



**DAUPHIN COUNTY BOARD OF COMMISSIONERS**

**WORKSHOP MEETING**

**DECEMBER 1, 2010**

**10:00 A.M.**

**MEMBERS PRESENT**

Jeff Haste, Chairman  
Mike Pries, Vice Chairman  
George P. Hartwick, III, Secretary

**STAFF PRESENT**

Chad Saylor, Chief Clerk; Marie E. Rebeck, Controller; William Tully, Esq., Solicitor; Randy Baratucci, Director of Purchasing; Kay Lenge, Personnel; Melissa Bradley, Personnel; Joe Cardinale, Solicitor's Office; Fred Lighty, Esq., Human Services Director's Office; Leila Brown, Solicitor's Office; Dan Eisenhauer, Director of MH/MR; Shirley Keith-Knox, MH/MR; Tom Guenther, Director of IT; Gary Serhan, Deputy Controller; Carolyn Thompson, Court Administrator; Mike Potteiger, Director of Adult Probation; Daniel McIntyre, Adult Probation; Faye Fisher, Director of Personnel; J. Scott Burford, Deputy Chief Clerk; Amy Richards, Commissioners' Office; Steve Chiavetta, Director of Registration & Elections; Edgar Cohen, Director of Facilities Maintenance; Brenda Hoffer, Commissioners' Office; Jena Wolgemuth, Commissioners' Office and Richie-Ann Martz, Assistant Chief Clerk

**GUESTS PRESENT**

Matt Miller

**MINUTES**

**CALL TO ORDER**

Mr. Haste, Chairman of the Board, called the meeting to order at 10:34 a.m.

## **MOMENT OF SILENCE**

Everyone observed a moment of silence.

## **PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

## **APPROVAL OF MINUTES**

Mr. Haste: We have a number of meeting minutes that we'll take up at next week's meeting.

## **PUBLIC PARTICIPATION**

Mr. Haste: We are at the point in time in the meeting for public participation. Is there anyone in the audience that would like to address the Board at this time? (There was none.)

## **DEPARTMENT DIRECTORS/GUESTS**

### **A. Dan Eisenhauer, Director of MH/MR**

#### **1. Presentation on MR Plan**

Mr. Eisenhauer: We are here to present an overview of the 2011/2012 Mental Retardation Plan. Just a point of background, this is the second year that we are submitting a plan in relationship to our program no longer having the management and oversight of waiver funds. So, the fiscal year that just ended, our mental retardation program budget went from about \$44 million to \$3 million. So, the plan that we are submitting to the State is really focused on how we provide administrative services for the waiver and how we plan for people in our base-funded program and how we plan for people waiting for services. We really altered the plan scope and the plan guidelines, again, as a result of us not managing direct waiver funds.

Mr. Haste: You were talking about that and I was in a meeting somewhere recently. It was at my Courts and Corrections Meeting at CCAP and the consensus of that committee was that the State's plan is a disaster.

Mr. Eisenhauer: I was going to save that for the end.

Mr. Haste: That was a group from around the State. No one had one good thing to say about the plan.

Mr. Hartwick: Our Human Services Policy Committee would concur with that analysis.

Mr. Haste: Basically in time, we won't know whether it is working or not, because we don't have any real direct contact.

Mr. Eisenhower: We can see what isn't working already.

Mr. Haste: It was viewed and this is not from the human services side, but the Court and Corrections side, as a disaster.

Mr. Hartwick: When you go through this could you talk about the areas of service that may have been short-changed, our inability to have local control to plan for those emergency needs like we used to be able to? I would also be interested in seeing how much... Do you have any analysis or numbers on what the State saved or what they spent additionally to do direct contracting?

Mr. Eisenhower: The State did not save any money. The way I had structured this was to try to get through a couple slides about our plan and then leave the State stuff for the end, because that sort of is the elephant in the room. We are submitting a plan for, in our case, \$3 million while we are sort of responsible for \$40 some million. If it is okay with you I'll get to that at the end.

