

October 18, 2006

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in special session on October 12, 2006, and recommends the following motions:

1. Discontinuance of downsizing agreement that Brown County has with the State of Wisconsin to reduce the nursing home beds to 40 beds by August 2007. Discontinue the downsizing agreement that Brown County has with the State of Wisconsin to reduce the nursing home beds to 40 by August 2007. Ayes: 6 (Fewell, LaViolette, Van Deurzen, Zabel, Zima, Evans); Nays: 1 (Scray). Motion Carried.
2. Amend Chapter 5.09 of Brown County Code of Ordinances in order to restore the County Board's authority to approve all human services contracts. Refer to Corporation Counsel with a request to draft a resolution. See Resolutions, Ordinances October County Board.
3. Require approval of the Brown County Board prior to Brown County returning any nursing home beds to the State of Wisconsin. Refer to Corporation Counsel with a request to draft a resolution. See Resolutions, Ordinances October County Board.
4. To certify Brown County Mental Health Center for Medicare clients and to evaluate the potential fiscal impact receiving Medicare Clients would have on future Brown County Levy. Request Corporation Counsel drafts a resolution for the County to proceed with obtaining Medicare Certification for the Mental Health Center. See Resolutions, Ordinances October County Board.

Approved by:

COUNTY EXECUTIVE

Date

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PROCEEDINGS OF THE BROWN COUNTY
HUMAN SERVICES COMMITTEE

Pursuant to Section 19.94 Wis. Stats., a special meeting of the **Brown County Human Services Committee** was held on Thursday, October 12, 2006 in Room 200 of the Northern Building – 305 East Walnut Street, Green Bay, Wisconsin



Present: Patrick Evans-Chair; Steve Fewell, Pat LaViolette, Mary Scray, Joe VanDeurzen, Chris Zabel, Guy Zima

Also Present: Supervisors Harold Kaye, Bill Clancy
Beth Manning, Tom Eggebrecht, Jessica Stoller
Other Interested Parties

1. Call Meeting to Order:

The meeting was called to order by Chairman Patrick Evans at 5:38 p.m. Chairman Evans announced that he has met with consultants the last two days to discuss a proposal related to building or remodeling at the Mental Health Center. Their report is expected within 30 days.

2. Approve/Modify Agenda:

Motion made by Supervisor LaViolette and seconded by Supervisor VanDeurzen to approve the agenda. MOTION APPROVED UNANIMOUSLY

3. Discontinuance of downsizing agreement that Brown County has with the State of Wisconsin to reduce the nursing home beds to 40 beds by August 2007:

Motion made by Supervisor LaViolette and seconded by Supervisor Zima to discontinue the downsizing agreement that Brown County has with the State of Wisconsin to reduce the nursing home beds to 40 by August 2007.

Supervisor VanDeurzen questioned whether it might be better to re-negotiate the agreement with the State rather than discontinue it.

Supervisor Zima pointed out that the County Board unanimously voted to reopen admissions because of a need in the community that is not being met. The census as of this date is 56 patients. It is the County Executive's goal, however, Zima stated, to reduce the number to 40 and eventually close the facility. To be pro-active, he urged a vote to discontinue the agreement and reopen admissions to keep the Mental Health Center open. He addressed the growing/aging population, being of the opinion that a 40 bed nursing home facility is not large enough for those who will be needing mental health services in the future.

Supervisor LaViolette also spoke in favor of discontinuing the state agreement, stating in her opinion, the County has a moral obligation to take care of the mentally ill. She noted that Outagamie and Manitowoc have facilities that are

doing well, while Milwaukee County is wrestling with decisions they've made regarding the mentally ill.

Supervisor Scray explained that she previously voted for the Admissions Policy because it allowed 60 days for evaluation. At this time, she would prefer to wait on this vote until the consultant's report is received. There will most likely be a budget shortfall in 2007 and Supervisor Scray expressed concern with what services may be cut. Although she believes there is a need for some type of facility for the mentally ill, in doing research, she found that numbers are decreasing because people are living healthier lives and living longer.

Supervisor Zabel arrived 6:00 p.m.

