

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

December 5, 2023

FROM

GEORGINA YOSHIOKA, Director, Department of Behavioral Health

SUBJECT

Subcontractor Agreement for the Behavioral Health Bridge Housing Program

RECOMMENDATION(S)

1. Approve Subcontractor **Agreement No. 23-1285**, including non-standard terms, with Advocates for Human Potential, Inc., on behalf of the California Department of Health Care Services, for the Behavioral Health Bridge Housing Program, to address the immediate and sustainable housing needs of individuals experiencing homelessness who have severe mental illness and/or substance use disorders, in the amount of \$27,375,170, for the period of June 23, 2023 through June 30, 2027.
2. Authorize the Chair of the Board of Supervisors, Assistant Executive Officer, or Director of Behavioral Health to execute and submit any non-substantive amendments to the Subcontractor Agreement with Advocates for Human Potential, Inc., or any additional or supplemental documentation as may be required by the California Department of Health Care Services or Advocates for Human Potential, Inc. in connection with the allocation from the Behavioral Health Bridge Housing Program, subject to review by County Counsel.
3. Direct the Director of the Department of Behavioral Health to transmit any subsequent non-substantive amendments to the Subcontractor Agreement with Advocates for Human Potential, Inc. in relation to the Behavioral Health Bridge Housing Program to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Georgina Yoshioka, Director, 252-5142)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Operate in a Fiscally-Responsible and Business-Like Manner.

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). The Behavioral Health Bridge Housing (BHBH) Program grant award in the amount of \$27,375,170 is administered by the California Department of Health Care Services (DHCS). The BHBH Program grant does not require a local match. Adequate appropriation and revenue are included in the Department of Behavioral Health's (DBH) 2023-24 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

DHCS' BHBH Program was signed into law in September 2022 under Assembly Bill 179, providing funding through June 30, 2027. The BHBH Program is designed to complement

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capital investments that address the issue of homelessness including Project Homekey, Community Care Expansion, and the Behavioral Health Continuum Infrastructure Program. The BHBH Program primarily provides operational and supportive services funding to expand bridge housing implementation. Bridge housing may be in existing settings that are leased or owned by a county behavioral health agency or a provider partner. The primary focus of the BHBH Program is to help individuals experiencing homelessness who have severe mental (SMI) and/or Substance Use Disorders (SUD) that prevent them from accessing help and moving out of homelessness.

DBH proposes to use the BHBH Program grant funding to operate a wide variety of bridge housing programs to address the immediate and sustainable housing needs of individuals experiencing homelessness who have SMI and/or SUD. Once long-term housing goals have been established, DBH will help these individuals identify housing options, available resources, and secure housing with the assistance of Housing Navigation. This includes assisting with housing applications, obtaining proper paperwork, and utility startups. In addition, DBH will expand several programs for this vulnerable population, including Emergency Shelter Services, Recovery Residences, Hotel/Motel beds and Adult Residential Facility programs.

The Emergency Shelter Services program provides temporary housing solutions for individuals with SMI and SUD who are experiencing homelessness. It offers short-term shelter while individuals work with DBH staff to develop and implement long-term housing plans. The program also provides case management services, connections to other behavioral health or substance use services, and assistance with accessing public benefits, all of which contribute to the individual's successful transition to permanent supportive housing.

The Recovery Residences program supports individuals with SMI and SUD in their journey to recovery. This housing option is designed to provide a safe, substance-free, and structured living environment for individuals who are actively participating in treatment services. It promotes peer support, life skills development, and relapse prevention. In addition to housing, residents are encouraged to engage in community activities and access educational and employment opportunities to foster self-sufficiency and long-term recovery.

The Hotel/Motel beds program is for individuals who can live independently. This type of bridge housing can be used for individuals with SMI and/or SUD waiting for a treatment bed to become available.

The Adult Residential Facility program is comprised of non-medical facilities that provide room, board, and assistance with basic activities of daily living. This type of bridge housing can be used for those individuals that cannot live independently but do not require 24-hour care.

