

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

626



FROM: Department of Public Social Services for
In-Home Supportive Services Public Authority

SUBMITTAL DATE:
July 31, 2012

SUBJECT: Revised In-Home Supportive Services Advisory Committee By-laws

RECOMMENDED MOTION: That the Board of Supervisors approves the attached revised In-Home Supportive Services Advisory Committee By-laws as of June 2012.

BACKGROUND: The Riverside County In-Home Supportive Services (IHSS) Advisory Committee operates pursuant to Ordinance 819 of Riverside County. The IHSS Advisory Committee serves as a liaison for communication between the Board of Supervisors, the IHSS Public Authority, the Department of Public Social Service (DPSS) and IHSS consumers and their providers (home case workers) in the Riverside County IHSS program. A vote to recommend the attached revised By-laws was given during the September 1, 2011 Advisory Committee meeting and they are hereby submitted for Board approval.

FORM APPROVED COUNTY COUNSEL
 BY: *Elena M. Boeva* 7-11-12
 ELENA M. BOEVA
 DATE: Departmental Concurrence

Susan Loew

Susan Loew, Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	FY 12/13

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Debra Cournoyer*
Debra Cournoyer

County Executive Office Signature

Policy
 Policy

Consent
 Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: N/A

District: All

Agenda Number:

2.14

BACKGROUND (Continued):

The following modifications/substitutions have been made to the By-laws:

Item	Detail
Substitution of ORD 809 with ORD 819	<ul style="list-style-type: none"> The reference to Ordinance 809 (repealed in Section 22 of Ordinance 819) was substituted with Ordinance 819 (effective 7/11/2002) throughout the By-laws.
Substitution of Titles	<ul style="list-style-type: none"> The Chairman and Vice Chairman titles were substituted with Chair and Vice Chair throughout the By-laws.
Mission and Purpose	<ul style="list-style-type: none"> This section was added to reflect the IHSS Advisory Committee's mission statement.
Parliamentary Authority of the Committee	<ul style="list-style-type: none"> This section was added to reflect that the current edition of Robert's Rules of Order is to be used to govern the Committee, as applicable.
Membership of the Committee	<ul style="list-style-type: none"> The Membership of the Committee is defined in greater detail and shows which category of member will be recruited from which Supervisorial District. Each District has equal IHSS consumer representation. A subsection was added, <i>Recommendation for Replacement of Members</i>, as set forth in Section 15 of Ordinance 819. The Committee established an Executive Committee, composed of the Chair, Vice-chair and the Secretary to set up priorities and projects between meetings.
Meetings of the Committee	<ul style="list-style-type: none"> The Committee will meet quarterly and will also adopt a budget annually. A quorum of the Committee is the presence of a majority of the members instead of the presence of 50% of the seated members.

FINANCIAL: There is no financial impact.

ATTACHMENT: IHSS Advisory Committee By-laws (June 2012)

**COUNTY OF RIVERSIDE
IN-HOME SUPPORTIVE SERVICES
ADVISORY COMMITTEE**



BY-LAWS

June 2012

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**BY-LAWS OF THE RIVERSIDE COUNTY IN-HOME SUPPORTIVE SERVICES
ADVISORY COMMITTEE**
(The 'Committee')

In order to provide for an efficient and expeditious handling of public business, and of the business of the Riverside County In-Home Supportive Services Advisory Committee (the "Committee"), the following by-laws are promulgated. Whenever possible, the rules and procedures shall be construed generally and failure to observe them shall not affect the jurisdiction of the committee or invalidate any action taken at a meeting otherwise held in conformity with the law.

I. BACKGROUND OF THE COMMITTEE

The Riverside County In-Home Supportive Services Advisory Committee (the "Committee"), was established on February 6, 2001 pursuant to Ordinance 809 (no longer operative, repealed per Ordinance 819 effective 7-11-02) of Riverside County.

II. NAME OF THE COMMITTEE

The name of this committee shall be *Riverside County In-Home Supportive Services Advisory Committee (IHSS AC)*.

III. PURPOSE AND INTENT OF THE COMMITTEE

The purpose and intent of the committee shall be that as set forth in, section 18 of ordinance 819 as may be amended from time to time.

