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## AGENDA COVER MEMO

**AGENDA DATE:** June 22, 2005  
**TO:** Board of County Commissioners  
**DEPARTMENT:** Health & Human Services  
**PRESENTED BY:** Rob Rockstroh



**AGENDA TITLE:** IN THE MATTER OF AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE OREGON DEPARTMENT OF HUMAN SERVICES IN THE AMOUNT OF \$397,368 TO FUND AN ALCOHOL & DRUG OUTREACH WORKERS PROGRAM. (DEPARTMENT OF HEALTH & HUMAN SERVICES)(34)

### I. MOTION

TO ACCEPT THE MOTION AND AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE OREGON DEPARTMENT OF HUMAN SERVICES IN THE AMOUNT OF \$397,368 TO FUND AN ALCOHOL & DRUG OUTREACH WORKERS PROGRAM

### II. ISSUE OR PROBLEM

The state has forwarded an intergovernmental agreement that exceeds the county administrator's authority to sign.

### III. DISCUSSION

#### A. Background/Analysis

In May of 2000, Lane County accepted funding for an alcohol and drug family support project (Board Order 00-5-3-2). This project came about in response to Oregon Senate Bill 408 which enacted the federal Adoption and Safe Families Act (ASFA).

The bill requires the state office for the welfare of children to begin the process of termination of parental rights of a child when the child has been in foster care for 15 of the most recent 22 months. Its intention is to move children out of foster care into permanent homes when parents do not demonstrate sufficient progress toward responsible parenting.

The A&D Family Support Project provided FTE caseworkers to work with "red-flagged" parents and state SCF Family Support Teams (Services to Children and Families). The subcontracted project provided peer support to the parents to encourage them to enter and complete addiction treatment and provided support with legal and other requirements that enabled them to retain custody of their children.

A provider for the A&D family support project was identified through a request for proposals (RFP) and a contract was let with the Relief Nursery in August of 2000.

Relief Nursery was the sole respondent to the RFP. The contract was in place for three years. When the contract ended a new competitive selection process identified Relief Nursery as the provider for services from September 2004 through August of 2007.

The Relief Nursery program is Accessing Success and the program has been so successful that a model of it was written into a grant to fund an Early Childhood Development System project in South Lane County. The grant was funded and Accessing Success is being replicated at the Family Relief Nursery in Cottage Grove.

The relationship with the contract staff at the funding agency, Department of Human Services (DHS) State Office of Services to Children, Adults and Families (SOSCAF) has been problematic. The IGA has been received late more often than not with gaps between contract periods that result in late payment for services to our subcontractor. Since July, Lane County staff has made numerous attempts to obtain an IGA for services through June 2005. The previous IGA was extended four months (July 2004 through October 2004) through an amendment received in September. Payment was finally received and forwarded to Relief Nursery in December 2004. Eventually Lane County staff enlisted the aid of the SOSCAF Service Delivery Area Manager and the IGA was received from the Office of Contracts & Procurement (DHS) on May 9, 2005. Relief Nursery has continued to provide services without a contract in place and no payment for services provided from November to the present.

The new IGA was forwarded to Lane County Legal Counsel for review and returned to H&HS with a request for language changes. County Counsel's remarks were that "two paragraphs are examples of provisions which are so unclear that it will be impossible for the county to know how to comply with them."

The county had objected to the same provisions in a previous agreement received from DHS Office of Contracts & Procurement but the county administrator chose to sign that agreement and asked the state office to correct the language at that time. When asked for a second time to correct the language, the state replied, "DHS is not able to make the changes requested by Lane County at this time. This agreement has the most current terms and conditions developed for county intergovernmental agreements. Lane County signed off on these updated provisions as recent as 5/11/05 in the Teen Parent IGA."

In light of the state contracts office refusal to revise the language, the county administrator has requested H&HS to draft this board order for a broad discussion on this issue.

Of great concern is the lack of reimbursement for services provided by the Relief Nursery. The Accessing Success program supported by the funds to be forwarded through this IGA is an integral part of the system that keeps families together.

H&HS staff has asked state staff whether a contract can be executed directly between the Relief Nursery and DHS to expedite payment to Relief Nursery. At the date of this writing, no response has been received.

**B. Alternatives/Options**

1. To accept the motion and authorize the county administrator to sign the agreement. This will provide funding for the Alcohol & Drug Outreach Workers project and enable H&HS to execute a contract amendment extending the period of contract with Relief Nursery and funding the Accessing Success program in Lane County. After Relief Nursery has been paid for services provided, Lane County can again request a language change in the agreement. If the state chooses not to make the change, Lane County can give notice to the state and terminate our agreement. At that time Relief Nursery will be operating in a new fiscal year and can choose to enter into a direct contract with the state.
2. Not to accept the motion. This will leave Relief Nursery with eight months of non-reimbursed services, a deficit of \$83,889.

**C. Recommendation**

To approve number one above.

**D. Timing**

The fiscal year will end on June 30, 2005. Therefore it is urgent to act upon this recommendation, allowing time to process the IGA, receive payment from the state, execute a contract with Relief Nursery and make payment to the agency.

**IV. IMPLEMENTATION**

Upon action by the Board the IGA will be processed for signature and the subcontract will be written for Relief Nursery.

**V. ATTACHMENTS**

Board Order  
IGA with DHS for Alcohol & Drug Outreach Workers

**THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON**

**ORDER:**        ) IN THE MATTER OF AUTHORIZING THE COUNTY  
                  ) ADMINISTRATOR TO SIGN AN INTERGOVERNMENTAL  
                  ) AGREEMENT WITH THE OREGON DEPARTMENT OF HUMAN  
                  ) SERVICES IN THE AMOUNT OF \$397,368 TO FUND AN  
                  ) ALCOHOL & DRUG OUTREACH WORKERS PROGRAM.  
                  ) (DEPARTMENT OF HEALTH & HUMAN SERVICES)(34)

WHEREAS, the State of Oregon Department of Human Services has forwarded an intergovernmental agreement in the amount of \$397,368 for the period from May 2005 through April 30, 2008 to support Alcohol & Drug Outreach Workers, a peer support program for parents at risk of losing their children; and

WHEREAS, Lane County has accepted funds for these services each year since fiscal year 2000-01; and

WHEREAS, Lane Manual Chapter 21 sets forth policy regarding signatory authority of the county administrator; and

WHEREAS, the total amount of the IGA, \$397,368 exceeds the signatory authority of the county administrator;

NOW THEREFORE, IT IS HEREBY ORDERED, that the Board of County Commissioners authorize the county administrator to sign the intergovernmental agreement with the Oregon State Department of Human Services in the amount of \$397,368 for the period May 1, 2005 through April 30, 2008.

DATED this 22nd day of June, 2005.

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Anna Morrison, Chair  
Lane County Board Of Commissioners