



## **Minutes**

**CalEPA Headquarters Building**

**Byron Sher Auditorium**

**1001 I Street, Sacramento, CA 95814**

**February 23, 2015**

**1:00 PM – 5:00 PM**

### **Agenda Item 1: Call to Order, Roll Call, Welcome and Opening Remarks**

California Department of Social Services (CDSS) Director Will Lightbourne called the meeting to order at 1:09 pm. IHSS Statewide Authority Members introduced themselves and made opening remarks and then roll was called.

#### **Members Present:**

Michael Cohen – Director, Department of Finance

Jennifer Kent – Director, Department of Health Care Services (DHCS)

Will Lightbourne – Director, CDSS

Michael Powers – County Executive Officer, Ventura County

#### **Absent:**

David Twa – County Administrator, Contra Costa County

### **Agenda Item 2: Administrative Items**

#### **Presentation**

#### **a. Conduct of Meeting**

##### **Robert's Rules of Order/Bagley-Keene Act**

Mark Sumner, Senior Staff Counsel, Office of Legal Services, Department of Mental Health Care, provided a presentation on Robert's Rules of Order and the Bagley-Keene Act.

#### **b. California Department of Social Services Transition Report**

Karol Swartzlander provided a Transition Report focused on the operational infrastructure established to support the IHSS Statewide Authority and activities conducted by CDSS and the California Department of Human Resources (CalHR) on behalf of the IHSS Statewide Authority prior to February 23, 2015.

**c. Election of Chairperson and Vice-Chairperson**

**Motion/Action:** Mr. Cohen nominated Mr. Lightbourne to serve as Chairperson. Ms. Kent seconded the motion.

**Vote:** Roll was called and the motion was approved by unanimous vote.

**Motion/Action:** Mr. Powers nominated Ms. Kent to serve as Vice-Chairperson. Mr. Cohen seconded the motion.

**Vote:** Roll was called and the motion was approved by unanimous vote.

**Agenda Item 3: IHSS Statewide Authority Bylaws - Discussion/Action**

**Presentation**

Mr. Sumner reviewed proposed bylaws for the IHSS Statewide Authority.

**Discussion:** Vice-Chairperson Kent inquired if time limitations on public comment had to be specified in bylaws. Mr. Sumner indicated limitations only need to be specified at the beginning of a meeting.

Vice-Chairperson Kent asked if the IHSS Statewide Authority could receive any contracts that are executed. Mr. Sumner indicated the bylaws could be updated to reflect this request.

Chairperson Lightbourne invited Public Comment, limiting each speaker to two minutes.

**Public Comment:** Ms. Joey Riley, IHSS San Diego, asked if all 58 counties will be included in collective bargaining for wages and benefits. Ms. Riley noted that IHSS recipients have rights as employer to hire and fire, and train their providers.

Chairperson Lightbourne stated that only seven (7) counties will transition to the IHSS Statewide Authority for collective bargaining under the Collective Care Initiative (CCI) because the remaining 51 counties are not currently scheduled as part of CCI Legislation. He noted that while other counties may be added in the future, it's not currently anticipated. He indicated the bargaining process, in terms of whether contracts are negotiated in a group fashion or negotiated individually, will be determined in consultation with bargaining representatives. He stressed that the IHSS Statewide Authority bylaws do stipulate that a recipient can hire, fire and supervise his/her provider of service.

Ms. Riley asked if people continue to opt out of enrollment and CCI is no longer viable, would the IHSS Statewide Authority also not be viable.

Chairperson Lightbourne clarified that the IHSS Statewide Authority bylaws do provide that, in the event that the CCI ends or is discontinued, the IHSS Statewide Authority function would also wind down. He noted that statute does provide for a process to transition contracts back to counties depending on whether they are contracts negotiated under the IHSS Statewide Authority or they are contracts the IHSS Statewide Authority had assumed or inherited from the counties.

Mr. Craig Yates, San Rafael, asked which seven CCI counties are involved in CCI and asked if Marin County would be incorporated.

Chairperson Lightbourne identified the seven counties: Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Mateo and Santa Clara. He indicated Marin County is not currently scheduled to become a CCI county and clarified the counties selected for the Initiative were done so as an act of the Legislature. He reiterated that an act of the Legislature is needed to add additional counties.

Ms. Christine Loomis, a consumer of IHSS services from Riverside, noted that both providers and consumers participate in local collective bargaining and on local IHSS Advisory Committee. She asked if the IHSS Statewide Authority would incorporate them into the collective bargaining process.

Chairperson Lightbourne stated that he anticipates the IHSS Stakeholder Advisory Committee (SAC) will provide input to the IHSS Statewide Authority, CDSS and DHCS on all areas of operation of the IHSS program. He clarified the SAC will be the equivalent to a county Advisory Committee at the State-level, but the SAC will not provide input in the collective bargaining process.

Ms. Loomis indicated that it would be good if consumers had a voice in bargaining because consumer lives are at stake.

Chairperson Lightbourne called for a motion to adopt the bylaws.

**Motion/Action:** Member Cohen moved to approve the bylaws with an amendment to report on all contracts at subsequent meetings. Member Powers seconded the motion.

