



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
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

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

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:

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@sbcbwell.org and bwellcontractsstaff@sbcbwell.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