

ORDINANCE NO. 5032

ORDINANCE ADDING CHAPTER **7.58** TO THE SANTA CRUZ COUNTY CODE RELATING TO THE ESTABLISHMENT OF THE SANTA CRUZ-MONTEREY-MERCED MANAGED MEDICAL CARE COMMISSION AND REPEALING EXISTING CHAPTER **7.59** RELATING TO THE SANTA CRUZ-MONTEREY MANAGED MEDICAL CARE COMMISSION

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code is hereby amended by adding new Chapter 7.58 to read as follows:

Chapter **7.58**
SANTA CRUZ-MONTEREY-MERCED
MANAGED MEDICAL CARE COMMISSION

Sections:

7.58.010	Established.
7.58.020	Purpose.
7.58.030	Membership.
7.58.035	Membership composition.
7.58.040	Bylaws.
7.58.050	Quorum.
7.58.060	Status and power of commission.
7.58.070	Minutes.
7.58.080	Reports.
7.58.090	Vacancies.
7.58.100	Severability.

7.58.010 Established.

Pursuant to California Welfare and Institutions Code Section 14087.54, there is created the Santa Cruz-Monterey-Merced managed Medical Care Commission. This commission is a tri-county commission representing Santa Cruz, Monterey, and Merced Counties. The Santa Cruz-Monterey-Merced Managed Medical Care Commission shall be established effective on that date that all three counties have in effect substantially similar ordinances creating the Commission and a quorum of said Commission's members have met to conduct its initial public meeting. Upon the establishment of the Commission, all of the rights, duties, privileges, and immunities vested in Santa Cruz County by Welfare and Institutions Code Sections 14087.5 et seq. (Division ~~9, Part~~ 3, Chapter 7, Article 2.8) are instead transferred to

and vested in the Commission, and shall continue to be so vested until Santa Cruz County formally terminates its participation in the Commission. Any action to terminate participation must be preceded by a ninety-day notice to the other member counties and notice to the State Department of Health Services as set forth in Welfare and Institutions Code Section 14087.54(g).

7.59.020 Purpose.

A. The purpose of the Commission is to negotiate exclusive contracts with the California Department of Health Care Services and to arrange for the provision of health care services to qualifying individuals in Santa Cruz County, Monterey County, and Merced County who lack sufficient annual income to meet the cost of health care, and whose other assets are so limited that their application toward the cost of health care would jeopardize the person or family's future minimum self-maintenance and security, pursuant to Chapter 7 of ~~Part~~ 3 of Division 9 of the Welfare and Institutions Code.

B. The Commission shall design and operate a program that:

1. Delivers primary care via a contracted provider network which significantly improves access to primary care and related specialty and ancillary services for enrolled Medical recipients;
2. Includes mechanisms for assuring that Commission financed medical care services meet appropriate quality of care standards;
3. Incorporates a plan of service delivery and implements reimbursement mechanisms which will promote the long-term viability of a locally operated Medical managed care system and participating "safety net" providers herein defined as Medi-Cal disproportionate share hospitals, county clinics and licensed community clinics;
4. Implements a financial plan which includes the creation of a prudent reserve within three years of commencing operations, and which provides that if additional surplus funds accrue, they shall be used to expand access, improve benefits and augment provider reimbursement;
5. Gives a high priority to increasing prevention, education, and early intervention services for enrolled recipients;
6. Ensures that all program obligations, statutory, contractual or otherwise, shall be the obligations of the program and shall not be the obligations of Santa Cruz County, Monterey County, Merced County or the state;
7. Implements programs and procedures to ensure that a high level of member satisfaction is maintained.

C. The Commission shall also be authorized to contract with public insurers, payors or plan sponsors to offer and/or administer their health care programs and to contract with private insurers or plan sponsors to administer their health care programs.

7.59.030 Membership.

A. The Commission shall consist of twenty-one voting members, seven of whom shall be legal residents of the county of Santa Cruz appointed by the Board

of Supervisors of Santa Cruz County, seven-of whom shall be legal residents of Monterey County appointed by the Board of Supervisors of Monterey County, and seven of whom shall be legal residents of Merced County appointed by the Board of Supervisors of Merced County. The Commission shall be generally representative of the diverse skills, backgrounds, interests, and demography of persons residing in both counties.

B. Each member of the Commission shall have a commitment to a health care system which seeks to improve access to high quality health care for all persons, regardless of their economic circumstances, and which in fact delivers high quality care, and which in fact is financially viable. Members of the Commission shall likewise have an abiding commitment to, and interest in, a quality publicly assisted health care delivery system.

