



County of Santa Barbara

BOARD OF SUPERVISORS

Minute Order

August 16, 2022

Present: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino

BEHAVIORAL WELLNESS DEPARTMENT

File Reference No. 22-00727

RE: Consider recommendations regarding a First Amendment to the Zona Seca Driving Under the Influence (DUI) and Penal Code 1000 (PC 1000) Drug Diversion Revenue Agreement for Fiscal Years 2022-2025, as follows:

- a) Approve, ratify, and authorize the Chair to execute a First Amendment to the multi-year DUI and PC 1000 Drug Diversion Revenue Agreement with Zona Seca to update the rates for the provision of the DUI Program with a projected revenue of \$57,000.00, inclusive of \$19,000.00 annually, for the period of July 1, 2022 through June 30, 2025;
- b) Approve and authorize the Director of Behavioral Wellness, or designee, to make immaterial changes to the Revenue Agreement in accordance with Section 25 of the Agreement, without requiring the Board's approval of an amendment of the Agreement, subject to the Board's ability to rescind this delegated authority at any time; and
- c) Determine that the above actions are government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and is therefore not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(4) of the CEQA Guidelines.

A motion was made by Supervisor Williams, seconded by Supervisor Hart, that this matter be acted on as follows:

- a) **Approved, ratified and authorized; Chair to execute;**
- b) **Approved and authorized; and**
- c) **Approved.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Behavioral Wellness
Department No.: 043
For Agenda Of: August 16, 2022
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Antonette Navarro, LMFT, Director
Director(s) Behavioral Wellness, (805) 681-5220
Contact Info: John Winckler, Director of Clinical Operations
Behavioral Wellness, (805) 681-5220

DS
AN

SUBJECT: Behavioral Wellness Alcohol and Drug Program – First Amendment to the Zona Seca Driving Under the Influence & Penal Code 1000 Drug Diversion Revenue Agreement Fiscal Year 2022-2025

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- A. Approve, ratify, and authorize the Chair to execute a First Amendment to the multi-year Driving Under the Influence (DUI) and Penal Code 1000 (PC 1000) Drug Diversion Revenue Agreement with **Zona Seca** to update the rates for the provision of the Driving Under the Influence Program (DUI) program with a projected revenue of **\$57,000**, inclusive of **\$19,000 annually**, for the period of July 1, 2022 through June 30, 2025;
- B. Approve and authorize the Director of Behavioral Wellness, or designee, to make immaterial changes to the Revenue Agreement in accordance with Section 25 of the Agreement, without requiring the Board’s approval of an amendment of the Agreement, subject to the Board’s ability to rescind this delegated authority at any time; and
- C. Determine that the above actions are government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and is therefore not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(4) of the CEQA Guidelines.

Summary Text:

The above-referenced item is on the agenda to request Board of Supervisors (Board) approval for the Chair to execute a First Amendment to the multiyear Revenue Agreement with Zona Seca to update the rates for the provision of the Driving Under the Influence Program (DUI) program.

The Department of Behavioral Wellness (BWell) Alcohol and Drug Program (ADP) is the administrative agency for the Department of Health Care Services (DHCS) Drug Diversion Programs, which includes DUI and PC 1000 in Santa Barbara County. Approval of this First Amendment will allow for the continued provision of these mandated program services by the courts, while providing revenue for BWell.

Background:

BWell is responsible for certifying the programs, reviewing any new applications for licensure, providing liaison activities with the courts, County Probation Department, and DUI programs, and developing and ensuring the implementation of the programs in compliance with regulations. BWell certifies DUI program providers and receives revenue for DUI and PC 1000 program administration, as the lead agency. DUI and PC 1000 program services are provided by local community-based organizations established in Santa Barbara County since 1995. Zona Seca has provided both PC 1000 and DUI program services since 2006.

