



## City Commission Meeting

### ADDENDUM MATERIAL 3

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
January 14, 2015

Mayor Philip Levine  
Vice-Mayor Joy Malakoff  
Commissioner Michael Grieco  
Commissioner Micky Steinberg  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jimmy Morales  
City Attorney Raul J. Aguila  
City Clerk Rafael E. Granado

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#### ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

#### ADDENDUM AGENDA

##### R7 - Resolutions

R7F A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee, Waiving By 5/7<sup>th</sup> Vote The Formal Bidding Requirements And Authorizing The City Manager To Negotiate And Execute A Contract With AVMED For The Provision Of Administrative Services Only For The City's Self-Insured Health Care Program To Be Effective March 1, 2015 Through September 30, 2016, With Humana Providing Continued And Alternative Health Care Insurance Through September 30, 2015, Finding Such Waiver To Be In The Best Interest Of The City; And Further, Directing The Administration To Issue An Invitation To Negotiate (ITN) For The Provision Of Administrative Services Only For The City's Self-Insured Health Care Program To Be Implemented Beginning October 1, 2016.

(Human Resources)

**R7 - Resolutions** (Continued)

R7G A Resolution Amending Resolution No. 94-21382 Concerning Commission Committees, And As Subsequently Amended By Resolution Nos. 97-22607, 98-22693, 2003-25446, And 2013-28437, By Amending Paragraph 1 To Replace The Flood Mitigation Committee With A Sustainability And Resiliency Committee.

(Sponsored by Mayor Philip Levine)  
(Legislative Tracking: Office of the City Attorney)

**R9 - New Business and Commission Requests**

R9S Discussion And Referral To Land Use And Development Committee - Completion Of The Central Bayshore Area Storm Water And Roadways Construction.

(Requested by Vice-Mayor Joy Malakoff)

**R10 - City Attorney's Office**

R10B Closed Attorney-Client Session

Pursuant to §286.011, Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation matter:

Miami Beach Community Church, Inc., and South Beach Tristar, LLC v.

City of Miami Beach and Miami Design Preservation League, Inc.

Case No.: 14-473 AP Lower Tribunal Case No: HPSM 14-003

HPB File No.: 7424

Therefore, a private closed Attorney-Client Session will be held during the lunch recess of the City Commission meeting on Wednesday, January 14, 2015 at 12:00 p.m., or as soon as possible thereafter, in the City Attorney's Large Conference Room, Fourth Floor, City Hall to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation matters.

The following individuals will be in attendance: Mayor Philip Levine; Members of the City Commission: Micky Steinberg, Joy Malakoff, Michael Grieco, Edward Tobin, Deede Weithorn and Jonah Wolfson; City Manager Jimmy Morales, City Attorney Raul Aguila and Deputy City Attorney Eve A. Boutsis.

**Condensed Title:**

A resolution of the Mayor and City Commission of the City of Miami Beach, Florida, accepting the recommendation of the Finance and Citywide Projects Committee to authorize the Manager to negotiate and execute a contract with AvMed for the provision of administrative services only for the City's self-insured health care program to be effective March 1, 2015, with Humana coexisting and providing continued health care insurance through September 30, 2015, and hereby waive by 5/7<sup>ths</sup> vote, the formal competitive bidding requirement, finding such waiver to be in the best interest of the City; and further, directing the administration to issue an invitation to negotiate for the provision of administrative service only for the City's self-insured health care program to be implemented beginning October 1, 2016.

**Key Intended Outcome Supported:**

Streamline the delivery of services; ensure expenditure trends are sustainable over the long run

**Item Summary/Recommendation:**

On December 12, 2014 and January 7, 2015, the Finance and Citywide Projects Committee (FCWPC) members discussed the effects of the Baptist Health Care System and its affiliated health care providers not being in-network through Humana, the City's Administrative Services Only (ASO) carrier.

A report run early last fall showed that 24% of the covered employees and retirees living south of 56 SW Street (as they are closer to Baptist Hospital than any other health care facility in the area) are affected by his change.

Claims associated with Baptist providers represented between 9.9% - 17.7% of health plan spending between 2011 through June 2014.

After lengthy discussion the FCWPC members found that health care coverage that does not include the Baptist Health Care System and its affiliated health care practitioners as part of its network unacceptable. Therefore, the Administration was directed to negotiate with AvMed to coexist with Humana effective March 1, 2015; to negotiate with AvMed to have the company by the sole ASO carrier October 1, 2015 through September 30, 2016; and to issue an ITN to gauge other carriers' interest in working with the City as of the benefit plan year beginning October 1, 2016.

