23-858 **Agenda Date: 9/19/2023**

REPORT TO COUNCIL

SUBJECT
Action to Approve Amendment No. 1 to the Memorandum of Understanding with the County of Santa Clara for a Psychiatric Emergency Response Team (PERT) Program and Approve the Related Budget Amendment

COUNCIL PILLAR
Deliver and Enhance High Quality Efficient Services and Infrastructure

BACKGROUND
Over the past decade, there has been an increase in calls for service for persons experiencing mental health crises throughout the state. Over this same timeframe, there has been concern about the overrepresentation of persons with mental illnesses in jails and prisons which has led to diverting individuals with mental health struggles at the earliest point possible. As a result, law enforcement has seen a significant increase in individuals experiencing crises.

Several initiatives have been implemented to address these issues in the Santa Clara community:

- 2015, two-year $220,000 agreement with the County of Santa Clara Behavioral Health Services Department (BHSD) for intensive case management for up to 20 chronically homeless individuals. Agreement has been extended over the years with a current expiration of 2024.

- 2017, County Board of Supervisors approved the development of a BHSD Psychiatric Emergency Response Team (PERT) program and subsequent Mobile Crisis Response Team (MCRT) to assist with in-field response to in-progress crises. The Police Department utilizes this resource as appropriate and available.

- 2018, the City Council approved $180,000 in Supplemental Law Enforcement Services funding to hire a mental health clinician.

- 2019, the Police Department rebranded the Nuisance Suppression Unit to the Community Response Team (CRT) with a shift to promote community wellness, often among vulnerable communities.

- 2020, the Police Department reallocated two police officers to CRT and trained them as Crisis Intervention Specialists (CIS); in Fiscal Year 2022/23, the Police Department had 836 mental health contacts, resulting in 270 detentions and 356 Crisis Intervention Specialist cases.

- 2021, the Police Department developed a Special Needs Awareness Program to improve police interactions with members of our community.

- 2022, the Police Department established a Memorandum of Understanding (MOU) with the County of Santa Clara to establish a Psychiatric Emergency Response Team (PERT) program and dedicate a clinician to CRT supporting the CIS's.

  In addition, the Police Department developed a partnership with PRAGNYA (Preparing Resources & Alliances Galvanizing Neurodiversity Acculturation) and has since offered two community programs.

- 2023, the City Council authorized an additional $70,000 in Supplemental Law Enforcement Services funding to go toward a mental health clinician.

The County of Santa Clara's staffing levels, combined with complications connected with the pandemic, have not allowed the Police Department to onboard a PERT clinician to join the efforts of CRT until recently.

On June 27, 2023, Kerrie Wood joined the Police Department as a mental health clinician with the training, skills and experience to support CRT. This cross-system collaboration is intended to provide rapid intervention and improved response and outcomes for individuals with mental illness and substance abuse who come in contact with law enforcement. Ms. Wood previously served as a PERT clinician for the Morgan Hill Police Department.

DISCUSSION

On November 13, 2018, the City Council approved the Supplemental Law Enforcement Services spend plan for the FY 2018/19 allocation. As part of this spend plan, $180,000 was allocated for an agreement with the Santa Clara County mental health provider. On August 30, 2022, the City Council authorized the City Manager to negotiate and execute a Memorandum of Understanding with the County of Santa Clara for a Psychiatric Emergency Response Team program in a form substantially similar to a draft included in the report (RTC #22-931). An MOU was negotiated in the amount of $180,000 for a term through December 31, 2023. As of June 30, 2023, the remaining balance of this allocation is approximately $168,518.

The initial MOU terms were based on the assumption the County would be able to provide the City with a clinician by December 2022 to work for approximately one year. Unfortunately, County staffing levels did not allow their organization to dedicate a staff member to the Santa Clara Police Department until June 2023. As a result, the available funding will not be spent over the balance of the MOU period.

In addition, on February 7, 2023, the City Council authorized an additional $70,000 in Supplemental Law Enforcement Services Funds (RTC #23-1418) to fund a PERT clinician.
Amendment No. 1 to this MOU extends the term to December 31, 2025 and increases the not-to-exceed amount to $250,000.

ENVIRONMENTAL REVIEW

This action being considered does not constitute a "project" within the meaning of the California

Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment

FISCAL IMPACT

As discussed above, funding for a mental health clinician was appropriated in prior fiscal years using Supplemental Law Enforcement Services funding in the Police Operating Grant Trust Fund. In FY 2018/19, the initial $180,000 was approved, with an additional $70,000 approved in FY 2022/23. The remaining balance of this funding is recommended to be carried over from FY 2022/23 to FY 2023/24 as detailed in the table below.

Budget Amendment
FY 2023/24

	Current	Increase/ (Decrease)	Revised
Police Operating Grant Trust Fund			
Fund Balance			
Beginning Fund Balance	$0	$238,518	$238,518
Expenditures			
Citizens' Option for Public Safety 2019	$0	$168,518	$168,518
Citizens' Option for Public Safety 2023	$0	$70,000	$70,000

There are nominal expenses to staff for monitoring the work, attending cooperative training(s) and/or processing invoices from the County of Santa Clara for expenses.

