



LINCOLN COUNTY BOARD OF COMMISSIONERS

July 21, 2011
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Paul Mathews
Kevin Phillips
Tommy Rowe
Paul Donohue
Ed Higbee

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Tommy Rowe called the meeting to order at 1:10 p.m. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL MATHEWS
KEVIN PHILLIPS
TOMMY ROWE
PAUL DONOHUE
ED HIGBEE

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 7-15-11. The Invocation is offered by Ed and Tommy led the Pledge of Allegiance.

#2-2011 LEGISLATIVE IMPACTS

Dan McArthur, Independent Auditor, Dr. Harold Cook, NV Mental Health, Judge Dan Papez, Jean Lucht, LC Health Nurse, and Mike Willden, NV Director of Health and Human Services are present. Mike offered context about the Department of Health and Human Services. Mike discussed the County Match Program, which provides for long term care. SB485 was passed that directed Mike to save \$14.5 in the program by shifting the costs from the state to the county. Legislation directed Mike to determine how to do that. The percentage of patients that LC will be responsible for will increase over the next few years. LC costs in 2011 will be about \$31,000; this will increase to about \$45,000 for FY 2012. There is no opt out provision in this legislation for County Match Program. If the county chooses not to sign the contract, the state lawyers will talk to the county lawyers and a judge will make the final determination. The state intends to work with the county to negotiation the contracts. There has been at least one county that has refused, but the state will not shut down the program. The contracts need to conclude negotiations by the end of September. Mike discussed Consumer Health Protection (Food & Facilities), SB 471. The estimated financial burden to the counties is \$596,007 annually; LC's impact is just over \$13,000 per year. Counties may opt out of paying the assessment to the state by submitting a proposal to the Governor. If the proposal is approved by the Governor and the Interim Finance Committee of the Legislature, the counties may carry out the services rather than pay the assessment. The effective date of a county opt out plan may not be sooner than six months after IFC approval, which means the county will be paying the state for the first nine months. Tuberculosis and Sexually Transmitted Diseases will be transferred to the counties as well. The counties will have to pay for the costs to investigate and treat these diseases. Total cost for this program that will be shifted to the counties is \$617,804 for TB and \$7,380 for STD. LC's portion of this is \$1,334 per year. An opt out clause applies to this one as well. Mike discussed Developmental Services for Children. NRS 435.010 requires counties to make provision for the support, education and care of children with mental retardation and related conditions. The estimated impact to counties is \$4.9 million in FY2012 and \$4.8 million in FY2013. LC's portion is \$7,970. Counties have three options to implement: 1) Pay assessment to MHDS to continue to provide the same level of services now provided and using same eligibility criteria. Requires contracted agreement going forward. 2) Notify State (MHDS) that the county will begin providing for service directly at some future date. MHDS will then transition children/families being served to newly established program operated by the county. 3) Negotiate with MHDS for state to deliver a new package of services, under different eligibility criteria MHDS would assess/bill county for services provided. Dan McArthur asked if there is a threshold on income and services. Dr. Cook advised that certain services have limits on eligibility based on income. Depending on the service that the child gets there can be income restrictions/guidelines. Youth Parole Services/Detention costs are discussed. SB476 requires each

