

Revised

Agenda Item #: 3A.6

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

Meeting Date: September 22, 2015

Department: Administration

Board: Health Care District of Palm Beach County

I. EXECUTIVE BRIEF

Motion & Title: Staff recommends motion to approve: reappointment of one (1) individual to the Health Care District of Palm Beach County (HCD) Board of Commissioners for a four (4)-year term commencing October 1, 2015, and ending September 30, 2019.

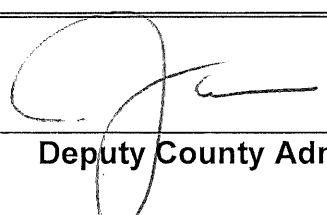
<u>Reappoint</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
Brian Lohmann	2	Glades Area Resident	Comm. Valeche Mayor. Vana Comm. McKinlay Comm. Taylor

Summary: Per Chapter 2003-326, Laws of Florida, the HCD is comprised of seven (7) members. The appointing authority shall consider the diverse geographic areas of Palm Beach County in selecting individuals to serve on the HCD, and at least one (1) person, but not more than two (2) shall reside in the Glades Area. The Governor shall appoint three (3) members; the Board of County Commissioners shall appoint three (3) members, one of which must be an elected official at the time of appointment; and one (1) member shall be the director of the Palm Beach County Health Department. Members may serve two (2), four (4)-year terms. Brian Lohmann has been serving on the HCD Board since October 1, 2011, and is eligible to serve one (1) additional four (4)-year term. A memorandum requesting nominations for this seat was distributed to all members of the Board of County Commissioners. Countywide (HH)

Background and Justification: The HCD was created to provide a source of funding for indigent and medically needy residents of Palm Beach County and to maximize the health and well-being of residents by providing comprehensive planning, funding and coordination of health care service delivery.

Attachments:

1. Boards/Committees Application and Verification of Eligibility Form
2. Current List of Board Members
3. Chapter 2003-326, Laws of Florida
4. Nomination Request Memorandum

Recommended by:  9-11-15
Deputy County Administrator Date

Legal Sufficiency:  9-14-15
Assistant County Attorney Date

*The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.*

Board Name: Health Care District of Palm Beach County **Advisory** ☐ **Not Advisory** ☒

☒ At Large Appointment **or** ☐ District Appointment /District #: _____

Term of Appointment: 4 Years. From: October 1, 2015 To: September 30, 2019

Seat Requirement: Glades Area Resident Seat #: 2

☒ *Reappointment **or** ☐ New Appointment

or ☐ to complete the term of _____ Due to: ☐ resignation ☐ other

Completion of term to expire on: _____

***When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____**

Name: Lohmann Brian Richard
Last First Middle

Occupation/Affiliation: C.F.O.

Owner [] Employee [☒] Officer []

Business Name: Sugar Cane Growers Cooperative of Florida

Business Address: P.O. Box 666

City & State: Belle Glade, FL Zip Code: 33430

Residence Address: 1109 NE 2nd St.

City & State: Belle Glade, FL Zip Code: 33430

Home Phone: (561) 996-1518 Business Phone: (561) 996-4742 Ext.

Cell Phone: (561) 261-0385 Fax: (561) 996-4785

Email Address: blohmann@scgc.org

Mailing Address Preference: [☒] Business [] Residence

Have you ever been convicted of a felony: Yes _____ No ☒ _____

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☒ Male ☐ Female
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☐ African-American ☒ Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>

(Attach Additional Sheet(s), if necessary)
OR

NONE



NOT APPLICABLE/
(Governmental Entity)



ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment. **Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>.** Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.