The overview is that we no longer get the allocation of waiver funds, but the State does tell us by an allocation letter a specific number of individuals that we are responsible to serve in the waiver program. So, instead of getting an allocation of funding, we literally get an allocation that says Dauphin County has x number of consolidated waiver slots and x number of person, family directed service waiver slots. Our job is to manage efficiently the use of all those waiver opportunities for individuals. We are still managing some parts of the waiver. The plan itself addresses what we do with our roughly \$3 million base-funds services. That is really for people that are eligible for mental retardation services, but they are not yet available to be served in a waiver program. We do what we call supportive services. Family support services, respite services, some day program and again we just try to manage the use of those funds to meet people's needs as best we can outside of waiver programs. We do and are responsible to manage vacancies. For instance, if someone living in a group home moves to a different level of care, dies or has a concern that they have to have another living arrangement, our program is responsible to work with providers in the State and our waiting list to fill that vacancy with a person who needs that level of service.

Mr. Hartwick: How efficient is that process?

Mr. Eisenhower: In Dauphin County very efficient, because we still have a very good relationship with our providers. The other main responsibility we have is monitoring our providers. Even though the State directly contracts with providers, they've down streamed the monitoring and quality assurance functions to the counties. So, we continue to do quality assurance oversight and provider monitoring. The part of the plan is that we do have to talk about how we identify unmet needs. I'm going to ask Shirley to talk a little bit about that.

Ms. Keith-Knox: I'm Shirley Keith-Knox and I'm the Deputy Mental Retardation Administrator for the MH/MR Program.

We manage emergencies by classifying people into three categories: emergency, critical or planning. Folks who are in emergency status are folks who need service either today, yesterday or up to six months. Folks who are in critical status need services within the next two years. You can see that we then manage off of the emergency lists. In order for a person to receive services they must have been deemed an emergency status. We, in 2009, had 87 people on the emergency list. As of a month ago, in 2010, when I developed the plan, the status was 66. It is around that. The reason being that it came down are two things. One is that we were able to serve 65 people off of the emergency PUNS list during this past year, which is really good. We also reassessed 33 people. We were either able to help them meet their needs without using waiver dollars or system dollars or they determined that their needs were not at the emergency level and perhaps they moved into critical. A total right now between emergency and critical are 254. That is information that we needed to submit to the State as part of our plan.

Mr. Hartwick: That is sort of good news.

Mr. Haste: Just looking at that, couldn't you say that the plan is working?

Mr. Eisenhower: I said to Shirley I knew you were going to ask that. We wouldn't say that means that the State operated system is effective. What that means to us is that we are still in this first year of sort of County administered and State funded. We are pretty efficient and pretty effective and have always been in our relationship with providers. Shirley and her staff have worked at opportunities to have people served by other waivers. So, one of the things that happened is the adult autism waiver was implemented about this same time so we were actually able to move some people from our mental retardation waiver to an autism waiver and that created some capacity in our system plus we had gotten two initiatives in the last two years that greatly increased the amount of waiver slots in our communities. That was the State's strategy sort of on purpose, before they took over the system, was to sort of dump a whole bunch of capacity into the system ahead of the switch so that it would be a better transition and have a little more opportunity.

Mr. Hartwick: What are the two initiatives that you are referring to?

Mr. Eisenhower: In FY 2008/09, it was 96 new waiver opportunities, which over time that creates a lot of flexibility in the system. So, the State just sort of dumped a whole bunch of waiver opportunities in the counties and said here you have got two years to serve a whole bunch of people and then they switched to treasury payment with the State operating the system. We are still sort of catching up to serving all those individuals. It takes a lot of time to develop individualized services for people, to

develop provider capacity and it creates a little more opportunity for movement in our system.

Mr. Hartwick: The creation of 96 new waiver spots, it certainly didn't decrease that list. I guess maybe close to that.

