



Board Agenda Item 39

DATE: June 6, 2023

TO: Board of Supervisors

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

SUBJECT: Agreement for Temporary Reciprocal Health Officer Coverage

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute an Agreement with the County of Merced, for temporary reciprocal Health Officer coverage, effective July 13, 2023 not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions (\$0).

Approval of the recommended action will provide the Counties of Fresno and Merced with reciprocal Health Officer coverage in the event that either county's Health Officer is temporarily unavailable to carry out the duties as required by law. This item is countywide.

ALTERNATIVE ACTION(S):

In the event that the recommended agreement with the County of Merced is not approved, the County would need to seek another alternative to fulfill the duties of the Health Officer and Deputy Health Officer should they become temporarily unavailable.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action or monetary compensation under the recommended agreement.

DISCUSSION:

Each county in California has an appointed County Health Officer pursuant to Government Code, section 101000 to carry out duties prescribed in Health and Safety Code, section 101025 et seq., as well as other applicable statutes. From time to time, a Health Officer may be temporarily absent from the county and/or unavailable to carry out the duties as required by law.

On July 14, 2015, and again on July 12, 2018, the Board approved reciprocal coverage agreements with the County of Merced. This recommended agreement will allow Fresno and Merced counties to continue to provide reciprocal coverage, advise staff, and issue Health Officer orders when either county's Health Officer is temporarily unavailable. Implementing a Health Officer coverage agreement, such as the recommended agreement, is an accepted practice and commonplace among California counties including Marin, Napa, Sonoma, Humboldt, Tuolumne, Calaveras, Sutter, Yuba, Alpine, Mono, and Lake.

Under the terms of the recommended agreement, reciprocal Health Officer coverage will be provided at no cost to the requesting county and the providing county's Health Officer shall receive no additional

remuneration for provision of temporary Health Officer coverage. In addition, the recommended agreement provides each county the discretion to refuse to provide coverage without penalty or liability. It is anticipated that neither county will require more than a minimal amount of coverage from the other county's Health Officer, as the circumstances the Health Officers are truly unavailable are infrequent.

Upon approval by your Board, the recommended agreement will be effective July 13, 2023, for a base term of three years and may be extended for two optional one-year periods upon written approval of both parties no later than thirty days prior to the first day of the next one-year extension upon the same terms and conditions unless written notice of nonrenewal is given by either county. The Fresno County Director of the Department of Public Health, or designee, is authorized to execute such written approval of extension on behalf of Fresno County. Additionally, either party may terminate the recommended agreement without cause upon giving a thirty-day advanced written notice of the intent to terminate. The recommended agreement contains mutual indemnification and, given the nature of this agreement, the Department considers the agreement to be in the County's best interest and Risk Management has approved. Additionally, since there is no compensation associated with this agreement, the boilerplate language Termination for Non-Allocation of Funds and County's Right Upon Termination has been removed. The Reciprocal Coverage Agreement is being signed in counterparts, with Merced County's assurance that the County Executive Officer will execute the Agreement by signature, and is expected to be provided by Merced County after the County's Board Agenda Item standard processing timeframes.

REFERENCE MATERIAL:

BAI #59, June 5, 2018

BAI #51, July 14, 2015

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with County of Merced

CAO ANALYST:

Ronald Alexander