☒ By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

☒ By watching the training program on the Web, DVD or VHS on 8/28 2015
☐ By attending a live presentation given on _____, 20____

AND

☒ By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: Brian R. Lohmann Printed Name: Brian R. Lohmann Date: 8/28/15

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:

Jon Van Arnem, Assistant County Administrator, County Administration
301 N. Olive Avenue, Suite 1101, West Palm Beach, FL 33401
(561) 355-2740/Email: jvanarna@pbcgov.org

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on:

Commissioner's Signature: Paul R. Valade Date: 9/10/15

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 01/14/2014

VERIFICATION OF ELIGIBILITY FOR HEALTH CARE DISTRICT BOARD MEMBERS

Qualifications for District Board Members: A District Board member or the spouse of a District Board member may not, at the time of appointment or for one (1) year prior to the appointment or during the term of the District Board member:

- (1) Have any financial interest, other than ownership of shares in a mutual fund, pension plan, or profit-sharing plan, in any entity which, either directly or indirectly, receives funds from the District.
- (2) Be employed, retained by, or engaged in any activity with any entity which, either directly or indirectly, receives funds from the District, except for director of the Palm Beach County Health Department.
- (3) Serve on the board of directors or board of trustees of any entity, which either directly or indirectly, receives funds from the District.

I fully meet the qualifications for District Board Members as stated above.

Signed: Brian R. Lohmann

Date: 8/28/2015

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

*The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.*

Section I (Department): (Please Print)

Board Name: Health Care District of Palm Beach County Advisory ☐ Not Advisory ☒
[X] At Large Appointment or [] District Appointment /District #: _____
Term of Appointment: 4 Years. From: October 1, 2015 To: September 30, 2019
Seat Requirement: Glades Area Resident Seat #: 2
[X]*Reappointment or [] New Appointment
or [] to complete the term of _____ Due to: [] resignation [] other
Completion of term to expire on: _____

***When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners:** _____

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: Lohmann Brian Richard
Last First Middle
Occupation/Affiliation: C.F.O.
Owner ☐ Employee ☒ Officer ☐
Business Name: Sugar Cane Growers Cooperative of Florida
Business Address: P.O. Box 666
City & State Belle Glade, FL Zip Code: 33430
Residence Address: 1109 NE 2nd St.
City & State Belle Glade, FL Zip Code: 33430
Home Phone: (561) 996-1518 Business Phone: (561) 996-4742 Ext.
Cell Phone: (561) 261-0385 Fax: (561) 996-4785
Email Address: blohmann@scgc.org
Mailing Address Preference: ☒ Business [] Residence
Have you ever been convicted of a felony: Yes _____ No ☒
If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☒ Male [] Female
[] Native-American [] Hispanic-American [] Asian-American [] African-American ☒ Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>

_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)
OR

NONE

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NOT APPLICABLE/
(Governmental Entity)

☐

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Return this FORM to:
Jon Van Arnam, Assistant County Administrator, County Administration
301 N. Olive Avenue, Suite 1101, West Palm Beach, FL 33401
(561) 355-2740/Email: jvanarna@pbcgov.org

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: *Shelley Yama* Date: 9/11/15

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VERIFICATION OF ELIGIBILITY FOR HEALTH CARE DISTRICT BOARD MEMBERS

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-

I fully meet the qualifications for District Board Members as stated above.

Signed: Brian R. Lohmann

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Last First Middle

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Home Phone: (561) 996-1518 Business Phone: (561) 996-4742 Ext.

Cell Phone: (561) 261-0385 Fax: (561) 996-4785

Email Address: blohmann@scgc.org

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If Yes, state the court, nature of offense, disposition of case and date: _____

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Commissioner's Signature: Melissa McKieley Date: 9/1/15

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Business Address: P.O. Box 666
City & State: Belle Glade, FL Zip Code: 33430
Residence Address: 1109 NE 2nd St.
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Home Phone: (561) 996-1518 Business Phone: (561) 996-4742 Ext.
Cell Phone: (561) 261-0385 Fax: (561) 996-4785
Email Address: blohmann@scgc.org
Mailing Address Preference: ☒ Business ☐ Residence
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If Yes, state the court, nature of offense, disposition of case and date: _____

