

A RESOLUTION OF THE THURSTON MASON BEHAVIORAL HEALTH ORGANIZATION GOVERNING BOARD TO AMEND RESOLUTION NO. 15183 AND RESOLUTION NO. 15370 TO FORM AN ADMINISTRATIVE CLOSE OUT AGREEMENT WITH THURSTON COUNTY

WHEREAS, the Thurston Mason Behavioral Health Organization (TMBHO) was established by Resolution 15183, dated September 15, 2016; and

WHEREAS, Thurston County and TMBHO entered into an agreement Resolution 15370 dated November 8, 2016, that amended Resolution 15183 to identify the purchase of administrative services from Thurston County for the "first year" the TMBHO operates; and

THEREFORE, Resolution 15183 and Resolution 15370 and any subsequent amendments are superseded by this resolution, and the ADMINISTRATIVE CLOSE OUT AGREEMENT (Attachment A) is entered into as agreed by the Thurston County Board of County Commissioners and the TMBHO Governing Board.

The transfer of the powers, duties, functions, personnel and assets of the County shall not affect the validity of any act performed before August 1, 2017.

ADOPTED: December 15th, 2017 TMBHO GOVERNING BOARD

ATTEST:



Molly McIver, Clerk of the Board



Bud Blake, Chair

Terri Drexler, Vice-Chair

APPROVED AS TO FORM:

Fred Johnson



John Hutchings, Commissioner

TMBHO ATTORNEY

RESOLUTION No. 15543

A RESOLUTION OF THE THURSTON COUNTY BOARD OF COUNTY COMMISSIONERS TO RESCIND RESOLUTION NO. 15183 AND RESOLUTION NO. 15370 AND ADOPT RESOLUTION NO. 15543 TO FORM AN ADMINISTRATIVE CLOSE OUT AGREEMENT WITH THURSTON MASON BEHAVIORAL HEALTH ORGANIZATION

WHEREAS, the Thurston Mason Behavioral Health Organization (TMBHO) was established by Resolution 15183, dated September 15, 2016; and

WHEREAS, Thurston County Board of County Commissioners adopted Resolution 15370 dated November 8, 2016, that amended Resolution 15183 to identify the purchase of administrative services from Thurston County for the "first year" the TMBHO operates; and

WHEREAS the Thurston County Board of County Commissioners and the TMBHO Governing Board desire that the administrative support, provided for by the Thurston County Department of Public Health and Social Services (PHSS) to TMBHO, shall cease on December 31, 2017, unless otherwise agreed to by a separate contract; and

WHEREAS in order to have an orderly transition the parties desire to have an administrative close out agreement.

NOW, THEREFORE, the Board of County Commissioners of Thurston County, State of Washington does resolve as follows:

Section 1: Resolution 15183 and Resolution 15370 and any subsequent amendments are hereby rescinded.

Section 2: The ADMINISTRATIVE CLOSE OUT AGREEMENT (Attachment A) is hereby adopted.

Section 3: The transfer of the powers, duties, functions, personnel and assets of the County shall not affect the validity of any act performed before August 1, 2017.

ADOPTED: December 5, 2017

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

ATTEST:

Robinda J. Boyman
Clerk of the Board

Bud Blake
Chair

APPROVED AS TO FORM:
JON TUNHEIM
PROSECUTING ATTORNEY

[Signature]
Vice Chair

By: Elizabeth Peterson
Deputy Prosecuting Attorney

[Signature]
Commissioner

ATTACHMENT A

ADMINISTRATIVE CLOSE OUT AGREEMENT

Except where otherwise stated, this agreement supersedes all prior agreements between Thurston County (the County) and the Thurston Mason Behavioral Health Organization (TMBHO).

TRANSFER OF ASSETS

1. All reports, documents, surveys, books, records, files, papers, or written material belonging or pertaining to the Regional Support Network (RSN) or Thurston-Mason Behavioral Health Organization (TMBHO) in the possession of Thurston County (the County) shall be delivered to the custody of the TMBHO.

It is the intent of both parties to have all historical documents transferred from the County to the TMBHO. Given this goal, the TMBHO will not need access to records, and not owe retention fees to the county, other than items specified in this agreement.

