



**Health & Human Services
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: November 5, 2019

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

CONTACT PERSON: Staci Chastain PHONE: 624-8000

SUBJECT: Approve an agreement with California Department of Public Health

REQUEST(S):

That the Board of Supervisors:

1. Ratify and approve an agreement with California Department of Public Health, for the Women, Infants, and Children Program retroactive to October 1, 2019 through September 30, 2022, for funding up to the amount of \$15,155,919. This agreement is retroactive due to the delay in receiving the agreement from the State. It was impracticable for the Board to take action prior to October 1, 2019 due to the time needed to process, prepare, and submit the agenda item;
2. Find that the Board had the authority to enter into the proposed agreement as of October 1, 2019 and that it was in the County's best interest to enter into the agreement on that date;
3. Ratify the Chairman's signature on the agreement;
4. Authorize the Chairman of the Board to sign three (3) copies of the Civil Rights Form, and the Contractor Certification Clause; and
5. Approve the necessary budget adjustment per the attached AUD 308 (4/5ths vote required).

SUMMARY:

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) has served residents in Tulare County since 1979. The WIC program

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provides supplemental foods, health care referrals, and nutrition education for low-income pregnant, lactating, and postpartum women and their children up to the age of five (5), who are found to be at nutritional risk. Tulare County provides services through classroom education, outreach, providing educational materials, farmer's market vouchers seasonally, and scheduling appointments for clients to be seen in the clinic. Program services are provided to residents of Tulare County through nine (9) clinic sites throughout the County, and services are provided to approximately 21,740 participants. Funding amounts are dictated by the number of participants served, as there has been a decrease in participants this has resulted in a decrease in funding.

The following terms deviate substantively from the standard County boilerplate: 1) the agreement is dependent on availability of funds to the state and federal governments; 2) the California Department of Public Health (CDPH) can terminate the agreement without cause with 30 days written notice to the County. However, the County cannot do the same; 3) the CDPH can terminate the agreement immediately for cause. However, the County can only do so after submitting a written request to the CDPH and if the CDPH "substantially fails to perform its responsibilities" under the agreement; 4) When the County submits the final invoice, it will be releasing the State from any and all liability under the agreement; 5) the CDPH makes no guarantee that the intellectual property resulting from the agreement will not presently, or in the future, violate the rights of another party; 6) the County is required to indemnify and defend the State, including, but not limited to, intellectual property claims. The State is not required to indemnify or defend the County; 7) the CDPH, not the County, exclusively owns the intellectual property stemming from the agreement; 8) the County is prohibited from assigning this agreement, but this prohibition does not extend to the CDPH; and 9) the County must sign first.

FISCAL IMPACT/FINANCING:

This agreement is funded by the United States Department of Agriculture through CDPH. The agreement with CDPH for the Women, Infants, and Children Program from to October 1, 2019 through September 30, 2022 is in an amount not to exceed \$15,155,919. The following is the three-year breakout for each program period for the term of this agreement:

- Funding in the amount of \$5,051,973 is for period October 1, 2019 through September 30, 2020.
- Funding in the amount of \$5,051,973 is for period October 1, 2020 through September 30, 2021.
- Funding in the amount of \$5,051,973 is for period of October 1, 2021 through September 30, 2022.

These funds have already been included in Fiscal Year 19/20. The remaining amounts will be budgeted in the corresponding county fiscal years.

Due to a decrease in participant caseload, the State has reduced funding under this

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new agreement. The funding amount in Fiscal Year 2019/2020 represents a reduction of \$271,988, as compared to the funding amount in Fiscal Year 2018/2019. In addition to the funding reduction, the Public Health Branch is estimating increased costs of salaries, benefits, and operating expenses of \$138,012. In order to minimize impact to WIC services and service sites, the Public Health Branch proposes to allocate an additional \$410,000 in realignment funds in Fiscal Year 2019/2020 to balance the WIC's budget.

