



Board Agenda Item 32

DATE: May 3, 2022

TO: Board of Supervisors

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

SUBJECT: Agreement with Syracuse University

RECOMMENDED ACTION(S):

1. **Approve and authorize the Chairman to execute an Agreement with Syracuse University for fiscal intermediary services related to the multi-county Psychiatric Advance Directives Innovations Project, effective upon execution through June 30, 2025, total not to exceed \$863,087; and**
2. **Approve and authorize the Department of Behavioral Health Director, or designee, to be the signatory and act as the Fresno County representative on behalf of the Board of Supervisors on associated Syracuse University fiscal intermediary services related to the multi-county Psychiatric Advance Directives Innovations Project reports and forms, without modifying the maximum compensation.**

Approval of the recommended actions will allow the Department of Behavioral Health to send funds to Syracuse University for fiscal intermediary services related to the multi-county collaborative Psychiatric Advance Directives Innovation Project (Project). The Project involves five California counties (Fresno, Mariposa, Monterey, Orange and Shasta). Through the recommended agreement, Syracuse University will engage multiple subcontracts on the County's behalf and provide oversight of budgets and invoices including approved direct and indirect costs. Approval of the recommended actions will also allow the Department Director to sign related reports and forms, without modifying the maximum compensation, and act as a representative of the County. The recommended agreement will be funded with Mental Health Services Act - Innovations (MHSA - INN) funds, with no increase in Net County Cost. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, the Department would be unable to allocate resources to the Project in a timely manner as part of a multi-county project and will need to seek separate contracts with five individual vendors of services. The Project, began in 2019 and has three years remaining; therefore, challenges timely participation in the project would result. If the recommended actions are not approved, the Department will return to the Board for all necessary actions regarding reports and forms, which may delay providing and delivering services.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The maximum compensation in FY 2021-22 is \$263,941 for direct costs and \$11,944 for administrative services; \$863,087 (\$846,882 for direct costs and \$16,205 will be the paid to Syracuse University for its administrative services) for the term, which will be fully funded with MHSA - INN. Sufficient appropriations and estimated revenues

are included in the Department's Org 5630 FY 2021-22 Adopted Budget and will be included in subsequent budget requests.

DISCUSSION:

On June 18, 2019, your Board approved the County's MHSA FY 2018-2019 Annual Update, which included the addition of the Project. The Project will include the development of a statewide Psychiatric Advance Directives (PADs) document, training and education, and the associated system needed for partner agencies to access the PADs. The County's share of the statewide cost is \$863,087 and will be funded with MHSA -INN funds which were subject to reversion if funds were not spent or encumbered by June 30, 2019.

In 2019, three counties explored options to deploy PADs to improve the response to individuals in crisis from law enforcement and physical and behavioral health workers. At that time, only the County was able to obtain approval for the project. Almost concurrently the COVID-19 public health emergency occurred, and all efforts came to a standstill. In January 2021, the Mental Health Services Oversight and Accountability Commissions determined counties needed additional technical assistance and project management support to move the project forward. Since that date, four additional counties have joined the County to move the PADs Innovation project forward throughout California.

Syracuse University is a leading entity in the field of PADs and Supportive Decision Making, with experience acting as a fiscal intermediary. Syracuse University is the agreed upon fiscal intermediary by the other four participating counties (Mariposa, Monterey, Orange and Shasta). Through the recommended agreement, Syracuse University will engage multiple subcontracts on the County's behalf and provide oversight of budgets and invoices including approved direct and indirect costs. The Syracuse University administrative staff will provide detailed oversight for all financial transactions of the Project.

With your Board's approval of the recommended agreement, Syracuse University will accept County MHSA - INN funds, to be held in a non-interest-bearing account until expended. The funds allow Syracuse University to engage multiple subcontracts on the County's behalf and provide oversight of budgets and invoices including approved direct and indirect costs. Funds for FY 2021-22 will be disbursed as soon as possible after execution. Funds for the subsequent FYs 2022-23 and 2023-24 will be disbursed in the first quarter of the fiscal year. The recommended agreement includes an administration fee of 9% of modified total direct costs for Syracuse University administration of the program.

In addition, the recommended agreement will extend through June 30, 2025, with the option for early termination in which either party may withdraw from the Project upon a six-month written notice, or as deemed appropriate with prior written notice and the availability of funds. In the event of an early termination with cause, the County will provide Syracuse University with 30 days' notice of termination. Syracuse University will have a 20-day Cure Period during which it may attempt to remedy the reason of termination. The Cure Period may be included within the 30-day notice period. Upon cancellation, termination, or other conclusions of the recommended agreement, any remaining undisbursed county funds, after Syracuse University satisfies all obligations arising from the administration of the program, shall be returned to the County.

In the event of a dispute arising from the recommended agreement, the County agrees to give up its right to seek a legal remedy in a court of law for at least 90 days. For the first 30 days, there must be an attempt to resolve the dispute informally; after 60 days, the dispute will progress through mediation.

The Human Resources Department - Risk Management Division recommended the inclusion of standard insurance requirements and indemnity language. However, these were not incorporated in the recommended agreement as the agreement is solely for fiscal intermediary services. Failure to ratify the agreement as-written risks loss of related funding. The Department believes that the benefits of the recommended agreement outweigh any potential risks and recommends approval of the agreement.

REFERENCE MATERIAL:

BAI #36, June 18, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE

On file with Clerk - Agreement with Syracuse University

CAO Analyst

Sonia M. De La Rosa