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_____	_____	_____	_____
_____	_____	_____	_____
(Attach Additional Sheet(s), if necessary)			
OR			
NONE	<input checked="checked" type="checkbox"/>	NOT APPLICABLE/ (Governmental Entity)	<input type="checkbox"/>

☒ By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

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Jon Van Arnam, Assistant County Administrator, County Administration
301 N. Olive Avenue, Suite 1101, West Palm Beach, FL 33401
(561) 355-2740/Email: jvanarna@pbcgov.org

Appointment to be made at BCC Meeting on:

Commissioner's Signature: [Signature] Date: 7/1/15

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Revised 01/14/2014

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- (3) Serve on the board of directors or board of trustees of any entity, which either directly or indirectly, receives funds from the District.

I fully meet the qualifications for District Board Members as stated above.

Signed:

Brian R. Rohmann

Date:

8/28/2015



**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
HEALTH CARE DISTRICT OF PALM BEACH COUNTY**

I. AUTHORITY :

Section 4 of Chapter 87-450, as amended by Chapter 88-460, 91-344, 92-340, 93-382, 96-509, 2000-489, Laws of Florida.

II. APPOINTING BODY :

State of Florida/Required by Statute

III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :

The Health Care District shall be governed by a District board which shall be composed of seven (7) members. The appointing authority shall consider the diverse geographic areas of Palm Beach County in selecting individuals to serve on the District Board, at least one (1) person, but not more than two (2) of whom shall reside in the Glades area (that area of Palm Beach County lying west of the line between Range 39 East Range 40 East). The membership of the District Board is as follows: 1) The Governor shall appoint three (3) members to serve on the District Board; 2) The Board of County Commissioners of Palm Beach County shall appoint three (3) members to the District Board, other than themselves, one (1) of whom must be an elected official at the time of the appointment; and 3) the Palm Beach County Public Health Department Director. Any vacancies on the District Board for whatever cause shall be filled in the same manner as set forth in this act for an initial appointment. Each member of the District Board shall serve for a term of four (4) years or until a successor is appointed. The term of the office of a District Board member shall be construed to commence on October 1 of the year of appointment and to terminate September 30 of the year of the end of his or her term. No member of the District Board may serve more than two (2) consecutive four (4) year terms, with the exception of the director of the Palm Beach County Public Health Department.

EXTENDED COMPOSITION :

IV. MEETINGS :

Second Wednesday of each month at 2:00p.m. at 324 Datura Street, West Palm Beach.

V. FUNCTIONS :

To provide a source of funding for indigent and medically needy residents of PBC and to maximize the health and well-being of PBC residents by providing comprehensive planning, funding and coordination of health care service delivery.

* *indicates a member having an action pending*

VI. LIAISON INFORMATION :

LIAISON DEPARTMENT

Health Care District

CONTACT PERSON

Nicholas W. Romanello

ADDRESS

2601 10th N Ave Ste 100
Palm Springs FL 33461 3133
Phone # 561-659-1270

* *indicates a member having an action pending*



HEALTH CARE DISTRICT OF PALM BEACH COUNTY

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	GENDER	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	REAPPOINT DATE	EXPIRE DATE
Appointed By : At-Large/Palm Beach County Board of County Commissioners									
1	Angeleta Gray	Member	AA	F	561-350-0611	Elected Official	03/12/2013		09/30/2017
	219 SW 9th St Delray Beach FL 33444								
	NOMINATED BY :								
2	* Brian R Lohmann	Member	CA	M	561-996-1518	Resident west of 20 Mile Bend	10/01/2011		09/30/2015
	1109 NE 2nd St Belle Glade FL 33430								
	NOMINATED BY :								
3	Carol Roberts	Member	CA	F	561-586-0083	Resident of Palm Beach County	10/01/2008	10/02/2012	09/30/2016
	6708 Pamela Ln West Palm Beach FL 33405								
	NOMINATED BY :								
Appointed By : Palm Beach County Health Department									
4	Alina Alonso	Member	HA	F	--	PBC Health Department Representative	08/01/2009		
	Florida Department of Health, Palm Beach County 800 Clematis St West Palm Beach FL 33401								
	NOMINATED BY :								