The purpose of the AUD 308 is to increase the amount of public health realignment funding allocated to the WIC program for Fiscal Year 2019/2020 in order to balance the program's budget.

For future years, the Public Health Branch will develop a mitigation plan by assessing the current business models and make recommendations to reduce operating costs and increase efficiencies.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Quality of Life initiative that encourages innovative provision of quality supportive services for at-risk adults, youth, and children in state and federally mandated programs. This agreement increases the ability to fulfill that obligation by providing services for low-income pregnant, lactating, and postpartum women, to infants; and to children up to the age five, who are found to be at nutritional risk.

ADMINISTRATIVE SIGN-OFF:



Karen M. Elliott
Director of Public Health

cc: County Administrative Office

Attachment(s) Agreement
AUD 308

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE) Resolution No. _____
AN AGREEMENT WITH CALIFORNIA) Agreement No. _____
DEPARTMENT OF PUBLIC)
HEALTH)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Ratified and approved an agreement with California Department of Public Health, for the Women, Infants, and Children Program retroactive to October 1, 2019 through September 30, 2022, for funding up to the amount of \$15,155,919. This agreement is retroactive due to the delay in receiving the agreement from the State. It was impracticable for the Board to take action prior to October 1, 2019 due to the time needed to process, prepare, and submit the agenda item;
2. Found that the Board had the authority to enter into the proposed agreement as of October 1, 2019 and that it was in the County's best interest to enter into the agreement on that date;
3. Ratified the Chairman's signature on the agreement;
4. Authorized the Chairman of the Board to sign three (3) copies of the Civil Rights Form, and the Contractor Certification Clause; and

5. Approved the necessary budget adjustment per the attached AUD 308 (4/5ths vote required).

AUD-308 - Budget Adjustment Form

2:40 PM

October 21, 2019		Document ID Number		05/20	2020
Date		Health and Human Services Agency		Accounting Period	Budget Fiscal Year
		Agency Name		Gabriel Diaz-Carrera	624-7490
				Contact Person	Phone
					Extension

Action** A,C,D	Fund	Dept	Appr #	LEVEL 1 Finish Here			Current Amount	Revised Amount	Inc / Dec Amt
C	018	018	018INTRA	Page 1 of 1			12,123,659	12,533,659	410,000
									-
									-
									-
									-
									-
									-
									-
									-

Appropriations Total *Need Not Equal Zero* **12,123,659** **12,533,659** **410,000**

Action** A,C,D	Fund	Dept	Appr #	Unit	Object	Rev	LEVEL 2 Start Here	Current Amt	Revised Amount	Inc / Dec Amt
C	001	142		6028		5207		5,263,897	4,853,897	410,000
C	001	142		6028		9227		175,000	585,000	(410,000)
C	018	018	018INTRA	3010	9127			12,123,659	12,533,659	410,000
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Line Total *Must Equal Zero* **17,562,556** **17,972,556** **\$ 410,000**

Reason for Adjustment (To Avoid Correspondence, State Reason in Detail)

To support the WIC program, as a result of a decrease in grant amount from CDPH.

Affected Dept Head Signature

Other Affected Dept Head Signature

Checked By: _____
 County Executive Office Action: No. _____ Date: _____
 () Approved () Disapproved

Entered By: _____
 Date: _____
 Distribution: 1: BOS/CAO/Auditor

By: _____
 Board of Supervisors Action: No. _____ Date: _____

** Action Codes: A=Add, C=Change, D=Deactivate
 * Whenever a 93XX account budget is adjusted, a corresponding 94XX account budget must be adjusted in the billing agency, except for ISFs
 * Whenever a 95XX account budget is adjusted, a corresponding 96XX account budget must be adjusted in the billing agency, and vice versa
 * Whenever a 97XX account budget is adjusted, a corresponding 98XX account budget must be adjusted in the billing agency, and vice versa

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