

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

318



FROM: Community Health Agency/Department of Public Health

SUBMITTAL DATE:
June 23, 2011

SUBJECT: Amendment to Community Health Center Board (CHCB) Bylaws

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Adopt the amended Community Health Center Board (CHCB) Bylaws as approved by the CHCB.
- 2) Approve the CHCB amended Bylaws to serve as the Memorandum of Understanding between the CHCB and the Board of Supervisors

BACKGROUND INFORMATION: (Page 2)

KB:cc

Sarah Mack for

Sarah Mack for Susan Harrington, Director Department of Public Health

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	2011-2012

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

BY *Debra Cournoyer*
Debra Cournoyer

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: July 12, 2011
 xc: CHA-Public Health

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

3.12

Prev. Agn. Ref.: ATTACHMENTS FILED District: Agenda Number:

FORM APPROVED COUNTY COUNSEL 2/11/11
 POLICY BY: NEAL R. KIPNIS DATE
 Departmental Concurrence
 Policy
 Consent Policy
 Consent
 Dept's Recomm.:
 Per Exec. Off.:

Form 11

Subject: Federally Qualified Health Centers (FQHC) Governing Board

Page 2

BACKGROUND:

The CHCB acts in conjunction with the Board of Supervisors as the governing board of the County of Riverside, Community Health Agency, Department of Public Health Family Care Centers which are designated as Federally Qualified Health Centers Look Alike (FQHCs). The Board updated the language of the CHCB Bylaws, sent to County of Riverside County Counsel and approved the Bylaws to serve as the Memorandum of Understanding between the CHCB and the Board of Supervisors.

**RIVERSIDE COUNTY
COMMUNITY HEALTH CENTER BOARD
BY-LAWS
May 11, 2011**

ARTICLE I – NAME

The name of the commission shall be the Riverside County Community Health Center Board (CHCB). The CHCB is organized and governed under the Riverside County Board of Supervisors (Board of Supervisors).

ARTICLE II – PURPOSE AND OBJECTIVES

The purpose of the CHCB is to act in conjunction with the Board of Supervisors as the governing board of those Family Care Centers operated by the County of Riverside ("County Family Care Centers (formerly Community Health Centers)", "County FCCs" or "FCCs") which are designated as Federally Qualified Health Centers Look Alike pursuant to 42 U. S. C. § 1395x(aa)(3) and/or 42 U. S. C. § 1396d(e)(2).

ARTICLE III – MEMBERSHIP

Section I – Member

- A. There shall be thirteen (13) voting members of the CHCB. The members shall be composed of the following two categories of members:
1. Seven (7) members from patients of the County Community Health Centers ("Health Center Representatives"); and,
 2. Six (6) members from differing segments of the community at large ("Community Representatives").
- B. All members shall be appointed by the Board of Supervisors in accordance with the following requirements:
1. The Health Center Representatives shall be current patients of the FCCs. In making Health Center Representative appointments, the Board of Supervisors will assure that such members, as a group, are representative of the patient population served by the FCCs in terms of ethnicity, geography, race, gender, age and economic status.
 2. The Community Representatives shall consist of one (1) member from the County Department of Public Social Services, one (1) member from Riverside County Regional Medical Center, and (1) member from the County Executive Office and three (3) members who possess, but not limited to, expertise in community affairs, finance, banking, legal affairs, trade unions, and other commercial and industrial

concerns, and who have provided leadership in the community. In making Community Representative appointments, the Board will assure that no more than three (3) Community Representatives receive more than ten percent (10%) of their annual income from the healthcare industry.

- C. All members must be residents or employees of the County of Riverside.
- D. No member shall be an employee or an immediate family member of an employee of any of the FCCs.

Section II – Responsibilities and Rights of Members

- A. All members must:
 - 1. Attend all CHCB meetings.
 - 2. Serve without compensation. Travel and meal expenses shall be allowable in accordance with any reimbursement policies of the County.
 - 3. Be subject to the conflict of interest rules applicable to the Board of Supervisors.
- B. Members shall be entitled to receive agendas, minutes, and all other materials related to the CHCB, may vote at meetings of the CHCB, may hold office and may serve as Chairpersons of CHCB committees.

