



Legislation Details (With Board Report)

File #:	A 13-075	Name:	CalMHSA
Type:	BoS Agreement	Status:	Passed
File created:	5/13/2013	In control:	Board of Supervisors
On agenda:	6/11/2013	Final action:	6/11/2013

Title: Approve and authorize the Director of Health to sign the Second Amended and Restated Joint Exercise of Powers Agreement that governs operations of the California Mental Health Services Authority (CalMHSA).

Sponsors:

Indexes:

Code sections:

Attachments: 1. CalMHSA Second Amendment 06 22 2013, 2. CalMHSA JPA Signed by Monterey Co July 2010, 3. JPA F-E version, 4. Completed Board Order

Date	Ver.	Action By	Action	Result
6/11/2013	1	Board of Supervisors	approved	

Approve and authorize the Director of Health to sign the Second Amended and Restated Joint Exercise of Powers Agreement that governs operations of the California Mental Health Services Authority (CalMHSA).

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve and authorize the Director of Health to sign the Second Amended and Restated Joint Exercise of Powers Agreement that governs operations of the California Mental Health Services Authority (CalMHSA).

BACKGROUND:

On February 10, 2009, your Board approved and authorized Monterey County’s participation in the California Mental Health Services Authority (CalMHSA), a joint powers authority (JPA) comprised of California counties for the joint planning and implementation of statewide projects. On July 27, 2010, your Board approved and authorized the Director of Health to sign the revised CalMHSA Agreement.

SUMMARY/DISCUSSION:

The California Mental Health Directors Association (CMHDA) had for some time contemplated sponsoring formation of a joint powers authority to facilitate joint county mental health programs, but the event that ultimately triggered the 2009 formation of CalMHSA was the need for counties to act together to effectuate Statewide Prevention and Early Intervention (PEI) projects funded under Prop 63, the Mental Health Services Act. Consequently, the original Joint Exercise of Powers Agreement for CalMHSA focused on those projects. Now that the Statewide PEI projects are in progress, CMHDA and the member Counties want CalMHSA to take on other roles as initially contemplated, and find the existing Agreement may be too narrowly drafted. In particular, counties have sought to negotiate and contract jointly through CalMHSA with the California Department of State Hospitals (CDSH) for civil commitment (LPS) beds, as provided for in WIC 4330 to 4335, but CDSH has questioned whether CalMHSA is authorized to do so under its existing agreement.

Accordingly, the amendments for which your approval is requested are focused primarily on broadening CalMHSA’s breadth of programs to include all mental and/or behavioral health programs, as requested by the

CalMHSA Board and CMHDA. The proposed changes:

1. Incorporate into the Recitals additional statutory bases for Counties to act together through CalMHSA;
2. Broaden the described Purpose of CalMHSA to expressly embrace mental and behavioral health programs including joint contracting for state hospital beds; joint administration of other state or federal programs such as the Drug Medi-Cal Treatment Program; managed mental health care for Medi-Cal beneficiaries, and specialty mental health services; operation of program risk pools; provision of fiscal or administrative services useful to the Members; and research, development and execution of policy requests from CMHDA and/or County Supervisors Association of California;
3. Clarify that the Board of Directors exercise the power and conduct the business of CalMHSA;
4. Expressly incorporate reference to matters provided for more specifically in the Bylaws including election of officers by the Board of Directors, creation of and delegation to committees, and authority for the Executive Committee to act in the absence of a quorum of the Board;
5. Clarify which Government Code provision regarding treasurers is utilized by CalMHSA;
6. Clarify termination and disposition procedures;
7. Clarify the amendment procedure; and
8. Clarify the definition of Member and expansion of the definition of Program to include behavioral health programs as well as mental health programs.

Approval of this action will allow the Health Department to continue to participate as a member of CalMHSA, a JPA established for the purpose of maximizing resources for the most efficient use. The Second Amended and Restated Joint Exercise of Powers Agreement broadens the stated purpose of the JPA to allow it to perform additional services for its members. However, the change imposes no additional obligation on the County, because the County is not obligated to participate in any added Programs or Services.

OTHER AGENCY INVOLVEMENT:

The County Counsel and Auditor-Controller have reviewed the Second Amended and Restated JPA Agreement and concur. The Agreement is on file with the Clerk of the Board.

FINANCING:

Approval of this action imposes no financial obligation to the County. Under CalMHSA's JPA Agreement, each CalMHSA Program is fiscally self-contained. Member Counties are not obligated to participate in any Program. Instead, each County determines whether it will participate in a Program, and pay only its share of those Programs in which it chooses to participate.

Prepared by: Alica Hendricks, Management Analyst, 1295

Approved by: Ray Bullick, Director of Health, 4526

Attachments:

The Second Amended and Restated JPA Agreement is on file with Clerk of the Board