

**ORDINANCE NO. 2016-\_\_\_\_\_**

**AN ORDINANCE ADDING CHAPTER 2.124 TO TITLE 2 OF THE ALAMEDA COUNTY  
ADMINISTRATIVE ORDINANCE CODE TO ESTABLISH THE ALAMEDA COUNTY HEALTH CARE  
FOR THE HOMELESS COMMISSION**

**WHEREAS**, the Alameda County Health Care Services Agency (“HCSA”), governed by the Alameda County Board of Supervisors, has applied for and received grants from the United States Department of Health and Human Services Health Resources and Services Administration (“HRSA”) pursuant to Section 330(h) of the Public Health Service Act to support health care services for people experiencing homelessness; and

**WHEREAS**, Alameda Health System (“AHS”), governed by the Alameda Health System Board of Trustees (“BOT”), has provided a portion of those services through its status as a subrecipient of Section 330(h) funds from HCSA and its resulting designation as a Federally Qualified Health Center (“FQHC”); and

**WHEREAS**, HRSA’s Policy Information Notice 2014-01 defines the Scope of Project (“HRSA Scope of Project”) under a Section 330 grant as “the approved service sites, services, providers, service area(s) and target population(s) which are supported (wholly or in part) under the total section 330 grant-related project budget;” and

**WHEREAS**, HCSA, through its Alameda County Health Care for the Homeless program (“HCH”), and AHS, through its Homeless Coordinating Office (“HCO”), jointly administer the HRSA Scope of Project; and

**WHEREAS**, HRSA, as a condition of the Section 330 grant and the resulting FQHC designation, requires the establishment of an independent governing body with specific authority to oversee the HRSA Scope of Project; and

**WHEREAS**, the County and AHS wish to collaborate in providing the oversight required by HRSA through the establishment of a Joint Co-Applicant Board, which shall be named the Alameda County Health Care for the Homeless Commission with specific authority to oversee the HRSA Scope of Project;

**NOW THEREFORE**, THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

**SECTION I**

Chapter 2.124 is added to the County administrative code to read as follows:

**ALAMEDA COUNTY HEALTH CARE FOR THE HOMELESS COMMISSION**

Contents:

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- 2.124.110 Termination of the Commission
- 2.124.120 Powers and Duties of the Commission

**2.124.010 Establishment and Purpose.**

There is hereby established in the County of Alameda ("County") a body which shall be known

as the Alameda County Health Care for the Homeless Commission ("Commission"). The purpose of the Commission is to act, in conjunction with the board of supervisors and the Alameda Health System ("AHS") Board of Trustees ("BOT"), as the governing board, as set forth in this ordinance, of health care operations, whether administered by HCSA or AHS, which fall under the United States Department of Health and Human Services Health Resources and Services Administration ("HRSA") Policy Information Notice 2014-01's Scope of Project ("HRSA Scope of Project") under Section 330 the Public Health Services Act and its related grant. The HRSA Scope of Project is defined as "the approved service sites, services, providers, service area(s) and target population(s) which are supported (wholly or in part) under the total section 330 grant-related project budget."

**2.124.020      Membership.**

The Commission shall consist of nine (9) members initially appointed by the board of supervisors in consultation with Alameda County Health Care for the Homeless ("HCH") and AHS through its Homeless Coordinating Office ("HCO"). Subsequent appointments to fill vacancies will be made pursuant to the Commission Bylaws.

All members of the Commission shall be residents of the County. Each of the five districts represented by a member of the board of supervisors must be represented by at least one member of the Commission. At least one member must be an active member of the Consumer Community Advisory Board of HCH. No member of the Commission shall be an officer, employee or an immediate family member of an officer or employee of Alameda County, AHS, or a subcontracting agency of the HCH or HCO. No member shall have a financial interest which would constitute a conflict of interest. No more than one-half (50 percent) of Commission members may derive more than ten (10) percent of their annual income from the health care industry, as required by HRSA regulations.

Collectively, Commission members shall possess expertise in health care, community affairs, finance, government, business, and legal affairs. Each member shall have a demonstrated

commitment to people experiencing homelessness and the special health needs of that population.

**2.124.030 Terms of Office.**

Upon its establishment, initial terms shall be four (4) years for five (5) of the members and two (2) years for the remaining members. Thereafter, the term of each member shall be four (4) years. Any vacancy or removal from the Commission shall occur pursuant to the Bylaws.

**2.124.040 Co-Applicant Agreement.**

Following the creation of the Commission, a Co-Applicant Agreement shall be established among the Commission, board of supervisors, and BOT delineating governance authority and responsibilities of the Commission in relation to the HRSA Scope of Project. The Co-Applicant Agreement shall be in compliance with HRSA requirements.

