



COUNTY of VENTURA
COUNTY EXECUTIVE OFFICE

Sevet Johnson, PsyD
County Executive Officer

Mike Pettit
Assistant County Executive Officer

Kaye Mand
County Chief Financial Officer

Shawn Atin
Assistant County Executive Officer/
Human Resources Director
Labor Relations

December 19, 2023

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: Introduction of a Proposed Ordinance Amending Two Ordinances to Remove the Designation of the Public Administrator (PA) as the Ex-Officio Public Guardian and to Revise Provisions Regarding the Appointment Authority of the County Executive Officer to Reflect County Agency Reorganizations; Transfer of Twenty-Five (25) Staff Positions from HSA to HCA, Effective February 18, 2024; Adoption of a Resolution Establishing Three (3) New Regular Full-Time Equivalent Positions for HCA, Effective February 18, 2024. (Recommendation #5 Requires 4/5ths Vote).

Recommendations:

It is recommended that your Board:

- 1) Introduce, read in title only, and waive further reading of the proposed ordinance (Exhibit 1) which will:
 - a. Repeal and replace Section 5 of Ordinance 4399 to provide that the office of the Public Guardian (PG) will be separate from the office of the Public Administrator and to provide that the County's County Executive Officer (CEO), with the concurrence of the Board of Supervisors, will appoint the PG.
 - b. Repeal and replace two subdivisions of Ordinance 4610 to remove a reference to the "Area Agency on Aging" (AAA) from the list of department heads appointed by the County Executive Officer (CEO) and to clarify the list of Agency Heads and Officials that the CEO appoints with the concurrence of your Board.
- 2) Schedule final adoption of the proposed Ordinance for January 9, 2024, with the Ordinance being effective thirty days after that and operative on February 18, 2024;

3) Adopt the attached resolution (Exhibit 2) transferring twenty-five (25) staff positions from HSA to HCA, effective February 18, 2024, as follows:

Position Number	Job Code	Classification Title	Dept.	Unit	FTE	Compensation Frequency	Annual Salary
00002348	00184	Assistant Pub Adm-Guardn/Consrvtr	HCA	3283	1.0	Bi-Weekly	\$108,135.03-\$151,389.04
00030502	00177	HS Program Coordinator II	HCA	3283	1.0	Bi-Weekly	\$78,000.24-\$104,010.53
00027543	00177	HS Program Coordinator II	HCA	3283	1.0	Bi-Weekly	\$78,000.24 - \$104,010.53
00022087	01527	HS Program Assistant II	HCA	3283	1.0	Hourly	\$55,660.75-\$78,065.06
00004115	02029	Senior Deputy Pub Adm/Pub Grdn	HCA	3281	1.0	Hourly	\$55,961.27-\$78,294.40
00002653	02029	Senior Deputy Pub Adm/Pub Grdn	HCA	3281	1.0	Hourly	\$55,961.27-\$78,294.40
00024865	02029	Senior Deputy Pub Adm/Pub Grdn	HCA	3281	1.0	Hourly	\$55,961.27-\$78,294.40
00024866	02029	Senior Deputy Pub Adm/Pub Grdn	HCA	3281	1.0	Hourly	\$55,961.27-\$78,294.40
00027282	00547	Deputy Public Admin/Guardn/Con	HCA	3281	1.0	Hourly	\$49,510.86-\$69,253.85
00027283	00547	Deputy Public Admin/Guardn/Con	HCA	3281	1.0	Hourly	\$49,510.86-\$69,253.85
00028183	00547	Deputy Public Admin/Guardn/Con	HCA	3281	1.0	Hourly	\$49,510.86-\$69,253.85
00002353	00547	Deputy Public Admin/Guardn/Con	HCA	3281	1.0	Hourly	\$49,510.86-\$69,253.85
00002352	00547	Deputy Public Admin/Guardn/Con	HCA	3281	1.0	Hourly	\$49,510.86-\$69,253.85
00028182	00547	Deputy Public Admin/Guardn/Con	HCA	3281	1.0	Hourly	\$49,510.86-\$69,253.85
00030504	00547	Deputy Public Admin/Guardn/Con	HCA	3281	1.0	Hourly	\$49,510.86-\$69,253.85
00002355	00547	Deputy Public Admin/Guardn/Con	HCA	3281	1.0	Hourly	\$49,510.86-\$69,253.85
00002351	00547	Deputy Public Admin/Guardn/Con	HCA	3281	1.0	Hourly	\$49,510.86-\$69,253.85
00030503	00547	Deputy Public Admin/Guardn/Con	HCA	3281	1.0	Hourly	\$49,510.86-\$69,253.85
00002350	01158	Community Services Worker III	HCA	3281	1.0	Hourly	\$35,817.90-\$49,998.11
00024675	01158	Community Services Worker III	HCA	3281	1.0	Hourly	\$35,817.90-\$49,998.11
00002956	01323	Legal Processing Assistant III	HCA	3283	1.0	Hourly	\$45,513.20-\$63,681.76
00004150	00404	Accounting Assistant II	HCA	3283	1.0	Hourly	\$40,158.75-\$56,222.25
00002357	00405	Senior Accounting Assistant	HCA	3283	1.0	Hourly	\$44,174.63-\$61,844.48

