

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

310



FROM: Department of Public Health

SUBMITTAL DATE:
September 27, 2012

SUBJECT: Approval of the Intergovernmental Agreement (# 102008, Amended 2012) with San Bernardino County for the distribution of Ryan White Comprehensive AIDS Resource Emergency (CARE) Act Part A funds.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the, sixth revision of the Intergovernmental Agreement with San Bernardino County for the Distribution of Ryan White Care Act Part A Funds; and,
- 2) Authorize the Chairman of the Board to sign five (5) copies of the Agreement.

BACKGROUND: The Ryan White Comprehensive AIDS Resource Emergency Act (RWCA) of 1990 provides financial relief to geographic areas significantly impacted by AIDS and HIV. These funds are given to Transitional Grant Areas (TGA) Grant Areas (TGA) that have a cumulative number of AIDS cases that exceed 2,000. In 1993, the counties of Riverside and San Bernardino together became eligible to receive funds under Part A (RWCA).

(BACKGROUND: Continued on Page 2)

Susan D. Harrington

Susan Harrington, Director of Public Health

VJB:al/ys

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature
BY: *Debra Cournoyer*
Debra Cournoyer

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
 FORM APPROVED COUNTY COUNSEL
 BY: NEAL R. KIPNIS
 DATE: 9/27/12
 Departmental Concurrence

Policy
 Consent
 Policy
 Consent

Dep't Recomm.:
 Per Exec. Ofc.:

SUBJECT: Approval of the Intergovernmental Agreement (# 102008, Amended 2012) with San Bernardino County for the distribution of Ryan White Comprehensive AIDS Resource Emergency (CARE) Act Part A funds.

BACKGROUND (Continued):

The RWCA requires that multi-jurisdictional TGATGA's negotiate an intergovernmental agreement (IGA) that;

- 1) Establishes an HIV/AIDS planning council;
- 2) Designates the size of the planning council;
- 3) Designates planning council chairs or co-chairs; and
- 4) Designates a method to allocate RWCA funds between the jurisdictions.

The Sixth Amendment provides minor changes that;

- 1) Clarifies which members are allowed to vote during the election of the Community Co-Chairs;
- 2) Clarifies which Co-Chair will preside over the meetings;
- 3) Clarifies that San Bernardino County provide staff to administer the grant;
- 4) Clarifies that the Ryan White program staff and the Inland Empire Planning Council will negotiate the amount of administrative funds needed from the Part A award to complete IEHPC mandated activities.

This Sixth Amendment provides minor changes that:

- 1) Clarifies which members are allowed to vote during the election of the Community Co-Chairs;
- 2) Clarifies which Co-Chair will preside over the meetings;
- 3) Clarifies that San Bernardino County provide staff to administer the grant;
- 4) Clarifies that the Ryan White program staff and the Inland Empire Planning Council will negotiate the amount of administrative funds needed from the Part A award to complete IEHPC mandated activities.

This IGA will be effective when the San Bernardino County Board of Supervisors executes the agreement after being approved by the Riverside County Board of Supervisors.

Financial Data: This agreement has no financial impact on the County of Riverside.

**RYAN WHITE COMPRHENSIVE AIDS RESOURCES EMERGENCY
ACT OF 1990 – TITLE I
INTERGOVERNMENTAL AGREEMENT BETWEEN
The County of RIVERSIDE and the County of SAN BERNARDINO
Agreement Number 102008
Amended 2012**

The counties of Riverside and San Bernardino agree to the following with regard to Part A (formally Title I) of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 and the Ryan White CARE Act Amendments of 1996, 2000, 2006, and 2009 (Ryan White HIV/AIDS Treatment Extension Act).

I. PLANNING COUNCIL

- A. Section 2602(b)(1) of Part A of the Ryan White HIV/AIDS Treatment Modernization Act of 2006 requires a planning council to:
 - 1. Establish priorities for the allocation of funds,
 - 2. Develop a comprehensive plan for the organization and delivery of health and support services within the Riverside/San Bernardino, CA Transitional Grant Area (TGA),
 - 3. Assess the efficiency of the administrative mechanism for allocating funds proportionately to the needs in various areas,
 - 4. Participate in the development of a statewide coordinated statement of need, and
 - 5. Establish methods for obtaining input on community needs and priorities.
- B. All members shall be appointed by the San Bernardino County Board of Supervisors (BOS) and shall follow all BOS policies and directives.
- C. The Planning Council for the TGA shall be known as the Inland Empire HIV Planning Council (IEHPC) and referred to as COUNCIL throughout this document.
- D. The Council will consist of a minimum of 18 members and a maximum of 32 members. This will include all federally mandated representatives.
- E. There cannot be more than one member from each Ryan White Program funded provider on the Council. The Public Health Officers from each county shall be exempt from this section.
- F. Ryan White Program funded provider members cannot represent more than 33% of the Council.
- G. The Council will have a County Co-chair and a Community Co-chair.

- H. The County Co-chair will at all times be a County Health Officer or his/her designee.
- I. The County Co-chair position will rotate between the counties annually.
- J. The Community Co-chair will be selected from among the non-Health Department employees, unaffiliated, non-aligned consumer members of the Council. Consumer is defined as an individual who is HIV positive who is eligible for and receiving Ryan White funded services.
- K. The selection of the Community Co-chair will be by simple majority vote of all Council members in good standing present at a meeting in which a quorum has been established.
- L. The County Co-chair or designee and the Community Co-Chair will rotate presiding over meetings.
- M. Both co-chairs will be involved in all communications relative to the duties assigned to the chair.
- N. An individual may serve as a representative of a county if he/she lives in that county and (1) is a consumer of Part A services or (2) fills a membership category that is not linked to employment at a specific provider.
- O. An individual who fills a membership category based on employment with a provider shall represent the county where the member does most of his/her work.
- P. In nominating individuals for Council membership, the Council Development Committee shall specify what county the nominee represents.
- Q. Terms: Members of the Council shall serve three-year terms.
 - 1. Terms shall begin January 1 and end three years later on December 31st and shall be staggered so that approximately one-third (1/3) of terms expire each year.
 - 2. Members may serve no more than two consecutive three-year terms.
 - 3. The exceptions are the two (2) County Health Officers and the state part B and Medicaid representatives, who shall serve by virtue of their office, with no fixed term.
 - 4. A member who is selected to fill an unexpired term will serve for the remainder of the term, and shall be eligible for re-nomination to one full three-year term.