**2.124.050 Limitations of Authority.**

The board of supervisors and BOT shall retain the authority to set policy on fiscal and personnel matters within their respective public agencies including, but not limited to, appropriating and authorizing funding and staffing for programs and policies related to financial management practices, labor relations, and conditions of employment. The Commission may not adopt any policy or practice, or take any action, which is inconsistent with or which alters the scope of any decision or policy set by the board of supervisors or the BOT on fiscal or personnel issues, or which asserts control, directly or indirectly, over any non-HRSA Scope of Project fund or program. The Commission does not have the authority to direct the hiring, promotion, or firing of any employee of the County or AHS.

**2.124.060 Compensation and Expenses.**

Members of the Commission shall serve without compensation. Travel and meal expenses when traveling out of County on Commission business shall be approved in advance by the Commission and reported to the board of supervisors.

**2.124.070 Meetings.**

Meetings shall be held pursuant to HRSA requirements and within the jurisdictional limits of the County. All meetings of the Commission, including, without limitation, regular, special, and adjourned meetings, shall be called, publicly noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).

A quorum is necessary to conduct business and make recommendations. A quorum shall be constituted by the presence of a majority of the voting members of the Commission. A majority vote of the Commission members present is required to take any action, and each member present shall be entitled to vote.

**2.124.080 Conflicts of interest.**

The Commission shall be subject to the same conflict of interest rules and reporting requirements which are applicable to the board of supervisors and as otherwise required by law.

**2.124.090 Bylaws.**

The Bylaws attached to this ordinance shall constitute the initial Bylaws of the Commission. The Bylaws may be modified thereafter pursuant to the terms of the Bylaws so long as any such modifications are consistent with HRSA regulations, this Ordinance, or any other federal, state, or County law.

**2.124.100 Severability.**

If any provision(s) of this ordinance is declared invalid by a court of competent jurisdiction, it is the intent of the board of supervisors that such invalid provision(s) be severed from the remaining provisions of the ordinance and that those remaining provisions continue in effect.

**2.124.110 Termination of the Commission.**

The Commission shall remain in existence for as long as required to remain eligible for receipt of funding from the United States Government under Section 330 of the Public Health Service Act or any successor law that requires the existence of the Commission. If such funding is no longer received by the County, the Commission shall terminate unless the board of supervisors takes action to maintain the Commission.

**2.124.120 Powers and Duties of the Commission.**

Subject to 2.124.050 regarding the Limitation of Powers, the duties of the Commission shall be limited to the HRSA Scope of Project as follows:

- Approving applications related to the HRSA Scope of Project, including grants and designation applications and other HRSA requests regarding scope of project.
- Approving the annual HRSA Scope of Project budget and audit within appropriations made available by the board of supervisors and/or the BOT.
- Long-term strategic planning, which would include regular updating of the HRSA Scope of Project’s mission, goals, and plans, as appropriate.
- Evaluating the HRSA Scope of Project’s progress in meeting its annual and long-term goals.
- Determining the hours during which services are provided at HRSA Scope of Project’s sites that are appropriate and responsive to the community’s needs.
- Approving the selection and dismissal of, and evaluating the performance of the HCH Director, subject to those limitations on the Commission’s authority over labor relations and conditions of employment described in the Commission’s enabling ordinance, which are strictly reserved to the BOT and BOS.
- Establishing general policies and procedures for the HRSA Scope of Project that are consistent with the HRSA Scope of Project and applicable grants management requirements.
- Developing Commission member selection and dismissal procedures.
- Developing quality improvement system.
- Developing fee schedules for services, including the sliding fee discount program.

**SECTION II**

The initial Bylaws of the Commission are attached to this Ordinance.

**SECTION III**

**Effective Date**

- A. This ordinance shall take effect and be in force thirty (30) days from and after the date of passage.
- B. Before the expiration of fifteen (15) days after its passage, it shall be published once with the names of the members voting for and against the same in a newspaper published in the County of Alameda as required by law.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on \_\_\_\_\_, 2016 by the following called vote:

AYES:

NOES:

EXCUSED: \_\_\_\_\_

\_\_\_\_\_  
President of the Board of Supervisors  
County of Alameda, State of California

ATTEST: ANIKA CAMPBELL-BELTON  
  
Clerk of the Board of Supervisors, County of  
Alameda

Approved as to Form:  
DONNA R. ZIEGLER, County Counsel

By: \_\_\_\_\_

By: \_\_\_\_\_  
Raymond Lara  
Senior Deputy County Counsel