DUI Programs: Under Vehicle Code section 23103.5, subdivision (e) or (f), the court shall order defendants on probation for a conviction of driving under the influence to enroll in an alcohol and drug education program (DUI programs), licensed under Health & Safety Code section 11836. DUI programs serve to assist any California resident in restoring the resident's driving privileges following a conviction for driving under the influence. Clients required to enroll and complete a state-licensed DUI program are referred by the courts. The programs offered vary in level and are commensurate to the level of offense. BWell receives a fee of \$30 per client enrolled in the DUI program. The annual anticipated revenue from the Zona Seca DUI program is estimated to be \$18,000.

PC 1000 Drug Diversion Programs: PC 1000 Drug Diversion Programs allow for a deferred entry of judgment at the discretion of the local courts, so that clients who are formally charged with first-time alcohol/drug misdemeanor offenses may instead receive education and counseling services. Providers of PC 1000 programs collect program fees from clients, as approved by the County and State Alcohol and Drug Program. BWell certifies PC 1000 providers and pursuant to Penal Code Section 1211, receives \$1,000 in revenue for the administration of the PC 1000 program as the lead agency for the provider.

On May 3, 2022, the County of Santa Barbara Board of Supervisors approved of the Revenue Agreement with Zona Seca for the provision of PC1000 and DUI program services. On June 29, 2022, Zona Seca notified BWell of the rate increase for DUI services, effective July 1, 2022. Approval of this First Amendment will allow for these new rates to be incorporated, without a gap in services, which may result in revenue to the County.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>FY 22-23 Revenue Projected</u>	<u>FY 23-24 Revenue Projected</u>	<u>FY24-25 Revenue Projected</u>	<u>FY 22-25 Total Projected Revenue</u>
Fees DUI	\$ 18,000	\$ 18,000	\$ 18,000	\$ 54,000
Fees PC 1000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 3,000
Total	\$ 19,000	\$ 19,000	\$ 19,000	\$ 57,000

Narrative: No funds are expended by BWell as part of this Revenue Agreement. The anticipated revenue has been included in the FY 2022-2023 Adopted Budget and will be added to subsequent budgets. The fees payable to BWell depend on the number of clients required to enroll in the PC 1000 and DUI programs. Therefore, the actual revenue could be higher or lower than anticipated in any given year.

Key Contract Risks:

There is a risk that a provider may have fewer clients than anticipated, resulting in lower fees payable to Behavioral Wellness.

Special Instructions:

Please return one (1) Minute Order and one (1) executed contract to Amber Foschaar at cfoschaar@sbcbswell.org and bwelcontractsstaff@sbcbswell.org.

Attachments:

Attachment A: Zona Seca, Inc. FY 22-25 Revenue Agreement First Amendment DUI/ PC1000
Attachment B: Zona Seca, Inc. FY 22-25 Revenue Agreement DUI/ PC1000

Authored by:

A. Foschaar

**FIRST AMENDMENT TO THE
AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR**

THIS FIRST AMENDMENT (hereafter First Amendment to the Agreement) to the Agreement for Services of Independent Contractor is made by and between the **County of Santa Barbara** (County) and **Zona Seca** (Contractor), for the continued provision of services specified herein.

WHEREAS, Contractor represents that it is specially trained, skilled, experienced, and competent to perform the special services required by County, and County desires to retain the services of Contractor pursuant to the terms, covenants, and conditions referenced herein;

WHEREAS, the County Board of Supervisors authorized the County to enter into a Revenue Agreement for Services of Independent Contractor, on May 3, 2022 for the provision of Driving Under the Influence (DUI) and Penal Code 1000 (PC 1000) programs, with a projected revenue of **\$57,000**, inclusive of **\$19,000 annually**, for the period of July 1, 2022 through June 30, 2025; and

WHEREAS, this First Amendment to the Agreement updates the DUI rates for the period of July 1, 2022 through June 30, 2025.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

- I. Delete Exhibit B-1 Schedule of Fees DUI Program/PC 1000 in its entirety and replace with the following:

**EXHIBIT B-1
SCHEDULE OF RATES
DUI/PC1000 PROGRAMS**

Annual Revenue is based on the number of individuals participating in the program at the approved rates listed below and in accordance with the sliding fee scale.

