


Office of the City Manager

CONSENT CALENDAR
September 28, 2004

To: Honorable Mayor and
Members of the City Council

From:  Phil Kamlarz, City Manager

Subject: Contract: Mental Health Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute performance contracts and any amendments with the State Department of Mental Health for the provision of mental health services in accordance with California Welfare and Institutions Code Section 5650 for FY 2003 and FY 2004.

FISCAL IMPACTS OF RECOMMENDATION

The annual performance contract is adopted to assure that the City of Berkeley complies with all applicable laws and regulations pertaining to the delivery of public mental health services. Non-compliance could potentially result in a reduction or loss of State Realignment funding.

CURRENT SITUATION AND ITS EFFECTS

Review and approval by local mental health boards and commissions prior to approval by the City Council is a Realignment requirement of this contract. Although the FY 2003 Performance Contract was reviewed and approved by the Mental Health Commission in November 2002, the contract was not submitted to Council at that time due to staff error. The Division Manager has notified the State Department of Mental Health that both contracts would be submitted for Council approval at the current meeting. There are no penalties associated with this error.

BACKGROUND

The Department of Mental Health (DMH) Performance Contract is a statutory requirement of 1991 Realignment legislation, which established permanent funding for state mental health services based on sales tax and vehicle license fee collections. Each county or city mental health program is required to enter into a performance contract with the State DMH. The performance contract assures compliance with federal and state regulations regarding confidentiality of patient

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records, Health Insurance Portability and Accountability Act (HIPAA), standards of care, Federal Medicare and Medicaid regulations; and provision of culturally competent services.

At its November 20, 2002 regular meeting, the Mental Health Commission adopted a motion to recommend approval of the FY 2003 State DMH Performance Contract (*M/S/C (Gresher/Isles)*); *Ayes: Gresher, Harrington, Isles, Rinaldi, Taggart, Webster, Clermont, de Raadt; Noes: None; Abstention: Gagnon; Absent: Barry, Shirek.*

At its June 23, 2004 regular meeting, the Mental Health Commission adopted a motion to recommend approval of the FY 2004 State DMH Performance Contract (*M/S/C (Wall/De Raadt)*); *Ayes: Clermont, Cobb, Diehl, Gagnon, Gresher, Harrington, Isles, King, Maris, de Raadt, Rinaldi, Taggart, Thomas, Wall; Noes: None; Abstention: None; Absent: Barry, Shirek.*

RATIONALE FOR RECOMMENDATION

State law requires approval of the annual performance contract by the local governing body. Adoption of this resolution will authorize the City Manager to execute contracts for both fiscal years and bring the City into full compliance. DMH has not yet issued FY 2005 contracts.

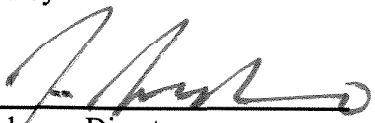
ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Harvey Tureck, Manager of Mental Health, 981-5213

Approved by:



Fred Medrano, Director
Department of Health and Human Services

RESOLUTION NO. -N.S.

AUTHORIZING THE CITY MANAGER TO EXECUTE PERFORMANCE CONTRACTS AND ANY AMENDMENTS WITH THE STATE OF CALIFORNIA, DEPARTMENT OF MENTAL HEALTH FOR THE PROVISION OF MENTAL HEALTH SERVICES IN ACCORDANCE WITH CALIFORNIA WELFARE AND INSTITUTIONS CODE SECTION 5650 FOR FY 2003 AND FY 2004

WHEREAS, California Welfare and Institutions Code Section 5650 requires the adoption of a performance contract between the State Department of Mental Health and each county or city mental health program; and

WHEREAS, California Welfare and Institutions Code Section 5604.2 requires that the local mental health commission review any city agreements entered into pursuant to Section 5650; and

WHEREAS, the Mental Health Commission reviewed and approved the FY 2003 State Department of Mental Health Performance contract at its November 20, 2002 regular meeting; and

WHEREAS, the Mental Health Commission reviewed and approved the FY 2004 State Department of Mental Health Performance contract at its June 23, 2004 meeting.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute performance contracts and any amendments with the State of California, Department of Mental Health for the provision of mental health services in accordance with California Welfare and Institutions Code Section 5650 for FY 2003 and FY 2004. A record signature copy of said contracts and any amendments to be on file in the Office of the City Clerk.

