



## LEGISLATIVE ANALYST REPORT

**To:** Members of the Rules Committee  
**From:** Shauna Johnson, Office of the Legislative Analyst  
**Date:** February 28, 2005  
**Re:** **IHSS Public Authority Governing Body Appointment Process**

### SUMMARY OF REQUESTED ACTION

Supervisor Alioto-Pier requested that the Office of the Legislative Analyst research how all other counties in California appoint members to the governing body of their IHSS public authority.

### BACKGROUND

The In-Home Supportive Services (IHSS) program was created by each county to provide services to qualified aged and disabled persons, allowing them remain in their homes while receiving personal care services. In an attempt to improve the IHSS program for consumers and providers, the idea of a public authority was developed to work in conjunction with the IHSS program. In 1999, California passed AB 1682, requiring that on or before January 1, 2003, each county shall act as, or establish an employer of record for the IHSS program. According to Section 12301.6 of the Welfare and Institution Code, a county board of supervisors has the authority to do either of the following:

1. Contract with a nonprofit consortium to provide for the delivery of IHSS.
2. Establish, by ordinance, a public authority to provide for the delivery of IHSS.

Each public authority must have a designated governing body to conduct program oversight, including making appointments to the advisory committee and providing recommendations on service enhancements and IHSS operations.

### FINDINGS

In San Francisco, the IHSS public authority has an independent governing body. The members include: one Commissioner recommended from each of three San Francisco Departments: the Department of Aging and Adult Services (DAAS), the Department of Human Services (DHS), and the Department of Public Health (DPH); one member recommended by the Mayor's Disability Council; six current or past users of personal assistance services; and one home care worker representative. According to the San Francisco Administrative Code, "the governing body of the Authority shall be composed of 11 members appointed by the Board of Supervisors. The Board of Supervisors shall solicit recommendations for appointment of qualified members through a fair and open process, including

reasonable written notice to, and affording reasonable response time from, members of the general public and interested persons and organizations.” The Board of Supervisors made the initial appointments to the public authority governing body upon its establishment in 1995. However, the IHSS public authority has made all subsequent appointments.

Upon further research among the 58 California counties regarding IHSS public authority and governing board appointment authority, the OLA found the following:

- There are 9 counties with independent governing bodies<sup>1</sup> ( Amador, Los Angeles, Marin, Monterey, Nevada, Plumas, San Francisco, San Luis Obispo, and Sierra). Among all of these counties, the board of supervisors is designated to appoint members to the public authority governing body.
- 41 counties have ordinances that designate the board of supervisors as the governing body of the public authority.
- 3 counties (Alpine, Trinity, Tulomne) do not have a public authority.

Attachment 1 lists the appointment authority of the IHSS governing body by county.

### **METHODOLOGY**

The OLA surveyed the 58 California counties regarding their IHSS public authority and governing body.<sup>2</sup> The OLA used the Internet to search through county public authority websites and made phone calls to public authority administrators to obtain information. Specifically, the OLA asked the following questions:

1. Who is the governing body of the IHSS public authority?
2. Who has the authority to appoint members to the public authority?
3. How many members serve on the governing body?
4. What year was the public authority established?

Additionally, the OLA contacted the California Association of Public Authorities, the California Department of Aging, the California State Association of Counties, and the California State Assembly.

### **CONCLUSION**

In California, the majority of county IHSS public authority governing bodies is the board of supervisors. They have no appointing authority to the governing body as their appointments are established through county ordinances. There are a small number of public authorities with independent governing bodies and the board of supervisors holds the appointing authority within these counties. Of the counties that were surveyed, in no instances did I find that a county public authority made appointments to the governing body.

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<sup>1</sup> An independent governing body is an entity that is separate from the county.

<sup>2</sup> The OLA obtained information for 52 of the 58 California counties, as 6 counties could not be reached.

**Attachement 1:** Appointment Authority to the IHSS Public Authority Governing Body.

County	Year Established	Population	IHSS Public Authority Governing Body	# of Members	Appointing Authority
Alameda	1995	1,496,200	Board of Supervisors (acting as the Board of Directors)	5	Board of Supervisors
Alpine	N/A	1,210	No public authority	N/A	N/A
Amador	2003	36,500	Independent governing body	5	Board of Supervisors
Butte	2002	210,400	Board of Supervisors (acting as the Board of Directors)	5	N/A
Calaveras	2002	42,450	Board of Supervisors (acting as the Board of Directors)	5	N/A
Colusa	2003	19,700	Board of Supervisors (acting as the Board of Directors)	5	N/A
Contra Costa	2001	994,900	Board of Supervisors (acting as the Board of Directors)	5	N/A
Del Norte	2003	27,850	Board of Supervisors (acting as the Board of Directors)	5	N/A
El Dorado	2002	166,000	Board of Supervisors (acting as the Board of Directors)	5	N/A
Fresno	2002	841,400	Board of Supervisors (acting as the Board of Directors)	5	N/A
Glenn	2003	27,050	Board of Supervisors (acting as the Board of Directors)	5	N/A
Humboldt	2003	128,300	Board of Supervisors (acting as the Board of Directors)	5	N/A
Imperial		150,900			
Inyo*		18,350			
Kern	1999	702,900	Board of Supervisors (acting as the Board of Directors)	5	N/A
Kings	2002	136,100	Board of Supervisors (acting as the Board of Directors)	5	N/A
Lake	2005	61,300	Board of Supervisors (acting as the Board of Directors)	5	N/A
Lassen	2002	34,950	Board of Supervisors (acting as the Board of Directors)	5	N/A
Los Angeles	2000	9,979,600	Independent governing body	15	10 appointed by Board of Supervisors, 5 appointed by Dept. Social Services and approved by the Board of Supervisors
Madera	2003	131,200			
Marin	2002	250,400	Independent governing body including members from the Commission on Aging, Adult Services Social Worker, and the Executive Director for the Marin Center for Independent Living	11	Board of Supervisors
Mariposa	2004	17,450	Board of Supervisors (acting as the Board of Directors)	5	N/A
Mendocino	2001	88,200	Board of Supervisors (acting as the Board of Directors)	5	N/A
Merced	2003	225,500	Board of Supervisors (acting as the Board of Directors)	5	N/A
Modoc*		9,325			
Mono*		13,350			

