

**ORDINANCE NO. 2023-002**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE III. ENTITLED "BOARDS, COMMISSIONS AND COMMITTEES", BY CREATING DIVISION 10 "LONG TERM CARE OVERSIGHT COMMITTEE" SECTIONS 2-763 "ESTABLISHED", 2-764 "COMPOSITION AND TERM OF SERVICE", 2-765, "DUTIES AND POWERS", AND 2-766 "MEETINGS; QUORUM AND VOTING; ATTENDANCE REQUIREMENTS; RULES OF PROCEDURES; MINUTES"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on September 24, 2022 Hurricane Ian, a destructive Category 4 hurricane that caused widespread property damage, injuries, and death, disproportionately affected the elderly population where it made landfall west of Fort Myers, Florida; and

**WHEREAS**, shelters are intended as a last resort for people without the resources or time to travel to a hotel or stay with friends or relatives, but the elderly and persons with chronic medical needs — can't take advantage of these opportunities — as they may be secured to medical devices and require monitoring or are otherwise immobile; and

**WHEREAS**, to mitigate the impact of other disruptions such as power outages, the pandemics, and other events that impact long term care facilities and its residents in the City of Hialeah, and ensure the health, welfare and safety of its residents, the Mayor and City Council desire to establish the City of Hialeah Long Term Care Oversight Committee; and

**WHEREAS**, the establishment of a long-term care committee is an opportunity for committee members to meet and discuss issues of concern impacting long term care facilities, provide recommendations to the City of Hialeah administration, and engage the county, the state the federal government or others to plan and coordinate action plans for the residents in long term care facilities in the city, and to take appropriate action to protect a vulnerable population.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 2, Entitled “Administration”, Article III, entitled “Boards, Commissions and Committees”, Division 10 “Long Term Oversight Care Committee” Sections 2-763 “Established”, 2-764 “Composition and term of Service”, 2-765, and “Duties and powers”, and 2-766 “Meetings; quorum and voting; attendance requirements; rules of procedures; minutes”; is hereby created as follows:

**Chapter 2 - ADMINISTRATION**

**ARTICLE III. – BOARDS, COMMISSIONS AND COMMITTEES**

**DIVISION 10. - LONG TERM CARE OVERSIGHT COMMITTEE**

Sec. 2-763. - Established.

The City establishes a long-term care oversight committee to make recommendations to the Mayor and City Council to serve as a central point for fostering increased awareness of the city’s vulnerable population in long-term care facilities. A Long-Term Care Facility (LTC) is a facility that offers support for day-to-day needs for its residents, while a Nursing Home provides more complex medical care and rehabilitation for its residents.

Sec. 2-760. - Composition and term of service.

The committee shall consist of nine voting members, which shall consist of the following: (1) Once Councilmember. Councilman Jesus Tundidor shall serve as Chair for the first term, unless reelected by the Committee; (2) one person appointed by the Mayor; (3) three members who operate Long Term Care Facilities of seven residents or less; (4) three members who operate Long Term Care Facilities of eight residents or more; and (5) a non LTC health care provider. Nominations for members shall be considered by the city council and the Mayor, and shall be selected as follows: (1) members appointed by the Mayor, and (2) the remaining members by a majority vote of the city council. Members shall serve without compensation but may be reimbursed for necessary expenses incurred in official duties, as may be determined and approved by the city council. Members shall serve for a term of two years. A Chair and

Vice-Chair shall be elected by the committee at the conclusion of each term. Vacancies shall be filled by the Mayor or city council, which selected the departing member, and serve out the term of the member replaced.

Sec. 2-761. - Duties and powers.

The enumerated duties and powers of the committee are to:

(1) Provide recommendations to the City of Hialeah administration, and including but not limited to:

- (a) engage the county, the state, the federal government, and others to plan and coordinate action plans for the residents in long term care facilities in the of the city, and particularly in times of impending distress or disruption due to natural causes, or otherwise; and
- (b) motivating the city's population to take appropriate action; and
- (c) promote community education and awareness of the needs of residents in long-term care facilities.

(2) No member may engage in private gain and remuneration in any matter upon which a recommendation is made; have any interest, financial or otherwise, directly or indirectly in matters recommended; engage directly or indirectly in any business transaction or activity upon which a recommendation is made; accept remuneration, payment or compensation of any kind, except for reimbursement by the city as provided by law, from any party; engage in conflict obstructing the proper discharge of his or her duties in the public interest; solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor; engage directly or indirectly in business with the city; nor engage in any activity prohibited as provided by ethics laws.

Sec. 2-762. - Meetings; quorum and voting; attendance requirements; rules of procedure; minutes.

(a) Meetings. The committee shall hold regularly scheduled meetings at its convenience. Meetings may be scheduled at the call of the chairperson through the city clerk. The meetings shall be held at City Hall, or another space available as determined by the city clerk. All meetings shall be open to the public and are subject to the Florida Sunshine Law and Florida Public Records Law.

(b) Quorum and voting. A quorum shall consist of no less than three voting members.

(c) Attendance requirements. Following three unexcused absences, a member shall forfeit its membership in the council. The committee shall determine by majority vote if the absence is unexcused or not.

(d) Minutes. Copies of minutes of all council meetings shall be kept by the city clerk.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

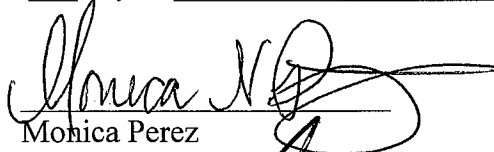
**Section 5: Inclusion in Code.**

The Code Amendments provided for in this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, Florida.

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 10 day of January, 2023.

  
\_\_\_\_\_  
Monica Perez  
Council President

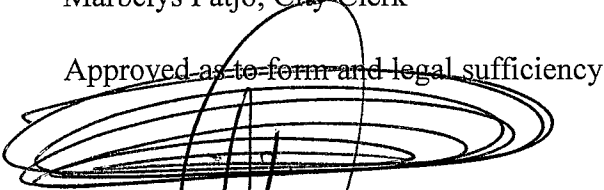
Attest:

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

Approved on this 24 day of January, 2023.

  
\_\_\_\_\_  
Mayor Esteban Bovo, Jr.

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

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Ordinance was adopted by 6-0-1 vote with Councilmembers Calvo, Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, and Tundidor voting "Yes" and with Council Member Zogby absent.

(Sponsor: Council Member Jesus Tundidor)