



COUNTY ATTORNEY
MIAMI-DADE COUNTY, FLORIDA

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MIAMI, FLORIDA 33128-1993
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September 29, 2008

Mr. Christopher R. Mazzella
Inspector General
19 West Flagler Street
Suite 220
Miami, Florida 33130

Re: Allocation of Building Better Communities General Obligation Bond Proceeds Project No. 305 – “Primary Health Care Facilities”, OIG Draft Report, IG08-45

Dear Mr. Mazzella:

I am submitting the following written response to that portion of the above report addressing ballot language.

The report quotes only part of the ballot question. The ballot question also incorporates projects “described in Resolution No. 916-04... .” In order to give true effect to the voters’ intention, the ballot language must be read in its entirety.

Because the ballot language incorporates by reference projects described in Resolution No. 916-04, and because the project at issue in your report which is not tied to Jackson (Project No. 305) is included in Appendix A to the Resolution, this office has opined that the bond proceeds may be used for facilities that are not located at, or affiliated with, Jackson. Enclosed is a copy of this office’s opinion.

Sincerely,

A handwritten signature in blue ink, appearing to read "RAC", with a large flourish extending to the right.

R. A. Cuevas, Jr.
County Attorney

Encl.

RAC/up

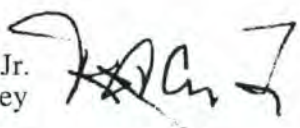
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OFFICE OF THE
INSPECTOR GENERAL
2008 OCT -2 PM 12:10

Memorandum



Date: July 29, 2008

To: Dr. Gerard A. Kaiser, Executive Vice President and
Chief Medical Officer, Public Health Trust

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

Subject: Building Better Communities Bond Program
Primary Health Care

You have asked whether Building Better Communities Bond proceeds allocated to primary healthcare facilities may be used for facilities that are not located at, or affiliated with, Jackson.

Resolution No. R-916-04 called an election for approval to issue bonds for healthcare facilities. The ballot question asked of the voters was:

To construct and improve emergency healthcare facilities at Jackson Memorial Hospital and Jackson South to promote accessibility to quality healthcare services, described in Resolution No. 916-04, adopted July 20, 2004, shall Miami-Dade County issue General Obligation Bonds to pay cost of such projects in a principal amount not exceeding \$171,281,000, bearing interest not exceeding maximum legal rate, payable from ad valorem taxes?

The ballot language specifically incorporates the healthcare facilities described in Resolution No. 916-04. Appendix A to the Resolution titled "2004 BUILDING BETTER COMMUNITIES BOND PROGRAM RECOMMENDED LIST OF PROJECTS, CONSTRUCT AND IMPROVE EMERGENCY AND HEALTHCARE FACILITIES," describes seven projects to be funded by the proposed bonds by project number, municipal project location, County Commission district, project name, project description, street address and funding allocation. Six of the projects listed specifically refer to Jackson Memorial Hospital or Jackson South (collectively, "Jackson"), are affiliated with Jackson, or have a street address corresponding with Jackson's Civic Center Campus or Jackson South.

A seventh project, entitled "Project No. 305- Primary Health Care Facilities," allocated \$25 million for a project to: "[i]ncrease the number of health care facilities in our community." The description of Project No. 305 does not expressly mention Jackson. Of similar importance, the street address for Project No. 305 is listed as "TBD," or to be decided, and the municipal project location and County Commission district are listed as countywide, or "CW." This is consistent with the legislative

Dr. Gerard A. Kaiser, Executive Vice President and
Chief Medical Officer, Public Health Trust
Page 2

record at the time Resolution R-916-04 was adopted, where the Commission indicated that it intended to include among the projects to be funded, a separate project fund for federally qualified health care facilities to be located throughout the community, with no requirement that such facilities be affiliated with or located at Jackson.

Given the foregoing, bond funds allocated to Project No. 305 legally may be used for a primary healthcare facility that is not located at, or affiliated with, Jackson.

cc: Marvin O'Quinn, President and CEO
Jackson Health System

Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Hon. Carlos Alvarez
Mayor, Miami-Dade County


George M. Burgess
County Manager

Memorandum



Date: October 8, 2008

To: Christopher R. Mazzella
Inspector General

From: Janet Perkins, Executive Director
Office of Countywide Healthcare Planning 

Subject: Response to the Office of the Inspector General's Draft Report Re: Allocation of Miami-Dade County's Building Better Communities General Obligation Bond Funding for Primary Health Care Facilities

This memorandum is in response to the invitation by the Inspector General that OCHP provide input on the *Draft OIG Report IG08-45* (dated September 25, 2008). The following text reflects the section of the report being commented on which is followed by the text in italics that OCHP proposes be added to the report in order to clarify the process undertaken.

