust. The terms of all currently sitting voting members

of the Board of Trustees and ex-officio members shall automatically expire upon appointment of the Transition Board. The Transition Board shall serve for no longer than two (2) years or such shorter or longer period of time as determined by resolution of the Commission. The Mayor and the County Attorney shall provide appropriate support to the Transition Board.

- (ii) *Composition and Organization.* The Transition Board shall be composed of nine (9) voting members, none of whom shall be an employee of the Trust. At least three (3) of the initial members of the Transition Board shall be current members of the Board of Trustees. One or more of the nine (9) voting members of the Transition Board may be County Commissioners. Each of the nine (9) members of the Transition Board shall be nominated by the Mayor and accepted or rejected by the County Commission. The Mayor may, with the concurrence of the County Commission, remove any Transition Board member for cause. The Mayor shall nominate and the County Commission shall accept or reject a person to fill any vacancy occurring on the Transition Board. Each member of the Transition Board shall be a United States citizen and a permanent resident and duly qualified elector of Miami-Dade County, unless the Mayor waives the residency requirement in his or her sole discretion. Each member of the Transition Board shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community.

Before entering upon the duties of office, each appointee to the Transition Board shall give bond in the amount of one hundred thousand dollars (\$100,000.00) to the Clerk of the Commission for the faithful performance of the duties of office and shall

take the prescribed oath of office. Transition Board Trustees shall serve without compensation but shall be entitled to reimbursement for necessary expenses, including the expense of performance bonds, incurred in the discharge of their duties.

The Mayor shall nominate one (1) member of the Transition Board to serve as Chairperson of the Board, and one (1) member to serve as its Vice-Chairperson. The Transition Board, by majority vote following nomination, shall elect its Chairperson and Vice-Chairperson.

The Transition Board may, at its sole discretion, adopt, modify and amend the existing bylaws and rules and regulations of the Public Health Trust for the Transition Board's governance and for the operation, governance, and maintenance of designated facilities. Such bylaws and amendments shall not be inconsistent with the ordinances of the County.

The Transition Board shall hold regular meetings and record such meetings in accordance with the requirements 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, the Transition 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.

- (iii) *Power and duties.* As governing body of the Trust, the Transition 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:

- (A) *Appointment and Evaluation of the Chief Executive Officer.* The Transition Board, in its sole discretion, shall be empowered to evaluate, compensate, appoint, and remove a Chief Executive Officer of the Trust. The Transition Board shall evaluate the Chief Executive Officer's performance and compensation periodically, at its discretion, but no less than annually. During the tenure of the Transition Board, the Trust Compensation and Evaluation Committee as described in Section 25A-3(f), [Organization, powers and duties of the Board of Trustees], herein, shall cease to meet and make recommendations regarding compensation for the Trust Chief Executive Officer and any other Trust personnel.
- (B) *Health care delivery policies.* The Transition Board shall develop policies, procedures and practices to promote successful operation of the Trust and its designated facilities and to ensure financial sustainability of the Trust. The Transition Board shall recommend health care policies to be approved by the Commission relevant to the short and long term financial sustainability of the Trust and the designated facilities.
- (C) *Contracts.* During the tenure of the Transition Board, the contractual power limitations described in Sections 25A-4(c)(1), [excess expenditure of funds] and 25A-

4(c)(2), [County and University of Miami relationship], herein shall not apply and for purposes of compliance with the formal bid requirements of Section 5.03(D) of the Charter of Miami-Dade County, Florida, the term "Board" as used in Section 5.03(D) shall be construed to be "Transition Board."

- (D) *Personnel.* The Transition Board, in its sole discretion, shall be empowered to appoint, remove, and suspend employees or agents of the Trust, to fix their compensation, and to adopt personnel and management policies. Such personnel actions and policies shall not be inconsistent with any applicable collective bargaining agreements, as amended.
- (E) *Approval of medical staff bylaws.* The medical staff of the designated facilities shall submit any recommended amendments to the bylaws, rules and regulations of the medical staff to the Transition Board for approval. Any amendments shall be in accordance with the standards of all relevant accrediting organizations and all applicable laws.
- (F) *Intergovernmental Cooperation.* The proposed annual operating agreement between the Trust and Miami-Dade County, as described in Section 25A-4(i), [Intergovernmental cooperation], herein shall be approved by the Transition Board and then submitted to the Board of County Commissioners for approval in September of the applicable year. During the tenure of the Transition Board, the Trust/County Committee,

as described in Section 25A-4(i), herein, shall cease to meet, review, approve, and make recommendations regarding the Annual Operating Agreement.

(iv) Financial support for the Public Health Trust. The Transition Board shall be empowered to enact resolutions requesting that the County Commission effectuate the issuance of bonds. The Transition Board shall be empowered to enact resolutions authorizing the Trust to borrow money.

(v) Trust/University of Miami Annual Operating Agreement. During the tenure of the Transition Board, the membership of the Trust/UM 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 Transition Board, or his or her designee. The Trust/UM Committee shall have responsibility to negotiate the Annual Operating Agreement with the University of Miami and shall submit their recommendations regarding the Annual Operating Agreement to the Transition Board for its review and approval.

(vi) Conclusion of the Transition Board. During the tenure of the Transition Board, the provisions of Sections 25A-3(d), [Appointment and removal of Trustees], and 25A-3(e), [Tenure of Trustees], herein shall not apply. The application of Sections 25A-3(d), and 25A-3(e), herein shall commence on the conclusion of the tenure of the Transition Board. The Nominating Council set forth in Section 25A-3(d), herein shall convene in accordance with such section not less than one hundred twenty (120) days prior to the conclusion of the tenure of the Transition Board, for the purpose of

selecting the voting members required by Section 25A-3(b), [Qualifications], herein.

