

**ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES
BOARD OF CUYAHOGA COUNTY**

RESOLUTION NO. 09-09-02

AUTHORIZATION TO INTERVENE IN FRANKLIN COUNTY ADAMHS BOARD LITIGATION

WHEREAS, on June 11, 2009, the Ohio Department of Mental Health (ODMH) issued a proposed 408 Allocation Distribution schedule which indicates that Alcohol, Drug Addiction and Mental Health Board of Cuyahoga County (ADAMHS Board) will receive a MAJOR REDUCTION IN FUNDING in the approximate amount of \$12.8 million; and,

WHEREAS, this reduction in funding is a result of the application of ODMH's newly crafted formula for the distribution of 408 funds; and,

WHEREAS, the ODMH Director has recently issued a moratorium on implementing the new 408 formula; however, the ADAMHS Board of Franklin County has initiated litigation to force ODMH to implement the new formula since the new formula provides more funding to Franklin County to the detriment of Cuyahoga County; and,

WHEREAS, If the ADAMHS Board of Franklin County is successful with its claim, the ADAMHS Board of Cuyahoga County may receive a \$12.8 million reduction in funding causing irreparable harm to the Cuyahoga County community mental health system.

WHEREAS, it is imperative for the ADAMHS Board of Cuyahoga County to intervene in the litigation initiated by the ADAMHS Board of Franklin County to attempt to prevent a ruling that is detrimental to the Cuyahoga County community mental health system from being rendered, and it is necessary to employ legal counsel to assist with this matter; and,

WHEREAS, the Board Staff recommends that the ADAMHS Board of Cuyahoga County intervenes in ADAMHS Board of Franklin County v. Ohio Department of Mental Health, et. al., Case No. 09CV69713 to address the 408 formula and recommends that legal counsel be utilized in an amount not to exceed \$50,000.00 at an hourly rate of \$195.

WHEREAS, the Finance and Operations Committee has reviewed the proposed intervention and recommends that the full Board of Directors authorizes the intervention in the above referenced litigation and authorizes payment for legal counsel in an amount not to exceed \$50,000.00 at an hourly rate of \$195.00

NOW, THEREFORE, BE IT RESOLVED:

1. The ADAMHS Board of Directors authorizes the ADAMHS Board of Cuyahoga County to intervene in ADAMHS Board of Franklin County v. Ohio Department of Mental Health, et. al., Case No. 09CV69713 to address the 408 formula and recommends that legal counsel be utilized in an amount not to exceed \$50,000.00 at an hourly rate of \$195.

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2. The ADAMHS Board Chief Executive Officer is authorized to execute necessary contracts, based upon the availability of funds.

On the motion of Bob Fowler, seconded by Reginald C. Blue, the foregoing resolution was adopted.

AYES: R. Blue, C. Brown, E. Cash, B. Fowler, B. Gohlstin, Sr., J. Hnanicek, P. Jones, R. Kemm, A. Leopard, C. Still Noble, L. Thomas, E. Thoms, M. Warr, A. Williams

NAYS: None

ABSTAIN: None

DATE ADOPTED: September 23, 2009