Section III – Terms

- A. Members shall serve a two (2) year term with staggered start dates.
- B. Before entering into the duties of this office, the member shall take an oath or affirmation set forth in Article XX, Section 3 of the California Constitution. A certified copy of the oath shall be filed in the office of the Clerk of the Board of Supervisors.

Section IV – Vacancies

- A. A vacancy in the membership may be recommended by the CHCB and declared by the Board of Supervisors when a voting member is absent from three (3) meetings in a one-year period, or when a member fails to meet responsibilities of membership as specified in Section II, for a three (3) month period, unless the CHCB or CHCB-Chairperson excuses such absences or failures based on extenuating circumstances.
- B. Any member may be removed from the CHCB at any time by a three-fifths (3/5) vote of the Board of Supervisors.

- C. A resignation from the CHCB by a member shall be in writing and shall be filed with the Clerk of the Board of Supervisors.
- D. All membership vacancies shall be filled by the Board of Supervisors.
 - 1. Upon the vacancy of a Health Center Representative position, however created, the remaining members of the CHCB shall seek community assistance in identifying persons interested and qualified for the vacant position. At a minimum, they shall post notices of the vacancy at the FCCs, although they may also take such other steps as they deem proper. After review of the possible candidates, the remaining members of the CHCB shall make recommendations to the Board of Supervisors concerning appropriate candidates for the open position. Such recommendations shall take into account the requirement that the Health Center Representatives reflect the patient mix of FCCs. The Board of Supervisors, in appointing a person to the vacant position, shall not be limited to the candidates recommended by the CHCB.
 - 2. The Board of Supervisors shall, when filling a vacant Health Center Representative membership, appoint a person whose personal attributes assures that the Health Center Representatives as a whole are representative of the community. and that the ratio of Health Center Representatives to Community Representatives is maintained.
 - 3. Upon the vacancy of a Community Representative position, however created, the remaining members of the CHCB will consult with the proper office or with local civic, religious and community organizations, as appropriate, to identify persons to fill the vacancy. The CHCB will then make recommendations to the Board of Supervisors regarding appropriate candidates for the open position. The Board of Supervisors shall not be limited to those candidates recommended by the CHCB.
 - 4. The Board of Supervisors shall assure that the ratio of the Health Center Representatives to Community Representatives as set forth under Article III Section 1 is maintained.

ARTICLE IV – MEETINGS

Section I – Quorum and Voting Requirements

- A. A quorum is necessary to conduct business and make recommendations. A quorum shall be constituted by the presence of a majority of the membership.
- B. A majority vote of those members present is required to take any action.
- C. Each member of the quorum shall be entitled to one vote. Voting must be in person; no proxy votes.

- D. Attendance at all meetings is recorded on a sign-in sheet. The names of members attending are recorded in the official minutes. Members are responsible for signing the attendance sheet.
- E. The person or persons having direct administrative responsibility for the operation of the FCCs shall attend all meetings of the CHCB but shall not be entitled to vote.

Section II – Regular Meetings

The CHCB shall meet a minimum of monthly.

Section III – Conduct of Meeting

The meeting shall be conducted in accordance with Robert's Rules of Order (newly revised edition).

Section IV – Open and Public

All meetings will be conducted in accordance with the Ralph M. Brown Act.

Section V – Notice, Agenda and Supportive Materials

- A. Written notice of each regular meeting of the CHCB, specifying the time, place and agenda items, shall be sent to each member not less than seven (7) days before the meeting via hard copy or electronic format.
- B. The agenda shall be posted in a public notice area in accordance with the Ralph M. Brown Act not less than seventy-two (72) hours prior to the meeting.
- C. Supportive materials for policy decisions to be voted upon shall be sent with the meeting notice. If, on a rare occasion, such prior submission is precluded by time pressures, and if the urgency of a CHCB vote is established by the Chairperson, an item may be placed on the agenda although supporting materials are not available in time to be sent; however, such material shall be available at the meeting.
- D. Items which qualify as an emergency, in accordance with the Ralph M. Brown Act, can be added to the agenda at the meeting by a two-thirds (2/3) vote.

