



Health & Human Services Agency

COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

LARRY MICARI
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: June 25, 2024 REVISED

Public Hearing Required	N/A
Scheduled Public Hearing w/Clerk	N/A
Published Notice Required	N/A
Advertised Published Notice	N/A
Meet & Confer Required	N/A
Budget Transfer (Aud 308) attached	N/A
Personnel Resolution attached	N/A
Agreement(s) attached	Yes

CONTACT PERSON: Natalie Bolin, DSW, LCSW PHONE: 559-624-8000

SUBJECT: Approve an agreement with Advocates for Human Potential, Inc., for the California Department of Health Care Services Behavioral Health Continuum Infrastructure Program Round 5: Crisis and Behavioral Health Continuum grant.

REQUEST(S):

That the Board of Supervisors:

1. Approve an agreement with Advocates for Human Potential, Inc. for the California Department of Health Care Services for the Behavioral Health Continuum Infrastructure Program Round 5: Crisis and Behavioral Health Continuum grant to address specific historic gaps in behavioral health services and the long-term care continuum for the amount not to exceed \$10,757,095, effective upon signature of both parties through June 30, 2027.
2. Acknowledge and agree to be subject to the terms and conditions specified in the Program Funding Agreement. Any and all activities, expenditures, information, and timelines represented in the Application are enforceable through the Program Funding Agreement. Funds are to be used for the allowable expenditures and activities identified in the Program Funding Agreement.
3. Authorize the Chair of the Board to electronically sign the agreement via DocuSign and submit the agreement, Certification Regarding Lobbying, The Sponsor Public Works Certification, Sponsor's Certification No. 1 Budget Prevailing Wage Compliance, Sponsor's Certification No. 2 Related Party & Related Party Transaction Disclosures, Sponsor's Certification No. 3 Execution of Program Funding Agreement, Sponsor's Certification No. 4 Match Funds, Property Equity, or In-Kind Match, Sponsor's Certification No. 5 Regulatory Agreement and Declaration of Restrictions, Sponsor's Certification No 6 Legal

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Review of CA Welfare and Institutions Code 5960.3(a), and Facility Access Certification and Facility Access Agreement via DocuSign.

4. Authorize the Chair of the Board to sign the Regulatory Agreement and Declaration of Restrictions for a term of thirty (30) years to be recorded against the Behavioral Health Urgent Care Project located at 535 East Bardsley Ave., Tulare, Assessor's Parcel No. 181-030-001, more commonly known as Hillman Campus.
5. Direct the Clerk of the Board to record the Regulatory Agreement and Declaration of Restrictions with the Clerk-Recorder.
6. Authorize the Director of the Behavioral Health Branch to be an Authorized signer for ongoing grant management, the timely completion of required grant contract certifications, and funding disbursement for ongoing time-sensitive infrastructure activities.

SUMMARY:

In 2021 the Department of Health Care Services (DHCS) was authorized through legislation to establish the Behavioral Continuum Infrastructure Program (BHCIP) and award approximately \$2.1 billion to construct, acquire, and expand properties and to invest in mobile crisis infrastructure related to behavioral health. DHCS is releasing BHCIP funds through six (6) grant rounds targeting various gaps in the state's behavioral health infrastructure.

The DHCS has contracted the BHCIP administrative duties to Advocates for Human Potential, Inc. (AHP), a Massachusetts private corporation. AHP will be supporting the establishment of infrastructure including reviewing the submitted project plan serves, engaging additional consultants to support the project and providing general grant training and technical assistance through the term of the agreement. Additionally, AHP serves as an administrative entity for the BHCIP funding rounds. AHP works directly with grantees throughout the grant application process, and the ongoing grant management.

The Purpose of Round 5: Crisis and Behavioral Health Continuum is to address significant crisis gaps in California's behavioral health infrastructure, with consideration for funding priority to those that provide crisis services to individuals in need. According to the 2021 statewide needs assessment, "Assessing the Continuum of Care for Behavioral Health Services in California," significant gaps in crisis services available across the state have resulted in inconsistent resources to address the critical need for crisis services. BHCIP Round 5: Crisis and Behavioral Health Continuum will provide much-needed funding for crisis behavioral health infrastructure to serve vulnerable individuals of all ages.

Tulare County Health & Human Services Agency's (HHSA), Behavioral Health Branch will use this grant funding to establish a Behavioral Health Urgent Care (BHUC). The BHUC will be the first of its type in Tulare County and will add a new service option in our community that will expand behavioral health services. The BHUC will serve individuals

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ages eighteen (18) and older needing urgent crisis services regardless of payer, including Medi-Cal beneficiaries, private insurance, and the uninsured. BHUC is a walk-in center with voluntary, outpatient stabilization-oriented services specific to individuals experiencing a behavioral health crisis. Services on site will be provided for less than twenty-four (24) hours, and individuals will be connected to necessary services and support following the BHUC service to ensure the client continues to recover and the crisis is dissipated.

Tulare County Health & Human Services Agency (HHSA), Behavioral Health Branch is requesting approval to accept funds and approve an agreement for the California Department of Health Care Services Behavioral Health Continuum Infrastructure Program Round 5: Crisis and Behavioral Health Continuum grant to address specific historic gaps in behavioral health services and the long-term care continuum for the construction of a BHUC.

HHSA's Behavioral Health Branch is also requesting approval from the Board for the Director of Mental Health to be an Authorized signer for ongoing grant management, to ensure the timely completion of required grant contract certifications, and funding disbursement for ongoing time-sensitive infrastructure activities.