COORDINATION

This report was coordinated with the Finance Department, City Attorney's Office and Police Department.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

1. Authorize the City Manager to Execute Amendment No. 1 to the Memorandum of Understanding with the County of Santa Clara for a Psychiatric Emergency Response Team (PERT) Program to extend the term to December 31, 2025 and increase the not-to-exceed

amount to $250,000, in a final form approved by the City Attorney; and

2. Authorize the City Manager to execute future amendments to the Memorandum of Understanding with the County of Santa Clara for Psychiatric Emergency Response Team (PERT) Program to extend the term and increase the not-to-exceed amount to reflect receipt of additional grant funds allocated for this purpose, subject to the appropriation of funds, in a final form approved by the City Attorney.

3. Approve the FY 2023/24 Budget Amendment in the Police Operating Grant Trust Fund recognizing beginning fund balance of $238,518 from supplemental law enforcement services funding received, increase the Citizens' Option for Public Safety 2019 appropriation in the amount of $168,518, and increase the Citizens' Option for Public Safety 2023 appropriation in the amount of $70,000 (**five affirmative Council votes required for the use of unused balances**).

Reviewed by: Pat Nikolai, Chief of Police
Approved by: Jovan Grogan, City Manager

ATTACHMENTS

1. Report to Council #22-931 dated August 30, 2022
2. Report to Council #23-1418 dated February 7, 2023
3. Amendment No. 1 to the Memorandum of Understanding with the County of Santa Clara for a Psychiatric Emergency Response Team (PERT) program

FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA CLARA AND THE COUNTY OF SANTA CLARA REGARDING PSYCHATRIC EMERGENCY RESPONSE TEAM (PERT) JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM

The Memorandum of Understanding (MOU) between the City of Santa Clara (CITY) and County of Santa Clara (COUNTY) regarding the Psychiatric Emergency Response Team (PERT) Justice and Mental Health Collaboration program is hereby amended as follows:

AMENDMENT TERMS AND CONDITIONS

1. Section 1.1 under **Article 1 "Term; Extensions; Termination",** is hereby replaced in its entirety as follows:

   "The initial term of this MOU is from the date the MOU is executed by both parties to December 31, 2025, or until the CITY's available appropriation in the amount of $240,000 is exhausted, whichever occurs first."

2. Section 2.2 under Article 2 "Scope Of Services", is hereby modified to add the following provisions:

   s. Identify a designated PERT Officer to collaborate and partner with the BHSD PERT Clinician.
   t. The CITY shall collaborate with the BHSD on any PERT Clinician background clearance prior to city assignment.

3. Section 3.2.b.1 under **Article 3 "Funding/Financial Responsibilities"**, is hereby replaced in its entirety as follows:

   "The CITY shall reimburse COUNTY for the salary and benefits of the BHSD PERT Clinician. The maximum financial obligation of CITY shall not exceed $240,000.

4. Section 4.7 under **Article 4 "Notices",** is hereby replaced in its entirety as follows:

   All notices required under the terms of this MOU will be in writing and must be transmitted by electronic mail or deposited in the United States Mail, certified mail, return receipt requested, addressed to the parties as set forth below:

COUNTY OF SANTA CLARA:

Bruce Copley, Director
BHSD Access and Unplanned Services
bruce.copley@hhs.sccgov.org
S. Bascom Ave., Suite 200
San Jose, CA 95128
(408) 885-3957

CITY OF SANTA CLARA:

Jōvan D. Grogan
Office of the City Manager
manager@santaclaraca.gov
1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2210

Except as set forth herein, all other terms and conditions of the MOU shall remain in full force and effect; provided, however, in the event of any conflict between the terms of this First Amendment and the MOU, the terms of this First Amendment shall control. The MOU as amended by this First Amendment constitutes the entire MOU of the parties concerning the subject matter herein and supersedes all prior oral and written agreements, representations, and understandings concerning such subject matter.

IN WITNESS WHEREOF, the parties have executed this First Amendment as set forth below.

"COUNTY" County of Santa Clara

12/14/2023

Matthew Hada
Chief Procurement Officer
Date

"CITY" City of Santa Clara, a Municipal Corporation and Charter City

10/4/23

Jōvan D. Grogan
City Manager
Date

APPROVED AS TO FORM AND LEGALITY:

Megan Wheelehan
Deputy County Counsel
Date

APPROVE AS TO FORM AND LEGALITY:

10/4/23

For Glen R. Googins
City Attorney
Date

APPROVED:

11/16/23

Sherri Terao, E.d. D
Director
Behavioral Health Services Department
Date

APPROVED:

10/15/23

Vincent DePaul Robben
Health Care Financial Manager
County of Santa Clara Health System
Date