



Board Agenda Item 47

DATE: March 19, 2024

TO: Board of Supervisors

SUBMITTED BY: David Luchini, RN, PHN, Director, Department of Public Health

SUBJECT: Approve Memorandum of Understanding Template with Incorporated Cities in the County of Fresno

RECOMMENDED ACTION(S):

- 1. Approve Memorandum of Understanding template, related to the Infectious Materials Ordinance, for incorporated cities within the County of Fresno which authorizes the County's Public Health Department to enforce the ordinance within an incorporated city's jurisdictional boundaries; and**
- 2. Authorize the County Administrative Officer, or his/her designee, to execute a Memorandum of Understanding related to the Infectious Materials Ordinance with incorporated cities within the County of Fresno which authorizes the County's Public Health Department to enforce the ordinance within the partner city's jurisdictional boundaries.**

Approval of the recommended actions will allow the County of Fresno (County) to use the Memorandum of Understanding (MOU) to enter into an agreement with incorporated cities seeking to have the County of Fresno's Department of Public Health (Department) enforce the ordinance within each partner city's jurisdictional boundaries. To prevent a backlog and unnecessary delay, the second recommended action authorizes the County Administrative Officer, or his/her designee, the authority to sign the MOU on behalf of the Board. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, there would be no mechanism to formally provide oversight to labs that are considered non-Clinical Laboratory Improvement Amendments (CLIA) labs in incorporated cities wishing to have the Department enforce the provisions of the Infectious Materials Ordinance in their jurisdiction.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Costs for support activities under this MOU will be proposed to be funded through a fee structure paid by the laboratories impacted by this ordinance. Sufficient appropriations and estimated revenues to conduct oversight activities are included within the FY-2023 2024 Adopted Budget for the Public Health Org 5620.

DISCUSSION:

Through collaboration and consultation of 14 federal, state, and local agencies, the County and City of Reedley took action against a privately funded laboratory (Reedley Lab) that was not regulated by CLIA, 42 USC 263a and 42 CFR 493. The Reedley Lab situation prompted the County to adopt an Infectious Materials Ordinance, which allows for the County to enter into an MOU with an incorporated city to extend

the County's expertise and grant the authority to the Department to go onto private property within the incorporated city to conduct oversight of non-CLIA laboratories. The MOU would restrict the County's authority to only apply to infectious materials and laboratory operations. Incorporated cities will retain all other jurisdiction authority.

The County does not anticipate charging the cities who seek these services, instead Non-CLIA laboratories will be responsible for paying a permit fee and any actual costs the County incurred to mitigate a public health issue.

The Department plans to provide a training to all cities who have signed off on the MOU on how the Department would accept referrals for further investigation. Prior to referring the laboratories to the County, cities will need to gather some information on the suspected laboratory.

The MOU deviates from standard County indemnification language as it includes mutual indemnification.

REFERENCE MATERIAL:

BAI #41, January 9, 2024
BAI #6, December 12, 2023

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOU Template

CAO ANALYST:

Ron Alexander