



Board Agenda Item 55

DATE: June 18, 2024
TO: Board of Supervisors
SUBMITTED BY: Kirk Haynes, Chief Probation Officer
SUBJECT: Revenue Agreement with Merced County

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a Revenue Agreement with Merced County to house detained youth from Merced County at the Juvenile Justice Campus for a daily rate of \$380 per detained youth, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, effective July 1, 2024 through June 30, 2029.

There is no Net County Cost associated with the recommended action, as this is a revenue agreement for services provided by the County, effective July 1, 2024 through June 30, 2029. In 2020, the Governor signed Senate Bill (SB) 823 into law, which phases in the closure of the California Division of Juvenile Justice (DJJ) and realigns these youth to their local counties. The State allocated block grant funding to the County, and the County has also been awarded grant funding in the amount of \$152,571 for an all-county distribution and \$1 million in funding to create a regional hub for the County to accept youth from Central Valley counties. Approval of the recommended action will authorize the Chairman to execute a revenue agreement with Merced County to accept their youth, who previously would have been housed at the DJJ, into the Juvenile Justice Campus (JJC). This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the Department would not be able to comply with the plans submitted for the regional hub funding and would not be able to enter into an agreement with Merced County to accept their youth, who previously would have been housed at the DJJ, into the JJC.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action, as this is a revenue agreement for services provided by the County. The recommended action will allow Merced County to send and the Department to receive youth into the JJC.

The Department determined a daily rate of \$380 per youth to charge other counties for housing those counties' youth at the JJC, which is based off the Individual Cost Rate Proposal for the Department. The Auditor-Controller/Treasurer Tax Collector (ACTTC) has reviewed and approved of this daily rate. On February 1, 2022, your Board adopted an ordinance amending the County of Fresno Master Schedule of Fees (MSF) and adding subsection 1815, which established the daily fee rate to house youth from other counties at the JJC. If any revenues are received, they will be placed into Probation Org 3440. Probation is currently working with ACTTC on identifying an updated daily rate that will be brought to your Board for approval.

DISCUSSION:

Under SB 823, the County is implementing a plan to meet the needs of youth previously committed safely and securely to the DJJ. These realigned youth have histories of serious crimes, warranting enhanced security to ensure public safety. On April 27, 2021, the Juvenile Justice Realignment Block Grant Plan was initially brought before your Board for review, consistent with the funding eligibility requirements provided in WIC 1995. As the County takes responsibility for these realigned youth, the Department is developing programs to meet the treatment, criminogenic, and culturally competent needs of this population. The Juvenile Court will commit the realigned youth to the Secure Youth Treatment Facility (SYTF), or "Secure Track", at the JJC. The Secure Track will provide a secure residential placement option to house realigned youth who would have previously been committed to the DJJ on a qualifying Welfare and Institutions Code § 707(b) offense, and it is anticipated that the average length of stay for youth committed to the Secure Track will be 28 months, with terms ranging from 12 to 36 months.

The Department has established a regional hub program for realigned youth who have been adjudicated and have a history of sexual offending. This program provides a secure residential placement option for participating hub counties, and the recommended action will allow Merced County to send youth who previously would have been housed at the DJJ, to the JJC. On March 28, 2023, your Board approved the initial revenue agreement with Merced County to house youth from Merced County at the JJC for a daily rate of \$380 per youth, from March 28, 2023 through June 30, 2024. The recommended agreement will continue to allow Merced County to house youth at the JJC for the same, current daily rate of \$380 per youth, effective July 1, 2024 through June 30, 2029. The recommended agreement has language that any updated daily rate will automatically be incorporated, replacing any contrary or conflicting rates. Eligible cases will include youth between the ages of 14 or older who have been adjudicated on a qualifying sexual offense effective July 1, 2024 through June 30, 2029. Common presenting problems for this target population include family instability, association with delinquent peers, social isolation, impulsive and antisocial behaviors, deviant sexual arousal patterns, sexual preoccupation and compulsive behaviors, substance use, history of trauma and maltreatment, and mental health issues.

Based on the physical layout of the unit, the hub has a maximum capacity of up to 18 youth. The length of stay in the program will be flexible and informed by treatment progress ratings, using case planning and periodic reviews as a guide. It is anticipated that most of the realigned youth committed to this program will spend between 12 to 36 months in the secure residential component of the proposed regional hub program before transitioning to step down services in their home communities. While the regional hub will be established for realigned youth who have been adjudicated on a qualifying sexual offense, the programming will also be available to youth in the general population who have a history of sexual offending.

The recommended agreement will also allow the Department to house non-Secure Track youth from Merced County in the general population area of the JJC. The recommended agreement provides that the County will pay for routine medical care for Merced County's youth, included in the per-day fee paid by Merced, while Merced County will pay for all non-routine medical, dental, optical, surgical, psychiatric/mental health, hospitalization and treatment costs, as long as such costs did not arise from the County's negligence, willful misconduct, or medical neglect.

The recommended agreement deviates from the County's standard contract language in that it includes a mutual indemnification clause. This has the effect of making each party responsible for losses arising from their own negligent or wrongful performance, or failure to perform. This is typical in agreements between public entities. Risk Management has reviewed the agreement and does not agree with mutual indemnity, as the County is serving as the primary housing and therefore has greater risk. However, the Department believes that the benefits provided by the recommended agreement outweigh the risk, as the County will be providing a service to another governmental entity, a neighboring County. The recommended agreement also provides that Merced County will be responsible for any damages arising out of or connected with the actions and activities of the Youth while at the JJC.

On June 4, 2024, the recommended agreement was brought before and approved by the Merced County Board of Supervisors.

REFERENCE MATERIAL

BAI #39, March 28, 2023
BAI #26, February 1, 2022
BAI #7, April 27, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Revenue Agreement with Merced County

CAO ANALYST:

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