Section VI – Special Meeting

To hold a special meeting, actual advance notice of such meeting shall be given to each member of the CHCB at least twenty-four (24) hours before the time of the meeting, stating the time, place and the business to be transacted, and no other business shall be considered at a special meeting. Public Notice of special meetings shall be in accordance with the Ralph M. Brown Act. A special meeting may be called by the Chairperson, or by a two-thirds (2/3) vote of the entire voting membership of the CHCB.

ARTICLE V – LIMITATIONS OF AUTHORITY

The Board of Supervisors shall maintain the authority to set general policy of fiscal and personnel matters at the County FCCs, including those matters in Riverside County Ordinances, 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 Riverside County Ordinances or which alters the scope of any policy set by the Board of Supervisors on fiscal or personnel issues.

ARTICLE VI – DUTIES

Section I

Subject to the limitations imposed in Article V, the duties of the CHCB shall be as follows:

- A. Approve the selection and dismissal of the person or persons having direct administrative responsibility for the operation of the County FCCs.
- B. Approve policies identifying the services to be delivered at County FCC locations and the hours during which services are to be provided.
- C. Approve, within appropriations available for such purposes, the budget for County FCCs operations, subject to approval by the Board of Supervisors. Such budget shall be initially prepared by the person or persons having direct administrative responsibility for the operation of the County FCCs or their delegates. All allocations, disbursements, or other commitment of public funds that are subject to the control or recommendations of the CHCB shall be made only upon duly agendized motions that are seconded and approved by a majority vote.
- D. Develop financial priorities and strategies for major resource utilization, subject to approval by the Board of Supervisors.
- E. Evaluate at least annually the effectiveness of the County FCCs. Such evaluation shall include but not be limited to, utilization patterns, productivity, patient satisfaction and achievement of program objectives.
- F. Approve and implement a procedure for hearing and resolving patient grievances.
- G. Approve quality of care audit procedures.
- H. Assure compliance with Federal, State and local laws and regulations.
- I. Periodically report to the Board of Supervisors regarding the County FCC's utilization, productivity, patient satisfaction and achievement of project objectives.

- J. Approve such other policies as are necessary and proper for the efficient and effective operation of the clinics.

ARTICLE VII – OFFICERS

Section I – Designation

There shall be a Chairperson, a Vice Chairperson, a Secretary and a Treasurer of the CHCB. All officers shall be elected from the voting membership of the CHCB. A county employee who is not a member of the CHCB shall serve as support staff to the CHCB.

Section II – Powers and Duties of Officers

A. Chairperson

1. Shall preside at all meetings of the CHCB.
2. Shall approve and carry out the agenda for each monthly meeting (with more frequent meetings as determined by the CHCB and staff).
3. Shall facilitate the purposes of the CHCB by having such powers and duties as may be prescribed from time to time by majority vote of the membership.
4. May appoint temporary chairpersons for committees other than the Executive Committee.
5. May delegate a reasonable portion of his or her duties to the Vice Chairperson.

B. Vice Chairperson

1. Shall assist the Chairperson in his or her duties as needed.
2. Shall perform the duties of Chairperson in the event of his/her absence, resignation, or inability to perform his/her duties, until such time as the Chairperson returns or a new chairperson assumes office under the provisions of these By-Laws.

C. Treasurer

1. Shall report financial status at monthly meetings when appropriate, with input from staff.
2. The Treasurer shall be a permanent member of the Finance Committee.

D. Secretary

1. Shall sign agendas and meeting minutes, and submit to CHCB for approval.

Section III – Nomination and Elections

A. Nominations

1. At the regular January meeting, the CHCB shall designate three (3) of its members as the Nominating Committee to nominate the Chairperson, Vice Chairperson, Treasurer and Secretary.
2. The Nominating Committee shall contact proposed candidates to determine their willingness to run for office, and nominate additional candidates if necessary to complete a ballot of nominees for each office.
3. The Nominating Committee shall transmit its nominations to each member of the CHCB not less than seven (7) days prior to the December meeting. Nominations may be made from the floor at the December meeting.
4. The Nominating Committee may not nominate any of its members for any office, although they may be nominated from the floor.

