



November 15, 2019

STAFF REPORT

MEMO TO: SUTTER COUNTY CHILDREN & FAMILIES COMMISSION

FROM: MICHELE BLAKE, EXECUTIVE DIRECTOR

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN COUNTY OF SUTTER AND SUTTER COUNTY CHILDREN & FAMILIES COMMISSION

Subject: Approve Memorandum of Understanding between County of Sutter and Sutter County Children & Families Commission, various position changes in the Health and Human Services Department, amendment to the position allocation schedule, and related budget amendment.

Recommendation: It is the recommendation that the Commission approve and recommend to the Board of Supervisors of Sutter County:

1. The Memorandum of Understanding (MOU) between County of Sutter and Sutter County Children & Families Commission for legal, fiscal, administrative, evaluation, facilitation, and planning services;
2. Transfer one (1.0 FTE) Executive Secretary position, one (1.0 FTE) Office Assistant position, and one (1.0 FTE) Program Manager – Children and Families Commission position from the Children and Families Commission Agency Fund (5100) to the Health and Human Services Administration Budget Unit (0012-4120);
3. Transfer one (1.0 FTE) Child Development Behavioral Specialist from the Public Health Budget Unit (0012-4103) to the Health and Human Services Administration Budget Unit (0012-4120);
4. Eliminate one (1.0 FTE) vacant Office Assistant position and add Two (2.0 FTE) Health Program Specialist Positions to the Health and Human Services Administration Budget Unit (0012-4120);
5. Amend the position allocation schedule to reflect the above; and
6. Approve the attached budget amendment to the FY 2019-20 Recommended Budget.

Background: The voters of the State of California enacted the California Children and Families First Act of 1998 (“Act”), codified in Health and Safety Code Section 130025 et seq., also known as Proposition 10. Subsequently, the Board of Supervisors established the Children and Families First Commission (Commission), on January 5, 1999 by Ordinance 1279. The Commission was established as an Agency of the County with certain independent authority to implement its strategic plan, and desires a comprehensive, collaborative, and integrated partnership of services and community building approaches for the purposes of promoting, supporting and improving the early development of children from prenatal through five years of age, and provide necessary family support, health and wellness, and child care services to sustain quality early childhood development results. However, the Commission requires some legal, fiscal, administrative, evaluation, facilitation, and planning services in order to operate effectively as a Commission and



implement its strategic plan. The employees of the Commission are employees of Sutter County; therefore, should be in a County budget unit. Sutter County entered into an Agreement of Understanding in 2001 with the Commission to secure administrative support services through the Health and Human Services Department. The Health and Human Service Department (HHSD), integrates services of the health, behavioral health, substance abuse, and welfare/social services programs. The Director provides executive management and leadership for HHSD which is comprised of six branches: Administration and Finance, Public Health, Adult's Services, Children's Services, Acute Psychiatric and Forensic Services, and Employment and Eligibility.

The recommendation is to transfer the employees from the Agency Fund into the Health and Human Services Administration budget unit (0012-4120-XXX), as these employees are employees of Sutter County not employees of the Commission. In addition, the Children and Families Commission approved at its April meeting the elimination of one vacant Office Assistant position and the addition of two Health Program Specialist Positions due to an increase in funding available.

HHSD will allocate the salaries and benefit costs of all positions associated to the Commission back to the Commission per the newly established MOU. The prior Agreement was established 18 years ago, an updated MOU that clearly defines the roles and responsibilities of both the County and the Commission was needed. The Memorandum of Understanding establishes that the employees of the Commission are County employees who serve at the direction of the Commission but have oversight by the Health and Human Services Director. The Commission receives personnel, administrative, budget preparation and fiscal assistance from the Health and Human Services Department along with services from County Counsel, the Auditor-Controller's Office, the Treasurer-Tax Collector's Office, General Services, and Human Resources. These services, along with A-87 Cost Plan charges, will be billed to the Commission based on a cost allocation and billing method that is applied equitably to all other county departments, agencies, and customers of the County.

Prior Action: The Commission has not considered this item before.

Alternatives: The Commission could deny this request; however, this would not be most efficient for the Children & Families Commission or the County.

Other Department or Agency Involvement: The County Administrator's Office, Health and Human Services Department, Human Resources and County Counsel have reviewed and supports these recommendations.