On February 7, 2023, the Tulare County Board of Supervisors (Board) approved submission of the grant application to the California Department of Health Care Services for the Behavioral Health Continuum Infrastructure Program Round 5: Crisis and Behavioral Health Continuum to address historic gaps in behavioral health services and the long-term care continuum with Board Resolution Number 2023-0107. On June 23, 2023, HHSA's Behavioral Health Branch received a conditional award letter from the Department of Health Care Services for the Behavioral Health Continuum Infrastructure Program Round 5: Crisis and Behavioral Health Continuum to construct a BHUC facility at the County's Hillman Campus, comprised of 19.07 acres of improved and vacant land, located in Tulare. A vicinity map of the Project location is attached to this Agenda Item as Exhibit 1. The conditional award is contingent on confirmation of several factors including, but not limited to, confirmation of a match, a clean title report, and acceptance of the terms of encumbrance on the property. HHSA Program Staff conferred with the County's General Services Agency Property Management division who reviewed the proposed encumbrances against the property for the project which is a Regulatory Agreement and Declaration of Restrictions and are attachments to HHSA's Program Funding Agreement with the DHCS. A Declaration of Restrictions requires the County to comply with use restrictions limited to a BHUC. Property Management determined that the Declaration of Restrictions is required to be recorded against the Project and arranged that the area of the BHUC, or 1.96 acres, be the only area encumbered and not the Hillman Campus as a whole. The encumbrance is for a term of thirty (30) years. At the end of the thirty (30) year term a Quitclaim Deed or Termination Agreement will be requested from BHCIP to remove the encumbrances against the BHUC property. Therefore, staff are requesting the Board authorize the Chair as the Authorized Signatory of the Declaration of Restrictions. If approved, AHP will arrange for escrow to be opened

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with Old Republic Title who will coordinate with a mobile notary to deliver the document to the General Services Agency – Property Management division. Property Management will coordinate with the Clerk of the Board for the Chair's signature. The project funding will become available upon final execution of the BHCIP Round 5: Crisis and Behavioral Health Continuum Program Funding Agreement (PFA) also known as a contract.

This agreement does not include the County's Levine Act disclosure form, as AHP declined to comply with the standard County's Levine Act procedures and requirements. However, to comply with the Levine Act, HHSA has identified the following individuals, participants, or agents of this contract below:

Noah Shifman, M.B.A., President and Chief Executive Officer
Jeff Takle, M.B.A., M.S., Interim Chief Operating Officer
Charles Galland, Chief Legal Counsel
Damien Newman, M.B.A., CPA, Chief Financial Officer
Hugh McDonough, M.Ed., Chief Technology Officer
Daniel Collings, J.D., M.A., PMP, Vice President, Administrative Services
Patrick Gauthier, B.A., Vice President Strategic Development
Richard Landis, M.S.W., Vice President, Federal Strategy
Jennifer Polen, LCSW, PMP, Vice President, CTTAC
Terri Tobin, PH.D., Vice President, Center for Research and Evaluation
Dani Kirby, M.S., M.P.H., PMP, Director, Enterprise PMO

The above AHP individuals, participants, or agents of this contract have not made campaign contributions to a County of Tulare elected official.

The following terms and conditions of the Program Funding Agreement deviate substantively from the standard County boilerplate: 1) The County agrees to defend, indemnify, and hold the State, DHCS, and AHP harmless from any claims related to funding and related projects; 2) This indemnification shall survive the expiration or termination of the agreement; 3) The arbitration clause requires that the County select the arbitration venue; 4) The term of this agreement is more than three (3) years; 5) AHP may make unilateral changes to the definition, time of performance, or quantity of services to be performed; 6) AHP may terminate the agreement immediately upon written notice; 7) AHP may at any time make unilateral changes, within the general scope of this agreement, in the definition, time of performance, or quantity of services to be performed; provided however, any determination made by AHP shall not impose a substantial burden on the Subcontractor; 8) Should either party desire during the term of this agreement to change or modify a term, such changes or modifications shall be proposed in writing to the other party, who will respond in writing within thirty (30) days of receipt as to whether the proposed change/modification is accepted or rejected; 9) The County must permit access to physical facilities and/or inspection of any documents, files, books, or records necessary for AHP to complete its monitoring and inspection activities; 10) Interest on the unpaid balance of the audit finding or debt will accrue at a rate equal to the monthly average of the rate received on investments in the California State

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Treasurer's Pooled Money Investment Fund commencing on the date that an audit or examination finding is mailed to the subcontractor, beginning thirty (30) days after the subcontractor's receipt of AHP's demand for repayment; 11) DHCS owns all Intellectual Property, in accordance with Section 3 a) in Attachment B; 12) All equipment and/or property that is purchased/reimbursed with agreement funds or furnished by DHCS through AHP pursuant to the BHCIP Round 5 Plan under the terms of this agreement shall be considered state equipment and the property of DHCS and/or the State of California; 13) the forum for any state or federal litigation of the Program Funding Agreement shall be Sacramento County and 14) The County must sign first.

FISCAL IMPACT/FINANCING:

The total amount of revenue being sought is an amount of up to \$11,605,200.00. The County will use real property as a match contribution for this project. The appraisal values the property at \$250,000. The remaining match of \$598,105.00 will be funded with MHSA Capital Facilities/Technological Needs component funds. There is no additional net County cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Quality of Life initiative that encourages the innovative provision of quality supportive services for at-risk adults, youth, and children in state and federally mandated programs. Through this grant submission, HHSA seeks to increase the ability to fulfill this obligation by providing immediate and sustainable housing options for our consumers.

ADMINISTRATIVE SIGN-OFF:

/s/ Natalie Bolin
Natalie Bolin, DSW, LCSW
Director of Behavioral Health

Cc: County Administrative Office

Attachments:
Exhibit 1: BHUC Site Diagram
Program Funding Agreement
Award Letter