00004184	00078	HS Case Aide II	HCA	3281	1.0	Hourly	\$41,448.62- \$55,270.24
00008872	00078	HS Case Aide II	HCA	3281	1.0	Hourly	\$41,448.62- \$55,270.24

- 4) Adopt the attached resolution (Exhibit 3) establishing three (3) new regular full time equivalent (FTE) positions for the HCA to create the administrative infrastructure necessary to house the PG, effective February 18, 2024, as set forth below:

Position Number	Job Code	Classification Title	Dept.	Unit	FTE	Compensation Frequency	Annual Salary
NEW	01077	Behavioral Health Division Mgr	HCA	3283	1.0	Bi-Weekly	\$141,232.26- \$197,744.53
NEW	01075	Sr Behavioral Health Manager	HCA	3283	1.0	Bi-Weekly	\$111,779.29- \$156,506.32
NEW	00947	Manager, Accounting II	HCA	3283	1.0	Bi-Weekly	\$102,905.55- \$144,067.78

- 5) Authorize the Auditor-Controller's Office to process the budgetary transactions necessary to transfer the following appropriations and revenues, effective February 18, 2024 (requires 4/5ths vote):

INCREASE	VCBH Division 3280, BU 3281	SALARIES AND EMPLOYEE BENEFITS	\$1,681,315
INCREASE	VCBH Division 3280, BU 3283	SALARIES AND EMPLOYEE BENEFITS	\$965,090
INCREASE	VCBH Division 3280, BU 3281	SERVICES AND SUPPLIES	\$196,400
INCREASE	VCBH Division 3280, BU 3283	SERVICES AND SUPPLIES	\$112,735
INCREASE	VCBH Division 3280, BU 3281	LICENSES PERMITS AND FRANCHISES	\$5,000
INCREASE	VCBH Division 3280, BU 3281	REVENUE FROM USE OF MONEY AND PROPERTY	\$20,000
INCREASE	VCBH Division 3280, BU 3283	STATE MENTAL HEALTH PUBLIC ASSISTANCE 17601 (9112)	\$320,700
INCREASE	VCBH Division 3280, BU 3281	CHARGES FOR SERVICES	\$20,000
INCREASE	VCBH Division 3280, BU 3281	MISCELLANEOUS REVENUES	\$50,000
DECREASE	HSA 3440, BU 3441	SALARIES AND EMPLOYEE BENEFITS	\$2,646,405