TYPE OF SERVICE	Projected Client Fees Collected	Projected Annual Fees Paid to County
Driving Under the Influence (DUI) Program	\$600,000	\$18,000
PC 1000/Drug Diversion Program * Clients will be billed \$15.00 for a positive confirmation test.	*\$13,000	\$1,000
Total Projected Annual Revenue Fees:		\$19,000
Total Projection Revenue for FY 22-25:		\$57,000

DUI Program Participant Fee Schedule	
Wet & Reckless Program	\$353.55
18-20 Year Old Program	\$346.55
3-Month Program	\$849.55
6-Month Program	\$1,090.55
9-Month Program	\$1,858.00
Other Fees	
AOD Screening	\$30
Duplicate Completion Certificate	\$12
Leave of Absence	\$40
Missed Activity	\$20
Reinstatement	\$25
Reschedule	\$20
Return Check	\$25
Transfer Out	\$65

PC 1000 Participant Fee Schedule	
PC 1000 Program Service Fee	\$1,000
Other Fees	
Return Check	\$25
Transfer-Out	\$45
Reinstatement	\$40
Missed Activity	\$15
Drug Test	Included

- II. **Effectiveness.** The terms and provisions set forth in this First Amendment to the Agreement shall modify and supersede all inconsistent terms and provisions set forth in the Agreement. The terms and provisions of the Agreement, except as expressly modified and superseded by this First Amendment to the Agreement, are ratified and confirmed and shall continue in full force and effect, and shall continue to be legal, valid, binding, and enforceable obligations of the Parties.
- III. **Execution of Counterparts.** This First Amendment to the Agreement may be executed in any number of counterparts and each of such counterparts shall for all purposes be deemed to be an original and all such counterparts or as many of them as the parties shall preserve undestroyed, shall together constitute one and the same instrument.

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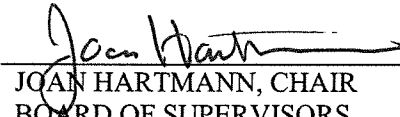
SIGNATURE PAGE FOLLOWS.

SIGNATURE PAGE

First Amendment to the Agreement for Services of Independent Contractor between the **County of Santa Barbara** and **Zona Seca**.

IN WITNESS WHEREOF, the parties have executed this First Amendment to the Agreement to be effective on the July 1, 2022.

COUNTY OF SANTA BARBARA:

By: 
JOAN HARTMANN, CHAIR
BOARD OF SUPERVISORS

Date: 8-16-22

ATTEST:

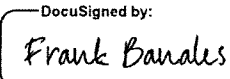
MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: 
Deputy Clerk

Date: 8-16-22

CONTRACTOR:

ZONA SECA

By: 
G3A23DDDED04428...
Authorized Representative

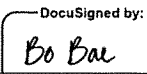
Name: _____

Title: _____

Date: _____

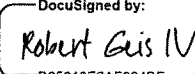
APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

By: 
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Deputy County Counsel

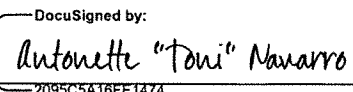
APPROVED AS TO ACCOUNTING FORM:

BETSY M. SCHAFFER, CPA
AUDITOR-CONTROLLER

By: 
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Deputy

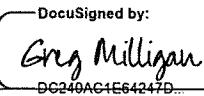
RECOMMENDED FOR APPROVAL:

ANTONETTE NAVARRO, LMFT, DIRECTOR
DEPARTMENT OF BEHAVIORAL
WELLNESS

By: 
2095C5A16FE1474...
Director

APPROVED AS TO INSURANCE FORM:

GREG MILLIGAN, ARM
RISK MANAGER

By: 
DC240AC4E64247D...
Risk Manager