county to pay an assessment to the Division of Child and Family Services (DCFS) for the activities of the Youth Parole Bureau. Estimated impact to the counties is \$2.7 million per year. LC's portion is \$6,600 per year, increasing for two years after the first year. Assessments are based on public school enrollment (grades 7-12) in each county, as a percentage of total enrollments for the state. Assessments are to be paid quarterly in advance. Counties may opt out of this. SB476 also eliminates the requirement of the Youth Parole Bureau to pay detention costs for certain youth. Estimated fiscal impact of the counties is \$576,090 per year. Counties can opt out of paying assessments to DCFS by submitting a plan to the Governor to take over Youth Parole Services at the county level. Assessment exemptions require the Governor's and IFC approval. Mike discussed Community Juvenile Justice Grants. DCFS budgets were closed eliminating state general funds previously used to grant funding to local juvenile justice agencies for community based programming. Fiscal impact to the local juvenile justice agencies is \$1.4 million per year. Local agencies can choose to fund community programs with local funds if desired. LC's impact is about \$5,800. Mike discussed Mental Health Room and Board Payments for Youth. DCFS budgets were closed with a significant reduction in the amount of funding to pay for room and board costs for mental health placements. This reduction impacts local youth probation agencies. DCFS's request for room and board budget to support local probation agency placements was approximately \$3.5 million per year (base and caseload growth). The Governor supported funding approximately \$3 million per year (base budget only). In closing the budgets, the Legislature reduced funding by an additional \$700,000 per year. Funding available to support local probation agency placements will be approximately \$2.35 million. \$10,576 is LC's portion. DCFS will block grant placement funding to the local agencies. The grants will be fixed amounts. No additional funding may be requested by local agencies. DCFS is proposing funding for FY2012 will be distributed based on two factors: 1) \$5,000 base funding to rural counties (not Clark or Washoe) and 2) Remaining funds allocated by grades 7-12 public school enrollment. Mike reviewed Rural Child Protective Services (CPS). Historically, CPS has been provided by the state in all counties except Clark and Washoe. Clark and Washoe Counties have funded CPS with local dollars (and federal funds where possible). State funding supported CPS in the other counties. SB480 requires each county (other than Clark and Washoe) to pay an assessment to DCFS for the cost of operating CPS in the county. The assessments may not exceed legislative authorize spending for CPS by DCFS. Counties may opt out of paying the assessment by submitting a plan to the Governor and IFC. Assessments are to be based on projected numbers of children that will receive services and the cost of providing services. Assessments are due and payable quarterly to DCFS. Total fiscal impact to the 15 rural counties is approximately \$2.4 million each year. LC's share is \$31,151 for FY 2012 and will increase the following year. Sheriff Kerry Lee stated that the majority of calls are for the Caliente Youth Center, which is a state facility and should be the state's responsibility, not the county's. Mike discussed Senior Property Tax Assistance Program, which is run through the Assessor's office. Low income seniors can apply and receive a check that helps them with their tax obligation. This program was eliminated by the Legislature. LC processed 34 applications in 2011, gave refunds to 33 people of an average of \$177. Leslie stated that she is concerned about where these costs will be paid from. Some of these programs are federal mandates. Paul D. commented that there is no one that the county can pass program costs on to. Paul D. asked, if the county doesn't have the funding for certain programs, what the legal ramifications will be. Total costs that LC will be responsible for funding are about \$80,000-90,000 per year. Dan advised that a portion of these costs can be paid for through county indigent. If the bulk of the calls related to CPS is with CYC then it needs to be looked at as the balance is at the state center. Why is it the county's responsibility to take care of the state center? Mike will look into that. Paul D. suggested that the county look into the legality of creating a fee to cover Consumer Health Protection. Dan suggested that Room Tax may be able to cover this fee; it should be looked at as to legality. Greg Barlow advised that the county can create a county health license by ordinance that would include a fee. Shawn Frehner advised that she has the contract for the LC Health Nurse. There are additional fees that can be charged to the county. The state advised that they want to have a corrective action plan for revenue lost should the assistant not be billing correctly. The nurse is paid by the state and her assistant is paid by the county. The county is responsible in the contract for the assistant and the count is to provide an administrative supervisor. This supervisor is over so many different things. The assistant is only 19.5 hours per week. Paul D. commented that the county will be just fine as Jean Lucht has been doing this for years. Shawn stated that there could be additional costs billed to the county. Daniel discussed the billing provision, which was nonexistent in last year's contract. Daniel cited that all of the billing goes to the state, and the billing provision says that LC will guarantee for the state. 1.5 and 1.12 are new provisions in the contract. 1.5 deals with under collection from patients that come in. Since costs are being shifted to the county, if there is an under collection of fees it will become a pass through to the county. Under

