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September 5, 2011

Board of Supervisors
County of El Dorado
330 Fair lane
Placerville, CA 95667

**Re: Approval of Second Amended Interagency Agreement Between the
County of El Dorado and the El Dorado County IHSS Public
Authority**

Honorable Supervisors:

Recommendation:

Staff recommends that the Board of Supervisors, acting as both the Board of Supervisors and the Board of the El Dorado County IHSS Public Authority, approve the attached Second Amended Interagency Agreement Between the County of El Dorado and the El Dorado County IHSS Public Authority.

Reasons for Recommendation:

Recent 2010 legislation expanded the list of criminal conduct which would disqualify a person from being a provider of in home care services pursuant to this program. However, the legislation allows for an IHSS recipient to waive the exclusion for those specified offenses. The purpose of this amendment is to incorporate language in the agreement relating to the waiver provision. The Board previously considered this item on February 15, 2011, and expressed some concern over the waiver provisions. The Board, instead of approving the agreement, directed County Counsel to ask for an opinion from Legislative Counsel regarding the consequences of not allowing for waivers, in contravention of the law. County Counsel did this, however Legislative Counsel responded by saying that it was only authorized to issue opinions to the Legislature.

We have reviewed that language of the waiver form prescribed by the State and found that it does contain a release of liability for the County. In addition, the law specifically provided immunity to the County for the grant of any waiver. Therefore, staff is recommending that the Board approve the Second Amended Interagency Agreement. It should be noted that the agreement has been modified to take the provisions of AB 876, which was signed into law by the Governor on July 7, 2011, into account. That law prohibits the provider of services who is the subject of the waiver to represent a recipient in signing the waiver, unless that person is a parent, guardian, spouse or conservator.

Fiscal Impact:


None.

Actions to be Taken Following Approval:

Staff will begin processing waivers in accordance with the statutes.

We would be pleased to respond to any questions the Board might have.

Respectfully submitted,


Louis B. Green
County Counsel

LBG/stl
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