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County	Year Established	Population	IHSS Public Authority Governing Body	# of Members	Appointing Authority
Monterey	1999	415,800	Independent governing body including members representing the Community Action Partnership, the Area Agency on Aging, the Social Services Commission, and consumers and providers of IHSS	11	Board of Supervisors
Napa	2003	129,800	Board of Supervisors (acting as the Board of Directors)	5	N/A
Nevada**	2002	95,700	Independent governing body including multi-county and volunteer members	11	Board of Supervisors
Orange	2003	2,978,800	Board of Supervisors (acting as the Board of Directors)	5	N/A
Placer	2002	275,600	Board of Supervisors (acting as the Board of Directors)	5	N/A
Plumas**	2002	20,900	Independent governing body including multi-county and volunteer members	11	Board of Supervisors
Riverside	2002	1,705,500	Board of Supervisors (acting as the Board of Directors)	5	N/A
Sacramento	2000	1,308,600	Board of Supervisors (acting as the Board of Directors)	5	N/A
San Benito	2003	56,300	Board of Supervisors (acting as the Board of Directors)	5	N/A
San Bernardino	2000	1,833,000	Board of Supervisors (acting as the Board of Directors)	5	N/A
San Diego	2001	2,961,600	Board of Supervisors (acting as the Board of Directors)	5	N/A
San Francisco	1995	791,600	Independent governing body. The members include one Commissioner recommended from each of three San Francisco Departments: the Department of Aging and Adult Services (DAAS), the Department of Human Services (DHS), and the Department of Public Health (DPH); one member recommended by the Mayor's Disability Council; six current or past users of personal assistance services; and one home care worker representative.	11	Board of Supervisors
San Joaquin	2003	613,500	Board of Supervisors (acting as the Board of Directors)	5	N/A
San Luis Obispo	2002	256,300	Independent governing body including the following members: personal attorney, accessibility specialist, Alzheimer organization coordinator, care givers, representatives of disabled people, seniors	11 and 2 alternates	Board of Supervisors
San Mateo	2003	717,000	Board of Supervisors (acting as the Board of Directors)	5	N/A
Santa Barbara	2002	410,300	Board of Supervisors (acting as the Board of Directors)	5	N/A
Santa Clara	1998	1,729,900	Board of Supervisors (acting as the Board of Directors)	5	N/A
Santa Cruz	2002	259,800	Board of Supervisors (acting as the Board of Directors)	5	N/A

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<b>County</b>	<b>Year Established</b>	<b>Population</b>	<b>IHSS Public Authority Governing Body</b>	<b># of Members</b>	<b>Appointing Authority</b>
Shasta	2003	172,000	Board of Supervisors (acting as the Board of Directors)	5	N/A
Sierra**	2002	3,520	Independent governing body including multi-county and volunteer members	11	Board of Supervisors
Siskiyou	2003	44,400	Board of Supervisors (acting as the Board of Directors)	5	N/A
Solano	2002	412,000	Board of Supervisors (acting as the Board of Directors)	5	N/A
Sonoma	2001	472,700	Board of Supervisors (acting as the Board of Directors)	5	N/A
Stanislaus	2004	481,600	Board of Supervisors (acting as the Board of Directors)	5	N/A
Sutter	2002	83,200	Board of Supervisors (acting as the Board of Directors)	5	N/A
Tehema	2003	57,500	Board of Supervisors (acting as the Board of Directors)	5	N/A
Trinity	N/A	13,300	No public authority	N/A	N/A
Tulare	2003	386,200	Board of Supervisors (acting as the Board of Directors)	5	N/A
Tuolumne	N/A	56,500	No public authority	N/A	N/A
Ventura	2003	791,300	Board of Supervisors (acting as the Board of Directors)	5	N/A
Yolo	2001	181,300	Board of Supervisors (acting as the Board of Directors)	5	N/A
Yuba	2003	62,800	Board of Supervisors (acting as the Board of Directors)	5	N/A
* Denotes Regional Public Authority					
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