* indicates a member having an action pending

Appointed By : Governor, State of Florida

5	* Philip H Ward III Ward Damon P.A.	Member	CA	M	561-842-3000	Resident of Palm Beach County	10/01/2011	09/30/2015
	4420 Beacon Cir Ste 100 West Palm Beach FL 33401							

NOMINATED BY :

6	Leslie "Les" B. Daniels CAI Private Equity	Member	CA	M	561-290-1259	Resident of Palm Beach County	05/06/2013	09/30/2016
	100 Everglade Ave Palm Beach FL 33480							

NOMINATED BY :

7	* Nancy C Banner Nancy C. Banner, P.A.	Member	UN	F	561-776-7066	Resident of Palm Beach County	10/01/2011	09/30/2015
	800 Village Square Xing Ste 108 Palm Beach Gardens FL 33410							

NOMINATED BY :

* indicates a member having an action pending

Chapter 2003-326

An act relating to the Health Care District of Palm Beach County; codifying, amending, and reenacting special acts relating to the District; providing a popular name; providing boundaries; providing for a governing board, rules of the board, and membership; providing powers and duties of the board; providing for an ad valorem tax; providing for issuance of bonds; providing for an annual report; repealing chapters 87-450, 92-340, 93-382, 96-509, and 2000-489, Laws of Florida; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Health Care District of Palm Beach County. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the District, including all current legislative authority granted to the District by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 87-450, 92-340, 93-382, 96-509, and 2000-489, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Palm Beach County Health Care Act is recreated and reenacted to read:

Section 1. Popular Name.— This act shall be known and may be referred to by the popular name the “Palm Beach County Health Care Act.”

Section 2. Intent.— The Legislature recognizes that it is in the public interest to provide a source of funding for indigent and medically needy residents of Palm Beach County (the “County”) and to maximize the health and well being of Palm Beach County residents by providing comprehensive planning, funding, and coordination of health care service delivery. Program elements should include, but not be limited to, preventive health services, community nursing services, ambulatory care, outpatient services, hospital services, trauma health services, and rehabilitative services, as feasible. All programs should be coordinated to maximize the delivery of quality health care. The most effective and efficient method to provide comprehensive health care services is through a countywide health care district.

(7) The members of the District Board shall elect among themselves a chair, vice-chair, and secretary. The chairman shall preside at all meetings of the District Board, except that the vice-chair may preside in his or her absence. The chair, vice-chair, and secretary shall each have an official vote in all matters considered by the District Board. The District Board is authorized to adopt bylaws providing for the orderly governance and operation of the District's affairs.

(8) The District Board shall meet regularly as determined by the bylaws of the District Board.

(9) Each District Board member shall give bond to the Governor for the faithful performance of his or her duties in the sum of \$5,000 with a surety company qualified to do business in the state, as surety, which bond shall be approved and kept by the Clerk of the Circuit Court of Palm Beach County, Florida. The premiums on said bonds shall be paid as part of the expenses of the District Board.

(10) Four District Board members shall constitute a quorum, and a vote of at least three District Board members shall be necessary to complete the transaction of any business of the District. The District Board members shall cause true and accurate minutes and records to be kept of all business transacted by them and shall keep full, true, and complete books of accounts and minutes, which minutes, records, and books of account shall at all reasonable times be open and subject to public inspection, and any person desiring to do so may make or procure a copy of said minutes, records, or books of account, or such portion thereof as such person may desire, at a reasonable cost determined by the District Board.

Section 5. Qualifications of District Board Members.-- A District Board member or the spouse of a District Board member may not, at the time of appointment or for 1 year prior to appointment or during the term of the District Board member:

(1) Have any financial interest, other than ownership of shares in a mutual fund, pension plan, or profit-sharing plan, in any entity which, either directly or indirectly, receives funds from the District.

