

Grand Jury Report

REQUIRED RESPONSE FORM

Grand Jury Report Title : Measure B - Mental Health Treatment Act ... Where Are We?

Report Dated : June 19, 2019

Response Form Submitted By:

Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482 (use address block as inserted on first page)

Response MUST be submitted, per Penal Code §933.05, no later than: September 17, 2019

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

- ☒ I (we) agree with the Findings numbered:
F1, F3, F4, F5, F6
- ☒ I (we) disagree wholly or partially with the Findings numbered below, and have *attached* a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
F2, F7

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

- ☐ The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:
- ☒ The following Recommendation(s) have not yet been implemented, but will be implemented in the future; **attached, as required**, is a time frame for implementation:
R3, R4

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- ☐ The following Recommendation(s) require further analysis, and **attached, as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)
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- ☒ The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable; **attached, as required**, is an explanation therefore:

R1, R2

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: 11

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.mendocinocounty.org/government/grand-jury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail in pdf file format to:


- The Grand Jury Foreperson at: grandjury@mendocinocounty.org
- The Presiding Judge: grandjury@mendocino.courts.ca.gov

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Carre Brown

Title: Chair, Board of Supervisors

Signed: 

Date: 8/22/19

MENDOCINO COUNTY BOARD OF SUPERVISORS' RESPONSE TO GRAND JURY REPORT TITLED:

MEASURE B – MENTAL HEALTH TREATMENT ACT...WHERE ARE WE?

Discussion

The Board of Supervisors welcomes this opportunity to respond to the Grand Jury report titled "Measure B – Mental Health Treatment Act ... Where Are We?" and thanks the Grand Jury for focusing attention on this critical issue. The Board is equally frustrated that implementation of the Mental Health Treatment Act ("MHTA") has not progressed more rapidly. The Grand jury has correctly noted that it is the responsibility of the MHTA Citizen's Oversight Committee ("Committee") to make recommendations to the Board on implementation of Measure B. The Board quickly approved recommendations to hire the Kemper Consulting Group to conduct a needs assessment and make recommendations on allocation of Measure B revenues ("Kemper Report"). The Board also quickly implemented recommendations to pursue development of a Crisis Stabilization Unit ("CSU"), Crisis Residential Treatment ("CRT"), and a Psychiatric Health Facility ("PHF"), authorize hiring of an Administrative Project Manager, authorize issuance of a Request for Proposals for architectural services and secure a location for a Regional Behavioral Health Training Center ("Training Center"). In some instances, the Board has invited recommendations from the Committee.

The Grand Jury report focused on development of a CSU, CRT and PHF but did not discuss the Training Center or the development of a full spectrum of improved and expanded treatment and services that are needed to support and stabilize individuals with behavioral health conditions, including addiction and neurological disorders.

The Board believes it would be prudent for the Committee to focus on the recommendations of the Kemper Report, specifically: Section X. Key Policy Decisions and Recommended Actions; Section XI. Proposed Measure B Financing Plan; and Section XII. Program Development Action Steps.

The opening paragraph of Section X. states:

Our assessment of Mendocino County's current Mental Health service continuum is that it does not offer a robust set of alternative services that prevent crisis conditions and provide alternatives to inpatient psychiatric care. The system is heavily tilted toward responding to crisis conditions, with the primary service strategy of inpatient psychiatric care in out-of-county facilities.

The Kemper Report then includes a list of program services that ought to be provided and in Section XI. recommends that the Board adopt the following guiding principle for the use of Measure B funds:

The guiding principle for the use of Measure B revenues is the development

of a comprehensive mental health services continuum in Mendocino County that provides a broad range of services and supports that remediate mental health conditions at the earliest possible time and reduce the need for inpatient psychiatric utilization.

In addition to construction and operation of a CSU, CRT, PHF and Training Center, Section XII. of the Kemper Report includes a recommended budget for increased Support Services, an expansion of Full Service Partnerships, allocation of funds for Supportive Housing, and expanded Substance Use Disorder Treatment Services.

It is critical to develop local crisis facilities, but equally important to reduce the need for crisis facilities. Construction and operation of a CSU, CRT and PHF without the full spectrum of services and treatments will not shift the focus from being heavily tilted toward responding to crisis conditions.

The Board appreciates that the Grand Jury included in its discussion excerpts from the Specific Purpose of Measure B which states the Committee "...shall review the independent annual audit of expenditures and the performance management plan for compliance with the Specific Purpose of this ordinance. This committee shall also provide recommendations to the Board of Supervisors on the implementation of this ordinance."

