

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 1-03-1070 OF ARTICLE 21 OF CHAPTER 3 OF PART 1 OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO THE PHYSICIAN REPRESENTATIVE OF THE TULARE COUNTY COMMUNITY HEALTH CENTER BOARD .

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. Section 1-03-1070 of Article 21 of Chapter 3 of Part 1 of the Ordinance Code is hereby amended, to read:

Section 1-03-1070. TERMS: VACANCIES:

- (a) Consumer members shall serve staggered terms of office. The initial appointment of all Consumer members shall be for a one year term of office. Lots shall be cast to determine which two (2) members' terms shall be extended for an additional one (1) year period, which two (2) members' terms shall be extended for an additional two (2) year period, and which three (3) members' terms shall be extended for an additional three (3) year period. Thereafter, all terms of office for Consumer members shall be for four (4) years. A Consumer member shall be limited to two (2) terms of office.
- (b) The Director of the Tulare County Human Services Agency will serve for so long as he/she continues in that capacity.
- (c) The health care representative will serve a two (2) year term; thereafter the term will be four (4) years.
- (d) The local social service agency representative will initially serve a two (2) year term. Thereafter, the term will be four (4) years.
- (e) The local mental health agency representative will initially serve a three (3) year term. Thereafter the term will be four (4) years.
- (f) The community representative will serve a four (4) year term.
- (g) A vacancy or vacancies shall exist on occurrence of the following:
 - (1) Removal by the Board of Supervisors;

- (2) The death or resignation of any member;
- (3) The declaration by resolution of a vacancy in the office of a member who has been declared of unsound mind by an order of court or conviction of a felony; or,
- (4) Resignation.

Vacancies may be filled by the Board of Supervisors from nominations submitted in accordance with Bylaws adopted by the CHCB.

Section 2. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in the _____, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of _____, 20____, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

 Chairman, Board of Supervisors

ATTEST: JEAN ROUSSEAU
County Administrative Officer/
Clerk of the Board of Supervisors
of the County of Tulare

By: _____
Deputy

JLM/2011762/5/13/2011

PROPOSED SUMMARY OF ORDINANCE

ORDINANCE NO. _____

PURSUANT TO GOVERNMENT CODE SECTION 25124(B)(1), THE FOLLOWING IS A SUMMARY OF ORDINANCE NO. _____ AMENDING SECTION 1-03-1970 OF ARTICLE 21 OF CHAPTER 3 OF PART 1 OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO THE PHYSICIAN REPRESENTATIVE OF THE TULARE COUNTY COMMUNITY HEALTH CENTER BOARD.

SUMMARY OF ORDINANCE

This Ordinance provides for the amendment of the composition and terms of service for certain members of the Tulare County Community Health Center Board, an advisory body to the Board of Supervisors for Federally Qualified Health Centers.

The position of physician representative will be removed from the Community Health Center Board. The position will be replaced with a health care representative who will serve a two (2) year term; and thereafter the term will be for four (4) years.

The ordinance summarized above is anticipated to be adopted by the Tulare County Board of Supervisors on June 7, 2011 and shall take effect thirty (30) days from the date of adoption.

Within fifteen (15) days of adoption, a certified copy of the full text of the ordinance shall be posted in the office of the Clerk of the Board of Supervisors and shall be available for public inspection at that location.

COUNTY OF TULARE

By _____
Mike Ennis, Chairman, Board of Supervisors

ATTEST: JEAN M. ROUSSEAU
County Administrative Officer/
Clerk of the Board of Supervisors
of Tulare County

By _____

**BYLAWS OF THE TULARE COUNTY COMMUNITY HEALTH CENTER BOARD
COMMISSION OF THE TULARE COUNTY BOARD OF SUPERVISORS
(Revised 4/25/2011)**

SECTION 1. NAME

The name of the commission is the TULARE COUNTY COMMUNITY HEALTH CENTER BOARD, (“CHCB”).

SECTION 2. PURPOSE AND OBJECTIVE

The purpose of the CHCB is to act in conjunction with the Board of Supervisors as the governing body of any and all health care clinics operated by the County of Tulare designated as Federally Qualified Health Centers pursuant to 42 U.S.C. 1395X(aa)(3) (“Tulare County FQHC”).