Interview of Janet Perkins

"...Ms. Perkins stated that her office, rather than Commissioner Sosa, recommended Borinquen after evaluating criteria including federally-mandated regulations, known as "census tract" requirements...(add text below)"

The process outlined by OCHP to Commissioner Sosa and Mr. Caldwell (OIG) is:

In response to Commissioner Sosa's request that a clinic be located where it is accessible to County residents who live in the "Flagami" area -- OCHP explained that attaining approvals from the federal government for a new FQHC (Federally Qualified Health Center) is a complicated process. That process involves the analysis of census tract data for a combination of related variables including: household incomes, Medicaid enrollment, availability of culturally appropriate healthcare providers and other factors. It is because of this necessary analysis, which still has to be completed, that the allocation was listed as "proposed for District 6 or 10." Once submitted, the data enable the federal government to identify additional census tracts and approve existing FQHCs to establish a new site and receive a new "Access Point Grants" necessary to sustain operations in the new FQHC site. Two FQHCs already have some approved census tracks in the Flagami area -- Borinquen and Helen B. Bentley. Helen B. Bentley already had plans for their allocation. Borinquen indicated its willingness to develop an additional site in the Flagami area dependent on federal approval. Ms. Perkins confirmed that JHS did not request receiving an allocation from Project 305 because it does not currently operate an FQHC.

Footnote 8:

Ms. Perkins... regarding the inclusion of District 6 and District 10 and possibility that Borinquen could use its allocation to establish the site, although staff spoke multiple times on the GOB issue with the Commissioner's staff and requested meetings with the Commissioner.

Thank you for this opportunity to comment.

CC: Alina Hudak, ACM
Patra Liu, OIG and Michael Caldwell OIG



Borinquen Health Care Center, Inc.
"A Family Concept"

October 8, 2008

Via facsimile 305-579-2656 and electronic mail

Dear Inspector General Mazella:

Thank you for sending a copy of the Office of the Inspector General's (OIG) Draft Report, IG08-45, regarding the recent allocations of Miami-Dade County General Obligation Bond (GOB) funding to primary health care facilities. Borinquen Health Care Center, Inc. (BHCC) understands the OIG's draft report requirements and wishes to provide our comments to the draft report.

BHCC concurs with the Office of the Inspector General's draft report, IG08-45. In our opinion, the report describes the history and the timetable of events regarding Project 305 GOB funds. BHCC also concurs with the conclusion that Commissioner Sosa never advocated for the selection of our center as a recipient of Project 305 GOB funds. OCHP's Executive Director, Ms. Janet Perkins, recommended Borinquen after careful analysis evaluating federally mandated regulations, which are known as "census tract" requirements that limited access to the area in question to either Borinquen or Helen B. Bentley Family Health Care Center. BHCC was only offered the funding opportunity after Bentley declined.

In closing, BHCC has a proud history serving the Miami-Dade community for thirty-six (36) years. Our mission has always been to provide a comprehensive range of health and social services to our culturally diverse community, where our quality services are accessible to all people throughout the county, through a multi-discipline approach. BHCC looks forward to expanding primary care throughout Miami-Dade County, and provide a medical home to the very needy. Please feel free to contact me should you have any questions or concerns.

Very truly yours,

Robert Linder
President/CEO



MEMORANDUM
Miami-Dade County Commissioner
Rebeca Sosa
District 6

TO: Carlos Alvarez
Mayor, Miami-Dade County

DATE: August 1, 2008

FROM: Rebeca Sosa *Rebeca Sosa*
Commissioner, District 6

RE: Building Better Communities
Bond Program –
Primary Health Care

We received some calls in our office in regards to a radio talk show this morning on "The Lourdes de Kendall Show" on Radio Mambi 710 AM. Apparently some comments were made about inappropriate actions by members of the County administration and Board of County Commissioners regarding the recent approval by the Board of item 9A5 at the July 17, 2008 meeting and other items approved before including one for Citrus. The items dealt with – Building Better Communities Bond Program Project No. 305, Primary Health Care allocation for a federally qualified health care facility to be located throughout the community, with no requirement that such facilities be affiliated with or located at Jackson.

I would like to state for the record, that at no time did I advocate for a center to be given to Borinquen Health Care Center or any other entity. I have always maintained neutrality on issues of procurement or awarding of contracts and always will.

I would like to point out my involvement with this issue:

On June 11, 2008 I had a meeting scheduled at my district office with Janet Perkins, Director Office of Countywide Healthcare Planning (OCHP) and her staff where I was briefed on the item and OCHP showed me a map that displayed where the federally qualified health care facilities in the county would be located.

