



## Legislation Text

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**File #:** 16-0805, **Version:** 3

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HEARING - Health and Human Services Agency recommending the Board:

- 1) Adopt and authorize the Chair to sign Resolution **142-2017** revising the Public Guardian Fee Schedule effective fiscal year 2017/18; and
- 2) Authorize County Counsel to reduce, waive or negotiate fees with the Public Defender, or if ordered by the Court. (Est. Time: 5 Min.)

**FUNDING:** Fee for Service.

**DEPARTMENT RECOMMENDATION:**

Health and Human Services Agency (HHSA) recommending the Board adopt and authorize the Chair to sign a Resolution that will revise fees for the Public Guardian Program effective fiscal year 2017-18. In addition, HHSA is recommending the Board authorize County Counsel to reduce, waive or negotiate fees with the Public Defender, or if ordered by the Court.

**DISCUSSION / BACKGROUND:**

The Health and Human Services Agency provides numerous services to individuals which are paid for on a fee basis, inclusive of the Public Guardian. Most are paid for by program funding and grants; however, some services, including those provided by the Public Guardian, are paid for in whole or in part by fees charged to the client.

On August 30, 2016 the Board of Supervisors (BOS) adopted Resolution 146-2016 revising the Fee Schedule for the Public Guardian in accordance with Government Code Section 54985 (File ID: 16-0805; Agenda Item 30). These fees were developed pursuant to the direction provided during the addenda process in 2015, when the BOS directed departments to review and provide budget recommendations related to department fee structures.

Due to the volume of services offered by HHSA programs, HHSA solicited proposals for a Fee Consultant (RFP 16-961-004). Evaluation of the proposers resulted in the award going to MGT of America, Inc. (MGT). At that time, MGT developed a fee structure for Public Guardian, covering the services of Public Guardian staff who serve as the conservator of a person and/or estate of individuals needing protective intervention and are involved in all aspects of a conservatee's life, including financial and asset management, housing, medical care, placement, and advocacy.

In the fall of 2016, the Public Defender raised concerns that using the averaged flat rate fee developed by MGT may result in inequities due to charging persons receiving fewer services the same amount as persons requiring more hours of service. In accordance with Probate Code Section 2942, the Court is required to determine the reasonableness of the fees in each individual Public Guardian case, and the Court has expressed concerns in making the required findings with the flat fee structure.

The new fee proposal utilizes the same cost analysis from MGT; however instead of utilizing an average rate, it proposes to use the calculated cost per hour to more appropriately allocate costs to

each individual. This approach will address some of the Public Defender's concerns, but may not address all, because it will not differentiate between an hour spent on a routine task and an hour spent on a more complex task. However, the proposed rate does use actual hours spent supporting each individual multiplied by the calculated cost per hour to more equitably allocate costs.

The fee proposal also includes a line item for the storage of belongings at a private facility, which shall be charged at actual cost.

This public hearing to consider the adoption of a Resolution revising the Public Guardian Fee Schedule was noticed in accordance with Government Code Section 6066 via a Notice of Public Hearing published in the Tahoe Daily Tribune on August 23, 2017 and on August 30, 2017, and the Mountain Democrat on August 25, 2017 and on September 1, 2017.

**ALTERNATIVES:**

The Board could choose to decline the proposed Resolution, thereby retaining the existing Fee Schedule for Public Guardian services established in Resolution 146-2016.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

County Counsel

**CAO RECOMMENDATION:**

It is recommended that the Board approve this item.

**FINANCIAL IMPACT:**

There is no Net County Cost associated with this Agenda item. The Public Guardian program is funded primarily with General Fund dollars, offset by any fee revenue that is received. Therefore, changes to the fee structure have the potential to increase or decrease the General Fund cost of the program.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board to obtain signature of Chair on the adopted Resolution; and
- 2) Return one certified copy of the adopted Resolution to the HHS Contract Unit at 3057 Briw Road.

**STRATEGIC PLAN COMPONENT:**

Health and Human Services Agency Strategic Plan Goal 2 - Fiscal Responsibility, Objective 2.2.1 - Develop an updated standardized structure for fees, fines, and services.

**CONTACT**

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