SECTION 3. DUTIES AND POWERS

Subject to the limitations provided in Section 4, the duties and powers of the CHCB shall be as follows:

- a. Approve the appointment of the Clinical Director who serves as director of the Tulare County FQHC;

(1) The CHCB’s authority for dismissal from the Board will be based on its review of the director’s performance in complying with the job description, work plan and other objective measure of performance. The CHCB’s authority for dismissal will be exercised by recommendation to the Board of Supervisors in accordance with established County criteria and personnel policies relating to dismissal;

- b. Adopt policies identifying the services to be delivered at the Tulare County FQHC locations, and the hours during which services are to be provided;
- c. Approve, within appropriations available for such purposes, the budget for the operation of the Tulare County FQHC, and develop financial priorities and strategies for major resource utilization, subject to the approval of the Board of Supervisors;
- d. Evaluate, at least annually, the effectiveness of the Tulare County FQHC in making services available and accessible to residents of the County, including, but not limited to, utilization patterns, productivity, patient satisfaction, and achievement of program objectives;
- e. Develop and implement a procedure for hearing and resolving patient grievances; and establish subcommittee to review grievances that were not resolved within 48 hours.

- f. Adopt quality of care audit procedures;
- g. Assure compliance with federal, state, and local laws and regulations;
- h. Adopt such other policy as may be necessary and proper for the efficient and effective operation of the Tulare County FQHC subject to approval of the Board of Supervisors.

SECTION 4. LIMITATIONS ON AUTHORITY

The Board of Supervisors shall retain the authority to set general policy on fiscal and personnel matters for the Tulare County FQHC, including policies related to financial management practices, charging and rate setting, labor relations and conditions of employment. The CHCB may not adopt any policy or practice, or take any action, which is inconsistent with the Tulare County Ordinance Code, or which alters the scope of any policy set by the Board of Supervisors on fiscal or personnel issues.

SECTION 5. CONFLICT OF INTEREST

The CHCB shall be subject to the conflict of interest rules applicable to the Board of Supervisors and the employees of the County.

SECTION 6. MEMBERSHIP

- a. **Number and Qualification** The authorized number of members of the commission shall be eleven (11), who shall be legal residents of the County of Tulare;
- b. Each member will have voting authority on business conducted at the CHCB meetings.
- c. **Composition:**
 - a. **Consumer Members** Consumer members shall constitute a majority of the CHCB members or no less than a total of six (6) members. A consumer member is an individual who is, or who will be, served by the Tulare County FQHC or who has custodial/legal responsibilities for a direct consumer of services. Consumer members as a group shall be representative of the individuals being served by the Tulare County FQHC in terms of demographic factors, such as race, ethnicity, sex, and economic status. Preferable geographic distribution of the consumers shall be at least one (1) from each Supervisorial District in Tulare County.
 - b. **Health Care Member** One (1) member will be representatives from the health care field, preferably one who is a physician. The health care representative need not be an actual provider of health services, but must be an individual whose primary source of income and / or support is derived from the health care industry.

- c. **Director of the Tulare County Health and Human Services Agency** The Director of the Tulare County Health and Human Services Agency or designee will serve to represent the County. The Director of the Health and Human Services Agency or designee will be an ex-officio member of the CHCB, with all voting rights of a member.
- d. **Social Services Member** One (1) member will be a representative from local social service agencies.
- e. **Mental Health Member** One (1) member will be a representative from local mental health agencies.
- f. **Community Member** One (1) member will be an individual who is representative of the community's concern for health care, is willing to assist in developing community support for the programs and is selected for his/her expertise in community affairs, local government, finance, legal affairs, and/or other commercial, civic or social concerns within the community. The community member may not be a health care provider.

d. **Terms**

- a. **Consumer Representatives** Consumer members shall serve staggered terms of office. The initial appointment of all consumer members shall be for a one (1) year term of office. Lots shall be cast to determine which two (2) members' terms shall be extended for an additional one (1) year period, which two (2) members' terms shall be extended for an additional two (2) year period, and which three (3) members' terms shall be extended for an additional three (3) year period. Thereafter, all terms of office for consumer members shall be for four (4) years.
- b. **Director of Tulare County Health and Human Services Agency** The Director of the Tulare County Health and Human Services Agency or designee will serve for so long as he /she continues in that capacity.
- c. **Health Care Representatives** The health care representative will serve a two (2) year term. Thereafter, the term will be four (4) years.
- d. **Social Services Representative** The local social service agency representative will initially serve a two (2) year term. Thereafter, the term will be four (4) years.
- e. **Mental Health Representative** The local mental health agency representative will initially serve a three (3) year term. Thereafter, the term will be four (4) years.
- f. **Community Representative** The community representative will serve a four (4) year term.