DECREASE	HSA 3440, BU 3441	SERVICES AND SUPPLIES	\$309,135
DECREASE	HSA 3440, BU 3441	LICENSES PERMITS AND FRANCHISES	\$5,000
DECREASE	HSA 3440, BU 3441	REVENUE FROM USE OF MONEY AND PROPERTY	\$20,000
DECREASE	HSA 3440, BU 3441	INTERGOVERNMENTAL REVENUES	\$320,700
DECREASE	HSA 3440, BU 3441	CHARGES FOR SERVICES	\$20,000
DECREASE	HSA 3440, BU 3441	MISCELLANEOUS REVENUES	\$50,000
DECREASE	Division 3200 BU3203	SERVICES AND SUPPLIES	\$320,700
DECREASE	Division 3200 BU3203	STATE MENTAL HEALTH PUBLIC ASSISTANCE 17601 (9112)	\$320,700

The Fiscal Year 2023-24 actual revenues and expenditures will be moved from HSA to HCA so that all the activity will be reflected in HCA along with funds from two trust accounts.

Fiscal/Mandates Impact:

No new net county costs are anticipated in FY 2023-24 as a result of the transfer of positions and budgetary funds to Ventura County Behavioral Health (VCBH). Based on current year-end projections, the cost of new positions requested by VCBH is expected to be covered by the transferred PG budget. Realignment will be used to cover the VCBH new positions starting in FY 2024-25

HCA Division 3280-Public Guardian

Mandatory: No

Source of Funding: 2011 Realignment and 1991 Realignment; General Fund

Funding Match Required: N/A

Impact on Other Departments: HCA, HSA, CEO (Admin & HR), Auditor-Controller

	<u>FY 2023-24</u>	<u>FY 2024-25</u>
Summary Forecast of Revenue and Total Costs		
Revenue:	\$415,700	\$1,151,753
Costs:		
Direct Cost	\$2,955,540	\$3,691,593
Indirect - Dept.	\$0	\$0

Total Costs	\$2,955,540	\$3,691,593
Net County Costs	\$2,539,840	\$2,539,840

FY 2023-24 Budget Projection for HCA Division #3280 Public Guardian				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/(Deficit)
Appropriations	\$2,965,540	\$2,965,540	\$2,965,540	\$0
Revenue	\$415,700	\$415,700	\$415,700	\$0
Net Cost	\$2,549,840	\$2,549,840	\$2,549,840	\$0

MHL Budget Division #3200-3203 (Adult Services)

Mandatory: No

Source of Funding: Short Doyle/Medi-Cal (SD/MC) Federal Financial Participation (FFP), State General Fund, and 2011 Realignment and 1991 Realignment

Funding Match Required: N/A

Impact on Other Departments: none

	<u>FY 2023-24</u>	<u>FY 2024-25</u>
Summary Forecast of Revenue and Total Costs		
Revenue:	\$27,754,267	\$0
Costs:		
Direct Cost	\$29,089,704	\$0
Indirect - Dept.	\$0	\$0
Total Costs	\$29,089,704	\$0
Net County Costs	\$1,335,437	\$0

FY 2023-24 Budget Projection for MHL Division 3200-3203				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/(Deficit)
Appropriations	\$29,410,404	\$33,085,275	\$33,085,275	\$0
Revenue	\$28,074,967	\$30,266,375	\$30,266,375	\$0
Net Cost	\$1,335,437	\$2,818,900	\$2,818,900	\$0

STRATEGIC PLAN PRIORITY:

The item presented in this board letter aligns to the Diverse and Innovative Workforce Dedicated to Service Excellence strategic priority of the County Strategic Plan as it is

designed to meet the goal of leveraging innovative and continuous improvement to provide efficient and effective services.