I in turn expressed my disappointment about not identifying a federally qualified health care facility in the central-southwest area of Miami-Dade County.

Moreover as a result of lack of representation in this central-southwest area of the County I pointed out that the areas of Flagami, Westchester and Sweetwater were extremely underserved. OCHP staff committed to going back and talking to some of the federally approved entities to see if they could shift some of their services into these areas. OCHP staff came back and said they had identified an



area in district #10 very close to my district that would allow for service to the residents of Districts 6,10 and 12. OCHP staff asked if we had any issues with this location and my response was, not a problem. I asked them to brief the other members of the Commission who were going to be impacted for their concerns and input before the board meeting.

At the Board of County Commissioners meeting on July 17, 2008, Commissioner Edmondson made an amendment for \$500,000 of the already allocated \$2.4 million dollars for the Borinquen Health Center to serve an underserved area that the Board approved. At that time a Commissioner expressed his concern with funding allocation not going to Jackson and about the fact he was not briefed by administration and OCHP on this center location. I cannot speak to other colleagues as we are governed by "the Government in the Sunshine law." However, when it was said at the meeting that they did not want the center in the proposed district, I stepped up and requested that it be located in my district. I was simply trying to bring direct services to an area of the county that is extremely underserved by the lack of federally qualified health care facility in the area.

Furthermore, on July 28, 2008 you responded via memorandum stating that you will not be exercising your veto powers over this issue, and stated your reasons. In addition, Dr. Gerard A. Kaiser, Executive Vice President and Chief Medical Officer, Public Health Trust (PHT), asked for a legal opinion from the County Attorney's Office (Attached).

In conclusion, I am respectfully asking you to request full investigation of the allegations that were made of the administration and my fellow commissioners. As a Board we have always been able to respect differences and have acted with decorum in an ethical manner. Allow me to remind you that I requested the allocation of funding in the GOB for a Jackson Center in District 6 in Hialeah, the Board already allocated and approved the funding. Not only do I believe Jackson to be the best institution, I have demonstrated that commitment when I was able to bring \$20 million two consecutive years to Jackson working with the Miami-Dade Delegation and following the directives of the Board of County Commissioners.

Thank you for allowing me to bring this to your attention

c.c. Bruno A. Barreiro, Chairman, Board of County Commissioners
Members, Board of County Commissioners
George M. Burgess County Manager,
R.A. Cuevas, County Attorney
Denis Morales, Chief of Staff, Mayor Carlos Alvarez
Alina Tejada-Hudak, Assistant County Manager
Christopher Mazzella, Inspector General
Janet Perkins, Office of Healthcare Planning
Loreta Sanchez, Chief of Staff, Chairman Bruno Barreiro
Roly Marante, Chief of Staff
Kay Sullivan, Clerk of the Board

**BOND QUESTION 5
BUILDING BETTER COMMUNITIES**

**Construct and Improve Emergency and
Healthcare Facilities**

To construct and improve emergency healthcare facilities at Jackson Memorial Hospital and Jackson South to promote accessibility to quality healthcare services, described in Resolution No. 916-04, adopted July 20, 2004, shall Miami-Dade County issue General Obligation Bonds to pay cost of such projects in a principal amount not exceeding \$171,281,000, bearing interest not exceeding maximum legal rate, payable from ad valorem taxes?

**PROPUESTA 5
SOBRE LOS BONOS PARA CONSTRUIR
MEJORES COMUNIDADES**

**Mediante la construcción y mejoramiento de centros de
emergencia y de atención médica**

Con el fin de construir y mejorar centros de emergencia y de atención médica en el Hospital Jackson Memorial y en el Hospital Jackson South para promover el acceso a servicios de atención médica de calidad, conforme a lo descrito en la Resolución No. 916-04, aprobada el 20 de julio del 2004, ¿deberá emitir el Condado de Miami-Dade Bonos de Obligación General por una cantidad de capital de no más de \$171,281,000, para sufragar el costo de dichos proyectos, con un interés que no exceda la tasa máxima legal, pagaderos con impuestos ad valorem?

**KESYON 5 SOU BON A
BATI PI BON KOMINOTE**

**Konstruksyon ak Amelyorasyon Lokal Ijans yo
ak Sant Lasante yo**

Èske se pou Konte Miami-Dade emèt Bon ak Obligasyon Jeneral pou peye frè pou konstruksyon ak amelyorasyon sant dijans nan Lopital Jackson Memorial ak Jackson South pou pwomouvwa aksè a bon jan kalite sèvis de sante jan li dekri nan Rezolisyon No. 916-04, adopte 20 Jiyè 2004, epi-tou se pou manman kòb Bon sa yo pa depase \$171,281,000, ak enterè ki pou pa depase to maksimòm legal lan, e ki va peyab de enpo lokatif yo?

