

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.4
(ID # 13358)

MEETING DATE:
Tuesday, August 25, 2020

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Receive and File the Letters of Support for Approval to Support SB 665 (Umberg). Mental Health Services Fund: county jails. [All Districts] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the attached letter(s) that was sent to Sacramento.

ACTION:Consent

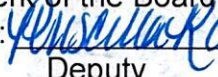
Brian Nestande

8/20/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: August 25, 2020
xc: EO

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	20/21

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The purpose of Riverside County's Legislative Coordination Policy Program is to support legislation which benefits the County and its residents, and to oppose/amend legislation which might adversely affect the County. The following specific procedures are instituted to facilitate active participation by Departments, allow the Executive Office to act as a centralized "clearinghouse" for legislative matters, and to ensure that all advocacy efforts are entirely consistent with Board-approved positions.

For the following piece of legislation, a policy position does not exist therefore the Executive Office is directed to bring this item to the full Board. After approval from the Board, The Executive Office will then send a letter of support or opposition with the Chair's Signature and work with the Advocacy Team, the Board of Supervisors, and Department to achieve the desired outcome.

RECOMMENDED BILLS:

Bill: SB 665 (Umberg)- Mental Health Services Fund: county jails.

Position: Support

Background: This bill allows up to eight counties to include Orange County, to use Mental Health Services Act (MHSA) innovation funds, on a pilot basis and subject to state approval, to provide mental health and related services to people in jails. In addition, this bill:

- 1) Prohibits funding allocated for these programs from supplanting any existing county expenditures.
- 2) Requires the Mental Health Services Oversight and Accountability Commission (MHSOAC) to review and monitor the pilot projects and report on specified outcomes.

Proposition 63, the Mental Health Services Act (MHSA), was passed by voters in November 2004. Existing law prohibits MHSA funds from being used to pay for persons incarcerated in state prison and does not explicitly address the use of MHSA in jails. Current Department of Health Care Services regulations provides that a county may use MHSA funds for programs and services provided in juvenile hall or county jails only for the purpose of facilitating discharge.

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STATE OF CALIFORNIA**

According to the author, SB 665 creates a narrowly tailored pilot program to assess the positive impact of using Innovation Funds under the MHSA within county jails. This bill would allow up to eight counties, including Orange County, to use innovation funds to provide mental health and related services to inmates in local jails, subject to specified conditions.

ATTACHMENTS:

SB 665 Letter

SB 665 Bill Text

Bill Analysis

COUNTY OF RIVERSIDE
EXECUTIVE OFFICE

GEORGE A. JOHNSON
COUNTY EXECUTIVE OFFICER



LISA BRANDL
CHIEF OPERATING OFFICER

DON KENT
ASSISTANT COUNTY EXECUTIVE OFFICER
COUNTY FINANCE OFFICER

Date: 7/20/2020
From: Jeff Van Wagenen, Assistant County Executive Officer
To: Board of Supervisors/Purchasing Agent
Via: Tina Grande, x57550
Subject: Sole or Single Source Procurement; Request for Legal Indigent Conservatee and Guardianship Services.

The below information is provided in support of my Department requesting approval for a sole or single source. (*Outside of a duly declared emergency, the time to develop a statement of work or specifications is not in itself justification for sole or single source.*)

1. Supplier being requested: Brown, white and Osborne, LLP

2. Vendor ID: _0000199976_

3. Single Source Sole Source
(Single Source - is a purchase of a commodity or service without obtaining competitive bids although more than one source is available)

(Sole Source - is a purchase of a commodity or service that is proprietary or no other vendor is qualified or willing to meet the county specified requirements)

4. Have you previously requested and received approval for a sole or single source request for this vendor for your department? (If yes, please provide the approved sole or single source number).

Yes No
SSJ# _____

4a. Was the request approved for a different project?

Yes No

5. Supply/Service being requested:
(If this request is for professional services, attach the service agreement to this sole source request. The Purchasing Agent, or designee, is the signing authority for agreements unless the service is exempted by Ordinance 459, Board delegated authority or by State law. All insurance requirements must be met prior to work commencement. See the Risk Management website for vendor insurance requirements.)

This request is for legal indigent conservatees and guardianship services as required pursuant to the Welfare and Institutions Code Section 5000, wherein the Public Defender has declared a conflict. The County is obligated to retain legal services for the representation of indigents in the matters of indigent conservatees, or proposed conservatees for probate matters, and for the legal representation of minors in probate proceedings.

6. **Unique features of the supply/service being requested from this supplier.** *(If this sole source request is due to proprietary software or machinery, or hardware, provide a supporting letter from the manufacturer. If this is a single source request provide an explanation of how this provides the best value for the County by selecting this vendor.)*

This vendor has been providing this service to the county since 2012, when they were awarded the legal indigent Conservatee and guardianship contract as the lowest responsive/responsible bidder. This firm continues to provide satisfactory performance and willingness to cooperate with the County to reduce fees. In July 2017, the county successfully negotiated a 5% rate reduction with the firm to continue those services. The County and the Courts believe that the resources available to the vendor has enabled them to provide a valuable service that exceed those provided by other companies. The vendor has agreed to reduce their current monthly rates by an additional 5%. Continuity of service with a trusted vendor is important for this type of mandated service during the current health and safety situation.