(2) Be employed, retained by, or engaged in any activity with any entity which, either directly or indirectly, receives funds from the District, except for the director of the Palm Beach County Public Health Department.

(3) Serve on the board of directors or board of trustees of any entity, which either directly or indirectly, receives funds from the District.

(9) To make and execute agreements of lease, contracts, deeds, mortgages, notes, and other instruments necessary or convenient in the exercise of its powers and functions under this act.

(10) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any facilities or property of any nature for the use of the District to carry out any of the purposes authorized by this act.

(11) To pledge or assign any money, rents, charges, fees, or other revenues and any proceeds derived from sales of property, insurance, or condemnation awards.

(12) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such tax as may be authorized; and to charge, collect, and enforce fees and other user charges.

(13) To raise, by user charges or fees authorized by resolution of the board, amounts of money which are necessary for the conduct of the District's activities and services and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.

(14) To employ administrators, physicians, attorneys, accountants, financial experts, consulting engineers, architects, surveyors, and such other employees and agents as may be necessary in its judgment, and to fix their compensation.

(15) To acquire existing health care facilities and to reimburse any health care facility for the cost of such facilities in accordance with an agreement between the District and the health care facility.

(16) To acquire existing health care facilities and to refund, refinance, or satisfy outstanding obligations, mortgages, or advances issued, made, or given by said health care facility.

(17) To mortgage any health care facility and the site thereof.

(18) To cooperate with, or contract with, other governmental agencies or private individuals or entities as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.

(19) To assess and impose upon lands in the District ad valorem taxes as provided by this act.

(20) To annually determine and approve a district budget and millage in accordance with chapter 200, Florida Statutes.

(29) To establish, and appoint members to, such boards, committees, or advisory bodies as the District Board deems appropriate.

(30) To plan, coordinate, supervise, manage, and take such other action as appropriate to implement the school health programs as established by the District.

(31) To do all things necessary to carry out the purposes of this act.

All of the foregoing powers are hereby found and declared to be a public purpose and necessary for the preservation of the public health, for the public good, and for the welfare of the residents of the District.

Section 7. Indemnification of Members of the Board, Officers, Committee Members, Employees, and Others.--

(1) The District shall have power to indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative (other than an action by, or in the right of, the District) by reason of the fact that he is or was an agent of the District, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding, including any appeal thereof, if he or she acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the District and, with respect to any criminal action or proceeding, had no reasonable cause to believe this conduct was unlawful. The District shall also have the power to indemnify any such person against any loss of wages or earnings suffered during his or her defense, provided that, in the opinion of the commissioners of the District, those losses were directly attributable to that defense. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in, or not opposed to, the best interests of the District or, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

(2) No indemnification under this section shall be made in respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the District, unless, and only to the extent that, the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnification for such expenses, which such court shall deem proper.

Board. All such agents of the District, in order to be entitled to indemnification for the liability arising out of the act in question, shall have been acting within the scope of their employment on District related business.

(8) The District shall have power to purchase and maintain insurance on behalf of such agents of the District as the District Board may, from time to time, deem appropriate, against any liability asserted against the agent of the District and incurred by the agent of the District in any such capacity or arising out of his or her status as agent of the District, whether or not the District would have the power to indemnify him or her against such liability under the provisions of this section. This subsection, however, is not intended to be a waiver of sovereign immunity or a waiver of any other defense or immunity to such lawsuits.

Section 8. Taxes.--

(1) **Ad Valorem Taxes.**-- The District Board shall have the power to levy and assess an ad valorem tax on all the taxable property in the District for the purposes and needs of the District incurred in exercising the powers and for the purposes set forth herein, including, but not limited to, the power to fund the construction, operation, and maintenance of assessable improvements, to pay the principal of and interest on any bonds of the District, and to provide for any sinking or other funds established in connection with any such bonds. The ad valorem tax levied by the District Board for District purposes shall not exceed 2 mills. As an additional restriction on the levying of taxes by the District Board, said District Board shall not levy a tax that increases its annual millage levy more than one-quarter of a mill from the amount levied by the District in the previous year.

