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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

ORDINANCE NO. 09-010

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

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

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SECTION 1: Chapter 8.75 is hereby added to Title 8 of the Fresno County Ordinance Code. 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 "Health Authority"), and shall read as follows:

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8.75.010 Establish

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 Fresno 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 Fresno County formally terminates its participation in the Health Authority. The Health

1 Authority shall continue to represent Fresno County until Fresno County formally terminates its
2 participation in the Health Authority. Any action to terminate representation shall be pursuant to the
3 Joint Powers Agreement entered into by the Counties. In the event of such termination, Fresno County
4 and the Health Authority shall give notice to the State Department of Health Care Services as set forth
5 in California Welfare and Institutions Code Section 14087.38, Subdivision (v)(1).

6 **8.75.020 Purpose**

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

12 B. The Health Authority shall design and operate a program or programs that:

- 13 1. Delivers primary care via a contracted provider network which significantly
14 improves access to primary care and related specialty and ancillary services for enrolled Medi-Cal
15 recipients;
- 16 2. Includes mechanisms for assuring that Health Authority financed medical care
17 services meet appropriate quality of care standards;
- 18 3. Incorporates a plan of service delivery and implements reimbursement
19 mechanisms which will promote the long-term viability of a locally operated Medi-Cal Managed Care
20 system and participating "safety net" providers herein defined as Medi-Cal Disproportionate Share
21 Hospitals, County clinics, and licensed community and rural clinics;
- 22 4. Implements a financial plan which includes the creation of a prudent reserve
23 within three (3) years of commencing operations and which provides that if additional surplus funds
24 accrue, they shall be used to expand access, improve benefits, and augment provider reimbursement;
- 25 5. Gives a high priority to increasing prevention, education, and early intervention
26 services for enrolled recipients;
- 27 6. Ensures that all statutory, contractual, or other program obligations shall be the
28 obligations solely of the Health Authority and shall not be the obligations of Fresno County, Kings

1 County, Madera County, or the State; and

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

4 C. The Health Authority shall also be authorized to contract with public insurers, payors, or
5 plan sponsors to offer and/or administer their health care programs and to contract with private insurers
6 or plan sponsors to administer their health care programs.

7 **8.75.030 Governing Body/Membership/Terms of Office**

8 The Health Authority shall be governed by the Health Authority Commission (the
9 "Commission"), which shall be comprised of members as hereinafter designated.

10 A. The Commission shall consist of seventeen (17) voting members, six (6) of whom shall
11 be appointed by the Board of Supervisors of Fresno County, three (3) of whom shall be appointed by
12 the Board of Supervisors of Kings County, three (3) of whom shall be appointed by the Board of
13 Supervisors of Madera County, and five (5) of whom shall be appointed as set forth in Subsections C. 4
14 and C. 5 below. The Commission shall be generally representative of the diverse skills, backgrounds,
15 interests, and demography of persons residing in the three Counties.

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

21 C. The seventeen voting members shall include and shall be appointed as follows:

22 1. Fresno County Appointees. The Commission members from Fresno County
23 shall be the following:

- 24 a. One (1) member of the Fresno County Board of Supervisors;
25 b. The Director of the Department of Public Health or Director of the
26 Department of Social Services of Fresno County, as designated by the Fresno
27 County Board of Supervisors; and
28 c. Four (4) persons appointed by the Board of Supervisors of Fresno County

1 who are representative of the interests of physician providers of Medi-Cal
2 covered health care services, health care consumers, community representatives,
3 or community clinics.

4 2. Kings County Appointees. The Commission members from Kings County shall
5 be the following:

- 6 a. One (1) member of the Kings County Board of Supervisors;
7 b. The Director of the Department of Public Health or Director of the
8 Department of Social Services of Kings County, as designated by the Kings
9 County Board of Supervisors ; and
10 c. One (1) person appointed by the Board of Supervisors of Kings County who
11 is representative of the interests of physician providers of Medi-Cal covered
12 health care services, health care consumers, community representatives, or
13 community clinics.

14 3. Madera County Appointees. The Commission members from Madera County
15 shall be the following:

- 16 a. One (1) member of the Madera County Board of Supervisors;
17 b. The Director of the Department of Public Health or Director of the
18 Department of Social Services of Madera County, as designated by the Madera
19 County Board of Supervisors; and
20 c. One (1) person appointed by the Board of Supervisors of Madera County who
21 is representative of the interests of physician providers of Medi-Cal covered
22 health care services, health care consumers, community representatives, or
23 community clinics.

24 4. Commission Appointees. The Commission shall appoint three (3) persons who
25 are representative of the interests of health care consumers, providers of pharmacy services or other
26 health care services, or other person with the commitment as stated in paragraph B. above.

27 5. One (1) Commission member shall be a representative of the Children's Hospital
28 of Central California (the "Hospital"), and one (1) Commission member shall be a representative of the

1 Community Regional Medical Center (the "Medical Center"). The designation of these two
2 Commission members shall be made by the Hospital and Medical Center respectively, but each such
3 designation is subject to confirmation by the Commission. The Commission may, in its discretion,
4 reject any person designated by the Hospital or the Medical Center and request additional designations.

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

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

12 a. Terms of Office. The terms of office of each of the Commission
13 members shall be as follows:

14 (1) Terms for Commission members serving pursuant to Subsection
15 C 1 a and b, Subsection C 2 a and b, and Subsection C 3 a and b above shall be
16 conterminous with their County positions unless the appointing Board of Supervisors
17 replaces such member on its own motion.