7. **Reasons why my department requires these unique features from the vendor and what benefit will accrue to the county:**

Brown, White and Osborne, LLP. Is a large, established law firm, that has the resources including experienced attorneys and in-house investigators with child development backgrounds dedicated to serving the needs of the conservatees and the guardianship minors.

8. **Period of Performance:** From: July 1, 2020_ to _June 30, 2023__
(total number of years)

Is this an annually renewable contract? No Yes
Is this a fixed-term agreement: No Yes

(A fixed-term agreement is set for a specific amount of time; it is not renewed annually. Ensure multi-year fixed-term agreements include a cancellation, non-appropriation of funds, or refund clause. If there is no clause(s) to that effect, then the agreement must be submitted to the Board for approval. No exemptions shall apply.)

9. **Identify all costs for this requested purchase. In addition, please include any single or sole source amounts previously approved and related to this project and vendor in the section designated below for current and future fiscal years. You do not need to include previous fiscal year amounts. If approval is for multiple years, ongoing costs must be identified below. If annual increases apply to ongoing costs such as CPI or other contract increases, provide the estimated annual cost for each consecutive year. If the annual increase may exceed the Purchasing Agent's authority, Board approval must be obtained. (Note: ongoing costs may include but are not limited to subscriptions, licenses, maintenance, support, etc.)**

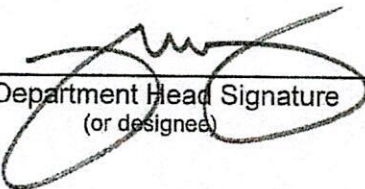
Description:	FY20/21__	FY21/22__	FY22/23__	FY__	FY__	Total
One-time Costs:						
Ongoing Costs:						
Legal Services	498,180	498,180	498,180			1,494,540
Previous SSJ Approved Amounts:						
Total Costs	498,180	498,180	498,180			1,494,540

Note: Insert additional rows as needed

10. Price Reasonableness: (Explain why this price is reasonable or cost effective – were you provided government discounted pricing? Is this rate/fee comparable to industry standards?)

The vendor was previously the lowest most responsive responsible bidder. The county was able to reduce the rates by 5% on the last amendment. The county has successfully renegotiated an additional 5% rate reduction from the previous contract.

11. Projected Board of Supervisor Date (if applicable): 8/25/2020
 (Draft Form 11s, service agreement and or quotes must accompany the sole source request for Purchasing Agent approval.)


J. VAN WAGENEN
7.20.20
 Department Head Signature (or designee) Print Name Date

The section below is to be completed by the Purchasing Agent or designee.

Purchasing Department Comments:

Approve
 Approve with Condition/s
 Disapprove

Condition/s:

Not to exceed:

One-time \$ _____
 Annual Amount \$ 490,100 / per fiscal year through 6/30/2023 (date)
(If Annual Amount Varies each FY)

FY _____ : \$ _____
FY _____ : \$ _____
FY _____ : \$ _____
FY _____ : \$ _____
FY _____ : \$ _____

[Signature]
Purchasing Agent
Asst. Director

4/21/2020
Date

21-025
Approval Number
(Reference on Purchasing Documents)

AMENDED IN ASSEMBLY JULY 27, 2020
AMENDED IN SENATE AUGUST 30, 2019
AMENDED IN SENATE APRIL 23, 2019
AMENDED IN SENATE APRIL 10, 2019

SENATE BILL

No. 665

Introduced by Senator Umberg

February 22, 2019

An act to ~~amend Section 5847 of, and to amend, repeal, and add Section 5813.5 of, add the heading of Chapter 1 (commencing with Section 5830) to, and to add Chapter 2 (commencing with Section 5832) to Part 3.2 of Division 5 of the Welfare and Institutions Code, relating to mental health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~ *health, and making an appropriation therefor.*

legislative counsel's digest

SB 665, as amended, Umberg. Mental Health Services Fund: county jails.

Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services. The MHSA establishes the Mental Health Services Oversight and Accountability Commission to oversee these provisions. The MHSA requires county mental health programs to develop plans for innovative programs and specifies the funding for those programs. The MHSA also requires each county to prepare and submit a 3-year program and expenditure plan, and annual updates, to the commission. The MHSA establishes the continuously

appropriated Mental Health Services Fund to fund various county mental health programs. Existing law prohibits MHSA funds from being used to pay for persons incarcerated in state prison or parolees from state prisons. The MHSA authorizes its provisions to be amended by the Legislature by a $\frac{2}{3}$ vote of the Legislature if the amendment is consistent with and furthers the intent of the act, and authorizes the Legislature to clarify procedures and terms of the act by majority vote.

