



County of Fresno

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Legislation Text

File #: 21-1192, **Version:** 1

DATE: November 16, 2021

TO: Board of Supervisors

SUBMITTED BY: Dawan Utecht, Director, Department of Behavioral Health

SUBJECT: Retroactive Memorandum of Understanding with California Mental Health Services Authority for the State of California, Office of Statewide Health Planning and Development for Workforce Education and Training Central Region Grant

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive Memorandum of Understanding with the California Mental Health Services Authority (CalMHSA) and allow CalMHSA to serve as the Fiscal Administrator and Administer the Office of Statewide Health Planning and Development (OSHPD) for Workforce Education and Training (WET) Grant for the Central Region Partnership, effective September 15, 2020 through June 30, 2026, total not to exceed \$6,654,171; and**
- 2. Approve and authorize the Department of Behavioral Health (DBH) Director, or designee, to be the signatory and act as the Fresno County representative on behalf of the Board of Supervisors on associated California Mental Health Services Authority 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 retroactively approve and authorize CalMHSA for the term effective September 15, 2020 through June 30, 2026 to act as a fiscal administrator and to administer the central region grant agreement with the Office of Statewide Health Planning and Development, now operating under new name of California Department of Health Care Access and Information (HCAI), for the workforce, education, and training allocation in the amount of \$6,654,171. Approval of the second recommended action will authorize the DBH Director to sign all documents, expenditure forms and reports, with no change to the compensation amount or term, as required by HCAI to administer the recommended agreement. The services are funded with OSHPD 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 of Fresno entered into the grant agreement with the State (HCAI) on behalf of the 20 counties in the central region (central RP), leaving the County of Fresno responsible for compliance with the terms of the grant agreement. DBH lacks the resources to administer this region-wide grant agreement and, therefore, it is necessary to contract with CalMHSA to administer the grant agreement on its behalf. Should your Board not approve the recommended actions, the County of Fresno would be responsible to repay the entirety of the grant funding, \$6,615,968 to HCAI. CalMHSA has already begun administering the grant agreement on behalf of the County of Fresno, 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 region counties. The resources from this grant are designed to help address regional needs by strengthening recruitment, training, education, and retention of the Public Mental Health System (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 Juaquin, Stanislaus, Sutter, Tulare, Tuolumne, Yolo, and Yuba counties.

RETROACTIVE AGREEMENT:

The recommended agreement was received on June 18, 2021 and has gone through extended revisions to ensure the memorandum of understanding (MOU) includes all the provisions necessary to describe the services CalMHSA will perform to meet the County's obligations under the grant agreement and is retroactive to September 15, 2020; this date is aligned with the grant agreement term.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. County of Fresno has received 85% (\$5,623,572), and accrued interest in the amount of \$38,203, of the grant award funds in accordance with the OSHPD Grant Agreement No. 20-10015. There were 3 installments paid to the County of Fresno. The first installment of 10% (\$661,597) was received on October 13, 2020, the second installment of 70% (\$4,631,177) was received on October 30, 2020, and the third installment of 5% (\$330,798) was received on on November 23, 2020. The remaining 15% (\$992,396) will be transferred to CalMHSA upon receipt. This memorandum of understanding will allow CalMHSA to be the fiscal administrator and to transfer the received funds and accrued interest to them. Sufficient appropriations and estimated revenues would be included in the Department's Org 5630 FY 2021-22 Adopted Budget.

DISCUSSION:

In a separate agenda item on today's agenda, your Board is being asked to retroactively approve and authorize the DBH Director's previous submittal of a grant application to the State of California OSHPD "WET" RP, and the DBH Director, or designee's, electronic execution of the grant agreement with the State of California, Office of Statewide Health Planning and Development for WET RP. The grant agreement provides \$6,615,968 in grant funding for the County of Fresno and the 19 other counties in the Central Region, 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 this grant are designed to help address regional needs by strengthening recruitment, training, education, and retention of the Public Mental Health System.

The grant agreement provides that the County of Fresno will administer the grant. The County of Fresno wishes to contract with CalMHSA, who has implemented current and past projects on behalf of counties, such as administering a loan forgiveness program, mini and micro-Community Impact Grants, county, community-based organization, and school technical assistance and training, educational stipends and scholarships, and workforce development. As well, the Central RP met with both California Institute for Behavioral Health Solutions and CalMHSA to determine which organization would be best suited to administer based on past/current projects. This organization is to administer the grant agreement and serve as the fiscal administrator to disperse the funds to the 20 counties that are part of the central RP. Upon execution of this MOU, CalMHSA will invoice the County of Fresno for 85% of the HCAI funds and the interest accrued, and the rest of the grant funds will be turned over to this organization when the remaining 15% is dispersed. CalMHSA will be paid by the 20 counties via participation agreement up to an administrative fee of 15% of their grant allocation based on deliverables, staff time, and real-time associated costs.

The (MOU) deviates from the County's model contract in the following ways. First, this MOU contains a dispute

resolution provision requiring the parties to submit the dispute for non-binding mediation and, if the mediation fails, either party may request binding arbitration. Additionally, this MOU 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. Risk recommends one way indemnification for the County, not mutual. They are providing a service and we are providing funds to them. DBH believes the provisions are appropriate as the CalMHSA is also taking on risk if the Central RP does not perform their program component activities and expend the funds. The Department of Behavioral Health believes the provisions are appropriate because both parties are dependent on communication from the other party as County of Fresno is the lead county for the Central Region and receives updates from HCAI related to this grant.

REFERENCE MATERIAL:

OSHPD Grant Agreement No. 20-10015

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Memorandum of Understanding CalMHSA

CAO ANALYST:

Yussel Zalapa