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EDC COB <edc.cob@edcgov.us>

Fwd: Senior Legal

1 message

Jim Mitrison - El Dorado County <jim.mitrison@edcgov.us>
To: EDC COB <edc.cob@edcgov.us>

Thu, Jun 15, 2017 at 8:12 AM

Please add to public comment for item 31 on Tuesday's agenda. Thank you.

Jim Mitrison
Clerk of the Board of Supervisors
County of El Dorado
Ph. 530.621.5390 Main
Ph. 530.621.5592 Direct
Email jim.mitrison@edcgov.us

LATE DISTRIBUTION
DATE 6/15/17
BOS 6/20/17

----- Forwarded message -----

From: **Kathi Lishman** <klishman@mac.com>

Date: Thu, Jun 15, 2017 at 8:02 AM

Subject: Senior Legal

To: The BOSONE <bosone@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, The BOSTHREE <bostthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>

Cc: Donald Ashton <don.ashton@edcgov.us>, Joe Ham <joe.ham@edcgov.us>, "patricia.charles-heathers@edcgov.us" <patricia.charles-heathers@edcgov.us>, Jim Mitrison - El Dorado County <jim.mitrison@edcgov.us>

Dear Board of Supervisors,

As the chair of Friends of Seniors, a local non profit under the El Dorado Community Foundation, I have become familiar with the excellent senior services we have in El Dorado County, and the incredibly dedicated staff who run the programs. There is a wide variety of services, housed together, aimed at protecting the health and well-being of seniors.

The coordination of these services has created a safety net for the elderly that has resulted in fast responses to meet the needs of seniors, both on a daily basis and in a crisis. Even seniors who have never needed the services should feel comfort, knowing they are available.

Yes, we may be the only county in California that has our own Senior Legal Program but that is something we should be proud of. The coordination of that service, with other senior services the County provides, serves the needs of our ever-growing senior population. In comparing El Dorado County with other counties, we must realize they, in turn, have programs and services we don't have.

In 2016 El Dorado County ranked 29th out of 58 California counties in terms of population. With 28% of our population being seniors, we ranked 16th out of 58 counties in terms of percent of seniors aged 60+. The California State Plan on Aging predicts that by 2030 El Dorado County will see an 83% increase in the number of seniors aged 60+. UC San Francisco's Institute for Health and Aging and the Alzheimer's Association released a report in 2009 predicting that El Dorado County will see a 142% increase in the number of patients with Alzheimer's Disease by 2030, the steepest rise in our region.

If the El Dorado County Senior Legal Program were to be removed out of the County's budget, our vulnerable seniors would never be served in the same manner, and many would never be served at all. By protecting the health of seniors, it protects the health of the community, and saves the County money in other areas. In addition Senior Legal staff holds workshops and seminars throughout the County to senior groups, county volunteers and the general public on topics pertinent to the health and well-being of seniors. I hope you will take the time to hear from the staff who run Senior Legal about the many significant facets of the program.

The Senior Legal Program is very cost effective. \$50,000 comes from the Older Americans Act, and in the last 12 months, the program has received \$95,000 in donations. This leaves a balance of \$268,000 to come out of the County budget. \$268,000 out of a budget of \$280,000,000.

El Dorado County is a very special place to live. We have a reputation both for excellent schools for our children, and outstanding services for our seniors. It is important that we do what we can to maintain what we have.

Sincerely,
Kathi Lishman, Chair
Friends of Seniors



EDC COB <edc.cob@edcgov.us>

Fwd: economic need of Sr. Legal Clients

1 message

Jim Mitrisin - El Dorado County <jim.mitrisin@edcgov.us>

Thu, Jun 15, 2017 at 9:29 AM

To: EDC COB <edc.cob@edcgov.us>

Please include as public comment to Item 31 on Tuesday's agenda. Thank you.