FOR BONDS A FAVOR DE LOS BONOS/POU BON YO	201	<input type="radio"/>
AGAINST BONDS EN CONTRA DE LOS BONOS/KONT BON YO	202	<input type="radio"/>

EXHIBIT

B

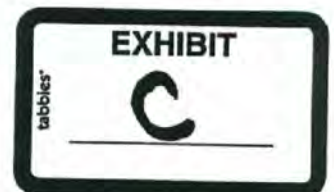
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**BUILDING BETTER COMMUNITIES
CONSTRUCT AND IMPROVE EMERGENCY
AND HEALTHCARE FACILITIES**

To construct and improve emergency healthcare facilities at Jackson Memorial Hospital and Jackson South to promote accessibility to quality healthcare services, described in Resolution No. _____, adopted July __, 2004, shall Miami-Dade County issue General Obligation Bonds to pay cost of such projects in a principal amount not exceeding \$137,500,000, bearing interest not exceeding maximum legal rate, payable from ad valorem taxes?

_____ FOR BONDS

_____ AGAINST BONDS



Note: Allocation shown in nominal value.

EXHIBIT

D

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PROJECT NUMBER	MUNICIPAL PROJECT LOCATION	BCD DISTRICT	PROJECT NAME	PROJECT DESCRIPTION	STREET ADDRESS	ALLOCATION (000's)
208	Miami	CW	Construct and Expand The Emergency Department at Jackson Memorial Hospital (JMH)	Construct and expand JMH Emergency Department to provide improved access to emergency services and subsequent treatment	1611 NW 12 Avenue	\$40,000
209	Miami	CW	Renovate/expand Pediatric Services at Jackson Memorial Hospital (JMH)	Expand the pediatric facilities to reduce waiting times and improve patient care	1611 NW 12 Avenue	\$24,000
210-R	Miami	CW	Renovation and Expansion of Jackson South Community Hospital	Renovate and/or expand Emergency Department, operating rooms, endoscopy facilities and catheterization treatment lab to improve access	9333 SW 152 Street	\$52,000
211	Miami	CW	Radiotherapy Recovery Unit at Jackson Memorial Hospital (JMH)	Construct a 21-bed radiotherapy unit to provide more timely access to radiotherapy services and subsequent treatment	1611 NW 12 Avenue	\$9,000
212	Miami	CW	(JMH) Jackson Memorial Hospital (JMH) Center Of Excellence For Hearing And Communication Disorders	Provide twenty percent funding match for the development of a self-funding UM/JMH medical center for the diagnosis and treatment for children and adults with hearing loss and related communication disorders	1611 NW 12 Avenue	\$5,000
305	CW	CW	Primary Health Care Facilities	Increase the number of health care facilities in our community	TBD	\$25,000
310	CW	6	Jackson Health Center - Hialeah	Partner with JMH to provide healthcare opportunities	TBD	\$7,500
			Bond Issuance Cost To Construct and Improve Healthcare Facilities	The costs to issue bonds for emergency and healthcare facilities		\$8,781
				TOTAL		\$171,281

2004 BUILDING BETTER COMMUNITIES BOND PROGRAM
RECOMMENDED LIST OF PROJECTS

APPENDIX A

P

Marante , Roly (DIST6)

From: O'Quinn, Marvin [MOQuinn@jhsMiami.org]
Sent: Wednesday, August 06, 2008 2:54 PM
To: Marante , Roly (DIST6)
Subject: GOB Monies - Primary Care Facilities

Dear Commissioner Sosa:

Upon returning from my vacation, it was brought to my attention that there have been mounting discussions pertaining to the allocation of GOB funds to primary care facilities not associated with Jackson. Much of the discussion has centered around the process for allocating these funds, however that issue is strictly a BCC issue and outside of Jackson's scope. Nonetheless, I would like to reiterate the facts as I understand them.

* At the time that this question was posed to the voters, I understood that the \$25 million for the expansion of primary care was not intended for Jackson facilities.

* Jackson has a long history of collaborating with the FQHCs including, but not limited to, providing them with matching dollars.

* We continue to look for ways to enhance the existing collaboration in an effort to improve the delivery of care model in our community.

As always, if I can be of further assistance please don't hesitate to call me at 305-585-6754.

Sincerely,

Marvin O'Quinn