IV. MISSION AND PURPOSE

The mission of this committee is to assist IHSS consumers in living with authority safely in their own homes.

The purpose of the IHSS Advisory Committee is to serve as a liaison for communication between the Board of Supervisors, IHSS Public Authority, Department of Public Social Services, and the consumers/clients and their providers (home care providers) in the Riverside County IHSS program. In the course of educating, empowering and advocating for the IHSS community, it is the Committee's responsibility to seek out input from those participating in IHSS, incorporate their voices in reports to all stakeholders, and recommend ongoing improvements to the IHSS program.

V. PARLIAMENTARY AUTHORITY OF THE COMMITTEE

The rules contained in the current edition of Robert’s Rules of Order, Newly Revised, shall govern the committee in all cases in which they are applicable.

VI. MEMBERSHIP OF THE COMMITTEE

A. Members of the Committee

The membership of the committee shall consist of eleven (11) members as established pursuant to section 13 of Ordinance 819, as may be amended from time to time. As of the date of these by-laws, the membership is set forth as:

“Six residents of the county who are currently or former recipients of the IHSS program; one member of the County of Riverside Office on Aging advisory committee; two residents of the county who are current or former providers of IHSS; one county resident representing organizations in the county that advocate for people with disabilities; the Director of the Department of Public Social Services or a designee.”

Membership of each recipient will be assigned according to their Supervisorial District, ensuring equal participation on the committee. The Committee as needed will advise the Board of Supervisors, if there is a need to have more than one recipient due to caseload growth. If a viable recipient is not available to fill a particular vacancy, the committee may request the vacancy be filled with a provider instead. No more than three providers will be allowed to be appointed to the committee.

CATEGORY – Primary Members	SUPERVISORIAL DISTRICT
Consumer	1
Consumer	2
Consumer	3
Consumer	4
Consumer	5
Consumer (geographically remote)	At Large Any District
Home Care Provider	At Large Any District
Home Care Provider	At Large Any District
Advocate for Organizations Serving People with Disabilities Designee	At Large Any District
Council on Aging Designee	Not Applicable
DPSS Designee	Not Applicable

The appointment, term, vacancies and removal of members shall be as set forth in Sections 14 and 15 of Ordinance 819, with the following additions:

B. Recommendation for Replacement of Members.

The Committee, by an affirmative vote of two-thirds of the members constituting Committee, may recommend to the Board of Supervisors replacement of an IHSS AC member if he/she:

1. Has failed to attend 50% of the IHSS AC meetings without an approved leave of absence within a calendar year without justification or as a pattern of other responsibilities taking higher priority, notwithstanding their stated commitment to the Committee.
2. Does not abide by the Committee's Bylaws.
3. No longer satisfies the requirements necessary to represent the constituency when he/she was appointed to serve as set forth in the Ordinance.
4. The conduct of a member fails to comply with county policy.
5. The member no longer wishes to serve on the Committee.

C. Election of Chair, Vice Chair and Secretary of the Committee

The committee shall elect their officers in June to prepare for the coming year. In order to provide a rotation system that allows for an orderly selection consistent with the intent of the Board of Supervisors Policy A-21 the AC shall elect officers as follows:

1. Whenever possible and appropriate, the vice chair from the previous year shall be automatically nominated as chair the subsequent year.
2. Neither the chair nor vice chair shall occupy the same office for more than one year at a time, and a person who serves as chair one year shall not serve as vice chair the following year.
3. In the event the chair vacates that office for any reason, the vice chair automatically assumes the office of chair, and shall call for an election at the next meeting of the advisory group to fill the office or vice chair in the manner specified above.

No later than the third meeting in accordance with the Board of Supervisors Policy A-21, Section 7, each advisory group shall choose a chair, vice chair and secretary. This shall be done at least annually. The Vice Chair can be elected to be the Chair but not to be a Vice Chair for a second year. The Vice Chair shall preside over any meetings of the Committee in the absence of the Chair.

When a committee has been appointed, it's Chair (or first-named member temporarily acting) should call it together. If its Chair fails to call a meeting, the Committee must meet on the call of any two of its members. The quorum in a committee is a majority of its membership.