Jim Mitrisin
Clerk of the Board of Supervisors
County of El Dorado
Ph. 530.621.5390 Main
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----- Forwarded message -----

From: **Diana Steele** <diana.steele@edcgov.us>

Date: Thu, Jun 15, 2017 at 9:24 AM

Subject: economic need of Sr. Legal Clients

To: The BOSONE <bosone@edcgov.us>, Shiva Frentzen <shiva.frentzen@edcgov.us>, Brian Veerkamp <brian.veerkamp@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>, Jim Mitrisin <james.mitrisin@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>, "John Litwinovich <johnlit@sbcglobal.net>" <johnlit@sbcglobal.net>, Michelle Hunter <michelle.hunter@edcgov.us>

I am compelled to respond to the memo from the CAO's office regarding the "economic need" of our clients. The memo is misleading at best.

We are only allowed to report whether a client's income is below the federal poverty level of \$1354 for a single person or \$1832 for a couple. These are the ONLY numbers reported. If they make one penny more, they are not included in the statistics you see, however this does not mean our clients are not needy and it does not mean they can afford private services. A vast majority of our clients are living on social security and have no means of paying for private legal services.

No one from the CAO's office nor from the HHS administration has contacted me regarding the recommendation to close the program, and no one has asked for information or clarification about any of the numbers you are seeing. We found out about the recommended closure from the internet.

The proposed alternative to contract out services is not paid for in the proposed budget, will not result in changes to the clients served as per the Older Americans Act, and represents a slippery slope whereby the county simply finds a way to avoid paying for benefits to hardworking service providers who deserve health care and pensions just like the people who administer them.

Diana B. Steele

Attorney, Senior Legal Services
El Dorado County Health and Human Services Agency
937 Spring Street, Placerville, CA 95667
Phone (530) 621-6154, FAX (530) 295-2657

Letter to the El Dorado County Board of Supervisors

From: El Dorado County Commission on Aging

Dear Members of the Board:

The Commission on Aging has been advised that the Board of Supervisors intends to discontinue the Senior Legal Services office as presently staffed with 3.5 employees. The Commission was so concerned about the impact of the dissolution of this showcase senior program that a special emergency Commission meeting was held on Thursday June 8, to obtain more information regarding the Older Americans Act and the impact of the proposed action of the BOS on the County's senior citizens and other senior programs. The Senior Legal Services program, which has been in operation for approximately 40 years, has put this County at the forefront of all California Counties Senior Services programs. El Dorado County is the only county with a proactive attorney staffed program in California. This is appropriate, because the percentage of citizens over sixty years of age in this county is higher than any other in California.

The Recommended Budget for FY 2017 significantly misrepresents the value of Senior Legal Services as constituted in the county. The "certain level of risk" mentioned in their analysis is historically non-existent. There has never been a claim brought against the county as a result of the activities of Senior Legal. Due to the nature of its clients and the issues it addresses, the likelihood of such an action in the future is negligible. There can be no doubt that SLS provides a valuable service to seniors in the County and has a direct impact on their economic and physical health. If the SLS program does not have a direct relationship to the county's strategic plan, it should. It is hard to imagine how "farming out" County Senior Legal Services to disinterested third parties could produce the quality of service that our seniors deserve and as much bang for the buck for the County.

The senior population of El Dorado County is an asset, not a liability. Seniors provide a prosperous base of citizens, who contribute to the economy and tax base without undue burden on county services. Senior Legal Services help to indirectly reduce those burdens in a number of ways that are not easy to measure but they are significant and need to be identified and evaluated. Benefits of the program include, but are not limited to:

- Advice regarding elder abuse (financial and physical)
- Relieving burdens on the courts and medical facilities
- Assistance with resolution of landlord/tenant issues

- Assistance with resolution of family disputes
- Advice regarding consumer fraud issues
- Education regarding internet fraud
- Proactively avoiding estate disputes
- Issues related to employment

This senior services program, pioneered by El Dorado County, is the envy of the rest of the state. Before disbanding this showcase program the Board should allow sufficient time to research the true benefits of this program, both direct and indirect.

In addition to understanding the economic value brought by this program, the Commission respectfully wishes to call the attention of the Board to the state and federal legal requirements that must be followed prior to closure or a major change of the program.