collection of fees has been a problem statewide. If the county isn't collecting fees as they should, then a clause must be included so that it will be covered by the state or the county. Paul D. cited that the Board hasn't discussed Presentence Investigations as of yet. Judge Papez addressed the Board. Judge Papez discussed Youth Parole costs, which appear to be a good deal for the county. Trying to assume this responsibility at the county level will be very difficult. Judge Papez received a memo that showed \$96,000 was expended for two youth parolees. There are many additional costs that can exceed the assessed \$6,700. Judge Papez advised that CPS is a good deal as well and stated that it is difficult to find people that are qualified to be a social worker. There is a very complex set of laws that govern the investigations and it would be very difficult for the county to fund its own CPS department. Judge Papez agreed that if the majority of the CPS calls stem from a state facility then the state should be "picking up the tab". Paul D. asked if the county can bill the state for sheriff's costs for CPS at the state facility. Mike responded that he doesn't believe so, but he will explore it. Judge Papez requested that the Board ask for statistics from the state as to how many CPS cases there were in the county and how many were from the state facility. Judge Papez discussed the block grants that are used for a variety of things, including preventative measures for at-risk youth. Juvenile administrative assessments have been used to fill gaps, and Judge Papez advised that this can be done to supplement some of the loss of the grants for these at-risk youth programs. NRS 176.059 governs the juvenile assessments. Judge Papez reviewed Presentence Investigations (PSI) and their important role in the judicial process. PSIs provide as much information as possible about individuals who will be sentenced. PSIs are a snapshot of an offender's history. Prior to this legislative year, the state funded the completion of these reports. The counties are responsible for paying approximately 70% of the costs for PSIs. The Judge's Association opposed the bill. Paul D. asked if it is possible to opt out of paying for this report. No. Daniel advised that we just received our first monthly bill, and the estimate the state sent us was \$10,542 per year (based on last year's numbers). Dan advised that the state is making an estimate; last year there were 31 PSIs. The state will bill monthly for the first two or three quarters and then it will be based on actual for the fourth quarter. The costs will be case driven. Judge Papez said that the PSIs are much needed and they are required by NRS. Dan addressed the Board. Dan cited that the budget already covers County Match Program. He will investigate the Consumer Health Protection and report back to the Board. STD/TB is already covered under the contract and Dan doesn't believe there will be any significant cases. Dan feels additional research is needed for Developmental Services for Children, which might be covered by indigent funds. Depending on requirements for indigent, it might be covered by indigent costs if the 300% poverty level item can be reduced. Dan would like to see the numbers on how many youth the Youth Parole Services are being used for. Dan would like to talk to the Sheriff and Laura Johnson about this. Laura Johnson stated that it would be a better deal to just pay the assessment costs from the state. Laura cited that one kid will exceed the \$6,700 cost assessed by the state. Dan isn't saying that \$6,000 isn't a great deal, Dan just want to see the actual numbers. The assessment to the county is based on the population of school aged children. Dan would like to see the history of the last five years to help the Board make an informed decision. Dan stated that CPS will be researched to see what the CYC impact is. Dan cited that there is no funding source for PSIs at this point. Based on where the General Fund sits today, it appears that it is coming in very tight. Most CPS calls come in from mandatory reporters. Laura asked if CPS responds to all calls at CYC no matter what. Yes, someone comes from Ely DCFS for every report. Every staff to youth incident is investigated. Other entities are involved to maintain transparency when there are investigations, but in institutional abuse you don't want the police policing the police. Dan will meet with Paul M., Leslie, the Sheriff, and Laura and come back to the Board to present options. Mike will research Section 1.5 of the LC Health Nurse's contract. No action is taken.

#3-PUBLIC COMMENT

Tommy called for public comment. Shawn advised that a verbal extension on the Million Dollar Courthouse has been received.

#4-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 3:11 p.m.

Attest: _____ Approve: _____