The Administration recommends adoption of the FCWPC's recommendations.

**Advisory Board Recommendation:**

At the January 7, 2015, Finance and Citywide Projects Committee meeting, members voted to negotiate with AvMed to coexist with Humana effective March 1, 2015; to negotiate with AvMed to have the company by the sole ASO carrier October 1, 2015 through September 30, 2016; and to issue an ITN to gauge other carriers' interest in working with the City as of the benefit plan year beginning October 1, 2016.

**Financial Information:**

Source of Funds:	Amount	Account
1		
2		
<b>Total</b>		

**Financial Impact Summary:** This action should not have a financial impact as ASO fees are based on a per person served. Therefore, employees will be covered by one of two carriers, not both.

**City Clerk's Office Legislative Tracking:**

Sylvia Crespo-Tabak, Human Resources Director

**Sign-Offs:**

Department Director	ACM/CFO	City Manager
SC-T <u>SC-T</u>	KGB <u>[Signature]</u>	JLM <u>[Signature]</u>

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Member of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATIONS OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH AVMED FOR THE PROVISION OF ADMINISTRATIVE SERVICES ONLY FOR THE CITY'S SELF-INSURED HEALTH CARE PROGRAM TO BE EFFECTIVE MARCH 1, 2016, WITH HUMANA COEXISTING AND PROVIDING CONTINUED HEALTH CARE INSURANCE THROUGH SEPTEMBER 30, 2015, AND HEREBY WAIVE BY 5/7<sup>THS</sup> VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND FURTHER, DIRECTING THE ADMINISTRATION TO ISSUE AN INVITATION TO NEGOTIATE (ITN) FOR THE PROVISION OF ADMINISTRATIVE SERVICES ONLY FOR THE CITY'S SELF-INSURED HEALTH CARE PROGRAM TO BE IMPLEMENTED BEGINNING OCTOBER 1, 2016.**

### **BACKGROUND**

On December 12, 2014 and January 7, 2015, the Finance and Citywide Projects Committee (FCWPC) members discussed the effects of the Baptist Health Care System and its affiliated health care providers not being in-network through Humana, the City's Administrative Services Only (ASO) carrier.

### **DISCUSSION**

Effective August 14, 2014, negotiations between Humana, the City's Administrative Services Only (ASO) carrier, and the Baptist network ended in a deadlock. As a result, all Baptist Hospitals, physicians and associated health care practitioners are out of network providers for City of Miami Beach employees who take advantage of the health care coverage benefits associated with employment with the City.

Based on a report showing employees and retirees living south of 56 Street (as they are closer to Baptist Hospital than any other health care facility in the area) 24% are affected by his change.

Claims associated with Baptist providers represented between 9.9% - 17.7% of health plan spending between 2011 through June 2014.

To address the needs of affected employees in the most expeditious way, staff looked at piggybacking on an existing ASO contract with another public sector entity. The contract between Miami-Dade County and AvMed appeared to be the most promising as the rates are competitive and the network in the tri-county area extensive, including Baptist and its affiliated providers.

The City considered piggybacking the County's contract and discarded the option due to the fact that by definition piggybacking requires that the City adopt the County's program as is. Given the differences between what the County and the City offer and the confusion that moving to a completely different program within a benefit plan year that just began would create, the City and its advisors, Gallagher Benefits Services (Gallagher) thought is best not to abandon Humana altogether but to explore three other options.

At the December 12, 2014 meeting, the Administration sought the FCWPC's recommendation as to which of three available options the City should pursue. They included:

1. No change in carrier – staying with Humana and encouraging the organization to make every effort to re-engage Baptist as a network provider.
2. Co-habitate – contract with AvMed as a second carrier with Humana. The considerations regarding this option include verifying that AvMed will offer the City the same administrative fees as the County and that Humana will participate in a dual carrier offering. Gallagher would have to request a full re-pricing of claims by AvMed to assess the financial implication of a partial replacement and analyze the access and disruption of providers comparing the AvMed and Humana networks to educate employees who might elect coverage through AvMed; implement the City's current plan designs on AvMed's platform and assess the financial implications of prescription management (rebate credits/pricing) and whether it could be provided on a dual carrier offering and/or of it is more advantageous or even possible to continue with a single carrier for prescription management.
3. Migrate to AvMed - via negotiations as only carrier.

