



Legislation Text

File #: 10-1105, Version: 1

Health Services Department recommending the Board authorize the Chair to sign funding Agreement 228-162A-P-R2010 with the California Department of Public Health for the following Public Health Preparedness programs:

- 1) Centers for Disease Control and Prevention (CDC) Public Health Emergency Preparedness (PHEP) in the amount of \$219,625 for the term August 10, 2010 through August 9, 2011;
- 2) Cities Readiness Initiative (CRI) in the amount of \$100,000 for the term August 10, 2010 through August 9, 2011;
- 3) Hospital Preparedness Program (HPP) in the amount of \$200,163 for the term July 1, 2010 through June 30, 2011; and
- 4) State General Fund Pandemic Influenza (Pan Flu) in the amount of \$66,117 for the term July 1, 2010 through June 30, 2011.

FUNDING: Federal and State Public Health Preparedness Funding.

BUDGET SUMMARY:		
Total Estimated Cost		\$585,905
Funding		
Budgeted	\$585,905	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$585,905	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost: There is no Net County Cost associated with this funding Agreement. Funding was anticipated and included in the FY 10-11 budget.

Background: The CDC, CRI, and Pan Flu grants provide states with funding via cooperative agreements to upgrade state and local Public Health jurisdictions' preparedness for and response to public health emergencies including bioterrorism, outbreaks of infectious disease, and other public health threats. Similarly, the HPP allocation 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.

Upon advice of 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 potentially fail to pay for services that the County has performed, but has not yet submitted a request for payment to the State. 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 and FY 2009-10 agreements. The County submitted an Addendum to the State for FY 2008-09 to modify the conflicting language; the State refused to accept changes to the standard agreement. County 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 228-162A-P-R2010 with the California Department of Public Health.

Compensation for Services: The County shall receive four payments for each of the funding streams during the term of the Agreement, upon submission of specific progress reports and invoices pursuant to the criteria defined in Exhibit B, Attachment 1 of the funding Agreement.

Contract Termination: This Agreement contains a Budget Contingency Clause in Exhibit B as referenced above that allows the State to cancel this Agreement in the event of reduced or deleted funding via the Budget Act. In addition, the Agreement may be cancelled or terminated without cause by either party by giving thirty (30) calendar days advance written notice.

Retroactive Term: This Agreement was received from the State on August 30, 2010 and processing was initiated immediately. Every reasonable effort was made to bring this Agreement to the Board as quickly as possible.

Reason for Recommendation: Approval of this funding agreement 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 with both interdepartmental and community partners.

Action to be taken following Board approval:

1. Chair to sign three (3) original Agreements 228-129A-P-R2010.
2. Board Clerk’s Office to return all signed Agreements to Department.
3. Department to submit signed Agreements to State for final signatures.
4. Upon receipt of fully executed Agreement from State, Department will return one (1) fully executed Agreement to the Board Clerk’s Office.

Contact: Kathy Lang

Concurrences: County Counsel & Risk Management