

Approved: 6/07/2023

Effective: 6/23/2023

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 23-040

APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT 1 TO THE
RESTATED JOINT COUNTY AUTHORITY BH-ASO INTERLOCAL OPERATING
AGREEMENT OF NORTH SOUND BEHAVIORAL HEALTH-ADMINISTRATIVE
SERVICES ORGANIZATION, LLC

WHEREAS, in January 2016, the Island, San Juan, Skagit, Snohomish and Whatcom counties, entered into an Agreement to jointly provide a behavioral health program and regional system of care through a limited liability company, North Sound Behavioral Health Organization, with the collective goal of consolidating administration and reducing administrative layering, consistent with the State of Washington's legislative policy as set forth in RCW 71.24.015; and

WHEREAS, this limited liability company has been carrying out the January 2016 Agreement by contracting with the State of Washington to serve as a behavioral health organization as of April 1, 2016, as provided for in RCW 71.24.100; and

WHEREAS, in 2017 the Washington legislature approved changes to the state's health care system with a goal of transforming health care delivery to a managed care program. Under the managed care program, Behavioral Health Organizations (BHO) will cease to provide behavioral health services; and

WHEREAS, under the managed care program, behavioral health administrative services organizations will carry some services regionally; and

WHEREAS, the managed care program will begin operation on January 1, 2019, and be fully established by 2020. 2019 is designed to be a transition year with overlap between the old system and the new. The managed care program relies on North Sound Behavioral Health Administrative Services Organization ("NS BH-ASO") to continue providing regional coordination, management and services that are the responsibility of the Island, San Juan, Skagit, Snohomish, and Whatcom counties, and to continue coordinating the services funded by managed care organizations with services for which the counties directly contract. NS BH-ASO will continue to be a necessary component to meet the intended goal of providing integrated managed care; and

WHEREAS, this Restated Agreement supersedes and replaces the agreement titled "Joint County Authority Behavioral Health Interlocal Operating Agreement of North Sound Behavioral Health Organization, LLC, a Washington behavioral health organization and limited liability company" filed with the Washington Secretary of State recorded February 4, 2016, UBI # 603 583 336, which superseded and replaced the agreement titled "Interlocal Agreement Establishing a Mental Health Regional Support Network for Island, San Juan, Skagit, Snohomish and Whatcom Counties" recorded

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BEHAVIORAL HEALTH-ADMINISTRATIVE SERVICES ORGANIZATION, LLC - 1

1 October 14, 1997 in the records of the County Auditor of San Juan County under
2 Auditor's File Number 97101405.

3 WHEREAS, Restated Joint County Authority BH-ASO Interlocal Operating
4 Agreement was approved via ordinance 19-008 on March 3, 2019, effective March 28,
5 2019; and

6 WHEREAS, The Restated Joint County Authority BH-ASO Interlocal Operating
7 Agreement shall be amended to provide for representatives voting via remote
8 technology in a meeting that is open to the public;


9 NOW, THEREFORE, BE IT ORDAINED the Snohomish County Council
10 approves and authorizes the Snohomish County Executive, or designee, to sign the
11 Restated Joint County Authority BH-ASO Interlocal Operating Agreement of North
12 Sound Behavioral Health-Administrative Services Organization, LLC in substantially the
13 form attached hereto as Exhibit A.

14
15 PASSED this 7th day of June, 2023.

16
17 SNOHOMISH COUNTY COUNCIL
18 Snohomish County, Washington
19


20 
21 _____
22 Chairperson
23

24 ATTEST:

25 
26 _____
27 Deputy Clerk of the Council
28

29 (X) APPROVED
30 () EMERGENCY
31 () VETOED

32 DATE: June 13, 2023
33

34 
35 _____
36 County Executive
37

38 ATTEST:

39
40 
41 _____
42

EXHIBIT A

AMENDMENT TO RESTATED JOINT COUNTY AUTHORITY BH-ASO INTERLOCAL OPERATING AGREEMENT OF NORTH SOUND BEHAVIORAL HEALTH— ADMINISTRATIVE SERVICES ORGANIZATION, LLC

THIS AMENDMENT to the January 1, 2019 Restated Joint County Authority BH-ASO Operating Agreement ("Amendment") is made and entered into effective February 21, 2023 by and among the following County Authorities: Island County, San Juan County, Skagit County, Snohomish County, and Whatcom County (collectively "County Authorities").

