Monterey County
Board of Supervisors

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Board Order

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Mary L. Adams to:

Adopt Ordinance No.: 5359
Adding Chapter 2.46 to the Monterey County Code to establish the Santa Cruz-Monterey-Merced-San Benito-Mariposa Managed Medical Care Commission and repealing Chapter 2.45 of the Monterey County Code to terminate the Santa Cruz-Monterey-Merced Managed Medical Care Commission.

PASSED AND ADOPTED on this 14th day of September 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams
NOES: None
ABSENT: None
(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting September 14, 2021.

Dated: September 20, 2021
File ID: ORD 21-015
Agenda Item No.: 22

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

Julian Lorenzana, Deputy

ORDINANCE NO. 5359

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING CHAPTER 2.46 TO THE MONTEREY COUNTY CODE TO ESTABLISH THE SANTA CRUZ·MONTEREY·MERCED·SANBENITO·MARIPOSA MANAGED MEDICAL CARE COMMISSION AND REPEALING CHAPTER 2.45 OF THE MONTEREY COUNTY CODE TO TERMINATE THE SANTA CRUZ·MONTEREY· MERCED MANAGED MEDICAL CARE COMMISSION

County Counsel Summary

This ordinance establishes the Santa Cruz-Monterey-Merced-San Benito-Mariposa Managed Medical Care Commission and terminates the Santa Cruz-Monterey-Merced Managed Medical Care Commission. The purpose of the Santa Cruz-Monterey-Merced-San Benito-Mariposa Managed Medical Care Commission is to establish a regional health plan for the delivery of quality, publicly-assisted health care to residents of the five counties.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS

1. The County of Monterey is currently a member agency of the Santa Cruz-Monterey-Merced Managed Medical Care Commission, as authorized under Welfare and Institutions Code Section 14087.54 and *as* codified in Monterey County Code Chapter 2.45.

2. The Board of Supervisors has determined that it is appropriate to form a new Managed Medical Care Commission that will include San Benito and Mariposa Counties.

3. Upon the establishment of the new Commission, it will be appropriate to terminate the Santa Cruz-Monterey-Merced Managed Medical Care Commission and repeal Monterey County Code Chapter 2.45.

SECTION 2. Chapter 2.46 is hereby added to the Monterey County Code to read as follows:

Chapter 2.46
SANTA CRUZ.MONTEREY-MERCED-SAN BENITO-MARIPOSA MANAGED MEDICAL CARE COMMISSION

Sections:

2.46.010 Established.
2.46.020 Purpose.
2.46.030 Membership.
2.46.035 Membership composition.
2.46.040 Bylaws.
2.46.050 Quorum.
2.46.060 Status and power of theCommission.
2.46.080 Reports.
2.46.090 Vacancies.

2.46.010 Established.

Pursuant to California Welfare and Institutions Code Section 14087.54, there is created the Santa Cruz-Monterey-Merced-San Benito-Mariposa Managed Medical Care Commission. This Commission is a multi-county commission representing Santa Cruz, Monterey, Merced, San Benito and Mariposa Counties. The Santa Cruz-Monterey-Merced-San Benito-Mariposa Managed Medical Care Commission shall be established effective on that date that all five 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 Monterey County by Welfare and Institutions Code Section 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 Monterey County formally terminates its participation in the Commission. Any action to terminate participation must be preceded by a 90-day notice to the other member counties and notice to the California Department of Health Care Services as set forth in Welfare and Institutions Code Section 14087.54(g).

2.46.020 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, Merced County, San Benito County and Mariposa 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 Medi-Cal recipients;

2. Includes mechanisms for ensuring 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 Medi-Cal 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, San Benito County, Mariposa County or the State; and

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.