(2) **Procedure.**-- The levy by said District Board of the taxes authorized by any provision of this act shall be in accordance with the procedure set forth in the State Constitution and general law.

(3) **Financial Statement.** -- At least once each year, the District Board shall cause to be published once in a newspaper of general circulation in the County a copy of the District's annual audited financial statement summary which shows a complete summary of the financial condition of the District.

(4) **Enforcement of Taxes.** -- The collection and enforcement of all taxes levied by the District shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to liens for taxes and the enforcement thereof; the sale of lands for unpaid and delinquent taxes; the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes; the redemption thereof; the issuance to individuals of tax deeds based thereon; and all other procedures in connection therewith shall be applicable to the District to the same extent as if such statutory provisions were expressly set forth herein. All taxes shall be subject to the same discounts as county taxes.

(3) Authorization and Forms of Bonds. -- Any general obligation bonds or revenue bonds may be authorized by resolution or resolutions of the District Board which shall be adopted by a majority of all the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced and need not be published or posted. The District Board may, by resolution, authorize the issuance of bonds and fix the aggregate amount of bonds to be issued; the purpose or purposes for which the moneys derived therefrom shall be expended; the rate or rates of interest, in compliance with general law; the denomination of the bonds; whether or not the bonds are to be issued in one or more series; the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance; the medium of payment; the place or places within or without the state where payment shall be made; registration privileges; redemption terms and privileges, whether with or without premium; the manner of execution; the form of the bonds; the manner of execution of bonds; and any and all other terms, covenants, and conditions thereof and the establishment of revenue or other funds. Such authorizing resolution shall further provide that such bonds shall be executed in accordance with chapter 279, Florida Statutes, the Registered Public Obligations Act of Florida. The seal of the District may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery.

(4) Issuance of Additional Bonds. -- The District Board may authorize the issuance of additional bonds, upon such terms and conditions as the District Board may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

(5) Refunding Bonds. -- The District shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the District that at the time of such issuance are or subsequently thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the District Board. Refunding bonds may be issued at any time when in the judgment of the District Board such issuance will be advantageous to the District. No approval of the qualified electors residing in the District shall be required for the issuance of refunding bonds except in cases in which such approval is required by the State Constitution. The District Board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which such refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment, or diminution thereof. The provisions of this act pertaining to bonds of the District shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the District Board with respect thereto.

(8) Limitation on Issuance of Bonds.--

(a) Ad valorem funding shall not be used to support the issuance of bonds, unless the bond issue has been approved by referendum.

(b) Annual debt service (annual retirement of long-term debt plus all interest) as a percentage of total revenue from millage must be less than 10 percent of all District revenue.

(9) Additional Authority.-- The District shall have the authority to determine whether to issue taxable or tax-exempt bonds under this section and whether the bonds are to bear interest at a fixed rate or a variable rate or rates, and the District shall have the authority to determine the security for the bonds, including any credit enhancements.

Section 10. Lien on Behalf of the Health Care District of Palm Beach County when Other Parties are Liable.--

(1) The District shall be entitled to a lien, as determined by this section, for payments made by the District for health care services provided to ill or injured persons, upon any proceeds of judgments, settlements, or settlement agreements concerning the liability of tortfeasors or other third parties causing or contributing to said illness or injuries thus necessitating such health care services. For purposes of this section, any such ill or injured persons or their legal representatives may be referred to as "claimant."