D. Establish an Executive Committee (EC)

The Committee will establish an Executive Committee, composed of the Chair, Vice Chair and the Secretary. The EC will set up priorities and projects between meetings. Any action or decision of the EC will be presented to the whole committee at the next regular meeting for discussion and approval as applicable.

E. Term Limits

Consumers, Home Care Providers and the members representing organizations serving people with disabilities and the Office on Aging shall be appointed to one term of two years. Incumbents may be reappointed for one additional consecutive term allowing for four consecutive years of service. The DPSS member is not subject to term limits.

Members no longer eligible to serve due to term limits must remain off the AC for twenty-four months following their last month of service before they can seek reappointment.

VII. MEETINGS OF THE COMMITTEE

A. The Committee will meet quarterly.

B. The committee will annually adopt a budget for the use of limited funding allotted to the committee through the Public authority budget.

C. All Meetings of the committee shall be subject to the Brown Act, (Government Code Sections 54950 *et seq.*), as may be amended from time to time.

D. All meetings of the committee shall be recorded by the Secretary of the Committee for the purpose of transcribing the official, written minutes of the committee.

E. All meetings shall be open and public.

The notice of the meeting shall be posted in the manner required under the Brown Act by the Clerk of the Board for Riverside County, and at the Department of Public Social Services of Riverside County.

F. Special meetings of the committee may be called and noticed as allowed by the Brown Act, as may be amended from time to time, and may be held at a location different from the location of the regular meetings of the committee, upon proper notice.

G. Any business not considered at a meeting of the committee shall be either: (1) continued to the next regularly scheduled meeting, or (2) adjourned to a date and time as designated by the committee.

H. A quorum is necessary for any regular or special meeting of the committee. A quorum of the committee is the presence of a majority of the members.

I. During regular meetings, the business of the committee shall be taken up for consideration and disposition in the following order, although the order may be altered by necessity:

1. Call to order by Chair, or Vice Chair in the absence of the Chair; if both are absent, those present shall elect an acting Chair for the conduct of the meeting;

2. Approval of the minutes from the prior meeting;
3. Reports, Discussions, and Action Items;
4. Public Comment;
5. Public Hearing (when scheduled and noticed by the Advisory Committee, pursuant to the Brown Act);
6. Adjournment.

The order of business as noted above may be changed for any purpose during a meeting by the Chair.

- J. The Secretary, or his or her designee, shall attend all meetings of the Committee, unless excused, and record and transcribe the minutes of each meeting of the Committee.
- K. Meetings may be adjourned by either the lack of a quorum of members, or by the Secretary to the Committee when all members are absent, as provided by the Brown Act.
- L. In accordance with the Brown Act rules, Government Code section 54953.3, the sign-in sheet shall be circulated to members of the public during the Committee meetings. Included in the sign-in sheet must clearly state that, signing, registering, or completion of the document is voluntary and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

VIII. AGENDAS

- A. Agendas for the Committee shall be prepared by the Secretary of the Committee, subject to review by the Chair. The Chair shall be responsible for determining when and what items are to be included, provided, however, that any Board Member may include an item on an agenda, in accordance with the provisions of the Brown Act.
- B. Items to be included on the agenda for a regular meeting shall be submitted to the Secretary of the Committee no later than 10 days prior to the meeting, unless a legal holiday necessitates moving the agenda deadline to an earlier time and date. Documents or reports accompanying an agenda item shall be submitted to the Secretary of the Committee no later than 10 days prior to the meeting.
- C. Items for a special meeting shall be submitted to the Secretary of the Committee on or before such time and date as he or she directs.
- D. No action or discussion shall be taken on any item not appearing on the posted agenda, except that Board Members may briefly respond to statements made or questions posed by persons exercising their public testimony rights. In addition, Board Members, on their own initiative, or in response to questions posed by the public, may ask a question for clarification; provide a reference to staff to other resources for factual information, or request staff to report back to the Committee at a subsequent meeting concerning any matter. Furthermore, a Committee member, or the Committee, may direct staff to place a matter of business on a future agenda.