II. ADMINISTRATIVE STRUCTURE AND CONTRACT COMPLIANCE

- A. Pursuant to Section 2602(a)(1), San Bernardino County shall serve as grantee and fiscal agent for purposes of receiving and administering Part A grant funds. San Bernardino County will provide Ryan White Program staff to administer the grant, including:

1. Monitoring Contractors,
 2. Conducting Quality Management Activities for the TGA, and
 3. All aspects of grant management.
- B. San Bernardino County shall be responsible for compliance with all requirements of Section 2604 and 2605 with respect to application for and use of Part A grant funds.
- C. Both counties will comply with the requirements of the Health Resources and Services Administration, including, but not limited to:
1. Data collection and reporting,
 2. Utilization of funds,
 3. Mechanism for distribution of funds, and
 4. Maintenance of effort.
- D. Both counties will maintain the level of expenditures by each County for HIV-related services for individuals with HIV disease at a level that is at least equal to the level of such expenditures for the preceding fiscal year.
- E. Both counties agree that Part A funds will not be used to supplant local expenditures for HIV-related services to maintain the level of expenditures as required above.

III. USE OF ADMINISTRATIVE & SUPPORT FUNDS

- A. Pursuant to Section 2604(e), San Bernardino County shall retain up to ten percent (10%) of Part A formula and supplemental grant funds for administrative activities as specified in Section 2604(e)(2) and up to five percent (5%) for Quality Management Activities.
- B. Ryan White Program Staff, as representatives of the grantee, will work with the Council on a yearly basis to determine the portion of administrative funds necessary to support Council mandated activities and Council Support Staff.
- C. Council Support Staff will be provided consistent with priorities and funding established by the Council. Council Support Staff responsibilities will include, but not be limited to:
1. Development of the Comprehensive HIV Services Plan and associated health planning activities,
 2. Direct support to Council including secretarial and administrative support,
 3. Development and implementation of the Comprehensive HIV/AIDS Needs Assessment and associated specialized Needs Assessments,
 4. Gathering and analyzing data and information, generating and presenting relevant reports that facilitate all mandated Council activities including Priority Setting and Allocations.

- D. Based on TGA-wide program needs, San Bernardino County will allocate available administrative funds to provide for TGA-wide capacity building, Technical Assistance, and Information Technology needs.
- E. When necessary, allocate funding to Riverside County for completion of the Evaluation of the Administrative Mechanism and Epidemiological support.

IV. ALLOCATION OF FUNDS

- A. The Council will establish two or more Service Areas (SA) within the TGA boundaries, assess the Severity of Need in each SA and determine the prevalence of HIV in each SA.
- B. The Council will assess the health and support services needs of the SAs and will make recommendations to the Grantee regarding the allocation of funds based on these assessments.
- C. Part A formula and supplemental grant funds for the delivery of health and support services to individuals and families with HIV disease will be distributed annually within the TGA proportionate to the prevalence of HIV and according to TGA-wide planning conducted by the Council using the following inputs:
 - 1. Number of unduplicated active clients within the TGA as of December 31st of the previous year and where they reside,
 - 2. Number of individuals living with AIDS as of December 31st of the previous year and where they reside,
 - 3. Number of individuals living with HIV as of December 31st of the previous year and where they reside.
- D. Both counties agree that funding recommendations for health and support service priorities applicable to each service area will be data-based and shall be approved by a majority of Council members.
- E. The Council will have the ability to reallocate Part A funds among services.
- F. Funding formula will be reviewed annually and modified as necessary for compliance with HRSA policies.

V. MINORITY AIDS INITIATIVE (MAI) FUNDS

- A. MAI funds are intended for the development and/or enhancement of access to culturally competent and linguistically appropriate, high quality, community-based HIV/AIDS care services and for the improvement of health outcomes for low-income minority individuals and families.
- B. Part A legislative requirements will apply to the MAI funds.
- C. MAI grant funds will be distributed annually within the TGA proportionate to the prevalence of HIV in the targeted minority populations and according to TGA-wide planning conducted by the Council using the following inputs:

1. Number of unduplicated active MAI eligible clients within the TGA as of December 31st of the previous year and where they reside,
2. Number of MAI eligible individuals living with AIDS as of December 31st of the previous year and where they reside,
3. Number of MAI eligible individuals living with HIV as of December 31st of the previous year and where they reside.

VI. REVIEW & TERMINATION

- A. This agreement will be reviewed annually by Ryan White Part A Program staff. A report of this review shall be generated to include:
1. Date of review,
 2. Name and title of staff person completing review,
 3. Relevant recommendations for revision as they pertain to current and emerging HRSA and San Bernardino County policies,
 4. This agreement may be terminated by either party without cause by giving at least sixty days written notice and providing notice to the Council.

 Josie Gonzales Date
 Chair of the Board of Supervisors
 San Bernardino County

 John F. Tavaglione Date
 Chair of the Board of Supervisors
 Riverside County

FORM APPROVED COUNTY COUNSEL
 BY: Neal R. Kipnis
 NEAL R. KIPNIS DATE 1/27/12