A Senior Legal Services Program is mandated by the Older Americans' Act. Under the Act, once a Legal Services Program is established, it is necessary to meet certain criteria, timelines and mandatory requirements to "substantially" modify it. Currently the County's Senior Legal Services Program is in compliance with the OAA. In accordance with the law, the EDC SLS Program is available to all county residents over the age of sixty. There is no means testing, which is prohibited by law. Therefore the service is available to a substantial segment of Eldorado County's residents, not just indigent.

It is possible that the Board's action in summarily terminating the Senior Legal Program could place OAA funds in jeopardy:

Senior Legal Services is a Title IIIB program. Priority services as defined in the California Department of Aging contract, Exhibit A, #14 means those services associated with access to services ...; in-home services ... and legal assistance. Article II, Scope of Work states that the contractor shall meet the adequate proportion requirements for priority services as required under the Older Americans Act Section 306(a)(2);22 CCR 7312.

Older Americans Act Section 306(a)(2) states: provide assurances that an adequate proportion, as required under section 307(a)(2), of the amount allotted for part B to the planning and service area will be expended for delivery of each of the following categories of services-

- (A) Services associated with access to services
- (B) In-home services
- (C) Legal Assistance

There is a minimum percentage of the Title IIIB funding that must be used to provide the priority services and there is also a required 10% match for federal funds. If the percentage is proposed to be changed, a budget revision must be submitted to CDA, a public hearing must be held, and the Area Plan

must be revised and submitted to CDA for approval. If the AAA is not the direct service provider, the AAA would be required to do a Request for Proposal (RFP) for a subcontract for the service.

There are numerous other requirements that must be met in order to make changes in the County's current Legal Services Program. The program cannot under current law be eliminated. In Order for it to be substantially changed, it will, at minimum require a CDA budget revision, a public hearing and an update to the area plan. Further, in order to meet legal requirements, a justification of the change to the program would need to be submitted to CDA at least 180 days prior to the possible transition. CDA Contract Exhibit E, Article 4, Section E Voluntary Termination of Area Plan Agreement (Title III Only) statesIn case of voluntary termination, the Contractor shall allow CDA up to one hundred eighty (180) days to transition services. In addition, an RFP would need to be developed, released, scored, and a new vendor selected. This process could take 6 months to a year.

A transition plan would need to be developed and submitted to CDA within 15 days of the notice to terminate Senior Legal Services. Exhibit E Article IV Transition Plan states the transition plan must be approved by the State and shall at a minimum include the following:

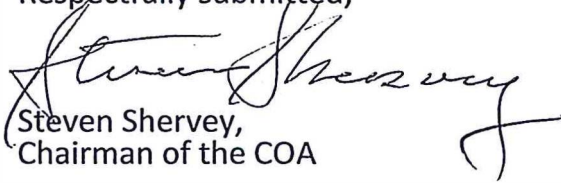
1. A description of how clients will be notified about the change in their service provider
2. A plan to communicate with other organizations that can assist in locating alternative services.
3. A plan to inform community referral sources of the pending termination of services and what alternatives, if any exist for future referrals.
4. A plan to evaluate clients in order to assure appropriate placement.
5. A plan to transfer any confidential medical and client records to a new contractor.
6. A plan to dispose of confidential records in accordance with applicable laws and regulations.
7. A plan for adequate staff to provide continued care through the term of the Contract.

The COA, with all due respect, believes that these issues require a great deal more time to properly proceed with the possibility of making a major change in the Senior Legal Services Program currently in effect within the County. We believe that the program provides a fundamentally valuable service to the senior residents of the County and also benefits the economic and health of all County residents.

Our request to the Board of Supervisors is for at least a 180 day delay on any decisions. This delay would allow for further investigation into the very substantial benefits and positive side

effects that this program, as presently constituted, brings to the County, and of the requirements under state and federal law that must be met before the program can be significantly changed or discontinued and replaced by an alternative. Further, the County needs to analyze if it is cost effective to terminate the current program and making a transition to an outside provider.

Respectfully submitted,



Steven Shervey,
Chairman of the COA