Existing law, the 2011 Realignment Legislation addressing public safety and related statutes, requires that certain specified felonies be punished by a term of imprisonment in a county jail, rather than the state prison, and provides for mandatory supervision, a period of suspended execution of a concluding portion of the sentence that is supervised by the county probation officer.

This bill would establish the Jail-Based Community Mental Health Innovation Program (JBCMHIP). The program would authorize up to 8 counties, including Orange County, with approval from the commission, to use MHSA funds to establish county JBCMHIPs to introduce innovative approaches to meet the mental health needs of persons in jail, including persons who have been convicted of a felony and sentenced to imprisonment in a county jail. The bill would prohibit a JBCMHIP from exceeding 5 years in duration. The bill would specify the duties of an approved county and would require an approved county to include the program in the county's 3-year MHSA plan or periodic updates. The bill would require the commission to ensure that a proposal meets certain requirements and to ensure certain geographic and demographic representation, as described. The bill would require, at the conclusion of the JBCMHIP, the commission to report to the Legislature on the outcomes achieved, as specified. The bill would set forth legislative findings and declarations and state the intent of the Legislature in enacting these provisions.

By authorizing the use of continuously appropriated funds for new purposes, this bill would make an appropriation.

The bill would state the finding and declaration of the Legislature that this change is consistent with and furthers the intent of the act.

~~Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services. The MHSA establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs. Existing law prohibits MHSA~~

funds from being used to pay for persons incarcerated in state prison or parolees from state prisons. The MHSA authorizes its provisions to be amended by the Legislature by a $\frac{2}{3}$ vote of the Legislature if the amendment is consistent with and furthers the intent of the act, and authorizes the Legislature to clarify procedures and terms of the act by majority vote.

~~Existing law, the 2011 Realignment Legislation addressing public safety and related statutes, requires that certain specified felonies be punished by a term of imprisonment in a county jail, rather than the state prison, and provides for mandatory supervision, a period of suspended execution of a concluding portion of the sentence that is supervised by the county probation officer.~~

~~This bill would, until January 1, 2023, authorize a county to use MHSA funds, if that use is included in the county plan, to provide services to persons who are incarcerated in a county jail or subject to mandatory supervision, except persons who are incarcerated in a county jail for a conviction of a felony unless for purposes of facilitating discharge. By allocating moneys in the Mental Health Services Fund for a new purpose, this bill would make an appropriation. The bill would also declare that this change is consistent with and furthers the intent of the MHSA.~~

~~The existing MHSA requires each county mental health program to prepare and submit a 3-year program and expenditure plan, and annual updates, as specified, to the Mental Health Services Oversight and Accountability Commission and the State Department of Health Care Services within 30 days after adoption.~~

~~This bill would, until January 1, 2024, require a county to include in its 3-year program and expenditure plan, and in the annual updates, a report on expenditures made pursuant to the provisions of this bill. By increasing the reporting duties of counties, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

1 *SECTION 1. The heading of Chapter 1 (commencing with*
2 *Section 5830) is added to Part 3.2 of Division 5 of the Welfare*
3 *and Institutions Code, to read:*

4
5 ***Chapter 1. Innovative Programs: General Provisions***

6
7 *SEC. 2. Chapter 2 (commencing with Section 5832) is added*
8 *to Part 3.2 of Division 5 of the Welfare and Institutions Code, to*
9 *read:*

10
11 ***Chapter 2. Jail-Based Community Mental Health***
12 ***Programs***

13
14 5832. (a) *The Legislature finds and declares both of the*
15 *following:*

16 (1) *The innovation component of the Mental Health Services*
17 *Act mandates efforts to improve existing mental health services,*
18 *programs, and strategies.*

19 (2) *Innovation is premised upon the recognition that existing*
20 *programs can result in better outcomes, more effective care, care*
21 *integration, or coordination, and reduced costs.*

22 (b) *It is the intent of the Legislature in enacting this chapter to*
23 *support innovative approaches to responding to persons who are*
24 *involved with the county criminal justice system, including persons*
25 *who are in jail, and who have mental health needs. It is the further*
26 *intent of the Legislature to improve care planning, service delivery,*
27 *and the coordination of community-based care and jail-based*
28 *care, upon entry into jail or upon release, in order to reduce costs*
29 *and improve outcomes, including improving criminal justice*
30 *diversion strategies and reducing recidivism.*

31 5832.1. *For purposes of this chapter, the following definitions*
32 *apply:*

33 (a) *“Commission” means the Mental Health Services Oversight*
34 *and Accountability Commission.*

1 (b) "Jail-Based Community Mental Health Innovation
2 Program," or "JBCMHIP" refers to the programs established by
3 approved counties pursuant to this chapter.

4 (c) "MHSA" means the Mental Health Services Act.

5 5832.2. (a) With approval from the commission, each county
6 that is accepted into the program established pursuant to this
7 chapter may use MHSA Innovation Funds for the establishment
8 of a JBCMHIP. Funds may be used to support all of the following
9 activities:

10 (1) Providing mental health services to inmates in county jails.