Supervisor Zima clarified that the consultants are here merely to do a peer review on the \$25 million project, to review plans for remodeling or building new. The decision on whether or not there will be a facility in this community or how big it is, is not up to them.

Chairman Evans indicated that the majority of the County Board members view the downsizing agreement between the State and Brown County as an illegal contract as it was never passed by the County Board as a resolution. The Board has now asked for a declaratory judgment against the County Executive and a law suit has been initiated to stop the agreement to downsize to 40 beds. In addition, the County Board has voted to open the Admissions Policy (26-0). Although it was not signed by the Executive, the legal amount of time has passed for it to become law.

Chairman Evans also reported that he has spoken with Dave Lund with the State of Wisconsin and when invited to attend a Board meeting, Lund refused, stating that the issue has been turned over to legal counsel and is pending with the State as they feel the agreement may not be a legal binding contract as it was not passed by the Brown County Board of Supervisors. Also discussed with Mr. Lund was the 40 beds, and Evans was informed this is not seen as a viable number.

The County Executive has stated that if a reduction is not made to 40 beds, the County will lose approximately \$2 million, however, the State explained the County will not lose that amount of money, but instead will not get any if the 40 bed limit is not reached. Evans stated he was also informed that the Executive signed the downsizing agreement one day after the deadline, again questioning the legality of the contract.

Evans also addressed the term "nursing home" stating that the County does not want to be in any kind of competition with area nursing homes, but instead wish to serve those patients that are difficult to handle.

Jessica Stoller, Assistant to the County Executive, pointed out that the phase out or downsizing payments are funded through a sum-sufficient appropriation at the State level, meaning that if the County was to meet the terms of the downsizing agreement, Brown County would be paid for that. Evans disputed that comment, stating that Mr. Lund informed him the State was "broke".

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Supervisor Fewell agreed it is not the goal of the County to compete with the private sector, but instead to maintain a safety net facility. He disagreed with Supervisor Scray's statements regarding a decreasing population, stating that in his opinion, there is a growing population over the age of 65 and statistics show they have increased psychiatric issues, including Alzheimer's and Dementia. He stated the goal should be to minimize the levy costs by not attempting to operate a facility where there are not enough patients to cover the fixed costs.

Supervisor Scray again stated although she is in favor of a Mental Health Center, she prefers a small one. She would prefer to wait for the declaratory judgment, and the consultant's report.

Vote taken on motion made by LaViolette and seconded by Zima to discontinue the downsizing agreement that Brown County has with the State of Wisconsin to reduce the nursing home beds to 40 by August 2007. Ayes: Fewell, LaViolette, VanDeurzen, Zabel, Zima, Evans Nays: Scray MOTION APPROVED.

4. **Amend Chapter 5.09 of Brown County Code of Ordinances in order to restore the County Board's authority to approve all Human Services Contracts:**

Motion made by Supervisor Fewell and seconded by Supervisor Zima to refer to Corporation Counsel with a request to draft a resolution. MOTION APPROVED UNANIMOUSLY

5. **Require approval of the Brown County Board prior to Brown County returning any nursing home beds to the State of Wisconsin:**

Motion made by Supervisor VanDeurzen and seconded by Supervisor Zima to refer to Corporation Counsel with a request to draft a resolution. MOTION APPROVED UNANIMOUSLY

6. **To certify Brown County Mental Health Center for Medicare clients and to evaluate the potential fiscal impact receiving Medicare clients would have on future Brown County Levy:**

Supervisor Fewell noted that Brown County, in addition to Dane County, has never been Medicare certified, stating that Brown County has attempted to avoid any competition with the private sector. At this time, it is realized there is potential for revenue if certified through Medicare.

Motion made by Supervisor LaViolette and seconded by Supervisor VanDeurzen to request Corporation Counsel draft a resolution for the County to proceed with obtaining Medicare Certification for the Mental Health Center. MOTION APPROVED UNANIMOUSLY

7. **Such other matters as authorized by law: None**

Motion made by Supervisor Zima and seconded by Supervisor LaViolette to adjourn at 6:45 p.m. MOTION APPROVED UNANIMOUSLY

Respectfully submitted,

Rae G. Knippel
Recording Secretary