With the exception of the Director of the Health and Human Services Agency or designee, all CHCB members will be limited to two (2) terms of office.

e. **Vacancies**

- a. **Events Causing** A vacancy shall exist on the occurrence of the following: (a) removal by the CHCB with subsequent approval by the Board of Supervisors; (b) death or resignation of any member; or, (c) the declaration by resolution of a vacancy in the office of a member who has been declared of unsound mind by an order of court or conviction of a felony.
- b. **Resignations** Except as provided below, any member may resign by giving written notice to the Chair or Administrative support appointee,. The resignation shall be effective when the notice is given unless it specifies a later time for the resignation to become effective.
- c. **Filling Vacancies** Vacancies on the board may be filled by the CHCB with subsequent approval by the Board of Supervisors from nominations submitted in accordance with Section 7.

SECTION 7. NOMINATIONS

1. **Nominating Committee** The Nominating Committee shall consist of the Chair, Vice Chair of the CHCB.
2. **Nominating Committee Responsibilities**
 - (1) The Nominating Committee shall prepare a list of nominees for each vacant position on the CHCB, making certain that there is a proper distribution of nominees in accordance with Section 6.
 - (2) The Nominating Committee shall submit a list of one or more nominees for each vacant position on the CHCB in the order of the Committee's preference to the Tulare County Board of Supervisors for approval.
3. **Nomination Procedures**
 - (1) **Consumer Members** The Nominating Committee shall contact the Tulare County Health and Human Services Agency to coordinate the collection of names of consumer nominees, making certain that there is a sufficient number and variety of clinic users so that representation requirements specified in Section 6.b(1) can be met. Announcements: The Nominating Committee shall also consider, in the manner provided by these Bylaws, nominations recommended to it by any other persons or groups.

(2) **Health Care Representatives** The Nominating Committee shall contact local health care providers or the Tulare County Medical Society for physician names. Announcements of vacancies for the second health care member will be sent to local hospitals and clinic for posting.

(3) **Social Service Representative** The Nominating Committee shall contact local social service agencies to coordinate the collection of names for the social service nominees.

(4) **Mental Health Representative** The Nominating Committee shall contact local mental health agencies to coordinate the collection of names for the mental health nominees.

(5) **Community Member** The Nominating Committee shall contact local community and civic groups to coordinate the collection of names for the community nominees

4. **Additional Nominations** The Tulare County FQHC shall not be limited to the nominations on the Nominating Committee's list.

(1) **Public Posting** All vacancies for the CHCB shall be posted, as required by law, by the Clerk of the Board of Supervisors, for a period of ten (10) days prior to the Board of Supervisors CHCB action to fill the CHCB vacancy.

(2) **Published Vacancies** All vacancies for the CHCB shall be published in all local newspapers pursuant to the Maddy Act (Govt. Code, Section 54970).

Applications for appointment to the CHCB may be made directly to the Board of Supervisors who will forward to the Nominating Committee. FQHC will submit names to the Board of Supervisors for final approval.

SECTION 8. APPOINTMENTS

The CHCB will review the nominations as submitted by the CHCB Nominating Committee, as well as any persons applying directly to the Board of Supervisors. The CHCB will consider the representation requirements for the consumer members as specified in Section 6.b(1) to ensure the group is representative of the individuals being served by the Tulare County FQHC. Those persons applying directly to the Board of Supervisors will have their applications forwarded to the Nominating Committee.

SECTION 9. MEETINGS

a. **Place** Meetings of the CHCB shall be held at any place within the County of Tulare that has been designated by resolution of the members.

