



## Legislation Details (With Text)

**File #:** 21-1179      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 7/9/2021      **In control:** Board of Supervisors

**On agenda:** 8/24/2021      **Final action:** 8/24/2021

**Title:** Health and Human Services Agency (HHS) recommending the Board:  
 1) Make findings in accordance with County Ordinance 3.13.030 (E) that the work to be performed under Agreement 5860 with the California Mental Health Services Authority (CalMHSA) is in the public's best interest and another governmental entity or agency is involved in the performance of the work;  
 2) Approve and authorize the Chair to sign Agreement 5860 with CalMHSA to participate in the Statewide Prevention and Early Intervention Program for a maximum obligation of \$58,252.80, with a retroactive term of July 1, 2021 through June 30, 2022; and  
 3) Authorize the HHS Director, or designee, to execute further documents relating to Agreement 5860, contingent upon County Counsel and Risk Management concurrence, including amendments which do not increase the maximum dollar amount or term of the Agreement.

**FUNDING:** 100% Mental Health Services Act specifically the Prevention and Early Intervention Program.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS, 08-24-2021, 2. B - CalMHSA Agreement 5860, 08-24-2021, 3. Executed Agreement 5860

Date	Ver.	Action By	Action	Result
8/24/2021	1	Board of Supervisors	Approved	Pass

Health and Human Services Agency (HHS) recommending the Board:  
 1) Make findings in accordance with County Ordinance 3.13.030 (E) that the work to be performed under Agreement 5860 with the California Mental Health Services Authority (CalMHSA) is in the public's best interest and another governmental entity or agency is involved in the performance of the work;  
 2) Approve and authorize the Chair to sign Agreement 5860 with CalMHSA to participate in the Statewide Prevention and Early Intervention Program for a maximum obligation of \$58,252.80, with a retroactive term of July 1, 2021 through June 30, 2022; and  
 3) Authorize the HHS Director, or designee, to execute further documents relating to Agreement 5860, contingent upon County Counsel and Risk Management concurrence, including amendments which do not increase the maximum dollar amount or term of the Agreement.

**FUNDING:** 100% Mental Health Services Act specifically the Prevention and Early Intervention Program.

**DISCUSSION / BACKGROUND:**

California Government Code Sections 6500 through 6536 permit two or more public agencies by agreement to jointly exercise powers common to the contracted parties. In collaboration with the California Mental Health Directors Association (CMHDA), a Joint Powers Authority (JPA) was created to administer the statewide training, technical assistance, and capacity building of the Proposition 63

Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) programs, as well as other programs as needed. As a result, the California Mental Health Services Authority (CalMHSA) was created in 2009 to allow member counties the opportunity to collaborate with all other members for the administration of the statewide projects. Each member county has representation on the CalMHSA Board of Directors and the ability to attend, participate in, and vote on actions of the Board of Directors.

On February 25, 2011, the Board of Supervisors adopted Resolution 024-2011 (File ID 10-1324) approving membership and participation in the JPA, and authorizing the then Director of Health Services to sign Agreement 142-O1111, as well as future ancillary documents with regard to the JPA and participation therein. MHSA funds paid (by all participating counties) to CalMHSA were used to participate in that original Agreement 142-O1111. The Agreement allowed the JPA to operate as the central entity to administer, in accordance with the guidelines established by the Mental Health Services Oversight and Accountability Commission, for three PEI Statewide Projects: Suicide Prevention, Student Mental Health Initiative, and Stigma and Discrimination Reduction. On December 10, 2013, an Amended and Restated Joint Exercise of Powers Agreement (FENIX Agreement 279) was approved by the Board (File ID 10-1324, No. 5) as CMHDA and the member counties found that the originally approved JPA was too narrowly defined, thereby allowing CalMHSA to take on roles other than were initially contemplated.

Historically, CalMHSA has invoiced HHSa annually for HHSa's share of costs to participate in the Statewide PEI Program under FENIX Agreement 279. This is also a perpetual agreement that has been approved annually by the Board on HHSa's Perpetual Agreement List. The Fiscal Year (FY) 2021-22 Perpetual Agreement List was approved on May 18, 2021 (File ID 21-0626, No. 14). This action also approved the cost to participate in the FY 2021-22 Statewide PEI Program.

CalMHSA belatedly decided that participation in the 2021-22 Statewide PEI Program should be invoiced under its own agreement, and the retroactive PEI Program participation agreement 5860 for Fiscal Year 2021-22 was sent to HHSa on May 24, 2021. HHSa staff reviewed the agreement, identified deficiencies, and worked with CalMHSA to develop a version that would be suitable to submit to County Counsel for review. Working with County Counsel and CalMHSA, HHSa staff finalized the attached Agreement 5860 and is recommending Board approval of said Agreement. HHSa staff questioned CalMHSA about whether other costs could be expected to be invoiced under the Amended and Restated Joint Exercise of Powers Agreement (FENIX Agreement 279). CalMHSA responded that there will be no additional CalMHSA membership fees as they were paid when HHSa joined the JPA. The Agreement will remain active with respect to membership. HHSa will not include Agreement 279 in the FY 2022-23 Perpetual List because it is now a non-financial Agreement.

#### **ALTERNATIVES:**

Should the Board decline to approve this recommendation, HHSa will be unable to pay its share of the FY 2021-22 participation costs for the CalMHSA Statewide PEI Program.

#### **PRIOR BOARD ACTION:**

- 1) 05-18-2021, File ID 21-0626, HHSa FY 2021-2022 Perpetual Agreement List
- 2) 12-10-2013, File ID 10-1324, HHSa CalMHSA JPA Agreement
- 3) 12-10-2013, File ID 10-1324, HSD MH CalMHSA JPA Agreement

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

Approved by County Counsel, Human Resources, and Risk Management.

**CAO RECOMMENDATION:**

Approve as recommended.

**FINANCIAL IMPACT:**

There is no Net County Cost associated with this Agenda item. Sufficient appropriations were included in the Fiscal Year 2021-22 Budget, and will be included in future budgets for the term of the Agreement.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board to obtain the Chair's signature on two (2) originals of Agreement 5860.
- 2) Clerk of the Board to return a signed original Agreement to Health and Human Services Agency, Contracts Unit.

**STRATEGIC PLAN COMPONENT:**

Healthy Communities

**CONTACT**

Don Semon, Director