11 (2) Care planning and coordination.

12 (3) Coordinating and integrating services and supports between
13 community-based and jail-based programs.

14 (4) Staffing.

15 (5) Research and evaluation.

16 (6) Training, technical assistance, and capacity building.

17 (7) Other needs as determined and approved by the commission.

18 (b) Funding allocated for the purposes described in subdivision
19 (a) shall not be used to supplant existing county expenditures.

20 5832.3. (a) Each county electing to establish a JBCMHIP
21 shall do all of the following:

22 (1) Require approval of the program from the county board of
23 supervisors, or other appropriate governing body, and ensure
24 inclusion of the JBCMHIP in the county's three-year MHSA plan
25 or periodic update.

26 (2) Establish a robust community planning process that involves,
27 at a minimum, county mental health and criminal justice agencies,
28 the local county mental health or behavioral health board or
29 commission, mental health peers and family members, and the
30 general public.

31 (3) Establish an ongoing workgroup of representatives from,
32 at a minimum, the county office of health, the county office of
33 mental or behavioral health, the county jail system,
34 community-based stakeholders, mental health peers, and the county
35 probation department for the purpose of developing, monitoring,
36 implementing, and assessing the program.

37 (b) The commission may approve up to eight counties, which
38 shall include Orange County, to establish a JBCMHIP provided
39 the proposed program meets both of the following requirements:

1 (1) *Introduces an innovative approach to meeting the mental*
2 *health needs of persons in jail, including persons who have been*
3 *convicted of a felony and sentenced to imprisonment in a county*
4 *jail. That innovation may be related to the services that are*
5 *delivered, the method of delivery, staffing and service integration*
6 *or coordination with community-based care, or related*
7 *opportunities to improve care, support, delivery, and outcomes.*

8 (2) *At a minimum, ensures both of the following:*

9 (A) *A transfer of care between jail mental health personnel and*
10 *services and community-based mental health services, if possible,*
11 *in the presence of the individual receiving the care, including the*
12 *individual's family or their guardian, if the individual has been*
13 *receiving community-based mental health services prior to*
14 *incarceration.*

15 (B) *A transfer of care to community-based mental health*
16 *services, if possible, in the presence of the individual receiving the*
17 *care, including the individual's family or their guardian, upon the*
18 *individual's release from jail and the involvement of the probation*
19 *department, the county mental health office, and other appropriate*
20 *social service agencies to ensure continuity of care between the*
21 *jail environment and the community.*

22 5832.4. (a) *If applicable, the commission shall ensure that a*
23 *county innovation proposal includes all of the following:*

24 (1) *Appropriate ongoing training of jail personnel in order to*
25 *provide a supportive and therapeutic environment for individuals*
26 *with mental illness.*

27 (2) *Collaborative treatment planning between the jails and*
28 *county or community mental health personnel for incarcerated*
29 *individuals to ensure the appropriateness, quality, and continuity*
30 *of care.*

31 (3) *Regular patient status meetings between the jails and county*
32 *or community mental health personnel for all incarcerated*
33 *individuals who are receiving mental health services in order to*
34 *ensure easy transition of care and case management upon release.*

35 (4) *A commitment to provide data as required by the commission*
36 *in a manner, form, and schedule determined by the commission to*
37 *support program evaluation or outcome reporting.*

38 (b) *The commission is encouraged to create a learning*
39 *collaborative for the purpose of facilitating information exchange*

1 and education for all counties approved for a JBCMHIIP and other
2 counties that can benefit from the work of participating counties.

3 (c) To the extent practical, the commission shall ensure
4 geographic and demographic representation when approving
5 counties to establish a JBCMHIIP in order to ensure that both
6 urban and rural counties are included and that there is diversity
7 in the population of individuals by the JBCMHIIP programs. The
8 commission may impose additional geographic and demographic
9 requirements as determined by the commission.

10 (d) A JBCMHIIP shall not exceed five years in duration.

11 5832.5. (a) In order to assess the appropriateness and
12 effectiveness of the JBCMHIIPs in achieving the desired outcomes,
13 the commission shall require the approved counties to provide
14 data in a manner, form, and schedule determined by the
15 commission. The commission shall use the desired outcomes
16 described in subdivision (b) as initial goals and may establish
17 additional outcomes as determined to be appropriate by the
18 commission.

19 (b) Desired program outcomes include, but are not limited to,
20 all of the following:

21 (1) Ensuring that individuals identified with mental health needs
22 who were previously untreated through community mental health
23 offerings receive mental health services while incarcerated.

24 (2) Reducing recidivism that results in individuals being
25 returned to jail.

26 (3) Increasing the successful transition of individuals from
27 jail-based mental health care to community-based care.

28 (4) Reducing the numbers of individuals who have been
29 incarcerated requiring ongoing community-based mental health
30 services.

31 (5) Improving the ability to track the quality of community-based
32 care and outcomes.

