

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

October 22, 2024

FROM

JEANY ZEPEDA, Director, Children and Family Services

SUBJECT

Provisional License Agreement with the California Department of Social Services for the San Bernardino County Transitional Shelter Care Facility to Operate as a Licensed Short-Term Residential Care Program

RECOMMENDATION(S)

1. Approve the provisional license **Agreement No. 24-1011** with the California Department of Social Services for the operation of the San Bernardino County Transitional Shelter Care Facility, including non-standard terms, for a period of three years beginning with the date the provisional license is issued, with the option to extend the license in six-month increments.
2. Authorize the Assistant Director of Children and Family Services to execute the provisional license agreement and any subsequent six-month extensions, subject to review by County Counsel.
3. Direct the Assistant Director of Children and Family Services to transmit the executed provisional license agreement and any subsequent six-month extensions to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Jeany Zepeda, Director, 387-2792)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

This item does not impact Discretionary General Funding (Net County Cost). There is no fee for the San Bernardino Transitional Shelter Care Facility (TrSCF) licensure with the California Department of Social Services (CDSS).

BACKGROUND INFORMATION

On March 9, 2021 (Item No. 18), the Board of Supervisors (Board) approved a lease for a family home facility in the City of San Bernardino for use by Children and Family Services (CFS) as a COVID-19 isolation and quarantine residence for children. As the need for quarantine spaces has declined, the facility has been repurposed to serve as a transitional shelter for high-risk and hard-to-place youth for whom the demand for transitional placement has increased.

Repurposing the leased family home facility as the County TrSCF for high risk and hard-to-place youth is better suited to meet the needs of CFS and the youth in need of transitional placement. The CDSS Community Care license ensures that the facility meets established health and safety standards through monitoring, providing technical assistance, and establishing partnerships with providers, parents, and the childcare community.

**Provisional License Agreement with the California Department of Social Services for the San Bernardino County Transitional Shelter Care Facility to Operate as a Licensed Short-Term Residential Care Program
October 22, 2024**

On February 8, 2022 (Item No. 27), the Board authorized the Assistant Director of CFS to execute and submit the Community Care License application to CDSS. CFS has complied with all the CDSS mandated application processes and this provisional license agreement (Agreement) with CDSS is the final step for application approval.

CFS has made ongoing efforts to address the increasing need for placements by contracting with agencies. High risk and hard-to-place youth include but are not limited to, youth who experience serious emotional or behavioral challenges, developmental delays, or difficulties with verbal and physical aggression, including displaying violence towards others. This group also includes youth who may have experienced trauma related to commercial sexual exploitation, have a history of running away, substance abuse issues, special healthcare needs, or complex co-occurring needs.

Despite CFS's attempts to contract with agencies, there remains a shortage of emergency and short-term placements for children or youth with complex needs. To address this, CFS has taken several actions: contracting with Foster Family Agencies to provide specialized placements and expand capacity; expanding shelter care contracts with Family Assistance Agencies; and working closely with the State of California to approve innovative models of care rates that allow placement providers to receive a higher rate of foster care for these cases.

Additionally, CFS has collaborated with the Department of Behavioral Health (DBH) to ensure these youth receive timely mental health services to assist with placement. The Inland Regional Center has been a partner with CFS to exhaust all placement options for youth involved in both systems. DBH and CFS have worked together to explore family placement options whenever possible. In collaboration with Riverside County, the County has also partnered in the Children's Crisis Continuum pilot to establish a network of placements and services for youth in crisis.

Due to the ongoing shortage of placement options, there remains a significant need for temporary transitional placement for hard-to-place youth. The County's Transitional Shelter will provide a safe environment where these youth can receive necessary care, behavioral health services, and have their medical needs met. To operate the facility, CFS must obtain a TrSCF license under the standards mandated by CDSS. CDSS has determined that a provisional license can be issued to allow the County to operate the County's Transitional Shelter as a TrSCF. Until a suitable service provider is contracted, CFS personnel will staff the County's Transitional Shelter for youth who have come into care or need to be placed into a suitable environment based on their needs.

The Assistant Director of CFS will be the designated licensee for the County's Transitional Shelter. In this role, the Assistant Director of CFS will be responsible for care and supervision decisions regarding all children placed in the County Transitional Shelter, meeting CDSS reporting requirements, and ensuring the creation of client files for any placed child. CDSS requires the licensee to execute the Agreement for the County's Transitional Shelter to operate as a TrSCF. CFS is requesting the Board execute the Agreement and to designate the Assistant Director of CFS as the position with the authority to execute any subsequent six-month extensions, subject to County Counsel review.

Attempts were made to negotiate the Agreement; however, CDSS uses a standard provisional license agreement, which other Counties throughout the state have executed without edits. As a

Provisional License Agreement with the California Department of Social Services for the San Bernardino County Transitional Shelter Care Facility to Operate as a Licensed Short-Term Residential Care Program
October 22, 2024

result, CDSS adhered to their standard terms of Agreement and did not allow for significant modifications. As such, the Agreement includes state standard terms, including language that the County operated an unlicensed shelter, and also includes terms that differ from the standard County contract and omit certain County standard contract terms. The non-standard and missing terms include the following:

The Agreement does not require CDSS to meet the County's insurance standards as required pursuant to County Policies, 11-05, 11-07 and 11-07SP.

- County policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
- Potential Impact: The County has no assurance that CDSS will be financially responsible for claims that may arise under the Agreement, which could result in expenses to the County that exceed the total Agreement amount.

The Agreement does not require CDSS to indemnify the County, as required by County Policies 11-05 and 11-07, including for intellectual property infringement claims.

- The County standard contract indemnity provision requires the contractor to indemnify, defend, and hold County harmless from third party claims arising out of the acts, errors or omissions of any person.
- Potential Impact: CDSS is not required to defend, indemnify or hold the County harmless from any claim, including indemnification for claims arising from CDSS' negligent or intentional acts. If the County is sued for any claim the County may be solely liable for the costs of defense and damages, which could exceed the total Agreement amount.

CDSS may change the Operating Standards included in the Agreement, with advance notice where practicable, at any time.

- County Policy 11-06 requires that any changes to the contract be reduced to writing, executed and attached to the original contract and approved by the person(s) authorized to do so on behalf of the contractor and County.
- Potential Impact: The County could be agreeing to new terms without review by anyone, including County Counsel, and without approval of the new terms by the Board.

Due to a lack of emergency placement homes or other facilities in which youth with complex placement needs can be placed on short notice, CFS recommends approval of the Agreement with CDSS, including the non-standard terms, so the County's Transitional Shelter can operate as a licensed TrSCF.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on September 19, 2024; County Counsel (Daniella V. Hernandez, Jeffrey Moret, Deputies County Counsel, 387-5455) on September 19, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on September 30, 2024; Finance (John Hallen, Administrative Analyst, 388-0208) on October 3, 2024; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on October 3, 2024.

Provisional License Agreement with the California Department of Social Services for the San Bernardino County Transitional Shelter Care Facility to Operate as a Licensed Short-Term Residential Care Program
October 22, 2024

Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Jesse Armendarez
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Curt Hagman, Joe Baca, Jr.
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 22, 2024



cc: CFS - Figueroa w/agree for sign
Contractor - c/o CFS w/agree
File - w/agree
CCM 10/23/2024