**Vote:** Roll was called and the motion was approved by unanimous vote.

#### **Agenda Item 4: Resolutions - Discussion/Action**

Mr. Sumner reviewed three resolutions that would approve: (1) designation of an Administrative Officer; (2) execution an agreement with CalHR and (3) execution of an agreement with CDSS.

Chairperson Lightbourne invited Member and then public comments.

**Public Comment:** Mr. Yates asked if all information presented is available by hard copy.

Ms. Swartzlander indicated all meeting materials, resolutions, bylaws and minutes will be posted on the [IHSS Statewide Authority website](#).

Mr. Yates asked if all of the information and actions pertaining to today's meeting fall under the Brown Act.

Chairperson Lightbourne clarified the IHSS Statewide Authority meeting falls under the Bagley-Keene Act, which is the State-level version of the Brown Act.

Chairperson Lightbourne called for a motion to approve the three resolutions.

**Motion/Action:** Vice-Chairperson Kent motioned to approve the three resolutions. Member Powers seconded the motion.

**Vote:** Roll was called and the motion was approved by unanimous vote.

### **Agenda Item 5: IHSS Stakeholder Advisory Committee (SAC)**

Ms. Swartzlander reviewed the purpose, composition and expectations of the SAC members.

Chairperson Lightbourne opened for Member and then public questions and comments about the SAC.

**Public Comment:** Ms. Brandi Wolf, with United Long Term Care Workers local of Service Employees International Union (SEIU), asked about the composition of the SAC in relation to union representation. She noted in the IHSS Statewide Authority bylaws, Article 11.2.3 indicates there will be individuals from each representative organization. She requested clarification on whether there would be one representative from each of the five locals or one from SEIU and one from American Federation of State, County and Municipal Employees (AFSCME).

Chairperson Lightbourne indicated the IHSS Statewide Authority anticipated appointing one from SEIU, one from AFSCME and potentially one from California United Healthcare Workers (CUHW).

Ms. Joe Riley, IHSS San Diego, asked who would be selecting the SAC members and if providers who are not union members could be on the Advisory Committee.

Chairperson Lightbourne stated that the five constituted members of the IHSS Statewide Authority are responsible for appointing the SAC and will do so in an open meeting. He clarified that while union representation is for the represented members, the SAC also includes two people who are, or have been, providers.

Therefore, there may be an opportunity for someone who is providing services under IHSS, but is not represented, to be included on the SAC.

Chairperson Lightbourne called for a motion to adopt the SAC application process.

**Motion/Action:** Member Powers moved to approve the SAC application and process. Vice-Chairperson Kent seconded the motion.

**Vote:** Roll was called and the motion was adopted by unanimous vote.

Member Powers asked how SAC solicitation would be distributed. Ms. Swartzlander and Vice-Chairperson Kent indicated the solicitation would be released via the CDSS and DHCS stakeholder e-mail distribution lists.

#### **Agenda Item 6: Agenda Items for Future Meetings – Discussion**

**Member Comment:** Chairperson Lightbourne announced that the next meeting of the IHSS Statewide Authority will be held on August 6<sup>th</sup> at 1:00 pm at the California Environmental Protection Agency, and invited suggestions for agenda items.

**Public Comment:** Ms. Christine Loomis asked if both the IHSS Statewide Authority and SAC meetings would be made accessible to consumers and recipients who are not able to travel.

Chairperson Lightbourne stated that all of the IHSS Statewide Authority meetings will be available both by telephone and webcast. He noted the SAC meetings will have call in capacity and webcast capacity, if possible.

Ms. Loomis asked if the SAC meetings would take place in Sacramento.

Chairperson Lightbourne indicated SAC meeting locations will be determined with input from SAC members.

Ms. Riley asked if the issue of misinformation communicated by counties social workers to IHSS consumers and providers could be addressed at the next IHSS Statewide Authority meeting.

Chairperson Lightbourne indicated that the SAC should be considering items like local operations and communications. The SAC would then make these sorts of concerns or suggestions known either to the CDSS or the DHCS or both.

Janet Clark from California In-Home Supportive Services Consumer Alliance (CICA) asked if the IHSS Statewide Authority will provide consideration for people that are in the 28 rural counties when appointing the SAC.

Chairperson Lightbourne reiterated that people from all 58 counties are eligible and that he would expect the IHSS Statewide Authority to consider the issue of geographic representation when appointing members of the SAC.

Suggested topic for future meetings:

- statistical data related to IHSS providers in CCI counties

**Closing Remarks/Adjournment:** Chairperson Lightbourne thanked everyone who attended in person and on the telephone and the staff of CalEPA and CDSS who supported the meeting. He then opened to Members for any concluding comments.

Member Powers thanked Chairperson Lightbourne and echoed the Chairperson's desire to make future meetings accessible both geographically and in terms of types of communication mediums. He also agreed that data suggested for the August 6<sup>th</sup> meeting would be helpful.

**Agenda Item 7: Adjournment**

Vice-Chairperson Kent moved to adjourn the meeting. Member Cohen seconded the motion.

**Vote:** Roll was called and the motion was adopted by unanimous vote.

IHSS Statewide Authority meeting of February 23, 2015 adjourned at 2:15 p.m.

Next IHSS Statewide Authority meeting will be held on August 6, 2015 at CalEPA, 1001 I Street, Sacramento, CA 95814 in the Coastal Hearing Room. The Sierra Hearing Room will also be used if needed.