The County of Yuba

County Administrator

TO: Board of Supervisors

FROM: County Administrator, Kevin Mallen

SUBJECT: County Administrator: Adopt MOU between Yuba County Public Guardian/Conservator and Sutter-Yuba Behavioral Health

DATE: September 24, 2024

NUMBER: 510/2024

Recommendation

Approve Memorandum of Understanding (MOU) between Yuba County Public Guardian and Sutter-Yuba Behavioral Health for conservatorship services for fiscal year July 1, 2024 through June 30, 2026 and authorize Chair to sign.

Background

The Lanterman Petris Short Act codified in Welfare and Institutions Code § 5000 et seq. regulates conservatorships that are pursued by the Public Guardian on behalf of Yuba County residents who cannot properly care for themselves and have no family or third-party support/assistance. The Yuba County Public Guardian and SYBH have an on-going agreement that allows the Public Guardian to assist in conservatorship proceeding for SYBH patients, but at the same time SYBH has qualified psychologists/psychiatrists who can assist the Public Guardian in determining whether a person is gravely disabled as provided in WIC §5008(h) et esq. in order to meet its burden in court to actually conserve the individual and provide him/her the assistance he/she needs, including placement. The last MOU between the parties expired on June 30, 2024.

Discussion

Yuba County Public Guardian provides conservatorship services behavioral health clients who are Yuba County residents. These services include investigation of the need/criteria for conservatorships when the Pubic Guardian receives referrals, ongoing administration/management of conservatorships once appointed by Yuba County Superior Court, including placement of conservatees in the least restrictive setting as specified by the Court. SYBH can also refer clients who it believes may be candidates for

conservatorship, either LPS Conservatorship, or Probate Conservatorships, to the Public Guardian to further investigate and make a determination on whether to file a Petition for Conservatorship.

This is an ongoing agreement for services provided to Yuba County residents. Because of how long it took to negotiate this contract, it provides services and payment for the period of July 1, 2024 through June 30, 2026 and that the parties will review the annual reimbursement amount to Yuba County yearly.

For the 2024-2025 fiscal year, the calculated compensation paid to the Public Guardian is $530,784.00 based on the calculation method provided on the agreement. However, due to funding availability, SYBH will reimburse the Public Guardian $400,117.00 with the understanding that the outstanding $130,667 due for this fiscal year will be paid back to Yuba County by SYBH in later years as additional funding is available. As the fiscal year is almost complete, the Public Guardian will submit one invoice broken down for the 12 months for one payment of $400,117.00 by SYBH.

For the 2025-2026 fiscal year, calculated compensation paid to the Public Guardian shall not be less than the calculation in the MOU or a percentage increase applied to the 2024-2025 compensation amount. The increase shall be roughly 50% of the caseload to offset the increased costs attributed to LPS conservatorships. The amount of money SYBH is to reimburse the Conservator for services rendered in connection with LPS conservatorships shall be recalculated annually. The Public Guardian will submit monthly statements to SYBH for reimbursement in 12 equal payments.

The MOU contains additional information pertaining to the services provided by both agencies, terms, and reimbursement.

Committee:

This is being presented to the Board of Supervisors directly.

Fiscal Impact
General Fund –
Non-General Fund - $400,117.00 for fiscal year 2024-2025. Compensation for fiscal year 2025-2026 to be calculated annually.
Funding Sources – SYBH

Attachments
510/2024 Public Guardian – Sutter Yuba Behavioral Health Memorandum of Understanding