



# Board Agenda Item 8.1

---

DATE: June 18, 2024

TO: Board of Supervisors

SUBMITTED BY: Sanja Bugay, Director, Department of Social Services

SUBJECT: Approve the Signing by each Member of the Board of Supervisors of the LIC 9165 Form Required by the California Department of Social Services, Community Care Licensing Division for the Licensure of the Mod C facility on the UMC Campus as a Transitional Shelter Care Facility

RECOMMENDED ACTION(S):

**Approve the Signing by each Member of the Board of Supervisors of the LIC 9165 Form Required by the California Department of Social Services (CDSS), Community Care Licensing Division (CCLD) for the Licensure of the Mod C facility on the UMC Campus as a Transitional Shelter Care Facility; Authorize new Members of the Board of Supervisors to sign the LIC 9165 upon taking office so long as the Board of Supervisors continues to serve as the governing body of the Mod C; Revoke Designation of DSS Director as Signatory of the LIC 9165 Form.**

ALTERNATIVE ACTION(S):

If each member of the Board of Supervisors does not sign the LIC 9165 Form CDSS, CCLD will not issue a license for the Mod C facility on the UMC Campus as a Transitional Shelter Care Facility. Possible alternative actions by the Board would be to either appoint a separate Board of Directors to act as the governing body of Mod C and those board members would be required to sign the form, or form a separate non-profit corporation affiliated with the County with its own Board of Directors who would be required to sign the forms. Either of these alternatives would involve substantial delay in the licensing process which is otherwise completed except for the requirement with respect to the LIC 9165 Form.

FISCAL IMPACT:

No impact on Net County Cost.

DISCUSSION:

On February 6, 2024 the Board of Supervisors approved a resolution, an agreement of essential terms with CDSS and other operation plans, statements and policies that would allow the Mod C facility located at 4445 E. Inyo Avenue, Fresno, California to receive a provisional license as a Transitional Shelter Care Facility for juveniles in the dependency system in need of short-term shelter while appropriate placements were located. The Operating Standards incorporated into the Essential Terms of Agreement state at Section 86618(h):

“(h) Each applicant shall obtain a signed form, LIC 9165, from each member of the board of directors. For a county-operated transitional shelter care facility the county Board of

Supervisors **or the Board's designee may sign the form.** A copy of each signed LIC 9165 shall be submitted to the Department." (emphasis added).

Pursuant to this provision in the Agreement and Operating Standards, the Board designated the Director of the County Department of Social Services (DSS) to sign the LIC 9165 form. The LIC 9165 form (copy included with this agenda item) is an acknowledgment that the person signing the form has read California Department of Social Services Publication No. 326, "Facts You Need to Know: Group Home and Short-Term Residential Therapeutic Program Board of Directors or Governing Body", and understands the obligations of a board of directors or governing body of such a facility described in that publication. The State Publication No. 326 deals almost exclusively with the duties and obligations of a member of a board of directors for a non-profit corporation, including requirements found in the California Corporations Code that have no application to a County Board of Supervisors, even when it serves as the "governing body" of Mod C.

Nevertheless, after completion of final inspections of the Mod C facility, staff for the California Community Care Licensing Division informed County DSS staff that it would require that each member of the Board of Supervisor sign the LIC 9165 form before a license for the Mod C facility would be issued. County DSS staff and County Counsel met with licensing division staff to explain the position of the County relative to the contract terms and the illogic of having elected members of the Board of Supervisors sign the LIC 9165 acknowledgment when almost none of the legal requirement discussed in Publication No. 326 applied to Boards of Supervisors. However, CDSS CCLD insisted that individual members of the Board of Supervisors sign the form, since the Board was acting as the governing body. County staff requested that the state provide a letter clarifying that the inapplicable provisions of the Corporations Code do not apply to the Board of Supervisors or create any new or different legal obligation for the Board members as a result of signing the LIC 9165 form. CDSS provided this letter on June 10, 2024 and a copy is included with this agenda item.

The recommended action by the Board is to formally approve having individual members of the Board of Supervisors sign the LIC 9165 form, and that new members coming onto the Board of Supervisors also sign the LIC 9165 form for as long as the Board of Supervisors serves as the governing body of Mod C. The recommended action will also revoke the prior designation of the Director of the County DSS as the signatory of the LIC 9165 form on behalf of the County.

**REFERENCE MATERIAL:**

BAI #8, February 6, 2024

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

State Form LIC 9165  
June 10, 2024 Letter from California Department of Social Services

**CAO ANALYST:**

Ron Alexander