DISCUSSION:

Recommendation #1 through #2:

In 2009, at the recommendation of the CEO and upon the approval of your Board, HSA assumed oversight of the Office of Public Administrator Public Guardian (PAPG) from the Office of Treasurer-Tax Collector. The PAPG comprises three major functions: 1) Public Administrator (PA); 2) Public Guardian (PG); and 3) Public Representative Payee Program (PRPP). A brief overview of these three County functions is provided below:

- 1) The PA investigates and administers the estates of persons who die with or without a will or an appropriate person willing or able to act as the administrator. The PA becomes involved only when there is no one else with higher authority to administer the decedent's estate. PA functions include searching for family members, identifying heirs, making burial arrangements, securing estate assets, and arranging for the payment of debts, sale of personal and real property, and distribution of assets. Each month, the PA manages some 50 decedent estates.
- 2) The PG investigates and oversees the care of people, who are unable to care for themselves and who have either not designated someone to make decisions on their behalf or do not have family members who can reliably make such decisions. The PG may be appointed as guardian (for those with cognitive impairment due to dementia, traumatic brain injury or other conditions) or conservator (for those with diagnosed serious mental illness) of persons found by the Superior Court to be unable to care for themselves and/or their finances. Each month, the PG oversees conservatorships and guardianships (when court appointed) for some 335 clients.
- 3) The PRPP provides bill-paying support to the HCA Ventura County Behavioral Health (VCBH) department clients who receive monetary benefits from the Social Security Administration and who voluntarily agree to participate in the program. The clients manage their income and expenses with support from HCA-VCBH case management staff. Per state statute, (Govt Code § 27436), your Board may designate who shall be authorized as Public Representative Payee and authorize the PG to collect related fees. Each month, the PRPP assists in the management of the finances of approximately 250 individuals.

Nearly two-thirds of PG cases involve HCA-VCBH clients who are gravely disabled due to mental illness, including a growing number of clients in "Murphy Conservatorships" who are not competent to stand trial, have outstanding felony charges involving great physical injury, and pose a threat to themselves or others.

In addition, Ventura is mandated to establish, by December 2024, a new court process called Community Assistance, Recovery and Empowerment (CARE) Court. Family, close friends, first responders and behavioral health workers will be able to submit a petition with supporting documentation to the CARE Court on behalf of a person with untreated schizophrenia spectrum or other psychotic disorders who is unlikely to survive safely without supervision, or who is likely to pose a threat to themselves or others without support. The Court will then order a clinical evaluation of the person and review the evaluation to determine if the person qualifies for CARE Court services. If so, the individual will be provided with legal counsel, an advocate and a care plan that can include recommended treatment, medication, and housing services. If the CARE Court mandates services, but the individual does not adhere to their treatment plan over the course of a year, the CARE Court can consider conservatorship to make it easier for someone who needs help to receive it. Those cases that lead to conservatorship will result in further increases in the PG client caseload.

Given the connections of the PG and the PRPP to HCA-VCBH clients, and the mandates related to CARE Court, HCA and HSA are seeking to divide the tasks currently in the Office of the PAPG, which has operated as a combined entity within HSA. Under this proposal, the Office of the PG and the PRPP, would be transferred to HCA, and the Office of the PA would retain its current position and reporting structure within HSA.

This restructuring will require an amendment of existing Ordinance 4399, originally passed in 2009. The proposed ordinance in Exhibit 1 will repeal and replace section 5 A of Ordinance 4399, which currently provides that the PA also serves ex officio as PG, and provide that the CEO with the concurrence of your Board will appoint the PG. The proposed ordinance will also repeal and replace two sections of Ordinance 4610 as reenacted in 2022. The AAA will be removed from the list in section 6, subdivision b. Personnel, subdivision 1) of department heads appointed by the County Executive Officer, given that your Board previously approved (on April 25, 2023) the merger of AAA into HSA effective July 1, 2023, including a new reporting structure that places selection and oversight of the AAA Director within the scope of the HSA Director. Section 6, subdivision b. Personnel, subdivision 2) will reflect the new separation of the roles of the PA and PG.

