

1 [IHSS Public Authority—Membership of Governing Body]
 2 AMENDING CHAPTER 70 OF THE SAN FRANCISCO ADMINISTRATIVE CODE TO
 3 CLARIFY THE PROCESS FOR REPLACING CITY REPRESENTATIVES ON THE
 4 IN-HOME SUPPORTIVE SERVICES GOVERNING BODY, AND TO CHANGE THE USE OF
 5 “SOCIAL” SERVICES TO “HUMAN” SERVICES.

6 Note: Additions are underlined; deletions are in ((double parentheses)).
 7 Be it ordained by the People of the City and County of San Francisco:

8 Section 1. Chapter 70 of the San Francisco Administrative Code is hereby amended by
 9 amending Section 70.2, to read as follows:

10 **SEC. 70.2. MEMBERSHIP OF GOVERNING BODY.**

11 (a) The governing body of the Authority shall be composed of 11 members appointed
 12 by the Board of Supervisors. The Board of Supervisors shall solicit recommendations for
 13 appointment of qualified members through a fair and open process, including reasonable
 14 written notice to, and affording reasonable response time from, members of the general public
 15 and interested persons and organizations. No fewer than 50 percent of the membership shall
 16 be individuals who are current or past users of personal assistance services paid for through
 17 public or private funds or who are recipients of IHSS, referred to in this Chapter as
 18 “consumers.”

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

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

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

24 (3) One consumer at-large over the age of 60 years;

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

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

2 (6) One Commissioner from the Human ((Social)) Services Commission,
3 recommended to the Board by the Commission;

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

6 (8) One Commissioner from the Health Commission, recommended to the Board by
7 the Commission;

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

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

14 (d) Initial appointment of both the consumer and worker members shall be made from a
15 list of recommendations based on applications designed by, and submitted to, the IHSS Task
16 Force of Planning for Elders in the Central City. Succeeding appointments of consumer and
17 worker members shall be based on a procedure developed by the governing body of the
18 Authority, within the first six months of operation, after receiving recommendations from the
19 IHSS Task Force of Planning for Elders in the Central City. Every attempt shall be made to
20 assure that each appointee will be able to serve the full term to which he or she has been
21 appointed, in order to ensure continuity in the work of the Authority.

22 (e) If during his or her term as a member of the governing body of the Authority, a
23 Human ((Social)) Services, Aging, or Health Commissioner or member of the Mayor's
24 Disability Council no longer serves on the Commission or Council, the body from which that
25 member came shall make another recommendation for appointment and notify ((to)) the

1 Board of Supervisors ((within 60 days)) of the end of that member's formal service on their
2 respective Commission or on the Council.

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

7 (1) Three one-year terms;

8 (2) Four two-year terms; and

9 (3) Four three-year terms.

10 Upon appointment, members shall draw lots to determine the length of each member's
11 initial term. Members shall serve without compensation.

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

24 (h) Regulations governing the grounds for removal from, and use of alternates on, the
25 governing body shall be proposed by the governing body and submitted to the Board of

1 Supervisors within 90 days of the date of the first meeting of the governing body. These
2 regulations and any proposed amendments shall be initiated exclusively by the governing
3 body and submitted to the Board of Supervisors for review, and shall become effective within
4 90 days of the date of receipt by the Board, unless disapproved by the Board by resolution. In
5 exercising these review powers, the Board of Supervisors may only approve or disapprove; it
6 may not modify such regulations and proposed amendments.

7 Section 2. Chapter 70 of the San Francisco Administrative Code is hereby amended by
8 amending Section 70.4, to read as follows:

9 **SEC. 70.4. FISCAL PROVISIONS.**

10 (a) In order to facilitate the implementation of the Authority in a timely manner, the
11 City Treasurer and the City Controller may enter into contracts with the Authority for the
12 provision of fiscal services, with or without compensation from the Authority, under such terms
13 and conditions as the Treasurer and Controller may require. If any such contract is executed,
14 the Controller shall establish and maintain a specific account or accounts for this purpose. In
15 addition, other City departments may enter into contracts with the Authority, with or without
16 compensation, for the provision of various services that may be needed by the Authority. All
17 such contracts are subject to the applicable approval process as required by the San
18 Francisco Charter, the San Francisco Administrative Code and the respective department
19 regulation and policy.

20 (b) In adopting this Chapter, the Board recognizes that the funding of IHSS is the
21 product of a complex relationship of federal, State and City financing, and that the ability of
22 the Authority to operate and to negotiate the wages and benefits of the providers of IHSS is
23 contingent upon the availability of adequate funding from all sources. Nothing in this Chapter
24 is intended to require the City to appropriate any funds for the operation of the Authority or for
25 the payment of wages or benefits to the providers of IHSS.

1 (c) The Department of Human ((Social)) Services shall be the financial liaison
2 between the City and County of San Francisco and the Authority. The Department of Human
3 ((Social)) Services shall take appropriate action in order to procure all available federal and
4 State funds for the administration and delivery of IHSS, and by contract, grant or agreement,
5 transfer monies procured from these sources and from any funds that the City may
6 appropriate, to the Authority for the operation of its designated functions, subject to the
7 budgetary and fiscal provisions of the San Francisco Charter and the San Francisco
8 Administrative Code. The Authority shall submit its annual funding request to the Department
9 of Human ((Social)) Services no later than the deadline determined by the Department of
10 Human ((Social)) Services ((no later than the deadline determined by the Department of
11 Social Services)) to enable the Department to prepare and submit its budget to the Mayor's
12 office. The Authority shall comply with all claiming and reporting deadlines set by the
13 Department of Human ((Social)) Services.

14 The total of all operating costs, wages and benefits proposed or established by the
15 Authority must be consistent with the provisions of the final City budget.

16 The Authority may not establish a payment rate that includes the costs of wages,
17 benefits and operation, until the governing body of the Authority makes a finding that the
18 funds necessary for payment of that rate are legally available.

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1 (d) If and when the federal or State agencies responsible for IHSS promulgate
2 regulations that authorize and create direct funding mechanisms for the Authority, the
3 Authority and the Department of Human ((Social)) Services may modify their agreements to
4 facilitate that direct financial relationship.

5
6 APPROVED AS TO FORM:

7 LOUISE H. RENNE, City Attorney

8
9
10 By:



Virginia Dario Elizondo
Deputy City Attorney



City and County of San Francisco

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Tails

Ordinance

File Number: 000354

Date Passed:

Ordinance amending Chapter 70 of the San Francisco Administrative Code to clarify the process for replacing City representatives on the In-Home Supportive Services Governing Body, and to change the use of "Social" Services to "Human" Services.

April 10, 2000 Board of Supervisors — PASSED, ON FIRST READING

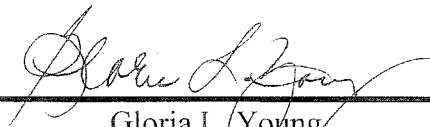
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

April 17, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Becerril, Brown, Kaufman, Leno, Newsom, Yaki, Yee
Absent: 3 - Bierman, Katz, Teng

File No. 000354

I hereby certify that the foregoing Ordinance was FINALLY PASSED on April 17, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

APR 28 2000

Date Approved



Mayor Willie L. Brown Jr.