Mr. Eisenhauer: Again, we served some new people, but we also reassessed some. We are taking a hard look at how we prioritize people for services, because we don't see any new waiver opportunities coming for years. We are really taking a hard look at who really needs services and we are reevaluating.

Mr. Haste: Why wouldn't the State offer more waivers now?

Mr. Eisenhauer: Because it costs them a lot of money. Right now, the estimate is that ODP is facing about a \$35 million budget deficit through the first half of this fiscal year and projected to be as much as \$100 million deficit for next fiscal year.

Mr. Hartwick: Can you tell them what ODP means?

Mr. Eisenhauer: Office of Developmental Programs, it is the State agency that is ultimately responsible for waiver funded programs. They are doing it beyond their means at this point.

Mr. Hartwick: So, there is going to be some decisions made in the next State budget that may impact the available waiver slots?

Mr. Eisenhauer: Correct, of the scope of services.

Mr. Haste: Do you think there will be waivers removed?

Mr. Eisenhauer: The problem with the Federal government is that once a person is deemed eligible for waiver funded services you cannot withdraw those services. I mean you could, but the individuals could file fair hearing and they would win. So, DPW has few options at their disposal and we have suggested some options to them ourselves as counties. One of which is to narrow the scope of funded services and the other was to tighten up the assessment of need to the actual individual service plan for each person. There is some times a disconnect between the assessed level of need and what people are actually receiving. Again, because of the way the State has designed the system. We also believe that Pennsylvania has a very rich service definitions approved by CMS. We believe that some of those service definitions need to be scaled back. We can't serve fewer people, but we could scale back the amount of services.

Ms. Keith-Knox: The other thing that I wanted to add in relationship to your question is that we operate at full capacity, but if someone, for example, maybe someone died on a Monday and we were not able to get someone else's name into the data system, there were two weeks ago where they wanted to take slots away from us, because there

wasn't a name attached. What we have to do is make sure there is never a time when the State sees that there is an open waiver opportunity, because they will take it back.

Mr. Eisenhower: Other counties have had the State come in and say we are serving somebody else from other county with what used to be your county's waiver slot. It is not working that well statewide.

Mr. Hartwick: There was always an issue with the Federal waiver requirements that sort of crippled the counties' ability to take care of significant emergency needs, because you have to fully serve an individual on the waiver...

Mr. Eisenhower: With a State defined service definition package that just keeps growing. Advocates have really pushed the State to add service definitions and add services. So, all of a sudden if there is a new service approved by ODP and now someone needs a service that didn't exist yesterday well that becomes an unmet need, because now there is a new service available.

Mr. Haste: Is there a possibility given this that the waivers don't go away, but the funding for the waivers go away?

Mr. Eisenhower: The State will have to figure out a budget.

Mr. Haste: Under that scenario the only way to pick that up is the counties have to pay for it?

Mr. Eisenhower: No. The waiver agreement clearly states that it is a Federal program matched by State dollars. There are no county funds at all that can be used for waiver recipients.

Mr. Haste: Is the program written by the State or Feds?

Mr. Eisenhower: By the Feds. The Federal government, for all intents and purposes does not care about Pennsylvania's budget problem. CMS must match every State dollar spent. That is the rule. CMS says that we will approve your waiver application with certain conditions, but it is your waiver application. Pennsylvania would have to submit a new waiver to the Federal government and we have already started talking about that. The current waiver expires June 2012. The next waiver is due to the Federal government July 1, 2012. We are already planning for what we think the State should submit to change some of the things that we really think are really wrong in the system that is causing some of the escalating costs. If you were to look statewide the number of people served doesn't justify the huge increase in spending. There is a disproportionate rise in expenditure compared to the number of people served.

Ms. Keith-Knox: I would like to add that it doesn't provide a legal obligation for us to serve those people, but certainly as a community of people who care about the people

who live in our county, it creates an obligation for us. We continue to have people who have needs.