Should your Board approve these recommendations, the CEO will return to your Board on January 9, 2024, for final adoption of the proposed Ordinance, appointment of the Public Guardian and transfer of the functions of the PRPP.

Recommendation #3:

To facilitate delivery of the Office of the PG and Public Representative Payee Program service functions that are being transferred to HCA, HCA is requesting the transfer of the following twenty-five positions (25) and incumbents from HSA: (1) one Assistant

Public Administrator Guardian Conservator (1.0 FTE), (2) two HS Program Coordinator II (2.0 FTE), (3) one HS Program Assistant II (1.0 FTE), (4) four Senior Deputy Public Administrator Public Guardian (4.0 FTE), (5) ten Deputy Public Administrator Guardian Conservator (10 FTE), (6) two Community Services Worker III (2.0 FTE), (7) one Legal Processing Assistant III (1.0 FTE), (8) one Accounting Assistant II (1.0 FTE), (9) one Senior Accounting Assistant (1.0 FTE), and (10) two HS Case Aide II (2.0 FTE). These positions and incumbents are being transferred under their HSA position classification. However, once these positions are transferred to HCA, the CEO Human Resources Class and Compensation Division will complete an audit of the positions. If warranted, individual positions will be reclassified to the appropriately identified position classification titles.

The above referenced positions will complete all: (1) legally appointed guardian or conservator duties and related supportive functions for all Lanterman-Petris-Short (LPS) and probate-conserved adults, such as providing consent for the administration of psychiatric medication, authorization for placement in licensed treatment facilities (i.e., including locked placements), medical consent, entry into contracts, other court-specified powers, and conservatorship duties and (2) PPRP management duties and related supportive functions for managing client income and expenses.

HCA recommends adoption of the resolution in Exhibit 2 to transfer twenty-five (25) staff positions from HSA to HCA Budget Units 3281 and 3283, effective February 18, 2024.

Recommendation #4:

To assist HCA in completing the administrative and oversight functions associated with the transfer of the Office of the PG and Public Representative Payee Program, HCA is requesting the creation of the following three (3) regular positions: (1) one Behavioral Health Division Manager (1.0 FTE), (2) one Senior Behavioral Health Manager (1.0 FTE), and (3) one Manager Accounting II (1.0 FTE).

The Behavioral Health Division Manager will be an executive level manager that reports directly to the HCA-VCBH Director and PG. This division manager will oversee the operations of the Office of the PG and PPRP ensuring good coordination of effort and continuity of care among all the agencies involved with the Office of the PG and PPRP, including, but not limited to, the Superior Court, County Counsel, the District Attorney, Public Defender, mental health treatment providers, and clients and their collaterals. The Senior Behavioral Health Manager will facilitate the duties of the deputy PGs. The Manager Accounting II will supervise the program fiscal staff, prepare, manage, and control the budget, and provide financial support to higher level management and executive staff related to the proposed program services.

HCA recommends adoption of the resolution in Exhibit 3 to add these three (3) new regular positions in HCA Budget Unit 3283, effective February 18, 2024.

Recommendation #5:

HCA recommends authorization for the Auditor Controller's Office to process the budgetary transactions in Recommendation #5 which are necessary to transfer the appropriations and revenues associated with the Office of the PG and PPRP from HSA to HCA, effective February 18, 2024.

This letter has been reviewed by the County Executive Office, Auditor-Controller's Office, Human Resources, and County Counsel. If you have any questions, please contact Melissa Livingston, Human Services Agency Director, at (805) 477-5302, or Barry L. Zimmerman, Health Care Agency Director at (805) 677-5272.

Sincerely,



Sevet Johnson, PsyD
County Executive Officer



Melissa Livingston
HSA Director



Barry L. Zimmerman
HCA Director

Attachments:

- Exhibit 1 – Proposed Ordinance – Separating PA from PG
- Exhibit 2 – Resolution Transferring Twenty-Five (25) Positions
- Exhibit 3 – Resolution Adding Three (3) Positions