C. The twenty-one voting members shall include:

1. One member of the Santa Cruz County Board of Supervisors, one member of the Monterey County Board of Supervisors; and one member of the Merced County Board of Supervisors;

2. The health services agency administrator of Santa Cruz County, the health director of Monterey County, and the director of public health of Merced County, or a representative of each respective agency nominated by the administrator or director;

3. Two persons representing providers from Santa Cruz County appointed by the Board of Supervisors of Santa Cruz County, two persons representing providers from Monterey County appointed by the Board of Supervisors of Monterey County, and two persons representing providers from Merced County appointed by the Board of Supervisors of Merced County. Of the two provider representatives from Santa Cruz County, at least one shall be a representative of a nongovernmental community clinic;

4. A hospital representative from Santa Cruz County appointed by the Board of Supervisors of Santa Cruz County, a hospital representative from Monterey County appointed by the Board of Supervisors of Monterey County, and a hospital representative from Merced County appointed by the Merced County Board of Supervisors;

5. Two public representatives of the population of beneficiaries to be served by the Commission from Santa Cruz County appointed by the Board of Supervisors of Santa Cruz County, two public representatives of the population of beneficiaries to be served by the Commission from Monterey County appointed by the Board of Supervisors of Monterey County, and two public representatives of the population of beneficiaries to be served by the Commission from Merced County appointed by the Board of Supervisors of Merced County. Of the two persons from Santa Cruz County, at least one shall be a past or present Medical beneficiary.

D. Commissioners shall be appointed by majority vote of the board of supervisors of the respective county. Any Commission member may be removed from office by a four-fifths vote of the board of supervisors of the county originally appointing that member.

E. Commissioners appointed by the Santa Cruz County Board of Supervisors shall serve terms of four years, with the exception of the initial selection of members. The majority of the Commission members initially appointed by the Santa Cruz County Board of Supervisors shall serve terms commencing on April 1st of the year in which the fourth district supervisor begins a full term. The remaining members initially appointed shall serve terms commencing on April 1st of the year in which the fifth district supervisor begins a full term. The initial appointment terms shall be drawn by lots. At the conclusion of a term, a member may be reappointed to a subsequent four-year term.

7.58.035 Membership composition.

The Board of Supervisors declares that the individuals representing the hospital industry, physician profession and non-physician health care providers appointed to the Commission are intended to represent and **further** the interests of said industry, profession and providers, and that such representation and furtherance will ultimately serve the public interest. Accordingly, the board finds that for purposes of determining whether any such commissioner has a “financial interest” within the meaning of Government Code Section 87100, the industry, profession, and providers are tantamount to and constitutes the public generally within the meaning of Section 87103 of the Government Code.

7.58.040 Bylaws.

Procedures for the conduct of business not otherwise specified in this chapter, including provisions for the creation of standing committees, shall be contained in bylaws adopted by the Commission and submitted to the board of supervisors of each county for final approval.

7.58.050 Quorum.

A majority of the appointed members of the Commission (excluding any positions that are vacant) shall constitute a quorum, and no act of the Commission shall be valid unless a majority of those members appointed and not disqualified from voting due to a conflict of interest concur therein. Any act of the Commission shall be accomplished by a roll call vote when such a vote is requested by any member in attendance.

7.59.060 Status and power of Commission.

A. The Commission shall be considered an entity separate from the County of Santa Cruz, the County of Monterey, and the County of Merced. The Commission shall have all of the powers made available generally to commissions under Welfare and Institutions Code Section 14087.54. The Commission shall have the power to acquire, possess, and dispose of real or personal property, as may be necessary for the performance of its functions, to employ personnel and contract for services to meet its obligations, and to sue or be sued. Any obligations of the Commission, statutory, contractual, or otherwise, shall be the obligations solely of

the Commission and shall not be the obligations of the County of Santa Cruz, the County of Monterey or the County of Merced.

B. Prior to approving an initial managed medical care system plan, the Commission shall submit a proposed draft plan to each respective board of supervisors for their review and comment, and shall consider any comments or recommendations made by each board of supervisors thereafter, before submittal to the state or execution by the Commission, the Commission shall submit to each respective board of supervisors for their review and comment: (a) the initial managed medical care system plan, as approved by the Commission, (b) any amendment to the system plan, and (c) any contract with the California Department of Health Care Services for the provisions of health care services.

7.59.080 Reports.

A. The Commission shall submit an annual report to each respective board of supervisors and county administrative office on or before January 31st of each year. The report shall highlight the activities, accomplishments, and future goals of the Commission.

B. Any of the respective board of supervisors may request that the Commission submit progress reports and recommendations at any time.