2.46.030 Membership.

A. The Commission shall consist of a maximum of 25 voting members who, with the exception of the director or designee of the Health Department (or Health Services Agency) of each respective county and be appointed by the respective Board of Supervisors, shall be legal residents of the County of Santa Cruz appointed by the Board of Supervisors of Santa Cruz County, legal residents of Monterey County appointed by the Board of Supervisors of Monterey County, legal residents of Merced County appointed by the Board of Supervisors of Merced County, legal residents of San Benito County appointed by the Board of Supervisors of San Benito County, and legal residents of Mariposa County appointed by the Board of Supervisors of Mariposa County. The Commission shall be generally representative of the diverse skills, backgrounds, interests, and demography of persons residing in each county.

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 number of voting members of the Commission shall be based upon the number of Medi-Cal beneficiaries within each county and includes a maximum of five (5) members within a county with the number of Commissioners within a county and Commission representation categories determined according to the following formula:

1. Zero (0) to fifteen thousand (15,000) Medi-Cal beneficiaries within the county equals one (1) commission seat to be filled by the Director of the County Health Department (or Health Services Agency) or their designee;

2. Fifteen thousand (15,000) to thirty thousand (30,000) Medi-Cal beneficiaries within the county equals two (2) commission seats to be filled as follows:

a. The Director of the County Health Department (or Health Services Agency) or their designee; and

b. One at large representative of either the health care provider population or the population of beneficiaries to be served by the Commission.

3. Thirty thousand (30,000) to forty-five thousand (45,000) Medi-Cal beneficiaries within the county equals three (3) commission seats to be filled as follows:

a. The Director of the County Health Department (or Health Services Agency) or their designee;

b. One person representing health care providers; and

c. One person from the public representing the population of beneficiaries to be served by the Commission.

4. Forty-five thousand (45,000) to sixty thousand (60,000) Medi-Cal beneficiaries within the county equals four (4) commission seats to be filled as follows:

a. The Director of the County Health Department (or Health Services Agency) or their designee;

b. One member of the Board of Supervisors;

c. One person representing health care providers; and

d. One person from the public representing the population of beneficiaries to be served by the Commission.

5. Sixty thousand (60,000) or more Medi-Cal beneficiaries within the county equals five (5) commission seats to be filled as follows:

a. The Director of the County Health Department (or Health Services Agency) or their designee;

b. One member of the Board of Supervisors;

c. One person representing health care providers;

d. One person from the public representing the population of beneficiaries to be served by the Commission; and

e. One at large representative of either the public representing the population of beneficiaries to be served by the Commission or one person representing health care providers.

D. Any elimination of commissioners required based upon a change in the population of Medi-Cal beneficiaries within a county will be achieved through attrition, with a maximum of two years to come into compliance with the membership provisions of this Chapter.

E. 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.

F. Commissioners appointed by the Monterey 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 Monterey County Board of Supervisors shall serve terms commencing on November 1st of the year in which the fourth district supervisor began a full term. The remaining members initially appointed shall serve terms commencing on November 1st of the year in which the fifth district supervisor began 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 or terms.

2.46.035 Membership composition.

The Board of Supervisors declares that the individuals representing health care providers appointed to the Commission are intended to represent and further the interests of said 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 constitute the public generally within the meaning of Section 87103 of the Government Code.

2.46.040 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.

2.46.050 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.

2.46.060 Status and power of Commission.

The Commission shall be considered an entity separate from the County of Santa Cruz, the County of Monterey, the County of Merced, the County of San Benito, and the County of Mariposa. 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, the County of Merced, the County of San Benito, or the County of Mariposa.

2.46.080 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 Boards of Supervisors may request that the Commission submit progress reports and recommendations at any time.

2.46.090 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.

SECTION 2. Chapter 2.45 of the Monterey County Code is hereby repealed, the repeal to become effective as of the date that a quorum of the Santa Cruz-Monterey-Merced-San Benito-Mariposa Managed Medical Care Commission's members have met to conduct the Commission's initial public meeting.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of

the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this day of Sept. 14, 2021, by the Board of Supervisors of the County of Monterey, by the following vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

ABSTAIN: None

Wendy Root Askew, Chair
Monterey County Board of Supervisors

A T T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

JULIAN LORENZANA

APPROVED AS TO FORM:

WENDY S. STRIMLING
Assistant County Counsel