2. All cabinets, furniture, office equipment, motor vehicles, and other tangible property purchased with federal or state funds that were awarded to the County for the Regional Support Network (RSN) or the TMBHO prior to April 1, 2016, shall be transferred to the TMBHO. All other assets held by the County that were for the benefit of the RSN or TMBHO shall be assigned to the TMBHO. A complete inventory of all assets transferred shall be established and signed by representatives of the County and the TMBHO. This includes all real property, including but not limited to the property known as the Mary Elder Building (aka Evaluation and Treatment, or E&T, Building).
3. Thurston County shall retain ownership of the property known as the CSA Building. The TMBHO may lease the CSA Building as long as it is operated as a Triage Center, in accordance with agreements between the RSN, the County and the Washington State Department of Commerce made at the time the CSA was renovated in 2015-2016. In the event the CSA ceases to be used as a Triage Center, the TMBHO shall pay to have the building restored to open space, or to a state as agreed between the TMBHO and the county, within six months after vacating the facility.
4. Any amount reserved in the Thurston County Building Reserve Fund assigned to the Evaluation and Treatment Building shall be transferred to the TMBHO no later than December 31, 2017.
5. A transfer of cash representing the TMBHO reserve was made on October 1, 2016. The TMBHO shall hire a CPA firm to conduct a reconciliation of RSN / BHO revenue to and expenditures from the Thurston County Fund 1500, beginning with the state certified 2015 reserve balance, to determine the amount that should have been transferred. The reconciliation shall be completed no later than January 31, 2018. During the close of the 2017 fiscal year, the amount of the transfer shall be adjusted to represent all funds that should have been transferred to the TMBHO. The County Internal Auditor shall review and approve the amount, and shall certify the amount to the County Treasurer, who shall make the appropriate transfer and adjustments.

Revenues reviewed shall include but not be limited to payments from the State of Washington contracts with the RSN and TMBHO, liquor profit sharing revenue from the State of Washington that is required to be spent on alcohol and substance abuse treatment in accordance with RCW 71.24.555, and Thurston County Treatment Sales Tax transfers to reimburse expenditures as agreed by MOU.

Of any appropriation of public health millage revenue made expressly for the purpose of providing mental health and substance abuse treatment programs and services, any unspent appropriation shall lapse at the end of the fiscal year, as required by RCW 36.40.200, and shall not be transferred to the TMBHO.

6. If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the County Internal Audit Committee shall determine the proper allocation and certify the same to the Board of County Commissioners, the Thurston County Department of Public Health and Social Services (PHSS) and the TMBHO.

ADMINISTRATIVE SERVICES PROVIDED BY THURSTON COUNTY PUBLIC HEALTH & SOCIAL SERVICES

Administrative support provided for by the Thurston County Department of Public Health and Social Services (PHSS) shall cease on December 31, 2017, unless otherwise agreed by contract. Final invoice for PHSS services shall be submitted to the BHO for payment no later than February 15, 2018. Any invoice for the period August 1, 2017 through December 1, 2017, shall be for actual services rendered.

PAYMENT FOR SERVICES TO THE TMBHO PRIOR TO JANUARY 1, 2018

1. For services provided by the County that are normally billed through county indirect rates on a two-year lag basis: the billable amount for services provided in 2016 and 2017 shall be estimated by Thurston County Financial Services. The estimated amount shall be paid in one lump sum no later than December 31, 2017. At the time of the fiscal year close for each year, Financial Services shall reconcile the actual amount of services and the estimate, and either a refund will be made to the TMBHO or a payment will be made by the TMBHO in the amount of the difference.
2. For services provided by the Thurston County Central Services that are normally billed through prospective rates for 2017: at the time of the fiscal year close for 2017, Central Services shall reconcile the actual amount of services and the estimate, and either a refund will be made to the TMBHO or a payment will be made by the TMBHO in the amount of the difference.
3. For services provided by the County that are normally billed through ER&R rates on a two-year lag basis: the billable amount for services provided in 2016 and 2017 shall be estimated by Thurston County Central Services. The estimated amount shall be paid in one lump sum no later than December 31, 2017. At the time of the fiscal year close for each year, Central Services shall reconcile the actual amount of services and the estimate, and either a refund will be made to the TMBHO or a payment will be made by the TMBHO in the amount of the difference.

4. For services provided by the Thurston County Human Resources that are normally billed through prospective rates: at the time of the fiscal year close for 2017, Human Resources shall reconcile the actual amount of services and the estimate, and either a refund will be made to the TMBHO or a payment will be made by the TMBHO in the amount of the difference.

