



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Counsel



DATE: May 9, 2014
BOARD MEETING DATE: May 20, 2014
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors
FROM: John C. Beiers, County Counsel
SUBJECT: In-Home Supporting Services Advisory Committee

RECOMMENDATION:

Introduction of an ordinance amending and restating the membership requirements of the In-Home Supportive Services Advisory Committee, and waiver of reading the ordinance in its entirety.

BACKGROUND:

This matter is being introduced at the request of Supervisor Carole Groom and Supervisor Warren Slocum.

On September 21, 1993, pursuant to Welfare & Institutions Code sections 12301.3 and 12301.6, the Board of Supervisors adopted Ordinance No. 03508, which established the Public Authority for In-Home Supportive Services ("IHSS"), designated the Board of Supervisors as the governing board of IHSS (the "Governing Board"), and created the IHSS Advisory Committee (the "Advisory Committee").

The purposes of the Advisory Committee are, among other things, to advise the IHSS Governing Board on the delivery of IHSS services, and ensure the dignity and independence of elderly and disabled consumers of home care.

The Advisory Committee consists of eleven (11) members. Pursuant to Section 12301.6 of the Welfare & Institutions Code, six (6) of the members shall be individuals who are current or past users of personal assistance services paid for through public or private funds or recipients of In-Home Supportive Services as set forth and required by Article 7 of Chapter 3 of Part [3] of Division 9 of the Welfare &

Institutions Code. Pursuant to Ordinance No. 03508, the remaining five members must include one member of the Board of Supervisors of the County of San Mateo, as well as one member who is an independent provider of personal assistance services; one member who is a contract provider of personal assistance services; one member who is a representative of a community-based advocacy organization; and one member who is a representative of a home health agency.

On June 18, 2002, in Resolution No. 65337, the Board of Supervisors clarified the membership requirements of the Advisory Committee and set forth its rules of governance.

DISCUSSION:

The Welfare & Institutions Code does not require that a member of the Board of Supervisors serve on the Advisory Committee. Rather, the only applicable requirements are that the Advisory Committee be comprised of not more than 11 individuals, at least 50% of whom are individuals who are current or past users of personal services paid through public or private funds or as recipients of services and that the Board of Supervisors shall not appoint more than one county employee as a member of the advisory committee.

Amendment of the Advisory Committee's membership requirement to provide that one member shall be "one member of the Board of Supervisors of the County of San Mateo **or its appointee**" will provide additional flexibility to the Board of Supervisors and allow for greater public participation on the committee. The County Counsel's office has surveyed the membership requirements for the IHSS Advisory Committees of five other counties, and none require that a member of their board of supervisors sit on the Advisory Committee.

The ordinance should amend and restate the applicable sections of Ordinance No. 03508 regarding membership of the Advisory Committee, and incorporate the clarifications and rules of governance set forth in Resolution No. 65337.

FISCAL IMPACT:

There is no fiscal impact associated with the proposed amendment and restatement.