- E. Notwithstanding Section VIII.D., any item not on the agenda may be considered by the Committee by a majority vote of seated members under the following conditions (prior to discussing any such item, the Committee shall publicly identify the item):
 - (1) Upon a determination that an emergency situation exists; that there is a need to take immediate action and the need for action came to the attention of the Committee subsequent to the agenda being posted.
 - (2) The item was previously posted for a meeting that was held not more than five (5) days earlier, and at the prior meeting, the item was continued to the meeting at which action is being taken.
- F. All resolutions, agreements, leases, contracts and any other legal documents shall be reviewed and approved by the office of County Counsel prior to submission to the Committee.

IX. MINUTES

- A. Minutes shall be recorded and transcribed of all meetings of the Committee, except closed sessions, which minutes shall include, without limitation, the date, hours and place of the meetings, notice of the meeting, names of the Committee members and staff present and absent, and any action taken by the Committee. Discussion of Committee members regarding agenda items shall not be documented in the minutes, unless a Committee member requests his or her comments to be placed "on the record."
- B. If any Committee member arrives after the meeting has commenced or departs before the adjournment, the minutes shall indicate such time of arrival and departure.
- C. Written reports or other written forms of communication submitted at a Committee meeting shall be included in the minutes with a record of action, if any, taken by the Committee on the report or other written communication, and shall be made available to the public.
- D. A summary of the oral reports and other forms of oral communication shall be included in the minutes.
- E. The titles and numbers of resolutions and other matters shall be included in the minutes.
- F. The time of adjournment of all meetings of the Committee shall be entered into the minutes.
- G. Any board member shall have the right to have his or her dissent from, or his or her protest against, any action taken by the Committee entered into the minutes by requesting that his or her remarks be made "of record" at the time such dissent or protest is made.

- H. Unless the reading of the minutes of the Committee meeting is requested by a Committee member, such minutes may be approved without reading if a copy thereof has been previously provided to each Committee member.

X. DUTIES OF THE COMMITTEE

The duties of the Committee are:

- A. Those duties set forth in section 18 of Ordinance 819 may be amended from time to time.
- B. The Committee may furthermore exercise those duties as set forth by the legislature in sections 12301.3, 12301.4 and 12301.6 of the Welfare and Institutions Code, as may be amended from time to time, or in any other relevant legislation.

XI. OFFICIAL ACTION

All official actions of the committee shall be by resolution.

XII. PUBLIC COMMENT

- A. Any person may comment and otherwise address the Committee regarding any matter relating to the Riverside County In-Home Supportive Services Advisory Committee, in accordance with the provisions as set forth herein. Such comment(s) shall be made during the time set aside for public comments on the agenda, except, when otherwise allowed by the Chair of the Committee. Preference will be given to those persons who have first submitted a request in writing to the Secretary of their desire to make a comment, or otherwise address the Committee.
- B. Each person addressing the committee will be asked to:
 - (1) State his or her name and address.
 - (2) Limit comments to three (3) minutes, unless the Chair of the Committee allows additional time.
 - (3) Address comments to the Committee.
- C. If an identifiable group of persons desires to address the Committee on the same subject matter or agenda item, the Chair of the Committee may request that a spokesperson be selected by the group to address the Committee. If different issues are to be presented on the subject matter or agenda item by any other member of the group, the Chair may limit the number of persons and the time period for speaking as he or she deems appropriate in order to avoid unnecessary repetition of issues.
- D. Any person making personal, impertinent, slanderous or profane remarks, or who becomes unruly while addressing the Committee, may be barred from further speaking and may be ejected if his or her conduct disrupts the meeting, in accordance with the provisions herein, and applicable law.

- E. In the event any meeting is willfully interrupted by a person or person(s) so as to render the orderly conduct of such meeting infeasible, and order cannot be restored by the removal of the individual(s) who are willfully interrupting the meeting, the Chair, or Vice Chair in the absence of the Chair, may order the meeting room cleared and continue in session.