33 (c) At the conclusion of the JBCMHIIP, the commission shall
34 report to the Legislature on the outcomes achieved through the
35 innovation permitted by this chapter and provide guidance to the
36 Legislature on whether jail-based care is an appropriate use of
37 MHSA funds and, if so, under what circumstances.

38 SEC. 3. The Legislature finds and declares that this act is
39 consistent with and furthers the intent of the Mental Health Services

1 *Act within the meaning of Section 18 of the Mental Health Services*
2 *Act.*

3 SECTION 1. ~~Section 5813.5 of the Welfare and Institutions~~
4 ~~Code is amended to read:~~

5 ~~5813.5. Subject to the availability of funds from the Mental~~
6 ~~Health Services Fund, the state shall distribute funds for the~~
7 ~~provision of services under Sections 5801, 5802, and 5806 to~~
8 ~~county mental health programs. Services shall be available to adults~~
9 ~~and seniors with severe illnesses who meet the eligibility criteria~~
10 ~~in subdivisions (b) and (c) of Section 5600.3. For purposes of this~~
11 ~~act, "seniors" means older adult persons identified in Part 3~~
12 ~~(commencing with Section 5800) of this division.~~

13 ~~(a) Funding shall be provided at sufficient levels to ensure that~~
14 ~~counties can provide each adult and senior served pursuant to this~~
15 ~~part with the medically necessary mental health services,~~
16 ~~medications, and supportive services set forth in the applicable~~
17 ~~treatment plan.~~

18 ~~(b) The funding shall only cover the portions of those costs of~~
19 ~~services that cannot be paid for with other funds, including other~~
20 ~~mental health funds, public and private insurance, and other local,~~
21 ~~state, and federal funds.~~

22 ~~(c) Each county mental health program's plan shall provide for~~
23 ~~services in accordance with the system of care for adults and~~
24 ~~seniors who meet the eligibility criteria in subdivisions (b) and (c)~~
25 ~~of Section 5600.3.~~

26 ~~(d) Planning for services shall be consistent with the philosophy,~~
27 ~~principles, and practices of the recovery vision for mental health~~
28 ~~consumers:~~

29 ~~(1) To promote concepts key to the recovery for individuals~~
30 ~~who have mental illness: hope, personal empowerment, respect,~~
31 ~~social connections, self responsibility, and self determination.~~

32 ~~(2) To promote consumer-operated services as a way to support~~
33 ~~recovery.~~

34 ~~(3) To reflect the cultural, ethnic, and racial diversity of mental~~
35 ~~health consumers.~~

36 ~~(4) To plan for each consumer's individual needs.~~

37 ~~(e) The plan for each county mental health program shall~~
38 ~~indicate, subject to the availability of funds as determined by Part~~
39 ~~4.5 (commencing with Section 5890) of this division, and other~~
40 ~~funds available for mental health services, adults and seniors with~~

1 ~~a severe mental illness being served by this program are either~~
2 ~~receiving services from this program or have a mental illness that~~
3 ~~is not sufficiently severe to require the level of services required~~
4 ~~of this program.~~

5 ~~(f) Each county plan and annual update pursuant to Section~~
6 ~~5847 shall consider ways to provide services similar to those~~
7 ~~established pursuant to the Mentally Ill Offender Crime Reduction~~
8 ~~Grant Program. Notwithstanding any other law and consistent with~~
9 ~~subdivision (a) of Section 5891, funds may be used, if that use is~~
10 ~~included in the county plan pursuant to Section 5847, to provide~~
11 ~~services to persons who are incarcerated in a county jail or subject~~
12 ~~to mandatory supervision, except as otherwise provided in this~~
13 ~~subdivision. Funds shall not be used to pay for persons who are~~
14 ~~incarcerated in a county jail for a conviction of a felony, except~~
15 ~~for purposes of facilitating discharge, or for persons incarcerated~~
16 ~~in the state prison or on parole from the state prison. If included~~
17 ~~in county plans pursuant to Section 5847, funds may be used for~~
18 ~~the provision of mental health services under Sections 5347 and~~
19 ~~5348 in counties that elect to participate in the Assisted Outpatient~~
20 ~~Treatment Demonstration Project Act of 2002 (Article 9~~
21 ~~(commencing with Section 5345) of Chapter 2 of Part 1).~~

22 ~~(g) The department shall contract for services with county~~
23 ~~mental health programs pursuant to Section 5897. After November~~
24 ~~2, 2004, the term “grants,” as used in Sections 5814 and 5814.5~~
25 ~~refers to those contracts.~~

26 ~~(h) This section shall become inoperative on January 1, 2023,~~
27 ~~and, as of January 1, 2024, is repealed.~~

28 ~~SEC. 2. Section 5813.5 is added to the Welfare and Institutions~~
29 ~~Code, to read:~~

30 ~~5813.5. Subject to the availability of funds from the Mental~~
31 ~~Health Services Fund, the state shall distribute funds for the~~
32 ~~provision of services under Sections 5801, 5802, and 5806 to~~
33 ~~county mental health programs. Services shall be available to adults~~
34 ~~and seniors with severe illnesses who meet the eligibility criteria~~
35 ~~in subdivisions (b) and (c) of Section 5600.3. For purposes of this~~
36 ~~act, seniors means older adult persons identified in Part 3~~
37 ~~(commencing with Section 5800) of this division.~~

38 ~~(a) Funding shall be provided at sufficient levels to ensure that~~
39 ~~counties can provide each adult and senior served pursuant to this~~
40 ~~part with the medically necessary mental health services,~~

1 medications, and supportive services set forth in the applicable
2 treatment plan.