B. Election

1. Election of officers shall be held at the December meeting. If no candidate for an office obtains over fifty percent (50%) of the vote, a run-off between the two (2) candidates with the most votes shall be held immediately following the vote.
2. The Nominating Committee shall prepare a written ballot and count the votes. Any Nominating Committee member who is a candidate for a particular office shall not participate in the preparation or counting of votes for that office.

Section IV – Term

The term of each office shall be one (1) year, commencing on January 1 of each year.

Section V – Resignation

Any officer may resign by filing written or verbal resignation with the Executive Committee.

Section VI – Recall

Any officer can be recalled by a majority vote of the CHCB.

Section VII – Vacancies

Upon a vacancy in the office of Chairperson, Vice Chairperson, Treasurer or Secretary, nominations shall be accepted at the meeting in which the vacancy is announced. The vote on such nominees shall be taken at the next monthly meeting and the election shall proceed as under Section III. If the office of the Chairperson is vacated after the tenth month of any term, then the Vice Chairperson shall fill out the remaining months of the term. In this event, a new Vice Chairperson shall be elected by majority vote at the following meeting.

ARTICLE VIII – COMMITTEES

Section I – Executive Committee

- A. There shall be an Executive Committee, consisting of the Chairperson, Vice Chairperson, Treasurer and Secretary of the CHCB. CHCB Executive Director is an ex officio non-voting member of the Executive Committee. The Chairperson of the CHCB shall facilitate meetings of the Executive Committee.
- B. The purpose of the Executive Committee shall be:
 - 1. To advise and assist the membership in attaining the purpose and objectives set forth in Article II of these by-laws.
 - 2. To review and process confidential matters.

Section II – Task Forces and Committees

- A. Any member may suggest the creation of a committee or task force when it appears necessary, and such committee or task force may be established upon majority vote of the CHCB.
- B. Standing committees shall be defined as on-going committees and task forces shall be defined as time-limited committees with designated purposes. During the January meeting, the CHCB Chairperson shall seek members to serve on the standing committees, upon a majority vote of the CHCB.
- C. Any committee or task force may be disbanded upon an affirmative majority vote to do so by the CHCB.
- D. Committee meetings shall be called by the Chairperson of the committee, or the Chairperson of the CHCB.

Section III – Standing Committees

The following will be considered Standing Committees:

- A. Nominating Committee

Shall perform the functions as outlined under Article VII, Section III, Subsection A.,
Nominations.

B. Finance Committee

Shall assist with the preparation and review of the Department of Public Health, Ambulatory
Care Division annual budget and to develop in conjunction with the FCCs' professional staff,
major resource use and allocation strategies and priorities.

C. By-laws Committee

Shall review By-Laws on an annual basis or as needed; makes proposed amendment(s) to By-
Laws.

ARTICLE IX – ADOPTION AND AMENDMENTS

These By-Laws shall be adopted and may be amended by a majority vote of a quorum of the
CHCB at any regular or special meeting; provided that, in the case of amendment, written notice
of the specific – proposed amendment(s) shall have been submitted to each CHCB member at
least seven (7) days prior to the meeting, and that, subsequent to CHCB action, said amendments
are approved by the Board of Supervisors.

FOR APPROVED COUNTY COUNSEL
BY: NEAL R. KIPNIS DATE 6/21/11

As noted in the ordinance initiation Form 11, pursuant to Resolution No. 2006-102, the current fee for preparing findings of fact is \$256.00 per application. When two or more applications have been consolidated for hearing because they involve contiguous or adjacent parcels, the same owner or other similar issues, the payment of only one fee may be required if it is feasible to prepare a single set of findings. When it is not feasible to prepare a single set of findings because of the complexity of the issues, the payment of multiple fees may be required up to a maximum of \$768.00. These fees were set based on the hourly cost to the County of a deputy county counsel multiplied by the estimated number of hours required to prepare such findings.

Since Resolution No. 2006-102 was adopted in June of 2006, the cost of a deputy county counsel (including salary, benefits, and office overhead expenses) has increased significantly. On January 25, 2011, the Board approved an hourly billable rate of \$143.15 for the Office of County Counsel. In addition, we have reviewed actual time spent preparing findings of fact and have determined that the 2006 estimate is low.