XII. PROCEDURE

- A. In the event a dispute arises concerning conduct and/or procedural matters not specifically addressed herein, then the Chair, or the Vice Chair in the absence of the Chair, may resolve and otherwise rule on the matter(s), unless the Committee by appropriate motion made and carried, deems otherwise.
- B. Procedure with respect to motions shall be as follows:
 - (1) When a motion is under consideration by the Committee, no other motion shall be received unless a decision has been made of one of the following:
 - (a) To adopt and approve the motion;
 - (b) To continue to a certain date;
 - (c) To direct staff on the matter, and continue to a later date for consideration;
 - (d) To amend the motion;
 - (e) To postpone indefinitely, or 'table' the motion.
 - (2) When a motion is seconded, it shall be stated by the Chair before consideration of any other matter may begin.
- C. A Committee member called to order by the Chair shall relinquish the floor unless allowed to explain and the Committee, if appealed to, shall resolve the matter. If there is no appeal, the ruling of the Chair shall be final.
- D. Procedure with respect to voting shall be as follows:
 - (1) A motion will be passed only if the following conditions exist:
 - (a) A quorum is present;
 - (b) A simple majority of the voting members present approve the motion.
 - (2) An abstention by any member casts no vote whatsoever, and hence, shall not be considered for purposes of determining whether an affirmative action was taken by the committee.
 - (3) A member may vote on a legislative or quasi-legislative matter even though he or she missed all or part of the discussion or public hearing.
 - (4) A member may not vote on a judicial or quasi-judicial matter if he or she missed all or part of the public hearing, unless he or she considers and appraises the evidence prior to participating in the decision.

XIV. PUBLIC HEARINGS

- A. Public hearings shall be held by the Committee when required by law and when called for by the Committee.
- B. Procedurally, a public hearing shall be opened by the Chair, and at the conclusion thereof, it shall be closed by the Chair.

XV. AMENDMENTS TO THE BY-LAWS

The by-laws may be amended from time to time, upon official action of adoption by the Committee and after approval by the Board of Supervisors for Riverside County.

XVI. DISSOLUTION OF THE COMMITTEE

The Committee may only be dissolved by action of the Board of Supervisors of Riverside County.

XVII. INDEMNIFICATION AND DEFENSE OF EMPLOYEES

- A. The following definition shall apply to the Riverside County In-Home Supportive Services Advisory Committee:

"Committee Members" shall include all persons appointed by the Riverside County Board of Supervisors to the Committee.

- B. With respect to any civil claim or action against any Committee member, or a person who formerly occupied such position, for an injury arising out of an act or omission occurring within the scope of such person's duties, the Riverside County In-Home Supportive Services Advisory committee shall indemnify, hold harmless and defend such person to the full extent required under applicable sections of the Government Code sections 810 *et. seq.*
- C. Nothing herein shall be construed to require the Riverside County In-Home Supportive Services Advisory Committee to indemnify and hold harmless any Committee member, or a person who formerly occupied such position, if the Riverside County In-Home Supportive Services Advisory Committee has elected to conduct the defense of such person(s) pursuant to an agreement reserving Riverside County In-Home Supportive Services Advisory Committee's rights not to pay a judgment, compromise or settlement until it is established that the injury arose out of an act or omission occurring within the scope of his or her duties with the Committee.

XVIII. SEVERABILITY AND INVALIDITY

If any provision of these by-laws, or any Amendment thereto is found to be invalid, void or unenforceable by any court of competent jurisdiction, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way, and shall be in effect only to the extent that they are in compliance with applicable laws without invalidating the remaining provisions.

XIX. CONFLICT OF INTEREST FORMS

- A. All members of the Committee shall be required to complete the Conflict of Interest Forms, entitled "Statement of Economic Interests for Designated Officials and Employees", Form 700 of the Fair Political Practices Committee (FPPC), in accordance with the requirements of the FPPC and in accordance with the requirements of the Conflict of Interest Code as adopted by Riverside County.

- B. All members of any advisory bodies to the committee, or to the Board of Supervisors for In-Home Supportive Services issues, shall also be required to complete the Conflict of Interest forms, entitled "Statement of Economic Interests for Designated Officials and Employees", Form 700 of the Fair Political Practices Committee (FPPC), in accordance with the requirements of the FPPC and in accordance with the requirements of the Conflict of Interest Code as adopted by Riverside County.