

MEMORANDUM

Agenda Item No. 7(C)
(Second Reading 5-5-20)
April 20, 2020

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

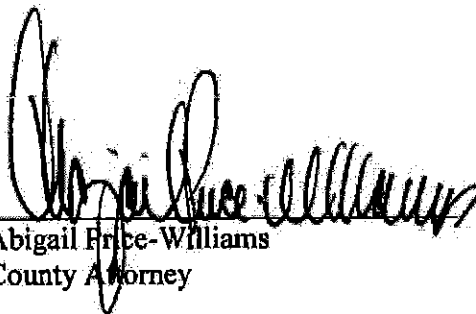
DATE:

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to the Public Health Trust; amending sections 25A-3 and 25A-4 of the Code; modifying requirement to provide copies of minutes and resolutions from meetings of the Board of Trustees of the Public Health Trust; repealing requirement that a waiver of committee review to place an item on a meeting agenda of the Board of Trustees be in writing; modifying the reporting structure of the Office of Internal Audit of the Public Health Trust; modifying the dissemination requirement of monthly reports

Ordinance No. 20-35

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



Abigail Price-Williams
County Attorney

APW/uw

Memorandum



Date: May 5, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive, flowing style.

Subject: Fiscal Impact Statement for Ordinance Relating to the Public Health Trust

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County or The Public Health Trust.

A handwritten signature in black ink, appearing to read "Jennifer Moon". The signature is written in a cursive, flowing style.

Jennifer Moon
Deputy Mayor

FIS04120 200250

Memorandum



Date: May 5, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, with a large initial 'C'.

Subject: Social Equity Statement for Ordinance Relating to the Public Health Trust

The implementation of this ordinance will not have any measurable social equity benefit or burden.

A handwritten signature in black ink, appearing to read "Jennifer Moon". The signature is cursive and somewhat stylized.

Jennifer Moon
Deputy Mayor

FIS04120 200250



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 5, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
5-5-20

ORDINANCE NO. 20-35

ORDINANCE RELATING TO THE PUBLIC HEALTH TRUST;
AMENDING SECTIONS 25A-3 AND 25A-4 OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA; MODIFYING
REQUIREMENT TO PROVIDE COPIES OF MINUTES AND
RESOLUTIONS FROM MEETINGS OF THE BOARD OF
TRUSTEES OF THE PUBLIC HEALTH TRUST; REPEALING
REQUIREMENT THAT A WAIVER OF COMMITTEE REVIEW
TO PLACE AN ITEM ON A MEETING AGENDA OF THE
BOARD OF TRUSTEES BE IN WRITING; MODIFYING THE
REPORTING STRUCTURE OF THE OFFICE OF INTERNAL
AUDIT OF THE PUBLIC HEALTH TRUST; MODIFYING THE
DISSEMINATION REQUIREMENT OF MONTHLY REPORTS;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

WHEREAS, Section 25A-3(f)(4) of the Code of Miami-Dade County provides that amendments to the bylaws of the Board of Trustees of the Public Health Trust shall not be valid until approved by the Board of County Commissioners; and

WHEREAS, on January 28, 2020, the Board of Trustees adopted Resolution No. PHT 01/2020-007, approving amendments to its bylaws and directing the President of the Trust to seek the required approval of the Board of County Commissioners; and

WHEREAS, this ordinance is a companion to a resolution before this Board to approve the amendments set forth in Resolution No. PHT 01/2020-007 of the Board of Trustees; and

WHEREAS, the intent of this ordinance is to comport and harmonize several of the amendments to the bylaws of the Board of Trustees to the provisions of Sections 25A-3 and 25A-4 as set forth herein,

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

Section 1. Section 25A-3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 25A-3. - Governing body.

* * *

- (f) *Organization, powers and duties of the Board of Trustees.*
The Board of Trustees shall organize after the members thereof have qualified to serve and shall elect one (1) of its voting members as Chairperson and one (1) of its voting members as Vice-Chairperson and shall designate a Secretary who may or may not be a member of the Board, and such other officers as the Board of Trustees may determine to be necessary. In addition:
- (1) The Board of Trustees shall hold regular meetings in accordance with the bylaws of the Trust and the Board may hold such other meetings as it deems necessary. The Trust shall hold and televise regular meetings of the Board of Trustees at the main campus of Jackson Memorial Hospital or in Commission chambers. The regular meetings shall not conflict with the meeting schedule for the Board of County Commissioners or its committees. At the discretion of the Trust, other meetings may be held and televised in the Commission chambers. The Trust shall request use of Commission chambers for regular or other meetings of the Board of Trustees through the Chairperson of the Board of County Commissioners. The Chairperson of the Board of County Commissioners shall have final authority to approve the scheduling of such regular or other meetings of the Board of Trustees in the Commission chambers. A copy of each agenda item for regular meetings of the Board of Trustees shall be furnished

