

ORDINANCE NO. 646

AN ORDINANCE OF THE COUNTY OF KINGS CREATING
THE FRESNO—KINGS—MADERA REGIONAL HEALTH AUTHORITY

The Board of Supervisors of the County of Kings ordains as follows:

SECTION 1. Short Title. This Ordinance shall be known as the "Fresno-Kings-Madera Regional Health Authority Ordinance" (the joint powers authority created jointly by Fresno, Kings and Madera Counties shall be referred to hereinafter as the "Health Authority").

SECTION 2. Establishment of Health Authority. Pursuant to California Welfare and Institutions Code section 14087.38 and the Joint Powers Agreement (the "JPA") to be entered into between the Counties of Fresno, Kings and Madera under the provisions of the California Joint Exercise of Powers Act (Government Code sections 6500 *et seq.*; hereinafter referred to as the "Act"), there will be created the Fresno-Kings-Madera Regional Health Authority. This Health Authority is a three-county regional health authority representing Fresno, Kings and Madera Counties (referred to hereinafter as the "Counties"). The Health Authority shall be established effective on that date that all three Counties have in effect substantially similar ordinances creating the Health Authority and when a Joint Powers Agreement between the Counties is duly approved and executed by each of the Counties. Upon the establishment of the Health Authority, all of the rights, duties, privileges and immunities vested in Kings County by Welfare and Institutions Code section 14087.38 are instead transferred to and vested in the Health Authority, and shall continue to be so vested until Kings County formally terminates its participation in the Health Authority. The Health Authority shall continue to represent Kings County until Kings County formally terminates its participation in the Health Authority. Any action to terminate representation shall be pursuant to the Joint Powers Agreement entered into by the Counties. In the event of such termination, Kings County and the

Health Authority shall give notice to the State Department of Health Care Services as set forth in California Welfare and Institutions Code section 14087.38, subdivision (v)(1).

SECTION 3. Purpose.

(a) The purpose of the Health Authority is to negotiate a contract with the California Department of Health Care Services and to provide a "Medi-Cal managed care" program (the "Program") and to arrange for the provision of health care services to qualifying individuals under such Program in Fresno County, Kings County and Madera County pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(b) The Health Authority shall design and operate a program or programs that:

(1) Delivers primary care via a contracted provider network which significantly improves access to primary care and related specialty and ancillary services for enrolled Medi-Cal recipients;

(2) Includes mechanisms for assuring that Health Authority financed medical care services meet appropriate quality of care standards;

(3) Incorporates a plan of service delivery and implements reimbursement mechanisms which will promote the long-term viability of a locally operated Medi-Cal managed care system and participating "safety net" providers herein defined as Medi-Cal Disproportionate Share Hospitals, County clinics and licensed community and rural clinics;

(4) Implements a financial plan which includes the creation of a prudent reserve within three years of commencing operations, and which provides that if additional surplus funds accrue, they shall be used to expand access, improve benefits and augment provider reimbursement;

(5) Gives a high priority to increasing prevention, education and early intervention services for enrolled recipients;

(6) Ensures that all statutory, contractual or other program obligations shall be the obligations solely of the Health Authority and shall not be the obligations of Fresno County, Kings County, Madera County or the State; and

(7) Implements programs and procedures to ensure that a high level of member satisfaction is maintained.

(c) The Health Authority shall also be authorized to contract with public insurers, payors or plan sponsors to offer and/or administer their health care programs and to contract with private insurers or plan sponsors to administer their health care programs.

SECTION 4. Governing Body/Membership/Terms of Office. The Health Authority shall be governed by the Health Authority Commission (the "Commission"), which shall be comprised of members as hereinafter designated.

(a) The Commission shall consist of seventeen voting members, six of whom shall be appointed by the Board of Supervisors of Fresno County, three of whom shall be appointed by the Board of Supervisors of Kings County, three of whom shall be appointed by the Board of Supervisors of Madera County and five of whom shall be appointed as set forth in subsections 4(c)(4) and 4(c)(5) below. The Commission shall be generally representative of the diverse skills, backgrounds, interests and demography of persons residing in the three Counties.

(b) Each member of the Commission shall have a commitment to a health care system which seeks to improve access to high quality health care for all persons, regardless of their economic circumstances, delivers high quality care and is financially viable. Members of the Commission shall likewise have an abiding commitment to, and interest in, a quality publicly assisted health care delivery system.