At that time, the FCWPC recommended that AvMed cohabitate with Humana effective March 1, 2015, and the City issue Invitations to Negotiate (ITN) to gauge other carriers' interest in working with the City as of the new benefit plan year October 1, 2015.

Shortly after the FCWPC's recommendation to issue an ITN, AvMed advised the Administration, through the City's benefits consultant, Gallagher Benefits Services (Gallagher), that implementation was too costly and labor-intensive to provide the service for only a guaranteed six-month period (March to September).

As an administrative services only (ASO) provider, AvMed, or any other such provider, would have to:

- Establish an account structure for five medical plans with three separate divisions: active employees; retirees and those former employee or dependents now covered through COBRA
- Configure each plan to include the identification of covered services, exclusions, limitations,

- authorization requirements, age restrictions and limits
- Create funding invoices to meet the City's requirements
- Establish group-specific bank accounts
- Assign an experienced management team to be trained in the City's medical, finance and specific benefit designs and exclusions
- Notify key network providers of the City's benefit packages
- Train an AvMed representative to be onsite to assist during open enrollment
- Develop and produce materials, including provider directories, benefits comparisons and benefit and coverage summaries
- Create and distribute ID cards
- Set up dedicated phone lines for the anticipated participants' use during the open enrollment period
- Identify employees who elect to be covered through AvMed to determine if they need transition of care, case management, disease management, specialty pharmacy or home health services to assign case managers to reach out to them

To meet the March 1 deadline, whether with AvMed or any other provider, the City and provider staff will have to focus their energies full-time to have a successful two-week open enrollment period, February 9 through February 20, for coverage to begin March 1.

At the January 7 meeting, the Administration's recommendation was to make no carrier changes during the balance of the plan benefit year, encourage Humana to assist members in finding in-network practitioners to replace their former Baptist affiliated health care providers and for the City to issue the ITN for implementation with the new benefit plan year.

### **CONCLUSION**

After lengthy discussion the FCWPC members found that health care coverage that does not include the Baptist Health Care System and its affiliated health care practitioners as part of its network unacceptable. Therefore, the Administration was directed to negotiate with AvMed to coexist with Humana effective March 1, 2015; to negotiate with AvMed to have the company by the sole ASO carrier October 1, 2015 through September 30, 2016; and to issue an ITN to gauge other carriers' interest in working with the City as of the benefit plan year beginning October 1, 2016.

The Administration recommends adoption of the FCWPC's recommendations.

  
JLM/KGB/SC-T

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATIONS OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE, WAIVING BY 5/7<sup>TH</sup> VOTE THE FORMAL BIDDING REQUIREMENTS AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH AVMED FOR THE PROVISION OF ADMINISTRATIVE SERVICES ONLY FOR THE CITY'S SELF-INSURED HEALTH CARE PROGRAM TO BE EFFECTIVE MARCH 1, 2015 THROUGH SEPTEMBER 30, 2016, WITH HUMANA PROVIDING CONTINUED AND ALTERNATIVE HEALTH CARE INSURANCE THROUGH SEPTEMBER 30, 2015, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND FURTHER, DIRECTING THE ADMINISTRATION TO ISSUE AN INVITATION TO NEGOTIATE (ITN) FOR THE PROVISION OF ADMINISTRATIVE SERVICES ONLY FOR THE CITY'S SELF-INSURED HEALTH CARE PROGRAM TO BE IMPLEMENTED BEGINNING OCTOBER 1, 2016.**

**WHEREAS**, the City's current administrative services only (ASO) provider, Humana Insurance Company ("Humana"), dissolved its relationship with the Baptist Health Care System ("Baptist"); and

**WHEREAS**, the dissolution of such relationship resulted in all affiliated hospitals, urgent care centers, and health care practitioners associated with Baptist being out-of-network providers for all City of Miami Beach employees who elected health care coverage as a benefit of employment; and

**WHEREAS**, approximately 24% of covered employees and retirees live south west of 56 Street where the majority of health care providers are associated with the Baptist Hospital Health Care System; and

**WHEREAS**, claims associated with Baptist providers represented between 9.9% - 17.7% of the City's health plan spending between 2011 and June 2014; and

**WHEREAS**, health care services through an out-of-network provider are either not an option or, if available, are subject to higher out-of-pocket expenses for covered employees and retirees; and

**WHEREAS**, AvMed has a relationship with Baptist and will be able to provide improved health care insurance coverage to City employees; and