On April 25, 2023 (Item No. 21), the Board of Supervisors (Board) approved authorization for DBH to submit the BHBH Program grant application to DHCS in the amount of \$27,375,170, for the anticipated period of July 1, 2023 through June 30, 2027.

On June 23, 2023, DBH received the conditional grant award notice from DHCS approving DBH's BHBH Program grant application in the amount of \$27,375,170, for the period of June 23, 2023 through June 30, 2027.

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On September 29, 2023, DBH received the non-negotiable Subcontractor Agreement from Advocates for Human Potential, Inc. (AHP), which is the third-party administrator for the grant. The Subcontractor Agreement contains non-standard terms as follows:

1. The County does not have the right to terminate the Subcontractor Agreement, however AHP and DHCS may terminate the Subcontractor Agreement for cause or with 30 days' notice to the County.
 - The County standard contract gives the County the right to terminate the contract, for any reason, with 30-days written notice of termination without any obligation other than to pay amounts for services rendered and expenses reasonably incurred prior to the effective date of termination.
 - Potential Impact: The County does not have the right to terminate the Subcontractor Agreement for convenience.
2. If there is a dispute arising out of the Subcontractor Agreement, the non-prevailing party shall pay the prevailing party's reasonable costs and attorney's fees.
 - The County standard contract requires each party to bear its own costs and attorney fees, regardless of who is the prevailing party.
 - Potential Impact: If there is a dispute arising out of the Subcontractor Agreement, and the County does not prevail in the dispute, then the County may have to pay AHP or DHCS' reasonable costs and attorney's fees.
3. If a dispute arises, the parties agree to binding arbitration. This requirement does not apply to DHCS, only AHP and the County.
 - The County standard contract does not provide for mediation or binding arbitration.
 - Potential Impact: The Subcontractor Agreement requires binding arbitration for all disputes with AHP. Binding arbitration decisions are generally not appealable.
4. The County is required to indemnify, defend, and hold harmless AHP and DHCS against all claims arising out of the County's performance under the Subcontractor Agreement and for any acts attributable to the County's subcontractors, including contractors, suppliers and laborers.
 - The County standard contract indemnity provision requires the contractor to indemnify, defend and hold the County harmless from third party claims arising out of the acts, errors or omissions of any person.
 - Potential Impact: AHP is not required to defend, indemnify or hold the County harmless from any claims. 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 Subcontractor Agreement amount.
5. The Subcontractor Agreement does not contain the standard County insurance requirements.
 - Standard County policy requires inclusion of the standard County insurance requirements in contracts unless otherwise approved by the Risk Management Department.
 - Potential Impact: The County is not aware of the insurance in place by AHP and therefore cannot evaluate its adequacy in terms of providing protection to the County.

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This item is being presented at this time as this is the first Board date available, following receipt of the award notice and receipt of the final Subcontractor Agreement, after the required DBH program, fiscal, administrative, and legal reviews. This item is considered retroactive to June 23, 2023, which is the date of the Notice of Award letter and aligns with the start date of the Subcontractor Agreement. Approval by the Board at this time will have no impact on DBH's services.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by Behavioral Health Contracts (Natalie Kessee, Contracts Manager, 388-0869) on November 7, 2023; County Counsel (Dawn Martin, Deputy County Counsel, 387-5455) on November 7, 2023; Risk Management (Victor Tordesillas, Director, 386-8623) on October 31, 2023; Finance (Christopher Lange, Administrative Analyst, 386-8393) on November 14, 2023; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on November 15, 2023.

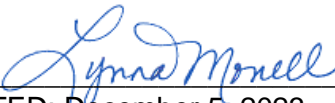
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: December 5, 2023



cc: DBH - Rivas-Ordaz w/agree for sign
Contractor - c/o DBH w/agree
File - w/agree
CCM 12/7/2023