(c) The seventeen voting members shall include and shall be appointed as follows:

(1) Fresno County Appointees. The Commission members from Fresno County shall be the following:

- a) One member of the Fresno County Board of Supervisors;
- b) The Director of the Department of Public Health or Director of the Department of Social Services of Fresno County, as designated by the Fresno County Board of Supervisors; and
- c) Four persons appointed by the Board of Supervisors of Fresno County who are representative of the interests of physician providers of Medi-Cal covered health care services, health care consumers, community representatives or community clinics.

(2) Kings County Appointees. The Commission members from Kings County shall be the following:

- a) One member of the Kings County Board of Supervisors;
- b) The Director of the Department of Public Health or Director of the Department of Social Services of Kings County, as designated by the Kings County Board of Supervisors ; and
- c) One person appointed by the Board of Supervisors of Kings County who is representative of the interests of physician providers of Medi-Cal covered health care services, health care consumers, community representatives or community clinics.

(3) Madera County Appointees. The Commission members from Madera County shall be the following:

- a) One member of the Madera County Board of Supervisors;
- b) The Director of the Department of Public Health or Director of the Department of Social Services of Madera County, as designated by the Madera County Board of Supervisors; and

c) One person appointed by the Board of Supervisors of Madera County who is representative of the interests of physician providers of Medi-Cal covered health care services, health care consumers, community representatives or community clinics.

(4) Commission Appointees. The Commission shall appoint three persons who are representative of the interests of health care consumers, providers of pharmacy services or other health care services, or other person with the commitment as stated in paragraph 4(b) above.

(5) One Commission member shall be a representative of the Children's Hospital of Central California (the "Hospital"), and one Commission member shall be a representative of the Community Regional Medical Center (the "Medical Center"). The designation of these two Commission members shall be made by the Hospital and Medical Center respectively, but each such designation is subject to confirmation by the Commission. The Commission may, in its discretion, reject any person designated by the Hospital or the Medical Center and request additional designations.

(6) Commission members designated for appointment by a county Board of Supervisors shall be appointed by majority vote of the Board of Supervisors of the respective County. Any Commission member so appointed may be removed from office by a majority vote of the Board of Supervisors of the County originally appointing that member.

(7) Appointments to be made by the Commission shall be nominated, selected, replaced or removed, as may be necessary, in accordance with the JPA and with the bylaws adopted by a majority of the voting members of the Commission.

(d) Terms of Office. The terms of office of each of the Commission members shall be as follows:

(1) Terms for Commission members serving pursuant to subsection 4 (c)(1) a) and b), subsection 4 (c)(2) a) and b), and subsection 4 (c)(3) a) and b) shall be

coterminous with their County positions unless the appointing Board of Supervisors replaces such member on its own motion.

(2) Except as provided in subsection 4(e) below, all Commission members other than those described in subsection 4(d)(1) above shall serve terms of three years.

(e) Staggering of Terms of Office/Initial Terms of Office. Initial selections of Commission members other than members described in subsection 4(d)(1) above shall be for one, two or three-year terms in order to establish a staggering of the terms of members. Once the initial term is fulfilled, the appointing party shall make succeeding appointments for a full three-year term. At the conclusion of any term, a member may be reappointed to a subsequent three-year term. Initial terms shall be staggered as follows:

(1) The initial terms of office of the one regional representative from the Hospital and the one regional representative from the Medical Center selected pursuant to subsection 4 (c)(5) above shall be three years. Such three-year terms shall be identified in the designations made by the Hospital and Medical Center respectively and as confirmed by the Commission.

(2) Two of the members to be appointed by the Board of Supervisors of Fresno County pursuant to subsection 4 (c)(1)c) above and one member to be appointed by the Commission under subsection 4 (c)(4) above shall be appointed for an initial term of one year each. Such one-year term shall be identified in the appointment.

(3) One member to be appointed by the Board of Supervisors of Fresno County under subsection 4(c)(1)c) above, one member to be appointed by the Board of Supervisors of Madera County under subsection 4(c)(3)c) above and one member to be appointed by the Commission pursuant to Section 4 (c)(4) above shall be appointed for an initial term of two years each. Such two-year term shall be identified in the appointment.

(4) One member to be appointed by the Board of Supervisors of Fresno County under subsection 4(c)(1)c) above, one member to be appointed by the Board of

Supervisors of Kings County under subsection 4(c)(2)c) above and one member to be appointed by the Commission pursuant to Section 4 (c)(4) above shall be appointed for an initial term of three years each. Such three-year term shall be identified in the appointment.