3 ~~(b) The funding shall only cover the portions of those costs of~~
4 ~~services that cannot be paid for with other funds including other~~
5 ~~mental health funds, public and private insurance, and other local,~~
6 ~~state, and federal funds.~~

7 ~~(c) Each county mental health program's plan shall provide for~~
8 ~~services in accordance with the system of care for adults and~~
9 ~~seniors who meet the eligibility criteria in subdivisions (b) and (c)~~
10 ~~of Section 5600.3.~~

11 ~~(d) Planning for services shall be consistent with the philosophy,~~
12 ~~principles, and practices of the recovery vision for mental health~~
13 ~~consumers:~~

14 ~~(1) To promote concepts key to the recovery for individuals~~
15 ~~who have mental illness: hope, personal empowerment, respect,~~
16 ~~social connections, self-responsibility, and self-determination.~~

17 ~~(2) To promote consumer-operated services as a way to support~~
18 ~~recovery.~~

19 ~~(3) To reflect the cultural, ethnic, and racial diversity of mental~~
20 ~~health consumers.~~

21 ~~(4) To plan for each consumer's individual needs.~~

22 ~~(e) The plan for each county mental health program shall~~
23 ~~indicate, subject to the availability of funds as determined by Part~~
24 ~~4.5 (commencing with Section 5890) of this division, and other~~
25 ~~funds available for mental health services, adults and seniors with~~
26 ~~a severe mental illness being served by this program are either~~
27 ~~receiving services from this program or have a mental illness that~~
28 ~~is not sufficiently severe to require the level of services required~~
29 ~~of this program.~~

30 ~~(f) Each county plan and annual update pursuant to Section~~
31 ~~5847 shall consider ways to provide services similar to those~~
32 ~~established pursuant to the Mentally Ill Offender Crime Reduction~~
33 ~~Grant Program. Funds shall not be used to pay for persons~~
34 ~~incarcerated in state prison or parolees from state prisons. When~~
35 ~~included in county plans pursuant to Section 5847, funds may be~~
36 ~~used for the provision of mental health services under Sections~~
37 ~~5347 and 5348 in counties that elect to participate in the Assisted~~
38 ~~Outpatient Treatment Demonstration Project Act of 2002 (Article~~
39 ~~9 (commencing with Section 5345) of Chapter 2 of Part 1).~~

1 ~~(g) The department shall contract for services with county~~
2 ~~mental health programs pursuant to Section 5897. After the~~
3 ~~effective date of this section, the term grants referred to in Sections~~
4 ~~5814 and 5814.5 shall refer to such contracts.~~

5 ~~(h) This section shall become operative on January 1, 2023.~~

6 ~~SEC. 3. Section 5847 of the Welfare and Institutions Code is~~
7 ~~amended to read:~~

8 ~~5847. Integrated Plans for Prevention, Innovation, and System~~
9 ~~of Care Services.~~

10 ~~(a) Each county mental health program shall prepare and submit~~
11 ~~a three-year program and expenditure plan, and annual updates,~~
12 ~~adopted by the county board of supervisors, to the Mental Health~~
13 ~~Services Oversight and Accountability Commission and the State~~
14 ~~Department of Health Care Services within 30 days after adoption.~~

15 ~~(b) The three-year program and expenditure plan shall be based~~
16 ~~on available unspent funds and estimated revenue allocations~~
17 ~~provided by the state and in accordance with established~~
18 ~~stakeholder engagement and planning requirements as required in~~
19 ~~Section 5848. The three-year program and expenditure plan and~~
20 ~~annual updates shall include all of the following:~~

21 ~~(1) A program for prevention and early intervention in~~
22 ~~accordance with Part 3.6 (commencing with Section 5840).~~

23 ~~(2) A program for services to children in accordance with Part~~
24 ~~4 (commencing with Section 5850), to include a program pursuant~~
25 ~~to Chapter 4 (commencing with Section 18250) of Part 6 of~~
26 ~~Division 9 or provide substantial evidence that it is not feasible to~~
27 ~~establish a wraparound program in that county.~~

28 ~~(3) A program for services to adults and seniors in accordance~~
29 ~~with Part 3 (commencing with Section 5800).~~

30 ~~(4) A program for innovations in accordance with Part 3.2~~
31 ~~(commencing with Section 5830).~~

32 ~~(5) A program for technological needs and capital facilities~~
33 ~~needed to provide services pursuant to Part 3 (commencing with~~
34 ~~Section 5800), Part 3.6 (commencing with Section 5840), and Part~~
35 ~~4 (commencing with Section 5850). All plans for proposed facilities~~
36 ~~with restrictive settings shall demonstrate that the needs of the~~
37 ~~people to be served cannot be met in a less restrictive or more~~
38 ~~integrated setting, such as permanent supportive housing.~~

39 ~~(6) Identification of shortages in personnel to provide services~~
40 ~~pursuant to the above programs and the additional assistance~~

1 needed from the education and training programs established
2 pursuant to Part 3.1 (commencing with Section 5820).

