

AMENDMENT OF THE WHOLE - 3/2/05
FURTHER AMENDED IN COMMITTEE

FILE NO. 050120

ORDINANCE NO.

1 [Membership of the In-Home Supportive Services Public Authority Governing Body.]

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3 **Ordinance clarifying the process for appointing members to the In-Home Supportive**
4 **Services Public Authority (IHSS) Governing Body, and adding two additional members**
5 **(from representing the bargaining unit of the union that represents IHSS independent**
6 **providers, and a consumer at-large who is eighteen years of age or older).**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are *strikethrough italics Times New Roman*.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The San Francisco Administrative Code is hereby amended by amending
12 Section 70.2 to read as follows:

13 SEC. 70.2. MEMBERSHIP OF GOVERNING BODY.

14 (a) The governing body of the Authority shall be composed of 44 ~~42~~ 13
15 members appointed by the Board of Supervisors. ~~All appointments to seats on the governing~~
16 ~~body of the Authority that were made prior to March 1, 2004, are hereby approved by the~~
17 ~~Board of Supervisors. All appointments to seats on the governing body of the Authority that~~
18 ~~were made on or after March 1, 2004, without approval of the Board of Supervisors are void,~~
19 ~~and appointments to those now vacant positions shall be approved by the Board of~~
20 ~~Supervisors for the remainder of the three year terms applicable to each seat. The Board of~~
21 ~~Supervisors shall solicit recommendations for appointment of qualified members through a fair~~
22 ~~and open process, including reasonable written notice to, and affording reasonable response~~
23 ~~time from, the IHSS Authority, members of the general public, and other interested persons~~
24 ~~and organizations. No fewer than 50 percent of the membership shall be individuals who are~~
25 ~~current or past users of personal assistance services paid for through public or private funds~~

1 or who are recipients of IHSS, referred to in this Chapter as “consumers.”

2 (b) Membership categories on the governing body shall be as follows:

3 (1) Two consumers over the age of ~~60~~ 55 years, each authorized to
4 represent organizations that advocate for aging people with disabilities;

5 (2) Two consumers between the ages of 18 and 60 years, each authorized to
6 represent organizations that advocate for younger people with disabilities;

7 (3) One consumer at-large over the age of ~~60~~ 55 years;

8 (4) One consumer at-large between the ages of 18 and 60 years;

9 (5) One worker who provides personal assistance services to a consumer;

10 (6) One Commissioner from the Human Services Commission,
11 recommended to the Board by the Commission;

12 (7) One Commissioner from the Commission on the Aging, recommended to
13 the Board by the Commission;

14 (8) One Commissioner from the Health Commission, recommended to the
15 Board by the Commission;

16 (9) One member of the Mayor's Disability Council, recommended to the
17 Board by the Council.

18 (10) One member representing from the bargaining unit of the union that
19 represents IHSS independent providers.

20 (11) One consumer at-large who is 18 years of age or older.

21 (c) For purposes of Government Code Section 87103, and 2 California Code
22 of Regulations 18703.3, it is hereby found and declared that the persons appointed to this
23 governing body are appointed to represent and further the interests of the specific economic
24 interest which an individual member is appointed to represent.

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1 (d) Initial appointment of both the consumer and worker members shall be
2 made from a list of recommendations based on applications designed by, and submitted to,
3 the IHSS Task Force of Planning for Elders in the Central City. ~~Succeeding appointments of~~
4 ~~consumer and worker members shall be based on a procedure developed by the governing body of the~~
5 ~~Authority, within the first six months of operation, after receiving recommendations from the IHSS Task~~
6 ~~Force of Planning for Elders in the Central City. The governing body of the Authority may make~~
7 ~~recommendations to the Board of Supervisors for establishing procedures for consumer and worker~~
8 ~~member appointments.~~ Every attempt shall be made to assure that each appointee will be able
9 to serve the full term to which he or she has been appointed, in order to ensure continuity in
10 the work of the Authority.

11 (e) If during his or her term as a member of the governing body of the
12 Authority, a Human Services, Aging, or Health Commissioner or member of the Mayor's
13 Disability Council no longer serves on the Commission or Council, the body from which that
14 member came shall make another recommendation for appointment and notify the Board of
15 Supervisors of the end of that member's formal service on their respective Commission or on
16 the Council.

17 (f) After the terms of the initial period are complete, each appointment to the
18 governing body shall thereafter be for a three-year term. A member may be reappointed, but
19 may not serve more than a total of nine consecutive years on the governing body. The initial
20 appointment periods shall be staggered as follows:

- 21 (1) Three one-year terms;
- 22 (2) Four two-year terms; and
- 23 (3) Four three-year terms.

24 Upon appointment, members shall draw lots to determine the length of each member's
25

1 initial term. Members shall serve without compensation.

2 (g) Qualified applicants must reside in San Francisco and have: familiarity
3 with, or knowledge of, personal assistance services; the capacity to understand their role to
4 aid and assist the Authority in the administration of its duties; and the ability to attend regularly
5 scheduled meetings, which shall occur only in facilities which meet disability access
6 requirements. Those City departments from which Authority members are drawn shall
7 provide appropriate assistance to their respective representative in fulfilling his or her duties to
8 the Authority. Within the first 90 days, the members of the governing body of the Authority
9 shall receive orientation and training from the IHSS Task Force of Planning for Elders in the
10 Central City and the Department of Human Services regarding the functions and duties of the
11 Authority, current issues related to delivery of IHSS and the responsibilities of the Authority's
12 governing body. Each subsequent new member shall receive similar orientation and training
13 from Authority staff within 60 days of appointment.

14 (h) Regulations governing the grounds for removal from, and use of
15 alternates on, the governing body shall be proposed by the governing body and submitted to
16 the Board of Supervisors within 90 days of the date of the first meeting of the governing body.
17 These regulations and any proposed amendments shall be initiated exclusively by the
18 governing body and submitted to the Board of Supervisors for review, and shall become
19 effective within 90 days of the date of receipt by the Board, unless disapproved by the Board
20 by resolution. In exercising these review powers, the Board of Supervisors may only approve
21 or disapprove; it may not modify such regulations and proposed amendments.

22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By: _____
25 Theodore R. Lakey
Deputy City Attorney