RECITALS

- A. Article VII, paragraph 7.7 of the January 1, 2019 Restated Joint County Authority BH-ASO Interlocal Operating Agreement ("Operating Agreement") states that "at all meetings of the Board of Directors a representative may only vote in person in a session of the meeting open to the public."
- B. The Washington Open Public Meetings Act as amended June 9, 2022 encourages public agencies to make use of remote access tools as fully as practicable to encourage public engagement and better serve their communities.
- C. During the suspension of in-person meetings under the Governor's Emergency Proclamation 20-28, the Board of Directors used computer and internet technology to hold effective remote public meetings.
- D. The Board of Directors believes that hybrid meetings involving both in-person and remote attendance will allow Board members, staff, and the public to participate in the governance of the BH-ASO more fully.

AMENDMENT

NOW THEREFORE, the County Authorities amend Article VII, paragraph 7.7 of the Operating Agreement to read as follows:

7.7. No Proxies. At all meetings of the Board of Directors a representative may attend and vote in person or by remote access technology in a session of the meeting open to the public; no proxies or secret voting shall be permitted. Notwithstanding the foregoing, as provided for in Section 5.1 of this Agreement, a delegate appointed by a County Authority may vote in the case of absence of the County Authority's Board of Directors representative.


Island County, Member

Date: 2/21/2023

See Signature Page Below
San Juan County, Member

Date: _____

Skagit County, Member

Date: _____

Snohomish County, Member

Date: _____

Whatcom County, Member

Date: _____

COUNTY AUTHORITIES:

SAN JUAN COUNTY

ATTEST: Clerk of the Council

Sally Rogers 4/18/23
Sally Rogers, Clerk Date

REVIEWED BY COUNTY MANAGER

Michael J. Thomas 4/18/2023
Michael J. Thomas Date

AMY S. VIRA
APPROVED AS TO FORM ONLY

By: [Signature] 4/5/23
Date

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Christine Minney
Christine Minney, Member
District 1

Cindy Wolf
Cindy Wolf, Member
District 2

Jane Fuller
Jane Fuller, Member
District 3

San Juan County, Member



Skagit County, Member

Date: _____

Date: 2/21/23

Snohomish County, Member

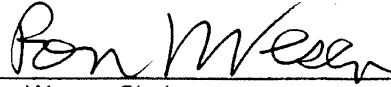
Date: _____

Whatcom County, Member

Date: _____

DATED this 20 day of March, 2023.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



Ron Wese, Chair



Lisa Janicki, Commissioner



Peter Browning, Commissioner

Attest:



Clerk of the Board

For contracts under \$5,000:
Authorization per Resolution R20030146

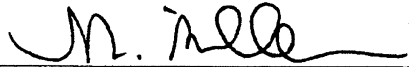
Recommended:



Department Head

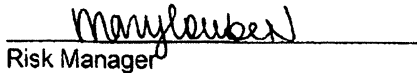
County Administrator

Approved as to form:



Civil Deputy Prosecuting Attorney

Approved as to indemnification:



Risk Manager

Approved as to budget:



Budget & Finance Director

San Juan County, Member

Date: _____

Skagit County, Member

Date: _____

Lacey Harper

Digitally signed by Lacey Harper
Date: 2023.06.08 09:57:51 -07'00'

Snohomish County, Member

Date: _____

Whatcom County, Member

Date: _____

San Juan County, Member

Date: _____

Skagit County, Member

Date: _____

Snohomish County, Member

Date: _____

Whatcom County, Member

Date: 3/15/23

Eric Richey