(vii) Reporting. The Transition Board shall make an initial report to the Commission within six (6) months of its appointment. Thereafter during the tenure of the Transition Board, it shall report to the Commission at least quarterly. Such reporting shall replace the annual, joint meeting and reporting provided for in Section 25A-4(b)(3), [Submittal of planning recommendations for designated facilities], herein.

(2) Audit. Directing the Commission Auditor, or the external auditor of the County to audit any or all records of the Trust in accordance with Section 25A-5(c), [General financial provisions], herein. The Commission Auditor or the County's external auditor shall consult with the Trust to identify any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with applicable law. The Commission Auditor or the County's external auditor shall report its preliminary findings to the Commission within sixty (60) days of audit commencement. The Trust and its internal and external auditors shall cooperate fully with the Commission Auditor, or the County's external auditor.

(3) Technical Assistance. Providing technical assistance to the Trust.

(4) Recovery Plan. Requiring and approving a plan, to be prepared by the Trust in consultation with the Mayor, or his or her designee, prescribing actions that will cause the Trust to no longer be subject to this section. The plan shall be submitted to the Mayor within sixty (60) days of the Mayor's action requiring the plan, or such longer period of time as determined by the Mayor. The Trust shall submit copies to the members of the Commission

concurrently with submission to the Mayor. The plan must include but need not be limited to:

- (i) Provision for payment in full of obligations outlined in Subsection (a), designated as priority items, that are currently due or will come due.
- (ii) Establishment of priority budgeting or zero-based budgeting in order to eliminate items that are not affordable.
- (iii) The prohibition of a level of operations which can be sustained only with nonrecurring revenues.<<

Section 2. The standards and procedures for creation and review of County Boards provided in Article IB, Sections. 2-11.36 through 2-11.40, shall not apply to any Transition Board established under authority of this ordinance.

Section 3. This ordinance shall supersede those provisions of any existing ordinance, resolution or policy in conflict herewith.

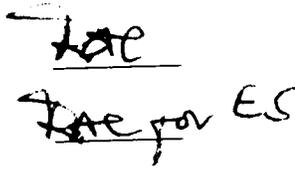
Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance 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.
Valda Clark Christian

Prime Sponsor: Commissioner Natacha Seijas

MEMORANDUM

Special Item No. 6

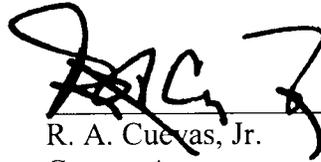
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 3, 2010

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

SUBJECT: Resolution calling a Countywide
Special Election in Miami-Dade
County, Florida, for the purpose of
submitting the question of whether to
amend the Home Rule Charter to
provide a method for determining a
greater salary and establishing term
limits for County Commissioners

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor the Government Operations Committee.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 3, 2010

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

SUBJECT: Special Item No. 6

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 _____

Special Item No. 6
5-3-10

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE A METHOD FOR DETERMINING A GREATER SALARY AND ESTABLISHING TERM LIMITS FOR COUNTY COMMISSIONERS

WHEREAS, Miami-Dade County established an annual salary of \$6,000 for County Commissioners in 1957, when the County's Home Rule Charter was adopted; and

WHEREAS, the demands of the position of County Commissioner have grown substantially, while the salary has remained the same; and

WHEREAS, Miami-Dade County is now the most populous county in the State of Florida with a population of over 2.4 million residents and a budget in excess of \$7.3 billion; and

WHEREAS, other counties in the State of Florida compensate their Commissioners at a significantly higher rate than in Miami-Dade County,

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

Section 1. A countywide special election, to be held in conjunction with a primary election, is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, August 24, 2010, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

HOME RULE CHARTER AMENDMENT
RELATING TO SALARIES AND TERM LIMITS OF COUNTY
COMMISSIONERS

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT COMMISSIONERS SHALL NO LONGER RECEIVE THE \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY STATE STATUTORY FORMULA, ADJUSTED ANNUALLY BY THE COUNTY'S POPULATION (CURRENTLY APPROXIMATELY \$92,097), USED BY OTHER FLORIDA COUNTIES, INCLUDING BROWARD AND SHALL SERVE NO MORE THAN FOUR CONSECUTIVE FOUR-YEAR TERMS IN OFFICE WITH TERMS OF OFFICE COMMENCING ON OR BEFORE 2010 EXCLUDED FROM THE TERM LIMIT CALCULATION?

YES

NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The Prime Sponsor of the foregoing resolution is the Government Operations Committee.

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:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2010. 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.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1¹

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.06. SALARY .

Each County Commissioner shall receive ~~[[a]]~~ >>an annual<< salary [[of \$6,000 per year payable monthly]] >>determined pursuant to general law applicable to non-charter counties<< and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board. >>Such salary shall be payable monthly.<<

* * *

ARTICLE-3

ELECTIONS

Section 3.01 ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

* * *

>>E. Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in 2012 and 2014, no person shall be elected as Commissioner for more than four consecutive four-year terms. No service as a Commissioner prior to 2010 for those elected in 2010 and no service as a Commissioner prior to 2012 for those elected in 2012 shall be considered a part of or counted toward the four term limit.<<

¹Words 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.