- b. **Regular Meetings** Regular meetings shall be held on the fourth Wednesday of each month at 12:00 noon, unless such a day falls on a legal holiday, in which event the regular meeting shall be held at the same hour and place on the next business day, or a majority of the members may, through a majority vote, specify another day and time for the meeting.
- c. **Special Meetings** Special meetings may be called for any purpose at any time by the Chair or Vice-Chair. Notice of the time and place of the special meeting shall be given to each member by one of the following methods: (a) personal delivery of written notice; (b) first class mail, postage prepaid; (c) telephone, either directly to the member or to a person at the member's home or office who would reasonably be expected to communicate that notice promptly to the member; or (d) emailed. Notices sent by mail shall be deposited four (4) days before the time set for the meeting. All others shall be delivered, telephoned, or emailed at least forty-eight (48) hours before the time set for the meeting. The notice shall state the time and the place of the meeting. It need not specify the purpose of the meeting.
- d. **Conduct of Meeting** All meetings will be conducted in accordance with Robert's Rules of Order.
- e. **Quorum** A majority of the authorized number of members shall constitute a quorum for the transaction of business, except to adjourn. Every action taken or decision made by a majority of the members present at a duly held meeting at which a quorum is present shall be the act of the CHCB, subject to restrictions of the ordinance establishing the CHCB and otherwise contained in these bylaws. A meeting at which a quorum is initially present may continue to transact business, despite the withdrawal of members, if any action taken or decision made is approved by at least a majority of the required quorum for that meeting.
- f. **Attendance and Participation** Members must attend the regular meetings. If a member is unable to attend a meeting, he/she shall so inform the administrative support appointee, giving the reason thereof, and the administrative support appointee, shall so notify the Chair who shall determine whether an absence should be excused. Failure to attend a meeting without first notifying the administrative support appointee, of an inability to attend the meeting shall, except in cases of emergency or extreme hardship, be treated as an unexcused absence. Three (3) unexcused absences during a twelve (12) month period shall be grounds for recommendation to the Board of Supervisors to remove the member.
- g. **Waiver of Notice** Notice of a meeting need not be given to any member who, either before or after the meeting, signs a waiver of notice, a written consent to the holding of the meeting, or an approval of the minutes of the meeting. The waiver of notice or consent need not specify the purpose of the meeting. All such waivers, consents and approvals shall be filed with the minutes of the meetings. Notice of a meeting need not

be given to any member who attends the meeting and does not protest, before or at the commencement of the meeting, the lack of notice.

- h. **Adjournment** A majority of the members present, whether or not a quorum is present, may adjourn any meeting to another time and place. Notice of the time and place of holding an adjourned meeting need not be given unless the original meeting is adjourned for more than twenty-four (24) hours.
- i. **Compliance with the Ralph M. Brown Act** Notwithstanding the foregoing, the CHCB shall comply with the requirements of the Ralph M. Brown Act (Government Code §54950, et seq.).
- j. **Compensation and Reimbursement** Members shall receive a stipend for attendance at the CHCB meeting as determined and approved by the Board of Supervisors.

SECTION 10. OFFICERS

- a. **General** The officers of the CHCB shall be a Chair or Vice-Chair.
- b. **Election** The officers shall be elected annually by the members at its June meeting. If quorum is not present, elections will be postponed until the next regularly scheduled meeting where a quorum is present. Elected officers shall serve from that date at the pleasure of the members.
- c. **Removal** Any officer once elected may only be removed if voted (under a simple majority vote) upon by the CHCB with subsequent approval by the Board of Supervisors.
- d. **Resignation** Any officer may resign at any time by giving written notice to the Secretary. The resignation shall take effect as of the date the notice is received or at any later time specified in the notice and, unless otherwise specified in the notice, the resignation need not be accepted to be effective.
- e. **Vacancies** A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled in the manner prescribed by these Bylaws for regular appointments to that office, provided, however, that vacancies need not be filled on an annual basis.
- f. **Responsibilities**
 - a. **Chair** The Chair shall preside at meetings and shall exercise and perform such other powers and duties as the members may assign from time to time. The Chair may delegate chairing the meetings to the Clinical Director.
 - b. **Vice-Chair** If the Chair is absent or disabled, the Vice-Chair shall perform all duties of the Chair. When so acting, a Vice-Chair shall have all powers and be

subject to all restrictions of the Chair. The Vice-Chair shall have such other powers and perform such other duties as the members may prescribe.

If both the Chair and the Vice-Chair are absent or unable to act, the members may select one of the members to act as Chair pro tempore, who, while so acting shall have all of the authority of the Chair.

- c. **Administrative Support appointee** The Administrative Support appointee shall keep or cause to be kept a book of minutes of all meetings, proceedings, and actions of the CHCB. The minutes shall include the time and place that the meeting was held, whether the meeting was regular or special, and, if special, how authorized, and the notice given.

SECTION 11. COMMITTEES

The CHCB may appoint such committees as it may from time to time require, including advisory committee(s).

SECTION 12. AMENDMENTS

The board may adopt, amend or repeal the Bylaws and submit for with the approval to Board of Supervisors.

CERTIFICATE OF BOARD CHAIR

I certify that I am the duly elected and acting Chair of the Tulare County Community Health Center Board; that the above Bylaws, consisting of eight (8) pages, are the Bylaws of that commission as properly adopted by the members of that commission on April 27, 2011, and that they have not been amended or modified since that date.

Executed this 27th day of April, 2011, at Visalia, California.