**WHEREAS**, the Finance and Citywide Projects (FCWP) Committee members reviewed the status of the City's health care benefit program on December 12, 2014 and then at its January 7, 2015 meeting, recommended the following: AvMed should provide a health care insurance program, in addition to Humana, as an ASO provider effective March 1, 2015; the Baptist Health Care System should be reintegrated as an in-network provider to insured City employees and retirees; AvMed should be the sole ASO provider October 1, 2015 through September 30, 2016; and staff should issue an Invitation to Negotiate (ITN), the results of which should be implemented October 1, 2016.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission hereby accept the recommendations of the Finance and Citywide Projects Committee and waive, by 5/7<sup>th</sup> vote, the formal bidding requirements and authorize the City Manager to negotiate and execute a contract with AvMed for the provision of administrative services only for the City's self-insured health care program to be effective March 1, 2015 through September 30, 2016, with Humana providing continued alternative health care insurance through September 30, 2015, finding such waiver to be in the best interest of the City; and further, directing the Administration to issue an Invitation to Negotiate (ITN) for the provision of administrative services only for the City's self-insured health care program to be implemented beginning October 1, 2016.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

\_\_\_\_\_  
Philip Levine, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

Donald P. ...  
City Attorney

1/13/15  
Date



# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY  
RAUL J. AGUILA, CITY ATTORNEY

## COMMISSION MEMORANDUM

**TO:** Mayor Philip Levine  
Members of the City Commission  
City Manager Jimmy Morales

**FROM:** City Attorney Raul J. Aguila

**DATE:** January 14, 2015

**SUBJECT:**  
**SUBJECT:** A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 94-21382 CONCERNING COMMISSION COMMITTEES, AND AS SUBSEQUENTLY AMENDED BY RESOLUTION NOS. 97-22607, 98-22693, 2003-25446, AND 2013-28437, BY AMENDING PARAGRAPH 1 TO REPLACE THE FLOOD MITIGATION COMMITTEE WITH A SUSTAINABILITY AND RESILIENCY COMMITTEE.

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At the request of Mayor Philip Levine, the City Attorney's Office has prepared the attached Resolution amending the provisions for Commission Committees to provide for the establishment of a Sustainability and Resiliency Committee to replace the Flood Mitigation Committee.

The new Commission Committee will have a broader environmental focus and mission than the existing Flood Mitigation Committee.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 94-21382 CONCERNING COMMISSION COMMITTEES, AND AS SUBSEQUENTLY AMENDED BY RESOLUTION NOS. 97-22607, 98-22693, 2003-25446, AND 2013-28437, BY AMENDING PARAGRAPH 1 TO REPLACE THE FLOOD MITIGATION COMMITTEE WITH A SUSTAINABILITY AND RESILIENCY COMMITTEE.**

**WHEREAS**, pursuant to Resolution No. 94-21382, the City Commission established City Commission Committees to examine facts and issues relating to matters relating to land use and development, capital improvements and finance, and community issues; and

**WHEREAS**, over the years, various amendments have been made to Resolution No. 94-21382 by Resolution Nos. 97-22607, 98-22693, 2003-25446, and 2013-28437 to amend the provisions for City Commission Committees relative to membership participation, purpose, the selection of chairpersons and vice chairpersons, and the calling and holding of meetings; and

**WHEREAS**, the Mayor and City Commission wish to replace the Flood Mitigation Committee with a Sustainability and Resiliency Committee which will more broadly address issues related to general environmental improvement trends, sustainable development, and green initiatives.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, as follows:

- I. Paragraph 1 of Resolution No. 94-21382, as subsequently amended by Resolution Nos. 97-22607, 98-22693, 2003-25446, and 2013-28437 is hereby amended as follows:
  1. Four (4) Committees shall be established to examine in depth facts and issues relating to matters in which the Mayor and City Commission may need to act and to advise the Mayor and City Commission of their findings and their recommendations relating to those matters. The four (4) Committees shall be as follows and shall generally have the following purposes:
    - a. the Land Use and Development Committee shall hear matters related to planning and zoning issues and issues related to specific public and/or private development projects;
    - b. the Finance and City-Wide Projects Committee shall hear issues related to municipal finance and City-wide capital improvements projects;
    - c. the Neighborhood/Community Affairs Committee shall address issues related to the quality of life, including improvement programs relating to the various neighborhoods throughout the City and shall address issues of concern or interest to the Miami Beach community; and

