

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Behavioral Health And Recovery Services

BOARD AGENDA # *B-4

Urgent

Routine

Robert

AGENDA DATE December 21, 2010

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Reimburse Maximus, Inc. for Legal/Consulting Services Incurred for Fiscal Year 2004-2005 Related to the State Mandates Commission Handicapped and Disabled Students Test Claims

STAFF RECOMMENDATIONS:

Authorize the Behavioral Health Director to reimburse Maximus, Inc. for legal/consulting services incurred for Fiscal Year 2004-2005 related to the State Mandates Commission Handicapped and Disabled Students test claims, based on receipt of State funding.

FISCAL IMPACT:

Behavioral Health and Recovery Services has received funding in the amount of \$123,731 from the California Commission on State Mandates which has been set aside for payment to Maximus, Inc. for consulting and legal services provided in Fiscal Year 2004-2005. There is no County General Fund impact associated with this request.

BOARD ACTION AS FOLLOWS:

No. 2010-769

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

Eight years and three Directors ago, the Department retained Maximus, Inc. as consultants and legal counsel to prepare and file, on behalf of Stanislaus County, a test claim with the Commission on State Mandates for the program commonly known as Handicapped and Disabled Students. Maximus, Inc. had previously contracted with Stanislaus County to provide consultation and preparation of the County's annual State Mandates claims through Senate Bill 90.

The State Mandates Commission made changes in 1986 related to allowable services, which resulted in the filing of several appeals, known as "test claims". The Counties of Stanislaus and Los Angeles each filed a request to amend the Parameters and Guidelines for two specific changes that became known as *Handicapped and Disabled Students (04-RL-4282-10)* and *Handicapped and Disabled Students II (02-TC-40/02-TC-49)*. These test claims were finally adjudicated in 2007.

The agreement with Maximus, Inc. dated October 17, 2002 contained a provision that they would defer reimbursement for their services until the County had been fully reimbursed by the State for the retroactive claims, which included Maximus, Inc.'s fees. In 2002, Board of Supervisors approval on contracts under \$100,000 was not required. At that time, the estimated amount of payment to Maximus, Inc. was unknown, so the agreement was not reviewed by the Board of Supervisors nor County Counsel.

In 2006, the Board of Supervisors adopted a policy requiring Board approval of any contract or agreement where the total cumulative compensation exceeds \$100,000. The Department is now asking the Board of Supervisors to approve the payment of \$123,731 to Maximus, Inc. as agreed upon under the contract. The County, in 2010, has received the funds as full reimbursement by the State for the services under these test claims and Maximus, Inc. has submitted an invoice for reimbursement of that sum. This sum, received from the State litigation for payment of litigation services and costs, is being held by the County.

POLICY ISSUE:

Approval of this item is consistent with the Board of Supervisors' priority of Effective Partnerships by appealing changes made by the State and leveraging resources for mandated services.

STAFFING IMPACT:

There is no staffing impact associated with the approval of this agenda item.

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