Mr. Eisenhower: I believe over time what would happen is that we are looking more at increasing community unmet needs for people who can't get in a waiver. That is what I'm concerned about. For the foreseeable future, again, there won't be an additional number of waiver opportunities like the 96 we got or graduate initiative like we've had the last two years. I don't see that happening for years.

Ms. Keith-Knox: There is data that was requested. They have had, as Dan said it, graduate initiatives the past couple of years. This year we have 37 folks that are graduating. We anticipate that there are going to be 23 of those folks that are going to need a waiver opportunity. Other anticipated needs are: we have two folks in jail that we believe will be coming out and will need some intensive care and support, two young folks in a residential treatment facility and two folks who will be aging out of a children and youth program. We are anticipating that next year, based on the data that they have requested from us that we will need a minimum of 29 new waiver opportunities.

Mr. Eisenhower: That won't come.

Mr. Haste: Right.

Mr. Hartwick: How are we going to deal with these folks?

Mr. Eisenhower: We are not managing funds, but we work with our providers for what we call maximum efficiency. We do look for ways to reduce peoples' needs ongoing. We are trying to promote employment, homeownership and less expensive ways for people to be supported in the community. For instance, life-sharing or family-living versus a group home that is staffed 24/7. So, we are constantly looking for ways to serve more people with the same amount of funding. We are also a quality assurance goal to reduce restraints and restrictive procedures in our group homes and we are making progress. The other issue is provider monitoring that is a quality function to make sure people are doing what is needed for individuals they serve. We are also planning for an aging population. We have a number of people in our system that are living longer. They have more complex healthcare needs as they age. They have to work with our aging partners around those issues. The last page is all the system concerns that you folks alluded to. We have what we call fiscal instability. The rates set by ODP are random. If you would ask most providers in most counties they are literally random. Many rates are too high and many rates are too low. Nobody believes that they have an actual adequate rate for the service they are providing. There is no relationship currently between a person's mandatory assessment of need and then what actually ends up in their service plan. Again, we believe the service definitions are too broad. ODP has recently issued revised draft service definitions as part of our response since Acting Secretary Nardone immediately looked at the concerns in ODP when he became Acting Secretary of Welfare in the middle of September. I think ODP concerns were number one on his list of things to try to address in the remaining months of the

administration. He has already convened some high level stakeholder meetings to basically come up with about four recommendations for addressing the current fiscal crisis and the expected fiscal crisis in ODP next year. Again, those things...

Mr. Haste: Who is doing this?

Mr. Eisenhauer: Acting Secretary of Welfare, Mike Nardone.

Mr. Haste: Has anything been prepared for the transition team?

Mr. Eisenhauer: Yes.

Mr. Haste: By way of the current staff in the administration or by way of the transition team?

Mr. Eisenhauer: The County Commissioners Association, through all of our affiliates, created transition documents. I would be glad to share those with you.

Mr. Haste: Who have they been forwarded to?

Mr. Eisenhauer: Probably as of yesterday to the DPW transition team. CCAP was waiting until those folks were named.

Mr. Haste: Let's not assume anything. Do you have a way to confirm that it was done?

Mr. Eisenhauer: I do. Again, this administration has also prepared a transition document for the next administration.

Mr. Haste: I'm aware of that, but that doesn't...

Mr. Eisenhauer: Necessarily mean anything, especially given what we are discussing. If I was going to boil it down, the two main concerns that providers, counties and consumers and families share right now are the fiscal concerns and the operations. The day-to-day operations of the system just don't make sense. ODP comes in with a checklist about what the County is doing as we administer the waiver funded programs. I believe the checklist is something like hundreds of items that they come in and check boxes. If we don't have 100% compliance on every one of those hundreds of elements we have to do a corrective action plan. Again, I'm not saying that we don't want to do things right. What we are saying is that there is no relationship to that checklist mentality and the actual quality of services provided in the community. It is an administrative burden that is taking people away from what they need to focus on. That is our plan.

