

1 [Joint Powers Agreement with the San Francisco Health Authority.]

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3 **Resolution approving Joint Powers Agreement with the San Francisco Health Authority**  
4 **to create a Joint Powers Authority to operate the Non-Medi-Cal health plans currently**  
5 **operated by the San Francisco Health Authority.**

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7 WHEREAS, In 1994, the Legislature authorized the San Francisco Board of  
8 Supervisors to establish a health authority as a separate legal entity to operate programs  
9 involving health care services, including the authority to contract with the State of California to  
10 serve as a health plan for Medi-Cal beneficiaries (Welfare and Institutions Code Section  
11 14087.36); and

12 WHEREAS, In 1994, the Board of Supervisors established the San Francisco Health  
13 Authority pursuant to the State statute in order to provide access to comprehensive health  
14 care services for Medi-Cal beneficiaries and such other persons as the Health Authority  
15 deems appropriate (San Francisco Administrative Code Section 69.1 *et seq*); and

16 WHEREAS, The governing body of the San Francisco Health Authority consists of 19  
17 persons, 14 of whom are appointed by the Board of Supervisors; and

18 WHEREAS, the governing body of the San Francisco Health Authority includes, among  
19 other members, the Director of Public Health, the Director of Mental Health, and appointees of  
20 the Mayor and the San Francisco Health Commission; and

21 WHEREAS, The San Francisco Health Authority serves as a Knox-Keene licensed  
22 HMO providing high quality health insurance to nearly 50,000 San Francisco residents and  
23 workers through Medi-Cal and other programs; and

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1 WHEREAS, The San Francisco Health Authority insures nearly one-quarter of all San  
2 Francisco children, in part through the City-funded Healthy Kids and Young Adults program;  
3 and

4 WHEREAS, The San Francisco Health Authority insures over 6,000 San Francisco In-  
5 Home Supportive Services workers using City funding; and

6 WHEREAS, The State has passed legislation instituting a 6% tax on all of the operating  
7 revenue of Medi-Cal plans, such as those operated by the San Francisco Health Authority,  
8 which tax is called the Quality Improvement Fee (QIF) (Welfare and Institutions Code Section  
9 14464.5); and

10 WHEREAS, If the QIF is applied to the San Francisco Health Authority, the result will  
11 be a transfer to the State of over \$500,000 in mainly City funds in the next fiscal year and  
12 even more in subsequent years, threatening the viability of the City-funded insurance  
13 programs; and

14 WHEREAS, The negative effects of the QIF can be mitigated if a separate legal entity  
15 is established to operate the San Francisco Health Authority's non-Medi-Cal programs such  
16 as the Healthy Kids and Young Adults and Healthy Workers programs; and

17 WHEREAS, The San Francisco Health Authority and the City and County of  
18 San Francisco may establish a separate Joint Powers Authority to operate the San Francisco  
19 Health Authority's non-Medi-Cal programs through the execution of a Joint Powers  
20 Agreement, pursuant to Government Code Section 6500 *et seq.*; and

21 WHEREAS, The proposed "Joint Powers Agreement Creating the San Francisco  
22 Community Health Joint Powers Authority" (hereafter, "Agreement"), on file with the Clerk of  
23 the Board of Supervisors in File No. \_\_\_\_\_, which is hereby declared to be a part of  
24 this resolution as if set forth fully herein, would create a joint exercise of powers authority  
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1 ("Joint Powers Authority"), a separate legal entity that would operate the non-Medi-Cal  
2 programs currently operated by the San Francisco Health Authority, including the Healthy  
3 Families, Healthy Workers, and Healthy Kids and Young Adults programs, as well as any new  
4 programs or lines of business that the Joint Powers Authority may develop; and

5 WHEREAS, The San Francisco Health Authority approved the Agreement on March 2,  
6 2005 in Resolution No. 2005-1; and

7 WHEREAS, The proposed Agreement further provides that:

8 (i) The San Francisco Health Authority is designated as the party who will serve as  
9 administrator to execute the provisions of the Agreement;

10 (ii) The City shall not provide any capital funds for the Joint Powers Authority, nor be  
11 responsible for any operational or administrative costs incurred in fulfilling its purposes under  
12 the Agreement;

13 (iii) The debts, liabilities, and obligations of the Joint Powers Authority do not constitute  
14 the debts, liabilities, or obligations of any part to the Agreement, although the members may  
15 separately contract for or assume such responsibility; and

16 (iv) The members of the governing body established to govern the San Francisco  
17 Health Authority serve *ex officio* as the members of the governing body established to govern  
18 the Joint Powers Authority; and

19 (v) The Joint Powers Authority is required to acquire such insurance protection as the  
20 City's Risk Manager deems necessary to protect the interests of the members to the  
21 Agreement; and

22 (vi) The Agreement may be terminated by the adoption of a resolution by either the  
23 City or the San Francisco Health Authority; now, therefore, be it  
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1           RESOLVED, That the Board of Supervisors hereby approves the Joint Powers  
2 Agreement with the San Francisco Health Authority to create a Joint Powers Authority to  
3 operate the Non-Medi-Cal health plans currently operated by the San Francisco Health  
4 Authority.

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City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails  
Resolution

File Number: 050514

Date Passed:

Resolution approving Joint Powers Agreement with the San Francisco Health Authority to create a Joint Powers Authority to operate the Non-Medi-Cal health plans currently operated by the San Francisco Health Authority.

March 29, 2005 Board of Supervisors — ADOPTED

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,  
Mirkarimi, Peskin

Excused: 2 - Daly, Sandoval

File No. 050514

I hereby certify that the foregoing Resolution was ADOPTED on March 29, 2005 by the Board of Supervisors of the City and County of San Francisco.

04.01.05

Date Approved

Gloria L. Young  
Clerk of the Board

Mayor Gavin Newsom