

97-168

DEPARTMENT: Public Health  
BY: C. B. Mosher, MD, Health Officer  
PHONE: 966-3689  
RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes \_\_\_ No x)

Recommend resolution authorizing Chairman to sign certification for release of \$36,667 in withheld funds associated with the Standard Agreement with the State of California for Health Education Grant (Tobacco Education).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board and the State entered into a Standard Agreement for Health Education (Tobacco Cessation) for Fiscal Year 1994-1995, Res. No. 94-365, as has been done for each Fiscal Year since 1990.

The State withheld one third of the contracted amount due the County (\$36,667) for that Fiscal Year due to court order. All Counties in the State were similarly effected. This was the result of legal issues surrounding the diversion of Tobacco Education Funds to the new Comprehensive Perinatal Outreach (CPO) Program by the Governor's Office.

The State subsequently sent all Counties a "Certification and Waiver of Claims Form" together with an invoice for the withheld funds. Because the waiver could have meant forfeiting the County's claim to those funds, Mariposa (and eighteen other counties) did not submit the invoice.

A Court decision has resulted in the waiver being removed from the (revised) certification and the way is now clear for all Counties to claim, by invoice, the withheld amount. However, the time frame is very tight (we were notified by fax on May 1, 1997, by letter on May 6, 1997, and the documents are due by May 15, 1997).

These funds will replenish the County Trust funds from which the Health Education program is funded, and are funds due the County from the State by the Standard Agreement for Fiscal Year 1994-1995.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not sign certification and forgo receipt of funds due the County per contract with the State.

COSTS: ( X ) Not Applicable  
A. Budgeted current FY \$ 0  
B. Total anticipated costs \$  
C. Required additional funding \$  
D. Internal transfers \$

SOURCE: ( ) 4/5ths Vote Required  
A. Unanticipated revenues \$  
B. Reserve for contingencies \$  
C. Source description:  
Balance in Reserve for Contingencies, if approved: \$

SPECIAL INSTRUCTIONS:  
List the attachments and number the pages consecutively:  
\_sign three (3) copies \_\_\_\_\_  
Must have signed certification by May 15, 1997.

CLERK'S USE ONLY:  
Res. No.: 97-168 Ord. No. \_\_\_\_\_  
Vote - Ayes: 5 Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_  
Approved \_\_\_\_\_ ( ) Denied \_\_\_\_\_  
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.  
Date:  
ATTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California  
By: \_\_\_\_\_  
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:  
This item on agenda as:  
 Recommended  
 Not Recommended  
 For Policy Determination  
 Submitted with Comment  
 Returned for Further Action  
Comment: \_\_\_\_\_  
A.O. Initials: *gh*

CERTIFICATION (Revised)

In consideration of the release of the withheld amount of the Local Lead Agencies (LLAs) appropriation for fiscal year (FY) 1994-95 pursuant to Assembly Bill (AB) No. 816, I hereby certify that the AB 816 amount withheld (less any allowable approved CPO expenditures), upon release, will only be used to fund tobacco control expenditures as set forth in the LLAs' revised tobacco control plan and budget.

I Robert C. Stewart hereby certify, under penalty of perjury, under the laws of the United States of America and the State of California that I am authorized to bind the ~~City~~ County of Mariposa to the terms of this certification and that all of the foregoing is true and correct.

Executed on (day) 15 (month) MAY, (year) 97  
at Mariposa, California.

Signature Robert C. Stewart

Title CHAIRMAN, BOARD OF SUPERVISOR, MARIPOSA COUNTY