3 (7) Establishment and maintenance of a prudent reserve to
4 ensure the county program will continue to be able to serve
5 children, adults, and seniors that it is currently serving pursuant
6 to Part 3 (commencing with Section 5800), the Adult and Older
7 Adult Mental Health System of Care Act, Part 3.6 (commencing
8 with Section 5840), Prevention and Early Intervention Programs,
9 and Part 4 (commencing with Section 5850), the Children's Mental
10 Health Services Act, during years in which revenues for the Mental
11 Health Services Fund are below recent averages adjusted by
12 changes in the state population and the California Consumer Price
13 Index.

14 (8) Certification by the county behavioral health director, which
15 ensures that the county has complied with all pertinent regulations,
16 laws, and statutes of the Mental Health Services Act, including
17 stakeholder participation and nonsupplantation requirements.

18 (9) Certification by the county behavioral health director and
19 by the county auditor-controller that the county has complied with
20 any fiscal accountability requirements as directed by the State
21 Department of Health Care Services, and that all expenditures are
22 consistent with the requirements of the Mental Health Services
23 Act.

24 (10) Until January 1, 2024, a report on expenditures made
25 pursuant to subdivision (f) of Section 5813.5, as that section read
26 on January 1, 2020, to provide services to persons who are
27 incarcerated in a county jail or subject to mandatory supervision.

28 (e) The programs established pursuant to paragraphs (2) and
29 (3) of subdivision (b) shall include services to address the needs
30 of transition age youth 16 to 25 years of age. In implementing this
31 subdivision, county mental health programs shall consider the
32 needs of transition age foster youth.

33 (d) Each year, the State Department of Health Care Services
34 shall inform the County Behavioral Health Directors Association
35 of California and the Mental Health Services Oversight and
36 Accountability Commission of the methodology used for revenue
37 allocation to the counties.

38 (e) Each county mental health program shall prepare expenditure
39 plans pursuant to Part 3 (commencing with Section 5800) for adults
40 and seniors, Part 3.2 (commencing with Section 5830) for

1 innovative programs, Part 3.6 (commencing with Section 5840)
2 for prevention and early intervention programs, and Part 4
3 (commencing with Section 5850) for services for children, and
4 updates to the plans developed pursuant to this section. Each
5 expenditure update shall indicate the number of children, adults,
6 and seniors to be served pursuant to Part 3 (commencing with
7 Section 5800), and Part 4 (commencing with Section 5850), and
8 the cost per person. The expenditure update shall include utilization
9 of unspent funds allocated in the previous year and the proposed
10 expenditure for the same purpose.

11 (f) A county mental health program shall include an allocation
12 of funds from a reserve established pursuant to paragraph (7) of
13 subdivision (b) for services pursuant to paragraphs (2) and (3) of
14 subdivision (b) in years in which the allocation of funds for services
15 pursuant to subdivision (c) are not adequate to continue to serve
16 the same number of individuals as the county had been serving in
17 the previous fiscal year.

18 (g) The department shall post on its website the three-year
19 program and expenditure plans submitted by every county pursuant
20 to subdivision (a) in a timely manner.

21 SEC. 4. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

26 SEC. 5. The Legislature finds and declares that this act is
27 consistent with and furthers the intent of the Mental Health Services
28 Act within the meaning of Section 18 of the Mental Health Services
29 Act.

30 SEC. 6. This act is an urgency statute necessary for the
31 immediate preservation of the public peace, health, or safety within
32 the meaning of Article IV of the California Constitution and shall
33 go into immediate effect. The facts constituting the necessity are:

34 In order to address the ongoing health issues inside of county
35 jails and to further the alignment of state funding with new policies
36 being proposed by county governments throughout California as
37 soon as possible, it is necessary that this act take effect
38 immediately.

Date of Hearing: August 18, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez, Chair
SB 665 (Umberg) – As Amended July 27, 2020

Policy Committee: Health Vote: 14 - 0
Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill allows up to eight counties to use Mental Health Services Act (MHSA) innovation funds, on a pilot basis and subject to state approval, to provide mental health and related services to people in jails. In addition, this bill:

- 1) Prohibits funding allocated for these programs from supplanting any existing county expenditures.
- 2) Requires the Mental Health Services Oversight and Accountability Commission (MHSOAC) to review and monitor the pilot projects and report on specified outcomes.

FISCAL EFFECT:

\$190,000 to the MHSOAC annually for the duration of the projects, not to exceed five years, for staff and contract costs for research, data analysis, consulting, report preparation and dissemination (MHSA state administration set-aside funds).

