

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

July 28, 2020

**FROM**

**FRANK GUEVARA, Director, Veterans Affairs**

**SUBJECT**

Grant Award Agreement from the California Department of Veterans Affairs to Support Veterans Mental Health Outreach and Services

**RECOMMENDATION(S)**

1. Accept and approve grant award **Agreement No. 20-626** (State Agreement No. 20XS0008) from the California Department of Veterans Affairs to support mental health outreach and services for veterans, in the amount of \$94,420, for the period of July 1, 2020 through June 30, 2022.
2. Designate the Chairman of the Board of Supervisors, the Chief Executive Officer, or the Director of Veterans Affairs to execute any non-substantive amendments in relation to this grant award agreement, on behalf of the County, subject to review by County Counsel.
3. Direct the Chairman of the Board of Supervisors, the Chief Executive Officer, or the Director of Veterans Affairs to transmit all documents in relation to the grant award agreement to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Frank Guevara, Director, 382-3288)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

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

**Pursue County Goals and Objectives by Working with Other Agencies.**

**FINANCIAL IMPACT**

This item does not impact Discretionary General Funding (Net County Cost). The grant award in the amount of \$94,420 from the California Department of Veterans Affairs (CalVet) provided under the Mental Health Services Act (MHSA), does not require a match. Approval of the necessary budget adjustments to the Veterans Affairs (VA) 2020-21 budget is not requested at this time, but will be included on a future quarterly countywide budget report presented to the Board of Supervisors (Board) for approval. Adequate appropriation and revenue will be included in the VA's 2021-22 recommended budget.

**BACKGROUND INFORMATION**

CalVet provides MHSA funding, also known as Proposition 63, to support county mental health programs. As the County of San Bernardino's Veterans Service Officer (CVSO), the VA works closely with CalVet, the State's leading veterans advocate and resource. The VA will use the CalVet grant award to continue the partnership with Veterans Legal Institute (VLI), a nonprofit organization, in providing free legal clinics for transitioning service members, veterans, and their families in order to remove legal barriers preventing access to or maintenance of mental and physical health care.

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Since 2019, the VA has utilized MHSA funding for the veterans free legal clinics provided by VLI targeting homeless and/or low-income veterans in need of mental health treatment that requires direct legal aid, which they could otherwise not afford. The goal of the free legal clinics is to increase the number of homeless, low income, disabled, and/or at-risk clients who can access or maintain mental health care. The VA and VLI will host a monthly, three-hour free legal aid clinic for a total of 24 clinics over the two-year grant period. Outcomes include outreach and clinic attendance of 160 veterans that will receive mental health resource brochures and be included in data collection via intake forms with data maintained within a computer reporting system.

On February 12, 2020, the County Administrative Office authorized the submission of the grant application to CalVet for MHSA funds to support veterans' mental health outreach and services, in the amount of \$100,000, for the period of July 1, 2020 through June 30, 2022.

On May 6, 2020, the VA was notified by CalVet of the County of San Bernardino's award for MHSA funds to support veterans' mental health outreach and services, in the amount of \$94,420, for the period of July 1, 2020 through June 30, 2022. The lower amount awarded by CalVet is due to a 5.5% adjustment impacting all counties in an effort by the State to maximize the distribution of available funding to all counties considered for award.

On June 18, 2020, the VA received the grant award agreement (State Agreement No. 20XS0008) from CalVet, in the amount of \$94,420, for the period of July 1, 2020 through June 30, 2022. The grant award agreement contains the following nonstandard terms:

1. In Section 5 of the General Terms and Conditions (Exhibit C, GTC 04/2017), the contract requires the County to indemnify, defend and save harmless the State from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers and any other person furnishing work services, materials or supplies in connection with the performance of the contract, and any and all claims and losses accruing or resulting to any person etc., who may be injured by the County in the performance of the contract.
2. In Section 4 of the Special Terms and Conditions (Exhibit D), the contract requires the County to agree to alternative dispute resolution by the Contract Manager, with appeal to the Undersecretary, California Department of Veterans Affairs, which is binding unless the decision is arbitrary, capricious, grossly erroneous or if any determination of fact is unsupported by substantiating evidence. If any appeal is made to a superior court, a judge will decide and jury trial is waived. Governing law is California, and venue is not specified.

The potential impact of these nonstandard provisions is as follows:

1. Typically, contracts with other public entities contain mutual indemnity though this is less true of contracts with the State. Regarding subcontractors, the County will have an MOU with VLI to deliver legal services. The County will have an MOU with VLI in which VLI provides indemnity to the County for any claims against the County arising out of the MOU. Contracts with the State are generally non-negotiable.

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2. County policy generally only allows for nonbinding forms of dispute resolution. In this contract the dispute resolution is largely administrative, by State departments/employees, and binding unless certain criteria is met as discussed above. California law applies but venue is an open question and may be anywhere in the State. Contracts with the State are generally non-negotiable.

This item is being presented at this time as it is the first available date following the required operational, fiscal, and legal reviews. Approval by the Board at this time will not impact VA's services or activities.

**PROCUREMENT**

N/A

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5455) on July 7, 2020; Finance (Paul Garcia, Administrative Analyst, 386-8392) on July 13, 2020; and County Finance and Administration (Tanya Bratton, Deputy Executive Officer, 388-0332) on July 13, 2020.

**Grant Award Agreement from the California Department of Veterans  
Affairs to Support Veterans Mental Health Outreach and Services  
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Record of Action of the Board of Supervisors  
County of San Bernardino

**APPROVED (CONSENT CALENDAR)**

Moved: Josie Gonzales   Seconded: Robert A. Lovingood  
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: July 28, 2020



cc:   VA- Hay w/agree for sign  
      Contractor- C/O VA w/agree  
      File- w/agree  
la    07/31/2020