



# Board Agenda Item 37

DATE: June 21, 2022

TO: Board of Supervisors

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

SUBJECT: Retroactively Supersede Three Kings View Agreements

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive revenue Superseding Agreement to revenue Agreement No. 03-283 to correct Kings View's legal entity name, effective July 1, 2003, with a change to the term to add an end date of June 30, 2023 and identify a revenue maximum of \$42,060 for the term of July 1, 2022 through June 30, 2023;**
- 2. Approve and authorize the Chairman to execute a retroactive Superseding Agreement to Agreement No. 15-317 to correct Kings View's legal entity name, effective July 14, 2015, with no change to the term of July 14, 2015 through June 30, 2022, or compensation maximum of \$17,545,391; and,**
- 3. Approve and authorize the Chairman to execute a retroactive Superseding Agreement to Agreement No. 21-212 to correct Kings View's legal entity name, effective July 1, 2021, with no change to the term of July 1, 2021 through June 30, 2026, or compensation maximum of \$6,000,000.**

Approval of the recommended actions will allow the County to replace, restate, and supersede three agreements to correct Kings View's legal entity name. Agreement No. 03-283, which was an agreement without an end date, previously reflected the legal entity name as "Kings View Corporation". Agreement Nos. 15-317 and 21-212 previously reflected the legal entity name as "Kings View Behavioral Health." The recommended actions are necessary remedy the incorrect legal entity name reflected in the agreements. The Department noted the incorrect legal name on March 23, 2022 following review of documentation of the California Secretary of State. There is no Net County Cost associated with the recommended actions. This item is countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions. As advised by County Counsel, executing superseding agreements with Kings View is the sole option to remedy the incorrect legal entity name reflected in the agreements.

RETROACTIVE AGREEMENT:

Following review of Kings View's California Secretary of State documentation, the Department of Behavioral Health noticed the discrepancy with their recorded name when compared to the existing agreements. These agreements will retroactively supersede the agreements that reflect the incorrect legal entity name back to their original effective date.

FISCAL IMPACT:

There is no increase in Net County Cost or fiscal impact associated with the recommended actions. Approval of the recommended amendments will place a termination date on the 2003 agreement and not change the term of the others. The maximum revenue for the 2003 agreement will be confirmed and the maximum compensation of the other two will remain unchanged.

- Agreement No. 03-283 was effective July 1, 2003 and will now expire on June 30, 2023 and the revenue maximum is \$42,060, funded with client fees. The driving-while-under-the-influence (DUI) and Penal Code (PC) 1000 Drug Diversion program services under this agreement are completely funded through collection of client fees as required by the Health and Safety Code and Penal Codes. As administrator of these programs, County retains up to 5% of the actual collected client fee revenues received, less the State collected fees, to offset County's administrative program oversight and indirect costs. For FY 2022-23, the projected gross client fee revenue is \$889,070.
- Agreement No. 15-317 will expire on June 30, 2022 and the maximum is \$17,545,391, funded with Medi-Cal Federal Financial Participation (FFP) and Mental Health Services Act Prevention and Early Intervention (MHSA-PEI).
- Agreement No. 21-212 was effective by your Board on July 1, 2021 and the maximum is \$6,000,000 funded with MHSA-PEI.

DISCUSSION:

On June 17, 2003, the Board approved Agreement No. 03-283 with Kings View Corporation to provide a second offender 18-month driving-while-under-the-influence (DUI) program, a first offender DUI program and a Wet Reckless Driver program pursuant to Health and Safety Code, sections 11836 through 11839 and Vehicle Code, sections 23536 through 23568. The agreement also provides for a PC 1000 Drug Diversion program under California Penal Code sections 1000 and 1211. The agreement will now expire on June 30, 2023.

On July 14, 2015, the Board approved Agreement No. 15-317 with Kings View Behavioral Health for Rural Mental Health Triage Services in the east and west cities of the County. On July 10, 2018, the Board approved the first amendment to extend the term for two additional years from July 1, 2018 to June 30, 2020 and increase the maximum compensation to include two, optional one-year extensions. On April 28, 2020, the Board approved the second amendment to extend the term for an additional year from July 1, 2020 to June 30, 2021 and increase the maximum compensation due to the COVID-19 public health emergency. On June 22, 2021, your Board approved the third amendment to extend the term for an additional year from July 1, 2021 to June 30, 2022 to increase the maximum compensation and allow sufficient time for the procurement process as review of appropriate Crisis Intervention Team models for the community is completed.

On June 22, 2021, your Board approved Agreement No. 21-212 with Kings View Behavioral Health for Blue Sky Peer Wellness Center service in the Fresno metropolitan area.

With the Board's approval of the recommended actions, the superseding agreements will replace and correct the legal entity name to Kings View in the identified agreements.

OTHER REVIEWING AGENCIES:

The Behavioral Health Board will be notified of the recommended amendments on June 15, 2022.

REFERENCE MATERIAL:

BAI #37 and #38, June 22, 2021  
BAI #31.1, April 28, 2020

BAI #32, December 11, 2018

BAI #47, July 10, 2018

BAI #35, July 14, 2015

BAI #48, June 17, 2003

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Superseding Agreement to Agreement No. 03-283

On file with Clerk - Superseding Agreement to Agreement No. 15-317

On file with Clerk - Superseding Agreement to Agreement No. 21-212

CAO ANALYST:

Sonia M. De La Rosa