Action Following Approval: The Health and Welfare Committee will consider this item at the December 3, 2019 meeting and the Board of Supervisors on December 10, 2019. Upon approval of Board of Supervisors, Human Resources Department will amend the position allocation schedules and open recruitments for the positions requested and the Auditor-Controller's Office will post the budget amendment.

Fiscal Impact: There is no impact on the County General Fund. The funding for the positions allocated to the Children and Families Commission will be charged to the Commission per the newly established MOU. The attached budget amendment establishes a separate program within the Health and Human Services Administration Budget Unit (0012-4120-XXX) for the County employees allocated to the Commission and increases revenue to offset these costs as the

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Commission will be paying their salary and benefit costs. The Commission budget will not be modified.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between the Board of Supervisors of the County of Sutter ("County") and the Sutter County Children & Families Commission ("Commission").

RECITALS

WHEREAS, the voters of the State of California have enacted the California Children and Families First Act of 1998 ("Act"), codified in Health and Safety Code Section 130025 et seq., also known as Proposition 10; and

WHEREAS, the Board of Supervisors of the County of Sutter pursuant to the Act has established a Commission to be known as the Children and Families First Commission, and the Sutter County Children and Families First Trust Fund on January 5, 1999, Ordinance 1279; and

WHEREAS, the Commission was established as an Agency of the County with certain independent authority to funding and implementation of its strategic plan, and desires a comprehensive, collaborative, and integrated partnership of services and community building approaches for the purposes of promoting, supporting and improving the early development of children from prenatal through five years of age, and provide necessary family support, health and wellness, and child care services to sustain quality early childhood development results, as provided for in Health and Safety Code Section 130140.1 (a)(2); and

WHEREAS, the Commission requires legal, fiscal, administrative, evaluation, facilitation, and planning services in order to operate effectively as a Commission, and implement its strategic plan; and

WHEREAS, some departments of the County of Sutter have special expertise in the management of governmental entities, and have worked with the Commission in mobilizing the community to develop the strategic plan that is required to expend Commission funds in Sutter County; and

WHEREAS, the parties hereto wish to further define and clarify the relationship between the County and the Commission;

IT IS THEREFORE AGREED AND UNDERSTOOD AS FOLLOWS:

- (1) The Sutter County Children & Families Commission is an Agency of the County with independent authority over the strategic plan described in Health and Safety Code Section 130140, and the local trust fund established by Health and Safety Code Section 130105 (d)(2)(A). This means that the Commission has the same administrative authority over Proposition 10 matters as the Board of Supervisors exercises over other County matters, as more fully described below.
- (2) Support Staff
 - a. Sutter County Health and Human Services will provide support staff to the Commission.
 - b. The Commission retains the authority to develop its own job descriptions, and to determine qualifications for each position. The Commission will recommend to the

County Board of Supervisors the number of positions necessary based on funding available to reimburse the County and the needs to implement its strategic plans.

- c. Staff assigned to the Commission are County employees and are entitled to receive all rights and benefits to which County employees are entitled, including retirement benefits through PERS. In addition, employees who change employment status from the Commission to a County department, or from a County department to the Commission, are entitled to retain all accrued rights and benefits, including but not limited to accrued vacation, sick leave, seniority, and all rights established under County Personnel Regulations. These employees are overseen by the Health and Human Services Director.

(3) Liability Insurance

- a. The Commission is covered for liability insurance purposes through the Sutter County Public Agency Risk Management Insurance Agency (“Alliant Insurance Services, Inc.”).