- d. ~~the Flood Mitigation Committee shall address issues related to flooding and sea level rise in the City~~ the Sustainability and Resiliency Committee shall address issues related to general environmental improvement trends, sustainable development, and green initiatives.
2. Each Committee shall have three (3) voting members who shall be comprised of members of the City Commission selected by the Mayor. In addition, each Committee shall have an alternate member selected by the Mayor, provided, however, that the Mayor may serve as one of the three (3) members of any Committee or may serve as the alternate member on any Committee on which the Mayor does not serve as a member. In the event that one or more of the three (3) members comprising a specific Committee are not present at a Committee meeting, the alternate member may participate and vote on any issue before his or her designated committee and may serve for purposes of establishing a quorum. If the alternate member is unable to serve, the Mayor may serve as the alternate member (provided, however, that the Mayor is not already serving as a member, or alternate member, of such Committee). Notwithstanding the above, City Commission members who are not Committee members, or serving as an alternate member in the place of an absent Committee member, may participate in the discussion of any issue before any Committee.
  3. The Mayor shall appoint a chairperson and vice chairperson for each committee. The term of service for each chairperson or vice chairperson shall be one year.
  4. Meetings shall be held when called by the chairperson, or in his /her absence, by the vice chairperson and shall be held in the City Commission Chambers unless the chairperson or, in his/her absence, the vice chairperson determines that good cause exists for the holding of a meeting in another location. In addition, meetings shall be video and audio recorded and shall be broadcast live on the Miami Beach cable channel or videotaped for posting on the City's website within a reasonable time following the conclusion of the meeting.

Notwithstanding the foregoing, the Mayor and City Commission reserve the right to assign such other matters they may deem appropriate, to be addressed by one or all of the aforesated Committees.

**PASSED and ADOPTED** this 14th day of January, 2015.

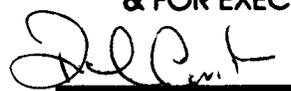
**ATTEST:**

\_\_\_\_\_  
Philip Levine, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney, DT

1-13-14  
\_\_\_\_\_  
Date

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

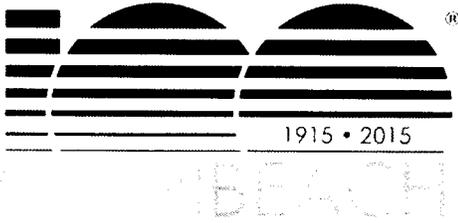
TO: Jimmy L. Morales, City Manager  
FROM: Joy V. W. Malakoff, Commissioner  
DATE: January 13, 2015  
SUBJECT: Request for a Discussion regarding the Completion of the Central Bayshore Area Storm Water and Roadways Construction for Referral to the next Land Use and Development Board Meeting

Please place the above item on the January 14, 2015 City Commission Meeting Agenda.

If you have any questions, please contact my Aide, Bonnie Stewart at extension 6722.

JVWM

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## COMMISSION MEMORANDUM

TO: Mayor Philip Levine  
Members of the City Commission  
City Manager Jimmy Morales  
City Clerk Rafael Granado

FROM: Raul Aguila, City Attorney 

DATE: January 12, 2015

SUBJECT: Closed Attorney-Client Session

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Pursuant to §286.011, Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation matter:

*Miami Beach Community Church, Inc., and South Beach Tristar, LLC v.  
City of Miami Beach and Miami Design Preservation League, Inc.*

Case No.: 14-473 AP  
Lower Tribunal Case No: HPSM 14-003  
HPB File No.: 7424

Therefore, a private closed Attorney-Client Session will be held during the lunch recess of the City Commission meeting on **Wednesday, January 14, 2015 at 12:00 p.m.**, or as soon as possible thereafter, in the City Attorney's Large Conference Room, Fourth Floor, City Hall to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation matters.

The following individuals will be in attendance: Mayor Philip Levine; Members of the City Commission: Micky Steinberg, Joy Malakoff, Michael Grieco, Edward Tobin, Deede Weithorn and Jonah Wolfson; City Manager Jimmy Morales, City Attorney Raul Aguila and Deputy City Attorney Eve A. Boutsis.

The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures. The entire session shall be recorded by a certified court reporter documenting the start and termination of the session, all discussions and proceedings, the names of all persons present and the names of all persons speaking. No portion of the session shall be off the record. The transcript shall be made part of the public record upon conclusion of the litigation.

cc: Court Reporter