



Board Agenda Item 36

DATE: March 11, 2025

TO: Board of Supervisors

SUBMITTED BY: Susan L. Holt, Director, Department of Behavioral Health

SUBJECT: Program Funding Agreement with Advocates for Human Potential, Inc., Incompetent to Stand Trial Diversion and Community-Based Restoration Infrastructure Projects

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman of the Board of Supervisors (“Board”) to execute a Program Funding Agreement with Advocates for Human Potential, Inc. (“AHP”), the contractor for the California Department of State Hospitals (“DSH”), for the Incompetent to Stand Trial (“IST”) Diversion and Community-Based Restoration Infrastructure Projects (the “Program”), effective upon execution through June 30, 2028, total not to exceed \$13,125,000 (the “Grant Funds”);**
- 2. Approve and authorize the Director of the Department of Behavioral Health, or his/her designee (the “Authorized Signatory”), to execute any and all other documents required or deemed necessary or appropriate to secure the Program Grant Funds from DSH through AHP, including the Project Applications, Disbursement Requests, and various Compliance Certifications, as may be required, each as defined in the Program Funding Agreement, and to participate in the Program (collectively, the “Program Documents”), including executing the declaration of restrictions to be recorded against each project to be described in the Project Application, as more particularly described in the Program Funding Agreement; and**
- 3. Approve and authorize the Clerk of the Board to provide a certified copy of the approved Action Summary Minutes, signed by the Chairman and attested by the Clerk, for the March 11, 2025 meeting of the Board of Supervisors, which includes the names of each member of the Board and how they cast their vote for the forgoing.**

There is no additional Net County Cost associated with the approval of the recommended actions. The Department of Behavioral Health (Department) desires to apply for Incompetent to Stand Trial (IST) infrastructure program funds by submitting various project applications to the California Department of State Hospitals (DSH)/Advocates for Human Potential, Inc. (AHP), for review and consideration. Program funding allocations are subject to the terms and conditions of the DSH RFP, the County’s response to the RFP and the Program Funding Agreement (collectively the “Program Funding Agreement”), and all other legal requirements of the IST program. The County is eligible to apply for up to \$13,125,000.

The Department will collaborate with its community partners including the Fresno County Superior Court, Fresno County District Attorney’s Office, Fresno County Public Defender’s Office, the County Administrative Office as well as community-based organizations in the development of diversion and Community Based Restoration (CBR) residential treatment homes and facilities. This item is countywide.

ALTERNATIVE ACTION(S):

If your Board does not approve the recommended actions, the County would forego up to \$13,125,000 in State funding to construct new facilities or renovate facilities to house IST persons served. Additionally, the Department would have to return to your Board for signature on all necessary grant funding documents, reports, and forms.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. If awarded grant infrastructure funding, the County will be eligible to build or renovate up to 140 IST beds. DSH will reimburse the County at the rate of \$93,750 per bed, with maximum funding of \$13,125,000. No County matching contribution is required. The grant allows recipients to use up to 15% of total grant funds for administrative costs. The County will receive infrastructure funds upon approval of various project application packets which will be created by the Department and submitted to DSH for approval. At that time the Department will seek approval from the Board for a Budget Resolution which will include the total funds awarded by DSH based upon the number of beds involved in the building project.

DISCUSSION:

On November 7, 2023, DSH, through its contractor AHP, issued a Request for Proposal for the IST Program infrastructure Program funds to build out the state's capacity of residential treatment homes and facilities. This funding opportunity is open to California counties that commit to contract with DSH for ongoing diversion and/or CBR programs. On June 20, 2024, the RFP was revised with the deadline to submit responses extended to October 31, 2024. On September 10, 2024, the Board authorized the Department to submit the intent to apply for the IST Infrastructure program funds. On October 4, 2024, the Department received the DSH award letter approving the County's proposal for 140 beds for an amount not to exceed \$13,125,000. On February 7, 2025, the Department received the Program Funding Agreement for execution and submission to the DSH. The Department is subject to the terms and conditions of the Program Funding Agreement (including any and all activities, expenditures, and timelines). The Department will develop project-specific applications and will return to the Board for approval prior to submitting to AHP for approval of specific project funding. All infrastructure funds must be expended by June 30, 2028.

On September 22, 2020, the County entered into an agreement with DSH for a pilot diversion program for Felony IST persons served which funds specialty mental health and supportive services. This DSH diversion agreement allowed for a continuum of care to be developed for flexibility in moving the person served between the different levels of care seamlessly as clinically indicated to meet their unique specialty mental health, substance use disorder, and/or any additional wraparound service needs. The levels of care included Assertive Community Treatment, Full Service Partnership, Intensive Case Management, Outpatient, and Outreach and Engagement.

The ongoing cost of supportive services will be provided through a separate service agreement with DSH. The County will receive \$125,000 per Felony IST persons served apportioned over 18 months, treated in either a CBR or a diversion program. This rate is intended to support an intensive community treatment model with increased frequency of clinical contacts and access to psychiatry services, as well as all wraparound services and housing costs for an average 18-month length of stay. Admission into a diversion and/or CBR program is administered by the courts, and individuals charged with certain types of felonies are excluded. If defendants are successful in the program, their current charges may be dropped, or their competency restored so that criminal proceedings can resume. As part of the grant requirements, the County will be required to commit to using the property(ies) to serve DSH identified clients for 30 years for new construction projects or 20 years for rehabilitation/renovation projects (the County is agreeing to a deed restriction on the property(ies) acquired under this Agreement stating the 20-year and 30-year requirements).

The services to be provided through this grant program will be part of a collaborative effort between the

Fresno County Superior Court, District Attorney's Office, Public Defender's Office, community-based organizations, and the Department.

The recommended agreement deviates from the County's standard agreement language in that it contains a one-way indemnification clause and a one-way termination clause in favor of AHP and DSH. However, the Department believes the benefits of the recommended agreement outweigh any potential risks and recommends approval of the agreement to secure funding for critically needed housing infrastructure for IST persons served. Risk Management has reviewed and deemed the indemnification language to be acceptable for this agreement between public entities.

The Department will return to the Board for approval of any community-based housing and treatment facility agreements.

OTHER REVIEWING AGENCIES:

The Fresno County Behavioral Health Board was informed of this agenda item at the November 20, 2024 meeting.

REFERENCE MATERIAL:

BAI # 30, September 10, 2024
BAI # 26.1, September 22, 2020
BAI # 32.1, October 23, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Program Funding Agreement

CAO ANALYST:

Dylan McCully