PAYMENT FOR ONE-TIME COSTS

1. Thurston County Central Services and the Thurston County Auditor's Office shall provide access to the MUNIS financial system through March 31, 2018, to enable the TMBHO access records to close the 2017 Fiscal Year and transfer appropriate financial records, for the price of \$6,000.
2. The TMBHO intends to vacate office space at 412 Lilly Road NE, Olympia, WA, no later than December 31, 2017. All property belonging to the BHO shall be removed from the building. The space shall be cleaned and all garbage removed at the expense of the TMBHO no later than January 31, 2018.

CONTINUING SERVICES OF THURSTON COUNTY OFFICES / DEPARTMENTS

All future services provided by Offices and Departments of the County to the TMBHO, and all services provided by the TMBHO to the county, shall be by contract, approved by the Board of County Commissioners and the TMBHO Governing Board. The following contracts are known at this time:

1. Agreement with Thurston County Central Services to lease the CSA Building for the operation of a Mental Health Triage Center. The County shall continue ownership of the building.
2. Agreement with the Thurston County Clerk's Office for judicial services for individuals involuntarily detained to Thurston County due to their mental disorder per chapters 71.05 and 71.24 RCW.
3. Agreement with the Thurston County Superior Court for judicial services for individuals involuntarily detained to Thurston County due to their mental disorder per chapters 71.05 and 71.24 RCW.
4. Agreement with the Thurston County Public Defense Office for judicial services for individuals involuntarily detained to Thurston County due to their mental disorder per chapters 71.05 and 71.24 RCW.
5. Agreement with the Thurston County Prosecuting Attorney's Office for judicial services for individuals involuntarily detained to Thurston County due to their mental disorder per chapters 71.05 and 71.24 RCW.
6. Agreement with the Thurston County Board of County Commissioners for behavioral health services provided and paid for by the Thurston County Treatment Sales Tax program.
7. Agreement with the Thurston County Sheriff's Office, Corrections Department, to provide behavioral health services within the Thurston County Corrections Facility.

8. Agreement with the Thurston County Treasurer to provide banking operations to the TMBHO and for the TMBHO to participate in the Thurston County Investment Pool.

ON-GOING REVENUE SHARING AND PAYMENT OF FUNDS

Liquor Profit and Excise Tax: RCW 70.96A.087 requires counties to devote at least 2% of its liquor distributions to support alcoholism and/or drug addiction programs. Beginning in 2018, the County shall transfer 2% of liquor distribution to the TMBHO. No portion of the 2% shall be retained by the County. This transfer shall continue until

1. State laws are amended. In that event, a new transfer amount may be negotiated.
2. The TMBHO is disbanded.

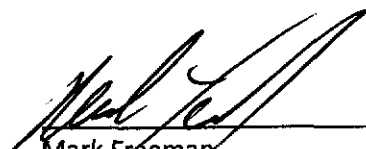
Property Tax for Mental Health: RCW 71.20.110 requires the county to levy \$0.025 per thousand dollars of assessed property valuation to provide community services for persons with developmental disabilities and mental health problems. This amount is known in Thurston County as "millage."

Use of millage funds are the sole discretion of the Thurston County Board of County Commissioners. Each biennium the County shall determine what portion of the millage revenue may be distributed to the TMBHO. The TMBHO will be notified no later than December 31 of each year of the amount appropriated for distribution through the PHSS Fund 1500.

Treatment Sales Tax: Treatment Sakes Tax (TST) funding is allocated at the sole discretion of the Board of County Commissioners (BOCC). The BOCC considers non-binding recommendations from the TST Advisory Committee in its decision-making process. The TMBHO shall be eligible to make requests for TST funding for review by the TST Advisory Committee and BOCC as follows:

- TMBHO shall make requests for funding in accordance with County biennial budget timelines (requests will be solicited in approximately June of each even-numbered year for following biennium) in the format requested by the TST Program Manager;
- The TST Program Manager will ensure TMBHO funding requests are entered into County budget system and included in materials for TST Advisory Committee and BOCC consideration;
- TMBHO shall respond to any requests for clarification or additional information or presentation to the TST Advisory Committee or BOCC in a timely fashion;
- The TST Program Manager shall notify TMBHO staff leadership of the adopted budget not later than December of each even-numbered year for the following biennium.

Agreed as authorized by the Thurston County Board of County Commissioners and the Board of the Thurston-Mason Behavioral Health Organization.



Mark Freeman
TMBHO Director

12/15/17
Date



Robin Campbell
Thurston County Asst. County Manager

12/6/17
Date