Role of chair of bd. of comm'rs of hospital authority

Number: INFORMAL

Date: December 13, 2006

The Honorable Walter J. Mentzer
Chair, West Volusia Hospital Authority
844 West Plymouth Avenue
DeLand, Florida 32724

Dear Mr. Mentzer:

You raise several questions regarding the operation of the West Volusia Hospital Authority and your role as Chair of the Board of Commissioners. Attorney General Crist has asked me to respond to your inquiry.

The West Volusia Hospital Authority was recreated as an independent special tax district by Chapter 04-421, Laws of Florida, for the purpose of providing access to healthcare for indigent residents of the district.[1] While you serve as the procedural chair of the board of commissioners, it is the entire board of commissioners, not the chair, that serves as the head of the authority.[2] A review of the district's charter sets forth the powers and duties of the board as the head of the authority.[3]

Regarding your question about travel expenses. Section 9 of the district's charter provides in part:

"No funds of the district shall be paid to a member of the board of commissioners as compensation for his or her services in that office excepting only the necessary expense of travel in the performance of the duties of his or her office, including attendance at meetings or conventions relating to the duties of his or her office, *when such travel is authorized by a standing or special resolution adopted by the board of commissioners*."[4] (e.s.)

This office has no information regarding the resolutions addressing travel that may have been adopted by the board. This office would, however, suggest that you discuss this matter with the attorney for the authority.

I trust that the above informal advisory comments may be of some assistance. Thank you for contacting the Florida Attorney General's Office.

Sincerely,

Joslyn Wilson
Assistant Attorney General

JW/tfl

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[1] *See* s. 3, Ch. 04-421, Laws of Fla. (s. 1 of district's charter). *And see* s. 189.429, Fla. Stat., regarding the codification of special districts' charters.

[2] *See* s. 2 of the district's charter, stating that "[t]he governing body of the West Volusia Hospital Authority shall consist of five commissioners who shall be qualified residing in the district."

[3] *See, e.g.*, ss. 3, 4, 5, 7, 8, 10, 11, 12, 13, 14, 16, and 17 of the district's charter. Compare ss. 2(3) and 11 of the district's charter which respectively provide for the selection by the board of a chair, vice-chair, treasurer and secretary and for certified copies of a resolution passed by the board authorizing the levy of the taxes authorized by the act to be executed in the name of the board by its chair, under its corporate seal, and delivered to the County Council of Volusia County, Florida, and to the Florida
Department of Revenue.

[4] *Cf*. s. 112.061, Fla. Stat.; Op. Att'y Gen. Fla. 75-237 (1975) (discussing reimbursement for vicinity mileage under s. 112.061 only when it is officially authorized and is clearly shown to be necessary to carry out his official duties).