COUNTY OF LOS ANGELES
PROBATION DEPARTMENT
9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501

JERRY E. POWERS
Chief Probation Officer

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

46 December 15, 2015

PATRICK OGAWA
ACTING EXECUTIVE OFFICER

December 15, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

AUTHORIZATION TO AMEND THE JOINT EXERCISE OF POWERS AUTHORITY AGREEMENT (JEPA) THAT ESTABLISHED THE OPERATION OF THE VAN HORN REGIONAL FACILITY FOR EMOTIONALLY DISTURBED MINORS

(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

SUBJECT

The County of Los Angeles Probation Department is requesting that your Board authorize an amendment to the Joint Exercise Of Powers Agreement (JEPA) For the Establishment and Operation of the Van Horn Regional Facility For Emotionally Disturbed Minors to provide for a termination date of February 12, 2016.

IT IS RECOMMENDED THAT THE BOARD:

Authorize an amendment to the JEPA, specifically Section 7, Duration of Agreement, to provide a termination date as follows: "This agreement shall take effect as soon as it has been executed by all of the Counties which have been designated as the parties to this Agreement, and shall continue in effect until February 12, 2016."

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to provide a specific date (February 12, 2016) for the termination of the JEPA. On January 15, 1991, your Board authorized a JEPA by and between Los Angeles County and the Counties of Riverside, San Diego, San Bernardino, and Orange for the establishment of the Van Horn Regional Facility. The Board of Directors is composed of the Chief

Probation Officer and the Mental Health Director of each participating county.

The purpose of the JEPA was to collaboratively establish a facility to house probation foster youth who are in need of mental health services. However, it has become clear that the costs associated with the project vastly exceed the original authorizations provided by each county's Board of Supervisors thereby necessitating each county to go back to their respective Boards for further funding authorization. As of June 2015, cost estimates to open the Van Horn facility, including estimated cost overages, was approximately $2,000,000. Once these costs were presented to the JEPA members, Orange and San Bernardino Counties expressed their intent to withdraw from the JEPA. Consequently, the costs which would have been borne by five counties now would be divided amongst the three remaining counties, raising the costs to well above $600,000 per county, presumably all NCC funds. This cost would be only to open the facility and would not include any costs associated with housing or providing services to Los Angeles County youth. Additionally, it was determined that the proposed Van Horn facility would be an unlocked (open) placement facility. A review of our current providers demonstrated that there is not a critical shortage of placement beds for this type of facility in the Los Angeles area.

Given the above, the Probation Department and Department of Mental Health (DMH) have determined that the costs to fund a facility located in Riverside County is not in the best interests of the County at this time.

For similar reasons, the other remaining counties have expressed a desire to terminate the JEPA. The JEPA provides a mechanism for individual counties to withdraw and it states that the JEPA "shall continue in effect until it is rescinded or terminated, provided that the withdrawal from membership by any individual County shall not operate to terminate this Agreement." However, the JEPA does not provide a specific mechanism for rescission or termination by the parties. Therefore, after conferring with the other remaining counties, the Probation Department and DMH are recommending that the JEPA be amended to provide for a termination date of February 12, 2016. This will enable the JEPA Board of Directors to conclude the affairs of the JEPA and for all the remaining Counties to concurrently terminate their participation in the JEPA on that specified date.

Implementation of Strategic Plan Goals

The recommended actions are consistent with the Countywide Strategic Plan Goal # 1 Operational Effectiveness, and Goal # 3 Integrated Services Delivery.

FISCAL IMPACT/FINANCING

There is no net County cost (NCC) associated with this recommendation, but there may be a refund due to each county based on its initial contribution once the JEPA is disbanded and any outstanding debts paid. Currently there is a balance of approximately $195,000.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

JEPA section 7 provides a mechanism for individual Counties to withdraw from the JEPA. As stated earlier, Orange and San Bernardino Counties have already expressed their intent to withdraw. While

Section 7 makes reference to rescission and termination, it does not provide a clear mechanism for such rescission or termination. Therefore, to terminate the JEPA, the JEPA must be amended to provide for such a mechanism. After conferring with the other remaining Counties, it was determined that amending the JEPA to provide for a specific termination date would be the best course of action at this time.

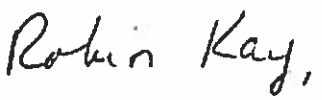
Further, Section 4.c.(4) of the JEPA states, "The Board of Directors shall have no power to incur obligations and no County funds may be used without the express prior approval of the governing board of the respective Counties furnishing such funds, and the Counties shall not be obligated to finance activities of the Facility in the event that federal or state support of such activity is lacking". Accordingly, the Chief Probation Office and the Director of Mental Health require authorization from your Board prior to taking any steps to terminate the JEPA.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The proposed dissolution of the JEPA would have no impact on services or projects for Los Angeles County.

Respectfully submitted,

JERRY E. POWERS
Chief Probation Officer



ROBIN KAY, Ph.D.
Acting Director of Mental Health

JEP:th

c: Executive Officer
Chief Executive Office
County Counsel