



Board Agenda Item 33.1

DATE: December 14, 2021

TO: Board of Supervisors

SUBMITTED BY: Susan Holt, Interim Director, Department of Behavioral Health

SUBJECT: Retroactive Participation Agreement with California Mental Health Services Authority

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive Participation Agreement with the California Mental Health Services Authority and to serve as the Fiscal Administrator and Administer the Office of Statewide Health Planning and Development for Workforce Education and Training Grant for the Central Region Partnership, effective September 15, 2020 through June 30, 2026, total not to exceed \$1,522,112; and**
- 2. Approve and authorize the Department of Behavioral Health Director, or designee, to be the signatory and act as the County's representative on behalf of the Board of Supervisors on associated Office of Statewide Health Planning and Development for Workforce Education and Training Central Region Grant related reports and forms, without modifying the maximum compensation.**

Approval of the recommended actions will authorize California Mental Health Services Authority (CalMHSA) to act as a fiscal administrator for the central region grant agreement on behalf of the County, for the Workforce Education and Training (WET) allocation. Approval will authorize the Director to sign all documents, expenditure forms and reports, as required by the Office of Statewide Health Planning and Development (OSHPD), now operating as the California Department of Health Care Access and Information (HCAI), to administer the recommended agreement. The services are funded with WET grant funds, with no increase in Net County Cost. This item is countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions. The County entered into the grant agreement with HCAI on behalf of the 20 counties in the Central Region Partnership (Central RP), and contracted with CalMHSA to administer the grant agreement on its behalf (State Agreement No. 20-10015). Should your Board not approve the recommended actions, the County would be in breach of the State Agreement and required to repay \$6,615,968 to HCAI. CalMHSA has already begun administering the agreement on behalf of the County, serving as the liaison between the Central RP and HCAI, providing Central RP implementation calls, developing marketing materials, and drafting participation agreements with the Central RP counties. The resources from the grant are designed to help address regional needs by strengthening recruitment, training, education, and retention of the Public Mental Health System (PMHS).

RETROACTIVE AGREEMENT:

The recommended agreement was received on June 18, 2021 and is retroactive to September 15, 2020; this date is aligned with the grant agreement term. The agreement has gone through extended revisions to

ensure the Participation Agreement (PA) includes all the provisions necessary to describe the services CalMHSA will perform to meet the County's obligations under the agreement.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The County will receive an allocation of \$1,144,445 and with the 33% local match of \$377,667, the five-year funding totals to \$1,522,112. The match is due to CalMHSA upon execution of the agreement. Sufficient appropriations and estimated revenues are included in the Department's Org 5630 FY 2021-22 Adopted Budget and will be included in future budget requests for the duration for the term.

DISCUSSION:

On November 16, 2021, your Board approved the Director's previous submittal of a grant application to the State of California OSHPD WET RP, and the Director's electronic execution of State Agreement No. 20-10015. The agreement provided \$6,615,968 in grant funding for the County and the 19 other counties in the Central RP, conditioned on each of those counties making a 33% contribution. Program activities have already begun, including the central online application for Undergraduate Scholarships, Graduate Stipends, and Loan Repayment program awards that opened on October 4, 2021. The resources from the grant are designed to help address regional needs by strengthening recruitment, training, education, and retention of the PMHS. The county PMHS included under the Central RP are Alpine, Amador, Calaveras, El Dorado, Fresno, Inyo, Kings, Madera, Mariposa, Merced, Mono, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Tulare, Tuolumne, Yolo, and Yuba counties.

On November 16, 2021, your Board also approved an Memorandum of Understanding (MOU) with CalMHSA on behalf of the Central RP (State Agreement No. 20-10015). CalMHSA will administer the agreement and serve as fiscal administrator to disperse the funds to the 20 counties that are part of the Central RP via a PA with each county. Upon execution of the MOU, CalMHSA will invoice the County for 85% of the HCAI funds and the interest accrued, and the rest of the grant funds will be turned over to CalMHSA when the remaining 15% is dispersed. CalMHSA will be paid by each of the 20 counties, via an executed PA, up to an administrative fee of 15% of their grant allocation based on deliverables, staff time, and real-time associated costs.

The recommended agreement will allow CalMHSA to act as the fiscal and administrative agent on the County's behalf for the grant. CalMHSA will manage funds received consistent with the requirements of any applicable laws, regulations, guidelines and/or contractual obligations, including the MOU. CalMHSA will confirm matching funds and provide the Central RP and HCAI with copies of all PAs, invoices, and required financial statements. It will provide regular fiscal reports to each participating county and/or other public agencies with a right to such reports. In addition, CalMHSA will oversee the distribution and program management of funds, both match funds and OSHPD WET Grant funds, to the Central RP in compliance with State Agreement No. 20-10015.

The PA deviates from the County's model contract as this agreement contains a mutual hold harmless provision whereby each party agree to indemnify the other party for damages resulting from the indemnifying party's performance or failure to perform, to the extent that the indemnifying party was negligent, reckless or intentional. County Risk Management recommends one way indemnification for the County, not mutual. CalMHSA is providing a service and the County is providing funds to them. The Department believes the provisions are appropriate as CalMHSA is also taking on risk if the Central RP does not perform the agreed to program component activities and expend the funds. The Department believes the provisions are appropriate because both parties are dependent on communication from the other party as the County is the lead county for the Central RP and receives updates from HCAI related to the grant.

REFERENCE MATERIAL:

BAI# 33 & 33.1 November 16, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Participation Agreement with the CalMHSA

CAO ANALYST:

Sonia M. De La Rosa