

Yakima County Department of Human Services



Behavioral Health Law and Justice Project Questionnaire

Date Released: Monday July 1, 2024

*If you applied and were approved for funding from the 2023 questionnaire you do not need to reapply.

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Overview

Project Description

Projects wishing to be considered for funding must consist of costs that are allowable under [RCW 82.14.460\(3\)](#). A current analysis of allowability provided by the Yakima County Legal Department is included in this document (see Appendix A). Funding Period will be from 1/1/2025 – 12/31/2025

Projects should align with the priorities identified in the [Yakima County Systems Mapping reports](#); especially the 2022 Criminal Justice Sequential Intercept Map.

Process

This questionnaire consists of 12 questions, intended to assist the Yakima County Board of County Commissioners in making a determination on potential uses of the Mental Health Sales Tax within Yakima County as an agency.

Please submit completed responses to [JOTForm](#) by 3pm on Wednesday July 31, 2024. Jotform: <https://form.jotform.com/241585566992170> Questions can be directed to Melissa Holm @ melissa.holm@co.yakima.wa.us and/or Lance Larsen @ lance.larsen@co.yakima.wa.us

If applying for multiple projects, please submit a separate proposal for each project. If applying for a single, cohesive project with another department, please coordinate and submit just one proposal.

Timeline

The Human Services Department reserves the right to change any dates in the timeline.

Event	Date
Questionnaire released	Monday July 1, 2024
Submission deadline	3:00pm Wednesday July 31, 2024
Submissions reviewed by Human Services Department Clarifying information to be requested from applicants as needed. Submissions prepared for Commissioner review.	August 1 st – 12 th

Submissions presented to BOCC for consideration Anticipating funding decisions to be made at this time, pending a request from the Board of County Commissioners for continued study session(s) to discuss and consider submissions.	Tuesday August 19, 2024
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Questions

General Information

1. Project name
2. Primary contact for application (name, title, phone number, email)
3. Primary contact who will oversee project if funded, if different from primary contact for application (name, title, phone number, email)

Project Details

4. Describe the scope of the project, including the goals and how they will be achieved.
5. Describe the staff resources associated with the project.
 - a. Will this require hiring additional staff? If so, how many, and for what roles?
 - b. If not, which staff are current, how will this impact their current roles, and what roles will they assume under this project proposal?
6. Does this project include any other partners – internal or external to the County?
 - a. If yes, please describe your partnership(s); including the name(s) of the organization(s)/department(s), and the function of the partnership(s).
 - b. If yes, please include a letter of intent from your partner(s) confirming this collaboration will exist as described.
7. Is this a time-limited or ongoing project? If it is time-limited, what is your anticipated completion date?
8. Does this project have any current barriers to success, outside of funding?
9. What is the anticipated budget for this project? (shown filled in with example content):

Category	Item	Annual Cost
Staff Salaries and Benefits	1.0 FTE Case Manager (anticipated B24/B31)	\$67,541
	0.5 FTE Program Specialist (anticipated B22)	\$27,693
Transportation	Bus passes for clients	\$500
	Gas vouchers for clients	\$500
	Mileage for meetings in Sunnyside	\$350
Facilities	Office space in courthouse	\$5,427
Supplies	Brochure printing (Print Guys)	\$250
	Computers for staff	\$2,356
		TOTAL \$104,617

The details provided above are provided for example purposes only and have not been reviewed for accuracy in reflecting the true cost of any of the items listed. Categories and Items do not have to fall within the range of what is shown in the example – for allowability considerations, please refer to RCW82.14.460(3) and the legal analysis provided in Appendix A.

Please note that proposals should include only internal County costs. Any project costs associated with services rendered by external agencies would require a formal competitive RFP,

and the issuance of a contract awarded by the Board of County Commissioners. If you have any questions please reach out to Melissa Holm @ melissa.holm@co.yakima.wa.us and/or Lance Larsen @ lance.larsen@co.yakima.wa.us

10. Describe how this project addresses (at least) one of the priorities identified in the [Yakima County Systems Mapping reports](#), especially the 2022 Criminal Justice Sequential Intercept Map.
11. Describe how this project falls into the category of (at least) one of the Approved Uses identified in Appendix A of the RFI document.

Outcomes

12. What are the intended outcomes of the project?
13. How will you measure the effectiveness of your project, if awarded? What data will you collect, at what frequency will it be collected, and how will your program collect it?

Appendix A: Yakima County Analysis of RCW 82.14.460(3)

Date: January 11, 2023

To: *Joe Brusic*

From: *Daniel Clark*

Re: Confidential Attorney-Client Analysis of RCW 82.14.460(3) Sales and use tax for chemical dependency or mental health treatment services or therapeutic courts.

The following will detail what general acceptable uses sales tax revenue may be used from RCW 82.14.460(3). It is important to note that ultimately the Board of County Commissioners has the legal authority and power to decide what the uses of this sales funding. These are not "community funds" that are subject to the homeless housing network and/or any other community groups unilateral decision making for how they are spent. The RCW is clear that the funds come into the County as part of an adopted sales tax revenue decision by the County Commissioners. The distribution of these funds are up to the County Commissioners to decide their allocation. So while community advisory groups are valuable community partners, their role is that of an advisory capacity only. Ultimately, any specific project should be reviewed as to legal form and compliance with this grant funding by corporate counsel and then ultimately approved by the Board of County Commissioners.