SECTION 5. Bylaws. Procedures for the conduct of business not otherwise specified in this Ordinance, including provisions for the creation of standing committees, shall be contained in the JPA and in the bylaws adopted by the Health Commission.

SECTION 6. Quorum. A majority of the appointed members of the Commission shall constitute a quorum, and no act of the Commission shall be valid unless a majority of a quorum votes in favor thereof. Any act of the Commission shall be accomplished by a roll call vote when such a vote is requested by any member in attendance.

SECTION 7. Status and Powers of the Health Authority.

(a) Under Welfare and Institutions Code section 14087.38, the JPA and the Act, the Health Authority shall be a joint powers entity separate from the County of Fresno, the County of Kings and the County of Madera. The Health Authority shall have the powers set forth in the JPA. Any contractual or other obligations of the Health Authority shall be the obligations solely of the Health Authority and shall not be the obligations of either the County of Fresno, the County of Kings or the County of Madera.

SECTION 8. Minutes. Official minutes recording motions entertained and actions taken at each meeting of the Commission shall be prepared and submitted to each respective Board of Supervisors and County Administrative Office in each County.

SECTION 9. County Financial Assistance to Health Authority. Fresno, Kings and Madera Counties, or any of them alone, may advance to the Health Authority limited financial and/or in-kind support for reasonable costs associated with planning, development and Health Authority administration provided that the Health Authority agrees to reimburse each county for the funding that it provides according to a mutually agreed schedule of repayment.

SECTION 10. Reports.

(a) On or before January 31st of each year the Commission shall submit an annual report to each respective Board of Supervisors and County Administrative Officer. The report shall highlight the activities, accomplishments and future goals of the Health Authority.

(b) Any of the respective Boards of Supervisors may request the Commission to submit progress reports and recommendations at any time. The Commission shall respond to such requests within a reasonable period of time.

SECTION 11. Vacancies.

(a) Vacancies occurring on the Commission in positions for which appointments are made pursuant to subsections 4(c)(1)c), 4(c)(2)c) and 4(c)(3)c) above shall be filled by the Board of Supervisors of the appointing county for the remainder of the unexpired term only. Vacancies occurring on the Commission in positions for which appointments are made pursuant to subsections 4(c)(1)a) and b), 4(c)(2)a) and b) and 4(c)(3)a) and b) shall be filled by the Board of Supervisors of the appointing county and for a term consistent with the provisions of subsection 4(d)(1).

(b) Vacancies occurring on the Commission for appointments subject to Commission approval shall be filled by the Commission in accordance with its bylaws and applicable provisions of State law.

SECTION 12. Validity. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance or Chapter is for any reason held to be invalid or unconstitutional by any court of law with proper jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or Chapter. The Board of Supervisors hereby declares that it would have adopted this Ordinance and Chapter, and each section, subsection, paragraph, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraph, sentences, clauses, phrases or portion thereof be declared invalid or unconstitutional.

SECTION 13. Implementation. This Ordinance shall be effective as set forth in Section 14 below but shall be implemented only when and if each of the Counties duly approve and execute a joint powers agreement creating as a separate entity the Fresno-Kings-Madera Regional Health Authority under the provisions of the Act.

SECTION 14. This Ordinance shall take effect and be in force thirty days after its adoption, and, before the expiration of fifteen days after its passage, a summary of this Ordinance shall be published once with the names of the members of the Board of Supervisors voting for and against the same in the Hanford Sentinel, a newspaper of general circulation published in the County of Kings.

THE FOREGOING ORDINANCE was introduced at a meeting of this Board of Supervisors of the County of Kings held on February 24th, 2009, and adopted at a meeting held March 3rd, 2009, by the following vote:

AYES: Supervisors Oliveira, Barba, Fagundes, Valle, Neves
NOES: None
ABSENT: None



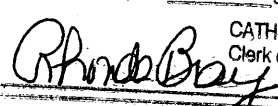
Joe Neves, Chairman of the Board of Supervisors
County of Kings, State of California

WITNESS my hand and seal of said Board of Supervisors this 3rd day of March, 2009.



Rhonda Bray, Deputy Clerk of said Board of Supervisors

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STATE OF CALIFORNIA	} ss.
COUNTY OF KINGS	
I, CATHERINE VENTURELLA, Clerk of the Board of Supervisors of said County and State, do hereby certify the foregoing to be a full, true and correct copy of the original thereof on file in my office.	
Witness my hand and Seal of said Board, this <u>3rd</u> day of <u>March</u> 20 <u>09</u>	
	CATHERINE VENTURELLA Clerk of the Board of Supervisors Deputy Clerk