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.

to the voting members of the Board of Trustees not later than four (4) working days before a vote may be called on the item. The provisions of this four (4) day requirement shall be deemed waived unless asserted by a voting member before the Board of Trustees takes action on the resolution, motion or other item in question. If any regular, special or other meeting of the Board of Trustees held in Commission chambers shall commence or continue past regular working hours of County staff whereby overtime charges or other expenses are incurred, then the Trust shall not be charged, billed, or obligated to pay or reimburse the County for any such overtime charges or other expenses. Except as provided by law, all meetings of the Board shall be public and audio recorded and written minutes of the proceedings thereof shall be maintained by the ~~[[Office of Internal Audit, as such term is hereafter defined]]~~ >>clerk of the Board<<. All actions taken at the meetings of the Board shall be promptly and properly recorded. >>Upon request<< [[e]]>>c<<opies of [[a]] minutes ~~[[and]]~~ >>or<< resolutions of the Board shall be ~~[[forwarded]]~~ >>provided<< to the >>County Mayor, Commissioners or the<< Clerk of the Board of County Commissioners ~~[[no later than ten (10) days subsequent to any meeting of the Board of Trustees]]~~.

* * *

- (4) The Board of Trustees shall make, adopt and amend bylaws and rules and regulations for the Board's governance and for the operation, governance, and maintenance of designated facilities. Such bylaws and amendments thereto shall not be valid until approved by the Board of County Commissioners and shall not, without, approval of the Commission, be inconsistent with ordinances of the County. Unless otherwise provided in the bylaws approved by the Board of County Commissioners, no item shall be placed on an agenda of a regular meeting of the Board of Trustees or considered by the Board of Trustees, unless the item has been considered first by a committee of the Board of Trustees and forwarded after such consideration to the full Board of Trustees

as hereinafter provided. A committee of the Board of Trustees may take one of the following actions with respect to each matter before the committee for action:

* * *

(vii) An item that has not been considered by a committee may be placed on the agenda of the Board of Trustees if the chairperson of the committee to which the item has been referred requests a waiver ~~[[in-writing]]~~ and the Chairperson of the Board of Trustees concurs.

(viii) A matter that has not been considered by a committee may be placed on the agenda of the Board of Trustees to meet a public emergency of the Public Health Trust as determined ~~[[in-writing]]~~ by the Chairperson of the Board of Trustees. Time sensitive matters with little or no financial impact may be placed on an agenda of the Board of Trustees by the Chairperson of the Board of Trustees without having been considered by a committee.

Section 2. Section 25A-4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 25A-4. - Powers and duties of the Trust.

In connection with its responsibilities for the operation, maintenance, and governance of designated facilities, the Trust, acting through its governing body, shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided.

* * *

(m) *Office of Internal Auditor, Public Accountability and Information.* The Trust shall create an Office of Internal Auditor, Public Accountability and Information ("Office of Internal Audit"). The purpose of the Office of Internal Audit

shall be to (i) provide internal auditing functions, (ii) act as the central depository for public information relating to public record requests, (iii) review and account for any and all relationships between the Public Health Trust and private entities, and (iv) interface and coordinate with and serve as the Trust's liaison to the Miami-Dade County Office of Inspector General. The Office of Internal Audit shall report directly to the Chairperson of the >>Audit and Compliance Subcommittee or other committee or subcommittee of jurisdiction of the<< Trust. This Office through the Chief Executive Officer shall make monthly written reports to the Board of Trustees at its regular meetings. >>Upon request,<< [[F]] >>t<<he written reports shall also be disseminated to the >>County<< Mayor, Board of County Commissioners, ~~[[County Manager, the Office of Countywide Healthcare Planning,]]~~ the Commission Auditor, and Miami-Dade Office of Inspector General. The Chief Executive Officer of the Trust shall develop written policies and procedures for the organization and operation of the Office of Internal Audit and submit the same to the Board of Trustees for approval. Upon the Trust's creation of the Office of Internal Audit, the Trust shall do all things necessary or required to effectuate and merge all existing internal auditing functions into this Office and to provide sufficient funding and staffing.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: May 5, 2020

Approved by County Attorney as
to form and legal sufficiency:

ADW

Prepared by:

GHS FOR ES

Eugene Shy, Jr.
Christopher C. Kokoruda

Prime Sponsor: Chairwoman Audrey M. Edmonson