(2) Upon suit being filed by the claimant against any tortfeasor or other third party, the claimant shall send the District, if the District made any payments on claimant's behalf, a copy of the complaint by certified or registered mail as notification of such suit. Within 60 days after receipt of the claimant's notification, the District may file in the suit a Notice of Payments Made for Health Care Services. Such notice must specify the amount the District paid, and it shall constitute a lien upon any recovery to the extent allowed by this section. If suit has not been filed, a claimant shall send the District notification by certified or registered mail of the claimant's intent to claim damages from the tortfeasor or other third party. Within 60 days after receipt of the claimant's notification, the District may send to the claimant by certified or registered mail a Notice of Payments Made for Health Care Services. Such notice must specify the amount the District paid, and it shall constitute a lien upon any recovery to the extent allowed by this section. If the District made any payments on claimant's behalf and becomes aware of a suit or claim for damages prior to being notified by the claimant in accordance with this subsection, it may file or send its Notice of Payments Made for Health Care Services at that time. Such notice must specify the amount paid by the District, and it shall constitute a lien upon any recovery to the extent allowed by this section. The notice of payments made may be amended by the District to reflect amounts paid by the District subsequent to the filing of said notice.

Section 13. Report to the County Commissioners and Legislative Delegation.— The District Board shall annually submit a report, including its budget, to the Palm Beach County Commissioners and to the Palm Beach County Legislative Delegation.

Section 14. No Effect.— If any provision of this act or the application thereof to any person or circumstance is held invalid or unconstitutional by any court of competent jurisdiction, the invalidity or unconstitutionality shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 15. Remedial Act.— This act shall be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended.

Section 4. Chapters 87-450, 92-340, 93-382, 96-509, and 2000-489, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor July 16, 2003.

Filed in Office Secretary of State July 16, 2003.



MEMORANDUM

County Administration

P.O. Box 1989

West Palm Beach, FL 33402-1989

(561) 355-2030

FAX: (561) 355-3982

www.pbcgov.com

Palm Beach County Board of County Commissioners

Shelley Vana, Mayor

Mary Lou Berger, Vice Mayor

Hal R. Valeche

Paulette Burdick

Steven L. Abrams

Melissa McKinlay

Priscilla A. Taylor

County Administrator

Verdenia C. Baker

TO: Mayor Shelley Vana and Members of the
Board of County Commissioners

FROM: Jon Van Arnam, Assistant County Administrator

DATE: August 31, 2015

SUBJECT: HEALTH CARE DISTRICT BOARD APPOINTMENT

A handwritten signature in black ink, likely belonging to Jon Van Arnam, the Assistant County Administrator.

Brian Lohman has served as an at large BCC appointment to the Board of Commissioners of the Health Care District of Palm Beach County representing the Glades area since October 1, 2011. His four-year term expires on September 30, 2015. He is eligible to serve one (1) additional four (4) year term and is applying for reappointment. The BCC may reappoint Mr. Lohman or appoint someone new to this seat.

The Health Care District Board is comprised of seven (7) members: the BCC appoints three (3) members, one (1) of whom must be an elected official, other than themselves; the Governor appoints three (3) members; and the Palm Beach County Health Department Director is a permanent member. The Special Act governing the Health Care District requires that the appointing authority consider the diverse geographic areas of the County in selecting individuals to serve, with at least one (1) person, but not more than two (2) residing in the Glades area. Members serve four (4) year terms, beginning October 1st. Members may not serve more than two (2) consecutive four (4) year terms.

The seat occupied by Mr. Lohman must be filled by a Glades area resident. There are additional qualifications found in the Palm Beach County Health Care Act that apply to all Health Care District Board members. These qualifications are included in the Verification of Eligibility Form which is included in the attached application. Familiarity and experience in health care delivery, an understanding of community needs, and an interest in furthering the positions of the BCC would also be desirable attributes for potential candidates.

If you would like to nominate Mr. Lohman for reappointment, please sign and return the attached application to me by September 10, 2015, and your nomination will be noted on the Board Agenda item. If you wish to nominate someone else, please send me the name and contact information as soon as possible and an application will be forwarded to her/him. A copy of the Special Act authorizing the Health Care District Board and a current membership list are attached for your reference. If you have any questions concerning this appointment, please let me know. Thank you.

:jva
Attachments (3)

"An Equal Opportunity
Affirmative Action Employer"

Official Electronic Letterhead