



Legislation Details (With Text)

File #: 09-1177 **Version:** 3

Type: Agreement **Status:** Approved

File created: 9/8/2009 **In control:** Board of Supervisors

On agenda: 12/8/2009 **Final action:** 12/10/2009

Title: Health Services Department recommending the Board authorize the Chairman to sign funding Agreement 888-PHD0909 with California Department of Public Health for the following Public Health Preparedness programs and approve budget transfer modifying the Department's Fiscal Year 2009-10 budget for same.

- 1) CDC Base Allocation in the amount of \$224,062 for a term through August 9, 2010;
- 2) Cities Readiness Initiative Funds in the amount of \$100,000 for a term through August 9, 2010;
- 3) Hospital Preparedness Program (HPP) in the amount of \$193,415 for a term through June 30, 2010;
- 4) State GF Pandemic Flu in the amount of \$66,117 for a term through June 30, 2010;
- 5) CDC PHER H1N1 Phase 1 (Focus Area 1) in the amount of \$123,151 for a term through July 30, 2010;
- 6) CDC PHER H1N1 Phase 1 (Focus Area 2) in the amount of \$41,266 for a term through July 30, 2010;
- 7) CDC PHER H1N1 Phase 11 in the amount of 133,990 for a term through July 30, 2010; and
- 8) HPP H1N1 in the amount of \$53,876 for a term through July 30, 2010. (4/5 vote required)

FUNDING: Federal and State Public Health Preparedness Funding.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - H1N1 advance allocation letter and agreement, 2. B - H1N1 Letter from CDPH, 3. C - 09-1177 Blue Route.pdf, 4. A2 - 888-PHD0909 Agmt for Expedited Pymt Phase III funds 10-15-09, 5. B2 - PHER III Advance Payment Letter to LHD, 6. C2 - PHER III Blue Route, 7. A3 - Blue Sheet 888-PHD0909, 8. B3 - CDPH Agmt 888-PHD0909, 9. C3 - Budget Transfer.pdf

Date	Ver.	Action By	Action	Result
12/10/2009	3	Board Of Supervisors	Approved	Pass
10/27/2009	2	Board Of Supervisors	Approved	Pass
9/29/2009	1	Board Of Supervisors	Approved	Pass

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FUNDING: Federal and State Public Health Preparedness Funding.

BUDGET SUMMARY:		
Total Estimated Cost		\$935,877
Funding		
Budgeted	\$583,594	
New Funds	\$352,283	
Savings	\$	
Other	\$	
Total Funding Available	\$935,877	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost: No impact to Net County Cost. Department submitted budget at Addenda based on available information. Since that time, the Department has received updated funding information and now presents to the Board with a budget transfer request in the amount of \$352,283.

Background: The Center for Disease Control and Prevention (CDC) provides states with funding via cooperative agreements to upgrade state and local Public Health jurisdictions' preparedness for, and response to, bioterrorism, other outbreaks of infectious disease, and other public health threats and emergencies. Similarly the Hospital Preparedness Program provides local jurisdictions with funding for hospital and supportive health care systems to deliver coordinated and effective care to victims of terrorism and other Public Health emergencies.

For FY 2009-10, the Agreement also includes four line items specific to H1N1 influenza, two of which have provided an expedited twenty-five percent (25%) allocation to the County for preparation and planning of H1N1 response activities.

Upon the advice of County Counsel, the Department brings to the attention of the Board Exhibits B and C of the funding agreement. Exhibit B could be used by the State to terminate the agreement for budget reasons and to fail to pay for services the County has performed but has not yet submitted a request to the State for payment. Under Exhibit C, the County would be entitled to compensation for "all allowable costs authorized under this agreement" up to the date of cancellation or termination. These conflicting provisions were identified in the FY 2008-09 agreement and the Department submitted an addendum to the State attempting to modify said language; however, because the State refused to sign the addendum, the Department returned to the Board requesting ratification of the FY 2008-09 agreement minus the addendum. The Board did approve this recommended action.

The State has continued to take a position that it will not accept changes to the State's standard agreement. Counsel indicates that because the two clauses are in potential conflict, the County would be able to make an argument for the terms described in Exhibit C rather than Exhibit B. Therefore, the Department recommends the Board authorize the Chairman to sign funding

Agreement 888-PHD0909 with the California Department of Public Health.

In addition, the State's standard agreement does not list a "Contract Administrator" for the County; however, it does specify a "Project Representative," who is the County's designated individual to act as the Contract Administrator for this agreement. As the State will not allow changes to its standard agreement, the agreement, if approved by the Board, will be forwarded to the State with a cover letter clarifying that the named "Project Representative" is the County's designated "Contract Administrator."

Retroactive Term: The Department received preliminary allocations based on 25% of CDC Public Health Emergency Response (PHER) I and CDC PHER II H1N1 funding, which were presented to the Board for approval on September 29, 2009 and October 27, 2009 respectively as Versions 1 and 2 of this Board file 09-1177.

On October 15, 2009, the Department received the overall funding agreement 888-PHD0909 that includes the CDC PHER H1N1 funding streams. The Department immediately submitted the Agreement to County Counsel for review. Upon approval by County Counsel, staff prepared and submitted this Agreement for the next available Board meeting date. Concurrently, Finance staff prepared the budget transfer request in the amount of \$352,283 to be submitted with this Board item.

Reason for Recommendation: Authorization of this Federal and State Public Health Preparedness funding will allow the Department to proceed with planning for, and appropriate response to, natural disasters, pandemic influenza, bioterrorism, other public health threats and emergencies, and related events through cooperative agreements both interdepartmental and with community partners. In addition, the current year funding provides for a comprehensive H1N1 influenza vaccination response.

Action to be taken following Board approval:

1. Chairman to sign three (3) original Agreements 888-PHD0909.
2. Board Clerk's Office to return two (2) original Agreements to Department.
3. Department to return two (2) original signed Agreements to State for final approval.
4. Chairman to sign and Auditor-Controller to process budget transfer, establishing index codes and fund structures necessary to meet State requirements for tracking of funded activities and allocation of interest for same.
5. Department to implement activities outlined under Reason for Recommendation, as authorized by funding agreement.

Contact: Kathy Lang

Concurrences: County Counsel