Mr. Haste: I do think there is an opportunity to try to make some corrections even though as we all know some of the higher level of management will continue to stay on under the new administration. That always happens. Hopefully they are open-minded

to change. Having done this in two administrations, even though the top may want to change, if that mid-level is convinced you are still not going to make the change. I just want to be sure that this information gets to the right people.

Mr. Eisenhauer: Commissioner Hartwick is well apprised of the CCAP Human Service Committee's efforts on this issue. There is a very limited audience per Mike Nardone's attempts to fix something in a hurry with ODP. I think there are two provider associations and two representatives from the counties. We are equally represented in these high level meetings.

Mr. Hartwick: I'll share a copy of that with you.

Mr. Eisenhauer: Besides the CCAP transition document, Shirley and I have also been on a committee that is actually trying to make recommendations for what the next waiver submission to the Federal government should look like.

Mr. Haste: Do we have any concerns or issues as a county that is separate from the overall? Is there anything that is unique to Dauphin County that needs to be highlighted?

Mr. Eisenhauer: I think we have always been a County that is above average if you will in the State system. What we are concerned about is the State processes in some cases actually impede our ability and our providers' ability to sort out the local decision-making. We are able to work some things out with our providers. We are concerned about losing that flexibility with each passing year. One of the concerns that I listed is no start up funding and no ability to change programs. In what we call the "good old days" we could flexibly adapt programs, save money and serve more people. Today, if we saved the State money there is no direct incentive for Dauphin County or its providers. The State benefits from our efficiency, but we, as a community, don't. That is one of our concerns. We believe we should be able to get an incentive if we are able to close a two person group home in favor of family living and save the State 50% of the funds that they used to spend, we ought to be able to serve more people with that same amount of money in Dauphin County. That is not the way it works right now.

Mr. Hartwick: I think our challenges are ultimately going to be able to form relationships in the way that we have currently been able to have them with each one of the oversights in each one of the categoricals. We did that with the changeover with DPW's Secretary. We will be progressive. I like the idea of going before whoever it is that is going to be in the new leadership role and talk to them about what Dauphin County could potentially do to help them save money and provide better services.

## **PERSONNEL**

Ms. Lenge: Do you have any questions on any items in the Salary Board or Personnel Packet? I'm not asking for a vote on anything today. (There was none.)

## PURCHASE ORDERS

Mr. Baratucci: You should have all received the Packet yesterday. This is our cut-off week for purchase orders for 2010. There is a possibility that there may be a straggler or two that comes in between now and approval next week. For the most part what you see in that packet should be it for major purchases for 2010. We do have a few budget issues as usual that we will need to clear up. Do you have any questions on the Packet? (There was none.)

### Rejection of Transportation Services Bids

Mr. Baratucci: As you know, Scott Burford and I have been working on this bid for transportation services. This is related to the changeover out at Schaffner. This is for the provision of transportation services to the new facilities. The first bid was opened in the middle of October. We only received one bid at that time. That bid had all kinds of exceptions on it and we could not accept that bid. We went back to the drawing board and changed the specifications and put it out for bid again. The good news is that we received two bids this time. The bad news is that the low bidder of the two neglected to include a non-collusion affidavit and most importantly the signature page. Without a signed bid it was obviously determined to be an invalid bid. Our choices came down to either accepting the one bid that was good, which you can see was about \$57,000 higher than the one that wasn't good or rebid the project for a third time. I'm here to recommend, unfortunately, that we reject all the bids and rebid. This is one of our options. It is ready to go and we should be able to have a bid opening two weeks from Friday, December 17<sup>th</sup>, which hopefully if we get a good bid you will be able to make the award the following Wednesday. At this point if you want to rebid the project I would need you to formally reject these bids. If you have any questions our Solicitor will be happy to answer them.

Mr. Haste: Bill, do you concur?

Mr. Tully: Unfortunately yes.

**It was moved by Mr. Hartwick and seconded by Mr. Pries that the Board reject the bids submitted for transportation services for juveniles and that the Director of Purchasing be authorized to rebid.**

### **Discussion:**

Mr. Pries: So, this is our second bid tabulation to date?