7.58.090 Vacancies.

Vacancies occurring in the Commission shall be filled by the board of supervisors of the appointing county for the remainder of the unexpired term only.

7.58.100 Severability.

The provisions of this chapter are severable. If any section, paragraph, sentence, phrase, or word of this chapter is declared invalid for any reason, that decision shall not affect any other portion of this chapter, which shall remain in full force and effect.

SECTION II

Chapter 7.59 of the Santa Cruz County Code is hereby repealed, however, said repeal shall not take effect until the date on which a quorum of the Santa Cruz-Monterey-Merced Managed Medical Care Commission established by this ordinance conducts its initial public meeting. The Santa Cruz-Monterey Managed Medical Care Commission established by Chapter 7.59 shall continue to serve as the special commission designated by the Board of Supervisors pursuant to California Welfare and Institutions Code §14087.54 until Chapter 7.59 is repealed, at which time all obligations, rights, powers, duties, privileges, and immunities vested in the Santa Cruz-Monterey Managed Medical Care Commission shall be transferred to the Santa Cruz-Monterey-Merced Managed Medical Care Commission authorized by this ordinance.

SECTION III

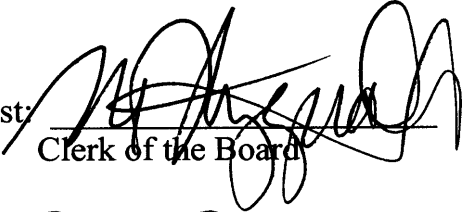
This ordinance shall take effect and be operative on the 31st day after the date of final passage.

PASSED AND ADOPTED this 16th day of December, 2008, by the Board of Supervisors of the County of Santa Cruz by the following vote:

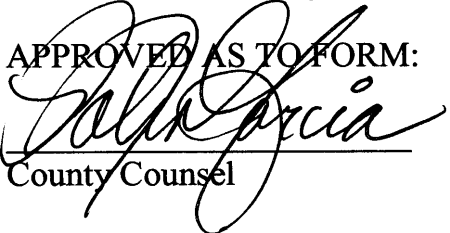
AYES:	SUPERVISORS	Stone, Campos, Beautz, Coonerty and Pirie
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None



 Chairperson, Board of Supervisors

Attest: 

 Clerk of the Board

APPROVED AS TO FORM:


 County Counsel

IN THE SUPERIOR COURT of the STATE OF CALIFORNIA
in and for the County of Santa Cruz

CERTIFICATE OF PUBLICATION

Ad No.: 01541776

STATE OF CALIFORNIA }
COUNTY OF SANTA CRUZ } SS

I, **Mary Pipo**,
hereby certify that the **Watsonville Register Pajaronian**, a newspaper of general circulation, within the provisions of the government code of the State of California, printed and published in the City of Watsonville, County of Santa Cruz, State of California; that I am the principal clerk of the printer of said newspaper; that the

Legal Notice; Public Notice
Ordinance No #5032

of which the annexed clipping is a true printed copy was published in said newspaper on the following dates, to wit:

December 19, 2008

I certify under penalty of perjury that the foregoing is true and correct, at Watsonville, California, on the December 19, 2008

Mary Pipo
Mary Pipo, Legal Clerk

PUBLIC NOTICE
ADOPTED ORDINANCE NO. 5032
(SUMMARY)
NOTICE IS HEREBY GIVEN that at its regularly scheduled meeting on December 16, 2008, the Board of Supervisors of the County of Santa Cruz adopted Ordinance No. 5032 adding Chapter 7.58 to the Santa Cruz County Code relating to the establishment of the Santa Cruz-Monterey-Merced Managed Medical Care Commission and repealing existing Chapter 7.59 relating to the Santa Cruz-Monterey Managed Care Commission. The ordinance was passed by the following vote:
AYES: Stone, Campos, Beautz, Coonerty, and Pirie
ABSENT: None
ABSTAIN: None
Copies of the full text of this ordinance are available at the Office of the Clerk of the Board, Room 500, Governmental Center Building, 701 Ocean Street, Santa Cruz, California 95060.
Date: December 16, 2008
December 19, 2008
01541776

(Pas.

ce)

I, Tess E. Fitzgerald, Supervising Clerk of the Board of Supervisors of the County of Santa Cruz, do hereby certify that Ordinance No. 5032, adopted on Dec 16, 2008, has been duly published in accordance with Section 25124 of the Government Code.
Tess E. Fitzgerald,
Supervising Board Clerk
By: Tess E. Fitzgerald

"Proof of Publication must be filed with the County Clerk's Office within 30 days of the last publication date, pursuant to Civil Code Section 2466."