A Specific Purpose of Measure B not mentioned by the Grand Jury is: *Conduct an independent audit and develop a performance management strategy which measures the effectiveness of the improved services, treatment and facilities and assesses the impact of the "Mental Health Treatment Act."*

Thus, a specific purpose of Measure B is to develop a "performance management strategy" and a charge to the Committee is to review the "performance management plan." Measure B does not further define the strategy or the plan or say who is responsible to develop them but it is the collective responsibility of the Board and the Committee to insure that metrics for accountability are in place and the Specific Purpose of the MHTA is carried out.

The Board of Supervisors believes that the Kemper Report's recommendations provide a basic outline for a performance management strategy or plan and that an annual evaluation of progress in fulfilling the Specific Purpose of the MHTA must be prepared, including measurements of the effectiveness of the improved services, treatment, and facilities, and an assessment of the impact of Measure B.

On July 24th the Committee, in considering recommendations from their own Kemper Report Ad Hoc Committee, voted to support the ad hoc recommendation to create a strategic plan. The Board, as indicated above, supports adopting the Kemper Report recommendations as the outline of a performance management strategy or plan as suggested by Committee member McGourty.

Section X. of the Kemper Report states that a responsible goal is “a 50% reduction in the use of inpatient psychiatric care within five years” which “would reduce daily hospital utilization from 15.1 persons per day to a more sustainable 7.6.” This would also greatly reduce the suffering of those individuals with behavioral health issues and the impact to their family, friends, and communities. If this goal is to be achieved, the pace of recommendations from the Committee must be increased and the focus expanded from developing crisis facilities to include developing a full range of improved services and treatment.

The following attachments are included for ease of reference:

Attachment 1. Section 5.180.040. Specific Purpose of Measure B

Attachment 2. Kemper Report Sections X., XI. and XII.

Pursuant to the request of the Grand Jury, the Board is responding to the following:

F1. Mendocino County does not have a designated CSU, CRT or PHF at this time.

The Board of Supervisors agrees with this finding.

F2. The Committee meets for two hours each month.

The Board of Supervisors partially disagrees with this finding. The Measure B Committee is scheduled to meet every month but at least one meeting has been canceled and special meetings may be added.

F3. The Committee has identified three potential sites for the CSU, CRT and PHF; however, no site has been chosen by the BOS.

The Board of Supervisors agrees with this finding. The Board of Supervisors has approved the recommendation from the Committee to pursue construction of a CSU, CRT, and PHF and has approved the hiring of an Administrative Project Manager and issuance of an RFP for architectural services but are awaiting a recommendation regarding the location by the Committee.

F4. All recommendations by the Committee must be approved by the BOS.

The Board of Supervisors agrees with this finding. However, the Board is not required to approve particular recommendations of the Committee but must do so if they are to be implemented.

F5. The Committee recommended, and the BOS approved, hiring a project manager.

The Board of Supervisors agrees with this finding.

F6. Two additional MOPS were recommended by the Committee.

The Board of Supervisors agrees with this finding, however, the recommendation was never presented to the Board of Supervisors for action.

- F7. The eleven-member committee can be unwieldy with its variety of perspectives, opinions and expertise.

The Board of Supervisors partially disagrees with this finding in that it is a statement of opinion and not a finding of fact.

Response to Recommendations:

- R1. The Committee form two ad hoc committees, one focusing on site location and construction and the other on operations and treatment.

The Board of Supervisors will not implement this recommendation as it is not within the purview of the Board to determine how the Committee uses its time. However, the Board recommends that the Committee carefully review Measure B as adopted by the voters to determine the appropriate extent of the duties of the Committee.

- R2. The Committee can address policies, procedures and job descriptions during construction.

The Board of Supervisors will not implement this recommendation as it is not within the purview of the Board to determine how the Committee ought to use its time. However, the Board recommends the Committee carefully review Measure B as adopted by the voters to determine the appropriate extent of the duties of the Committee.

- R3. The BOS prepare and publicize a plan with goals and timelines for the completion of the CSU, CRT and PHF, e.g. Mendocino County website and local news media.

The Board of Supervisors agrees with this recommendation which will be implemented on an ongoing basis although timelines are somewhat contingent on the pace of recommendations from the Committee. As suggested in the Discussion section of this response, the Board believes the Kemper Report's recommendations provide the outline of a plan not only for development of crisis facilities and a training center, but also for the full spectrum of improved treatment and services that are needed to fulfill the Specific Purpose of Measure B.

- R4. The BOS' priority should be planning and construction of the three facilities.

The BOS agrees with this recommendation but implementation is contingent on

recommendations from the Measure B Committee, after which the Board may take action. The Board is in support of moving forward with the three facilities and is in the process of hiring an Administrative Project Manager and has issued an RFP for architectural services to oversee the planning and construction of the facilities. The Board acted quickly on the recommendation of the Committee to secure a location for the Training Center. The Board also believes that while facilities are being sited and constructed, recommendations for improved and expanded services should be recommended and implemented to reduce the need for crisis facilities.