COMMENTS:

- 1) **Purpose.** According to the author, this bill is a narrowly tailored pilot program created to assess the positive impact of using Innovation Funds under the MHSA within county jails. This bill would allow up to eight counties, including Orange County, to use innovation funds to provide mental health and related services to inmates in local jails, subject to specified conditions.
- 2) **Background.** Proposition 63, the MHSA, was passed by voters in November 2004. The MHSA imposes a 1% income tax on personal income in excess of \$1 million to fund counties for a broad continuum of mental health prevention, early intervention and other services. The majority of MHSA funds are allocated directly to counties pursuant to statutory formulas, with funds subdivided for specified purposes within each county. MHSA generally funds community-based systems of mental health support and treatment. Existing law prohibits MHSA funds from being used to pay for persons incarcerated in state prison, and does not explicitly address the use of MHSA in jails. Since 2011, certain felonies have been punished by a term of imprisonment in a county jail, rather than a term in state prison.

Current Department of Health Care Services regulations provides that a county may use MHSA funds for programs and services provided in juvenile hall or county jails only for the purpose of facilitating discharge.

- 3) **MHSA Innovation Funds.** Five percent of each county's allocation must be set aside for innovative programs that creatively address mental health needs. Innovation funding plans must be submitted to the MHSOAC for approval. Because it modifies the allowable uses of innovation funds, this bill requires a two-thirds vote of the Legislature pursuant to the terms of Proposition 63 that established the MHSA. This bill states findings that this change is consistent with and furthers the intent of the MHSA.
- 4) **Prior Legislation.** SB 389 (Hertzberg), Chapter 209, Statutes of 2019, allowed MHSA funds to be used to provide services to persons who are participating in a presentencing or post-sentencing diversion program or who are on parole, probation, post-release community supervision or mandatory supervision.
- 5) **Support.** This bill is sponsored by the County of Orange and supported by the California State Sheriff's Association, City of Los Angeles and the Orange County Employee Association. Supporters indicate fiscal flexibility will produce better mental health outcomes for individuals who may cycle in and out of incarceration and face disruption in treatment for their mental health conditions.
- 6) **Opposition.** A large number of behavioral health stakeholders, including California Council of Community Behavioral Health Agencies, Disability Rights California and the County Behavioral Health Directors Association write in opposition to this bill. The opposition generally believes this bill proposes to use MHSA funds in a way that undermines the essence of MHSA, which was created to provide voluntary services to people in the community.

Analysis Prepared by: Lisa Murawski / APPR. / (916) 319-2081

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.4
(ID # 13358)

MEETING DATE:
Tuesday, August 25, 2020

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Receive and File the Letters of Support for Approval to Support SB 665 (Umberg). Mental Health Services Fund: county jails. [All Districts] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the attached letter(s) that was sent to Sacramento.

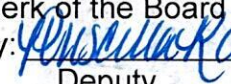
ACTION: Consent


Brian Nestande 8/20/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: August 25, 2020
xc: EO

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	20/21

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The purpose of Riverside County's Legislative Coordination Policy Program is to support legislation which benefits the County and its residents, and to oppose/amend legislation which might adversely affect the County. The following specific procedures are instituted to facilitate active participation by Departments, allow the Executive Office to act as a centralized "clearinghouse" for legislative matters, and to ensure that all advocacy efforts are entirely consistent with Board-approved positions.

For the following piece of legislation, a policy position does not exist therefore the Executive Office is directed to bring this item to the full Board. After approval from the Board, The Executive Office will then send a letter of support or opposition with the Chair's Signature and work with the Advocacy Team, the Board of Supervisors, and Department to achieve the desired outcome.

RECOMMENDED BILLS:

Bill: SB 665 (Umberg)- Mental Health Services Fund: county jails.

Position: Support

Background: This bill allows up to eight counties to include Orange County, to use Mental Health Services Act (MHSA) innovation funds, on a pilot basis and subject to state approval, to provide mental health and related services to people in jails. In addition, this bill:

- 1) Prohibits funding allocated for these programs from supplanting any existing county expenditures.
- 2) Requires the Mental Health Services Oversight and Accountability Commission (MHSOAC) to review and monitor the pilot projects and report on specified outcomes.

Proposition 63, the Mental Health Services Act (MHSA), was passed by voters in November 2004. Existing law prohibits MHSA funds from being used to pay for persons incarcerated in state prison and does not explicitly address the use of MHSA in jails. Current Department of Health Care Services regulations provides that a county may use MHSA funds for programs and services provided in juvenile hall or county jails only for the purpose of facilitating discharge.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

According to the author, SB 665 creates a narrowly tailored pilot program to assess the positive impact of using Innovation Funds under the MHSA within county jails. This bill would allow up to eight counties, including Orange County, to use innovation funds to provide mental health and related services to inmates in local jails, subject to specified conditions.

ATTACHMENTS:

SB 665 Letter
SB 665 Bill Text
Bill Analysis