



Legislation Details (With Text)

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Type: Agreement **Status:** Approved

File created: 12/22/2009 **In control:** Board of Supervisors

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Title: Health Services Department recommending Chairman be authorized to sign retroactive CDC Public Health Emergency Response (PHER) H1N1 Phase III Agreement 228-124A-P-R2009 (EPO P3-10) with California Department of Public Health (CDPH) in the amount of \$361,994 for the term July 31, 2009 through July 30, 2010 to provide planning and response specific to H1N1.

FUNDING: Federal and State Public Health Emergency Response H1N1 Phase III.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Blue Sheet 228-124A-P-R2009, 2. B - 228-124A-P-R2009 Agreement

Date	Ver.	Action By	Action	Result
1/12/2010	1	Board Of Supervisors	Approved	Pass

Health Services Department recommending Chairman be authorized to sign retroactive CDC Public Health Emergency Response (PHER) H1N1 Phase III Agreement 228-124A-P-R2009 (EPO P3-10) with California Department of Public Health (CDPH) in the amount of \$361,994 for the term July 31, 2009 through July 30, 2010 to provide planning and response specific to H1N1.

FUNDING: Federal and State Public Health Emergency Response H1N1 Phase III.

BUDGET SUMMARY:		
Total Estimated Cost		\$361,994
Funding		
Budgeted	\$361,994	
New Funding	\$0	
Savings	\$	
Other	\$	
Total Funding Available	\$361,994	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost: The PHER Phase III Agreement provides funding in the amount of \$361,994. This funding was anticipated and included in the budget transfer accompanying item #16 on the December 10, 2009 Board of Supervisors agenda (Legistar file 09-1177). There is no Net County Cost associated with this agreement.

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 and other outbreaks of infectious disease, and other public health threats and emergencies. This PHER Phase III funding is to provide planning and response specific to H1N1.

At the advice of County Counsel, Department brings to the attention of the Board Exhibits B and C of this funding agreement. Exhibit B contains language pertaining to the State budget and limits the State's exposure should the State budget not appropriate sufficient funds for the activities defined in this Agreement. This provision was similarly identified in Agreement 888-PHD0909 approved by the Board 12/8/09. 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. The 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.

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 228-124A-P-R2009 with the California Department of Public Health.

Retroactive Term: The Department received this funding Agreement on November 12, 2009 and immediately processed and submitted for review by County Counsel. The review process was expedited by all parties and staff immediately submitted for the next available Board date.

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 H1N1.

Action to be taken following Board approval:

1. Chairman to sign three (3) original Agreements 228-124A-P-R2009 (EPO P3-10).
2. Board Clerk's Office to return two (2) original Agreements to Department.
3. Department to return two (2) signed Agreements to CDPH for final execution. Upon receipt of final executed documents, Department to return one signed original to Board Clerk's Office for file.

Contact: Kathy Lang

Concurrences: County Counsel