18 (2) Except as provided in Subsection C 7 b (2) and (3) below, all
19 Commission members shall serve terms of three years.

20 b. Staggering of Terms of Office/Initial Terms of Office. Initial selections
21 of Commission members other than members described in Subsection C 7 a (1) shall be
22 for one, two, or three-year terms in order to establish a staggering of the terms of
23 members. Once the initial term is fulfilled, the appointing party shall make succeeding
24 appointments for a full three-year term. At the conclusion of any term, a member may
25 be reappointed to a subsequent three-year term. Initial terms shall be staggered as
26 follows:

27 (1) The initial terms of office of the one (1) regional representative
28 from the Hospital and the one (1) regional representative from the Medical Center

1 selected pursuant to Subsection C 5 above shall be three years. Such three-year terms
2 shall be identified in the designations made by the Hospital and Medical Center
3 respectively and as confirmed by the Commission.

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

9 (3) One (1) member to be appointed by the Board of Supervisors of
10 Kings County under Subsection C 3 c. above, one (1) member to be appointed by the
11 Board of Supervisors of Kings County under Subsection C 4 above, and one (1) member
12 to be appointed by the Commission pursuant to Section C 4 above shall be appointed for
13 an initial term of two years each. Such two-year term shall be identified in the
14 appointment.

15 (4) One (1) member to be appointed by the Board of Supervisors of
16 Madera County under Subsection C 3 c above, one (1) member to be appointed by the
17 Board of Supervisors of Madera County under Subsection C 3 b c above, and one (1)
18 member to be appointed by the Commission pursuant to Section C 4 above shall be
19 appointed for an initial term of three years each. Such three-year term shall be identified
20 in the appointment.

21 **8.75.040 Bylaws**

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

25 **8.75.050 Quorum**

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

1 attendance.

2 **8.75.060 Status and Powers of the Health Authority**

3 Under Welfare and Institutions Code Section 14087.38, the JPA, and the Act, the Health
4 Authority shall be a joint powers entity separate from the County of Fresno, the County of Kings, and
5 the County of Madera. The Health Authority shall have the powers set forth in the JPA. Any
6 contractual or other obligations of the Health Authority shall be the obligations solely of the Health
7 Authority and shall not be the obligations of the County of Fresno, the County of Kings, nor the County
8 of Madera.

9 **8.75.070 Minutes**

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

13 **8.75.080 County Financial Assistance to Health Authority**

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

19 **8.75.090 Reports**

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

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

26 **8.75.100 Vacancies**

27 A. Vacancies occurring on the Commission in positions for which appointments are made
28 pursuant to Subsections 4(c)(1)c), 4(c)(2)c), and 4(c)(3)c) above shall be filled by the Board of

1 Supervisors of the appointing County for the remainder of the unexpired term only. Vacancies
2 occurring on the Commission in positions for which appointments are made pursuant to Subsections
3 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
4 appointing County and for a term consistent with the provisions of Subsection 4(d)(1).

5 B. Vacancies occurring on the Commission for appointments subject to Commission
6 approval shall be filled by the Commission in accordance with its bylaws and applicable provisions of
7 State law.

8 **8.75.110 Validity**

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

16 **8.75.120 Implementation**

17 This Ordinance shall be effective as set forth in Section 8.75.130 below, but shall be
18 implemented only when and if each of the Counties duly approve and execute a Joint Powers
19 Agreement creating, as a separate entity, the Fresno-Kings-Madera Regional Health Authority under
20 the provisions of the Act.

21 **8.75.130 Enactment**


22 This Ordinance shall take effect and be in force thirty (30) days after its adoption and before the
23 expiration of fifteen (15) days after its passage. A summary of this Ordinance shall be published IN A
24 NEWSPAPER OF GENERAL CIRCULATION PRINTED AND PUBLISHED IN THE County of
25 Fresno, State of California, together with the names of the members of the Board of Supervisors voting
26 for and against the same.

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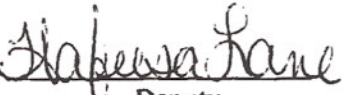
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1 THE FOREGOING ORDINANCE was introduced and adopted by the following vote at a meeting of
2 the Board of Supervisors of the County of Fresno this 10th day of March 2009, to wit:

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4 AYES: Supervisors Larson, Case, Perea, Poochigian, Anderson
5 NOES: None
6 ABSENT: None

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9 _____
Chairman, Board of Supervisors

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12 ATTEST:
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14 Bernice Seidel, Clerk
Board of Supervisors

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16 BY 
17 Deputy

18 Ordinance #09-010
19 Item #35

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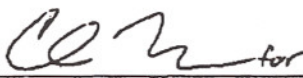
APPROVED AS TO LEGAL FORM:
KEVIN BRIGGS, COUNTY COUNSEL

BY: 

APPROVED AS TO ACCOUNTING FORM:
VICKI CROW, C.P.A., AUDITOR-CONTROLLER/
TREASURER-TAX COLLECTOR

BY: 

REVIEWED AND RECOMMENDED FOR APPROVAL:

BY:  for
Edward L. Moreno, M.D., M.P.H.
Director-Health Officer
Department of Public Health

ELM:CJM:sla