RCW 82.14.460(3) Analysis:

RCW 82.14.460(3) states:

(3) Moneys collected under this section must be used solely for the purpose of providing for the operation or delivery of chemical dependency or mental health treatment programs and services and for the operation or delivery of therapeutic court programs and services. Moneys collected by cities under this section may also be used for modifications to existing facilities to address health and safety needs necessary for the provision, operation, or delivery of chemical dependency or mental health treatment programs or services otherwise funded with moneys collected in this section. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, transportation, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

Every county that authorizes the tax provided in this section shall, and every other county may, establish and operate a therapeutic court component for dependency proceedings designed to be effective for the court's size, location, and resources.

Summary of RCW 82.14.460(3) allowable uses:

RCW 82.14.460(3) provides guidance of what specific purposes the sales tax revenue may be used for. It provides that the funds must solely be used for the purposes of providing the following:

1. Chemical dependency treatment programs and services
2. Mental health treatment programs and services
3. Modification of existing chemical dependency or mental health facilities funded under this section.
4. The statute defines "programs and services" including but not limited to:
 - A. Treatment services,
 - B. Case management
 - C. Transportation
 - D. Housing that is connected to chemical dependency or mental health programs.
5. The statute provides that this funding may also be used to establish and operate a therapeutic court component for dependency proceedings:

There is no reported case law on this RCW as far as interpreting it, but I believe that the statute is fairly clear what the funding may be used for. It must be used for mental health and/or chemical dependency programs and services.

It may also be used for such therapeutic courts that provide treatment services to clients. Some of these that would seem to be included would be the following:

- Traditional Drug Courts
- Mental Health Courts
- Juvenile Drug and/or Mental Health therapeutic courts.
- Potentially ITA courts due to mental health treatment.
- Potentially Community Courts, or Veteran's court, if they have a substantial treatment nexus with clients with mental health and/or chemical dependency behavioral health services.

- Other substantially related therapeutic courts if they have a substantial nexus with direct treatment of behavioral health/mental health and/or chemical dependency treatment components for clients.

While not specifically mentioned in the statute, I would believe that related programs and services that addressed “co-occurring” treatment of clients with both chemical dependency and mental illness treatment would also be authorized.

Treatment services:

RCW 71.05.020 (the definition section regarding mental health treatment), provides numerous definitions of what several of these related service definitions are. Additionally, RCW 18.205.020 provides definitions for chemical dependency treatment. There are several other statutory definitions that may come into play with interrelated services. The intent of the sales tax statute though is to provide specific funding for treatment of clients that have chemical dependency and/or mental health/behavioral health disorders and treatment thereof.

Transportation:

The transportation section of the RCW would seem to provide for a good faith use for bus passes, gas vouchers, to clients for the use of travel to and from intensive outpatient treatment, group therapy and related services. (The travel should have a nexus to chemical dependency and/or substance abuse treatment).

It would seem reasonable that bus passes for example would be an allowable use to provide to clients receiving these services to be able to access public transportation to attend treatment services, court hearings, and/or other related services.

If gas vouchers were to be decided to be awarded, I would be very careful that they were given to clients that had valid driver’s license and proof of insurance and that it be limited to reasonable gas vouchers for a client receiving services to be able to attend their appointments. Just blank gas vouchers would seem to potentially abuse the intent of this statute.

Housing:

The housing section of the RCW seems to provide allowable uses for subsidized payments for clients to clean and sober housing, stability housing for relapses, and if it exists for mental health group housing or individual housing programs that are connected to treatment of clients.

The RCW also provides that funds could be used to rehabilitate and/or remodel and expand existing structures that would be primarily used for direct services under this RCW provision. The RCW specifically indicates existing structures so no new construction, or acquisition of properties could or should be used with this funding. The RCW also specifically limits use of these funds to sales taxes collected by cities. County Sales tax funds do not appear to be statutorily connected to this potential use.

General homeless housing or housing of clients does not seem in my opinion to meet the statutory definition of the use of the funds. Specific housing ordered by a court judicial officer, and/or treatment provider such as clean and sober housing, and/or mental health treatment facilities and/or housing if that is available.

General rent subsidies and/or client home ownership mortgages, rent and/or new property acquisition does not appear to be an acceptable use of these funds.

Therapeutic Court funding:

The funding for therapeutic courts, would seem to include funding for the judicial officer, but also court staff and clerk's office staff to operate the therapeutic court. It would be also potentially a good faith use of the funds if some of the funding were also potentially used on other team members of the therapeutic courts. These could include partial funding for DPA's and defense council team members of the therapeutic court team, mental health and/or chemical dependency counselors and other related staff.

As an example for other funding streams, with related services, in the past with ITA funding with the BHO and RSN, Yakima County has received funding for all components of providing ITA treatment services for our region. We have successfully argued, and obtained funding that it should include costs for the Public Defender and Prosecuting Attorney and other team members. We have also done that previously with

funding for Yakima County Drug Court with various state and federal grant funding agencies.

Specific questions or grant funding requests:

If Esther receives a specific question regarding a potential intended use of these funds, I would be more than happy to evaluate any proposed use of the funds, and give my legal opinion if it would meet the legislative intent and statutory definitions to have a sufficient nexus for use of these funds. Without a specific question, though, this would be my general broad review of the authorized and intended uses of this RCW sales tax provision. The closer substantial and/or direct nexus to the intent of these funds as contained in the statutory definitions and plain meaning of the statute, the less risk that a finding by the SAO would occur. Also, from a good faith perspective, the statutory limitations of these funds seem to be to provide direct services to the clients, and to fund law and justice therapeutic courts with the intent of helping these clients with their behavior health disorders. (emphasis added). It is my hope that this will provide a framework for Esther for her meeting today. I'm happy to continue to assist with this in any way that you and/or Esther would like me to.

Conclusion:

I hope that the above analysis of potential uses of funding under RCW 82.14.460(3). Thank you and please let me know if you have any questions regarding this.

Respectfully,

Dan Clark