(4) Other County Services Provided to the Commission

- a. The Commission will reimburse the County for all services provided at the same rate and in the same manner as County Departments for those services.
- b. For all services provided the County will, at a minimum, submit quarterly journals and backup documentation to the Commission. Journals will be based upon mutually agreed cost allocation that will apply equitably to all other county departments, agencies, and customers of the County. In the event of a rate change by the County, a separate rate schedule providing the new rates will be submitted promptly to the Commission.
- c. Health and Human Services Department or the County Administrator’s Office will provide the Commission with yearly budget estimates for all service requirements for which the Commission can reasonably project a need during the year. The Commission will provide written notification in advance of any enhancements or changes needed for the upcoming fiscal year as soon as possible after they become known.
- d. The Commission receives personnel, administrative, budget preparation, and fiscal assistance from the Health and Human Services Department.
- e. The Commission receives services from the Sutter County Auditor-Controller’s Office, including use of the Sutter County Financial System (“ONESolution”).
- f. The Commission receives services from the Sutter County Treasurer-Tax Collector, including perform the banking and investing function of the Commission and shall have the authority to invest funds on behalf of the Commission.
- g. The Commission will utilize the services of the County Human Resources Department for recruitment and hiring.
- h. The Commission receives legal services from the Sutter County Counsel’s Office, including opinions and review of documents.
- i. The Commission receives services from Sutter County General Services Department – Information Technology to provide support for computer related activities including, but not limited to maintenance of the Commission’s web site.
- j. The Commission may use the services of the County Purchasing Agent but is not required to do so. The Commission has authority to develop and monitor its own contracts. Commission contracts do not require the approval of the County Board of Supervisors.

- k. The Auditor-Controller's Office will distribute overhead costs (A-87) that cannot be directly charged under this agreement, in accordance with the approved County Cost Allocation Plan.
- (5) When Commission funds are allocated to a County department, that department will be subject to the same requirements as non-County providers including, but not limited to, recordkeeping and quarterly reports.
- (6) In compliance with Health and Safety Code Section 130145, the Commission will utilize advisory committees, which will be established to advise the Commission on specific issues. Members of the advisory committees will be selected in compliance with all applicable laws, including those concerned with conflicts of interest.
- (7) Any County employee, including a department head, shall recuse himself or herself from any participation in discussion and/or voting whenever the discussion and/or voting involves an allocation of funds to that employee's department, regardless of whether Government Code Section 1090 applies.
- (8) In addition, the Commission shall have authority as expressly provided by applicable laws.
- (9) This Memorandum of Understanding shall remain in full force in effect until modified by agreement of both parties.

Entered into this ____ day of _____, 2019.

SUTTER COUNTY BOARD OF SUPERVISORS

SUTTER COUNTY CHILDREN AND FAMILIES
COMMISSION

By _____
Mat Conant
County of Sutter, Chairman

By _____
Jim Whiteaker, Chair

Attest:

Donna Johnston, Clerk
Board of Supervisors

Approved as to Form:

Jean Jordan,
Sutter County Counsel

By _____
Deputy

By _____

FY 2019-20
 Budget Amendment Request
 Sutter County Health and Human Services Department

Fund	Department	Account Name	Budget Unit and Account Number	Appropriation Increase/ (Decrease)	Revenue Increase/ (Decrease)	Reason for Amendment
0012	HHS Admin	Permanent Salaries	4120-XXX-51010	328,179		CFC County Staff Allocate to HHSD; Revenue from CFC
0012	HHS Admin	Social Security	4120-XXX-51100	20,436		
0012	HHS Admin	Medicare	4120-XXX-51101	4,778		
0012	HHS Admin	CoCont Retirement	4120-XXX-51110	92,830		
0012	HHS Admin	Co Cont Insurance	4120-XXX-51120	55,216		
0012	HHS Admin	Def Comp	4120-XXX-51121	2,620		
0012	HHS Admin	Co Cont HSA	4120-XXX-51123	18,915		
0012	HHS Admin	IF OH Charges	4120-XXX-53670	4,813		
0012	HHS Admin	Children & Families	4120-XXX-46241		494,218	
0012	HHS Admin	IF Misc Transfer	4120-XXX-46582		33,569	
0012	Public Health	Permanent Salaries	4103-012-51010	(72,505)		
0012	Public Health	Other Pay	4103-012-51014	(725)		
0012	Public Health	Social Security	4103-012-51100	(4,581)		
0012	Public Health	Medicare	4103-012-51101	(1,071)		
0012	Public Health	CoCont Retirement	4103-012-51110	(20,714)		
0012	Public Health	Co Cont Insurance	4103-012-51120	(933)		
0012	Public Health	Def Comp	4103-012-51121	(655)		
0012	Public Health	IF OH Charges	4103-012-53670	(4,813)		
0012	Public Health	Children & Families	4103-012-46241		(72,428)	
0012	Public Health	IF Misc Transfer	4103-012-46582		(33,569)	
TOTAL ALL ADJUSTMENTS				421,790	421,790	