Ordinance No. 908 would increase the fee for preparing findings of fact to \$715.75 per application ($\143.15×5 hours), not to exceed \$2,147.25 ($\143.15×15 hours) in consolidated cases when it is not feasible to prepare a single set of findings. The increased fee would apply to requests made after the effective date of the ordinance.

Resolution No. 2011-161 would amend the Rules of Notice and Procedure of the Assessment Appeals Boards to implement the increased fee.

2
3 RESOLUTION NO. 2011-161
4 AMENDING THE RULES OF NOTICE AND PROCEDURE
5 OF THE ASSESSMENT APPEALS BOARDS OF THE COUNTY OF RIVERSIDE

6 WHEREAS, Article XIII, Section 16 of the California Constitution empowers county
7 boards of supervisors to adopt rules of notice and procedure for assessment appeals boards as may be
8 required to facilitate their work and to insure uniformity in the processing and decision of equalization
9 petitions; and,

10 WHEREAS, the Board of Supervisors has adopted the Rules of Notice and Procedure of
11 the Assessment Appeals Boards of the County of Riverside ("Rules of Notice and Procedure") to guide
12 parties in proceedings before the Assessment Appeals Boards; and,

13 WHEREAS, on July 12, 2011, the Board of Supervisors adopted Ordinance No. 908
14 increasing the fee for preparing written findings of fact in assessment appeals; and,

15 WHEREAS, Ordinance No. 908 was adopted in accordance with Revenue and Taxation
16 Code section 1611.5; and,

17 WHEREAS, the Rules of Notice and Procedure must be amended to reflect the increased
18 fee in Ordinance No. 908; now therefore,

19 BE IT RESOLVED, FOUND, DETERMINED and ORDERED by the Board of
20 Supervisors of the County of Riverside, in regular session assembled on July 12, 2011, that Rule No. 13
21 of the Rules of Notice and Procedure is amended to read as follows:

22 "REQUEST FOR FINDINGS

23 If an Applicant or the Assessor desires written findings of fact, his or her request must be
24 made in writing and submitted to the Clerk before commencement of the hearing. The fee
25 for preparing written findings of fact shall be five (5) times the hourly billing rate of the
26 Office of County Counsel for each application for changed assessment. When two or
27 more applications for changed assessment have been consolidated for hearing because they
28 involve contiguous or adjacent parcels, the same owner or other similar issues, the Board
may allow the payment of a single application fee if it determines that the consolidated

FORM APPROVED COUNTY COUNSEL
BY: *Larisa R-Mckenna* DATE: 6/16/11

1 applications can be resolved with a single set of written findings of fact. When the Board
2 does not make this determination in consolidated applications, a separate fee shall be paid
3 for each application for changed assessment. In no event, however, shall the total fees paid
4 exceed an amount equal to fifteen (15) times the hourly billing rate of the Office of County
5 Counsel. The Board shall make the foregoing fee determinations after consultation with
6 the Office of County Counsel. The fee for written findings of fact shall be paid prior to the
7 conclusion of the hearing. The party requesting written findings of fact may abandon his
8 or her request and waive written findings at the conclusion of the hearing. If the requesting
9 party abandons his or her request at this time, the fee paid shall be returned if no written
10 findings have yet been prepared. If the request is abandoned, the other party may orally or
11 in writing renew the request upon payment of the required fee. If, at the conclusion of the
12 hearing, the party requesting written findings of fact has failed to pay the required fee, the
13 Board need not prepare written findings. The Board may deny a request made after the
14 conclusion of the hearing that seeks to waive written findings. Written findings of fact are
15 only necessary if the requesting party intends to seek judicial review of an adverse
16 decision. If such review is sought, a transcript of the proceedings before the Board may be
17 necessary and can be obtained as prescribed in Rule No. 26.”

18 BE IT FURTHER RESOLVED by the Board that this resolution shall take effect on the
19 effective date of Ordinance No. 908.

20
21 LRM/md

22 ROLL CALL:

23 Ayes: Buster, Tavaglione and Benoit
24 Nays: Stone
25 Absent: Ashley

26 The foregoing is certified to be a true copy of a resolution duly
27 adopted by said Board of Supervisors on the date therein set forth.

28 KECIA HARPER-IHEM, Clerk of said Board

By: 
Deputy