Mr. Baratucci: It is the second time that we have attempted. The first time we only received one bid and it was all over the board and had all kinds of exceptions with it. We couldn't take that one either.

Mr. Pries: Did any of the people who submitted bids initially not submit the second time?

Mr. Baratucci: Youth Transit Authority, the one that is low, was the one that submitted the only bid the first time and again had a lot of problems. We made some adjustments to our specs. We actually went to a per mile price instead of a per trip price. It made more sense. They gave us prices that we were comfortable with, but again the process requires certain things to be included and one of them, most importantly, they need to sign the bid. Without a signature it is nothing.

Mr. Pries: I'm looking at these numbers in front of me. One is short of \$250,000 and the other one is close to \$300,000. What were the numbers that we were projecting?

Mr. Baratucci: I'm not sure. Scott might be able to... These are only estimates. They are probably a little on the high side, because we used estimated mileage.

Mr. Saylor: I would have to get you the exact numbers, but it is in line with what we were projecting.

Mr. Pries: And we would still save the \$1.2 million?

Mr. Haste: For some reason \$250,000 sticks in my mind.

Mr. Saylor: The issue is that the documents weren't signed.

Mr. Pries: We are going to put this out, again are there any guarantees that the numbers will be higher or lower, etcetera?

Mr. Baratucci: Unfortunately both bidders know what each other bid. It is always good to have more than one bid.

**Question:** Mr. Haste – Aye; Mr. Pries – Aye and Mr. Hartwick – Aye; motion carried.

## **TRAINING PACKET**

Mr. Haste: I don't believe there is anything on the Training Packet that we need to approve.

Mr. Saylor: No.

## **ITEMS FOR DISCUSSION**

### **A. Reappointment of David Coble to the Dauphin County Conservation District Board. Term will expire December 31, 2014.**

Mr. Haste: We have a reappointment that we can take up at next week's meeting. We have a number of board appointments, don't we?

Mr. Saylor: Yes. Richie has asked for this one to be put on early because she has to notify someone.

Ms. Martz: The State.

Mr. Haste: Do we need to take action today?

Mr. Saylor: Next week.

Mr. Haste: As many as we can get...

Mr. Saylor: All the rest are going to be held for the next cycle. This one required an extra step.

## **SOLICITOR'S REPORT**

Mr. Tully: I have no changes to the draft report, but would be happy to answer any questions?

Mr. Hartwick: I just want to note the Agreement that will be on next week's agenda to bring online in January the second part of the neighborhood reporting center.

Mr. Haste: Is that ARC?

Mr. Hartwick: Yes.

## **CHIEF CLERK'S REPORT – CHAD SAYLOR**

Mr. Saylor: Commissioners, I have nothing unless there are questions of me. (There was none.)

## **COMMISSIONERS' COMMENTS**

Mr. Pries: I have two questions. Has anyone heard from Mid-Town Arts in relation to the money that is out there, the funding that they were going after? They were here recently.

Mr. Haste: They were to get a hold of Economic Development, any entities.

Mr. Saylor: I happened to run into their solicitor at lunch and he didn't say anything to me. We didn't talk about it specifically, but he didn't mention it.

Mr. Pries: Thank you for your coverage last week, but another week has passed with no correspondence or communication from either the Mayor or City Council in reference to the City transferring the police dispatch over. It's disheartening.

Mr. Hartwick: What a surprise.

Mr. Haste: Welcome to my world.

### **PUBLIC PARTICIPATION**

Mr. Haste: We are again at the point in time in the meeting for public participation. Is there anyone in the audience that would like to address the Board? (There was none.)

### **ADJOURNMENT**

**There being no further business, it was moved by Mr. Pries and seconded by Mr. Hartwick that the Board adjourn.**

Respectfully submitted,

Chad Saylor, Chief Clerk

Transcribed by: Richie-Ann Martz